

CITY OF CHICO
PLANNING COMMISSION
ACTION SUMMARY
MEETING OF JANUARY 22, 2004
Municipal Center - 421 Main Street - Council Chambers
6:30 P.M.

1. ROLL CALL

Commissioners Vic Alvistur, Mary Brownell, Orval Hughes, Jon Luvaas and Kirk Monfort present. Commissioners Jolene Francis and Irv Schiffman absent.

2. ELECTION OF OFFICERS

- 2.1. Commissioner Vic Alvistur elected Chair.
- 2.2. Commissioner Kirk Monfort elected Vice Chair.

3. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

4. CONSENT AGENDA

- 4.1. **Minutes of the Meeting of February 20, 2003**
- 4.2. **Minutes of the Meeting of August 21, 2003**

*Commissioner Monfort moved, seconded by Commissioner Luvaas,
to approve the minutes of February 20, 2003, and August 21, 2003.
Motion passed 5-0-2. Commissioners Francis and Schiffman absent.*

5. ITEMS REMOVED FROM CONSENT AGENDA

None.

6. REGULAR AGENDA

- 6.1. **Longboard Unit No. 2 Vesting Tentative Subdivision Map (Baker) East side of Floral Avenue, north of Pauletah Place** - A request to subdivide 1.93 acres located north of Pauletah Place and east of Floral Avenue, to create 13 lots with an average lot size of 4,252 square feet and an overall density of 6.7 units per acre. The subject property is identified as Assessor's Parcel Numbers 048-880-026 and 027, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. The map is being processed under the City's small-lot subdivision regulations, which allow a minimum lot

size of 3,500 square feet and up to 7 units per acre. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA).

Public Speakers: Mark Risso

A motion was made by Commissioner Hughes, seconded by Commissioner Luvaas, that the Planning Commission adopt Resolution No. 04-02 adopting a mitigated negative declaration for the project and approving the Longboard Subdivision, Unit 2, Vesting Tentative Map, subject to the findings and conditions contained therein or as amended by the Commission and the additional condition as follows:

The E-W portion of Pauletah Place shall be reduced to 32 foot curb-to-curb width.

Motion passed 4-0-1-2. Commissioner Alvistur disqualified. Commissioners Francis and Schiffman absent.

- 6.2. Final Review of Mission Vista Hills Tentative Subdivision Map and Planned Development Permit S/PDP 03-11 (Coleman)** - Final review of a proposal to subdivide a 7 acre site on two vacant parcels to create a total of 35 parcels consisting of 29 single-family residential lots, four lots for residential duplex units, and two lots for office uses. The site is bounded by State Highway 32 to the north, Humboldt Road to the south, and El Monte Avenue to the west. The Planning Commission conceptually reviewed the project at its August 21, 2003 meeting. The site is identified as Assessor's Parcel Nos. 002-050-059 and -254, is designated Office on the City of Chico General Plan Diagram, and is located in an OR Office Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA).

Public Speakers: Ron Coleman

A motion was made by Commissioner Monfort, seconded by Commissioner Hughes, that the Planning Commission adopt a mitigated negative declaration and Resolution No. 04-01 approving the Mission Vista Hills Tentative Subdivision Map and Planned Development Permit S/PD 03-11 (Coleman), subject to the findings and conditions contained therein and the additional condition as follows:

The sound wall shall extend westerly to the office building on lot A.

Motion passed 4-1-2. Commissioner Luvaas opposed. Commissioners Francis and Schiffman absent.

7. BUSINESS FROM THE FLOOR

None.

8. PLANNING UPDATE

Planning Director Kim Seidler reviewed the Yosemite appeals, the Northwest Specific Plan, the Growth Area Analysis, the Commission's upcoming workshop, and personnel changes in Planning.

9. ADJOURNMENT

Adjourned at 8:06 p.m. to the Regular Meeting of February 5, 2004, at 6:30 p.m.

April 7, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
OF FEBRUARY 5, 2004**

1. ROLL CALL

The meeting was called to order by Chairperson Vic Alvistur at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort and Irv Schiffman. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Associate Planner Ed Palmeri, Senior Development Engineer Matt Johnson, Public Works Administrative Manager Claudia Sigona, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

Commissioner Alvistur announced that the Planning Update would be moved to the front of the agenda.

7. PLANNING UPDATE

Planning Director Kim Seidler explained that this is the last meeting of Principal Planner Pam Figge, and presented a certificate to her in recognition of her accomplishments and service.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Hughes reported that he toured the Baltar Estates property with Eric Robertson; he noted that everything that was discussed is in the staff report.

3. CONSENT AGENDA

**3.1. Minutes of the Adjourned Regular Meeting of March 20, 2003
*Staff recommends approval with any corrections/revisions required.***

COMMISSIONER FRANCIS MOVED APPROVAL OF THE CONSENT AGENDA.
COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 7-0.

4. ITEMS REMOVED FROM CONSENT AGENDA

None.

5. REGULAR AGENDA

5.1. Use Permit 03-57 (Simon) 1546 Citrus Avenue - A request to allow a 749 square foot one-bedroom second dwelling unit over a garage on a 10,000 square-foot single-family lot located at 1546 Citrus Avenue. The property is located in the SD-4 Special Design Consideration Overlay Zone (West Avenues Neighborhood Area) which requires approval of a use permit for a second dwelling unit. The site is identified as Assessor's Parcel No. 003-013-034, is

designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1-SD-4 Low Density Residential/Special Design Consideration Overlay zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures). *Staff recommends approval of the use permit.*

Associate Planner Ed Palmeri presented the staff report, reviewing the land use issues involved and details of the proposal. He noted that a use permit is required due to the property being in the SD-4 overlay zone. He reviewed a supplemental memo, which revises condition 4, and explained the procedures for the covenant regarding owner occupancy.

The public hearing was opened at 6:44 p.m.

Bryce Simon, 1546 Citrus Avenue, applicant, stated that his sister would probably be moving down from Spokane to live in the new unit.

There being no further comment, the public hearing was closed at 6:45 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE USE PERMIT 03-57 (SIMON), SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN THE STAFF MEMORANDUM, MODIFIED TO INCLUDE THE REVISED LANGUAGE FOR CONDITION 4. COMMISSIONER FRANCIS SECONDED THE MOTION, WHICH PASSED 7-0.

Commissioner Alvistur requested that staff research the possible segregation of alley improvement fees, so that the in-lieu fees aren't used for general road maintenance.

5.2. Conceptual Review of Baltar Estates Subdivision and Planned Development Permit S/PDP 03-19 (Hawes) west of Godman Avenue - Conceptual review of a proposal to subdivide a 7.46 acre site to create 30 lots for multi-family residential development. The site is located on the west side of Godman Avenue, opposite Morgan Drive, and extends westerly to Joshua Tree Road. The subject property is identified as Assessor's Parcel Nos. 007-220-016, 019, and 020, is designated Medium Density Residential on the City of Chico General Plan Land Use Diagram, and is located in an R2 Medium Density Residential zoning district. *Staff recommends that the Commission conceptually review the project, providing any needed direction to staff and the applicant.*

Public Works Administrative Manager Sigona presented the staff report, reviewing details of the project and the land use issues involved. She recommended that the Commission discuss fencing, home orientation on lots 1 through 3, and the architecture.

Senior Development Engineer Johnson clarified that Public Works is opposed to any additional curb cuts on Joshua Tree Road or Godman Avenue.

The public hearing was opened at 7:07 p.m.

Eric Robertson, Robertson & Dominick, 888 Manzanita Court, Suite A, project engineer, noted that the project is infill, is greater than 7 units per acre, and provides connectivity between Joshua Tree Road and Godman Avenue. He stated that the trees on the perimeter of the site will remain, and that he can rotate the homes on lots 1-3 to face Godman, although provision of a private yard for those lots becomes problematic.

Greg Peitz, 383 Rio Lindo Avenue, project architect, noted that the design proposed is already being built in that portion of town, and that different roof lines could be built to vary the appearance, as well as using different materials and colors.

The Commission discussed various design alternatives with Mr. Peitz.

Eric Robertson, a previous speaker, explained that there hasn't been a lot of effort put into the unit design at this time, but that his client is willing to build a number of floor plans.

Antonio Longera, resident of Morgan Drive, expressed concerns about traffic on Godman Avenue and the lack of sidewalks in the area.

Melinda Vasquez, 260 E. Sacramento Avenue, expressed support for requiring additional unit designs, and urged the Commission to require a good watering system for the landscaping.

The Commission discussed Commissioner Luvaas' concerns regarding housing affordability.

There being no further comment, the public hearing was closed at 7:43 p.m.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION REQUIRE A NICE WALL WITH CHARACTER ALONG JOSHUA TREE ROAD, THAT LOTS 1-3 BE ORIENTED TOWARDS GODMAN AVENUE WITH VEHICULAR ACCESS FROM THE REAR AND SOME SORT OF PRIVATE SPACE FOR EACH UNIT, AND THAT AT LEAST TWO DIFFERENT DESIGNS PLUS "FLIPS" BE OFFERED, AND THAT THE GARAGE DOORS MUST BE PAINTED. COMMISSIONER MONFORT SECONDED THE MOTION. AFTER DISCUSSION, THE MOTION WAS AMENDED TO ADD THAT PLACEMENT OF GARAGES SHOULD BE VARIED, THAT LOT 21 BY ITSELF OR IN CONJUNCTION WITH LOTS 20 THROUGH 24 SHOULD BE REDESIGNED, AND THAT THE APPLICANT SHOULD INVESTIGATE MAKING THE DETENTION BASIN A DUAL-USE FACILITY. THE MOTION, AS AMENDED, PASSED 7-0.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Planning Director Kim Seidler reviewed upcoming Commission meetings, including the joint meeting with City Council on February 17.

8. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:32 p.m. to the joint meeting with City Council on February 17, 2004 at 6:00 p.m., followed by the Adjourned Regular meeting of February 19, 2004 at 6:30 p.m.

November 18, 2004

Date Approved

Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
OF FEBRUARY 19, 2004**

1. ROLL CALL

The meeting was called to order by Chairperson Vic Alvistur at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort and Irv Schiffman. Staff present were Planning Director Kim Seidler, Interim Principal Planner Patrick Murphy, Associate Planner Ed Palmeri, Senior Development Engineer Matt Johnson, Public Works Administrative Manager Claudia Sigona, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Alvistur noted that a number of e-mails expressing opposition to Wal-Mart had been sent to the Commission.

Commissioner Schiffman reported that he spoke to an individual in opposition to Wal-Mart.

Commissioner Brownell reported that she spoke to: Heather Schlaff, concerning Wal-Mart; a Wal-Mart representative, who offered to answer any questions; and Jane Dolan, who related that a Wal-Mart relocation out of the City limits would require a full EIR.

Commissioner Monfort reported that he had also spoken to Heather Schlaff, and discussed with her what was and wasn't relevant to the Planning Commission. He also stated that he received some material from Mr. Jolley, and gave it to staff to enter it in the record. In addition, he spoke to Mike Magliari about Wal-Mart.

Commissioner Luvaas reported that he had also spoken to Ms. Schlaff, and received the same packet from Mr. Jolley.

3. CONSENT AGENDA

3.1. Minutes of the Adjourned Regular Meeting of April 17, 2003

Staff recommends approval with any corrections/revisions required.

3.2. Minutes of the Regular Meeting of May 1, 2003

Staff recommends approval with any corrections/revisions required.

3.3. Parcel Map 03-14 and Variance 03-04 (Hart) 992 and 994 Lupin Avenue - A request to divide a 0.83 acre site comprised of two adjacent parcels located at 992 and 994 Lupin Avenue to create four parcels. Existing homes will be retained on two of the parcels; the other two parcels will be developed with new homes. A variance is also requested to allow a 3 foot encroachment into the required 15 foot rear yard setback for the existing home located at 994 Lupin Avenue. The site is identified as Assessor's Parcel Nos. 048-

230-048 and -049, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (Infill Development Projects). *Staff recommends that this item be continued and noticed for a future meeting.*

COMMISSIONER FRANCIS MOVED THAT THE COMMISSION APPROVE THE CONSENT AGENDA. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 7-0. (THE VOTE WAS 6-0-1 ON ITEM 3.1, AS ALVISTUR WAS ABSENT FROM THAT MEETING).

4. ITEMS REMOVED FROM CONSENT AGENDA

None.

5. REGULAR AGENDA

5.1. Foothill Park East Vesting Tentative Subdivision Units 6-9 S 03-22 (Drake Homes) -

A request to subdivide 56.48 acres which make up Units 6-9 of Foothill Park East Master Subdivision into 102 single-family residential lots, and two parcels totaling 20.4 acres for up to 285 multi-family units. The subject property is located on both sides of Eaton Road, east of Marigold Avenue, and north of the northerly terminus of Cactus Avenue. The property is identified as Assessor's Parcel Nos. 048-020-102 through 105. Proposed Units 6-8 (north of Eaton Road) are designated Low Density Residential and Open Space for Environmental Conservation/Safety by the City of Chico General Plan Diagram and are located in an R1-RM Low Density Residential with a Resource Management overlay zoning district. Unit 9 (south of Eaton Road) is designated Medium Density Residential on the City of Chico General Plan Diagram and is located in an R2-SD-3 Medium Density Residential with a Special Design Consideration overlay zoning district. The proposed subdivision is an activity which is within the scope of the program Environmental Impact Report (EIR) previously approved for the Foothill Park East Master Plan (FPE). Planning staff has determined that the FPE EIR adequately described this activity for the purposes of the California Environmental Quality Act (CEQA) and no further environmental review is required. *Staff recommends approval of the vesting tentative subdivision map.*

Public Works Administrative Manager Claudia Sigona presented the staff report, reviewing the land use issues involved and details of the project. She explained that the single-family portion consists of 102 lots, and that the multi-family portion consists of 20.4 acres on the south side of Eaton Road. She noted that the project is consistent with both the assumptions made in the Foothill Park East (FPE) EIR, and the FPE Master Plan. She noted that staff is concerned with insufficient views of the foothills, and that staff had received an e-mail from John Merz about viewshed concerns.

Planning Director Kim Seidler read Mr. Merz's e-mail into the record.

Ms. Sigona recommended that at a minimum, cul-de-sac B should be extended to abut the open space, similar to what other cul-de-sacs have done in the northwestern portion of the development.

In response to Commissioner Brownell, Ms. Sigona explained that the map depicted on page 17 of the FPE Master Plan is conceptual, and isn't intended to be followed to the letter.

In response to Commissioner Luvaas, Senior Development Engineer Matt Johnson explained that the single access from St. Lawrence Drive onto Eaton Road will be sufficient to serve this portion of the project.

The public hearing was opened at 6:50 p.m.

Mike Byrd, Rolls, Anderson & Rolls, 115 Yellowstone Drive, project engineer, discussed the road layout for the project, noting that extending Road B involves creating a cul-de-sac longer than 500 feet, and that switchbacks would then be required pursuant to ADA for the connection to the bicycle/pedestrian path. He explained that he would gladly extend Road B, as long as the standard radius cul-de-sac bulb can be used.

In response to Commissioner Monfort, Mr. Byrd indicated that he is opposed to creating a single-loaded street adjacent to the bike path.

Commissioner Luvaas inquired what has changed with the FPE Master Plan to create a desire to cut off public access to the open space. Mr. Byrd replied that the FPE Master Plan offered a series of concepts to pick and choose from; he also reviewed other project amenities built in accordance with the Master Plan, including the neighborhood park, traffic circles, and the bicycle/pedestrian path.

Commissioner Francis inquired if 8 foot parkway strips could be constructed, and whether homes adjacent to the channel could be limited to one story; Mr. Byrd replied that 7 foot parkway strips are specified in the design manual, and that he'd be happy to limit the homes to single-story construction adjacent to the channel.

Liz Mosher, 30 Rusty Lane, spoke in opposition to the apartments planned for the parcels on the south side of Eaton Road.

Ms. Sigona noted that the only entitlement now required for apartments on that site is architectural review.

Ms. Mosher requested that she be sent a notice when the apartments are up for architectural review.

Mike Byrd, a previous speaker, pointed out that the property south of Eaton Road is zoned R2,

with a minimum density of 10 units per acre and a maximum of 14. He also noted that there will be a ten foot landscaped buffer along the southern property line adjacent to Ms. Mosher's property.

In response to Commissioner Schiffman, Mr. Seidler stated that the adequacy of access to the open space is somewhat subjective. Ms. Sigona re-iterated that staff is recommending that at least Road B be extended to abut the open space.

Caroline Kittrell, 3058 Coachlight Drive, asked where exactly the new houses would be built. She also requested that a map be placed on the TV screen for viewers at home.

Marge Fredenberg, 2848 Marigold Avenue, requested that Eaton Road be stubbed in before any more construction is approved, citing concerns with dust, noise and trucks.

Mr. Johnson stated that Eaton Road likely would be completed before this project is constructed.

Jerry Olio, 2595 Cactus Avenue, related that the developer guaranteed that Cactus would not go through. He asked how horses would get from Cactus Avenue to the open space area.

Steve Mosher, 10 Rusty Lane, voiced agreement with previous speakers. He said that dust and noise has been pretty unbearable.

In response to Commissioner Schiffman, Ms. Sigona reviewed the City's standard air quality mitigation measures.

Paul Teegarden, 31 Rusty Lane, voiced agreement with previous speakers. He voiced his disappointment that Eaton Road won't be extended before this project is approved, adding that it seems like the Commission doesn't care.

There being no further comment, the public hearing was closed at 7:19 p.m.

COMMISSIONER LUVAAS MOVED THAT THE PLANNING COMMISSION REQUIRE THE APPLICANT TO REDESIGN THE PROJECT TO INCLUDE A SINGLE-LOADED STREET ADJACENT TO THE OPEN SPACE, AND TO REDUCE THE STREETS, EXCEPTING ST. LAWRENCE AVENUE, TO THE STANDARD 56 FOOT RESIDENTIAL STREET RIGHT-OF-WAY. COMMISSIONER SCHIFFMAN SECONDED THE MOTION.

Commissioner Luvaas clarified that he'd also like the standard 8 foot parkway strip, and that perhaps Road F could connect through.

Commissioner Hughes stated his opposition to a single-loaded street, stating that it would be more peaceful for those using the trail to be adjacent to the rear yards of houses.

Commissioner Monfort stated that he's opposed to a single-loaded street along the entire length of the open space.

COMMISSIONER LUYAAS AMENDED HIS MOTION TO REQUIRE A STREET LAYOUT SIMILAR TO WHAT IS ON PAGE 17 OF THE MASTER PLAN, WITH INTERIOR RIGHT-OF-WAY WIDTHS REDUCED TO 56 FEET, A SINGLE-LOADED STREET ABUTTING AT LEAST 50% OF THE OPEN SPACE AREA, WITH THE FINAL DESIGN TO COME BACK TO THE COMMISSION. COMMISSIONER SCHIFFMAN CONFIRMED HIS SECOND. THE MOTION FAILED 3-4 (COMMISSIONERS BROWNELL, FRANCIS, MONFORT, AND HUGHES OPPOSED).

COMMISSIONER BROWNELL MOVED THAT THE PLANNING COMMISSION APPROVE THE PROJECT, MODIFIED TO REQUIRE ROAD B TO ABUT THE OPEN SPACE, TO EXTEND ROADS C AND E TO ABUT THE OPEN SPACE, WITH THE PORTION OF ROAD D IN BETWEEN TO BE A SINGLE-LOADED STREET ADJACENT TO THE OPEN SPACE, AND WITH THE SOUTHERN END OF ROAD D "HOOKED" TO ABUT THE OPEN SPACE. COMMISSIONER HUGHES SECONDED THE MOTION. COMMISSIONER BROWNELL ACCEPTED AN AMENDMENT FROM COMMISSIONER FRANCIS TO REQUIRE SINGLE-STORY CONSTRUCTION ADJACENT TO THE CHANNEL, BUT REJECTED AN AMENDMENT FROM COMMISSIONER LUYAAS TO NARROW THE STREET WIDTHS. THE MOTION, AS AMENDED, PASSED 7-0.

5.2. Modification of Use Permit 03-06 (Hospers) 418 W. Fourth Avenue, between Citrus Avenue and Hobart Street - A request to modify an existing use permit (UP 03-06) approved by the Zoning Administrator on April 7, 2003. The existing use permit authorizes the construction of a 638 square foot (s.f.), one-story second dwelling unit behind the primary residence on the site. The requested modification is to allow the construction of a 680 s.f., detached, one-bedroom second dwelling unit above a new 3-car garage to be accessed via a public alley. The site is identified as Assessor's Parcel No. 003-012-019, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1-SD-4 Low Density Residential-Special Design Consideration Overlay zoning district (West Avenue Neighborhood Area). This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (Construction of Small Structures). *Staff recommends approval of the use permit.*

Interim Principal Planner Patrick Murphy presented the staff report, reviewing the land use issues involved and details of the project. He noted that staff is recommending elimination of the second-story deck due to privacy concerns, as well as requiring that the final improvement plans show that the locations of doors and windows won't adversely impact neighbors' privacy.

Commissioner Monfort asked if a mirror image could work, transferring the deck to the east side of the second unit. Mr. Murphy replied that it's a possibility, suggesting that the Commission may wish to discuss it with the applicant.

The public hearing was opened at 7:39 p.m.

Pamela Hospers, 418 W. 4th Avenue, applicant, stated that she'd like to keep the deck as proposed. She noted that the property behind her has a three-foot picket fence and is thus already open to public view, and that the structure to the northwest is also two stories and thus has the same view as her proposed deck. She pointed out that the deck also functions as a required second exit for emergency exiting from the unit, and that she is opposed to translucent glass, as she would like to provide more eyes on the alley.

Commissioner Monfort asked if Ms. Hospers would consider putting the deck on the other side of the second unit; Ms. Hospers replied that it's an option she would consider, but that her preference is to leave the deck where it is, as a large existing shade tree will shade the deck. She noted that she could also move the deck to the side closest to the main unit.

In response to Commissioner Luvaas, Ms. Hospers stated that she didn't get any feedback from her neighbors concerning the project.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE THE MODIFICATION OF USE PERMIT 03-06 (HOSPERS), SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN THE STAFF MEMO, MODIFIED TO REQUIRE THE DECK TO BE RELOCATED TO THE EAST SIDE OF THE UNIT. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 7-0.

The Commission was in recess from 7:47 to 7:55 p.m.

5.3. Vesting Tentative Parcel Map (PM 03-17) 2044 Forest Avenue, between Baney Lane and Wittmeier Drive (Wal-Mart/PacLand) - The project consists of a boundary line modification (BLM) to be processed via the recording of a parcel map which will reconfigure the lot lines of two existing parcels (a 10.36 acre parcel and a 16.75 acre parcel) to create a 24.69 acre parcel (Parcel 1) and a 2.42 acre parcel (Parcel 2). The BLM/parcel map also includes the abandonment and relocation of numerous easements on the project site (sanitary sewer, storm drainage, water, utilities, and public bike path). If approved, the parcel map will facilitate the planned expansion of the existing Wal-Mart store and parking lot on proposed Parcel 1, subject to the issuance of a building permit. No additional discretionary action would be required by the City for the planned expansion project. No specific development proposal is planned for Parcel 2 at this time. Future development of Parcel 2 will be subject to requirements of the City's Land Use & Development Regulations for the CC Community Commercial zoning district. The subject properties, identified as Assessor Parcel Nos. 002-170-004 and 002-370-055 & 057, are designated Community Commercial and Commercial Services on the General Plan Diagram, with a zoning classification of CC Community Commercial. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental

Quality Act (CEQA). *Staff recommends adoption of the mitigated negative declaration and approval of the parcel map.*

Associate Planner Ed Palmeri presented the staff report, reviewing the land use issues involved and details of the project. He noted that the action before the Commission is approval of a parcel map; the expansion of the Wal-Mart store, which is facilitated by the parcel map, is not subject to discretionary action by the Commission. He explained that a number of easements will be relocated via the parcel map, and recommended that the Commission adopt the mitigated negative declaration and approve the parcel map.

Interim Principal Planner Patrick Murphy reviewed the initial study and proposed mitigated negative declaration. He explained that the environmental review assumed a “worst case” scenario, which includes expansion of the existing Wal-Mart store on Parcel 1 and development of a gas station and restaurant on Parcel 2. While acknowledging that there is sentiment in the community that there will be a substantial economic impact from Wal-Mart’s expansion, he explained that the CEQA Guidelines state that an economic impact shall not be treated as a significant impact unless there is a chain of cause and effect that would result in physical blight. He added that there would also need to be substantial evidence, not just speculation and opinion, to determine whether an economic impact will lead to blight. He discussed how a Wal-Mart supercenter would likely require an EIR in a smaller community, particularly if a rezone or general plan amendment is involved; however, this Wal-Mart expansion is in an area already zoned for retail use. He also noted that the General Plan recognizes that downtown is a different market than the “big box” retailers in southeast Chico, and that the General Plan EIR made specific findings that southeast Chico would not compete with downtown. He reviewed the potential impact on other grocery stores, noting that the closing of a store is not an impact under CEQA unless it causes blight. He reviewed the history of other store closures in Chico (Fred Meyer, Home Depot, etc.) noting that new businesses came in to take the place of the closed businesses (Lowe’s, Cost Plus, etc.). He emphasized that direct competition is not a CEQA issue unless it results in urban blight.

Mr. Murphy reviewed a letter from Caltrans, and noted that a revised resolution has been provided to the Commission. He noted that staff is also recommending that condition 11 be changed to require that the traffic improvements be installed prior to occupancy of the store expansion, or that progress according to a timeline acceptable to the Director of Public Works is being made towards completion of those improvements.

Senior Development Engineer Matt Johnson reviewed the traffic study for the project. He noted that the General Plan EIR made the finding that some SR 99 freeway ramps and arterial street intersections would operate at less than acceptable level of service (LOS) under the buildout envisioned in the General Plan. He explained that instead of adding these projects to the nexus study to collect development impact fees, the City Council created a task force to study the SR 99 corridor and prioritize future capital improvements using other funding sources. He noted that the first priority is improving the portion between E. 1st Avenue and SR 32, followed by the SR 99/Eaton Road interchange. He explained that staff is reviewing the priority for improvements to the SR 99/20th Street interchange.

Planning Director Kim Seidler emphasized that staff is comfortable with its recommendation to adopt the mitigated negative declaration and approve the parcel map. He acknowledged that the Commission will probably hear that an EIR is needed; however, CEQA states that “The existence of public controversy over the environmental effects of a project will not require preparation of an EIR if there is no substantial evidence...that the project may have a significant effect on the environment.” He added that “substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” He emphasized that the Commission needs to glean facts from the testimony offered during the public hearing.

Commissioner Schiffman questioned whether a mitigated negative declaration is sufficient. He noted that most shopping centers have a supermarket as the anchor tenant, and suggested that the closing of a supermarket would force people to drive longer distances to buy groceries, which could be a significant impact.

Mr. Murphy pointed out that the Commission would need to cite substantial evidence in the record to make that claim, and that the Commission would need to make a specific finding that any replacement retail store that has the possibility of displacing a supermarket may affect neighborhoods.

Commissioner Luvaas confirmed with Assistant City Attorney Lori Barker that if a fair argument can be made that a project may have an impact on the environment, an EIR will be required.

Commissioner Luvaas discussed the lack of a funding mechanism to improve the interchange at 20th Street and SR 99, particularly the on- and off-ramps.

Mr. Johnson pointed out that the City Council, County Supervisors, and Caltrans have come up with a priority list for improvements, and that state and federal funds are actively being sought. He explained that the City doesn't factor in pass-by trips, which is a very conservative method of traffic analysis. He noted that in addition to the improvements that Wal-Mart must make to various intersections, they will pay close to a million dollars in traffic impact fees as their proportional share of City-wide traffic projects.

The public hearing was opened at 8:28 p.m.

Commissioner Alvistur noted that the Commission has received a lot of e-mails, most of which discuss issues which aren't pertinent to what is before the Planning Commission.

Judy Davidoff, Steefel, Levitt, and Weiss, One Embarcadero Center, 30th Floor, San Francisco, representing Wal-Mart, introduced the other Wal-Mart representatives present, including the project engineer and traffic consultant, noting that they'd gladly answer any questions. She stressed that the action before the Commission involves altering the boundaries of existing parcels, and relocating easements. She noted that the mitigated negative declaration looks at all effects of the cumulative project, and is a worst-case analysis. She pointed out that the store expansion is an allowed use, on an infill site designated for commercial development, and that there here is no blanket rule that “big box” retail requires an EIR.

Bill Dunning, Pacland, 2901 Douglas Blvd. Ste. 295, Roseville, project civil engineer, stated that the parcel map complies both with City code and the Subdivision Map Act. He reviewed the proposed changes to various easements and the bike path, as well as transportation improvements to various intersections as described in the traffic study. He added that Wal-Mart will also pay all applicable development impact fees, including those for traffic, parks, and storm drainage.

Paul Miller, Omni-Means, 2237 Douglas Blvd. Suite 100, Roseville, project traffic engineer, reviewed the traffic impact study for the project. He noted that the City uses a very conservative analysis, and doesn't count pass-by trips. He noted that all intersections in the study fail under future conditions without the project being constructed, and that the study identified mitigation measures for each intersection.

In response to Commissioner Brownell, Mr. Miller stated that the additional traffic would probably be one third greater than that generated by the existing store.

Zac Carr, 1245 Esplanade #5, spoke in opposition to the project, citing concerns with quality of life in Chico and the impact this store will have on other grocers. He opined that breaking public testimony down into bureaucratic points is disingenuous.

Marilyn Ditmanson, 756 Portal Drive, representing the Green Party of Butte County, spoke in opposition to the project, citing economic concerns and traffic. She stated that she opposes all big box retailers.

Rev. David Leeper Moss, 880 E. 6th Street, pastor of the Trinity United Methodist church, spoke in opposition to the project, citing concerns with wages and working conditions. He suggested boycotting Wal-Mart until their policies change.

Jim Dwyer, 464 E. 3rd Avenue, spoke in opposition to the project, citing concerns with traffic and economic issues.

Gabriel Moss, 880 E. 6th Street, spoke in opposition to the project, citing concerns with quality of life issues.

Raymond Richter, 857 Teagarden Court, spoke in support of the project, stating that grocery prices are lowered for all residents when a Wal-Mart supercenter comes to town.

Nina Widlund, 1 Sir Andrew Court, related problems with overnight campers in Wal-Mart's parking lot, the negative impact it has on her neighborhood, and the City's inadequate enforcement of the issue. She opined that Chico PD shouldn't have to clean up the messes created by Wal-Mart's lax enforcement concerning overnight camping.

Grace Marvin, 1621 N. Cherry Street, co-chair of the Yahi chapter of the Sierra Club, spoke in opposition to the project, citing concerns with traffic and deficient road improvements. She urged the Commission to require a full EIR and to limit the size of big box retailers.

Dana Krez, 723 Moss Avenue, spoke in opposition to the project, citing concerns with urban decay and economic issues. He invited Wal-Mart employees to unionize.

Brad Lambert, 384 E. 3rd Avenue, spoke in opposition to the project, citing concerns with economic issues, wages, and the trustworthiness of the consultants.

Kathleen Faith, 2188 Honey Run Road, spoke in opposition to the project. She suggested that if the City doesn't have the legal right to say no to Wal-Mart, then the people will mobilize.

Larry Levin, no address given, spoke in opposition to the project, citing concerns with traffic and the lack of a sense of "neighborhood" in the area.

Eric Johnson, P.O. Box 3346, spoke in opposition to the project. He suggested that citizens engage in civil disobedience to assert their rights.

Maria Gonzalez-Johnson, P.O. Box 3346, voiced agreement with other speakers in opposition to the project.

Meagan Fischer, 811 A Oak Street, spoke in opposition to the project, citing concerns with economic issues.

Alan Rogers, 3 Spinnaker Way, spoke in support of the project. He noted that he is an employee of Wal-Mart, stated that the wages and benefits for Wal-Mart are better than many other jobs in the community, and noted that a supercenter will increase choices for customers.

The Commission was in recess from 9:23 to 9:35 p.m.

Jim Watt, Vice President of Save Mart Supermarkets in Modesto (which owns the Food Maxx store on Whitman Avenue), spoke in opposition to the project. He noted that his company has worked hard to make the Food Maxx store a viable supermarket, and that they employ 125 workers who are paid good wages with full benefit packages. He cited concerns with traffic, asserting that Omni-Means isn't using the latest information, which suggests that Wal-Mart supercenters generate more traffic than other uses. He asserted that one supercenter causes an average of two supermarkets to close, noting that there are 32 closed supermarkets in Oklahoma City because of Wal-Mart's presence in that City.

Kyle Silliman, 1125 Hobart Street, spoke in opposition to the project, citing concerns with traffic. He urged the Commission to require an EIR.

Dana Moore, 1429 Sunset Avenue, spoke in opposition the project, asserting that the increased air pollution from more cars is enough of an impact to require an EIR.

Rebecca Senoglu, 9 Sir Andrew Court, spoke in opposition to the project, voicing agreement with other speakers. She cited concerns with holiday traffic, and pointed out that there are five other grocery stores within a one mile radius.

Jennifer Geerlings, 449 Redwood Way, spoke in opposition to the project, voicing agreement with previous speakers. She characterized the analysis on store closures and re-occupation by new businesses as inadequate, and urged the Commission to require an EIR.

Marla Hazzard, 1737 Flamingo Road, spoke in opposition to the project, voicing agreement with previous speakers.

Randy Larsen, 1139 Broadway, spoke in opposition to the project, citing concerns with economic issues and Wal-Mart's policies.

Faye Jones, 972 Madison Street, spoke in support of the project. She stated that she is a Wal-Mart employee, and that assertions about Wal-Mart's poor wages and lack of benefits aren't true.

Desirae Reidwood, 2173 Holly Avenue, spoke in support of the project. She noted that she works for Wal-Mart, is paid more than many friends her age, and is able to raise two kids.

David Palmerlee, 818 Wall Street, spoke in opposition to the project, citing concerns with traffic and the accuracy of the traffic study. He urged the Commission not to approve the mitigated negative declaration.

Dawn Magallon, 217 Zion Canyon Court, spoke in opposition to the project. She explained that if her husband loses his job at Safeway, she won't be able to spend her disposable income downtown, thereby contributing to blight.

Kirsten Rogers, 3 Spinnaker Way, spoke in support of the project. She stated that she works for Wal-Mart, and that it was difficult for her fellow associates to watch the inaccuracies and misrepresentation expressed during this televised hearing. She emphasized the convenience of one-stop shopping, the promotion opportunities in the company, and the company's profit-sharing plan.

Boyd Southam, 35 Cameo Drive #2, spoke in support of the project. He stated that he works for Wal-Mart, and that much of what's been said is irrelevant. He noted that he makes \$15 per hour, that nobody is forced to shop at Wal-Mart, and that most other people his age have worse jobs than he does.

Nancy Park, 931 Olive Street, spoke in opposition to the project, citing concerns with economic issues, and the impact of uninsured or underinsured workers on local health services. She chided those present who were booing the speakers in support of the project, noting that it doesn't help their cause.

Mike Hawthorne, 1380 Huggins Avenue, spoke in opposition to the project, citing concerns with Wal-Mart's wages and corporate policies. He related that he knows grocery clerks with 16 years of experience that have been laid off recently, and stated that he'd like live in a community that says no to Wal-Mart.

Bill Bathurst, 429 Flume Street, urged the Commission to conduct a moral impact study on itself.

Emily Alma, 2300 Estes Road, spoke in opposition to the project, citing concerns with economic issues and the global environment. She opined that it was a crime against the environment when the Fred Meyer building was torn down.

Karen Laslo, 468 E. Sacramento Avenue, spoke in opposition to the project, citing concerns with Wal-Mart's policies and the impact it could have on the downtown area.

Kim Turner, 12 Fleming Court, spoke in support of the project. She stated that she is a Wal-Mart manager, explained that all associates are eligible for profit-sharing, and asked why California grocery clerks are being laid off when Wal-Mart hasn't opened a single supercenter in California.

Eric Strauss, 2001 SE 10th Street, Bentonville, Arkansas, spoke in support of the project. He stated that he is a Wal-Mart employee, and pointed out that the project is an expansion of an existing facility in commercial area zoned for such uses. He voiced concern that people seem opposed to freedom of choice in shopping.

Michael Worley, 787 Filbert Avenue, spoke in opposition to the project, citing concerns with traffic, the adequacy of the traffic study, and the difficulty in providing adequate bus service to such a store.

Sarah Salisbury, 1262 Broadway, spoke in opposition to the project, citing economic issues. She argued that the community doesn't need a supercenter, and asked who would benefit from it.

Brett Jolley, 2291 W. March Lane, Suite B100, Stockton, speaking on behalf of John Shannon, Heather Schlaff, and Chico Advocates for a Responsible Environment (CARE), spoke in opposition to the project, arguing that an EIR is required so Chico's residents can understand the impacts of the project. He presented a handout to the Commission, and discussed the circumstances under CEQA in which an EIR is required. He asserted that a "fair argument" had been made concerning traffic, and that an EIR is therefore required. He also noted that Mr. Watt believes that his store will likely close if a supercenter is constructed, and that it is only speculation that another business will take its place.

Judy Davidoff, a previous speaker, asserted that there has not been a "fair argument". She noted that the traffic from the existing Wal-Mart is part of the baseline count in the traffic study, and that many of those trips are double-counted in the City's traffic model. She stressed that the burden to produce evidence supporting a fair argument is on the person asserting those facts.

She emphasized that this is a land use decision that needs to be evaluated according to City and State law, and that whether or not one likes Wal-Mart is not at issue.

Emily Alma, a previous speaker, urged the Commission to require an EIR.

Ryan Lee, 338 Nord Avenue, spoke in opposition to the project, citing economic issues.

Brad Lambert, a previous speaker, urged the Commission to require an EIR.

Joanna Schlansky, 827 W. 2nd Avenue, spoke in opposition to the project, reiterating that there are already five grocery stores in the area.

There being no further comment, the public hearing was closed at 10:42 p.m.

The Commission was in recess from 10:42 to 10:48 p.m.

COMMISSIONER MONFORT MOVED THAT THE COMMISSION REQUIRE A FULL EIR FOR THE PROJECT. COMMISSIONER LUYAAS SECONDED THE MOTION.

Commissioner Monfort opined that Wal-Mart is a special case, and that there does appear to be a link between Wal-Mart supercenters opening and other grocery stores closing. He asked what would happen to other shopping centers anchored by a grocery store if the grocery store closes. He suggested that the effects of this particular big box retailer aren't known well enough.

Commissioner Luyaaas agreed, stating that he wants to know more about the traffic impacts, including potential increased traffic due to store closures in other neighborhoods.

Commissioner Francis disagreed, stating that supermarkets come and go, and that this shouldn't be a discussion about Corporate America vs. Chico. She stated that she can't, in good conscience, turn down this request. She opined that if this same project was being proposed by a local business owner, the Commission wouldn't be here so late. She stated that her fundamental concern is with four people deciding which commercial enterprises will operate in Chico. She opined that an EIR won't shed any new light on the traffic impacts, and will only delay the project.

Commissioner Schiffman stated that he will support the motion, voicing concerns with LOS E at the 20th Street and Forest Avenue intersection, especially with five supermarkets within a one mile radius.

Commissioner Brownell stated that she's concerned about the freeway ramps, and will support the motion to require an EIR.

Commissioner Francis asked if a traffic study was done when Butte College decided to put its new satellite campus on Forest Avenue. Mr. Murphy replied that Butte College is not bound by the City's regulations, and that Butte College hasn't agreed to install any traffic improvements.

Commissioner Hughes stated that few of the comments were about land use and planning. He asserted that Wal-Mart isn't the "straw that breaks the camel's back" concerning traffic, and agreed with Commissioner Francis that an EIR will only delay the project without providing any new information.

Commissioner Alvistur stated that while competitors could be put out of business, an empty store is not necessarily blight. He asserted that traffic is something that a growing community has to cope with.

THE MOTION TO REQUIRE AN ENVIRONMENTAL IMPACT REPORT PASSED 4-3
(COMMISSIONERS ALVISTUR, FRANCIS AND HUGHES OPPOSED).

In response to Commissioner Francis, Mr. Seidler stated that the Commission's decision can be appealed to the Council within 10 calendar days. He noted that if the Council overturns the Commission's decision to require an EIR, the project would come back to the Commission for a decision on the project itself; if the Council upholds the Commission's decision, an EIR and the project will come back to the Commission.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

None.

8. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 11:15 p.m. to the Regular Meeting and Workshop of March 4, 2004, at 6:30 p.m.

March 25, 2004

Date Approved

Kim Seidler
Planning Director

**CITY OF CHICO
PLANNING COMMISSION
ACTION SUMMARY**

MEETING OF MARCH 4, 2004

Municipal Center - 421 Main Street - Council Chambers

6:30 P.M.

1. ROLL CALL

Commissioners Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, and Irv Schiffman present. Commissioner Monfort absent.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

3. CONSENT AGENDA

- 3.1. Baltar Estates Subdivision and Planned Development Permit S/PDP 03-19 (Hawes) west of Godman Avenue** - Final review of a proposal to subdivide a 7.46 acre site to create 30 lots for multi-family residential development (mostly duplexes) at an overall density of 8.31 units per acre. The site is located on the west side of Godman Avenue, opposite Morgan Drive, and extends westerly to Joshua Tree Road. The subject property is identified as Assessor's Parcel Nos. 007-220-016, 019, and 020, is designated Medium Density Residential on the City of Chico General Plan Land Use Diagram, and is located in an R2 Medium Density Residential zoning district.

This item was continued to the meeting of March 25, 2004.

4. ITEMS REMOVED FROM CONSENT AGENDA

None.

5. REGULAR AGENDA

- 5.1. Mitigation Monitoring Workshop** - Pursuant to Commission direction at its meeting of November 6, 2003, staff has scheduled a discussion of the City's Mitigation Monitoring process.

Public Speakers: Philip Smith and Nora Todenhagen

The Commission had a discussion of the City's Mitigation Monitoring process and agreed to continue the discussion in approximately 90 days.

- 5.2. Discussion of Planning Commission Deliberation and Motion-Making Procedures** - At the request of Commissioner Luvaas and with the concurrence of a majority of the Commission, the Commission will discuss its deliberation and motion-making procedures.

The Commission agreed to clarify the exact content of motions.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Staff reviewed the Wal-Mart appeal, Council action on the Northwest Chico Specific Plan, and the upcoming visit to the Siena at Canyon Oaks project site.

8. ADJOURNMENT

Adjourned at 8:00 p.m. to the Adjourned Regular Meeting of March 25, 2004, at 6:30 p.m.

April 7, 2005
Date Approved

/s/
Kim Seidler
Planning Director

CITY OF CHICO
PLANNING COMMISSION
ACTION SUMMARY
MEETING OF MARCH 25, 2004
Municipal Center - 421 Main Street - Council Chambers
6:30 P.M.

1. ROLL CALL

Commissioners Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort, and Irv Schiffman present.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

3. CONSENT AGENDA

3.1. Minutes of the Meeting of February 19, 2004

*Chair Alvistur moved, seconded by Commissioner Brownell,
to approve the minutes of February 19, 2004.
Motion passed 7-0.*

- 3.2. Baltar Estates Subdivision and Planned Development Permit S/PDP 03-19 (Hawes) west of Godman Avenue** - Final review of a proposal to subdivide a 7.46 acre site to create 30 lots for multi-family residential development (mostly duplexes) at an overall density of 8.31 units per acre. The site is located on the west side of Godman Avenue, opposite Morgan Drive, and extends westerly to Joshua Tree Road. The subject property is identified as Assessor's Parcel Nos. 007-220-016, 019, and 020, is designated Medium Density Residential on the City of Chico General Plan Land Use Diagram, and is located in an R2 Medium Density Residential zoning district.

This item was continued to the Planning Commission meeting of April 1, 2004.

- 3.3. Parcel Map 03-20 (Prater) Moss and Hawthorne Avenues** - A request to divide a 0.45 acre parcel to create two lots, including a flag lot, for single-family residential development. The subject parcel is located west of the intersection of Moss and Hawthorne Avenues, immediately south of 807 Moss Avenue. The site is identified as Assessor's Parcel No. 045-280-001, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects).

Pulled from the consent agenda by Commissioner Monfort.

4. ITEMS REMOVED FROM CONSENT AGENDA

3.3. Parcel Map 03-20 (Prater) Moss and Hawthorne Avenues

Public Speakers: Mark Risso

Commissioner Francis moved, seconded by Commissioner Brownell, that the Planning Commission adopt Resolution No. 04-07, making a determination that the project is categorically exempt and approving Tentative Parcel Map 03-20 (Prater), subject to the findings and conditions contained therein.

Motion passed 7-0.

5. REGULAR AGENDA

- 5.1. Five Mile Court Vesting Tentative Subdivision Map S 03-23 (Whitfield) 1695 and 1697 East Avenue and 1696 Manzanita Avenue** - A request to subdivide 1.44 acres located at 1695 and 1697 East Avenue and 1696 Manzanita Avenue to create 9 single-family lots ranging in size from 4,503 to 6,080 square feet. The project site is identified as Assessor's Parcel Nos. 016-160-017, 016-160-018 and 016-160-019, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA).

Public Speakers: Mark Risso

Commissioner Francis moved, seconded by Commissioner Hughes, that the Planning Commission adopt Resolution No. 04-08 adopting the mitigated negative declaration and approving Five Mile Court Vesting Tentative Subdivision Map S 03-23, subject to the required findings and conditions of approval contained therein with a minor change to include a 46 foot right of way section for East Avenue north of the project, including a one foot landscaping strip for vines to cover the masonry wall.

Motion passed 7-0.

- 5.2. Conceptual Review of General Plan Amendment/Rezone 03-11 and Sierra Gardens Townhomes Tentative Subdivision Map and Planned Development Permit S/PDP 03-24**

(Mogavero Notestine Associates) Southeast corner of Sierra Sunrise Terrace and Idyllwild Circle - Conceptual review of a proposal to: 1) amend the General Plan land use designation for a vacant 6.49 acre parcel from Medium-High Density Residential to Medium Density Residential; 2) rezone the property from R3 Medium-High Density Residential to R2 Medium Density Residential; and 3) subdivide the site into 72 lots for the construction of 56 single-family residences and 16 townhomes for senior citizens. The site is identified as Assessor's Parcel No. 011-500-002.

Public Speakers: Cherene Sandidge, Thomas Brunet, Tom Patton, Gary Salberg, B.T. Chapman, Renner Johnston, Mary Jensen and Judy DeMarois

The Commission voted 6-1 (Francis opposed) to support the GPA/RZ to MDR/R2 as long as it comes with a PD, and expressed general support for the plan. The Commission also directed the applicant to: provide a 15 foot rear yard setback for lots 34 through 46 (15 feet is a "soft" number, but a greater setback than the proposed 5 feet is desired); connect Sierra View to Drive "C"; connect Drive "E" to Sierra View; require a peer review of the drainage calculations and design, similar to what was required for the projects on Yosemite; limit the homes on the east edge of the project (abutting the homes on Kestrel Court) to single-story construction; and if the alleys are to remain 12 feet wide, make them one-way.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Planning Director Kim Seidler introduced new staff and reviewed recent actions including Wal-Mart's withdrawal of its appeal.

8. ADJOURNMENT

Adjourned at 9:18 p.m. to the Special Meeting of March 26, 2004, at 4:00 p.m. to visit the Siena at Canyon Oaks project site (the Commission will meet at the east end of Palisades Drive, outside the Canyon Oaks gates), followed by the Regular Meeting of April 1, 2004, at 6:30 p.m. in the Council Chambers.

April 7, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
OF APRIL 1, 2004**

1. ROLL CALL

The meeting was called to order by Chairperson Vic Alvistur at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Mary Brownell, Orval Hughes, Jon Luvaas, Kirk Monfort and Irv Schiffman. Commissioner Jolene Francis was absent. Staff present were Planning Director Kim Seidler, Interim Principal Planner Patrick Murphy, Senior Planners Mark Wolfe, Brendan Vieg and Tom Hayes, Associate Planners Bob Summerville and Jay Hanson, Senior Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, Fire Marshal Mort Myers, and Assistant Planner Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Monfort reported that he spoke to Steve O'Bryan concerning Kentfield Parc. Commissioner Schiffman reported that he spoke to the applicant for Kentfield Parc. Commissioner Luvaas reported that he also spoke to the applicant, as well as Todd Hall, concerning Kentfield Parc. In all cases, everything discussed was already provided in the Commission's packet.

3. CONSENT AGENDA

- 3.1. Baltar Estates Subdivision and Planned Development Permit S/PDP 03-19 (Hawes) west of Godman Avenue** - Final review of a proposal to subdivide a 7.46 acre site to create 30 lots for multi-family residential development (mostly duplexes) at an overall density of 8.31 units per acre. The site is located on the west side of Godman Avenue, opposite Morgan Drive, and extends westerly to Joshua Tree Road. The subject property is identified as Assessor's Parcel Nos. 007-220-016, 019, and 020, is designated Medium Density Residential on the City of Chico General Plan Land Use Diagram, and is located in an R2 Medium Density Residential zoning district. *Staff recommends that this item be continued to the meeting of April 15, 2004.*
- 3.2. General Plan and Title 19 Text Amendment GPA/RZ 03-05 (City of Chico)** - A proposed text amendment to the General Plan and Title 19 of the Chico Municipal Code to increase the minimum and maximum densities within the Low Density, Medium Density and High Density residential categories as follows:
- A. Increase the maximum allowed density for the Low Density Residential General Plan designation and the R1 Low Density Residential zoning district from 6 to 7 dwelling units per gross acre, and delete the provision allowing for development at 7 units per gross acre with a planned development permit;
 - B. Adjust the minimum density for the Medium Density Residential General Plan designation and R2 Medium Density Residential zoning district from 4.01 to 7.01 dwelling units per gross acre; and

- C. Adjust the minimum density for the High Density Residential General Plan designation and R4 High Density Residential zoning district from 14.01 to 22.01 dwelling units per gross acre.

The proposed amendment reinstates densities contained in the General Plan at the time of its adoption in 1994. The Planning Commission initiated this amendment to address the ability of the General Plan to accommodate anticipated growth and housing variety and affordability. This amendment has been found to be within the scope of the previously certified General Plan Environmental Impact Report (1994), which adequately describes and evaluates the activity (project) for the purposes of the California Environmental Quality Act (CEQA). Pursuant to Sections 15162 and 15168 (c)(2) of the CEQA Guidelines, no further environmental analysis is required for the project. *Staff recommends that the Commission recommend Council adoption of the amendment to Title 19 and the General Plan.*

Commissioner Brownell pulled item 3.2. from the Consent Agenda.

- 3.3. Parcel Map 03-03 (Moore) 1626 Manzanita Avenue** - A request to divide a 0.46 acre parcel to create three lots for future single-family residential development. The property is currently developed with one single-family residence, which will be retained. The site is identified as Assessor's Parcel No. 048-760-015, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (Infill Development Projects). *Staff recommends approval of the parcel map.*

COMMISSIONER MONFORT MOVED THAT ITEM 3.1. BE CONTINUED TO APRIL 15 AND THAT ITEM 3.3. BE APPROVED. COMMISSIONER LUVAAS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS ABSENT).

4. ITEMS REMOVED FROM CONSENT AGENDA

3.2. General Plan and Title 19 Text Amendment GPA/RZ 03-05 (City of Chico)

Commissioner Brownell suggested that the maximum density for R1 remain at 6 units per acre, with the 6 to 7 unit per acre range requiring either a small lot subdivision or a planned development permit. Commissioners Luvaas and Schiffman indicated that they didn't see the need for a planned development permit.

The public hearing was opened at 6:45 p.m. There being no comment, the public hearing was closed.

COMMISSIONER BROWNELL MOVED THAT THE PLANNING COMMISSION ADOPT

RESOLUTION NO. 04-03, RECOMMENDING THAT THE CITY COUNCIL ADOPT FINDINGS THAT NO SUBSEQUENT EIR OR ENVIRONMENTAL REVIEW IS REQUIRED AND APPROVE GENERAL PLAN/TITLE 19 AMENDMENT 03-05, MODIFIED TO KEEP THE NORMAL MAXIMUM DENSITY FOR R1 AT 6 UNITS PER ACRE, WITH UP TO 7 UNITS PER ACRE ALLOWED WITH EITHER THE SMALL LOT SUBDIVISION REGULATIONS OR A PLANNED DEVELOPMENT PERMIT. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 4-2-1 (COMMISSIONERS LUYAAS AND SCHIFFMAN OPPOSED, COMMISSIONER FRANCIS ABSENT).

5. REGULAR AGENDA

- 5.1. Use Permit 03-44 (Pacific Bell) 1654 Vallombrosa Avenue** - A request to allow a public utility facility (Remote Terminal) for high-speed Internet service on residential property located at the northeast corner of Vallombrosa and Madrone Avenues. The site is identified as Assessor's Parcel No. 045-330-075, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (d) (Construction of Small Structures, including installation of utility equipment). *Staff recommends approval of the use permit.*

Associate Planner Jay Hanson presented the staff report, reviewing the land use issues involved and details of the project. He noted that a use permit is required because the facility is not located in a public utility easement (PUE).

The public hearing was opened at 6:54 p.m.

Dave Miller, 2700 Watt Avenue, Sacramento, representing SBC, explained that the terminal is for local and long distance telephone service in addition to DSL Internet service. He reviewed their attempts to mitigate noise, and suggested that he meet again with staff to find a solution short of a masonry wall to reduce the noise emissions.

The Commission discussed the design of the enclosure.

Chuck Eppelheimer, 1592 Vallombrosa Avenue, reviewed his problems with the remote terminal, specifically noise. He questioned whether the terminal would become noisier as additional capacity is added, and requested that the box be sealed and a masonry wall be constructed around it.

Dave Cornett, 420 Madrone Avenue, discussed his concerns with the project, including sight distance, property encroachment, and noise. He requested that the terminal be relocated.

There being no further comment, the public hearing was closed at 7:22 p.m.

The Commission discussed the enclosure for the terminal, including the aesthetics and benefits of

wood vs. masonry.

Mr. Seidler indicated that staff would be happy to meet with the applicant and neighbors and come up with some alternatives.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW, AND APPROVE USE PERMIT 03-44 (PACIFIC BELL) AUTHORIZING THE OPERATION OF A REMOTE TERMINAL LOCATED AT 1654 VALLOMBROSA AVENUE, SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN THE STAFF MEMO, AMENDED TO REQUIRE THAT THE MASONRY WALL BE LANDSCAPED WITH VINES, AND THAT ANY ADDITIONAL FANS OR OTHER INCREASE IN THE EMITTED NOISE WILL REQUIRE A MODIFICATION TO THE USE PERMIT. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH FAILED 2-4-1 (COMMISSIONERS BROWNELL, HUGHES, LUVAAS AND SCHIFFMAN OPPOSED, COMMISSIONER FRANCIS ABSENT).

COMMISSIONER SCHIFFMAN MOVED THAT THE PLANNING COMMISSION CONTINUE THIS ITEM TO THE MEETING OF MAY 6TH, 2004, AND THAT STAFF WORK WITH THE NEIGHBORS AND SBC TO COME UP WITH A SOLUTION THAT WILL ADDRESS NOISE AND AESTHETICS. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS ABSENT).

- 5.2. Crouch Farr Vesting Tentative Subdivision Map S 03-28 (Souza) 385 E. 23rd Street -**
A request to allow a small-lot subdivision at consisting of 13 lots on 1.99 acres. The site is identified as Assessor's Parcel No. 005-490-037, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects). *Staff recommends approval of the vesting tentative subdivision map.*

Senior Planner Mark Wolfe presented the staff report, reviewing the land use issues involved and details of the project.

The Commission discussed the lack of sidewalks, and the City's obligation to follow the County's Chapman/Mulberry Plan.

The public hearing was opened at 7:45 p.m.

Rick Souza, 17 Whitewood Way, applicant, explained that he's building homes for first-time buyers, noting that his proposed designs are all 1200 to 1600 square feet, single story designs.

Jackie McKinney, no address given, spoke in opposition to the project, citing concerns with

density, impacted schools, and traffic.

Howard Daugherty, 2297 Mulberry Street, spoke in opposition to the project, citing concerns with the status of the flood ditch, traffic, noise, and density.

Caroline Bravo, 2296 Laurel Street, spoke in opposition to the project, citing concerns with the flood ditch, noise, and neighborhood compatibility.

Carol Daughtery, 2297 Mulberry Street, expressed concern with drainage in the area.

Frank Hill, no address given, stated that the project will help address the City's affordable housing problem, and that it will fit in with the neighborhood.

Steve Saskis, 2234 Mulberry Street, expressed concern with the density of the project.

Carol Daugherty, a previous speaker, noted that the ditch behind the project is actually an old irrigation control.

Senior Development Engineer Matt Johnson discussed storm drainage in the area, noting that there is a 48 inch storm drain pipe along the rear of the project and that adequate storm drainage capacity is available.

Karen Van Ness, 250 Vallombrosa Avenue, Suite 370, asserted that most people can't afford 10,000 square foot lots, and that the density is needed to make the project affordable. She opined that the Commission needs to embrace growth and change.

There being no further comment, the public hearing was closed at 8:07 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 04-11, ADOPTING A NOTICE OF EXEMPTION AND APPROVING THE CROUCH FARR VESTING TENTATIVE SUBDIVISION MAP (S 03-28), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER LUYAAS SECONDED THE MOTION.

Commissioner Luyaaas offered an amendment that a park strip, at least four feet wide, be provided on both sides of streets "A" and "B", and that the streets be narrowed to a curb-to-curb width of 26 feet. Commissioner Monfort accepted the amendment.

Commissioner Luyaaas offered an amendment that a portion of lot 1 be turned into a neighborhood open space, with maintenance costs to be added to the maintenance district. Commissioner Monfort accepted the amendment.

Commissioner Luyaaas suggested that the parkstrips serve double-duty as detention swales, and that the fenced-off detention basin be eliminated.

Planning Director Kim Seidler cautioned against using park strips as drainage swales. Mr. Johnson suggested that the Commission may want to talk to the applicant's engineer.

The public hearing was reopened at 8:24 p.m.

Russ Erickson, Robertson & Dominick Civil Engineers, 888 Manzanita Court Suite A, project engineer, explained that it would be complicated to do detention in swales, and that an underground gallery is expensive and prevents easy inspection to determine maintenance needs.

There was general agreement that the applicant should explore other options besides a fenced-off detention basin.

THE MOTION, AS AMENDED, PASSED 4-2-1 (COMMISSIONERS BROWNELL AND HUGHES OPPOSED, COMMISSIONER FRANCIS ABSENT).

Mr. Wolfe suggested that lot 1 stay in private ownership, as small parks tend to be infeasible.

The Commission clarified its direction, stating that both the open space area on lot 1 and the alternate storm drainage detention should be discussed between staff and the applicant to determine if there are feasible alternatives for both. The Commission made it clear that this item is not to come back to the Commission.

The Commission was in recess from 8:30 to 8:42 p.m.

5.3. Conceptual Review of Kentfield Parc Tentative Subdivision Map and Planned Development Permit S/PDP 03-21 (Fischer/Barry/Christensen) northwest corner of E. 1st Avenue and Kentfield Road - Conceptual review of a proposal to subdivide a 3.75 acre site comprised of four existing parcels into 32 lots for the construction of single-family residences. The proposal would create a density of 7.5 dwelling units per acre. The site is identified as Assessor's Parcel Nos. 045-160-039, 045-490-003, -004, and -005, is designated Medium Density Residential and Low Density Residential on the City of Chico General Plan Diagram, and is located in both R2 Medium Density Residential and R1 Low Density Residential zoning districts. *The Planning Commission is being requested to provide direction to the applicant; no action to recommend approval or denial of the project will be taken.*

Associate Planner Bob Summerville presented the staff report, reviewing details of the project and concerns of various neighbors, including compatibility, traffic, safety, and design.

The Commission discussed traffic and LOS for the Kentfield Road/E. 1st Avenue intersection; Senior Development Engineer Matt Johnson pointed out that any recommendation for a left turn lane on E. 1st Avenue would need to go to the Internal Affairs Committee.

The public hearing was opened at 9:03 p.m.

Steve Gonsalves, 434 Broadway, project architect, reviewed the project design, which is similar to another project in mid-town Sacramento. He reviewed the five different floor plans and the siting criteria which resulted in the proposed design.

Tim Ferris, 515 Wall Street, attorney representing the applicants, stated that he will draft appropriate CC&Rs and bylaws for the project.

Robert Fischer, P.O. Box 7814, requested that he be given a chance to respond to comments at the end of the public hearing.

Gina Snider, 1038 Bryant Avenue, spoke in opposition to the project, citing objections to the entrance being directly across from Bryant Avenue, and to the differences between the current project and the design shown to the neighbors several months ago.

Bruce Garlie, 925 Bryant Avenue, voiced agreement with the previous speaker, noting his preference for the previous "Kentfield Commons" plan.

Helen Martin, 1253 E. 1st Avenue, expressed concerns with area traffic.

Steve O'Bryan, 1187 Manchester Road, spoke in opposition to the project, citing concerns with drainage, the loss of the SFR lots on Kentfield Road, and the lack of interior sidewalks. He expressed support for the idea of a parkstrip along E. 1st Avenue.

Molly Stokes, 1150 Kentfield Road, spoke in opposition to the project, citing concerns with project density and the lack of sidewalks.

Todd Hall, 1150 Kentfield Road, spoke in opposition to the project, citing concerns with the loss of the SFR lots along Kentfield Road and traffic. He expressed a preference for the "Kentfield Commons" plan.

Karen Van Ness, 250 Vallombrosa Avenue #370, spoke in support of the project, noting that Dr. Fischer had only 11 days to put together a conceptual design and that the Ringels charged a fortune for the property.

Scott Lape, 1355 Kentfield Road, spoke in opposition to the project, citing concerns with the demolition of the existing home on the site and the project's density and setbacks.

Dave Fuller, 5 Canterbury Circle, requested that the SFR lots be preserved on Kentfield Road.

Steve O'Bryan a previous speaker, discussed the price of the project.

Karen Caviness, 944 Bryant Avenue, spoke in opposition to infill projects with smaller lots.

Dorothy Brown, 1198 Manchester Road, discussed concerns with traffic.

Steve Snider, 1038 Bryant Avenue, suggested that the entrance to the project be moved back to Kentfield Road, as it was in the original plan.

Monica Soderstrom, 1182 Bonair Road, spoke in opposition to the project, citing concerns with traffic and neighborhood compatibility.

Robert Fischer, applicant, stated that residents will perceive the street as a 22-foot wide sidewalk and driveway. He stressed that the neighborhood is larger than the immediately adjacent blocks, and that the project is compatible with the larger neighborhood. He explained that he already has a waiting list with 17 buyers on it, and that the median age is 62. He opined that the project will enhance the neighborhood.

There being no further comment, the public hearing was closed at 10:06 p.m.

The Commission discussed the project.

The Commission was in recess from 10:32 to 10:42 p.m.

After further discussion, the Commission agreed to remove the street parking on E. 1st Avenue adjacent to the project, require that sidewalk entering the project should be as on Attachment "H", require that the entrance to the project be opposite Bryant Avenue, require that a portion of the interior street/driveway be delineated with texturing or other treatment to indicate a pedestrian area, keep the wall as proposed along E. 1st Avenue, keep the Kentfield Road frontage as proposed, retain the parking as proposed, require a parkway strip on both street frontages, require a 1 foot planting strip adjacent to the wall on the E. 1st Avenue frontage, minimize visual intrusions from new homes on the north side of the project, remove bike lanes on E. 1st Avenue, and require a center turn lane on E. 1st Avenue. The Commission was split (3-3) over whether to provide a second, non-emergency access to the project from Kentfield Road.

The public hearing was reopened at 11:06 p.m.

Robert Fisher, applicant, stated that he doesn't care whether the second access on Kentfield Road has bollards on it or not.

Bruce Garlie, a previous speaker, spoke in opposition to the entrance being opposite Bryant Avenue.

There being no further comment, the public hearing was reclosed at 11:08 p.m.

Mr. Seidler reviewed the Commission's recommendations, clarifying that those issues dealing

with E. 1st Avenue (removal of on-street parking, requiring a left-turn lane) would actually be recommendations to the Internal Affairs Committee.

- 5.4. Conceptual Review of Vesting Tentative Subdivision Map and Planned Development Permit S/PDP 03-27 for Siena at Canyon Oaks, located on all of Parcel 5 and remaining undeveloped portion of Parcel 4 within the Canyon Oaks Residential Subdivision (Remainder LLC)** - Conceptual review of a vesting tentative subdivision map and planned development permit to divide a 46.09 acre parcel into 64 single-family residential lots (27.82 acres +/-) and five open space lots (18.27 acres +/-). The site will be accessed off Shallow Springs Terrace via Ridge Hollow Lane and Summit Ridge Terrace, which were recently constructed as part of the adjacent Views at Canyon Oaks development. The site is identified as Assessor's Parcel Nos. 011-870-013 (portion) and 011-030-104, is designated Very Low Density Residential on the City of Chico General Plan Diagram, and is split-zoned RS-20 Suburban Residential (20,000 square foot minimum lot size) and OS-1 Primary Open Space. *The Planning Commission is being requested to provide direction to the applicant; no action to recommend approval or denial of the project will be taken.*

Chair Alvistur announced that this item would be continued to the meeting of April 15th due to the late hour. He directed staff to place it first on the agenda.

- 5.5. Appointment of Two Commissioners to an Ad Hoc Park/Planning Committee** - The Bidwell Park and Playground Commission has discussed the creation of an ad hoc committee consisting of Park and Planning Commissioners to discuss issues of mutual interest. In particular, the Park Commission has expressed interest in Bidwell Park viewshed issues and the siting of neighborhood parks. The Park Commission is expected to formalize its request at its meeting of March 29, 2004; staff anticipates that the formal request will propose two representatives from each Commission. *Staff recommends that the Chair designate two Commissioners to serve on the Committee.*

Chair Alvistur designated Commissioners Luvaas and Monfort to serve on the Ad Hoc Committee.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

None.

- 8. ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 11:18 p.m. to the Adjourned Regular Meeting of April 15, 2004, at 6:30 p.m.

August 19, 2004

Date Approved

Kim Seidler
Planning Director

**CITY OF CHICO
PLANNING COMMISSION
ACTION SUMMARY**

MEETING OF APRIL 15, 2004

Municipal Center - 421 Main Street - Council Chambers

6:30 P.M.

1. ROLL CALL

Commissioners Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort and Irv Schiffman present.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

3. CONSENT AGENDA

- 3.1. Parcel Map 03-14 (Hart) 992 and 994 Lupin Avenue** - A request to divide a 0.83 acre site comprised of two adjacent parcels to create three parcels. Existing homes will be retained on two of the parcels, and the third parcel is anticipated to be developed with a new single-family residence. The site is identified as Assessor's Parcel Nos. 048-230-048 and -049, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (Infill Development Projects).

This item was pulled from the consent agenda by the applicant.

4. ITEMS REMOVED FROM CONSENT AGENDA

- 3.1. Parcel Map 03-14 (Hart) 992 and 994 Lupin Avenue**

Commissioner Francis moved, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 04-06 finding that the project is exempt from environmental review and approving Tentative Parcel Map 03-14 (Hart), subject to the findings and conditions contained therein and with the change that a contiguous sidewalk be granted and Lot C be required to hook up to sewer.

Motion passed 7-0.

5. REGULAR AGENDA

- 5.1. Conceptual Review of Vesting Tentative Subdivision Map and Planned Development Permit S/PDP 03-27 for Siena at Canyon Oaks, located on all of Parcel 5 and remaining undeveloped portion of Parcel 4 within the Canyon Oaks Residential Subdivision (Remainder LLC)** - Conceptual review of a vesting tentative subdivision map and planned development permit to divide a 46.09 acre parcel into 64 single-family residential lots (27.82 acres +/-) and five open space lots (18.27 acres +/-). The site will be accessed off Shallow Springs Terrace via Ridge Hollow Lane and Summit Ridge Terrace, which were recently constructed as part of the adjacent Views at Canyon Oaks development. The site is identified as Assessor's Parcel Nos. 011-870-013 (portion) and 011-030-104, is designated Very Low Density Residential on the City of Chico General Plan Diagram, and is split-zoned RS-20 Suburban Residential (20,000 square foot minimum lot size) and OS-1 Primary Open Space.

Public Speakers: Bill Dinsmore, Geoff Lane, Brian Firth, Tim Artl, Christina Fisher, Ted Schwartz, Frank Hill, and Michael Galli

The Commission voted 5-1-1 (Luvaas opposed, Francis disqualified) to provide the following direction to the applicant: direct as much stormwater as possible toward the Canyon Oaks side of the property (as opposed to the Lake Vista side); encourage some smaller homes on the Village lots, as small as 1650 square feet; require a 30 foot clearance between the homes and existing dense vegetation; provide 24 foot street widths; consider shrinking the lots at the west end of the project to 20,000 square feet, possibly to include one additional lot in that area; limit construction on the ridge top to one story; and vary the roof colors to blend in with the hillside and vegetation.

- 5.2. Chico Amended and Merged Redevelopment Project ("CAMRP") (ER 04-01)** - The City of Chico is considering amending its existing redevelopment plans to enact a fiscal merger of the Amended Southeast Chico, Central Chico, Chico Municipal Airport, and Greater Chico Urban Area Redevelopment Projects. This merger will consolidate the existing limitation on the collection of tax increment and bonded indebtedness in the Project Areas, eliminate the annual cap on collection of tax increment in two of the Project Areas, extend the time on the effectiveness of one of the redevelopment plans, and make other minor textual changes. No new projects are proposed through the amendment process that were not considered in the adopted redevelopment plans. A mitigated negative declaration is proposed for the project, pursuant to the California Environmental Quality Act (CEQA). The proposed redevelopment plan amendments and mitigated negative declaration will be considered by the Planning Commission for comment and recommendation to the City Council. The City Council will hold a separately noticed public hearing and consider the Planning Commission's recommendation.

Commissioners Alvistur and Hughes announced that they have been advised by legal counsel that they are disqualified from hearing this project due to financial conflicts of interest, and left the room.

Senior Planner Brendan Vieg presented the staff report.

Commissioner Schiffman suggested increasing the affordable housing setaside; Budget Officer Cindy Pierce stated that doing so was considered and not implemented by Council, and that doing so would jeopardize the City's ability to repay bonds.

Mr. Vieg explained that the merger will allow revenue generated in each redevelopment area to be combined, providing more flexibility in funding future public improvements in the Chico Urban Area.

The public hearing was opened at 9:05 p.m. There being no public comment, the public hearing was closed.

After discussion, the Commission agreed to recommend changes to page 6 of the SE Chico RDA report to eliminate the reference to a particular residential density, and to remove reference to construction of a major shopping center, since the Chico Mall already exists. After further discussion, it was agreed to make the recommendations as a separate motion.

COMMISSIONER LUVAAS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 04-10, WHICH (1) RECOMMENDS ADOPTION OF THE PROPOSED MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM, AND (2) MAKES A REPORT AND RECOMMENDATION TO THE CITY COUNCIL FOR THE APPROVAL AND ADOPTION OF THE PROPOSED AMENDMENTS FOUND IN THE AMENDED AND RESTATED REDEVELOPMENT PLANS FOR THE CENTRAL CHICO, THE SOUTHEAST CHICO, THE CHICO MUNICIPAL AIRPORT, AND THE GREATER CHICO URBAN AREA REDEVELOPMENT PROJECTS, SPECIFICALLY AS THE PROPOSED AMENDMENTS CONFORM TO THE GENERAL PLAN OF THE CITY OF CHICO. COMMISSIONER FRANCIS SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS ALVISTUR AND HUGHES DISQUALIFIED).

COMMISSIONER LUVAAS MOVED THAT THE COMMISSION RECOMMEND CHANGES TO PAGE 6 OF THE SOUTHEAST CHICO RDA REPORT AS DISCUSSED. COMMISSIONER SCHIFFMAN SECONDED THE MOTION, WHICH PASSED 4-1-2 (COMMISSIONER FRANCIS OPPOSED, COMMISSIONERS ALVISTUR AND HUGHES DISQUALIFIED).

- 5.3. Baltar Estates Subdivision and Planned Development Permit S/PDP03-19 (Hawes) west of Godman Avenue** - Final review of a proposal to subdivide a 7.46 acre site to create 30 lots for multi-family residential development (mostly duplexes) at an overall density of 8.31 units per acre. The site is located on the west side of Godman Avenue, opposite Morgan Drive, and

extends westerly to Joshua Tree Road. The subject property is identified as Assessor's Parcel Nos. 007-220-016, 019, and 020, is designated Medium Density Residential on the City of Chico General Plan Land Use Diagram, and is located in an R2 Medium Density Residential zoning district. A mitigated negative declaration is proposed for the project, pursuant to the California Environmental Quality Act.

Public Speakers: Erick Robertson

Commissioner Francis moved, seconded by Commissioner Hughes, that the Planning Commission adopt Resolution No. 04-13, adopting a Mitigated Negative Declaration and approving the Baltar Estates Vesting Tentative Subdivision Map and Planned Development Permit S/PDP 03-19, subject to the findings and conditions contained therein.

Motion passed 5-2. Commissioners Luvaas and Schiffman opposed.

5.4. Westmont Vesting Tentative Subdivision Map S 04-02 (Agasy, Inc.) 1666 East Avenue -

A request to allow a small-lot subdivision consisting of 25 lots on 3.68 acres. The site is identified as Assessor's Parcel No. 048-760-013, is designated Low Density Residential on the City of Chico General Plan Diagram, and is rezoned R1 Low Density Residential. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects). The site is in the process of being annexed to the City.

Public Speakers: Tony Symmes and Eric German

Commissioner Hughes moved, seconded by Commissioner Schiffman, that the Planning Commission adopt Resolution No. 04-12, adopting a Notice of Exemption and approving the Westmont Vesting Tentative Subdivision Map (S 04-02), subject to the findings and conditions contained therein and the additional condition as follows:

Staff shall complete architectural review of the sound wall.

Motion passed 5-1-1. Commissioner Luvaas opposed, Commissioner Francis disqualified.

5.5. Westside Place General Plan Amendment & Rezone GPA/RZ 03-03, Vesting Tentative Subdivision Map & Planned Development Permit S/PDP 03-02, and Annexation (Dufour Investments/DiGiovanni & DiGiovanni/Vrisimo) north side of State Highway Route

32/Nord Avenue, between W. 8th Avenue and W. Lindo Avenue - Conceptual review of a proposal to:

- A. Amend the General Plan land use designation and rezoning for three properties (Assessor's Parcel Nos. 042-140-077, -098, and -103) comprising 32 acres. For the southern portion of the properties, the existing Manufacturing & Warehousing General Plan designation will be changed to Medium Density Residential (4-14 units/acre), and the existing rezoning designation of ML (Light Manufacturing/ Industrial) changed to R2 (Medium Density Residential). The existing Manufacturing & Warehousing General Plan designation for the northern portion of the properties along the railroad right-of-way will be changed to Community Commercial, and the existing rezoning designation of ML changed to CN (Neighborhood Commercial).
- B. Subdivide the two easternmost parcels (Assessor's Parcel Nos. 042-140-098 and -103) comprising 20 acres into 141 parcels, to be developed with a mix of single-family units, multi-family units, and live/work units. The total number of units is somewhat flexible, but will be between 173 and 207 residential units. Because the project is a Traditional Neighborhood Design (TND) development, a planned development permit is also being processed to allow a number of variations to standard zoning and subdivision design standards, including variations to building setbacks, building height, parking, and street width. Off-site improvements proposed by the applicant include the construction of a two-way center turn lane in the middle of Nord Avenue (Highway 32) along the project frontage, the construction of a separated pedestrian path along the north side of Nord Avenue to Oak Way, and the construction of a roundabout (including a pedestrian crossing) at the intersection of Nord Avenue and Oak Way. There are no current development plans for the westernmost parcel (Assessor's Parcel No. 042-140-077).
- C. Annex the above mentioned properties into the City Limits, along with nine intervening parcels between the subject properties and W. 8th Avenue as part of the same annexation (Assessor's Parcel Nos. 042-140-040, -059, -104, -127, -128, and -129, 043-070-024, 043-040-014, and 043-630-067).

Commissioner Brownell stated that she is disqualified from hearing this item, as her residence is across the street from the project. She left the room.

Senior Planner Patrick Murphy presented the staff report, reviewing the land use issues involved and details of the project. He noted that staff would like to add an SD overlay zoning district to the site, to ensure control over the future design of the site.

The public hearing was opened at 10:20 p.m.

John Anderson, 426 Broadway, Suite 205, representing New Urban Builders and Heritage Partners, applicant, reviewed details of the proposal, including solutions for community concerns arising from the charrette held earlier for the project. He reviewed that interior noise for the live/work units should be around 36 dB, due to a solid sound wall and vibration isolation measures. He requested that their specific list of proposed uses be all that is allowed in the live/work units, with perhaps other CN uses allowed with a use permit.

Chris Cole, 426 Broadway, Suite 205, also with New Urban Builders and Heritage Partners, explained that the list of uses is to ensure compatibility with the SFRs across the street.

Richard Spellman, 853 St. Amant Drive, spoke in support of the project.

Chris Daniels, 1828 Nord Avenue, expressed concerns about traffic on Nord Avenue and the safety of the proposed roundabout.

Karen Schuller, 1278 Glenhaven Drive, spoke in support of the project.

Jim Stevens, 20 Declaration Drive, disagreed with Mr. Daniels, noting that all the recent research shows that roundabouts are much safer than standard intersections, including a 75% reduction in collisions and a 90% reduction in injury accidents.

Jane Dolan, 1051 Adlar Court, spoke in support of the project and the roundabout.

Coleen Smith, 2223 Nord Avenue, expressed concern about potential uses in the live/work units and the safety of the roundabout.

Steve Mickelson, 1595 La Linda Lane, spoke in support of the project and the roundabout.

There being no further comment, the public hearing was closed at 10:59 p.m.

The Commission expressed support for the project concept.

COMMISSIONER SCHIFFMAN MOVED THAT THE PLANNING COMMISSION APPROVE THE PROJECT CONCEPT, WITH THE ADDITION OF THE SD OVERLAY AS DISCUSSED. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS BROWNELL AND FRANCIS DISQUALIFIED).

7. BUSINESS FROM THE FLOOR

None.

8. PLANNING UPDATE

Staff reviewed recent Council actions and the future meeting schedule.

9. ADJOURNMENT

Adjourned at 11:10 p.m. to the Regular Meeting of May 6, 2004, at 6:30 p.m.

April 7, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
REGULAR MEETING OF MAY 6, 2004
MUNICIPAL CENTER - 421 MAIN STREET -
COUNCIL CHAMBERS**

1. ROLL CALL

The meeting was called to order by Chairperson Vic Alvistur at 6:30 p.m. Commissioners present: Vic Alvistur, Mary Brownell, Jolene Francis, Jon Luvaas, and Irv Schiffman. Commissioners absent: Orval Hughes and Kirk Monfort. Staff present: Planning Director Kim Seidler, Principal Planner Teresa Bishow, Senior Planner Mark Wolfe, Associate Planners Ed Palmeri and Jay Hanson, Senior Development Engineer Matt Johnson, and Assistant Planner Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioners Brownell, Luvaas and Schiffman each reported that they had spoken to John Byrne concerning the Eaton Ranch project, although some of those discussions took place a year ago. Commissioner Luvaas reported that he had also spoken to Tony Symmes concerning the Eaton Ranch project.

Commissioner Alvistur announced that the Commission had received a request to continue the Eaton Ranch subdivision to June 3rd, and apologized to those who had come out for that item.

COMMISSIONER FRANCIS MOVED THAT EATON RANCH BE CONTINUED TO JUNE 3RD. COMMISSIONER LUYAAS SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS HUGHES AND MONFORT ABSENT).

3. CONSENT AGENDA

3.1. Use Permit 03-44 (Pacific Bell) 1654 Vallombrosa Avenue - A request to allow a public utility facility (Remote Terminal) for high-speed Internet service on residential property located at the northeast corner of Vallombrosa and Madrone Avenues. The site is identified as Assessor's Parcel No. 045-330-075, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (d) (Construction of Small Structures, including installation of utility equipment). *Staff recommends that this item be continued to the meeting of June 3, 2004.*

3.2. Appeal of the Map Advisory Committee's Decision to Approve Modifications to Hillview Terrace Tentative Subdivision Map - An appeal of the Map Advisory Committee's approval of certain modifications to the Hillview Terrace Tentative Subdivision Map. At its meeting of March 10, 2004, the City of Chico Map Advisory Committee approved a modification to the conditions of approval for the Hillview Terrace Tentative Subdivision Map, a subdivision to create 81 single-family lots on

approximately 21.8 acres located on the north side of Warfield Lane east of the SAC-Joaquin Drainage District Diversion Channel. The modification would decrease the number of single-family residential lots, allow vertical curbs where traffic calming measures are included, include a note on the map requiring additional on-site parking for four lots, and incorporate traffic calming measures. The property is identified as Assessor's Parcel No. 011-780-001, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1-PD-RM Low Density Residential-Planned Development-Resource Management Overlay zoning district. *Staff recommends that this item be continued to the meeting of May 20, 2004.*

COMMISSIONER FRANCIS MOVED APPROVAL OF THE CONSENT AGENDA.
COMMISSIONER BROWNELL SECONDED THE MOTION, WHICH PASSED 5-0-2
(COMMISSIONERS HUGHES AND MONFORT ABSENT).

4. ITEMS REMOVED FROM CONSENT AGENDA

5. REGULAR AGENDA

- 5.1. Parcel Map 03-21 (Bernhardt) 1405 North Cherry Street** - A request to divide a 0.52 acre parcel to create two lots of 7,313 square feet and 6,741 square feet for single-family residential development. The subject parcel is located on the west side of North Cherry Street at the northwest corner of the intersection of North Cherry Street and West Fourth Avenue. The site is identified as Assessor's Parcel No. 043-131-004, is designated Medium Density Residential on the City of Chico General Plan Diagram and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (Infill Development Projects). *Staff recommends approval of the parcel map.*

Associate Planner Palmeri presented the staff report.

Principal Planner Bishow discussed additional findings regarding density for the project as contained in a memo to the Planning Commission dated May 6, 2004. She also reviewed a handout prepared by Senior Planner Mark Wolfe depicting the various ways density is affected by incorporating different amounts of public right-of-way.

The public hearing was opened at 6:45 p.m.

Scott Bernhardt, 1403 North Cherry Street, applicant, offered to answer any questions. In response to Commissioner Luvaas, Mr. Bernhardt stated that he may put second units over the detached rear garages at some time in the future.

There being no further comment, the public hearing was closed at 6:47 p.m.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION FIND THE

PROJECT CATEGORICALLY EXEMPT AND ADOPT RESOLUTION NO. 04-15, APPROVING PARCEL MAP 03-21 (BERNHARDT), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED IN THE STAFF REPORT DATED APRIL 28, 2004 AND INCORPORATING THE FINDINGS IN THE MEMO FROM PLANNING STAFF DATED MAY 6, 2004. COMMISSIONER BROWNELL SECONDED THE MOTION.

COMMISSIONER LUYAAS OFFERED AN AMENDMENT THAT THE INTERSECTION BE BULBED TO CALM TRAFFIC; COMMISSIONER FRANCIS REJECTED THE AMENDMENT.

THE MOTION PASSED 4-1-2 (COMMISSIONER LUYAAS OPPOSED, COMMISSIONERS HUGHES AND MONFORT ABSENT).

5.2. Tentative Parcel Map 03-18 (Kaiser) 1952 Hooker Oak Avenue - A tentative parcel map which will divide a 1.16 acre parcel into three single-family residential parcels. Proposed Parcel 1 comprises 0.38 acres, proposed Parcel 2 comprises 0.31 acres and proposed Parcel 3 comprises 0.46 acres. There are no immediate plans to develop the proposed parcels. As part of the parcel map application, the applicant is requesting modifications to City subdivision design criteria and improvement standards to allow a reduction of the minimum requirements for an 80 foot lot depth for Parcels 1 and 2. The site is identified as Assessor's Parcel No. 045-411-009, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1-10 Low Density Residential (10,000 square-foot minimum lot size) zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends approval of the mitigated negative declaration and approval of the tentative parcel map.*

Associate Planner Hanson presented the staff report.

In response to Commissioner Schiffman, Mr. Hanson explained that the developer was unable to negotiate access to the adjacent private road, thus necessitating the proposed new road.

The public hearing was opened at 7:00 p.m.

Kevin Kaiser, 2764 Lucy Way, applicant, requested that he not be required to provide a 100 foot setback from the elderberry bushes adjacent to the site.

Albert Beck, 3028 Esplanade Suite A, of Eco-Analysts, reviewed his involvement in elderberry bush monitoring for various agencies. He opined that a 25 foot setback is adequate, but stated that it would be impossible to get a response from U.S. Fish and Wildlife Service (USFWS) since no "take" is involved.

Mr. Hanson clarified that the condition specifies a 100 feet setback without consultation with USFWS, and 25 feet with consultation.

James Renfro, 1250 East Avenue Suite 10, project engineer, re-iterated the request for a 25 foot

setback from the elderberry bushes.

Planning Director Seidler pointed out that the applicant has signed the mitigated negative declaration, agreeing to all the conditions contained therein, including the 100 foot setback for the elderberry bushes.

Commissioner Luvaas expressed a desire for more lots; Mr. Renfro replied that additional Fire Department and Public Works requirements apply if another lot is added, reducing the buildable area.

Nancy Magill, 1958 Hooker Oak Avenue, stated that her property has horses, and requested some sort of notification to future buyers that there are horses adjacent to the property.

Kari Reeve, 667 Four Seasons Way, requested that the project remain only three lots, that two-story homes be prohibited, and that a better sound barrier than a wooden fence be provided between the two private drives.

Commissioner Brownell suggested that the home on lot 1 be required to face Hooker Oak Avenue, and that some sort of notice be provided on the deed to make future property owners aware of the presence of horses.

There being no further comment, the public hearing was closed at 7:28 p.m.

COMMISSIONER BROWNELL MOVED THAT THE PLANNING COMMISSION ADOPT THE MITIGATED NEGATIVE DECLARATION AND RESOLUTION NO. 04-16, APPROVING TENTATIVE PARCEL MAP 03-18 (KAISER), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED TO REQUIRE THAT THE HOME ON LOT 1 FACE HOOKER OAK AVENUE, AND THAT A NOTATION CONCERNING THE PRESENCE OF HORSES BE REQUIRED.

Mr. Seidler suggested that the horse condition read as follows: The subdivider shall disclose through a notation on the parcel map, within CC&Rs, if prepared, and through the recordation of a separate acknowledgment statement the presence of horses in the proximity of the property through the following or similar statement: "The property within this division of land is located next to property where horses are kept, and occupants of the property may be subject to noise, dust or odors arising from the proximity of horses. Occupants of property within this division of land shall be prepared to accept discomfort as normal to the keeping of horses."
COMMISSIONER BROWNELL ACCEPTED THE LANGUAGE.

COMMISSIONER FRANCIS SECONDED THE MOTION, AND SUGGESTED THAT "INSECTS" BE ADDED TO THE HORSE STATEMENT. COMMISSIONER BROWNELL ACCEPTED THE AMENDMENT. THE MOTION, AS AMENDED, PASSED 4-1-2 (COMMISSIONER LUVAAS OPPOSED, COMMISSIONERS HUGHES AND MONFORT ABSENT).

- 5.3. Eaton Ranch Vesting Tentative Subdivision S 03-15 (Byrne) southwest corner of Eaton Road and Godman Avenue** - A request to subdivide 9.41 acres into 54 lots for single-family residential development. Proposed lot sizes range from 4,500 to 7,768 square feet, and the project density is 5.4 units per acre. Access to the site is proposed via two new roads off Godman Avenue; no access is proposed from Eaton Road. The site is identified as Assessor's Parcel Nos. 007-260-082 and -091, is designated Low Density Residential on the City of Chico General Plan Diagram, and is rezoned R1 Low Density Residential. The site is currently under county jurisdiction, but is in the process of being annexed to the City of Chico. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends adoption of the mitigated negative declaration and approval of the vesting tentative subdivision map.*

This item was continued to the meeting of June 3rd, 2004, earlier in the agenda.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Mr. Seidler reviewed Council denial of the R2/R4 density amendment, noting that it will be re-agenized when there is a full Council.

- 8. ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 7:32 p.m. to the Adjourned Regular Meeting of May 10, 2004, at 4:00 p.m. to hear a presentation by Pam Figge's Geography 228 class concerning the Bidwell Ranch property.

May 20, 2004

Date Approved

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
ADJOURNED REGULAR MEETING OF MAY 20, 2004
MUNICIPAL CENTER - 421 MAIN STREET
COUNCIL CHAMBERS**

1. ROLL CALL

The meeting was called to order by Chairperson Vic Alvistur at 6:30 p.m. Commissioners present: Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort, and Irv Schiffman. Staff present: Planning Director Kim Seidler, Principal Planner Teresa Bishow, Senior Planner Patrick Murphy, Associate Planner Ed Palmeri, Senior Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Assistant Planner Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioners Francis and Brownell reported that they had each spoken to Mr. Schukei concerning his project; Commissioner Brownell added that her discussion included a potential new driveway configuration that Mr. Schukei will present.

3. CONSENT AGENDA

3.1. Minutes of the Regular Meeting of May 6, 2004

Staff recommends approval with any corrections/revisions required.

COMMISSIONER FRANCIS MOVED APPROVAL OF THE CONSENT AGENDA.
COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 6-0-1
(COMMISSIONER MONFORT ABSTAINING).

4. ITEMS REMOVED FROM CONSENT AGENDA

5. REGULAR AGENDA

- 5.1. Appeal of the Map Advisory Committee's Decision to Approve Modifications to Hillview Terrace Tentative Subdivision Map** - An appeal of the Map Advisory Committee's approval of certain modifications to Hillview Terrace Tentative Subdivision Map. At its meeting of March 10, 2004, the City of Chico Map Advisory Committee approved a modification to the conditions of approval for Hillview Terrace Tentative Subdivision Map, a subdivision to create 81 single-family lots on approximately 21.8 acres located on the north side of Warfield Lane east of the SAC-Joaquin Drainage District Diversion Channel. The modification would decrease the number of single-family residential lots, allow vertical curbs where traffic calming measures are included, include a note on the map requiring additional on-site parking for four lots, and incorporate traffic calming measures. The property is identified as Assessor's Parcel No. 011-780-001, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1-PD-RM Low Density Residential-Planned Development-Resource Management Overlay zoning district. *Staff recommends denial*

of the appeal, thereby upholding the Map Advisory Committee's approval.

Commissioner Alvistur noted that the appellant has submitted a letter withdrawing his appeal, but that involved parties wished to say a few words.

Associate Planner Ed Palmeri reviewed the history of the project and the various changes to map.

The public hearing was opened at 6:35 p.m.

John Anderson, 427 Broadway, applicant, reviewed the process that led to the compromise solution, and commended staff for their efforts.

Bill Smith, 11 Premier Court, appellant, praised the applicant, John Merz, and staff for their efforts.

There being no further comment, the public hearing was closed at 6:40 p.m.

Planning Director Kim Seidler noted that there are many things going on "behind the scenes" which the Commission may not be aware of, and expressed his appreciation to all involved with this project.

5.2. Parcel Map 04-04 For Condominium Purposes (6th and Main Investors) 555 Main Street - A request to approve a condominium conversion of an existing building located on 0.30 acres at the northeast corner of 6th and Main Streets. The map will create six condominium lots, four commercial and two residential. The residential lots are not occupied and have not yet been rented or leased. The site is identified as Assessor's Parcel No. 004-242-012, is designated Downtown on the City of Chico General Plan Diagram, and is located in a C-1-LM Restricted Commercial/Landmark Overlay zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects). *Staff recommends approval of the condominium conversion.*

Associate Planner Ed Palmeri presented the staff report, reviewing details of the project and condominium map requirements.

The public hearing was opened at 6:47 p.m.

Steve Gonsalves, 555 Main Street, Suite 300, applicant, stated that the project is procedural only, and will have no effect on the way the property is used.

There being no further comment, the public hearing was closed at 6:49 p.m.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 04-19, MAKING A DETERMINATION THAT THE PROJECT IS

CATEGORICALLY EXEMPT AND APPROVING TENTATIVE PARCEL MAP 04-04 (6TH AND MAIN INVESTORS, INC.), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER LUVAAAS SECONDED THE MOTION, WHICH PASSED 7-0.

5.3. Parcel Map 03-19 (Schukei) 1061 Forest Avenue - A request to divide a 1.24 acre parcel to create three single-family residential lots, including two lots for new residential development and one lot to retain an existing single-family residence. The subject parcel is located on the east side of Forest Avenue, immediately opposite the intersection of Forest Creek Circle and Forest Avenue. The site is identified as Assessor's Parcel No. 002-460-026, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects). *Staff recommends approval of the parcel map.*

Associate Planner Ed Palmeri presented the staff report, reviewing the land use issues involved, details of the project, and concerns expressed by neighbors. He noted that the parcel 2 may never be developed, and that the applicant intends to build his "dream home" on parcel 1.

The public hearing was opened at 7:02 p.m.

James Renfro, The Engineering Group, 1250 East Avenue, Suite 10, project engineer, requested that a second driveway access be allowed for parcel 1, that the easement be limited to 20 feet in width, and that parcel 3 be allowed to keep its well.

Glen Schukei, 25 Amber Way, applicant, reiterated that he has no intentions of building on parcel 2, and requested that a second driveway access be allowed on Forest Avenue so that he can build the home plan he's already picked out.

Senior Development Engineer Matt Johnson stated that traffic isn't heavy in this location, and that Public Works has no objection to an additional driveway access if the Commission wants to approve one.

In response to Commissioner Luvaas, Mr. Schukei stated that he would gladly deed the access area to parcel 2 if a second driveway access is allowed for parcel 1.

Sandy Schukei, 25 Amber Way, applicant, urged the Commission to let them build their dream home.

In response to Commissioner Brownell, Fire Marshal Mort Meyers stated that the access width can be reduced if the rear home is sprinklered.

There being no further comment, the public hearing was closed at 7:21 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 04-18, MAKING A DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT AND APPROVING TENTATIVE PARCEL MAP 03-19 (SCHUKEI), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED TO ALLOW A SEPARATE ACCESS POINT ON FOREST AVENUE FOR PARCEL 1, AND DEFERRING THE INSTALLATION OF THE CURB CUT AND DRIVEWAY LEADING TO PARCEL 2 UNTIL SUCH TIME AS THAT PARCEL IS DEVELOPED. COMMISSIONER BROWNELL SECONDED THE MOTION, WHICH PASSED 7-0.

5.4. Conceptual Review of Monarch Park Vesting Tentative Subdivision Map and Planned Development Permit S/PDP 04-05 (Agasy, Inc.) 2631 & 2635 Ceanothus Avenue; 19, 29 & 45 Straight and Narrow Way - Conceptual review of a proposed vesting tentative subdivision map and planned development permit (PDP) to create 16 single-family residential lots and one duplex lot on approximately 2.52 acres, at a density of 6.7 units per acre. A PDP is proposed to allow the project density to exceed 6 units per acre and to allow variations to lot design standards. The existing residences on the subject properties would be removed to accommodate the development. The properties are located on Straight and Narrow Drive, off Ceanothus Avenue, approximately 850 feet north of East Avenue. The properties are identified as Assessor's Parcel Nos. 016-060-004, 029, 030, 034, 035, and 036, are designated Low Density Residential on the City of Chico General Plan Diagram, and are located in an R1 Low Density Residential zoning district. *The Planning Commission is being requested to provide direction to the applicant; no action to recommend approval or denial of the project will be taken.*

Commissioner Francis announced that she is disqualified from hearing this item because her employer has a financial relationship with the applicant, and left the room.

Senior Planner Patrick Murphy presented the staff report, reviewing the land use issues involved and details of the project. He noted that no sidewalk is proposed on the north side of the street, and that staff is recommending that a parkway strip be provided on the south side of the street from Lot 3 to Lot 7.

The public hearing was opened at 7:30 p.m.

Tony Symmes, P.O. Box 617, applicant, reviewed the project, including his donation of two lots to Habitat for Humanity. He requested that lots 16 and 17 be exempted from the sprinkler requirement, if possible.

Commissioner Luvaas suggested that Mr. Symmes consider including rooflines that will facilitate the future addition of roof-mounted solar systems.

Cindy Casey, 45 Straight and Narrow Way, expressed concern about fence design and shared driveways, noting that the majority of available parking is in the driveways.

There being no further comment, the public hearing was closed at 7:50 p.m.

After discussion, the Commission recommended: that alternate mitigation instead of sprinklers be provided for Lots 16 and 17, if feasible; that separated sidewalks and a six foot parkstrip be provided in front of Lots 3 through 7; that a six foot parking lane and a two foot landscaping strip be provided on the north side of the street; and that as many south facing roof areas as feasible be provided, without sacrificing diversity of design, to allow for future solar panel installation.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Planning Director Kim Seidler reviewed recent Council action on the RDA merger.

Principal Planner Teresa Bishow reviewed Planning's workload, including the number of active applications.

Mr. Seidler noted that a discussion for mitigation monitoring will be scheduled soon, and that it has not been forgotten. He also discussed meeting conduct, suggesting that the Commission schedule a discussion of its rules of order; the Commission agreed to have such a discussion at its first meeting in July.

8. ADJOURNMENT - There being no further business before the Commission, the meeting was adjourned at 8:09 p.m. to the Regular Meeting of June 3, 2004, at 6:30 p.m.

July 1, 2004

Date Approved

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
REGULAR MEETING OF JUNE 3, 2004
MUNICIPAL CENTER - 421 MAIN STREET
COUNCIL CHAMBERS**

1. ROLL CALL

The meeting was called to order by Chairperson Vic Alvistur at 6:30 p.m. Commissioners present: Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, and Kirk Monfort. Commissioners absent: Jon Luvaas and Irv Schiffman. Staff present: Planning Director Kim Seidler, Principal Planner Teresa Bishow, Senior Planner Mark Wolfe, Associate Planner Ed Palmeri, Associate Planner Jay Hanson, Associate Planner Bob Summerville, Senior Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Assistant Planner Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Brownell reported that she spoke to Richard Spellman concerning the Webb parcel map. Commissioner Monfort reported that he spoke to Brian Oppy concerning the Webb parcel map, and to Todd Hall regarding Kentfield Parc.

3. CONSENT AGENDA

3.1. Use Permit 03-44 (Pacific Bell) 1654 Vallombrosa Avenue - A request to allow a public utility facility (Remote Terminal) for high-speed Internet service on residential property located at the northeast corner of Vallombrosa and Madrone Avenues. The site is identified as Assessor's Parcel No. 045-330-075, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (d) (Construction of Small Structures, including installation of utility equipment). *Staff recommends that this item be continued and renoticed for a future meeting.*

3.2. Conceptual Review - Eaton Ranch Vesting Tentative Subdivision S 03-15 (Agasy Inc.) southwest corner of Eaton Road and Godman Avenue - A revised request to subdivide 9.41 acres as a small lot subdivision. The current request is to divide the property into 61 lots primarily for single-family residential development. Four lots are proposed to accommodate duplexes. Proposed lot sizes range from 3,511 to 9,639 square feet, with an overall project density of 6.48 dwelling units per acre. Access to the site is proposed via two new roads off Godman Avenue; no access is proposed from Eaton Road. The site is identified as Assessor's Parcel Nos. 007-260-082 and -091, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential rezoning district. The site is currently under county jurisdiction, but is in the process of being annexed to the City of Chico. *Staff recommends that this item be continued and renoticed for a future meeting.*

- 3.3. Wandering Hills Vesting Tentative Subdivision Map S 03-26 (Quevedo)** - A request to subdivide 1.45 acres located approximately 200 feet east of the intersection of Pauletah Place and Floral Avenue, to create 8 single-family lots ranging in size from 6,082 to 7,214 square feet. The property is developed with two single-family homes. The site is identified as Assessor's Parcel No. 016-010-034 (formerly 048-034-053), is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act. *Staff recommends adoption of the mitigated negative declaration and approval of the vesting tentative subdivision map.*

Mr. Palmeri pulled Wandering Hills off the consent agenda.

COMMISSIONER FRANCIS MOVED THAT ITEMS 3.1. AND 3.2. BE CONTINUED OFF-CALENDAR. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS LUYAAS AND SCHIFFMAN ABSENT).

4. ITEMS REMOVED FROM CONSENT AGENDA

4.3. Wandering Hills Vesting Tentative Subdivision Map S 03-26 (Quevedo)

Associate Planner Ed Palmeri presented the staff report, reviewing the land use issues involved and details of the project. He distributed a supplemental memo dated June 3, 2004, explaining that the condition of approval requiring a sound wall was an error, and requesting that it be removed.

The public hearing was opened at 6:41 p.m.

Mike Byrd, Rolls Anderson & Rolls, 115 Yellowstone Drive, project engineer, agreed with all the conditions.

There being no further comment, the public hearing was closed at 6:42 p.m.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 04-24, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE WANDERING HILLS VESTING TENTATIVE SUBDIVISION MAP (S 03-26), SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL CONTAINED THEREIN, AS MODIFIED BY THE SUPPLEMENTAL MEMORANDUM DATED JUNE 3, 2004. COMMISSIONER BROWNELL SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS LUYAAS AND SCHIFFMAN ABSENT).

5. REGULAR AGENDA

5.1. Parcel Map PM 04-01 (Webb) 1415 West Sacramento Avenue - A request to subdivide a 0.73 acre site to create three parcels on property located on the south side of West Sacramento Avenue, approximately 120 feet east of St. Amant Drive. An existing single-family dwelling will be retained on Parcel 1 (proposed at 14,385 square feet), with two additional parcels (each proposed at 8,768 square feet) for future residential development. The site is identified as Assessor's Parcel No. 043-270-013, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential rezoning district. The property is currently under county jurisdiction, but is in the process of being annexed to the City of Chico. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (Infill Development Projects). *Staff recommends approval of the parcel map.*

Associate Planner Jay Hanson presented staff report, reviewing the land use issues involved and details of the project. He noted that staff is recommending that the fence in the southeast corner be reconfigured to save the redwood trees, and that the applicant has agreed to redraw the property line to give the trees to the adjacent properties on Carrgrove Court.

The public hearing was opened at 6:48 p.m.

Bill Webb, 121 Yellowstone Drive, applicant, confirmed that he's willing to give the trees in the southeast corner to the neighbors, so long as they pay for processing the boundary line modification (BLM).

Nancy Oppy, 857 Carrgrove Court, voiced agreement with the proposed BLM near the trees, and requested that the new homes be limited to one story and sold to families.

Richard Spellman, 853 St. Amant Drive, requested that the project be reduced to just two lots; if that isn't feasible, he requested that the yard size of lot 1 be reduced. He agreed with the previous speaker about limiting the homes to one story, and suggested that electrical and plumbing service not be provided to garages to prevent them from being converted into second units.

Ray Quinto, 851 Carrgrove Court, thanked Mr. Webb for his willingness to do the BLM, and voiced agreement with Nancy Oppy.

Brian Oppy, 857 Carrgrove Court, voiced agreement with previous speakers.

Nancy Oppy, a previous speaker, voiced agreement with Mr. Spellman.

There being no further comment, the public hearing was closed at 7:00 p.m.

In response to a question from Commissioner Alvistur, Principal Planner Teresa Bishow cautioned the Commission against imposing special use restrictions or standards in the absence of any compelling public interest.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT AND ADOPT RESOLUTION NO. 04-20, APPROVING TENTATIVE PARCEL MAP 04-01 (WEBB), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED TO REQUIRE THAT PRIOR TO RECORDATION OF THE FINAL MAP, THE APPLICANT SHALL APPLY FOR A BOUNDARY LINE MODIFICATION TO DEED THE AREA OUTSIDE THE EXISTING FENCE ON PARCEL 3 TO THE ADJACENT PROPERTIES ON CARRGROVE COURT. COMMISSIONER FRANCIS SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS LUYAAS AND SCHIFFMAN ABSENT).

- 5.2. Planned Development Permit PDP 04-02 (Cole/Calvano) 381 East 8th Street - A request to approve a Planned Development Permit for a 4 unit residential development consisting of two duplex structures on a 7,920 square foot lot in the OR Office Residential zoning district. The proposal includes deviations from front and side yard setback requirements, and a reduction in required parking. The site is identified as Assessor's Parcel No. 004-423-004 and is designated Low Density Residential on the City of Chico General Plan Diagram. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (New Construction of Small Structures). *Staff recommends approval of the planned development permit.***

Senior Planner Mark Wolfe presented the staff report, reviewing the land use issues involved, the consistency of the project with the General Plan, and details of the proposal.

The public hearing was opened at 7:19 p.m.

Pat Cole, 1037 Park Avenue, project architect, reviewed the proposal.

Planning Director Kim Seidler pointed out that one of the conditions recommended by staff is that final architectural review be performed by the Architectural Review Board.

There being no further comment, the public hearing was closed at 7:32 p.m.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 04-22, ADOPTING A NOTICE OF EXEMPTION AND APPROVING THE CALVANO PLANNED DEVELOPMENT PERMIT (PDP 04-02), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS LUYAAS AND SCHIFFMAN ABSENT).

- 5.3. Westside Place General Plan Amendment & Rezone GPA/RZ 03-03, Vesting Tentative Subdivision Map & Planned Development Permit S/PDP 03-02, and Annexation (Dufour Investments/DiGiovanni & DiGiovanni/Vrisimo) north side of State Highway Route 32/Nord Avenue, between W. 8th Avenue and W. Lindo Avenue - A proposal to:**

1. Amend the General Plan land use designation and rezoning for three properties (Assessor's Parcel Nos. 042-140-077, -098, and -103) comprising approximately 32 acres. For the southern portion of the properties, the existing Manufacturing & Warehousing General Plan designation would be changed to Medium Density Residential (4.01-14 units/acre), and the existing rezoning designation of ML Light Industrial would be changed to R2 Medium Density Residential. The existing Manufacturing & Warehousing General Plan designation for the northern portion of the properties along the railroad tracks would be changed to Community Commercial, with the corresponding zoning classification changed to CN Neighborhood Commercial.

2. Subdivide the two easternmost parcels (Assessor's Parcel Nos. 042-140-098 and -103), which are comprised of 20 acres, into 141 parcels, to be developed with a mix of single-family units, multi-family units, and live/work units (Westside Place development). A 0.41 acre park is provided in the center of the development. Per the applicant, the total number of units is flexible, but will be between 186 and 207 residential units, which equates to a project density between 9.3 units per acre and 10.4 units per acre. Because the project is a Traditional Neighborhood Design (TND) development, a PDP is also being proposed to allow variations to certain City standards, including building setbacks, allowable projections within setbacks, building height, parking, street and alley width, and parkstrip width. Off-site improvements proposed by the applicant include the construction of a two-way center turn lane in the middle of Nord Avenue (Highway 32) along the project frontage, the construction of a separated pedestrian path along the north side of Nord Avenue to Oak Way, and the construction of a roundabout (including a pedestrian crossing) at the intersection of Nord Avenue and Oak Way. There are no current development plans for the westernmost parcel (Assessor's Parcel No. 042-140-077). A new storm drainage outfall into Lindo Channel may also be required for future development projects.

3. Annex the above mentioned properties into the City Limits, along with nine intervening parcels between the subject properties and W. 8th Avenue as part of the same annexation (Assessor's Parcel Nos. 042-140-040, -059, -104, -127, -128, and -129, 043-070-024, 043-040-014, and 043-630-067).

A mitigated negative declaration is proposed for the project, pursuant to the California Environmental Quality Act. ***Staff recommends: 1) adoption of a mitigated negative declaration and mitigation monitoring program for the planned development permit and vesting tentative subdivision map; 2) approval of the planned development permit and vesting tentative subdivision map, contingent upon Council approval of the general plan amendment/rezone; and 3) that the Commission recommend Council adoption of a mitigated negative declaration and approval of the general plan amendment/rezone.***

COMMISSIONER MONFORT MOVED THAT WESTSIDE PLACE BE CONTINUED TO THE MEETING OF JUNE 17TH DUE TO THE LACK OF A QUORUM. THE MOTION WAS SECONDED BY COMMISSIONER HUGHES AND PASSED 3-0-2-2 (COMMISSIONERS

BROWNELL AND FRANCIS DISQUALIFIED, COMMISSIONERS LUYAAS AND SCHIFFMAN ABSENT).

5.4. Final Review of Kentfield Parc Tentative Subdivision Map and Planned Development Permit S/PDP 03-21 (Fischer-Barry Properties, LLC) northwest corner of E. 1st Avenue and Kentfield Road - Final review of a proposal to subdivide a 3.75 acre site comprised of four existing parcels into 32 lots for the construction of single-family residences. Two additional parcels are also proposed: a 0.22-acre parcel for a private park and open space, and a 0.69-acre parcel for a private road. The proposal would create a density of 7.5 dwelling units per acre. The site is identified as Assessor's Parcel Nos. 045-160-039, 045-490-003, -004, and -005, is designated Medium Density Residential and Low Density Residential on the City of Chico General Plan Diagram, and is located in both R2 Medium Density Residential and R1 Low Density Residential zoning districts. The Planning Commission is being requested to review design changes recommended by the Commission at its April 1, 2004 meeting and provide final approval of the project, subject to any additional changes required by the Commission. A mitigated negative declaration is proposed for the project, pursuant to the California Environmental Quality Act. *Staff recommends adoption of the mitigated negative declaration and approval of the planned development permit and tentative subdivision map.*

Commissioner Francis announced that she is disqualified from hearing this item due to a potential financial relationship between the applicant and her employer, and left the room.

Associate Planner Bob Summerville presented the staff report, reviewing the land use issues involved, details of the proposal, compliance with the Commission's previous direction at the conceptual review (including the Commission's 3-3 split over whether to remove the bollards on the Kentfield Road access), and concerns expressed by neighbors. He recommended that complete landscaping plans be submitted with applications for building permits, and that a masonry cap be included in the design for the perimeter walls.

Commissioner Alvistur suggested that Unit C might be a good choice for lot 6, to help with privacy issues.

In response to Commissioner Monfort, Senior Development Engineer Matt Johnson discussed traffic, traffic modeling and its relationship to the Nexus Study, acceptable levels of service (LOS) as defined in the General Plan, and expected trip generation for the proposal. He noted that this proposal will create 20% less traffic than what is already figured into the model (due to the model assuming apartments at a higher density), that the project falls well short of the established threshold of 75 peak hour trips to require a traffic study, and that Kentfield Road will remain at LOS "C" after the project is built. He stated that Public Works prefers the main entrance for the project to be on Kentfield Road. He also expressed Public Works' preference for the project entrance on E. 1st Avenue to be opposite Bryant Avenue, explaining that it would actually be more difficult for traffic exiting this project to utilize Bryant Avenue during peak hours with an aligned intersection.

Commissioner Monfort confirmed with Mr. Johnson that opening a second access onto Kentfield Road wouldn't affect LOS, and would help disperse traffic. Mr. Johnson agreed, noting that the traffic generation from this project is only 27 peak hour trips.

The Commission was in recess from 8:10 to 8:23 p.m.

The public hearing was opened at 8:24 p.m.

Bob Fischer, P.O. Box 7814, applicant, reviewed the revised plans for the project. He expressed support for the entrance being aligned with Bryant Avenue, stating that they would probably lose the existing large trees if the entrance is moved to the east.

Greg Melton, 627 Broadway, project landscape architect, reviewed landscaping for the project, including the Thuja proposed for Lot 6.

Commissioner Brownell confirmed with Mr. Melton that it may be possible to install larger initial Thuja plantings, such as 24 inch box trees.

Caroline Langen, 1017 Bryant Avenue, reviewed the petition submitted by residents of Bryant Avenue. She stated that she would prefer an offset intersection with Bryant Avenue, and that no center left turn lane be provided, to limit traffic on Bryant Avenue.

Todd Hall, 1150 Kentfield Road, requested that the Commission require professional management of the HOA for the project. He requested that all conditions and approvals be in writing, with as little as possible left up to interpretation.

In response to Commissioner Monfort, Mr. Summerville pointed out that all landscaping and common portions of the project must be maintained in compliance with the planned development approval, which provides an adequate enforcement mechanism for the City.

Bruce Grelle, 925 Bryant Avenue, reviewed the petition from the Bryant Avenue residents. He reiterated the request for an offset intersection, and requested that if an aligned intersection is installed, that exiting be limited to left or right turns only onto E. 1st Avenue.

Katie O'Bryan, 1187 Manchester Road, spoke in opposition to the project, citing concerns with privacy due to two-story construction in back of her home, and traffic on Bryant Avenue.

Greg Steel, 603 Parkwood Drive, stated that he owns rental property on Kentfield Road across from the project. He thanked staff and the applicant for changing the primary access to E. 1st Avenue, noting that the mitigated negative declaration provides for emergency access only on Kentfield Road.

Rob Lambert, 1194 Manchester Road, spoke in support of both an offset intersection with Bryant Avenue, and the removal of on-street parking on E. 1st Avenue.

Tim Ferris, 515 Wall Street, explained that he will be writing the CC&Rs for the project, stated that the State Board of Real Estate oversees all common-interest developments in California, and asserted that professional management of the HOA can't be required. He indicated that the demographics of those already signed up to purchase units in the project would strongly suggest professional management.

Bob Fischer, a previous speaker, reviewed the layout of Lots 4, 5, and 6, emphasizing those features designed to minimize privacy impacts on adjacent properties. He discussed lot 6 with Commissioner Monfort, and agreed to install translucent glass in the upper story courtyard windows.

Katie O'Bryan, a previous speaker, reiterated her concerns regarding the privacy of her backyard. She added that her neighbors are also concerned about their privacy.

Commissioner Monfort inquired if it would be possible to alter the roofline on the home on Lot 5, to block the view into the adjacent rear yard from the upstairs balcony window.

Steve Gonsalves, 555 Main Street, Suite 300, project architect, stated that the roof perspective on Lot 5 could be changed to impede the sight line to the north. He also cautioned that it may be difficult to find 24 inch box Thuja trees, stressing that trees will not be an instant fix.

There being no further comment, the public hearing was closed at 9:12 p.m.

Mr. Summerville stated that staff wanted to clarify for the record that condition of approval #13 in Exhibit II regarding the restriction on the use of garages was not intended to apply to Lot 32, since that lot has adequate on-street parking on Kentfield Road.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT A MITIGATED NEGATIVE DECLARATION AND RESOLUTION NO. 04-21, APPROVING THE KENTFIELD PARC TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT (S/PDP 03-21), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED TO REQUIRE A CAPSTONE ON THE PERIMETER WALL, REQUIRE SUBMITTAL OF COMPLETE LANDSCAPE PLANS AT THE TIME OF BUILDING PERMIT SUBMITTAL, REQUIRE TRANSLUCENT WINDOWS ON THE SECOND STORY COURTYARD WINDOWS OF LOT 6 ON MODEL "E", REQUIRE A CHANGED ROOFLINE ON LOT 5, MODEL "C" SO THAT THE BALCONY WINDOWS DON'T LOOK INTO THE REAR YARDS TO THE NORTH, KEEP THE ENTRANCE ALIGNED WITH BRYANT AVENUE, REMOVE THE BOLLARDS FROM THE KENTFIELD ROAD ACCESS, AND REQUIRE PLANTING OF THE LARGEST THUJA TREES AVAILABLE ON LOT 5, UP TO 24 INCH BOX SIZE. COMMISSIONER BROWNELL SECONDED THE MOTION, WHICH PASSED 4-0-1-2 (COMMISSIONER FRANCIS DISQUALIFIED, COMMISSIONERS LUYAAS AND SCHIFFMAN ABSENT).

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

None.

8. ADJOURNMENT - There being no further business before the Commission, the meeting was adjourned at 9:20 p.m. to the Adjourned Regular Meeting of June 17, 2004, at 6:30 p.m.

July 1, 2004

Date Approved

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
ADJOURNED REGULAR MEETING OF JUNE 17, 2004
MUNICIPAL CENTER - 421 MAIN STREET
COUNCIL CHAMBERS**

1. ROLL CALL

The meeting was called to order by Chair Alvistur at 6:30 p.m. Commissioners present: Vic Alvistur, Mary Brownell, Orval Hughes, Jon Luvaas, and Kirk Monfort. Commissioners absent: Jolene Francis and Irv Schiffman. Staff present: Planning Director Kim Seidler, Principal Planner Teresa Bishow, Senior Planner Mark Wolfe, Associate Planner Jay Hanson, Senior Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Mary Fitch.

2. DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Hughes reported that he spoke with Frank Condon concerning the Zepeda use permit and with Matt Arness, a property owner to the south of Sparrow Hawk Ridge. Commissioner Luvaas reported that he also spoke with Frank Condon, and that months ago he spoke with Tom DiGiovanni and Jim Stevens regarding Westside Place.

3. CONSENT AGENDA

There were no items for the Consent Agenda.

4. ITEMS REMOVED FROM CONSENT AGENDA

There were no items removed from the Consent Agenda.

5. REGULAR AGENDA

- 5.1 Use Permit 04-08 (Zepeda) 1104 Nord Avenue** - A request to allow a temporary mobile food vending truck for a period of one year on property located at 1104 Nord Avenue. The site is identified as Assessor's Parcel No. 043-200-040, is designated Medium-High Density Residential on the City of Chico General Plan Diagram, and is located in a CS Service Commercial zoning district. As denial of the application is recommended, this project has been determined to be statutorily exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15270 (Projects Which Are Disapproved). *Staff recommends denial of the use permit.*

Associate Planner Hanson presented the staff report for this project, reviewing the issues leading to staff's recommendation for denial of the use permit, including the need for ancillary structures to support the mobile food vending business, poor site circulation and pedestrian access, and inadequate parking conditions. There being no questions for staff, the applicant was invited to address the Commission.

Ronnel Fessehatzion, 851 Pomona Avenue #2, stated that the accidents in the vicinity of the project site are not related to the mobile food vending truck, and that the number of accidents is irrelevant unless the number of accidents would increase due to the presence of the truck. He also asserted that parking should not be an issue, because when other businesses have more customers than they have available parking, those businesses are not evicted.

The public hearing was opened at 6:37 p.m.

Applicant Mario Zepeda addressed the Commission through translation provided by his son, Mario Zepeda, Jr. Mr. Zepeda said that he has lived here for 30 years and has been in business for 5 years. He reiterated that uncertainties with parking could affect any business, and related that he wants an opportunity to stay at this location and meet the City's requirements. He explained that he wants a chance to own his own business and be someone in society, and that he believes in justice. He said that he adopted the United States as his country, and he is willing to obey the laws and do what is necessary, including qualifying for the use permit and complying with the requirements of the Health Department.

Frank Condon, 1031 Nord Avenue, said that when the "taco truck" came to his attention in February, he called City Planning to see whether or not there was a use permit, and learned there was not. He said that over the next few weeks there were two accidents, one of which involved a pedestrian, and that other than those, he has not seen an accident there in 18 years. He expressed concern regarding vehicles backing out onto Nord Avenue because they have no place to turn around on-site, adding that pedestrians are forced to go out onto Nord Avenue when cars are blocking the walkway.

Ben Silverman, 1125 Nord Avenue, said that he has lived directly across the street from the project site since 1996, and that he is completely against this business. He outlined four reasons for opposing the project, including (1) the issues already expressed regarding traffic and parking, (2) the mobile food truck creating an unprofessional look for the area, (3) the unfair advantage over the dozen or so other "eateries" around that have gone through all of the required processes [public improvements], and (4) the lack of privacy resulting from the customers in the seating area looking directly into his driveway. He closed by saying that if Mr. Zepeda wants a legitimate restaurant, he should be required to go through the proper procedures like everyone else has done.

There being no further comments, the public hearing was closed at 6:48 p.m.

In response to questions from Commissioners Monfort and Hughes regarding whether or not paving and gutter had been discussed with the applicant, Mr. Hanson explained that although Mr. Zepeda was willing to make some of the required improvements, the cost of all of the required improvements was too expensive for a temporary business that will be permitted for only a year. He added that staff tried to work something out with respect to circulation; however, it was just not possible to create a safe situation for the project.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION DENY THE REQUEST FOR USE PERMIT 04-08, BASED UPON THE INABILITY TO MAKE ALL OF THE REQUIRED FINDINGS FOR APPROVAL. COMMISSIONER HUGHES SECONDED THE

MOTION, WHICH PASSED BY A VOTE OF 5-0-2, WITH COMMISSIONERS FRANCIS AND SCHIFFMAN ABSENT.

Chair Alvistur remarked that, while the Commission does support businesses such as Mr. Zepeda's whenever possible, this location is just not appropriate. Commissioner Luvaas agreed, adding that although this is a wonderful way to start a business, safety is the issue at this location.

5.2 Sparrow Hawk Ridge Vesting Tentative Subdivision Map S 03-12 (Benson) south side of Chico Canyon Road, west of Falcon's Pointe Drive - A request to subdivide a 12.99 acre site located on the south side of Chico Canyon Road into 11 lots for development of single family homes, with lot sizes ranging from 1 acre to 1.57 acres in size. The project site is identified as Assessor's Parcel No. 011-020-097, is designated Very Low Density Residential on the City of Chico General Plan Diagram, and is located in an RS-1 Suburban Residential (one-acre minimum) zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends adoption of the mitigated negative declaration and approval of the vesting tentative subdivision map.*

Senior Planner Wolfe presented the staff report for this project, reviewing the land use issues involved and details of the project and pointing out two errors contained in the staff report. First, the site is prezoned rather than zoned and will have to be annexed into the City. Second, the negative declaration specifies the height limitation to be 25 feet; however, there will be a 20 foot limitation on the upper portion of the site. He stated that the applicant is aware of the change in height limitation and there is no problem.

Commissioner Luvaas asked whether or not the sidewalk on the lower portion of the slope will require removal of landscaping and oaks that screen several houses on the north side of the street. Mr. Wolfe replied that it is uncertain whether or not the landscaping will survive construction of the improvements; however, the Commission could address that issue in the conditions of approval.

Commissioner Hughes asked for clarification as to whether staff wanted sidewalk, curb, and gutter for this project. Mr. Wolfe responded that the recommended conditions of approval require a sidewalk, similar to the meandering walkway along the south side of the project. Commissioner Luvaas expressed agreement with that idea.

Commissioner Monfort asked how it would be possible to get a foot pad on Lot 7, given the portion of the lot that is unbuildable and the condition for the fire truck turnaround. Mr. Wolfe said that initially he had the same concerns; however, he pointed out that Lot 7 is 68,000 square feet in area. Commissioner Monfort had further questions regarding the setback from the easement and the ability to provide the turnaround. Senior Development Engineer Johnson concurred with Mr. Wolfe's opinion that there will be sufficient room on the lot.

Commissioner Monfort then asked for clarification as to one location of proposed gates for the subdivision. Mr. Wolfe responded that a gate is proposed on Sparrow Hawk but not on Street A,

and added that the conditions of approval will require that the proposed gate on Sparrow Hawk Lane and the turnaround bulb immediately to its west be removed. In response to a question from Commissioner Hughes, Mr. Wolfe stated that the conditions from the Fire Department are included in the report.

In response to questions from Commissioners Luvaas and Brownell, Mr. Johnson stated that individual grading plans will be reviewed with building plans to make sure any additional stormwater runoff will be mitigated.

Regarding color restrictions, Commissioner Brownell commented that, in her view, terra cotta is not an earth tone in this area. Additionally, she would like a note on the deed regarding color limitations, because it would likely be more effective in future years than a note on the final map. Assistant City Attorney Barker said that from a pragmatic standpoint, people are going to paint their houses, and although a deed or covenant would probably be enforceable, without some sort of monitoring there would be no guarantee of its effectiveness. Responding to a question from Commissioner Brownell regarding how the Commission might effect some control over colors, Mr. Wolfe replied that the recommended conditions of approval require color samples to be submitted at the time of the building permit process and could be modified to require deed restrictions. Commissioner Luvaas asked whether color restrictions had been placed on other projects in this vicinity, to which Mr. Wolfe responded affirmatively.

The public hearing was opened at 7:10 p.m.

With respect to the previous discussion regarding Lot 7, project engineer Wes Gilbert reiterated that the lot's dimensions will be adequate to allow the required setbacks and turnaround.

Regarding whether or not there have been similar color restrictions for houses built on adjacent properties, Mr. Gilbert and Commissioner Luvaas briefly discussed an existing white house, which Mr. Gilbert stated was approved and developed in the County.

Mr. Gilbert then provided details regarding the proposed drainage plan for this project, saying that there will be underground storm drains that will empty into a detention basin as part of the lot grading plans. He explained that the subdivision map that created the lots abutting the project to the south also created easements for overland drainage, due to the fact that those lots are very large with substantial slopes.

Mr. Gilbert went on to say that although he does not object to the restriction outlined in condition #23 of the staff report, he feels it would be more appropriate as a condition of the map rather than a part of separate documents that might be lost.

Mr. Gilbert then addressed the matter of the 20 foot height limitation on the upper portion of the site, saying that there must have been a miscommunication with Mr. Wolfe. He stated that he had signed off on the 25 foot height restriction, and then got a call at the last minute with the change to the 20 foot height restriction. He stressed that there was no agreement to the revision and added that other projects in the area all have 25 foot height restrictions.

In response, Commissioner Brownell asked whether the drawings were simulated at 25 feet. Mr. Gilbert replied that they were, to the best of his ability. Chair Alvistur asked why there would be a problem with a 20 foot limitation, and Mr. Gilbert countered by asking why he couldn't have 25 feet. Chair Alvistur asked again why Mr. Gilbert needed 25 feet, to which Mr. Gilbert answered that he wants to build the same kinds of houses as in the other projects. Commissioner Monfort explained to Mr. Gilbert that the Commission looks at each site individually in order to determine what can and cannot be seen, pointing out that 25 is not just an arbitrary number. Mr. Gilbert argued that his plan was based on discussions with Planning staff and designed to obscure roof lines from Bidwell Park.

Matt Arness, 3164 Canyon Oaks Terrace, stated that he lives directly south of the subject site and expressed concerns regarding drainage. He acknowledged that Mr. Benson is working on the problem and said he appreciates the effort.

Don Chu, 3162 Canyon Oaks Terrace, also voiced concerns regarding drainage. He stated that he would be very supportive of the project as long as there are drainage solutions built in that do not depend on the individual neighbors. He also said that there are hawks living in the trees on the project site, and he does not want the trees taken down.

Moaty Fayek, 19 Stansbury Court, added his concerns regarding drainage. He urged the Commission to make sure that proper drainage is in place now to avoid potential arguments and/or lawsuits between neighbors in the future.

Applicant Doug Benson, 118 Falcons Pointe Drive, said that he planned this project to keep the density down and provide a transition to Falcons Pointe. He stressed that this is not a new development project, but rather a buffer between the County subdivision and increased density in the City. He stated that the gate is appropriate because it is surrounded by the Falcons Pointe and Canyon Oaks gated communities, and asserted that nothing was said about a problem with the gate until after he had purchased the property. As three additional points to justify the gate, he said he is considering a common recreation area, he is concerned about liability issues with unrestricted access to the cliff, and he wants the additional privacy the gate would afford for the residents.

With respect to drainage, Mr. Benson reviewed the measures planned for the project and went on to say that there is only so much that can be done to stop water from running downhill.

Going back to justification for the gate, Mr. Benson cited General Plan Policy LU-G-6, saying again that this is not a new development area. He noted that if he cannot have the gate, he may decide to live somewhere else and allow this site to be developed at a higher density.

Dennis Schlais, 71 Sparrow Hawk Lane, said that many trees 50 years old or more are now dying, partly because Falcons Pointe Drive cut through the lava cap and stopped the water seepage that fed them. He also expressed concerns regarding drainage, but went on to say that he is in favor of this project and thinks it is a good way to finish development of the area.

There being no further comments, the public hearing was closed at 7:33 p.m.

As the Commission began its discussion of the project, another citizen came forward to speak.

COMMISSIONER MONFORT MOVED THAT THE COMMISSION REOPEN THE PUBLIC HEARING. THE MOTION WAS SECONDED BY COMMISSIONER LUVAAS AND PASSED BY A VOTE OF 5-0-2, WITH COMMISSIONERS FRANCIS AND SCHIFFMAN ABSENT.

The public hearing was reopened at 7:34 p.m.

John Nelson, 2381 Bloomington Avenue, said that he thinks this project will be a nice gated community. He stated that in his neighborhood, each house has drainage around it, and he thinks that the property owners downhill from this project should consider that water runs downhill.

There being no further comments, the public hearing was closed at 7:35 p.m.

Commissioner Luvaas outlined a proposal for restrictions to the project, subject to the support of the other Commissioners, to the effect that there should be no more gated communities; that the staff recommendation for a 20 foot height limitation is appropriate; that there should be color restrictions, map and deed restrictions, and methods available to prevent bright structures from showing from the park; that additional measures are needed for drainage with detention basins that empty into public drainage systems; and that development on the site needs to be moved down the slope, away from the ridge, where the houses will not be visible.

Commissioner Brownell said that she agrees that the project needs additional drainage, since the new development will change the way the water flows. She recommended that the Commission include the words "no net increase" to the conditions regarding drainage.

Commissioner Hughes voiced agreement with Commissioner Brownell's recommendation. He went on to say that he does not object to the height limitation of 25 feet, since it would be consistent with other projects in the area. With respect to the gate, he said that there is a valid reason to allow it, pointing out that it is at the end of a street and provides privacy.

Commissioner Brownell expressed concern about allowing the gate without Fire Department review, because of the potential impediment to fire truck access. Commissioner Hughes agreed.

Commissioner Monfort then asked Mr. Johnson for clarification as to whether the Commission should be concerned with drainage other than sheet runoff. Mr. Johnson explained the two types of runoff and said that staff will review individual drainage plans during the building permit process. Chair Alvistur commented that it does not seem that a catchment system would be helpful, because there is no way to empty it. Mr. Johnson suggested that the Commissioners ask Mr. Gilbert for further clarification.

COMMISSIONER MONFORT MOVED THAT THE COMMISSION REOPEN THE PUBLIC HEARING. THE MOTION WAS SECONDED BY COMMISSIONER LUVAAS AND PASSED BY A VOTE OF 5-0-2, WITH COMMISSIONERS FRANCIS AND SCHIFFMAN ABSENT.

The public hearing was reopened at 7:43 p.m.

Mr. Gilbert advised the Commission that the plans he prepares must show that there will be no net increase. Commissioner Brownell asked whether all of the downspouts will be channeled into a basin and out to the street. In response, Mr. Gilbert explained that there will be graveled areas around the lots designed to channel the water to the street. Commissioner Brownell asked what will happen once the landscaping is complete and there is no sheet flow. Mr. Gilbert replied that he never concentrates the flow unless it is directly into retention, otherwise he tries to keep it level.

Mr. Gilbert then took the opportunity to respond to the earlier comment regarding piercing of the lava cap. He stated that when it is pierced, the absorption of water is actually increased.

In response to a question from Commissioner Hughes regarding ditches along Lots 1 through 4, Mr. Gilbert said there will be drainage easements along the south side. Commissioner Monfort asked Mr. Gilbert how he plans to get water back up to Sparrow Hawk Lane with a 15-foot storm drain easement. Mr. Gilbert said that he intends to create an embankment. With respect to grading on the lots themselves, Commissioner Luvaas remarked that it appears that many of the landscaped areas would be leveled flat with a 3:1 slope. Mr. Gilbert responded that the pad area would be flat, then a 3:1 slope as a worst case scenario such as getting around a tree. Commissioner Luvaas asked to what extent the lots will be leveled, to which Mr. Gilbert responded that the cuts and fills will be as minimal as possible. He went on to say that the lots are so large that the pads will not cover them entirely, and much of the lot will retain the natural grade. He asserted that there would be approximately 2-3 foot fills.

Planning Director Seidler pointed out that if this project were approved with a gate, it would be the first gated community approved since the current General Plan was adopted in 1994.

Mr. Johnson commented that he hoped the Commission would craft a condition to assist staff in its review of the individual lot drainage plans. Mr. Wolfe directed the Commission to condition #24 in the staff report, suggesting that it would both allow flexibility and result in no net increase in flow. Commissioner Monfort said he would like to modify the language in the condition to address both quantity and quality [type]. Mr. Gilbert suggested that the language be modified to say no water will be channelized offsite, except to public storm drains.

Mr. Gilbert then asked the Commission to address his earlier request that the restriction outlined in condition #23 of the staff report be a condition of the final map rather than a restriction on the deed. Commissioner Monfort asked for staff input on that issue, and Mr. Wolfe stated that placing the restriction on both the map and the deed would provide the greatest assurance, since the deed restriction would be easily read and would be helpful for future owners. Commissioner Luvaas asked for an opinion regarding enforceability, and Mr. Seidler explained that a deed restriction is more likely to raise buyer awareness in future years. Mr. Gilbert argued that it would not be more understandable or notable, since future owners would receive the map at the time the property is purchased. He added that creating a deed restriction at this point would be cumbersome, since Mr. Benson already owns the property. Commissioner Hughes noted that although the map condition

would be as effective as a deed restriction at this time, it would not be as effective in the future, and Mr. Gilbert replied that anything shown on the map will be included in the preliminary title report. Commissioner Luvaas asked whether there will be CC&Rs, and Mr. Gilbert responded affirmatively.

There being no further comments, the public hearing was closed at 7:58 p.m.

Commissioner Brownell said that although she understands Mr. Gilbert's point with respect to the deed restrictions, she thinks the deed restrictions are more informative, and she wants to add them into the conditions. Commissioner Luvaas agreed, adding that he would also like the color restrictions to be included on the map, the deeds, and the CC&Rs.

Chair Alvistur stated that the issues surrounding the project could be narrowed down to the drainage, the 20 or 25 foot height limitation, the question of deed restrictions, and the gate.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 04-25, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE VESTING TENTATIVE SUBDIVISION MAP S 03-12 FOR SPARROW HAWK RIDGE SUBDIVISION, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED AS FOLLOWS:

- (1) CONDITION 24 SHALL BE AMENDED TO MAKE REFERENCE NOT ONLY TO QUANTITY BUT ALSO TO CONCENTRATION OF WATER AND SHALL INCLUDE SPECIFIC LANGUAGE TO PROHIBIT OFFSITE CHANNELIZATION OF WATER EXCEPT TO PUBLIC STORM DRAINS.
- (2) AS AN ADDITIONAL CONDITION OF APPROVAL, COLOR RESTRICTIONS FOR HOUSES AND ROOFS SHALL BE ADDED AS DEED RESTRICTIONS.

COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED BY A VOTE OF 4-1-2, WITH COMMISSIONER LUVAAS DISSENTING AND COMMISSIONERS FRANCIS AND SCHIFFMAN ABSENT.

The Commission recessed at 8:02 p.m. and reconvened at 8:12 p.m.

Chair Alvistur announced that the order of Items 5.3 and 5.4 would be reversed as a courtesy to Commissioner Brownell, who is disqualified from participating in Item 5.3.

5.4 Select Date and Time for a Field Visit to Chapman/Mulberry Neighborhood - In the near future, the City will consider adoption of the County's Chapman/Mulberry Neighborhood Plan and its associated public improvement standards. To facilitate a full understanding of what is proposed, staff recommends that the Commission visit the Chapman/Mulberry Neighborhood by bus at a date and time convenient for the Commission,

preferably in late June or early July. ***Staff recommends that the Commission choose a date and time to visit the Chapman/Mulberry Neighborhood.***

Planning Director Seidler reviewed the purpose of the field tour as preparation for the proposed adoption of the Chapman/Mulberry Neighborhood Plan. The Commissioners briefly discussed the available dates and times, and agreed by consensus that the field tour be tentatively scheduled for Friday, July 2, 2004, leaving from the Municipal Center at 8:30 a.m. Planning Director Seidler said that he would notify Commissioners Francis and Schiffman of the proposed date, and then confirm the date with all parties by email.

Commissioner Brownell left the meeting at 8:17 p.m., at the conclusion of Item 5.4.

5.3 Westside Place General Plan Amendment & Rezone GPA/RZ 03-03, Vesting Tentative Subdivision Map & Planned Development Permit S/PDP 03-02, and Annexation (Dufour Investments/DiGiovanni & DiGiovanni/Vrisimo) north side of State Highway Route 32/Nord Avenue, between W. 8th Avenue and W. Lindo Avenue - A proposal to:

1. Amend the General Plan land use designation and rezoning for three properties (Assessor's Parcel Nos. 042-140-077, -098, and -103) comprising approximately 32 acres. For the southern portion of the properties, the existing Manufacturing & Warehousing General Plan designation would be changed to Medium Density Residential (4.01-14 units/acre), and the existing rezoning designation of ML Light Industrial would be changed to R2 Medium Density Residential. The existing Manufacturing & Warehousing General Plan designation for the northern portion of the properties along the railroad tracks would be changed to Community Commercial, with the corresponding zoning classification changed to CN Neighborhood Commercial.
2. Subdivide the two easternmost parcels (Assessor's Parcel Nos. 042-140-098 and -103), which are comprised of 20 acres, into 141 parcels, to be developed with a mix of single-family units, multi-family units, and live/work units (Westside Place development). A 0.41 acre park is provided in the center of the development. Per the applicant, the total number of units is flexible, but will be between 186 and 207 residential units, which equates to a project density between 9.3 units per acre and 10.4 units per acre. Because the project is a Traditional Neighborhood Design (TND) development, a PDP is also being proposed to allow variations to certain City standards, including building setbacks, allowable projections within setbacks, building height, parking, street and alley width, and parkstrip width. Off-site improvements proposed by the applicant include the construction of a two-way center turn lane in the middle of Nord Avenue (Highway 32) along the project frontage, the construction of a separated pedestrian path along the north side of Nord Avenue to Oak Way, and the construction of a roundabout (including a pedestrian crossing) at the intersection of Nord Avenue and Oak Way. There are no current development plans for the westernmost parcel (Assessor's Parcel No. 042-140-077). A new storm drainage outfall into Lindo Channel may also be required for future development projects.

3. Annex the above mentioned properties into the City Limits, along with nine intervening parcels between the subject properties and W. 8th Avenue as part of the same annexation (Assessor's Parcel Nos. 042-140-040, -059, -104, -127, -128, and -129, 043-070-024, 043-040-014, and 043-630-067).

A mitigated negative declaration is proposed for the project, pursuant to the California Environmental Quality Act. ***Staff recommends: 1) adoption of a mitigated negative declaration and mitigation monitoring program for the planned development permit and vesting tentative subdivision map; 2) approval of the planned development permit and vesting tentative subdivision map, contingent upon Council approval of the general plan amendment/rezone; and 3) that the Commission recommend Council adoption of a mitigated negative declaration and approval of the general plan amendment/rezone.***

Planning Director Seidler presented the staff report for this project, saying that there have been numerous meetings resulting in significant public input and that staff is very excited about this project, because it embraces so many of the policies of the General Plan. He explained that although staff is recommending final action on the project as outlined in the staff report, there is a minor change to the Resolution No. 04-23 that occurs twice, once on Line 23½ of Page 1 and again on Line 5 of Page 2. The change inserts the word "as" between the words "property depicted" and deletes the words "of Attachment A". As corrected, the lines will read as follows:

Line 23½ of Page 1: "...General Plan designation for the property as depicted in Exhibit I from.."
Line 5 of Page 2: "...That the City Council rezone the property as depicted in Exhibit II.."

The public hearing was opened at 8:21 p.m.

Urban designer John Anderson, representing the applicant, requested a change to the language contained on Page 2 of Exhibit III to the staff report, Item 2(a)(3) STORM DRAINAGE [which is incorrectly numbered as the second Item 2] such that it would authorize the storm drainage to hook into Lindo Channel at a place other than that shown in the City's Storm Drainage Master Plan. Senior Development Engineer Johnson replied that staff is comfortable with the way it is currently written, although it may be changed after further staff review of the drainage plan.

Regarding the Highway 32 right-of-way, Commissioner Monfort remarked that if Caltrans does not amend its highway plan to allow a two-lane arterial with a center turn lane instead of a four-lane arterial, the frontage road would be completely lost and the houses would be less than 12 feet from a four-lane collector. Mr. Seidler replied that from all indications, Caltrans is very interested in making the change; however, the City will need to initiate the request. Commissioner Monfort asked Mr. Seidler if he felt fairly confident that the change will be made, to which Mr. Seidler responded that although there are no guarantees, the remarks received from Caltrans have been very positive.

Commissioner Luvaas asked whether this project is part of an ongoing discussion regarding Highway 32. Mr. Seidler said that the discussions relate directly to this project; however, the implications are that it will have a much broader effect. He went on to say that the request is that the length of Highway 32 through the City not be automatically defined as a four-lane collector, but rather that

the definition be more general. Mr. Johnson added that Public Works staff supports this project and will work with Caltrans to make the necessary changes.

In response to Commissioner Monfort's earlier observation, Mr. Anderson noted that if the road remains a four-lane collector, the houses would just be set back further.

A brief discussion regarding easements for an agricultural buffer followed, between Commissioner Luvaas, Mr. Anderson, and Chris Cole, representing the applicant.

Richard Spellmann, 853 St. Amant Drive, spoke in favor of the project, although he expressed concerns regarding the number of left turn opportunities into the project from Nord Avenue.

In response to Mr. Spellmann's comments, the applicant's representative Jim Stevens said that the proposal is being reviewed by Caltrans staff and that the entrances and exits will be based on Caltrans recommended standards.

Commissioner Luvaas asked Mr. Stevens about the lack of onsite stormwater detention. Mr. Stevens responded that the General Plan indicates there is no flooding potential from Lindo Channel, so there is no obligation to detain. Commissioner Luvaas asked whether Caltrans is concerned about flooding or excess runoff onto Highway 32, to which Mr. Stevens replied that there will be substantially better grading. Commissioner Monfort commented that the letter from Dan Spencer (3319 Grape Way) indicates that the area is flooding every year. Mr. Stevens said that he is not familiar with Mr. Spencer.

There being no further comments, the public hearing was closed at 8:36 p.m.

COMMISSIONER MONFORT MOVED THAT THE COMMISSION (1) ADOPT RESOLUTION NO. 04-17 ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND APPROVING S/PDP 03-02 FOR THE WESTSIDE PLACE DEVELOPMENT CONDITIONED UPON THE GPA/REZONE BEING APPROVED BY THE CITY COUNCIL, AND (2) ADOPT RESOLUTION NO. 04-23, AS CORRECTED, RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE GPA/REZONE 03-03, AS RECOMMENDED BY STAFF.

COMMISSIONER LUVAAS SECONDED THE MOTION, WHICH PASSED BY A VOTE OF 4-0-1-2, WITH COMMISSIONER BROWNELL DISQUALIFIED AND COMMISSIONERS FRANCIS AND SCHIFFMAN ABSENT.

Prior to the vote, Commissioner Luvaas asked whether the applicant will be assessed a portion of the cost of the roundabout. Mr. Johnson explained that the roundabout is included in the Nexus, referred to as a traffic control device. Commissioner Luvaas then asked whether this project is within the Emma Wilson Elementary School district. Mr. Johnson replied that the project is in the Citrus Elementary School district.

6. BUSINESS FROM THE FLOOR

There was no business from the floor.

7. PLANNING UPDATE

Planning Director Seidler outlined the June 15, 2004 City Council direction to staff regarding the Northwest Chico Specific Plan.

8. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:40 p.m. to the regular meeting of July 1, 2004, at 6:30 p.m.

Date Approved

Kim Seidler, Planning Director

**CITY OF CHICO
PLANNING COMMISSION
ACTION SUMMARY**

MEETING OF JULY 1, 2004

Municipal Center - 421 Main Street - Council Chambers

6:30 P.M.

1. ROLL CALL

Commissioners Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort and Irv Schiffman present.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Monfort spoke to Hollis Elliott regarding Item 5.2, who stated that he was not informed of the public hearing.

3. CONSENT AGENDA

3.1. Minutes of the Meeting of May 20, 2004.

3.2. Minutes of the Meeting of June 3, 2004.

*Chair Alvistur moved, seconded by Commissioner Brownell,
to approve the minutes of May 20, 2004 and June 3, 2004.
Motion passed 7-0.*

- 3.3. Tentative Condominium Subdivision Map for Sierra Villas (S 04-03) 2159 Elm Street - A request to subdivide a 0.70 acre parcel to convert an existing 10-unit apartment complex into 10 condominium units. Common areas are proposed for a parking lot and open space and identified as Lot A. The project creates a gross density of 14.3 dwelling units per acre. The site is identified as Assessor's Parcel No. 005-467-001, is designated Medium Density Residential on the General Plan Diagram, and is located in an R2 Medium Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301 (k) (Division of existing multiple family residences into common-interest ownership).**

*Commissioner Francis moved, seconded by Commissioner Monfort,
that the Planning Commission adopt a mitigated negative declaration
and Resolution No. 04-26 approving the Sierra Villas Tentative
Condominium Subdivision Map (S 04-03), subject to the findings
and conditions contained therein.*

Motion passed 7-0.

4. ITEMS REMOVED FROM CONSENT AGENDA

None.

5. REGULAR AGENDA

- 5.1. Monarch Park Vesting Tentative Subdivision Map and Planned Development Permit S/PDP 04-05 (Agasy, Inc.) 2631 & 2635 Ceanothus Avenue; 19, 29 & 45 Straight and Narrow Way** - A vesting tentative subdivision map and planned development permit (PDP) to create 16 single-family residential lots and one duplex lot on approximately 2.52 acres, at a density of 6.7 units per acre. A PDP is proposed to allow the project density to exceed 6 units per acre and to allow variations to lot design standards. The existing residential units on the subject properties would be removed to accommodate the development. The properties are located on Straight and Narrow Drive, off Ceanothus Avenue, approximately 850 feet north of East Avenue. The properties are identified as Assessor's Parcel Nos. 016-060-004, 029, 030, 034, 035, and 036 and are designated Low Density Residential on the City of Chico General Plan Diagram, with a zoning classification of R1 Low Density Residential. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (Infill Development Projects).

Public Speaker: Tony Symmes

Commissioner Luvaas moved, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 04-28 finding that the project is categorically exempt from environmental review and approving Monarch Park Vesting Tentative Subdivision Map and Planned Development Permit (S/PDP 04-05), subject to the required findings and conditions of approval and the additional condition as follows:

Parking shall be moved to the south side of Street A.

Motion passed 6-0-1. Commissioner Francis disqualified.

- 5.2. Text Amendment to Title 19 of the Chico Municipal Code (City of Chico)** - A proposed text amendment to Title 19 Land Use and Development Regulations of the Chico Municipal Code, amending the existing regulations in the A (Aviation), AC (Airport, Commercial), AM (Airport, Manufacturing/Industrial), and AP (Airport, Public Facilities) Districts. The proposed amendments in summary would:

- 1) Allow the Airport Commission to consider use permit applications for non-listed uses on a case-by-case basis in all Airport zoning districts. At present, the Airport

Commission may consider such applications in the AM (Airport Manufacturing/Industrial) district only;

- 2) Revise the Findings the Airport Commission must make before approving a use permit for a non-listed use; and
- 3) Narrow the range of commercial uses permissible with a use permit in the A (Aviation) zoning district, and identify certain uses directly related to aircraft operations and support as permitted uses in the district.

Following the public hearing, the Planning Commission will forward a recommendation to the City Council, which will hold a public hearing prior to consideration of the proposed text amendments. A negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA).

Commissioner Alvistur announced that he is disqualified from hearing this item, due to his employment at the airport. He left the room.

Senior Planner Mark Wolfe presented the staff report, reviewing the changes recommended by the Airport Commission. He noted that due to a staff error, Hollis Elliot wasn't given timely notice of this hearing; therefore, staff is recommending that final action take place at the next meeting, when Mr. Elliott will be able to attend.

The Commission discussed the proposed changes.

Airport Manager Bob Grierson offered additional background concerning the proposed changes, noting that any non-aeronautical development in the A zone requires FAA approval. He explained that the Airport Commission wished to broaden the scope of businesses allowed in the AC zone, subject to the issuance of a use permit.

After discussion, there was general agreement to recommend that automobile repair be allowed in the AM district with a use permit.

The Commission discussed Mr. Elliott's proposal for a dog kennel in the AC zone. Mr. Grierson explained that the hours of operation for the kennel didn't seem to correlate to passenger flight times, and thus didn't seem to be aviation-related. Mr. Seidler added that the AC district is consistent with the Community Commercial General Plan designation, and that the CC zone doesn't allow kennels; however, kennels are allowed in CS Service Commercial and manufacturing zones, which would be comparable to the AM zone.

After discussion, the Commission agreed that any day care facilities should be on-site day care for the employees of companies located at the airport.

Mr. Grierson stated that the Airport Commission held a number of workshops, and that the recommendation before the Planning Commission is the result of many conversations and debates.

The public hearing was opened at 7:33 p.m.

Allen Sherwood, 519 Mission Santa Fe Circle, Airport Commission Chair, stated that the intent behind the changes is to make the airport as user friendly as possible. He acknowledged that some issues are open to interpretation, but noted that the Airport Commission was unanimous in its approval of the proposed changes.

COMMISSIONER FRANCIS MOVED THAT THIS ITEM BE CONTINUED TO THE MEETING OF JULY 15, WITH THE PUBLIC HEARING TO REMAIN OPEN. COMMISSIONER LUVAAS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER ALVISTUR DISQUALIFIED).

- 5.3. Discussion of Commission Rules of Order** - At its meeting of May 20, the Commission agreed to discuss and potentially amend its rules of order at the July 1 meeting.

The Commission informally agreed to make greater use of straw polls.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Planning Director Kim Seidler reviewed the Kentfield Parc and Sparrow Hawk Ridge appeals.

8. ADJOURNMENT

Adjourned at 8:23 p.m. to the Adjourned Regular Meeting to visit the Chapman/Mulberry Neighborhood, departing from in front of the Council Chambers on Friday, July 2, 2004 at 8:30 a.m.

May 5, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
ADJOURNED REGULAR MEETING OF JULY 15, 2004
MUNICIPAL CENTER - 421 MAIN STREET
COUNCIL CHAMBERS**

1. ROLL CALL

The meeting was called to order by Chairperson Vic Alvistur at 6:30 p.m. Commissioners present: Vic Alvistur, Mary Brownell, Orval Hughes, Jon Luvaas, Kirk Monfort, and Irv Schiffman. Commissioners absent: Jolene Francis. Staff present: Planning Director Kim Seidler, Principal Planner Teresa Bishow, Senior Planner Mark Wolfe, Senior Planner Brendan Vieg, Associate Planner Ed Palmeri, Associate Planner Bob Summerville, Senior Development Engineer Matt Johnson, City Attorney Dave Frank, and Assistant Planner Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Monfort reported that he had numerous conversations with Hollis Elliott concerning the airport zone amendments. Commissioner Brownell reported that she also spoke to Mr. Elliott concerning the airport zone amendments, but the conversation was over a year ago.

3. CONSENT AGENDA

3.1. Minutes of the Adjourned Regular Meeting of June 17, 2004

Staff recommends approval with any corrections/revisions required.

- 3.2. Tentative Parcel Map 04-08 (Guillon, Inc.) Aztec and Huss Drives** - A request to create 12 industrial lots, ranging in size from 0.40 to 0.75 acres, on 7.13 acres located at the southeast corner of Aztec and Huss Drives. The site is identified as Assessor's Parcel Nos. 039-620-003 and -004, is designated Manufacturing and Warehousing on the City of Chico General Plan Diagram, and is located in an ML Light Manufacturing/Industrial zoning district. This project has been determined to be exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule Exemption). *Staff recommends approval of the tentative parcel map.*

COMMISSIONER MONFORT MOVED APPROVAL OF THE CONSENT AGENDA.
COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 6-0-1
(COMMISSIONER FRANCIS ABSENT).

Associate Planner Ed Palmeri confirmed that the Commission's approval of the Guillon parcel map included the altered condition regarding trees provided to the Commission in a supplemental memorandum.

4. ITEMS REMOVED FROM CONSENT AGENDA

None.

5. REGULAR AGENDA

5.1. Text Amendment to Title 19 of the Chico Municipal Code (City of Chico) - A proposed text amendment to Title 19 Land Use and Development Regulations of the Chico Municipal Code, amending the existing regulations in the A (Aviation), AC (Airport, Commercial), AM (Airport, Manufacturing/Industrial), and AP (Airport, Public Facilities) Districts. The proposed amendments in summary would:

- 1) Allow the Airport Commission to consider use permit applications for non-listed uses on a case-by-case basis in all Airport zoning districts. At present, the Airport Commission may consider such applications in the AM (Airport Manufacturing/Industrial) district only;
- 2) Revise the Findings the Airport Commission must make before approving a use permit for a non-listed use; and
- 3) Narrow the range of commercial uses permissible with a use permit in the A (Aviation) zoning district, and identify certain uses directly related to aircraft operations and support as permitted uses in the district.

Following the public hearing, the Planning Commission will forward a recommendation to the City Council, which will hold a public hearing prior to consideration of the proposed text amendments. A negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *This item was continued from the meeting of July 1. Staff recommends that the Commission recommend City Council adoption of the negative declaration and approval of the text amendment to Title 19.*

Commissioner Alvistur announced that he is disqualified from hearing this item due to his employment at the airport, and left the room.

Senior Planner Mark Wolfe presented the staff report, noting that this item was continued from the previous hearing. He reviewed various minor changes to incorporate direction from the previous meeting, including specifying that all uses in the A zone must be aviation-related, and allowing automobile repair with a use permit in the AM zone.

Hollis Elliott, 548 W. East Avenue, discussed the dog boarding facility he had proposed at the airport, stating that he felt he was misled in the amount of time it would take to gain approval. He noted that he's now going to build in Portland instead.

Planning Director Kim Seidler pointed out that AC zone is intended to be consistent with the CC zone, and that kennels are not allowed in the CC zone in other parts of town.

There being no further comment, the public hearing was closed at 6:50 p.m.

After discussion, there was general agreement to allow kennels in both the AC and AM zones

with a use permit, allow vehicle repair in the AM zone with a use permit, specify that all uses in the A zone should be aviation-related, and that all uses in the AC zone should be airport employee-related or airport customer-related.

COMMISSIONER SCHIFFMAN MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 04-27, RECOMMENDING CITY COUNCIL ADOPTION OF AMENDMENTS TO TITLE 19 LAND USE AND DEVELOPMENT REGULATIONS, MODIFIED TO ALLOW KENNELS IN BOTH THE "AC" AND "AM" ZONES WITH A USE PERMIT, ALLOW VEHICLE REPAIR IN THE "AM" ZONE WITH A USE PERMIT, SPECIFY THAT ALL USES IN THE "A" ZONE MUST BE AVIATION-RELATED, AND SPECIFY THAT ALL USES IN THE "AC" ZONING DISTRICT MUST BE AIRPORT CUSTOMER OR AIRPORT EMPLOYEE-RELATED. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 5-0-1-1 (COMMISSIONER ALVISTUR DISQUALIFIED, COMMISSIONER FRANCIS ABSENT).

5.3. Modification of Use Permit 03-43 (Abouzeid), 902 and 928 Main Street - A request to modify the architectural design of a new automobile sales and service facility (Chico Volkswagen) that was previously approved in conjunction with Use Permit 03-43. The proposed modifications include omitting four free-standing display screens and making cosmetic improvements to an existing building located at 928 Main Street. The building improvements include painting a mural on the side of the building, which will depict an historic image of the Volpato automobile dealership which formerly occupied the site. The project site is identified as Assessor's Parcel Nos. 004-431-012 and 004, is designated Downtown on the City of Chico General Plan Diagram, and is located in a C-1-LM Restricted Commercial-Landmark overlay zoning district. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, this modification has been determined to be in conformance with a previously adopted mitigated negative declaration for the project; no new significant environmental impacts are anticipated.

Associate Planner Bob Summerville presented the staff report, reviewing the land use issues involved, details of the project, and proposed changes from the previous approval.

In response to Commissioner Luvaas, Mr. Summerville explained how the City's sign code applies to this project, noting that the pylon signs were previously approved by the Planning Commission and Architectural Review Board.

The Commission discussed landscaping for the project, noting that it's difficult to determine what is proposed from the plans.

The public hearing was opened at 7:15 p.m.

Louie Ricci, 2480 Guynn Avenue, voiced support of the proposal, stating that it's a wonderful tribute to Angelo Volpato.

Mark Abouzeid, 1136 Orchard Way, explained that the landscaping is actually on a different plan than the one in the Commission's packets. He noted that there is a sawtooth planter around the

perimeter, including automated irrigation and groundcover. He noted that the display screens could be climbed like a ladder, thus creating a liability issue. He reviewed approved signage for the site, explaining that he does have some temporary banners up to let people know that the business is still open during construction. He pointed out that Greg Payne will paint the mural.

There being no further comment, the public hearing was closed at 7:24 p.m.

COMMISSIONER BROWNELL MOVED THAT THE PLANNING COMMISSION APPROVE THE PROPOSED MODIFICATION OF USE PERMIT 03-43 (ABOUZEID/CHICO VOLKSWAGEN). COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS ABSENT).

5.4. Request for Policy Guidance Regarding Adoption of the Chapman/Mulberry Neighborhood Plan (GPA/RZ 04-03) - A request to discuss and provide guidance to City staff concerning City adoption of the Chapman/Mulberry Neighborhood Plan. In anticipation of future annexation of the Chapman and Mulberry areas, staff has initiated consideration of adoption of the Chapman/Mulberry Neighborhood Plan (the "Plan"). The Plan was developed by the residents from the neighborhoods with assistance from the County, and was adopted by the County in January 2000. The purpose and intent of the policies and implementation measures included in the Plan are to preserve and enhance the single-family residential character of the two neighborhoods and promote revitalization of the Plan area. There are specific issues where potential zoning inconsistencies exist between the County and the City, or where the Plan standards deviate from City development standards. Approximately one-third of the Plan area is currently within City limits, with the remaining portions likely to be annexed over a five-year period. On July 2nd, staff conducted a field tour of the neighborhood to introduce the Plan to the Commission and interested members of the public, and to provide context to the Plan's goals and policies. *At this subsequent meeting, staff is seeking the Commission's input on key issues and looking to gain agreement on a Plan adoption process. No action will be taken on adoption of the Chapman/Mulberry Neighborhood Plan at this meeting.*

Senior Planner Brendan Vieg noted that a full report was given at the July 2 meeting, and that discussion will largely be limited to the items for which staff is seeking guidance from the Commission. He noted the presence of Butte County Supervisor Jane Dolan, who can provide valuable insight on various issues.

Planning Director Kim Seidler noted that although this meeting is a workshop format, the Commission should also listen to those present who wish to speak.

The Commission discussed the County's amortization policy. Supervisor Dolan explained that eleven properties have been given notice under the amortization policy, but noted that the biggest problem (the scrap metal yard) is in City limits.

The Commission reviewed Attachment D of the July 2 meeting packet, making refinements to

staff's General Plan designation/Zoning change recommendations.

The Commission discussed Chinca's market, and agreed that it should be allowed to remain in its current location.

The Commission discussed the consistency of the C/M Plan with the General Plan, agreeing that it is generally consistent and that neighborhood planning is encouraged in the General Plan.

Supervisor Dolan reviewed the County's efforts to develop a specific plan for the proposed neighborhood core at 16th and Laurel.

The Commission was in recess from 8:16 to 8:24 p.m.

The Commission discussed the differences between City and County development standards for the C/M Plan area. There was general agreement to defer to the County-adopted C/M Plan standards unless an existing City standard was duplicative. The Commission determined that the City-specified porch area (minimum of 4 by 8 feet) should apply.

The Commission further discussed the County's amortization policy; there was agreement that the City needs to pursue a stronger stance on the amortization policy than what is being recommended by staff.

City Attorney Dave Frank noted that it may be possible for the City in the future to continue the County amortization policy for the C/M Plan area, if the Council agrees.

The Commission discussed a proposed relocation policy; there was general support for a relocation policy for the scrap metal yard.

The Commission concurred with staff's recommendation regarding the adoption and implementation process for the C/M plan, including the use of an -SD overlay zoning district.

The Commission discussed street improvements standards; there was general agreement to use some combination of the C/M Plan standards and modified City standards, as normal City standard streets would seem out of place.

Pat Kelley, 900 E. 19th Street, encouraged the Commission to enforce City code regarding the scrap metal yard, and supported a relocation policy for that business. He also urged the Commission to maintain the single-family residential character of the neighborhood, as many of the residents are opposed to additional multi-family development.

Mr. Vieg stated that staff will use the Commission's input to come back with a revised proposal for formal consideration and a public hearing.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Planning Director Kim Seidler reviewed the appeals filed for the Kentfield Parc subdivision.

8. ADJOURNMENT - There being no further business before the Commission, the meeting was adjourned at 9:48 p.m. to the Regular Meeting of August 5, 2004, at 6:30 p.m.

October 21, 2004

Date Approved

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
REGULAR MEETING OF AUGUST 5, 2004
MUNICIPAL CENTER - 421 MAIN STREET
COUNCIL CHAMBERS**

1. ROLL CALL

The meeting was called to order by Chair Alvistur at 6:30 p.m. Commissioners present: Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort, and Irv Schiffman. Commissioners absent: None. Staff present: Principal Planner Teresa Bishow, Senior Planner Mark Wolfe, Associate Planner Jay Hanson, Associate Planner Ed Palmeri, Associate Planner Bob Summerville, Assistant Planner Greg Redeker, Senior Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Mary Fitch.

2. DISCUSSION OF EX PARTE COMMUNICATION

There was no ex parte communication reported.

3. CONSENT AGENDA

- 3.1 Parcel Map 04-07 (MBD, Inc.) Southwest corner of Eaton and Cohasset Roads** - A request to create five commercial lots on 3.81 acres composed of three parcels located at the southwest intersection of Eaton and Cohasset Roads. Proposed lots range in size from 0.67 to 0.84 acres. The site is identified as Assessor's Parcel Nos. 007-160-027, 007-160-028, and 007-160-029, is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CC Community Commercial zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (Infill Development Projects).

This item was removed from the consent agenda for discussion by Commissioner Monfort. Commissioner Francis announced that she was disqualified from participating in the discussion due to her employer's relationship with the applicant, and she left the Chambers.

4. ITEMS REMOVED FROM CONSENT AGENDA

- 4.1 Parcel Map 04-07 (MBD, Inc.) Southwest corner of Eaton and Cohasset Roads** - A request to create five commercial lots on 3.81 acres composed of three parcels located at the southwest intersection of Eaton and Cohasset Roads. Proposed lots range in size from 0.67 to 0.84 acres. The site is identified as Assessor's Parcel Nos. 007-160-027, 007-160-028, and 007-160-029, is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CC Community Commercial zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to

CEQA Guidelines Section 15332 (Infill Development Projects).

Commissioner Monfort questioned the use of contiguous sidewalks along Cohasset Road and Lassen Avenue. Associate Planner Palmeri pointed out that they are consistent with those that currently exist in the area.

Commissioner Brownell expressed concern that the buildings are already being built over the property lines, before the Commission was consulted. Associate Planner Palmeri explained that building over a property line is routinely allowed with the understanding that no certificate of occupancy will be issued until the line is removed or adjusted.

Commissioner Brownell then brought up the issue of the raised median along Cohasset Road, asking whether or not the Commission could require right in/right out access only. Senior Development Engineer Johnson replied that the driveway was originally proposed to align with the break in the median, and Associate Planner Palmeri explained that the driveway location reflects action by the Architectural Review Board. Mr. Johnson went on to say that there will be a modification to the left turn lane on Cohasset Road to match up with the driveway, adding that it will probably allow for a left turn into, but not out of, the project.

Chair Alvistur suggested that the Commission receive input from the applicant regarding right in/right out access only.

The public hearing was opened at 6:36 p.m.

James Renfro, representing the applicant, addressed the Commission, saying that the current plan indicates right turn only out of the project, but does allow left turn into the project. He explained that he has worked closely with Mr. Johnson to make sure the queue is not affected, but said that if the Commission were to place a condition on the approval that access be right in/right out only, the applicant would not be opposed.

Commissioner Brownell asked Mr. Renfro to clarify that the applicant would not be opposed to no left turn access into the project. Mr. Renfro reiterated that he would not.

There being no further comments, the public hearing was closed at 6:39 p.m.

The Commissioners and staff then further discussed concerns regarding the architectural review and building permit process through which the project had passed before the Commission had been given an opportunity to review it.

COMMISSIONER MONFORT MOVED THAT THE COMMISSION ADOPT RESOLUTION NO. 04-32, MAKING A DETERMINATION THAT THE PROJECT IS EXEMPT FROM

ENVIRONMENTAL REVIEW AND APPROVING TENTATIVE PARCEL MAP 04-07 (MBD COMMERCIAL), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN AND THE ADDITIONAL CONDITION THAT INGRESS AND EGRESS ONTO COHASSET ROAD WILL BE RIGHT TURN IN AND OUT ONLY. COMMISSIONER BROWNELL SECONDED THE MOTION, WHICH PASSED BY A VOTE OF 6-0-1, WITH COMMISSIONER FRANCIS DISQUALIFIED.

5. REGULAR AGENDA

5.1 Holly Estates Tentative Subdivision Map S 04-06 (Tatreau) 2229 and 2241 Holly Avenue

- A request to subdivide 2.72 acres located at 2229 and 2241 Holly Avenue to create 16 single-family lots ranging in size from 4,705 to 7,222 square feet. The project site is identified as Assessor's Parcel Nos. 043-021-009 (a portion of) and 043-021-035. The properties are designated Low Density Residential on the City of Chico General Plan Diagram, and are rezoned R1 Low Density Residential. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA).

Associate Planner Palmeri presented the staff report, pointing out that one existing single-family home lies on what would be Lot 1, but is shown to be roughly identical in size and shape to City lots directly to the north and east of the proposed development. A revised map and resolution were then distributed. Several trees had been removed to accommodate the public right-of-way on Street "A"; however, trees in Lot 1 were accommodated with a bulb-out. Revisions to the supplied map were shown to account for the excessive eastern easement of roughly 250 square feet and reflected the abandoned easement. The annexation that added the rear portion of 2229 Holly to allow Lots 11, 12, 13, and portions of 16, is shown in the revised conditions of approval. Similarly, revisions show the internal Street "A" to have contiguous sidewalks along the south and east sides, allowing future road expansion of the eastern segment of the street.

Commissioner Brownell requested clarification regarding whether 2229 has an existing sidewalk in front, and whether it would be integrated in to the contiguous sidewalk plan. Associate Planner Palmeri replied that it does, and that it would be integrated into the sidewalk plan.

Commissioner Hughes noted that there was a rather large shop and shed at the rear of 2220 and 2239 and requested clarification as to whether future development would have access to the internal loop road. Associate Planner Palmeri replied that the road would link with this property along the property's edge.

Commissioner Monfort questioned the narrow remnant shown on the revised map and requested clarification as to whether this was slated to be developed, or whether it belonged to another owner. Associate Planner Palmeri stated that the remnant pieces were not picked up and were deemed excessive right-of-way.

The public hearing was opened at 7:00 p.m.

Project engineer Bob Feeney was present to answer the Commission's questions. There were no questions.

There being no further comments, the public hearing was closed at 7:01 p.m.

COMMISSIONER FRANCIS MOVED THAT THE COMMISSION ADOPT RESOLUTION NO. 04-31 AS REVISED AND DISTRIBUTED AUGUST 5, 2004, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE HOLLY ESTATES TENTATIVE SUBDIVISION MAP (S 04-06), SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL AS SET FORTH IN THE STAFF MEMORANDUM. COMMISSIONER ALVISTUR SECONDED THE MOTION.

By friendly amendment, Commissioner Luvaas requested that the access easement widths for Lots 7 and 8 not be mandated, but rather that staff be directed to work with the Fire Department to reduce them to the extent possible.

COMMISSIONER FRANCIS AMENDED HER MOTION TO ELIMINATE REFERENCES TO SPECIFIC ACCESS EASEMENT WIDTHS FOR LOTS 7 AND 8 CONTAINED IN THE CONDITIONS OF APPROVAL AND REPLACE THEM WITH DIRECTION THAT STAFF SHALL WORK WITH THE FIRE DEPARTMENT TO REDUCE THEM TO THE EXTENT POSSIBLE. THE MOTION PASSED AS AMENDED BY A UNANIMOUS VOTE OF 7-0.

5.2 Parcel Map 04-10 (Riley) 152 E. Frances Willard Avenue - A request to divide a 0.34 acre parcel (14,810 square feet) to create two lots for future single-family residential development. The property is currently developed with one single-family residence, which will be retained. The site is identified as Assessor's Parcel No. 003-176-010, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Infill Development Projects).

Associate Planner Summerville presented the staff report.

Commissioner Monfort noted that the depth of Parcel 2 was 99 feet. For purposes of a recessed garage and to accommodate a second dwelling unit, he pointed out that there must be a minimum standard of a 4,500 square foot lot size. Commissioner Monfort questioned whether 99 feet was adequate. Associate Planner Summerville replied that a use permit would be required.

Commissioner Francis inquired about whether the calculated density was determined from the centerline of the alley to the frontage road (East Esplanade Drive) or whether it extended to include the centerline of

the Esplanade. Associate Planner Summerville responded that the calculation utilized the centerline of the frontage road.

The public hearing was opened at 7:10 p.m.

Project engineer Herb Bota, of Rolls, Anderson & Rolls, reviewed the conditions as outlined in a letter from Mike Berg regarding the scarifying of soil within the parkway strip under the guidelines of City Urban Forester Boza. Bota requested that the area in question be limited to prevent impacts to existing trees (one at the corner of E. Frances Willard Ave. and Esplanade and another at the corner of E. Esplanade Drive and the Esplanade). Associate Planner Summerville replied that Urban Forester Boza did not intend to scarify down 30 inches within the drip line of older trees. Associate Planner Summerville explained that the condition would be subject to approval by the Urban Forester.

Dennis Hoptowit, 750 Esplanade, expressed concern that smaller parcels behind primary dwellings are of a different quality and character than those of the primary dwellings. Hoptowit stressed that the integrity of the neighborhood is important when considering the size differential between primary dwellings and the proposed secondary dwelling. Commissioner Monfort addressed this concern, pointing out that the visible frontage of the structure would be identical to the surrounding dwellings, and that the shallow depth would not be visible. Hoptowit requested that there be restrictions regarding quality of design. Commissioner Schiffman pointed out that there is a section in the City's General Plan specifying that the character and scale of buildings are to be reflective of surrounding structures and neighborhood characteristics. Commissioner Luvaas requested that the applicant be brought back to clarify design intentions. Associate Planner Summerville concluded the response by saying that the rear setback and the placement of the dwelling are consistent with surrounding structures.

Commissioner Brownell noted that the alley is to be 15 feet wide and questioned whether there will be an additional setback for the garage to provide needed turnaround area for an automobile. Associate Planner Summerville replied that 24 feet backup space will be required.

Commissioner Schiffman asked how many off-street parking sites are required for this property. Associate Planner Summerville stated that 2 off-street parking spaces are required for a single-family dwelling and that 2 on-street spaces are to be picked up, as the turnaround driveway will be removed.

Commissioner Schiffman asked if parking is permit-based. It was determined that a permit will be required for this area of on-street parking.

There being no further comments, the public hearing was closed at 7:27 p.m.

COMMISSIONER MONFORT MOVED THAT THE COMMISSION ADOPT RESOLUTION NO. 04-03 FINDING THAT THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW AND

APPROVING TENTATIVE PARCEL MAP 04-10 (RILEY), SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL SET FORTH IN THE STAFF MEMORANDUM AND THE ADDITIONAL CONDITION THAT THERE BE A PRE-CONSTRUCTION MEETING WITH PLANNING STAFF TO ENSURE THAT THE EXISTING TREES ARE ADEQUATELY PROTECTED. COMMISSIONER FRANCIS SECONDED THE MOTION, WHICH PASSED BY A UNANIMOUS VOTE OF 7-0.

5.3 Use Permit 04-20 (Rice/Sainte Partners II, LP) 300 Main Street - A request to allow the installation of two building mounted satellite antennas (Wireless Telecommunication Facility) on an existing television broadcasting studio (Fox 30/UPN/Univision) located at 300 Main Street. The site is identified as Assessor's Parcel Nos. 004-151-003, 004-151-004, and 004-151-025, is designated Downtown on the City of Chico General Plan Diagram, and is located in a CD/L Downtown Commercial/Landmark Overlay zoning district. The proposed project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301(e) (Existing Facilities).

Associate Planner Hanson presented the staff report.

Commissioner Brownell asked if it would be possible to install screens below the satellite dishes in order to disguise their presence. Associate Planner Hanson suggested that the applicant be allowed to speak to that question.

The public hearing was opened at 7:30 p.m.

Ken Rice, representing the applicant, was present to answer any questions the Commissioners had. He stated that staff was still discussing potential paint on the antennas. On the matter of a screen shield, Mr. Rice said that because there is not a readily available method of attaching a screen to the roof, it would be difficult to accomplish. Commissioner Francis suggested there might be a way to build a trellis over the alleyway on the west side of the building. She emphasized that the dishes will be quite visible from 3rd Street, creating a degraded aesthetic.

In response to questions from the Commission, Mr. Rice explained that roof-mounted dishes are not an option, because the roof would not be structurally sound with the added weight.

Commissioner Monfort questioned whether the gates on 3rd Street open onto the property or the street. It was determined that the gates open inward, whereupon Commissioner Monfort stated that a trellis or pergola could easily be built over the existing access way. Mr. Rice responded that the greenery would have to be altered substantially to provide space for such a structure.

Doug Halred, General Manager of Fox 30, informed the Commission that he could look into possibilities of a trellis and that he was willing to make the dishes more aesthetically pleasing.

There being no further comments, the public hearing was closed at 7:39 p.m.

COMMISSIONER FRANCIS MOVED THAT THE COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE USE PERMIT 04-20, INCLUDING THE ARCHITECTURAL REVIEW OF THE SATELLITE ANTENNAS, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED WITHIN THE STAFF MEMORANDUM AND THE ADDITIONAL CONDITION THAT TO THE EXTENT POSSIBLE WITHOUT IMPAIRING THEIR FUNCTION, THE ANTENNAS SHALL BE PAINTED A SHADE OF BLUE OR GREY THAT BETTER BLENDS WITH THE SKY AND SHALL BE SCREENED FROM VIEW BY AN ARBOR OR OTHER STRUCTURE WITH LANDSCAPING, SUBJECT TO STAFF REVIEW AND APPROVAL. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED BY A UNANIMOUS VOTE OF 7-0.

5.4 Use Permit 04-25 (Clayton) 648 W. 5th Street - A request to authorize a change in use of a nonconforming structure on a nonconforming parcel located at the northeast corner of W. 5th and Ivy Streets. The site is currently operated as a laundromat, but is proposed for conversion to a 32-seat restaurant. Proposed hours are 6:00 a.m. to 2:30 a.m., including beer and wine sales until 10:00 p.m. The site is identified as Assessor's Parcel No. 004-126-010, is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CN-LM-FS Neighborhood Commercial- Landmark Overlay - Fraternity/Sorority Overlay zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303(c) (New Construction or Conversion of Small Structures).

Assistant Planner Redeker presented the staff report, explaining the reason the use permit is required. Letters were submitted from four individuals regarding the proposal: Franklin Riley was concerned about limited parking; applicant David Clayton described his intention for the restaurant; Nick Andrew was opposed to any additional liquor licenses in the area; and Kevin Riley was concerned that the area was already saturated with similar establishments.

In response to questions from the Commission regarding issuance of a liquor license by the Department of Alcoholic Beverage Control (ABC), Assistant Planner Redeker explained that staff had received a letter indicating that no license would be issued without the City's approval and determination of public convenience and necessity.

The public hearing was opened at 7:48 p.m.

Applicant David Clayton was present to answer questions from the Commission. Commissioner Alvistur asked Mr. Clayton to comment on the issue of the liquor license. Mr. Clayton clarified that beer and wine

will be served only during the specified time interval in order to create a sit-down environment. In response to Commissioner Schiffman's question as to what kind of restaurant is planned, Mr. Clayton answered that his intention is not to create a fast food type establishment, but to provide an upscale, trendy environment that invites people to come in off the street.

Commissioner Hughes asked if Mr. Clayton's intention is to keep the restaurant open past 10:00 p.m. Mr. Clayton stated that he plans to keep it open until 2:30 a.m., although no alcohol will be served after 10:00 p.m.

Commissioner Francis asked if Mr. Clayton plans to serve food "to go." Mr. Clayton answered affirmatively.

Commissioner Schiffman asked whether there will be a bar in the establishment. Mr. Clayton responded that there will be a counter that would act as a breakfast bar, but not as a traditional drink bar.

Commissioner Alvistur asked Mr. Clayton if he would change his approach if the liquor license could not be obtained. Mr. Clayton responded that he would be forced to exclusively serve fast food or sell the building to someone with a liquor license.

Commissioner Monfort asked staff whether liquor licenses could be transferred. Staff responded that any transfer would require ABC approval.

Commissioner Luvaas commented that Mr. Clayton's concept is good but suggested a redesign, replacing the counter with an equivalent number of seats to enhance the image of a sit-down restaurant and reduce the image of a bar.

There being no further comments, the public hearing was closed at 7:53 p.m.

Commissioner Luvaas stated that he would prefer to see a counter-less, sit-down type establishment, which would help create a more positive image in the area. After further discussion, the Commission agreed by consensus that there were additional questions for Mr. Clayton.

COMMISSIONER SCHIFFMAN MOVED TO REOPEN THE PUBLIC HEARING. COMMISSIONER FRANCIS SECONDED THE MOTION, WHICH PASSED BY A UNANIMOUS VOTE OF 7-0.

The public hearing was reopened at 7:56 p.m.

The Commission asked Mr. Clayton to describe specific exterior upgrades planned for the site. Mr. Clayton replied that façade upgrades were planned, including new exterior paint, pillars, a new canopy,

additional landscaping, and other minor aesthetic changes. Assistant Planner Redeker noted that a request for a building permit would trigger the architectural review process.

Commissioner Monfort mentioned that an increase in the number of tables might not require additional parking, as most of the anticipated clientele would be pedestrians. Assistant Planner Redeker explained that any intensification, as recognized by the Code, would require additional parking spaces on contiguous property.

Commissioner Francis voiced her opposition to the liquor license, saying that the area was already saturated and that the excess standing area in the proposed establishment would encourage unwanted behavior. Commissioner Luvaas agreed, stressing that if the restaurant has the appearance of a bar, people will be standing around.

Commissioner Schiffman asked Assistant City Attorney Lori Barker whether a use permit could be linked to a specific owner. Ms. Barker responded that a use permit is linked to the property, not to the owner.

Commissioner Schiffman suggested that the establishment could close at midnight to avoid unruly clients, but the consensus of the Commission was that it would not be appropriate under these circumstances.

Commissioner Hughes asked whether the fire code regarding load capacity is determined by the number of seats. Assistant Planner Redeker responded that the Code takes into account the number of seats and from that figure estimates a capacity. Mr. Redeker also noted that a second exit may be required by the Fire Marshal.

Commissioner Luvaas reiterated that this project would provide a place for college students to get in off the street. Commissioner Brownell agreed, but noted that there would undoubtedly be ways to get around the 10:00 p.m. cutoff time for alcoholic beverages.

Commissioner Francis questioned whether ABC could override the Commission's decision. Assistant Planner Redeker explained that ABC had the ability to override the decision; however, that would cause the applicant to be in violation of the conditions of the use permit. It was also pointed out that the 10:00 p.m. cutoff time was not originally suggested by the staff, but by the applicant.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE USE PERMIT 04-25 (CLAYTON), SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED WITHIN THE STAFF REPORT. COMMISSIONER BROWNELL SECONDED THE MOTION.

Commissioner Luvaas proposed an amendment that beer and wine sales be allowed only between the

hours of 11:30 a.m. and 10:00 p.m., that the counter space be eliminated, and that the floor space be sufficiently filled to discourage patrons from standing around. A straw poll on the amendment failed 3-4 (Commissioners Alvistur, Brownell, Monfort, and Francis opposed).

Commissioner Monfort proposed an alternate amendment that the sale of alcohol be permitted from 11:30 a.m. until 9:00 p.m., and that the physical space be reconfigured to eliminate the counter space and reduce the standing room, with the understanding that the seating capacity cannot exceed 32. A straw poll on the amendment passed 4-3 (Commissioners Alvistur, Brownell, and Francis opposed).

COMMISSIONER MONFORT AMENDED HIS MOTION TO INCLUDE ADDITIONAL CONDITIONS THAT BEER AND WINE SALES SHALL BE PERMITTED ONLY BETWEEN THE HOURS OF 11:30 A.M. AND 9:00 P.M., AND THAT THE PHYSICAL SPACE SHALL BE RECONFIGURED TO ELIMINATE THE COUNTER SPACE AND REDUCE THE STANDING ROOM, WITH THE UNDERSTANDING THAT THE SEATING CAPACITY CANNOT EXCEED 32. THE MOTION PASSED AS AMENDED BY A VOTE OF 4-0-3, WITH COMMISSIONERS ALVISTUR, BROWNELL, AND FRANCIS OPPOSED.

6. BUSINESS FROM THE FLOOR

There was no business from the floor.

7. PLANNING UPDATE

Principal Planner Bishow explained the City Council's action on the appeal of the Kentfield Parc subdivision. She then distributed a handout outlining upcoming items for Commission agendas.

Commissioner Monfort asked about the appeal of the Sparrow Hawk Ridge subdivision. Principal Planner Bishow replied that the Council approved the gate, with some very careful consideration given to the unique features, and directed staff to prepare a motion to delineate specific findings to support it.

Commissioner Monfort then expressed concern with regard to standards that make second dwelling units non-conforming in situations such as the one reviewed at tonight's meeting, adding that he would like to review the relevant section of Title 19 to legitimize that type of development. The Commission further discussed neighborhood character and consistency of second units, after which Commissioner Luvaas asked that a discussion of infill architecture and character compatibility be added to a future agenda.

8. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:27 p.m. to the adjourned regular meeting of August 19, 2004, at 6:30 p.m.

June 16, 2005 _____
Date Approved

_____/s/_____
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
ADJOURNED REGULAR MEETING OF AUGUST 19, 2004
MUNICIPAL CENTER - 421 MAIN STREET
COUNCIL CHAMBERS**

1. ROLL CALL

The meeting was called to order by Chairperson Vic Alvistur at 6:30 p.m. Commissioners present: Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort, and Irv Schiffman. Staff present: Planning Director Kim Seidler, Principal Planner Teresa Bishow, Senior Planner Brendan Vieg, Associate Planner Ed Palmeri, Senior Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Assistant Planner Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

3. CONSENT AGENDA

3.1. Minutes of the Regular Meeting of April 1, 2004

Staff recommends approval with any corrections/revisions required.

3.2. Floral Arrangement Vesting Tentative Small-lot Subdivision Map S 03-25 (Agasy, Inc.) west side of Floral Avenue, approximately 450 feet north of East Avenue

- A vesting tentative small-lot subdivision map to create 8 single-family residential lots on approximately 1.25 acres, at a gross density of 6.4 dwelling units per gross acre. The property is identified as Assessor's Parcel No. 015-250-044, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends that this item be continued off-calendar and re-noticed for a future meeting.*

3.3. General Plan Amendment/Prezone 04-02 and Planned Development Permit 04-01 (Crossen) 2735 Esplanade

- A request to amend the General Plan land use designation, change the pre-zoning district, and approve a planned development permit for 2.95 acres located at the southeast corner of Esplanade and Lassen Avenue. The General Plan land use amendment is from Office to Community Commercial, and the pre-zoning classification change is from OR (Office Residential) to CC (Community Commercial). The site, which is currently vacant, is identified as Assessor's Parcel Number 006-044-002. The planned development permit would allow development of the site with approximately 35,535 square feet of retail space, and would prohibit certain uses (such as drive through businesses) in the retail center. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends that this item be continued to the Planning Commission meeting of*

September 2, 2004.

COMMISSIONER LUYVAAS MOVED APPROVAL OF THE CONSENT AGENDA.
COMMISSIONER MONFORT SECONDED THE MOTION.

Commissioner Francis clarified that she will be abstaining from voting on item 3.1. as she was absent from that meeting.

THE MOTION PASSED 7-0 (6-0-1 FOR ITEM 3.1., COMMISSIONER FRANCIS ABSTAINING).

4. ITEMS REMOVED FROM CONSENT AGENDA

5. REGULAR AGENDA

- 5.1. Use Permit 03-44 (Pacific Bell) 1654 Vallombrosa Avenue** - A request to allow a public utility facility (Remote Terminal) for telephone and Internet service on residential property located at the northeast corner of Vallombrosa and Madrone Avenues. The site is identified as Assessor's Parcel No. 045-330-075, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303(d) (New Construction of Small Structures, including installation of utility equipment). This item was continued from the April 1, 2004 Planning Commission meeting for further review of the facility enclosure. ***Staff recommends approval of the use permit.***

Principal Planner Teresa Bishow presented the staff report, reviewing the land use issues involved, details of the proposal, and prior Commission direction at the April 1, 2004 meeting. She recommended two changes to clarify items in the report: 1) on page 5, in the first paragraph, alter the sentence to read "...Wooden Enclosure, *as shown on Attachment "B"*, subject ..."; and 2) on page 5, condition #3, remove the word "building" from the second line.

The public hearing was opened at 6:40 p.m.

Bruce McPhee, 4434 Mountain Lakes Blvd., Redding, representing the applicant, stated his agreement with the conditions of approval and offered to answer any questions.

In response to questions from various Commissioners, Mr. McPhee explained that all previous facilities of this type have been located in public utility easements, that the unit was placed in this location due to service requirements in the area. He also explained that the unit next to King's Catch is a different style of unit, that a wooden enclosure was chosen for aesthetic

reasons to match the neighborhood, and that the size of the enclosure can be reduced as long as there is enough room to open the doors on the cabinet.

Commissioner Schiffman stressed that the Commission is looking for the smallest possible structure that is as sealed as possible.

In response to Commissioner Brownell, Mr. McPhee explained that no more fans can be placed in this unit, and that the current unit configuration represents the maximum fan noise potential. He also stated his preference to keep the fence six feet tall.

Chuck Eppelheimer, 1592 Vallombrosa Avenue, spoke in opposition to the use permit, citing concerns with noise, inadequate soundproofing measures, and SBC circumventing the permit process. He requested that a unit similar to what has been installed at 2002 Huntington Drive, be installed at this location.

David Cornett, 420 Madrone Avenue, spoke in opposition to the project, citing concerns with noise and sight distance. He noted that this is the only such facility in Chico sitting on an easement in a residential yard. He asked that the facility be removed and placed at another location.

Bruce McPhee, a previous speaker, pointed out that the facility is solely for use by SBC, and that no other utilities will locate equipment in the cabinet.

In response to Commissioner Monfort, Mr. McPhee indicated that he would prefer not to do masonry, as it would create problems with access to the power pedestal. He noted that their maintenance crews prefer an enclosure that can be removed for maintenance and then placed back. He also noted that the unit on Huntington Drive is a sealed unit that creates the same amount of noise.

In response to Commissioner Alvistur, Mr. Seidler stated that 60 dB is allowed pursuant to the Municipal Code, but that there are other noise criteria that need to be taken into account.

In response to Commissioner Luvaas, Mr. McPhee stated that the cabinet could be moved, but that it would cost hundreds of thousands of dollars.

There being no further comment, the public hearing was closed at 7:35 p.m.

After discussion, the Commission agreed to the following: that an architecturally designed masonry wall be built around the cabinet subject to Planning staff approval; that the wall be landscaped to prevent graffiti; that any gate be placed on the southerly or easterly side, and that any gate include battens to attenuate noise; that the size of the enclosure be the minimum area required to open the cabinet doors; that at least a partial lid be designed to reduce noise

emissions from the cabinet; and that a noise engineer review the proposed solution.

COMMISSIONER FRANCIS MOVED THAT THIS ITEM BE CONTINUED FOR 60 DAYS, WITH THE APPLICANT TO COME BACK WITH A REVISED PROPOSAL AS DISCUSSED. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 7-0.

COMMISSIONER FRANCIS MOVED THAT THE COMMISSION REQUIRE THE APPLICANT TO PROVIDE AN INVENTORY OF ALL SUCH UNITS WITHIN THE CITY LIMITS WITHIN 30 DAYS, TO ALLOW STAFF TO DETERMINE IF ANY OTHER UNITS HAVE BEEN INSTALLED WITHOUT A USE PERMIT. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 7-0.

The Commission was in recess from 7:53 p.m. to 8:01 p.m.

5.2. Variance 04-02 (Norton) 116 Winchester Court - A request to allow a zero front yard setback on property located at 116 Winchester Court. The residential lot is irregular in shape and the variance will allow construction of the garage at the end of the access drive. The lot is a 0.13 acre portion of property identified as Assessor's Parcel No. 043-760-003, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations). This item was previously considered by the Zoning Administrator on July 26, 2004, but was referred to the Planning Commission. *Staff recommends approval of the variance.*

Associate Planner Palmeri presented the staff report, explaining why the variance is necessary and advised that staff is recommending approval of the variance.

Commissioner Brownell asked how the garage compares with the adjacent residences. Associate Planner Palmeri replied that it lines up with the house to the south.

Commissioner Schiffman asked why they would be in a worse situation if they didn't get the variance. Associate Planner Palmeri said that they would have to push the garage further back.

Commissioner Luvaas commented on the buildable lot area, saying that he didn't think anything is exceptional. He continued, saying that 4,800 square feet is sufficient land on which a house can be built.

Public hearing opened at 8:10 p.m.

Laurie Norton, applicant, stated that he took into consideration all of the neighbors. He stated that he wanted to give the neighbors privacy, and that they were directly next to a seven-foot high fence.

Commissioner Monfort asked what property would have the pool. Laurie Norton answered that the property to the north would have it, as it was designed for this lot.

Robert McGee, who owns Lot 5, 117 Winchester Court, stated that the biggest problem was turn-around for residents on Winchester Court. He stated that the turn-around was measured as 25 feet including the sidewalk. He expressed concerns that Lot 7 is approved as a daycare center and is somewhat of a flag lot, and thinks that the house is too big and is creating a traffic problem. He requests that it be referred back to staff to find a way to turn around on the property.

Gail Brown, on behalf of her son who resides at 115 Winchester Court, states that it will compound a turn-around problem that already exists. She requested that the garage be positioned back 5 additional feet from the street.

Joe Laughlin, 1193 West 11th Avenue, claims that he was never told about any meeting about the neighborhood. He is concerned that there will be a loss of privacy and property value.

Laurie Norton stated that he would be happy to let people back into the driveway and would like to show the plans to the neighbor.

Public hearing closed at 8:33 p.m.

Principal Planner Bishow stated that it wasn't approved as a flag lot. Based on that assumption, there was a perception that a longer driveway wouldn't benefit the public as there isn't an overriding public concern.

COMMISSIONER BROWNELL MOVED THAT THE COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE VARIANCE PERMIT 04-02 (NORTON), SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN THE ATTACHED STAFF MEMO DATED JULY 21, 2004.

Commissioner Alvistur proposed that there be an amendment requiring a turn-around. Commissioner Brownell agreed to the amendment and Commissioner Monfort seconded.

Planning Director Seidler clarified that the amendment states that the applicant retain sufficient room to provide room to turn around on his own property.

THE REVISED MOTION PASSED UNANIMOUSLY WITH A VOTE OF 7-0.

- 5.3. Use Permit 04-26 (Allread) 1430 Bidwell Avenue** - A request to allow construction of a 3,000 square-foot accessory storage building on a 0.95 acre residential lot located at 1430 Bidwell Avenue. The proposed storage structure will replace several storage containers on the lot. No trees are to be removed and the structure will have a maximum height of approximately 15 feet. The property is identified as Assessor's Parcel No. 043-253-006. The site is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303(e) (New Construction or Conversion of Small Structures). This item was previously considered by the Zoning Administrator on July 26, 2004, but was referred to the Planning Commission. *Staff recommends approval of the use permit.*

Associate Planner Palmeri presented the staff report, reviewing the land use issues involved and what occurred at the ZA meeting.

Public hearing opened at 8:45 p.m.

Jessee Allread, speaking on behalf of his mother, stated that this was to be a replacement building to consolidate their property and also improving the value and appearance of the property. Photos were given. Improvement of the area included, but was not limited to, new windows, new paint and the removal of junk piles. Two storage units will be removed with the construction of the structure that will be around 13 to 16 percent coverage. After having been burglarized several times, Allread stated that he wanted to secure their property. It was also pointed out that the design was to be attractive by utilizing earth tones with chocolate trim. It was determined that this structure would be used as personal storage.

Commissioner Schiffman asked about moving the structure. Mr. Allread stated that he would be happy to disassemble the building.

Alan Jacob, resident in the area, wants to know what triggers the need for a use permit. Associate Planner Palmeri indicated that the size of the unit was larger than a typical accessory structure, as it was being treated as a residential storage facility. Mr. Jacob expressed further concerns about the fifteen houses that will face the building, the size of the building, and that he didn't think that it would enhance the property values.

Jack Karr, who owns the property at #3 Chesapeake Court, expressed his distaste for the building.

Gage Chrysler, residing at 2016 Bidwell Avenue, is the contractor on the project. He expressed that because the building would only be 20 feet longer than what was there originally, he didn't

expect it to be much of an eyesore. Commissioner Luvaas asked if it would be feasible to build something that looks like a house. Mr. Chrysler said they could put wood siding on top of the metal siding and suggested that windows be painted on it.

Dana Bigelow, who resides at #4 Chesapeake Court, requests that a more rustic design be implemented so it can blend into the neighborhood.

Linda Karr, of #3 Chesapeake Court, stated that she didn't want a metal shed and thinks that any other material would work well. It was also recommended that a barrier of tall trees be planted as camouflage. Jessee Allread responded, saying that it has been their intention to put English Laurel and Oleander up alternately, in addition to the four oaks on the lot line.

Public hearing closed at 9:12 p.m.

Commissioner Brownell expressed concern that the building was too large and not consistent with R1 zoning.

Commissioner Schiffman expressed that nothing more than 1,500 square feet, with vegetation, should be built.

COMMISSIONER LUYAAS MOTIONED THAT THE COMMISSION DENY REQUEST.
THE MOTION WAS SECONDED BY COMMISSIONER BROWNELL.

After discussion, Commissioner Alvistur stated that he would oppose the denial citing that the applicant would cleanup the lot and also believes that the vegetative screen will work.

Commissioner Francis stated her intention to vote in favor of the denial, citing that Use Permits are required to give us some preview and input of neighbors. The permanence of the structure was also called into question, with the feeling that the building was much too commercial looking.

THE MOTION TO DENY PASSED BY A 4-3 VOTE. COMMISSIONERS SCHIFFMAN,
ALVISTUR AND MONFORT VOTED AGAINST THE MOTION.

Commissioner Monfort stated that a 1,000 square foot building would require a building permit.

Break starting at 9:25 p.m.

Back at 9:35 p.m.

5.4. Chapman/Mulberry Neighborhood Plan Adoption GPA/RZ 04-03 (City of Chico) -
In an effort to address housing rehabilitation and public works improvements within the

Chapman/Mulberry neighborhood, while still maintaining the neighborhood's unique rural character, the City will consider adoption of the Chapman/Mulberry Neighborhood Plan (the Plan). Parcels within the Plan area are bounded on the north by E. 9th Street (SHR 32); the eastern boundary line is approximately Boucher Avenue; the western boundary is SHR 99; and the southern boundary line is generally Fair Street. The Plan has goals and policies to preserve and enhance the single-family residential character of the Neighborhood and promote economic revitalization. The Plan consists of several parts, including: 1) language to be inserted as a General Plan Amendment that provides new policies regarding land uses, neighborhood design and buffers, circulation, and public facilities and services for the Plan area; 2) refinements to designations in the City's General Plan Land Use Map; 3) minor rezones within the Plan area; and 4) text to be added to the Chico Municipal Code to implement a special design considerations (-SD) overlay zone for the Chapman/Mulberry neighborhood. Key provisions in the proposed -SD overlay include variable setbacks and orientation of new dwelling units, location of new garages, provision of landscaping, and requirements for front porches. The -SD overlay will apply to incorporated areas within the Plan area. As new areas are annexed into the City, they will also be subject to the -SD overlay standards. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends that the Commission recommend City Council adoption of the mitigated negative declaration, and approval of the Chapman/Mulberry Neighborhood Plan and related general plan amendments, changes to the Chico Municipal Code, and rezonings.***

Senior Planner Vieg presented the staff report, which included reviewing Attachment B. He also reviewed land uses, previous meetings and direction, and correspondence received from property owners Patrick Kelly and Ken Grossman.

Commissioner Luvaas asked about single-family dwellings fronting onto the street stating that he didn't want to prevent a future planned development with clustering or preclude creative infill.

Supervisor Dolan stated that the preference was that houses front to the street with exception along East 16th Street whereupon she referenced the specific plan. Assistant City Attorney Barker confirmed that a planned development would allow a change.

Commissioner Luvaas asked what the time frame was for improving pedestrian and bicycle circulation. Senior Planner Vieg responded, saying that they will defer to the Butte County plan where possible, whereupon Supervisor Dolan stated that it will be done with an investment of public money.

Commissioner Brownell asked about pedestrian paths that go nowhere. Senior Planner Vieg stated that some gaps are in areas that are proposed for amortization.

Commissioner Monfort expressed interest in putting the plan on the City of Chico Bike Plan so that grant money is diverted to it. Senior Planner Vieg said that those would be refinements to the General Plan.

Commissioner Luvaas expressed reservation saying that he didn't want strip commercial for those empty lots facing 20th Street.

Public hearing opened at 10:05 p.m.

Patrick Kelly, 900 E. 19th Street, reviewed his letter. Mr. Kelly stated he is here as a NIMBY tonight, that E. 19th Street dead-ends at his street, and that he doesn't want multi-family residences next to his property.

Mark Hooper, who lives at Virginia and Martin, is concerned about density and ownership affecting the vibrancy of Chico. He stated that he likes varied lot sizes, that he does not want lot splits of lots smaller than an acre, and requested access from 20th Street and 16th Street.

Jennifer Macarthy, Butte County Program Manager, thanked the staff. She was interested in keeping strong language about amortization of non-conforming uses. Referring to Exhibit B, on page 14, item #5, states that the City seeks to facilitate. Ms. Macarthy pointed out that on page 16, under implementation program referring to amortization of non-conforming uses, she would strongly suggest that the City modify the language so that property that is annexed is still amortized.

Commissioner Schiffman asked if the City would need an ordinance. Assistant City Attorney Barker replied that it needed to be implemented through the City's law.

Supervisor Dolan requested that staff say that an ordinance will be passed. Commissioner Monfort offered a change on page 11.

Public hearing closed at 10:30 p.m.

Commissioner Monfort cited the second sentence of the third paragraph, citing that the lack of sidewalks was a valuable amenity. He requested that the language be changed to say that we value street trees and the narrow right-of-way. Supervisor Dolan pointed out that the County didn't want to eliminate front yards, due to the lack of right-of-way.

Commissioner Luvaas expressed that he wants the City to adopt an ordinance regarding the amortization of the Chico Scrap Metal Yard.

Commissioner Francis requested that she wanted a time frame based on the applicant's willingness to move. Supervisor Dolan pointed out that the initial time limit is ten years and that

intense industrial uses are the highest priority.

Commissioner Luvaas cited the top of page 9, under land use policies for R2, and pointed out that he wanted to add the east side of Guill, which also has some existing R2 uses. Commissioner Francis agreed, but doesn't want to block the view of the park. Supervisor Dolan expressed that she didn't want R2, instead opening it up to the neighborhood.

Commissioner Luvaas cited page 10, under circulation, referring to insuring access to the regional park. He also wanted to ensure access to the mixed use neighborhood core (especially at 16th and 20th Streets) by building a path that dead ends at Chapman.

Commissioner Luvaas cited page 11, on street standards, where he pointed out that he wanted flexible application of standards to maintain compatibility with existing development. It was agreed that the City street standards are generally appropriate.

Commissioner Luvaas stated that he wanted to make sure that the mixed use neighborhood core is really mixed, wanting incentives for upper story residential use, if not a requirement. Commissioner Francis raises her concerns about requiring residential development, so Commissioner Luvaas requests only incentives.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 04-33 RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION, ADOPT THE CHAPMAN/MULBERRY NEIGHBORHOOD PLAN, AND APPROVE GPA/REZONE 04-03, AS RECOMMENDED BY STAFF WITH THE FOLLOWING ADDITIONS TO THE DRAFT NEIGHBORHOOD PLAN: THERE IS TO BE A CHANGE IN LANGUAGE OF THE TERM "AMORTIZATION" AND THE IMPLEMENTATION OF AN AMORTIZATION ORDINANCE AS PERTAINS TO CHICO SCRAP METAL YARD; THE ADDITION OF THE TERM "MIXED USE NEIGHBORHOOD CORE"; AND THE ADDITION THAT CITY STREET STANDARDS ARE "GENERALLY" APPROPRIATE. COMMISSIONER FRANCIS SECONDED THE MOTION WHICH UNANIMOUSLY PASSED 7-0.

6. BUSINESS FROM THE FLOOR

There was no business from the floor.

7. PLANNING UPDATE

Planning Director Seidler stated that the department had authorization to fill an administrative secretary position. It was also announced that Senior Planner Mark Wolfe has left the City, taking a position in the private sector.

8. **ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 11:00 p.m. to the Regular Meeting of September 2, 2004, at 6:30 p.m.

July 7, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**CITY OF CHICO
PLANNING COMMISSION
ACTION SUMMARY**

MEETING OF SEPTEMBER 2, 2004

Municipal Center - 421 Main Street - Council Chambers
6:30 P.M.

1. ROLL CALL

Commissioners Vic Alvistur, Mary Brownell, Jolene Francis, Kirk Monfort and Irv Schiffman present. Commissioners Orval Hughes and Jon Luvaas absent. Staff present: Planning Director Kim Seidler, Principal Planner Teresa Bishow, Senior Planner Mark Wolfe, Associate Planner Ed Palmeri, Associate Planner Jay Hanson, Associate Planner Bob Summerville, Senior Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Assistant Planner Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

3. REGULAR AGENDA

3.1. Parcel Map 04-07 (MBD, Inc.) Southwest corner of Eaton and Cohasset Roads

- A request that the Planning Commission reconsider a condition of approval restricting vehicular movements on Cohasset Road to right-in and right-out movements only. At its meeting of August 5, 2004, the Planning Commission conditionally approved Parcel Map 04-07 (MBD, Inc.) to create five commercial lots on 3.81 acres composed of three parcels located at the southwest intersection of Eaton and Cohasset Roads. The properties are identified as Assessor's Parcel Numbers 007-160-027, -028, and -029. Elimination of the condition would allow left-in, right-in, and right-out vehicle movements from Cohasset Road. This project was previously determined to be categorically exempt from environmental review, pursuant to the California Environmental Quality Act.

Public Speakers: Tim Wood

Commissioner Monfort moved, seconded by Commissioner Brownell, that the Planning Commission modify Planning Commission Resolution 04-32 by amending Condition 6 of EXHIBIT "II" CONDITIONS OF APPROVAL: Tentative Parcel Map 04-07 (MBD Commercial) to read:

Condition 6. Vehicle movements into and out of the project site from the ingress/egress driveway on Cohasset Road shall be restricted to left-in, right-in and right-out turns only.

Motion passed 4-0-1-2. Commissioner Francis disqualified.

Commissioners Hughes and Luvaas absent.

- 3.2. Pleasant Valley Courtyard Tentative Condominium Subdivision Map S 04-07 (Bradford) 2595 Ceanothus Avenue** - A request to approve creation of nine commercial lots and condominium conversion of eight commercial buildings currently under construction on 3.53 acres located at 2595 Ceanothus Avenue. The site is located approximately 220 feet north of East Avenue. The project site is identified as Assessor's Parcel Nos. 016-060-055 and 016-060-056, is designated Office on the City of Chico General Plan Diagram, and is located in an OR Office Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects).

Public Speakers: Rick Coletti

Commissioner Monfort moved, seconded by Commissioner Schiffman, that the Planning Commission adopt Resolution No. 04-34, making a determination that the project is categorically exempt from environmental review and approving Tentative Condominium Subdivision Map S 04-08 (Bradford), subject to the findings and conditions contained therein.

*Motion passed 4-0-1-2. Commissioner Francis disqualified.
Commissioners Hughes and Luvaas absent.*

- 3.3. General Plan Amendment/Rezone 04-02 and Planned Development Permit 04-01 (Crossen) 2735 Esplanade** - A request to amend the General Plan land use designation, change the zoning district, and conceptually review a planned development permit for 2.95 acres located at the southeast corner of Esplanade and Lassen Avenue. The General Plan land use amendment is from Office to Community Commercial, and the zoning classification change is from OR (Office Residential) to CC (Community Commercial). The site, which is currently vacant, is identified as Assessor's Parcel Number 006-044-002. The planned development permit would allow development of the site with approximately 35,535 square feet of retail space, and would prohibit certain uses (such as drive through businesses) in the retail center. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA).

Associate Planner Ed Palmeri presented the staff report, reviewing the land use issues involved and details of the proposal. He noted that staff is recommending that the Commission perform two separate actions: recommend City Council approval of the general plan amendment/rezone; and conduct conceptual review of the planned development permit. He clarified that staff is recommending that a five-foot sidewalk be installed along The Esplanade and E. Lassen Avenue.

In response to Commissioner Schiffman, Mr. Palmeri explained that this center will be a regional shopping draw, incorporating elements of a neighborhood center.

The Commission discussed the need for a right-turn lane on The Esplanade. Senior Development Engineer Matt Johnson explained that the traffic study showed that a right-turn lane isn't needed, but the Commission discussed relocating some buildings and site features to facilitate the installation of a future turn lane should one be needed. Planning Director Kim Seidler cautioned the Commission against including features that would reduce the walkability of the intersection.

The public hearing was opened at 7:33 p.m.

Byron Crossen, 382 Brookside Drive, applicant, explained that the CC zoning is sought to give more flexibility in the size of the individual suites in the project, and that he has no interest in more intense CC uses, such as drive-throughs or gas stations.

Pat Cole, 1037 Park Avenue, project architect, reviewed the proposed site design and architecture, noting that it is essentially an urbanized center for the suburbs which encourages pedestrian activity. He noted that the owner is proposing to dedicate three feet of land to the City, and install a four-foot sidewalk within the public right-of-way. He opined that there is enough room in its present configuration to allow future installation of a right-turn lane, although the clock tower may have to be relocated.

Commissioner Monfort suggested that a frontage drive may be appropriate for the site; Mr. Cole pointed out that existing trees and the required bus turnout make a frontage drive infeasible for this site, but that he would try to incorporate the idea in a future project.

In response to Commissioner Monfort, Mr. Crossen indicated that he is not interested in placing residences in upper floors of the project.

The Commission discussed various aspects of the project.

There being no further comment, the public hearing was closed at 8:04 p.m.

The Commission discussed the project.

The Commission was in recess from 8:23 to 8:32 p.m.

Principal Planner Teresa Bishow suggested that the Commission may wish to recommend Council approval of the GPA/RZ, then discuss details relating to the PDP.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 04-36, RECOMMENDING THAT THE CITY COUNCIL ADOPT A

MITIGATED NEGATIVE DECLARATION AND APPROVE GPA/RZ 04-02 WITH A -PD OVERLAY ZONE. COMMISSIONER FRANCIS SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS HUGHES AND LUYVAAS ABSENT).

The Commission discussed various aspects of the project, including several proposed changes. After several straw polls, the Commission's direction to the applicant included: examine building locations to minimize conflict with any future installation of a right-turn lane (Mr. Johnson agreed to superimpose a right turn lane on the site plan to show how much room would be needed); move building A so that no part of it projects into the public right-of-way; provide cross-sections of the driveway, right-of-way, etc.; include a sturdier, non-panel wall on the east side of the project (such as a stucco-coated block wall); examine trash enclosure locations further away from the adjacent residences; include at least a five-foot public sidewalk adjacent to the project; consider altering the northwest corner of building B to facilitate a future right-turn lane; and examine ways to disperse bike racks in locations more convenient to users.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION CONCEPTUALLY APPROVE PDP 04-01, SUBJECT TO THE PREVIOUSLY-MENTIONED DIRECTION TO THE APPLICANT. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS HUGHES AND LUYVAAS ABSENT).

Commissioner Francis pointed out that two Commissioners aren't present, and that they may have additional or different ideas when this project comes back for final approval.

4. BUSINESS FROM THE FLOOR

None.

5. PLANNING UPDATE

None.

6. ADJOURNMENT

Adjourned at 8:58 p.m. to the Adjourned Regular Meeting of September 16, 2004.

July 7, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
ADJOURNED REGULAR MEETING OF SEPTEMBER 16, 2004
MUNICIPAL CENTER - 421 MAIN STREET
COUNCIL CHAMBERS**

1. ROLL CALL

The meeting was called to order by Chairperson Vic Alvistur at 6:30 p.m. Commissioners present: Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, and Kirk Monfort. Commissioners absent: Irv Schiffman. Staff present: Planning Director Kim Seidler, Principal Planner Teresa Bishow, Senior Planner Brendan Vieg, Senior Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Assistant Planner Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioners Francis, Luvaas, and Monfort each reported that they had spoken to many people concerning the Bidwell Ranch general plan amendment/rezone. Nearly everyone was opposed to development of the site.

3. REGULAR AGENDA

- 3.1. Bidwell Ranch/Permanent Open Space General Plan Amendment and Rezone (GPA/RZ 04-04) (City of Chico)** - The Bidwell Ranch property (APN Nos. 016-170-002, 016-200-002, and 016-230-010) is approximately 750± acres and is located in northeast Chico, northeast of the Sycamore Creek Diversion Channel, and adjacent to the western edge of Upper Bidwell Park. The site contains large areas of environmentally-sensitive lands, including wetlands, vernal pools, arroyos, clay flats, and several ephemeral drainage courses, and protected species. At its January 27, 2004 meeting, the Chico City Council voted 4-3 to initiate an amendment to the existing General Plan land use designation and zoning of the Bidwell Ranch property to permanent open space. To facilitate Council direction, several actions are proposed, including: 1) amending the General Plan Diagram to change the project site's designation from *Open Space for Environmental Conservation /Safety and Very Low Density Residential* to *Open Space for Environmental Conservation/Safety*; 2) amending General Plan text and figures, including the Housing Element, to ensure internal consistency; and 3) amending the zoning map to change the zoning from *PMU-RM-PD Planned Mixed Use with Resource Management and Planned Development overlays* to *OSI Primary Open Space*. The Planning Commission will consider the proposed General Plan amendment/rezone and General Plan text amendments, and will make a recommendation to the City Council. The City Council will hold a separate public hearing and consider the Planning Commission's recommendation. A separate City Council public notice will be published prior to its public hearing. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends that the Commission recommend City Council adoption of the mitigated negative declaration and approval of the general plan amendment/rezone.***

Senior Planner Brendan Vieg presented the staff report, reviewing specifics of the General Plan amendment/rezone, the history of the site, the environmental review, necessary changes to the text of the General Plan, and correspondence received. He noted that the City Council did not direct staff to analyze alternate development proposals for the site.

The public hearing was opened at 6:48 p.m.

The following people spoke in support of the GPA/RZ: Glen Pollock, 1113 Sunset Avenue; Brennan Purtzer, 1492 Salem Street; Gloria Bettencourt, 1366 Vallombrosa Avenue; Sharon Chambers, 6 La Leita Court; Lionel Brooks, 33 Northwood Commons; Jonas Herzog, 379 E. 10th Avenue; Lin Jensen, 468 E. Sacramento Avenue; Barbara Vlamis, 116 W. 2nd Street; Karen Laslo, 468 E. Sacramento Avenue; Michael McGinnis, 555 Vallombrosa Avenue, #59; Anthony Nicosia, 1276 Stewart Avenue, #12; John Merz, 1813 Broadway; Paul Persons, 1834 Arroyo Canyon; Randy Abbott, 1151 E. 10th Street; Billie Crosby, 1378 Vallombrosa Avenue; Greg Miller, 1817 Palm Avenue; Jim Dwyer, 464 E. 3rd Avenue; Kelly Meagher, 337 Main Street; Marilyn Ditmanson, 756 Portal Drive; Michael Pike, 2300B Estes Road; Tina Meyer 1330 Orchard Way; Carl Johnson, 1850 Vallombrosa Avenue; Diane Naegerli, 860 Vallombrosa Avenue; Arlene Ward, 2050 Sunrise Court; Lea McCleary, 1817 Palm Avenue; Jim Walker, 1670 Hooker Oak Avenue; Barbi Boeger, 1531 ½ Arcadian Avenue; and Saul Hanson, 4 San Ramon Drive. In addition, a petition in support of the GPA/RZ was submitted by members of Save Bidwell Ranch, asserted to contain over 1,000 signatures.

Issues raised in support of the GPA/RZ included: people are opposed to new construction next to Upper Park; legal liabilities need to be considered; a desire for the area to remain open space; the need to preserve both wetlands and an airport overflight corridor; a suggestion that the future use of the property should be put to a vote of the people; an assertion that development is tragic and devastating; the fact that BEC has worked for decades to preserve the property; the site is a groundwater recharge area; there's no hard evidence that selling the land will generate any money; selling the sewer capacity will largely pay for the site; the City always finds a way to pay for parks; this site should be added to Bidwell Park; concerns about traffic and pollution if the site is developed; the City needs to stop stalling and make a decision on the fate of this property; open space and parks are critical to a community; developer fees should pay for new parks; the City should preserve this open space for our grandchildren; this asset of Bidwell Ranch is increasing property values City-wide by remaining open space; people love Bidwell Park; the City has a moral obligation to rezone the property; the lavishness of new houses indicates that higher developer fees should be instituted; the City has a great responsibility, and should adopt a comprehensive management plan for the site; as economics get more complex, the value of open space will be recognized; the site needs to be kept open to protect CDF operations at the airport; and an assertion that a vote against the GPA/RZ will result in a referendum.

The following people spoke in opposition to the GPA/RZ: Jim Garton, 366 Marmore Road; and Marilyn Ey, P.O. Box 9211.

Issues raised in opposition to the GPA/RZ included: growth is necessary and healthy; the future

use of the site should be put to a vote; the site represents a potential funding source for other community parks; and that rezoning the property will force the City to consider raising taxes to pay for parks.

There being no further comment, the public hearing was closed at 8:26 p.m.

Commissioner Monfort confirmed with staff that the possibility of any FAA funding to preserve an overflight corridor was remote.

The Commission discussed the restrictiveness of the OS1 zoning district, and what would be allowed.

Assistant City Attorney Lori Barker pointed out that how the property is zoned and how it is used are two separate issues.

After discussion, there was general agreement that some sort of use and management plan should be adopted for the property.

Commissioner Francis expressed concern that this property shouldn't be rezoned until after HCD has approved the City's Housing Element, since this rezone would remove 1,500 homes from the City's potential housing stock. Mr. Seidler replied that while the City may have to find additional land somewhere else in the City to make up the shortfall, staff is confident that the City will be able to meet its allocation for all housing types.

The Commission discussed the environmental review for the project; staff asserted that the General Plan EIR considered the buildout of all lots in the sphere of influence.

COMMISSIONER LUYVAAS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION 04-37, RECOMMENDING THAT THE CITY COUNCIL (1) ADOPT A NEGATIVE DECLARATION AND (2) APPROVE GENERAL PLAN AMENDMENT/ REZONE 04-04. COMMISSIONER MONFORT SECONDED THE MOTION.

Commissioner Francis suggested that the Commission wait until the survey recently authorized by Council (to determine methods of funding development of parks) is completed. The general consensus was that the Commission shouldn't delay making a decision.

Commissioner Francis stated that while a large majority of the site should be rezoned to open space, she isn't convinced that the entire site needs to be rezoned.

The Commission discussed public access to the site, generally agreeing that public access should be maximized, but that sensitive resources must still be protected. Mr. Seidler suggested that the Commission recommend adoption of a comprehensive use and management plan for the site, through a public process; there was general agreement.

COMMISSIONER LUYVAAS AMENDED HIS MOTION TO ALSO RECOMMEND

ADOPTION OF A COMPREHENSIVE USE AND MANAGEMENT PLAN FOR THE SITE, DEVELOPED THROUGH A PUBLIC PROCESS. THE MOTION, AS AMENDED, PASSED 5-1-1 (COMMISSIONER FRANCIS OPPOSED, COMMISSIONER SCHIFFMAN ABSENT).

4. BUSINESS FROM THE FLOOR

Commissioner Monfort requested that the Commission agendaize a discussion of the removal of certain bicycle projects from the nexus study. The Commission agreed; staff stated that it would research the issue and place it on a future agenda.

5. PLANNING UPDATE

Ms. Bishow reviewed the upcoming meeting schedule. Mr. Seidler noted that the biennial recruitment for boards and commissions will take place in October and November.

6. ADJOURNMENT - There being no further business before the Commission, the meeting was adjourned at 9:07 p.m. to the Regular Meeting of October 7, 2004, at 6:30 p.m.

October 7, 2004

Date Approved

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
REGULAR MEETING OF OCTOBER 7, 2004
MUNICIPAL CENTER - 421 MAIN STREET
COUNCIL CHAMBERS**

1. ROLL CALL

The meeting was called to order by Chairperson Vic Alvistur at 6:30 p.m. Commissioners present: Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort, and Irv Schiffman. Staff present: Planning Director Kim Seidler, Principal Planner Teresa Bishow, Senior Planner Patrick Murphy, Associate Planner Jay Hanson, Senior Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Assistant Planner Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Hughes reported that he spoke to Rick Coletti concerning the Wildwood Estates project. Commissioner Monfort reported that he spoke to Nancy Praizler about Avalon Court.

3. CONSENT AGENDA

3.1. Minutes of the Adjourned Regular Meeting of September 16, 2004

*Commissioner Francis moved, seconded by Commissioner Brownell, approval of the minutes of September 16, 2004.
Motion passed 6-0-1. Commissioner Schiffman abstained due to being absent.*

- 3.2. Sierra Sunrise Office Condominiums Tentative Condominium Subdivision Map S 04-10 (Land's End Real Estate) north side of Sierra Sunrise Terrace, 500 feet east of Bruce Road** - A request to subdivide a 2.13 acre parcel and two-story office building (currently under construction) to create 18 condominium units. Interior common areas are proposed on the first and second story of the office building and an exterior common area for purposes of ingress, egress, utilities, parking, and useable open space. One of the condominium units is proposed to reserve a future building pad site. The site is identified as Assessor's Parcel No. 011-470-002, is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CC Community Commercial zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301 (k) (Division of existing commercial buildings into common-interest ownership). *Staff recommends approval of the tentative condominium subdivision map.*

Commissioner Monfort pulled item 3.2. from the Consent Agenda.

COMMISSIONER FRANCIS MOVED APPROVAL OF THE BALANCE OF THE CONSENT AGENDA. COMMISSIONER BROWNELL SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER SCHIFFMAN ABSTAINING).

4. ITEMS REMOVED FROM CONSENT AGENDA

4.2. Sierra Sunrise Office Condominiums Tentative Condominium Subdivision Map S 04-10 (Land's End Real Estate) north side of Sierra Sunrise Terrace, 500 feet east of Bruce Road

Commissioner Francis was disqualified because of her employer's relationship with the applicant.

This item was carried over from the September 16th meeting, Associate Planner Summerville was absent from this meeting.

Senior Development Engineer Johnson discussed the access rights of the Sierra Sunrise Terrace roadway. The Department of Public Works have stated that they were still moving toward a resolution on the issue, citing that the roadway would share access rights with the new subdivision. It was raised that one of the main concerns was the condition of the existing bridge. It was determined that structural soundness of the bridge was undergoing close examination.

Public hearing opened at 6:36 p.m.

Senior Development Engineer Johnson stated that a similar situation exists at the site of In and Out Burger at the end of Business Lane, where access rights were granted to a private street. The situation was reviewed and comparisons were made regarding the requested action.

Rick Coletti, applicant, commented in regard to the street, saying that they have legal access rights to the street as shown on the subdivision map. Mr. Coletti supported Gregg Steel's street suggestion as referenced in Mr. Steel's letter, and stated that it was something the City could accept. Mr. Coletti pointed out, via road sections, that a part of the street was opened up earlier in the year. The staff agreed that they would support the issue. It was mentioned that an agreement between the applicant and the City was desired, along with the acceptance of the City.

Commissioner Brownell asked about the terms of payment. Mr. Coletti replied that there was no maintenance agreement.

Commissioner Luvaas asked if the applicant would have any objections to the Commission putting the condition of requiring an equal maintenance agreement on the map. Planning Director Seidler expressed his concerns about the ability to enforce such a condition. Commissioner Schiffman asked for a good faith effort. Commissioner Luvaas agreed.

Assistant City Attorney Barker expressed the same concerns as Planning Director Seidler. It was determined that if legal access to the road existed, it would be hard to deal with an imprecise condition. Ms. Barker finished, saying that she thought it was a matter between the private property owners.

Commissioner Schiffman asked for a recommendation. Assistant City Attorney agreed, but Commissioner Monfort asked for more discussion.

Public hearing closed at 6:45 p.m.

COMMISSIONER HUGHES MOVED THAT THE PLANNING COMMISSION FIND THE PROJECT CATEGORICALLY EXEMPT AND ADOPT RESOLUTION NO. 04-39, APPROVING THE SIERRA SUNRISE OFFICE CONDOMINIUMS TENTATIVE CONDOMINIUM SUBDIVISION MAP (S 04-10), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER MONFORT SECONDED THE MOTION.

Commissioner Hughes amended to make a recommendation that the property owner work with Sierra Sunrise in order to facilitate the maintenance of the road.

THE MOTION PASSED 6-0-1 (COMMISSIONER FRANCIS WAS DISQUALIFIED).

5. REGULAR AGENDA

- 5.1. Avalon Court Small-lot Vesting Tentative Subdivision Map S 04-09 (Pierce/Morgan) 391 West Lassen Avenue** - A request to subdivide a 1.0 acre site located at 391 W. Lassen Avenue into six lots for the development of single-family homes. The project creates a gross density of 6.0 dwelling units per acre. The project is proposed in accordance with the City of Chico's small-lot subdivision standards (Chico Municipal Code section 19.76.150), which allow lot sizes ranging from 3,500 to 4,499 square feet with up to 30% of the lots allowed to exceed 4,499 square feet. Proposed lots range in size from 3,684 square feet to 5,549 square feet, with an average size of 4,054 square feet. The project design features a single cul-de-sac accessed from the south side of W. Lassen Avenue along the westerly boundary of the site. There are no immediate plans to develop the proposed parcels. As part of the map application, the applicant is requesting modifications to City subdivision design criteria and improvement standards. The site is identified as Assessor's Parcel No. 006-360-002, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends adoption of the mitigated negative declaration and approval of the vesting tentative subdivision map.*

Associate Planner Hanson presented the staff report, reviewing the land use issues involved and details of the project. Mr. Hanson noted that the homes will be two stories, that the cul-de-sac was the minimum size, and that staff recommends approval.

The Commission discussed placing the cul-de-sac adjacent to the southern property line of the project to facilitate future connectivity to the south.

The public hearing was opened at 6:53 p.m.

Wes Gilbert, Project Engineer, expressed concerns with moving the cul-de-sac due to the ten foot public utility easement (PUE) and the equipment cabinets located within it. After discussion, it was agreed that the proposed property line for lot 6 would be moved easterly as an alternate solution for future connectivity. It was also agreed that the home on lot 1 should face W. Lassen Avenue with a side-loaded garage.

Jane Rapa, representing her mother Sue O'Connor who lives at 375 W. Lassen Avenue #4, expressed concern with the loss of privacy from having two-story homes adjacent to her mother's property. She requested that the new homes be limited to one-story.

Nancy Praizler, 1014 Frances Drive, owner of a condominium at 375 W. Lassen Avenue, voiced agreement with the previous speaker. She suggested that if two-story is allowed, that the rear upper story walls have either no windows or small high windows.

Jordan Swick, 374 W. Lassen Avenue, stated that the size of the homes will decrease property value in the neighborhood.

Mr. Gilbert suggested that he "flip" the project so that the cul-de-sac would be on the east side of the project. The Commission agreed to the suggestion. In response to Commissioner Luvaas, Mr. Gilbert agreed that small high windows would be feasible on the rear upper stories.

The Commission discussed the proposed road alignment; Mr. Gilbert agreed to alter the road alignment to provide for future connectivity to the south.

There being no further comment, the public hearing was closed at 7:14 p.m.

Principal Planner Teresa Bishow suggested that this item be re-noticed, due to the extent of the changes proposed. After discussion, it was agreed to continue this item to the next Planning Commission meeting, and that staff would inform neighbors of the proposed change via letter.

COMMISSIONER SCHIFFMAN MOVED THAT THE PLANNING COMMISSION CONTINUE THIS ITEM TO THE 10/21 MEETING, AND THAT A LETTER BE SENT OUT INFORMING THE NEIGHBORS OF THE REASON FOR THE CONTINUANCE AND THE PROPOSED CHANGES TO THE PROJECT. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 7-0.

- 5.2. Conceptual Review of General Plan Amendment/Rezone 04-01 involving multiple properties off Cactus Avenue, and Conceptual Review of the Proposed Wildwood Estates Vesting Tentative Subdivision Map S 04-01 (Cactus Avenue Partners) at 2812 Cactus Avenue** - Conceptual review of an application involving (1) a General Plan amendment to change the current General Plan land use designation for a 12.6-acre parcel from Very Low Density Residential (0.2-2.0 units per acre) to Low Density Residential (2.01-6.0 units per acre); (2) a rezone to change the current zoning of the

parcel from RS-1 (Suburban Residential - 1 acre minimum) to R1 (Low Density Residential); and (3) an accompanying subdivision map to divide the 12.6-acre parcel into 49 single-family residential lots. The subject property is identified as APN 016-160-002, and is located at 2812 Cactus Avenue. In addition, the owners of seven other parcels located off Cactus Avenue have requested to be included in the aforementioned General Plan amendment/rezone to change their General Plan land use designations from Very Low Density Residential to Low Density Residential and zoning from RS-1 to R1. These additional parcels are identified as APN's 016-140-040, 016-160-001, 016-160-009, 016-120-020, 016-160-021, 016-120-036, and 016-120-037. The Planning Commission is being requested to provide direction to the applicant and City staff as to the appropriateness of the requested application; no action to approve or deny the project will be taken at this meeting. ***Staff recommends that the Commission conceptually review the General Plan amendment/rezone and the vesting tentative subdivision map, providing any needed direction to staff and the applicant.***

Commissioner Francis was disqualified from the review and left the Council Chambers.

Senior Planner Murphy presented the staff report, reviewing the land use issues involved, details of the project, and the proposed subdivision design. He advised access would be provided off the future extension of Eaton Road, that staff was unable to analyze this individual application by itself without looking at its context with the overall neighborhood, and that staff conducted two neighborhood meetings.

Commissioner Luvaas asked if there have been any assessment of the swales on the project site. Senior Planner Murphy responded that vernal pools and wetlands were present on the site and that the project would have to include appropriate mitigation measures.

Commissioner Schiffman confirmed that residents will have to cross Eaton Road to get to Wildwood Park and mentioned his dislike for isolated subdivisions. Senior Planner Murphy stated that staff had worked with the applicant to provide street stub-outs to the south, and are encouraging a future street connection to the north. It was also pointed out that staff wanted overall neighborhood input. Senior Planner Murphy discussed the agreement with the neighborhood regarding Cactus Avenue not connecting to Eaton Road at the far north end of the study area.

Commissioner Brownell asked if anyone discussed a cross section for Cactus Avenue. Senior Planner Murphy stated that there were concerns with the quality of storm water runoff. Public Works has agreed to be flexible in regards to roadway widths, bike paths, and street lighting so as to address neighborhood concerns and desires.

Commissioner Brownell expressed concern that there would be much traffic along the south-side homes. Senior Planner Murphy stated that if the applicant had to make a connection to Cactus Avenue, then there should be a new pavement overlay of the existing roadway.

Commissioner Luvaas asked about Eaton Road's construction and time frame. Senior Planner

Murphy replied that the plans are almost done and could be done as early as 2005.

Public hearing opened at 7:52 p.m.

Applicant Rick Coletti stated that Eaton Road construction is more distant. Mr. Coletti stated that future connectivity to the south would be adequate. Mr. Coletti stated that they were asked to have a neighborhood meeting, which provided a place for everyone's concerns. It was determined that there were problems with the sewer and the lack of a sewer connection on some smaller lots. It was pointed out that street lighting became an issue during the neighborhood meeting. The applicant was still undecided on how the road was to be handled and requested that their application be looked at separately so that they can move forward.

Commissioner Alvistur asked about the proposed use of Eaton Road. Rick Coletti stated that they have been thinking about extending it to the south upon approval. Mr. Coletti requested feedback regarding any changes which might be needed. Commissioner Monfort suggested facing homes onto Eaton Road. Senior Planner Murphy said that any rear yards facing Eaton Road will require a sound wall.

Ten minute break starting at 8:06 p.m.

The Commission reconvened at 8:16 p.m.

Mark Lampey, property owner to the north of the Wildwood Estates site, is in favor of the zoning change, and in favor of some sort of spur road coming up to his property so he can do something similar to what Rick Coletti is doing.

Andrea Bonner, wants to formally request that her zoning be changed (Parcel 037). It was confirmed by Senior Development Engineer Johnson that Ms. Bonner currently resides in the County.

Liz Mosher who lives on Rusty Lane, is concerned that certain issues haven't been answered tonight. Ms. Mosher's concerns include: Eaton Road was designed with that curve in it, and at that time they decided that Cactus would not go through because of the curve; crossing Eaton Road to get to Wildwood Park is dangerous for horses and pedestrians; concern that the rural atmosphere of Cactus Avenue will be destroyed and requested that a plan similar to Chapman/Mulberry be adopted for the area; concern about aircraft overflight and decreasing property values; and concern about potential sewer problems. Ms. Mosher requested discussion regarding drainage problems and the development occurring around the area, citing that residents who enjoy the area will have to give that up. She expressed further concern that if her property wasn't annexed into the City, that it would become an island. Ms. Mosher requested that the Cactus Avenue residents form a neighborhood group to discuss annexation.

Cecilia Davenport, 2655 Cactus Avenue, pointed out that the City denied her sewer application. Ms. Davenport expressed that she is for annexation, subdividing and changing property to R1, with the added condition that there would be a density of four dwelling units per acre. Ms.

Davenport also pointed out that she doesn't think that improving the rural condition will hurt property values.

Jerry Olio, 2595 Cactus Avenue, would like to see his property stay the way it is, but is grudgingly asking for a zoning change and annexation. Mr. Olio also expressed his desire to have larger houses on the interior of the lot.

Bob Campbell, moved into the neighborhood two years ago and likes the rural feel and requested low lighting levels. Commissioner Schiffman asked how to keep this rural feel. Mr. Campbell responded that he had always envisioned the area being comprised of larger homes and larger lots. Commissioner Luvaas expressed concern that people might not want a bunch of mega-houses across the street.

Cecilia Davenport again requested that City sewer be available to the whole area. It was also pointed out that the majority of houses in the neighborhood are roughly 1,500 or 1,600 square feet.

Rick Coletti again commented on the pedestrian crossing on Eaton Road, saying that the City would build a crossing regardless of whether the project was built. Mr. Coletti responded to concerns of air traffic, saying that an application was processed with the Airport Land Use Commission. It was also said that two units per acre wouldn't work out financially, instead 49 lots were slated as a compromised amount.

Public hearing closed at 8:45 p.m.

Commissioner Luvaas expressed his dislike of growth, citing increasing housing prices. Mr. Luvaas requested that the zoning be changed to R1 and that circulation and orientation be discussed. Likewise, Mr. Luvaas would also like to accommodate the neighbors by not dumping traffic onto Cactus Avenue and implementing bollard lights for pedestrian safety.

Commissioner Alvistur pointed out that one way to approach the issue was to look at the five land use/density options presented in the staff report. Commissioner Hughes expressed his desire to implement option #4, with Commissioners Luvaas and Monfort in agreement. Commissioner Luvaas voiced his support for comprehensive planning for the area.

Commissioner Brownell asked that the staff come up with a cross-section. Ms. Brownell pointed out that the residents have fought to not have a connection to Eaton Road. It was requested that a future street stub be eliminated, instead implementing some sort of a split zone. Furthermore, Commissioner Brownell requested that the majority of Wildwood Estates be R1, but lots facing Cactus Avenue be RS-20. Senior Planner Murphy stated that the homes along Cactus Avenue could be R-10. Commissioner Brownell again expressed desire to have RS-20 along the road itself, and R1 behind, citing that she wanted a connection to the north property.

Commissioner Alvistur voiced his agreement with option #2 in the staff report in conjunction with Commissioner Brownell's above suggestion.

Commissioner Luvaas stated that he was not convinced that the zoning provided adequate neighborhood protection. Instead he said that half-acre lots aren't consistent with what it already there. It was also pointed out that a planned development was a good idea with R2 on a portion of the frontage along Eaton Road.

Commissioner Schiffman agreed with option #4 of the staff report, along with a planned development overlay. Planning Director Seidler clarified that what was being discussed was either a planned development overlay or a special design considerations overlay. Planned development defines a process more than an outcome. It was agreed that the special design considerations overlay concept would work, as it protects Cactus Avenue residents. These ideas include: connectivity, easy transition on Cactus Avenue, and interest in higher densities due to land values in the interior. Planning Director Seidler interjected that it sounded like the Commission wanted option #4.

Commissioner Luvaas asked that at least one connection to the north from Wildwood Estates be implemented into the plan. Commissioner Brownell expressed her opposition to this plan.

Planning Director Seidler requested that the difference between the special design consideration overlay for the whole zone and the ideas for the map be clarified. Senior Planner Murphy added that the staff may want to say that connectivity is the goal, and not specify a particular number of connections.

Commissioner Monfort asked that a traffic study be performed in order to form a framework for street design. Senior Development Engineer Johnson disagreed. Planning Director Seidler stated that a study might be helpful.

COMMISSIONER HUGHES MOVED TO DIRECT STAFF TO DEFINE THE GENERAL PLAN AMENDMENT/REZONE APPLICATION TO REFLECT OPTION NO. 4, WITH THE ADDED DIRECTION THAT STAFF PROVIDE A SPECIAL DESIGN CONSIDERATIONS OVERLAY FOR THE CACTUS AREA, INCLUDING LARGER LOTS, INCREASING EATON ROAD FRONTAGE DENSITY AND CONNECTIVITY TO THE NORTH AND SOUTH (1 AND 2 RESPECTIVELY). THE MOTION WAS SECONDED BY COMMISSIONER MONFORT.

Commissioner Luvaas proposed an amendment that lighting should be deflected downward. The amendment was seconded by Commissioner Hughes.

MOTION PASSED 5-1-1 (COMMISSIONER BROWNELL OPPOSED, COMMISSIONER FRANCIS DISQUALIFIED).

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Commissioner Brownell requested an updated phone list.

Planning Director Seidler updated the Commission on the actions by Council at the October 5, 2004 meeting.

Principal Planner Bishow discussed the bike nexus study, determining that there was too much discussion about the bike path projects in the nexus study. Senior Development Engineer Johnson confirmed that he will supply the Commission with the report.

- 8. ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 9:48 p.m. to the Adjourned Regular Meeting of October 21, 2004, at 6:30 p.m.

August 18, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
ACTION SUMMARY
MEETING OF OCTOBER 21, 2004
MUNICIPAL CENTER - 421 MAIN STREET
COUNCIL CHAMBERS**

1. ROLL CALL

The meeting was called to order by Chairperson Vic Alvistur at 6:30 p.m.
Commissioners present: Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort, and Irv Schiffman. Staff present: Planning Director Kim Seidler, Principal Planner Teresa Bishow, Senior Planner Patrick Murphy, Associate Planner Jay Hanson, Senior Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Assistant Planner Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Hughes reported speaking with Marty Lugar concerning Belvedere.

3. CONSENT AGENDA

3.1. Minutes of the Meeting of July 15, 2004.

*Commissioner Francis moved to approve the minutes of July 15, 2004.
Commissioner Hughes seconded the motion which passed 7-0.*

- 3.2. Parcel Map 04-06 (Hays) Commerce Court** - A request to subdivide a 2.0 acre site to create three parcels on property located on the north side of Commerce Court, 300 feet east of Ivy Street. Proposed parcel sizes are 32,050 square feet, 28,275 square feet, and 28,275 square feet. The property is currently vacant; vehicle access to the site is proposed from a private road to be developed along the westerly boundary of the property. The site is identified as Assessor's Parcel No. 039-430-159, is designated Manufacturing and Warehousing on the City of Chico General Plan Diagram, and is located in an ML Light Manufacturing/Industrial zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (In-fill Development Projects).
Staff recommends approval of the parcel map.

This item was pulled from the consent agenda.

4. ITEMS REMOVED FROM CONSENT AGENDA

4.2. Parcel Map 04-06 (Hays) Commerce Court

Public Speakers: Floyd Damschen

Commissioner Monfort moved, seconded by Commissioner Hughes, that the Planning Commission find that the project is categorically exempt and adopt Resolution No. 04-40, approving the Tentative Parcel Map (PM 04-06), subject to the findings and conditions contained therein.

Motion passed 6-0-1. Commissioner Francis disqualified.

5. REGULAR AGENDA

- 5.1. Avalon Court Small-lot Vesting Tentative Subdivision Map S 04-09 (Pierce/Morgan) 391 West Lassen Avenue** - The proposed project is a 6-lot subdivision of a 1.0 acre site located at 391 W. Lassen Avenue for the development of two-story single-family homes. The project design originally proposed a single cul-de-sac accessed from the south side of W. Lassen Avenue along the westerly boundary of the site. The project was recently reviewed at the October 7th Planning Commission meeting. At that meeting, several neighbors residing on the east side of the site objected to the development of two-story homes on the proposed lots. In addressing this issue, the applicant proposed to revise the project by moving the cul-de-sac to the easterly boundary of the site. With this revised design, the back yards of the proposed two-story homes would face the westerly boundary line. The Planning Commission continued the public hearing to October 21, 2004 to allow further public comments. The site is identified as Assessor's Parcel No. 006-360-002, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends adoption of the mitigated negative declaration and approval of the vesting tentative subdivision map.*

Public Speakers: Joan Schulte, Don Hocking, Ned Kirkham, Steve More, Wesley Gilbert, Jordan Swick, and Sue O'Connor.

Commissioner Schiffman moved, seconded by Commissioner Francis, that the Planning Commission adopt the Mitigated Negative Declaration and Resolution No. 04-38, approving the Avalon Court Vesting Tentative Small-lot Subdivision Map (S 04-09), subject to the findings and conditions contained therein and the additional conditions as follows:

Changes to the Avalon Court subdivision included: requiring single-story development on all lots except lot 1; that no sound wall be constructed along W. Lassen Avenue; that lot 1 have a two-story design substantially similar to the design submitted by the applicant; that the home on lot 1 face W. Lassen Avenue; and that the sewer

line extending to the south towards Henshaw Avenue be ten feet from the property line to protect trees on the adjoining property.

Motion passed 7-0.

- 5.2. Belvedere Heights Conforming Tentative Map S 02-01, Located Northeast of the Future Extensions of E. 20th Street and Potter Road. (MBD, Inc.)** - In 1993, the City Council approved three contiguous tentative maps (Sophia Estates, Doe Mill Highlands West, and Doe Mill Highlands East) located in the foothills of southeast Chico, identified as Assessor's Parcel Numbers 011-780-002, -003, and -004. These tentative maps are now proposed to be merged and redesigned as the 191-lot Belvedere Heights conforming tentative map (the proposed project). One of the conditions of approval imposed by the City Council for the original tentative maps requires that a revised tentative map be reviewed by the Planning Commission to ensure that the map incorporates all conditions of approval and mitigation measures. The proposed Belvedere Heights conforming tentative map has been prepared for the Planning Commission's review to fulfill this required condition of approval.

In March 2002, a number of trees were removed from the 59-acre Belvedere Heights project site in connection with site preparation for the tentative map. The number and location of trees removed in 2002 were determined to be inconsistent with the mitigation measures in the Final Environmental Impact Report (FEIR) and conditions of approval for the three original tentative maps. Staff is requesting that the Planning Commission (1) review the original environmental mitigation measures established for the project which, due to the removal of the trees in 2002, can no longer be met solely by prohibiting further tree removal, and (2) determine whether the new proposed measures, including the provision of additional public open space and implementation of a comprehensive program of oak planting and long-term maintenance in a new tree preserve, will adequately substitute for and fulfill the purpose of the original mitigation measures related to tree protection.

Staff recommends that the Planning Commission review the proposed Belvedere Heights conforming tentative map and find (1) that the conforming tentative map incorporates previously-approved tentative map conditions of approval and (2) that newly proposed mitigation measures will adequately substitute for and fulfill the purpose of the original mitigation measures in the FEIR related to tree protection for wildlife habitat and aesthetics.

Public Speakers: Tim Wood, William Abbott, Pyshora, James Renfro, Thomas Hull, Lisa Raff, Ralph Osterling, John Merz, Moose Davi, Andrew Meghdadi, and Annette Meghdadi.

Commissioner Schiffman moved, seconded by Commissioner Hughes, that the Planning Commission adopt Planning Commission Resolution No. 04-41 which finds (1) that the conforming tentative map incorporates previously-approved tentative map conditions of approval and (2) that newly proposed mitigation measures will adequately substitute for and fulfill the purpose of the original mitigation measures in the FEIR related to tree protection for wildlife habitat and aesthetics, and will not in themselves cause any potentially significant effect on the environment, and the additional conditions as follows:

Changes to the Belvedere Heights subdivision included: accepting the changes proposed by staff to pages 1 and 6 of the Consistency Analysis Matrix (attachment H of the staff report); moving the eastern north-south bike path to come off the end of Street F instead of Street E; providing an additional bike path connecting to the end of Street B, if this can be done without harming the oaks; making the northern triangular portion of lot 184 a “no development area”; specifying that all screening required will be native vegetation indigenous to this vicinity, and that staff will work with the neighbors to provide screening that meets neighborhood concerns; minimize lighting on the bike paths, providing it only if needed for safety; minimizing light spillage from lights on Street B into the open area to the east; and implementing the oak mitigation plan as soon as feasible during construction.

Motion passed 5-1-1. Commissioner Luvaas opposed the motion and Commissioner Francis was absent.

6. BUSINESS FROM THE FLOOR

Commissioner Hughes explained that he received a phone call from one of the neighbors from the Allread case. Planning Director Seidler reviewed the Allread situation. Commissioner Schiffman noted that there was no standard in place and stated that the neighbor has the right to be upset. Planning Director Seidler replied that no standard existed because of the multiplicity of the situation. Commissioner Brownell requested that standards be discussed, to which Planning Director Seidler responded, saying that a workshop can be scheduled after the new year.

Commissioner Monfort stated that his monitor was not working.

Commissioner Alvistur asked about Yosemite Commons, whereupon Senior Development Engineer Johnson reviewed the case.

Planning Director Seidler noted that Administrative Secretary Schreindl would be present for the November 4th meeting.

7. PLANNING UPDATE

Staff reviewed recent Council actions and the future meeting schedule.

8. ADJOURNMENT

Adjourned at 11:00 p.m. to the Regular Meeting of November 4, 2004, at 6:30 p.m.

July 7, 2005
Date Approved

/s/

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
REGULAR MEETING OF NOVEMBER 4, 2004
MUNICIPAL CENTER - 421 MAIN STREET - COUNCIL CHAMBERS
MINUTES**

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell
 Jolene Francis
 Orval Hughes
 Jon Luvaas
 Kirk Monfort, Vice Chair
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Jay Hanson, Associate Planner
 Bob Summerville, Associate Planner
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Hughes reported that he spoke to David Cornett concerning the Pacific Bell project.

3. REGULAR AGENDA

- 3.1. Use Permit 03-44 (Pacific Bell) 1654 Vallombrosa Avenue** - A request to allow a public utility facility (Remote Terminal) for telephone and Internet service on residential property located at the northeast corner of Vallombrosa and Madrone Avenues. The site is identified as Assessor's Parcel No. 045-330-075, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303(d) (New Construction of Small Structures, including installation of utility equipment). This item was continued from the August 19, 2004 Planning Commission meeting for further review of the equipment enclosure. *Staff recommends approval of the use permit.*

Associate Planner Jay Hanson summarized the background information in the staff report dated October 20, 2004, and referred to supplemental material submitted on November 2, 2004.

Commissioner Alvistur opened the public hearing.

Greg Melton from Land Image Landscape Architects, and Bruce McPhee from SBC, presented an overview of the project.

In response to a question from the Commission, Mr. McPhee stated he consulted with neighbors concerning the latest proposal.

Dave Cornett spoke in opposition and raised concerns about the structure not complying with required setbacks, safety hazards due to it's location near driveway, and conflict with the purpose of use permits. He ultimately requested an alternative location.

Chuck Eppelheimer expressed appreciation for the noise mitigation efforts. He requested that SBC notify the City of any proposal to increase use or capacity of the remote terminal.

Commissioner Alvistur closed the public hearing.

Commissioner Schiffman moved and Commissioner Francis seconded motion to re-open the public hearing. Motion passed 7-0.

Mr. Melton addressed additional concerns regarding noise level.

Mr. McPhee advised hoods on the fans will also reduce noise level.

Commissioner Alvistur closed the public hearing.

Commissioner Schiffman moved, seconded by Commissioner Monfort, that the Planning Commission find that the project is categorically exempt from environmental review and approve Use Permit 03-44 (Pacific Bell Telephone Company) authorizing the operation of a remote terminal for high-speed internet service at 1654 Vallombrosa Avenue, subject to the findings and conditions listed in the staff memo with direction to staff to add conditions to address the following:

- 1. Any increase in remote terminal capacity shall be subject to administrative approval of the Planning Division to ensure that*

no increase in noise will result. Should it be determined that increased capacity has the potential to increase noise levels, modification of the use permit shall be required.

2. *A permanent watering system shall be installed to water the creeping vines on the outside of the enclosure. If the plants die, they shall be replaced by the permittee.*
3. *The permittee shall report to the Planning Division within 6 months on which other similar facilities in the City limits are located within public utility easements and which are not.*

Motion passed 7-0.

- 3.2. Modification of Use Permit 01-15 (Community Action Agency of Butte County/ Esplanade House), 2920 Esplanade** - A request to modify an existing use permit that authorized a 60-unit transitional housing complex, day care center for 75 children, and residential uses on the ground floor of a CC Community Commercial zoning district. The following modifications are proposed: 1) To utilize an existing residential structure for consultation services involving socialization skills for families of the Chico Early Head Start program; and 2) To allow the existing Esplanade House child care facility to be used by clients of the Esplanade House Shelter, Head Start, and Community Action Agency employees, rather than just residents and employees of the Esplanade House as was limited by Use Permit 01-15. The proposed modification does not include an increase beyond 75 children as limited by Use Permit 01-15. The project site is identified as Assessor's Parcel No. 006-380-010, is designated Community Commercial and Medium Density Residential on the City of Chico General Plan Diagram, and is located in CC Community Commercial and R2 Medium Density Residential zoning districts. This project has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures). ***Staff recommends approval of the modification to the use permit.***

Associate Planner Bob Summerville summarized key points in the staff report dated October 26, 2004, and addressed questions and concerns from Commission regarding improvements to the house including drainage, fencing and landscaping. He also suggested a correction to Condition #26 in the staff memo.

Commissioner Alvistur opened the public hearing.

Thomas Tenorio from Community Action Agency of Butte County, Inc., applicant, requested use of the house to assist families who do not live at the Esplanade House. He also asked to not construct a sidewalk on the northside of the house due to budget constraints.

Mr. Summerville clarified that staff would accept alternatives to the proposed concrete sidewalk connecting the house to the sidewalk along the south side of the driveway. Commissioner Alvistur closed the public hearing.

Commissioner Schiffman moved, seconded by Commissioner Hughes, that the Planning Commission find the project categorically exempt and approve Modification of Use Permit 01-15 (Community Action Agency Of Butte County/Esplanade House), subject to the findings and conditions contained therein with direction to staff to:

- 1. Add a new condition requiring a modest landscape screen along The Esplanade frontage between the parking area and the street.*
- 2. Amend Condition #26 to refer to existing sidewalk along the south side of the Esplanade House driveway and delete reference to the need of a crosswalk. Also, allow the permittee to design a low cost alternative to the required concrete sidewalk between the small house and the existing sidewalk along the driveway to the main parking area, subject to staff approval.*

Motion passed 7-0.

4. BUSINESS FROM THE FLOOR

None.

5. PLANNING UPDATE

Planning Director Kim Seidler reviewed recent appeals and council actions.

Principal Planner Teresa Bishow reviewed the future Planning Commission meeting schedule.

- 6. ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 7:39 p.m. to the Adjourned Regular Meeting of November 18, 2004, at 6:30 p.m.

December 2, 2004

Date Approved

/s/

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
ADJOURNED REGULAR MEETING OF NOVEMBER 18, 2004
MUNICIPAL CENTER - 421 MAIN STREET - COUNCIL CHAMBERS
MINUTES**

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell
 Jolene Francis
 Orval Hughes
 Jon Luvaas
 Kirk Monfort, Vice Chair
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Ed Palmeri, Associate Planner
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

3. APPROVAL OF MINUTES

The Commission approved the minutes of 2/5/04. Commissioner Francis moved, seconded by Commissioner Hughes. Motion passed 7-0.

3. NOTICED PUBLIC HEARING ITEMS

3.1. Sky Park Office Complex, Phase 2 Tentative Subdivision Map S 04-11 (Land's End Real Estate) terminus of Jan Court- A request to approve creation of five lots on 1.83 acres located at the terminus of Jan Court, approximately 150 feet east of the intersection of Jan Court and Forest Avenue. The project site is identified as

Assessor's Parcel Nos. 002-210-009 and 002-210-010, is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CC Community Commercial zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects).

Commissioner Francis disqualified herself due to a conflict of interest and left the chambers.

Associate Planner Ed Palmeri presented the staff report and addressed questions from the Commission regarding street traffic and neighboring property owned by the school district.

Chair Alvistur opened the public hearing.

Rick Coletti, applicant, gave a brief overview of the project and addressed concerns from the Commission about pedestrian access, connectivity and landscaping and advised there will be trees in the parking lot.

Chair Alvistur closed the public hearing.

Commissioner Luvaas moved, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 04-42, making a determination that the project is categorically exempt from environmental review and approving Tentative Subdivision Map S 04-11 (Land's end Real Estate, Inc.), subject to the findings and conditions listed in the staff memo, with the following additional conditions:

- 1. Provide trees for 50% shade coverage in the parking lot.*
- 2. Provide landscape screening between the parking lot and Jan Court.*
- 3. Provide a pedestrian access from the sidewalk along Jan Court through to the north to the adjacent residential zoned area. The location and width of the easement shall be worked out with City staff.*

*Motion passed 4-2-1. Commissioners Brownell and Hughes opposed.
Commissioner Francis disqualified.*

- 3.2. Evergreen Plaza Subdivision Tentative Subdivision Map S 04-14 (Stornetta) northwest corner of Amber Grove Drive and the Esplanade**- A request to approve creation of six lots on 2.58 acres located at the northwest corner of Amber Grove Drive and the Esplanade. The project site is identified as Assessor's Parcel

Nos. 006-500-007 and 006-500-008, is designated Office on the City of Chico General Plan Diagram, and is located in an OR Office Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects).

Commissioner Hughes disqualified himself due to a business relationship with the applicant, Robert Stornetta and left the chambers.

Associate Planner Ed Palmeri presented the staff report and referred to attachments showing the plans for the project, clarifying for the Commission the orientation of the buildings.

Chair Alvistur opened the public hearing.

Robert Stornetta, applicant, addressed a question from the Commission that the architect recommended more parking than required due to the surrounding businesses not having enough parking.

Chair Alvistur closed the public hearing.

Commissioner Francis moved, seconded by Commissioner Monfort that the Planning Commission adopt Resolution No. 04-43, making a determination that the project is categorically exempt from environmental review, approving Tentative Subdivision Map S 04-14 (Stornetta), and confirming the Architectural Review Board approval of October 20, 2004, subject to the findings and conditions contained in the staff memo.

Motion passed 6-0-1. Commissioner Hughes disqualified.

3.3 Final Development Plan for Planned Development Permit 04-01 (Crossen) 2735 Esplanade- A request to adopt a final development plan for a planned development permit for 2.95 acres located at the southeast corner of Esplanade and E. Lassen Avenue. The preliminary plan was considered by the Planning Commission at its meeting of September 2, 2004. At its meeting of November 2, 2004, the City Council adopted a General Plan land use amendment from Office to Community Commercial, and a rezoning classification change from OR (Office Residential) to CC-PD (Community Commercial-Planned Development overlay zone). The site, which is currently vacant, is identified as Assessor's Parcel Number 006-044-002. The planned development permit would allow development of the site with approximately 35,535 square feet of retail space, and would prohibit certain uses (such as drive through businesses) in the retail center. Pursuant to the California

Environmental Quality Act (CEQA), an initial study and mitigated negative declaration were previously circulated for review and comments during a 20-day public review period.

Associate Planner Ed Palmeri presented the staff report which included modifications to the plan to allow for a right hand turn lane at Esplanade and Lassen and addressed questions from the Commission on locations of trash pickup and bicycle racks as well as concerns about the wall that will be separating residential from commercial.

Chair Alvistur opened the public hearing.

Patrick Cole, Arcademe, clarified details of the plan as the project's architect.

Byron Crossen, applicant, addressed possible types and small size of stores likely to locate in the shopping center in response to questions from the Commission.

The Commission and staff discussed the issue of no bus shelter and exchanged suggestions for a shelter. Patrick Cole advised he can accommodate a covered sitting area for bus patrons near the building under an awning.

Planning Director Kim Seidler reiterated an awning with a bench will be sufficient.
Chair Alvistur closed the public hearing.

Commissioner Schiffman moved, seconded by Commissioner Brownell that the Planning Commission adopt a mitigated negative declaration and Resolution No. 04-35 approving Planned Development Permit 04-01 (Crossen), subject to the findings and conditions listed in the staff memo with direction to staff to add the following condition:

- 1. Applicant is to provide a sheltered seating area, accessible to the public, near the bus stop.*

Motion passed 7-0.

4. BUSINESS FROM THE FLOOR

None.

5. PLANNING UPDATE

Planning Director Kim Seidler updated the Commission on the Belvedere appeal and

ALUC. Commissioner Francis and Luvaas volunteered to attend the next ALUC meeting scheduled on 12/15/04. He also went over details on the applications submitted for the Commission.

Principal Planner Teresa Bishow discussed the upcoming planning commission schedule. The Commission agreed to have a second Planning Commission meeting on Tuesday, December 14th in addition to the Thursday, December 16th meeting.

6. **ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 8:19 p.m. to the Regular Meeting of December 2, 2004, at 6:30 p.m.

December 16, 2004

Date Approved

/s/

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
REGULAR MEETING OF DECEMBER 2, 2004
MUNICIPAL CENTER - 421 MAIN STREET - COUNCIL CHAMBERS
MINUTES**

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell
 Jolene Francis
 Orval Hughes
 Jon Luvaas
 Kirk Monfort, Vice Chair
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Patrick Murphy, Senior Planner
 Jay Hanson, Associate Planner
 Greg Redeker, Assistant Planner
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Alvistur called the meeting to order at 6:32 p.m. Commission members and staff were present as noted.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

3. APPROVAL OF MINUTES

Commissioner Brownell moved, seconded by Commissioner Monfort, approval of the minutes of November 4, 2004. Motion passed 7-0.

4. NOTICED PUBLIC HEARING ITEMS

4.1. Amendment to Title 19 of the Chico Municipal Code concerning Wireless Telecommunications Facilities in Open Space zoning districts (CA 04-01) - A proposal to amend Section 19.78 of the Chico Municipal Code (“Wireless Telecommunications Facilities”). The proposed amendment would allow 11 placement

or mounting of wireless telecommunications facilities on light poles located in the OS1 Primary Open Space and OS2 Secondary Open Space zoning districts. The proposed amendment would also allow an increase in pole height to facilitate co-location, so long as the total pole height is no more than 100 feet above grade. A negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA).

Assistant Planner Greg Redeker presented the staff report. He gave clarifications on aesthetics standards, antennas would be allowed on light poles in open space zones, and that there would be no new towers.

Chair Alvistur opened the public hearing and went over hearing guidelines.

Dennis Beardsley, Park Director, informed the Commission he had no concerns with the code amendment.

Steve Visconti, Park Manager of Chico Area Recreation District, spoke about light poles needing to be replaced and the desire to allow telecommunication antennas to be placed on new light poles. He went over details of the light poles for the Commission.

The following people spoke against the project: Harold Carlson, Maggie Van Dame, Chris Perske, Doug Perske, Marsha Dean, and Brian Tako. Issues raised included:

- Safety concerns.
- Not wanting towers in parks where children play.
- General objection to making any changes to the ordinance.
- Lack of information that additional telecommunication antennas are needed for service.
- Desire to see alternative funding sources explored for park maintenance.

Chair Alvistur closed the public hearing.

Planning Director Kim Seidler went over safety issues and reminded the Commission that this was addressed several years ago when the ordinance was adopted.

Assistant City Attorney Lori Barker reviewed details of the ordinance.

Mr. Beardsley explained where the Open Space 1 and Open Space 2 were applied including Bidwell Park.

Staff clarified the differences between Open Space 1 and Open Space 2; the Commission expressed some concerns about using light standards for these facilities.

Commissioner Luvaas moved, seconded by Commissioner Francis that the Planning Commission adopt Resolution 04-47 (Attachment "A") recommending City Council adoption of a negative declaration and approval of Code Amendment 04-01 (City of Chico), subject to making the required findings contained therein and the following additional amendments:

- 1. Require a use permit for new co-locations and building-mounted wireless telecommunication facilities in open space zoning districts.*
- 2. Prohibit new facilities in open space zoning districts within 500 feet of residences and schools.*
- 3. Prohibit any wireless telecommunication facilities in Wildwood Park.*

Motion passed 5-2. Commissioners Luvaas and Schiffman opposed.

- 4.2. Vesting Tentative Parcel Map 04-17 (Schaeffer) 15 W. Eaton Road** - A request to subdivide an existing 3.04 acre parcel located at the southwest corner of Eaton Road and Esplanade into two parcels. Proposed parcel 1 is 1.33 acres and contains an existing office building used as a church; proposed Parcel 2 is 1.71 acres and is currently vacant, but will likely be developed with offices and/or commercial uses in the future. The project site is identified as Assessor's Parcel No. 006-690-022, is designated Office on the City of Chico General Plan Diagram, and is located in an OC Office Commercial zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Sections 15315 (Minor Land Divisions) and 15332 (In-Fill Development Projects).

Assistant Planner Greg Redeker presented the staff report. In response to questions by the Commission about whether setback sidewalks would be required, he stated that no additional public right-of-way or improvements along the Esplanade were required at this time. He also said that the northwest corner of Eaton and Esplanade is zoned Community Commercial.

Senior Development Engineer Matt Johnson reviewed details of the street design and advised the Commission the City will obtain any necessary right-of-way and public improvements at the time any future project on the vacant portion of the site is considered by the Architectural Review Board. He added that the Chico Municipal Code allowed the City to obtain public improvements during the building permit process.

Chair Alvistur opened the public hearing.

Chair Alvistur closed the public hearing.

Commissioner Francis moved, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 04-48, finding that the project is categorically exempt from environmental review and approving Vesting Tentative Parcel Map 04-17 (Schaeffer), subject to the findings and conditions contained therein.

Motion passed 7-0.

- 4.3 Parcel Map, PM 04-16 (Balken) 1535 Spruce Avenue** - A request to subdivide a 0.41 acre site to create two 9,000 square foot lots for single-family residential development on property located at 1535 Spruce Avenue. The property currently contains a single-family residence with accessory structures which will eventually be removed or reconstructed. The site is identified as Assessor's Parcel No. 003-404-006, is designated Low Density Residential on the City of Chico General Plan Diagram, and is zoned R1 Low Density Residential. The proposed project has been determined to be Categorical Exempt pursuant to the California Environmental Quality Act (CEQA) Section 15332, In-fill Development Projects.

Associate Planner Jay Hanson presented the staff report.

Senior Development Engineer Matt Johnson went over the City requirements for alleys in response to a question from the Commission.

Chair Alvistur opened the public hearing.

Eric Balken, applicant, advised the alley is a 15 foot easement and was willing to address any questions from the Commission.

Chair Alvistur closed the public hearing.

Commissioner Monfort moved, seconded by Commissioner Hughes that the Planning Commission find that the project is categorically exempt and adopt the Planning Commission Resolution approving Tentative Parcel Map 04-16, subject to the findings and conditions listed in the staff memo with direction to staff to add the following condition:

- 1. The house on Lot 2 shall face on Spruce Avenue.*

Motion passed 7-0.

- 4.4. McKinney Ranch Vesting Tentative Subdivision Map and Planned Development Permit S/PDP 04-13 (Floral Arrangement Inc.) southwest corner of Eaton Road and Godman Avenue** - A request to subdivide 12.01 acres into 51 lots for single-family residential and duplex planned development. Lot sizes range from 3,574 to 42,451 square feet, with an average lot size of approximately 5,700 square feet. In addition to the 51 lots for residential development, proposed Lots A and B contain an existing residence and accessory uses, while Lots C and D will be dedicated for open space recreation. Lots 1, 11, 12, 13, 14, 23 and 24 are proposed for duplex units. The proposed overall density is 4.91 dwelling units per acre. Two vehicle access points into the site are proposed from Eaton Road and Godman Avenue. A frontage road is proposed along the south side of Eaton Road, and abutter's rights will be dedicated to the City for lots fronting on the access road as well as Godman Avenue. Private alley and flag lot vehicle access with no parking are also proposed with future homes facing the streets. Recordation of the final map is contingent upon annexation into City limits. The site is identified as Assessor's Parcel Nos. 007-260-082, 090, and 091, is designated Low Density Residential on the City of Chico General Plan Diagram, and is rezoned R1 Low Density Residential. The site is currently under county jurisdiction, but is in the process of being annexed to the City of Chico. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act.

Commissioner Francis disqualified herself from this item as well as the following item due to business relationships and contributions to her campaign by the applicants.

Associate Planner Jay Hanson informed the Commission of the supplemental handouts which were a letter dated November 29, 2004, from the California Department of Transportation about issues of proximity to Highway 99, a letter dated November 30, 2004, from Placer County regarding air quality, and the traffic report.

Assistant City Attorney Lori Barker recommended we open the public hearing tonight and then continue items for further action on December 16, 2004, so the agenda can be further annotated.

Principal Planner Teresa Bishow advised the Commission they receive public testimony and ask any questions of the applicant and members of the public but that they not deliberate or form an opinion until the public hearing is closed.

Mr. Hanson presented the staff report and included the applicant has agreed to improve the alignment of the intersection of Godman and Eaton Road.

Senior Development Engineer Matt Johnson gave a presentation on the traffic study which

included details of the traffic during peak morning and evening hours coming from Eaton and Godman. He also advised of plans being considered for a four lane round-about instead of a traffic signal. The City Council will be meeting to discuss traffic issues and the future street design for Eaton Road. The developer proposed to put in a temporary traffic signal at Godman and Eaton. He discussed traffic issues at Eaton and Highway 99 and went over details of development impact fees.

Mr. Johnson addressed questions from the Commission about the proposed four lane round-about on Eaton, entrances would be right turn only and gave details of frontage.

Chair Alvistur opened the public hearing.

Tony Symmes, applicant, advised he met with the neighbors and addressed their concerns about a drainage easement and a desire not to have a sound wall along Eaton Road. He also clarified for the Commission that the driveways will be 20 feet and explained the arrangement on Lot D. He also agreed to provide to the Commission a visual of landscaping for the open space lots and the plans showing what the intersection of Eaton and Godman would like like with a round-about or with signal lights.

Alan Gair expressed he is in favor of a round-about.

John Palys, neighbor, expressed his concerns with a round-about and traffic and safety issues. Mr. Johnson addressed his question about the sewer connection advising it would be temporary.

Commissioner Monfort moved to continue the public hearing to December 16, 2004, seconded by Commissioner Luvaas.

Motion passed 6-0-1. Commissioner Francis disqualified.

4.5 Siena at Canyon Oaks Vesting Tentative Subdivision Map and Planned Development Permit S/PDP 03-27 (Remainder LLC) located on all of Parcel 5 and remaining undeveloped portion of Parcel 4 within the Canyon Oaks Residential Subdivision - A proposal to divide a 46.09 acre parcel into 64 single-family lots and five open space lots comprising approximately 9.98 acres, 5.39 acres, 2.38 acres, 0.32 acres and 0.20 acres. The site is identified as Assessor's Parcel Nos. 011-870-025 & 011-030-104 and is located on the top and north side of an east-west ridge along the southern boundary of Canyon Oaks, south of Shallow Springs Terrace. The project site has a General Plan Land Use designation of Very Low Density Residential (0.2-2 units per gross acre) and a split zoning classification of RS-20 Suburban Residential (20,000 square foot minimum lot size) and OS-1 Primary

Open Space. Through the planned development permit, the applicant is requesting to reduce lot sizes in the RS-20 zoning district below the 20,000 square foot minimum, allow more residential lots on the site than anticipated by the original Canyon Oaks development plan approved in 1986, and allow reduced sideyard setbacks for some of the homes. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act.

Senior Planner Patrick Murphy presented the staff report and included the following: Details of where the homes will be located, the environmental review analysis which showed potentially significant impacts to vegetation and loss of oak trees. Advised access issues have been resolved and pointed out two letters received from citizens expressing concerns about drainage and construction limiting access to the roads. Mr. Murphy recommended eliminating one of the proposed three-foot wide sidewalks and providing one five-foot wide sidewalk and advised the issue of the trees will be mitigated all at once.

Mr. Murphy advised there will be fencing and signs to inform people of the reserves to protect endangered species and responded to the Commission's concerns about impacts by advising there is control over lot locations and that the plan is consistent with the overall Canyon Oaks development plan.

Due to an error in the agenda, the public hearing will continue to December 14, 2004, beginning at 7:00 p.m.

Chair Alvistur opened the public hearing.

Jeff Lane, Remainder LLC, gave a brief overview of the project which included details of the phases, minimizing tree movement, size of homes and plans on how roads will be kept clear during construction.

Bill Dinsmore, Rolls Anderson Rolls, went over details of the drainage plan.

Brian Firth, Land Image, explained how the developer can place homes on lots to minimize impact on oak trees, showed how homes can be situated on the lots to save trees, and went over details on the condition of the trees. In response to the Commission, he advised there will be full landscaping on some lots. He also gave a slideshow presentation of the project.

The following people spoke in opposition of the project: Michael Pike, Alan Gair, Laurel Blankinship, Karen Laslo, John Hunt and Chris Nelson. Some of the key concerns were:

- The impact to the viewshed from the park and highway.
- The impact to the environment.

- Homes being proposed on the ridge.

Stan Gottlieb, who lives in Canyon Oaks, suggested requiring buyers to sign off on CC&R's before purchasing homes, requiring the developer to provide landscaping and he recommended stop signs be installed at all intersections and speed bumps be considered.

Jim Brobeck addressed concerns about the development being on a critical recharge area and the importance for protecting the ground water. He also raised a concern that a fire break of 30 feet is still not sufficient enough to address fire threat.

Tim Artl, developer, responded to objections raised regarding the project explaining how he and other developers are conscientious about preserving the wildlife and addressed their concerns about fire safety issues and the view.

Jennifer Mackall, neighbor, spoke in favor of the project.

Commissioner Monfort moved to continue the hearing to December 14, 2004, at 7:00 p.m., seconded by Commissioner Hughes.

Motion passed 6-0-1. Commissioner Francis disqualified.

5. BUSINESS FROM THE FLOOR

None.

6. PLANNING UPDATE

None.

- 7. ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 10:56 p.m. to the Adjourned Regular Meeting of December 14, 2004, at 7:00 p.m.

December 14, 2004

Date Approved

/s/

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
ADJOURNED REGULAR MEETING OF DECEMBER 14, 2004
MUNICIPAL CENTER - 421 MAIN STREET - COUNCIL CHAMBERS
MINUTES**

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell
 Jolene Francis
 Orval Hughes
 Jon Luvaas
 Kirk Monfort, Vice Chair
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Patrick Murphy, Senior Planner
 Ed Palmeri, Associate Planner
 Greg Redeker, Assistant Planner
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Alvistur called the meeting to order at 7:00 p.m. Commission members and staff were present as noted.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Schiffman reported that he spoke with Jim Stevens at NorthStar Engineering regarding Siena at Canyon Oaks. Commissioners Luvaas and Monfort reported that they spoke to Karen Laslo regarding Siena at Canyon Oaks.

3. APPROVAL OF MINUTES

Commissioner Francis moved, seconded by Commissioner Monfort, approval of the minutes of November 18, 2004, and December 2, 2004. Motion passed 7-0.

4. NOTICED PUBLIC HEARING ITEMS

4.1. Appeal of the Planning Director's Decision to Approve a Secondary Dwelling Unit Permit at 3154 Shallow Springs Terrace; SDU 04-10 (LVV Enterprises)

An appeal of the Planning Director's approval of a 794 square foot, studio unit constructed above a 3-car garage. The appeal (filed by Erica Higgins) opposes the location of the secondary dwelling unit permit, stating that the unit should be moved closer to the primary residence in order to preserve the feel of the existing neighborhood, as well as protect the viewshed of Lot 48 across the street. The site is identified as Assessor's Parcel Nos. 011-030-143 (portion) and 011-750-003, is designated Very Low Density Residential on the City of Chico General Plan Diagram, and is located in a Residential (1-acre minimum) Planned Development zoning district. The project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(a) (New Construction or Conversion of Small Structures).

Senior Planner Patrick Murphy reviewed the staff report, gave a brief overview of the project, and clarified that the right elevation faces Shallow Springs Terrace for the Commission. He also advised that city-adopted standards and guidelines pertaining to secondary dwelling units were met and the secondary dwelling permit was approved by the Planning Director .

Chair Alvistur opened the public hearing and went over hearing guidelines.

Erica Higgins, the appellant, spoke against the project. She stated that the second dwelling unit is not compatible with the design of the existing home, impacts the viewshed from her home and her neighbor's home, and requested the unit be moved closer to the applicant's home. Mrs. Higgins advised it is a gray area as to whether the project meets CC&R's in response to a question by the Commission.

Mr. Murphy clarified that as a condition of approval of the recently approved subdivision affecting the property, the applicant needed to either join the Canyon Oaks Homeowner's Association or form their own Homeowner's Association.

Jim Stevens, NorthStar Engineering, advised the Commission they have met all of the requirements and requested approval. He also advised some of the reasons for not building the second dwelling closer to the applicant's home include the fact that there is a drainage swale just west of the existing home and that the area proposed is the most level to build on. He also believes the color and material do match, there is a 35 foot setback from the street, and the roof will be under 25 feet in height.

John Luciano, neighbor, expressed his concerns which are the architectural design, feels it is "boxy", and that the second dwelling would be used as a rental.

Mr. Murphy clarified for the Commission that public testimony was raising a concern that the architectural design of the second dwelling unit might not be compatible with the neighborhood.

Michael Galli, who represents the architectural board in Canyon Oaks, read an excerpt from

the homeowner's association which stated it would oppose a two-story dwelling but approve a single-story that matches the existing single family home. He also indicated the applicant has chosen not to become a member of the homeowner's association.

Carl Leverenz, attorney for the applicant, clarified the CC&R's and guidelines. He advised the Commission that the guidelines and standards have been met, therefore, they must deny the appeal. He also advised the applicant plans to move his mother into the second dwelling unit.

Erica Higgins spoke again wanting to emphasize there is plenty of room to put the unit closer to the main structure.

Chair Alvistur closed the public hearing.

In response to a question from the Commission, Mr. Murphy advised they can determine whether or not the unit is compatible with the neighborhood.

Commissioner Francis moved, seconded by Commissioner Monfort, that the Planning Commission deny the appeal and uphold the decision of the Planning Director approving SDU 04-10 (LVV Enterprises), as conditioned, by adopting Resolution No. 04-50.

Motion passed 4-3. Commissioners Brownell, Hughes and Schiffman opposed.

- 4.2. Siena at Canyon Oaks Vesting Tentative Subdivision Map and Planned Development Permit S/PDP 03-27 (Remainder LLC) located on all of Parcel 5 and remaining undeveloped portion of Parcel 4 within the Canyon Oaks Residential Subdivision** - A proposal to divide a 46.09 acre parcel into 64 single-family lots and five open space lots comprising approximately 9.98 acres, 5.39 acres, 2.38 acres, 0.32 acres and 0.20 acres. The site is identified as Assessor's Parcel Nos. 011-870-025 & 011-030-104 and is located on the top and north side of an east-west ridge along the southern boundary of Canyon Oaks, south of Shallow Springs Terrace. The project site has a General Plan Land Use designation of Very Low Density Residential (0.2-2 units per gross acre) and a split zoning classification of RS-20 Suburban Residential (20,000 square foot minimum lot size) and OS-1 Primary Open Space. Through the planned development permit, the applicant is requesting to reduce lot sizes in the RS-20 zoning district below the 20,000 square foot minimum, allow more residential lots on the site than anticipated by the original Canyon Oaks development plan approved in 1986, and allow reduced sideyard setbacks for some of the homes. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental

Quality Act (CEQA).

Commissioner Francis disqualified herself due to the applicant contributing to her campaign and having a business relationship with her employer.

Senior Planner Patrick Murphy gave a brief overview of the project, advised the project is not visible from anywhere in Bidwell Park except the North Rim Trail and that the 1986 Environmental Impact Review (EIR) concluded that because of the distance, the views are not significant.

In response to a question from the Commission about storm water drainage, Senior Development Engineer Matt Johnson explained the California Regional Water Quality Control Board conducts a review during the construction period and determines if the development complies with standards. He also advised there will be increased run-off although it would not be greater downstream, and any additional run-off would be filtered through natural vegetation or the golf course.

Chair Alvistur opened the public hearing.

Stan Gottlieb, a resident of Canyon Oaks, expressed his concerns with the width of the road requiring a fire lane and no parking. He requested the Commission to consider wider roads.

Mr. Johnson responded that the proposed roads are 24 feet wide for this development, which is consistent with earlier developments, and that the fire department requires a minimum width of 20 feet wide roads.

Bill Dinsmore, applicant's civil engineer from Rolls, Anderson and Rolls, addressed the water issue by advising the storm water runs across the golf course and that he was there to answer any questions from the Commission.

Commissioner Luvaas expressed his concern about the potential risk of contaminated storm water getting into the groundwater table via fractures in the Tuscan formation.

Mr. Johnson advised that there are adopted light pole standards in response to a question from the Commission.

Geoff Lane, construction superintendent for the applicant, addressed the concern of keeping construction equipment and vehicles outside of the fire lanes. He also advised all of the homes do have sprinklers in response to a question by the Commission.

Brian Firth, Land Image, spoke about the views of the homes and passed out photos showing

different views of the project to the Commission. He advised the Blue Oak trees will be saved, there is a street tree plan proposed which could include Blue Oaks but mainly consists of lower water use plants and natural landscape.

Liz Mosher pointed out the EIR was completed in 1986, and feels these homes are in the park because they can be seen from everywhere in the park.

Michael Pike distributed and read to the Commission a portion of the EIR. He expressed his concerns with the viewshed and advised the Commission they do have the ability to deny homes be built on the ridge.

Mr. Murphy clarified that the handout of the EIR from Mr. Pike was taken from the draft EIR, and that the optional mitigation measures cited in the EIR by Mr. Pike were not adopted by the City Council. He also advised the Commission that they can propose mitigation measures to minimize the view.

Michael Galli advised the Commission they have done everything they can to preserve the oak trees by arranging the homes around the trees and that the developer has done an excellent job working with the Planning staff. He also explained the storm drainage will filter through natural vegetation and the golf course, the project is 1.25 miles from the park and can only be seen from the North Rim Trail and everything has been done to prevent viewshed impacts.

John Hunt, Kathleen Faith and Karen Laslo all spoke about their concerns with the impact to the viewshed.

Tim Artl, developer, addressed the concerns about the trees and viewshed by explaining the proposed project site includes 3,224 trees and that there will be over 4,000 trees on site with the proposed tree planting program. Only 315 trees will be taken out, one-third of which are in poor condition. He pointed out that the EIR shows that the viewshed is not an issue from the park.

Mr. Artl also advised if he did sell lots to other developers, there would be a condition to not remove trees, in response to a question by the Commission.

Chair Alvistur closed the public hearing.

Commissioner Hughes moved, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 04-44 adopting the proposed mitigated negative declaration and associated mitigation monitoring program and approving the Siena at Canyon Oaks Vesting Tentative Subdivision Map and Planned Development Permit

(S/PDP 03-27), subject to the required findings and conditions of approval contained therein, with the following additional conditions:

- 1. Homes on Lots 9 through 19 shall not exceed a height of 25 feet as measured from the highest point of the building footprint at natural grade (a second story would be allowed on the downhill slope).*
- 2. No additional trees shall be removed beyond those absolutely necessary for building within the prescribed building envelope.*
- 3. Darker earthtone colors shall be required on the roof and walls of homes on Lots 9-19 to blend in with the natural scenery. Terra cotta colored roofing tiles shall be prohibited.*
- 4. All exterior lighting shall be baffled downward and directed only toward areas requiring illumination to eliminate excessive glare and minimize the visibility from Bidwell Park.*
- 5. Where feasible, each roof should provide at least one southerly orientation to allow for eventual solar electrical production.*
- 6. The two three-foot wide sidewalks on the side of the main access road shall be replaced with one five-foot wide, permeable path on one side of the road.*
- 7. Allow the main access roads to meander or be moved as needed to avoid the loss of trees, wherever feasible.*
- 8. Building footprints shall be relocated as necessary within the lots to preserve trees to the maximum extent feasible.*

Motion passed 5-1-1. Opposed by Commissioner Luvaas. Commissioner Francis was disqualified.

- 4.3 Use Permit 04-24 (Woolley) 178 E. Washington Avenue** - A request to authorize an existing one-bedroom second dwelling unit as a legal use. This use permit is being requested in response to City of Chico Code Violation No. 0875. The unit is built at the rear of property located at 178 E. Washington Avenue, adjacent to the alley. The main unit is owner-occupied. The site is identified as Assessor's Parcel No. 003-171-012, is designated Low Density Residential on the City of Chico General Plan Diagram,

and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures).

Assistant Planner Greg Redeker presented the staff report and pointed out the numerous complaints by neighbors. He also advised there will be access to the front street in response to a question by the Commission.

Chair Alvistur opened the public hearing. He announced that at the request of the applicant, the public hearing was continued to 1/6/05.

Kasey Merrill expressed to the Commission she was very concerned that the applicant, Thomas Woolley, was harrasing her as he came to her home in the early hours of the morning.

Chair Alvistur closed the public hearing.

Commissioner Francis moved to continue the public hearing to January 6, 2005, seconded by Commissioner Monfort.

Motion passed 7-0.

- 4.4. Use Permit 04-51 (Harris) 1431 Park Avenue** - A request to allow a cardroom at 1431 Park Avenue. The cardroom is relocating from 114 West 15th Street to an existing commercial building on Park Avenue that is approximately 1,000 square feet. A maximum of five cardroom tables are allowed at a cardroom. The proposed hours of operation are 10 AM to 5 AM, Sunday through Thursday, and 24 hours on Friday and Saturday. There are six on site parking spaces. Additional shared parking spaces are proposed on several commercial properties near the cardroom. The property is identified as Assessor's Parcel No. 005-177-009. The site is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CC-TC (Community Commercial-Transit Corridor overlay zone) zoning district. This project has been determined to be statutorically exempt from the California Environmental Quality Act (CEQA), pursuant to the CEQA Guidelines, Section 15270 (Projects which are disapproved).

Associate Planner Ed Palmeri presented the staff report. He informed the Commission that the hours of operation are allowed as stated in Chapter 5 in the Municipal Code, this is the only cardroom in existence in the city of Chico, and the applicant submitted an approval from the neighboring businesses to share parking. Mr. Palmeri also addressed questions from the Commission advising the applicant does not want to limit hours of operation which are 10 a.m.

to 5 a.m. Sunday through Thursday, and 24 hours on Friday and Saturday. Staff recommends denial due to incompatibility with other businesses in the area, impacts on surrounding residential uses, and inadequate parking.

The Commission has concerns with reciprocal parking agreements not being enforceable unless they are recorded on the deed. If the property sells, the agreement could be voided.

Assistant City Attorney Lori Barker advised the applicant could share parking with the neighboring businesses in response to the Commission.

Chair Alvistur opened the public hearing.

Angela Harris, applicant, went over actual hours of operation which are 7 p.m. to 5 a.m. daily, 24 hours on Fridays and Saturdays with tournaments on Saturdays and Sundays. She expressed to the Commission she has great relationships with the neighboring businesses who are willing to share their parking, their customers are respected citizens that range from doctors to lawyers, they monitor the parking lot for safety as required by the state, supports the community by contributing to the Chico Area Recreation District and has an outstanding reputation with the Chico Police Department.

In response to a question by the Commission, Ms. Harris advised they would have a total of 14 parking spaces which would be adequate parking.

Emily Willett spoke in favor of the business. She expressed that Ms. Harris has become a good friend who runs an honest business, and that she sometimes picks her up and brings her to the cardroom as she can not drive so she does not need a parking space.

George Losada spoke in favor of the business. He expressed the business promotes a safe atmosphere, it is compatible with the neighbors, the business is run really good, it is open to everyone, and they make sure their customers get safely to their cars. In response to a question from the Commission, he advised there is no smoking or alcohol allowed. Mr. Losada also expressed that the neighbors knew they were moving into a commercial area, and it is his opinion that it would be a poor judgment if the Harris' request to move was denied.

Alectra Olson, neighbor, spoke against the business due to the hours of operation and the noise from people coming and going at all hours would be disruptive. She also expressed concerns about parking, access, people going to the bathroom outside and the possibility of her property value going down. In response to a question from the Commission, she advised she has not been disrupted by the business at its current location but it is on the other side of a four lane street and in a commercial shopping center.

Joe Rankin, who works at the card room, spoke in favor of the business. He advised that he works on Wednesdays, Fridays, Saturdays and Sundays, 90% of the customers do not drink, there is great comradery amongst the customers, and that it is a safe and sober environment. Mr. Rankin also informed the Commission that there are \$2 and \$4 limits for the card games and \$6 to \$12 limits for tournament card games. He also stated that he does not see any activity outside that would disturb the neighbors.

Gary Harris, owner, wanted to reiterate what his wife had stated, and addressed the concern from Ms. Olson advising the Commission they have never had a problem with their customers urinating outside. They will not allow intoxicated players to play anymore, and will drive them home.

Hap Ryan spoke in favor of the business. He stated he has been in Chico for over 60 years, has played in cardrooms all over, and that this is one of the nicest cardrooms he has played in. He also expressed that he has rentals and would rather have a cardroom next door than some of the neighbors. He plays at Angie's Poker Room 3 to 4 times a week.

John Mull, owner of property, spoke in favor of the business. He does not feel the card room would hurt the neighbors' property values, would be disruptive nor that a fence is needed. He also stated that all of the businesses have great relationships, that the homeless have been an issue for over 25 years, and that parking is not an issue.

Rachel Ditmanson, neighbor, spoke in favor of the business. She feels the businesses keep the neighborhood more safe.

Claudine Franquet, neighbor, spoke against the business due to the size, and hours of operation.

Katie Salcido, neighbor, spoke against the business due to inadequate parking.

Mr. Palmeri clarified for the Commission where Mrs. Franquet lives in relationship to where the cardroom wants to move.

Barbara and Ken Rensink, owners of Off Limits, spoke in favor of the business. They will allow patrons of the card room to park in front of their business and stated there will be no problems with drinking.

Gary Noblett, owner of Nobby's, spoke in favor of the business. He has been neighbors with Angie's Poker Room for over 5 years and has had no problems. He also stated that there is going to be more commercial building along Park Avenue, and that he is willing to share his parking.

Jodi Yocum, neighbor, spoke against the business. Her concerns were: The business would be too close to residences, the alley would need to be wider, patrons would disturb residents, and there would not be enough parking.

Ms. Harris, owner, responded by advising she is concerned about the neighbors but there are only four streets in Chico zoned for card rooms. They will be putting in a smoking room so that the customers would not congregate outside but if they did, they would be on Park Avenue. She also explained that the traffic slows down at night so there would not be any safety issues with people crossing the street. She indicated that Chico Coin had written a letter stating they have never heard any noise from the cardroom, and that lights would not be shining into homes.

Chair Alvistur closed the public hearing.

Planning Director Kim Seidler advised the Commission the recommendation to deny this project was not due to the type of business but due to parking, access and compatibility issues. He also informed the Commission that staff has recommendations for conditions if they decide to approve the project.

Commissioner Francis advised that the use permit is for use of the property and that there is no guarantee that Ms. Harris would be operating the business in the future. Ms. Francis also had concerns with the sample reciprocal parking agreement that was submitted as it does not appear to be enforceable, and the overall impacts on the neighborhood.

Ms. Brownell and Ms. Francis both stated concerns about noise potential and lack of compliance with Chico Municipal Code Section 19.24.040.C.

Chair Alvistur asked the staff for the recommended conditions.

Mr. Seidler read the conditions recommended by staff and findings as follows:

Conditions

- 1. Use Permit 04-51 (Harris) authorizes a cardroom with up to five tables and off-site parking in substantial accord with the "Plat to Accompany Use Permit 04-51 (Harris)," except as modified by any other condition of approval. **Note:** The permittee shall comply with all other State and local Code provisions, including those of the Building Division, Fire Department and the Department of Public Works. The permittee is responsible for contacting these offices to verify the need for permits.*

2. *Cardroom hours of operation shall fall within the limits of 7 PM to 5 AM.*
3. *Prior to operation of the cardroom, the permittee shall construct a six-foot high wall or solid fence along the length of the rear and south side property line adjoining the parking lot. Any gate in the wall or fence shall remain closed during cardroom hours of operation.*
4. *Prior to operation of the cardroom, the permittee shall provide, for review and approval by the Planning Director, one or more irrevocable parking agreement(s) to provide for a total of no less than six permanent off-site parking spaces available for cardroom use during the permitted hours of operation within 300 feet of the cardroom property.*
5. *The permittee shall provide to the Planning Division and all property owners on the same block the name and telephone number of a designated on-site manager who can address complaints about noise and activity related to the cardroom.*
6. *The permittee shall allow customers to use the phone to request taxi service.*
7. *A smoking room shall be provided inside the building.*

Findings

- A. *The proposed use is allowed within the subject zoning district and complies with all of the applicable provisions of Chapter 19.24 (Use Permits).*
- B. *The proposed use would not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the proposed use.*
- C. *The proposed use will not be detrimental and/or injurious to property and improvements in the neighborhood of the proposed use, as well as the general welfare of the City.*
- D. *The proposed use will be consistent with the policies, standards, and land use designations established by the General Plan.*

E. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

F. This project is categorically exempt from environmental review pursuant to the California Environmental Quality Act Section 15303 (Conversion of Small Structures).

Commissioner Schiffman expressed his concerns with the noise from people leaving and suggested the employees park on site and the customers use off site parking.

Commissioner Luvaas stated that he was convinced this is an important recreational facility for a significant number of people in the community, the location is the best they can find, and that this really is a commercial neighborhood.

Commissioner Monfort expressed that he has three garbage services that come around his house several times a day, and that the Commission has approved 24-hour businesses with only 15 to 20 foot set-backs off of residential properties.

Commissioner Alvistur expressed he supports this project as he feels it is compatible with the neighborhood.

Commissioner Luvaas moved, seconded by Commissioner Monfort, that the Planning Commission approve, with the conditions recommended by the Planning staff, and based on the findings, the Harris Use Permit (UP 04-51).

Motion passed 5-2. Commissioners Brownell and Francis opposed.

5. BUSINESS FROM THE FLOOR

None.

6. PLANNING UPDATE

Planning Director Kim Seidler expressed his appreciation to the Commission for their service.

Principal Planner Teresa Bishow discussed the upcoming Planning Commission schedule.

7. ADJOURNMENT - There being no further business before the Commission, the meeting was adjourned at 11:45 p.m. to the Adjourned Regular Meeting of December 16, 2004, at 6:30 p.m.

January 20, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
DECEMBER 16, 2004 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell
 Jolene Francis
 Orval Hughes
 Jon Luvaas
 Kirk Monfort, Vice Chair
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Ed Palmeri, Associate Planner
 Jay Hanson, Associate Planner
 Greg Redeker, Assistant Planner
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Hughes reported he had a conversation with Marty Luger concerning the density of the project on Bruce Road. Commissioners Luvaas and Monfort reported they had a conversation with Tom DiGiovanni concerning the Senator.

3. APPROVAL OF MINUTES

None.

4. NOTICED PUBLIC HEARING ITEMS

4.1. Vesting Tentative Parcel Map 04-03 (Hughes) 1056 Verde Drive - A request to divide an existing 0.46 acre parcel into two parcels (Parcel 1 comprising 0.19 acres,

and Parcel 2 comprising 0.27 acres). The site is located at the northeast corner of the intersection of Verde Drive and North Avenue. Parcel 2 contains an existing single-family residence taking access from Verde Drive. Parcel 1 is vacant, but will be developed with a new single-family residence taking access from North Avenue. Proposed project density is 2.94 units per gross acre. The site is identified as Assessor's Parcel No. 015-160-029, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15315 (Minor Land Divisions).

Commissioner Hughes disqualified himself due to being related to the applicant.

Assistant Planner Greg Redeker presented the staff report. He noted that this project is located within the B2 overflight zone for the Chico Municipal Airport, and that the Planning Commission's approval is contingent upon successful resolution of the airport compatibility issue. Staff addressed questions from the Commission by explaining that the City permits single-family dwellings up to 35 feet in height, and the building design is consistent with City standards which does not include or require obscure glass. Staff also reviewed second dwelling unit standards from Title 19, as the applicant intends to construct a second unit on the property.

Chair Alvistur opened the public hearing.

Barry Larats, neighbor, spoke against the project, citing concerns with loss of privacy and the incompatible nature of a new two-story home.

John Palys recommended Mr. Larats speak with the applicant to discuss placing windows in certain areas of the two-story structure.

Chair Alvistur closed the public hearing.

Commissioner Francis moved, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 04-54, finding that the project is categorically exempt and approving Vesting Tentative Parcel Map 04-03 (Hughes), subject to the findings and conditions contained therein.

Motion passed 6-0-1. Commissioner Hughes was disqualified.

- 4.2. McKinney Ranch Vesting Tentative Subdivision Map and Planned Development Permit S/PDP 04-13 (Floral Arrangement Inc.) southwest corner of Eaton Road and Godman Avenue** - A request to subdivide 12.01 acres into 51 lots for single-family residential and duplex planned development. Lot sizes range from

3,574 to 42,451 square feet, with an average lot size of approximately 5,700 square feet. In addition to the 51 lots for residential development, proposed Lots A and B contain an existing residence and accessory uses, while Lots C and D will be dedicated for open space recreation. Lots 1, 11, 12, 13, 14, 23 and 24 are proposed for duplex units. The proposed overall density is 4.91 dwelling units per acre. Two vehicle access points into the site are proposed from Eaton Road and Godman Avenue. A frontage road is proposed along the south side of Eaton Road, and abutter's rights will be dedicated to the City for lots fronting on the access road as well as Godman Avenue. Private alley and flag lot vehicle access with no parking are also proposed with future homes facing the streets. Recordation of the final map is contingent upon annexation into City limits. The site is identified as Assessor's Parcel Nos. 007-260-082, 090, and 091, is designated Low Density Residential on the City of Chico General Plan Diagram, and is prezoned R1 Low Density Residential. The site is currently under county jurisdiction, but is in the process of being annexed to the City of Chico. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA).

Commissioner Francis disqualified herself due to the applicant contributing to her campaign and having a business relationship with her employer.

Associate Planner Jay Hanson gave a brief overview of the project and advised the Commission that this item was continued from the December 2, 2004, Planning Commission meeting due to an error in the agenda. He also presented three different designs for the Eaton Road and Godman Avenue intersection, and conceptual landscaping for Lots C and D.

Senior Development Engineer Matt Johnson advised the Commission that Cal Trans looked at the traffic study and concurred with Planning. He also advised the Commission that the design for Eaton Road will go before the Council on January 25, 2005, regarding the round-about, and that they will make the decision. The Department of Public Works does not have a recommendation on Eaton Road but will decide if a temporary round-about or signal lights will be installed at the intersection of Eaton Road and Godman Avenue, and that both are equivalent in price. He also explained that there will be improvements that are not in the final design so that the intersection functions adequately and safely.

Chair Alvistur continued the public hearing.

Tony Symmes, applicant, advised the Commission a fee is paid to the maintenance district to monitor storm drainage and that the City does monitor to make sure storm drainage is pollutant-free before it leaves the City and flows into the County. He also informed the Commission he was there to answer any of their questions, that he has agreed to put in signal lights at the intersection of Eaton Road and Godman Avenue after meeting with the neighbors, and that the

idea for a round-about had only come up about 4 weeks ago. He suggested a round-about can be built in future years but it was not discussed with the neighbors. He also proposed putting a duplex on Lot 40 and a home on Lot 1. He went over details of the design of the subdivision which included Lots C and D, driveway layout, and that the duplexes are rear-loaded in Lot 23.

The Commission requested landscaping on the corner of Eaton Road and Godman Avenue with the temporary signal lights as it could be years before a permanent round-about would be put in.

In response to a question by the Commission, Mr. Johnson advised there are no plans for a bus stop on Eaton Road.

Chair Alvistur opened the public hearing.

John Palys, neighbor, expressed he wants signal lights at the intersection of Eaton Road and Godman Avenue, and that a four lane round-about may eventually be installed. He would like to deed the land for when it is ready for a round-about and agrees a round-about would be great at Eaton Road and Highway 99 as it will help traffic to slow down as it approaches the subdivision. He also informed the Commission that the neighbors did not get a notice about tonight's public hearing and wanted to reiterate to the Commission that he and the neighbors are opposed to a two-lane round-about.

Richard Rayborn, lives on Godman Avenue and purchased the corner lot on Godman Avenue across from the subdivision, spoke in favor of signal lights and against a round-about at the intersection.

Chair Alvistur closed the public hearing.

Commissioner Monfort moved, seconded by Commissioner Hughes, that the Planning Commission adopt Resolution No. 04-45, adopting the mitigated negative declaration and mitigation monitoring program, and approving McKinney Ranch Vesting Tentative Subdivision Map and Planned Development Permit (S/PDP 04-13), subject to the findings and conditions contained therein and the additional conditions as follows:

- 1. To plant a street tree within a minimum 6' wide planter within the cul-de-sac of Street D.*
- 2. Relocate the duplex on Lot 1 to Lot 40.*

3. *Put landscaping on Lots C and D.*

Motion passed 6-0-1. Commissioner Francis was disqualified.

4.3 Bruce Road Tentative Subdivision Map S 04-04 (MBD, Inc. & Marty and Denica Lugar) Bruce Road approximately 400 feet north of Little Chico Creek

- A request to subdivide 2.5 acres located on the east side of Bruce Road approximately 400 feet north of Little Chico Creek to create 12 single-family lots ranging in size from 6,000 to 6,859 square feet. The project density is 4.8 dwelling units per gross acre. The project site is identified as Assessor's Parcel No. 011-780-012. The property is designated Medium Density Residential/Open Space for Environmental Conservation/Safety (4.01 to 14 dwelling units per gross acre) on the City of Chico General Plan Diagram and zoned R2-RM (Medium Density Residential-Resource management overlay zone) zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA).

Associate Planner Ed Palmeri presented the staff report. Staff addressed questions from the Commission advising there are ways to enforce no building in a no-build zone, staff is working with Code Enforcement to clean up contaminants which are in the vicinity but do not affect the map, and that there is no indication of toxicity in the swale. Staff also informed the Commission that asphalt left from construction years ago will be removed by the applicant, and that there is a proposed leach system. A test will be carried out and an outfall will be installed if needed. Staff and Commission also discussed surrounding properties, noting there is no active stream, and that the closest water is Little Chico Creek which is to the south of the project.

James Renfro, from The Engineering Group who represents the applicant, answered questions from the Commission about right-of-way requirements and that the homes are not facing Bruce Road due to the noise.

Staff and Commission had further discussions regarding the project. This included the reason no cul-de-sac is planned is so there can be a street connection to the adjoining property, the nearby oak trees are not on this property, and changes in grade will help ensure groundwater from the proposed subdivision will run away from the oak trees. Staff also advised the Commission that Bruce Road will eventually be a four lane road with a center turn lane, and that this project is subject to foothill development standards.

Dave Upton had a question about drainage in which staff responded by explaining a leach system would be used if found to work, otherwise, there would be an outfall.

John Merz expressed his concerns about the project by advising the Commission it is his opinion this project should not be done at this time. He went over the environmental impacts and the initial study. He raised a concern regarding the project's cumulative impacts on the environment.

Mr. Renfro again spoke to the Commission explaining the hydrology is flat and per staff recommendation, would be willing to put in an easement along the swale. He also advised that the applicant is not interested in doing a planned development at this time, and agreed to work with Public Works on putting in a right hand turn lane and left turn lane on Bruce Road.

Marty Luger, applicant, addressed the Commission informing them there is no hazardous waste on the property but there is some concrete.

Mr. Merz stated that there is some hazardous waste in the vicinity and suggested that the initial study is deficient and lacking information. He also questioned the impact that fill would make on the property, and where the fill is coming from.

Staff advised the Commission that grading would need to meet City standards. Staff also provided a sample condition of approval requiring a conservation easement along the swale in the area shown on the map as a no-build area.

Staff also passed out page 4 of a report from the Department of Toxic Substances Control dated September 30, 1999. Planning Director Kim Seidler read the conclusions and recommendations of the report to the Commission. He also clarified that there was a Phase 1 study of the site but would not be able to respond to questions on the cumulative impact.

Chair Alvistur closed the public hearing.

The Commission recommended they continue to receive more information on development and environmental resources in the area and suggested having a workshop. After further discussion between staff and the Commission, it was agreed to have a workshop at the beginning of the next Planning Commission meeting on January 6, 2005, beginning at 6:00 p.m.

Commissioner Monfort moved, seconded by Commissioner Luvaas, to continue the public hearing to January 6, 2005, which will include a workshop on the environmental impact and pending developments in the area between State Highway 32 and East 20th Street along Bruce Road.

Motion passed 6-0-1. Commissioner Francis was disqualified.

- 4.4. Hartford Park Condominiums Tentative Subdivision Map S 04-15 (Hartford Park Investment Group) 2099 Hartford Drive** - A request to approve creation of 32 residential condominium units and one 1.53 acre common area at an existing unoccupied multi-residential complex located between Hartford and Devonshire Drive, west of Bedford Drive, and addressed as 2099 Hartford Drive. Approval of the condominium map will allow for individual ownership of the residential units. The project site is identified as Assessor's Parcel Nos. 002-580-069 and 002-580-070. The properties are designated Medium Density Residential on the City of Chico General Plan Diagram and zoned R2 (Medium Density Residential) zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(Existing Facilities).

Associate Planner Ed Palmeri presented the staff report and pointed out a letter that was submitted from Nancy Ward.

Wes Gilbert, Gilbert Engineering, informed the Commission there is no fencing proposed around the site, and that they are going with what the Architectural Review Board approved.

Nancy Ward, neighbor, advised the Commission that none of the nearby neighbors saw an Architectural Review Board notice for this project. If they had seen one, they would have been at the meeting to express their concerns with the two-story structures due to windows overlooking the backyards of existing homes. She also pointed out there is no glazing on the windows or landscaping to obscure the view into her property.

Staff addressed the Commission by clarifying that R2 zoning has no requirement for window glazing on the second floor and the project was built in accordance with the code. Staff also advised that the Architectural Review Board does have the ability to require changes to a site plan or the architectural design of a building to address compatibility and views. In this case, the board did not require changes of this type. In addition, staff said notice of Architectural Review Board items is only required to be posted in the vicinity of the project.

John Doyle expressed his concerns about the lack of parking, lack of landscape screening, and the possibility of school children getting hit by cars.

Tom Knowles, applicant, advised the Commission that they are willing to work with the neighbors. He feels the project is more attractive than an apartment complex, and that the open land is planned for trees.

Chair Alvistur closed the public hearing.

Commissioner Luvaas asked that staff keep in mind placing parking lots on the side of projects instead of in the center to prevent separation.

Commissioner Brownell moved, seconded by Commissioner Schiffman, that the Planning Commission adopt Resolution No. 04-49, making a determination that the project is categorically exempt and approving Tentative Subdivision Map 04-49 (Hartford Park Investment Group), subject to the findings and conditions contained therein.

Motion passed 7-0.

- 4.5. Planned Development Permit 04-03 (The Senator) 525 Main Street** - A Planned Development Permit for a mixed use development at 525 Main Street, Assessor's Parcel Number 004-242-013. The project site is designated "Downtown" on the City of Chico General Plan Diagram, and is located in a C-1-LM Restricted Commercial with a Landmark overlay zone. The project includes a new 5-story building facing Main Street for retail and office use and a new building to the rear containing ground level parking and two floors of housing. The project also includes an outdoor courtyard and 21 off-street parking spaces. The Commission will consider the applicant's request for modifications to the Chico Municipal Code, including: 1) an increase in the allowed building height for the proposed 5-story building; 2) a decrease in required off-street parking spaces; and 3) a compact bike parking design. During the Planned Development Permit process, the Commission will conduct site plan review for the entire site and architectural review for the 5 story building. The Commission will also consider a use permit for the office use. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects).

Principal Planner Teresa Bishow presented the staff report to the Commission and advised that the project would require approval of reduced off-street parking and an increase in the allowed building height from 65 to 80 feet. Staff recommends the Commission conduct a conceptual review of the planned development permit and consider whether to initiate a code amendment to provide a fair basis for reducing parking requirements.

Senior Development Engineer Matt Johnson advised that Public Works would not support any reduction in off-street parking.

Ms. Bishow pointed out that the Senator Theater has existed since before the City had parking standards, and that the applicant calculated parking for the proposed new building by looking at the amount of square footage planned for certain uses.

Commission and staff further discussed the costs for providing "in-lieu" parking spaces.

Chair Alvistur opened the public hearing.

Eric Hart, applicant, advised that they are restoring the inside and outside of the Senator

Theater building and that the proposed project will add to the overall architecture of the downtown. In response to a question by the Commission, he clarified details of the design, and that the courtyard will be gated for security.

Matt Gallaway, architect for the applicant, expressed that this project will revitalize the downtown. He believes land use issues in Title 19 are not in-line with the General Plan. He advised the applicant would like a use permit for office space, proposed increased bicycle parking, and believes parking standards do not conform with urban areas. He explained they would like a space for a restaurant as well as other support functions downstairs to support the theater. He also stated it is within their rights to ask for a height of 64 feet and went over details including where the building lays on the property, set back distance, and the stairway enclosure from the 2nd to the 5th floor.

Mr. Hart clarified to the Commission that the 5th floor is to make up for square footage lost to make space between the Senator Theater and the building to the south.

Bob Russell, Russell Gallaway Associates, Inc., went over parking issues and fees that jumped from \$2,000 to \$16,000. He gave examples of other events downtown that do not have parking requirements such as the concerts in the park and the farmers market. He explained there is enough parking spaces on site for the residential units, and that the parking area that is there now is not being used by the public as it is privately owned by Mr. Hart. He went on to read a quote from Mr. Shoop about parking.

Stephen Gonsalves gave a Power Point presentation showing views from different directions of the project and that the main concern is the lack of parking. He recommended keeping the parking standards, and noted that the plans did not show the proposed courtyard being secured. He also expressed that Mr. Hart has a right to develop his property, but to have sensitivity to the surrounding structures.

The Commission expressed that there is something wrong with the parking standards as it discourages development, and suggested the two parties get together and compromise.

Mr. Gonsalves expressed he did not like the design of the project. He also stated they have had conversations with the applicant and have agreed to disagree, but they are always willing to discuss further. He is also willing to look at any mitigations the applicant would present. He questioned why there are two buildings and suggested they combine them into one. He again stated that what is proposed does not have any sensitivity to the neighbors.

Bob Linscheid, neighbor, suggested the five-story building be put in the back, then there would be no obstruction of views. He also expressed his concerns about parking being taken away. He also stated that the concerts in the park and the farmers market do not apply in response to comments made earlier by Mr. Russell and that his building holds 41 people compared to this project which will hold 7 times more.

John Anderson expressed his concerns with the project, in particular the parking. He disagrees with the parking standards, and went over ideas for the downtown parking with the Commission which included changes in the fees for parking.

Tom DiGiovanni went over changes that have been occurring downtown. He believes parking fees will eliminate the improvement and future development of the downtown.

The Commission asked Mr. DiGiovanni if they should give a recommendation to the Council in regards to parking standards or, leave as is and reduce fees. Mr. DiGiovanni responded by requesting they raise both issues to the Council for consideration.

In response to questions by the Commission regarding the rear building and what impact the Senator Theater would have, Mr. Gallaway advised that people will find parking to come and enjoy the entertainment and downtown. He expressed that getting rid of the 4th and 5th stories would eliminate potential business, and that he has done his best to articulate the mass of the building. He explained that the tower will be at the front facade of the building, and discussed with the Commission changing the design by combining the two buildings.

Mr. Hart stated that he originally hired Steve Gonsalves who created a design very similar to the current design, but they had a conflict so he hired Russell, Gallaway Associates, Inc. He also expressed that he has made compromises with Mr. Linscheid, and that his vision is to create an upscale structure.

Chair Alvistur closed the public hearing.

Commissioner Luvaas expressed that he likes the proposed mixed uses and the courtyard. He is concerned with the proposed height of the building facing Main Street and inquired about whether the building in the rear could have an additional floor and lower one floor in the front building.

The Commission expressed concerns with the 5th story of the new building south of the Senator Theater; should be 4 floors and not raise the current height. They suggested utilizing the rear building more, and that the front be set back above the 3rd floor by approximately 20 feet. The Commission also discussed saving the viewshed from the penthouse owned by Bob Linscheid in the building south of the proposed new structure, and that there should be no visible parking lot facing Wall Street, but parking be located under the building on Wall Street. The Commissioners also requested more information concerning the design of the second building. The Commission discussed different parking proposals and changes to the overall design of the project requesting the applicant to prepare revised plans.

Commissioner Monfort moved, seconded by Commissioner Hughes,

that the Planning Commission direct staff to seek City Council direction on whether to initiate a code amendment to:

- a) Provide a clear basis for granting reductions in required off-street parking in the downtown;*
- b) Create incentives for shared off-street parking arrangements;*
- c) Clarify the method of calculating off-street parking for multi-story buildings; and*
- d) Provide a compact bicycle parking design.*

Motion passed 6-0-1. Commissioner Francis was disqualified.

5. BUSINESS FROM THE FLOOR

None.

6. PLANNING UPDATE

Principal Planner Teresa Bishow distributed the upcoming Planning Commission schedule.

- 7. ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 11:58 p.m. to the Regular Meeting of January 6, 2005, at 6:00 p.m.

February 3, 2005

Date Approved

/s/

Kim Seidler
Planning Director