

**PLANNING COMMISSION
REGULAR MEETING
JANUARY 4, 1999**

ROLL CALL

The meeting was called to order by Commissioner Jolene Dietle at 7:30 p.m. in Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Glenn Fry, William Hamilton, Larry Wahl and Nancy Wolfe. Staff present were Planning Director Kim Seidler, Senior Development Engineer Tom Varga, Senior Planner Ed Palmeri and Administrative Secretary Karen Kracht. City Attorney David Frank arrived later in the meeting.

SELECTION OF OFFICERS

1. **Selection of a Chairperson.** The Commission will elect a chairperson.

Commissioner Wahl nominated Jolene Dietle for the position of Chair to which Commissioner Hamilton seconded. Commissioner Wahl moved to close the nominations. Commissioner Hamilton seconded the motion which was unanimously approved. Jolene Dietle was elected Chairperson on a unanimous vote.

2. **Selection of a Vice-Chairperson.** The Commission will elect a vice-chairperson.

Commissioner Fry nominated Larry Wahl for the position of Vice-Chair; Commissioner Alvistur seconded the motion. Commissioner Wolfe moved to close the nominations. Commissioner Bradford seconded the motion which was unanimously approved. Larry Wahl was elected Vice-Chairperson on a unanimous vote.

RECOGNITION OF DEPARTING COMMISSIONERS

Planning Director Seidler presented each of the departing Commissioners, Barry Belmonte, Jonathan Studebaker, Michael Wright and Kirk Monfort with a Certificate of Appreciation.

The Commission was in recess from 7:35 to 7:45 p.m.

PLANNING COMMISSION ORIENTATION

Planning Director Kim Seidler reviewed the role of the Commission, Commission responsibilities, background information on the General Plan, the Municipal Code, California Environmental Quality Act, the process followed by applications which the Commission reviews, and the management of Commission meetings.

DISCUSSION OF EX PARTE COMMUNICATION

None.

City Attorney Frank arrived at 8:30 p.m.

ADMINISTRATIVE AGENDA

1. Minutes of the Regular Meeting of December 7, 1998

Recommended Action: Approve with any corrections/revisions required.

As a majority of the Commissioners were not present at the meeting, and a quorum of the Commission is required to approve the minutes, each Commissioner was asked to vote on the item. Neither of the two Commissioners who were present at the meeting noted any changes.

COMMISSIONER WAHL MOVED TO APPROVE THE MINUTES OF DECEMBER 7, 1998. COMMISSIONER WOLFE SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

CONSENT AGENDA

- 2. Use Permit UP-98-43 (Hein/Unitarian Church) - 1289 Filbert Avenue** - A request to allow the construction and operation of a 792 square foot Sunday School building in conjunction with an existing church. The property is identified as Assessor's Parcel No. 045-290-007, located at 1289 Filbert Avenue. The subject property is designated Low Density Residential on the General Plan diagram and is located in an R-1 Single Family Residential zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15303, New Construction of Small Structures

Recommended Action: Approve the use permit based on the findings and conditions of approval as listed in the staff report.

The public hearing was opened at 8:35 p.m. Carl Hein, the applicant, addressed the Commission describing the proposed use. There being no further comments, the public hearing was closed.

COMMISSIONER WAHL MOVED TO DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15303, AND APPROVE USE PERMIT 98-43 WITH THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF REPORT DATED DECEMBER 22, 1998. COMMISSIONER ALVISTUR SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

3. **Use Permit 98-47 (Alldrin) - 39 Lakewood Way** - A request to exceed the maximum height limitation of 15 feet to allow a 50 foot high tower support for a wind-driven electric generator. The property is identified as Assessor's Parcel No. 048-263-031, and is located at 39 Lakewood Way. The parcel is designated Low Density Residential on the General Plan diagram, and is located in an R-1 Single Family Residential zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15303, New Construction of Small Structures.

Sr. Planner Palmeri presented the staff report. He discussed the land use issues and recommendations made by staff. He added that staff is also recommending an additional condition that the antenna be subject to architectural review to ensure that it be painted to blend in with the surrounding area. He noted that the Commission received a letter from Colette Huston in opposition of the proposal. At Chair Dietle's request, Sr. Planner Palmeri noted that there is one other existing wind-generator located on Holly and 11th Avenue, which is approximately 30 feet tall and uses a large electric engine.

Chair Dietle questioned the relevance of the General Plan policies cited in the staff report to this proposal, and expressed her concern that this proposal may set a precedent on a city-wide issue. Planning Director Seidler acknowledged that while the proposal is not for a public facility, it may ultimately reduce power usage slightly on the public grid.

In response to Commissioner Alvistur, Sr. Planner Palmeri explained that notices were sent to all property owners within 300 feet, approximately 40 individuals, and was published in the newspaper.

The public hearing was opened at 8:55 p.m. Chuck Alldrin, the applicant, described the project, the energy process to be used, and agreed to an additional condition requiring staff architectural review. He presented photographs of other communication towers and antennas of approximately the same heights as that requested as well as a brochure on the product from the manufacturer. Mr. Alldrin expressed a willingness to turn the machine off at a particular time if requested by a neighbor with a noise related concern. There being no further comments, the public hearing was closed at 9:10 p.m.

Chair Dietle restated her concern that this proposal should be considered as a community-wide issue, and is not neighborhood specific. Commissioner Hamilton stated that although he also had concern with setting a precedent, the cost of the endeavor should limit future requests. Discussions ensued regarding the possibility of setting a precedent to allow other such uses. Planning Director Seidler noted that each request would require a separate use permit, which would consider the individual characteristics within its request.

Commissioner Hamilton suggested that a condition be placed on the project placing limits on the hours of operation in order to address noise concerns. Sr. Planner Palmeri stated that the recommended conditions do require that the project meet all state and local regulations, which

include noise regulations; the proposal will not exceed the noise regulations as they currently exist. Commissioner Hamilton suggested that a strict noise standard be developed for this type of use. Planning Director Seidler noted that a policy level consideration, such as noise standards, could be initiated by the Commission and noticed for a separate public hearing. He added that as this is the first such proposal, it may not be a large enough problem to be addressed at this time. Such a condition must be something which is quantifiable, a specific decibel level which can be measured; the current standard is a 'reasonable person' test.

Commissioner Bradford stressed the neighborhood approval of the proposal. Chair Dietle compared the proposal to the City requirement for new development underground utilities. Commissioner Wolfe expressed concern regarding General Plan compliance and noted that the photographs provided by the applicant display what is not desired to occur throughout the area.

COMMISSIONER HAMILTON MOVED TO DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA SECTIONS 15303 (NEW CONSTRUCTION OF SMALL STRUCTURES) AND APPROVE USE PERMIT 98-47 (ALLDRIN) AUTHORIZING A 50 FOOT TALL TOWER SUPPORT FOR A WIND-DRIVEN ELECTRIC GENERATOR TO EXCEED THE 15 FOOT HEIGHT LIMITATION FOR ACCESSORY STRUCTURES, SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN THE STAFF REPORT DATED DECEMBER 22, 1998, WITH AN ADDITIONAL CONDITION REQUIRING STAFF ARCHITECTURAL REVIEW. COMMISSIONER ALVISTUR SECONDED THE MOTION WHICH WAS APPROVED 4-3 (COMMISSIONERS DIETLE, FRY AND WOLFE OPPOSED).

4. **Appeal of Minor Land Division 96-6 (Kalinowski) - 2318 Alamo Avenue** - A request to approve a minor land division to divide a 28,000± square foot lot located on the north side of Alamo Avenue, into two lots of 0.51 acres and 0.14 acres. The property is identified as Assessor's Parcel Number 042-730-004, located at 2318 Alamo Avenue. The 0.51 acre site is developed with a single family residential home and garage. The property is designated Low Density Residential on the General Plan Diagram and is located in a R-1 Single Family Residential zoning district. This project has been determined to be exempt from environmental review, pursuant to Section 15315 Minor Land Division, of the California Environmental Quality Act (CEQA). Future development of the proposed vacant parcel must be in conformance with the zoning and General Plan designation. The minor land division has been appealed to the Planning Commission.

Chair Dietle noted that the applicant has requested a continuance on this item to the February 1, 1999 Commission meeting. Sr. Planner Palmeri noted that staff has received a number of letters in opposition, which will be forwarded to the Commission along with any other additional correspondence, for that meeting.

Commissioner Bradford verified that there are existing residences on the property for the minor land division.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

None.

ADJOURNMENT

The meeting was adjourned at 9:43 p.m. to the Regular Meeting of February 1, 1999.

February 1, 1999
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 1, 1999**

ROLL CALL

The meeting was called to order by Commissioner Jolene Dietle at 7:30 p.m. in Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Glenn Fry, William Hamilton, Larry Wahl and Nancy Wolfe. Staff present were Assistant City Attorney Lori Barker, Planning Director Kim Seidler, Senior Planner Ed Palmeri and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

None.

ADMINISTRATIVE AGENDA

1. Minutes of the Regular Meeting of January 4, 1999

Recommended Action: Approve with any corrections/revisions required.

COMMISSIONER ALVISTUR MOVED TO APPROVE THE MINUTES OF JANUARY 4, 1999. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

CONSENT AGENDA

- 2. Use Permit No. 98-49 (Brown) - 3124 The Esplanade** - A request to expand an existing Recreational Vehicle (RV) park from 33 spaces to 60 spaces on 10 acres, by converting an existing gravel RV parking/storage area into 27 additional overnight guest spaces, located at 3124 The Esplanade. The property is identified as Assessor's Parcel No. 006-200-001. The site is designed Commercial Services on the General Plan Diagram and is located in a C-2 General Commercial zoning district. This project has been determined to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15303 New Construction or Conversion of Small Structures.

Recommended Action: Approve the use permit based on the findings and conditions of approval as listed in the staff report.

- 3. Use Permit UP-98-50 (Jones) - Northeast Corner of Notre Dame Blvd and Forest Avenue** - A request to allow the construction and operation of a 1330 square foot dental office on property located on the northeast corner of Notre Dame Boulevard and Forest Avenue. The property is identified as Assessor's Parcel

No. 002-210-005. The property is designated Community Commercial on the General Plan diagram and is located in a C-1 Restricted Commercial zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15303, New Construction or Conversion of Small Structures.

Recommended Action: Approve the use permit based on the findings and conditions of approval as listed in the staff report.

Chair Dietle stated that she would abstain on Item 2, Use Permit 98-49, as the applicants do business with her employer.

The public hearing was opened at 8:35 p.m. to which there were no comments.

COMMISSIONER WOLFE MOVED TO DETERMINE THAT THESE PROJECTS ARE CATEGORICALLY EXEMPT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15303, AND APPROVE USE PERMITS 98-49 AND 50 WITH THE FINDINGS AND RECOMMENDED CONDITIONS OF APPROVAL. COMMISSIONER HAMILTON SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

4. **Appeal of Minor Land Division 96-6 (Kalinowski) - 2318 Alamo Avenue -**
A request to approve a minor land division to divide a 28,000± square foot lot located on the north side of Alamo Avenue, into two lots of 0.51 acres and 0.14 acres. The property is identified as Assessor's Parcel Number 042-730-004, located at 2318 Alamo Avenue. The 0.51 acre site is developed with a single family residential home and garage. The property is designated Low Density Residential on the General Plan Diagram and is located in a R-1 Single Family Residential zoning district. This project has been determined to be exempt from environmental review, pursuant to Section 15315 Minor Land Division, of the California Environmental Quality Act (CEQA). Future development of the proposed vacant parcel must be in conformance with the zoning and General Plan designation. The minor land division has been appealed to the Planning Commission. This item was continued from the January 4, 1999 meeting.

Sr. Planner Palmeri presented the staff report, reviewing the history of the proposal, the land use issues and the conditions of approval. In response to Chair Dietle, he explained that the street is designed for single-loaded parking, but is posted no parking, and that the property will be within the homeowners association. In answering a question from Commissioner Wolfe, he stated that based on information received on the reasons for the appeal have been addressed. Commissioner Alvistur verified that the agreement with Mr. Leete, appellant, was as a member of the Hyde Park Association, not for the other interested individuals.

The public hearing was opened at 7:45 p.m. Applicant Bob Kalinowski, 2318 Alamo Avenue, explained the project. Len Goldman, project architect, reviewed the design of the proposed structure. Harvey Nelson, 673 Cromwell Dr., and Gordon Sandy, 652 Cromwell Dr., verified that the project will be part of the maintenance district and homeowners association, and expressed concerns regarding parking. There being no further comments, the public hearing was closed at 8:00 p.m.

COMMISSIONER HAMILTON MOVED TO DENY THE APPEAL AND UPHOLD THE PLANNING DIRECTOR'S DECISION DETERMINING THAT THE MINOR LAND DIVISION IS CATEGORICALLY EXEMPT PURSUANT TO CEQA SECTION 15315, MINOR LAND DIVISION AND APPROVING MINOR LAND DIVISION 96-6 (KALINOWSKI) TO DIVIDE A 22,800 SQUARE FOOT PARCEL INTO TWO LOTS OF 6,100 SQUARE FEET AND 22,200 SQUARE FEET. COMMISSIONER ALVISTUR SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

5. **Appeal of an Administrative Use Permit 98-31 (Drake Homes) - Multiple Lots on Legacy Lane** - An appeal of an Administrative Use Permit approval to allow a 25 percent building encroachment into the front, side and rear yard building setbacks on property located on Lots 8, 9, 10, 11, 12, and 13 of the Meadowood Subdivision Unit 1 located on the easterly terminus of Legacy Lane. The property is identified as Assessor's Parcel No. 006-020-161. The site is designated Low Density Residential on the General Plan Diagram and is located in an R-1 Single-Family Residential zoning district. The required rear yard setback is 15 feet from the rear property line, 5 feet from the side property lines and 20 feet from the front property lines.

Chair Dietle stated that she will be abstaining from Items 5 and 6 as the applicant on both items has recently done business with her employer. Regarding Item 5, she explained that the applicant for the project did not own the property when the subdivision which created the subject parcels was approved by the Commission. Vice Chair Wahl introduced the item.

Sr. Planner Palmeri presented the staff report, reviewing the appeal, the land use issues involved and the recommendations made by staff. He noted that the requests do meet the 25 percent encroachment allowed with a use permit in the Municipal Code; in the future, an ordinance which allows the smaller setbacks and no further encroachments will be considered by the Commission as part of the Title 19 comprehensive update. In response to Commissioner Fry, he explained that staff receives and approves several similar requests each year. Replying to Commissioner Bradford, he explained that the request was made due to the specific building design being used.

Commissioner Fry questioned the validity of creating smaller lots in order to provide affordable housing; by building larger homes on these small lots, housing is not being made affordable. Commissioner Bradford noted that an option would be for the Commission to deny the request, which would result in smaller homes being built on the lots. Planning Director Seidler noted that a variety of situations occur which cannot be included in a single ordinance;

presupposes that the setback encroachment doesn't harm anyone and that the appropriate findings can be made.

The public hearing was opened at 8:15 p.m.

Rick Payne, Drake Homes, representing the applicant, presented design alternatives for Lots 8 and 9, and noted that Lot 8 no longer requires a use permit. In response to Commissioner Alvistur, he explained that it was not feasible to move the structure forward on Lot 9 as the required setback for the garage is 20 feet. He agreed to a suggestion from Commissioner Hamilton that there be no windows in the encroachment area on Lot 9.

Scott Bootman, 3298 Calistoga Drive, expressed concern with the General Plan compliance of the building footprint and the subdivision's compliance with Council's transition and infill guidelines. He requested that the Commission deny the request for all the subject lots, create two lots from lots 8, 9 and 10 with a minimum of 9,000 square feet per lot, and require a soundwall be built along the rear. In response to Commissioner Alvistur, he stated that he would be opposed to the project should the residence be built with a 15 foot setback. With regard to noise concerns, Commissioner Wolfe stated that she had experienced a similar situation in which an extra 3 feet would not have made a difference.

There being no further comment, the public hearing was closed at 8:53 p.m.

Commissioner Hamilton verified that at the time of consideration of the subdivision, a soundwall had not been considered.

In response to concerns of Commissioner Fry, Planning Director Seidler stated that the Commission has wide discretion when approving such use permit requests. Depending on comments it receives during the hearing and its own perceptions of the situation, the Commission can approve the setback reductions exactly as proposed, approve them in part only or turn them down. With regard to the transition and infill guidelines, he stressed that as long as the transition guidelines are in effect, staff will endeavor to apply them to each subdivision.

Commissioner Fry moved to overturn the Planning Director's approval, and deny Administrative Use Permit 98-31 (Drake Homes) for all requested lots. The motion died for lack of second.

COMMISSIONER HAMILTON MOVED TO UPHOLD THE PLANNING DIRECTOR'S APPROVAL OF ADMINISTRATIVE USE PERMIT 98-31, DETERMINING THAT THIS PROJECT IS EXEMPT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15305, AND SUBJECT TO THE CONDITIONS OF APPROVAL AS LISTED IN THE STAFF REPORT. COMMISSIONER BRADFORD SECONDED THE MOTION WHICH WAS APPROVED 5-1-1 (COMMISSIONER FRY OPPOSED, CHAIR DIETLE ABSTAINED).

6. **General Plan Amendment 98-4/Rezone 98-5 (Foothill Park East Subdivision)** -
A proposal to amend the General Plan designation from Low Density Residential to Medium Density Residential and change the zoning from Single-Family Residential to Medium Density Residential. The affected property consists of the southern fifteen acres of the 173 acre subdivision between Ceanothus Avenue and Cactus Avenue. The property is identified as Assessor's Parcel Nos 048-020-060 and 061. A Final Environmental Impact Report was previously certified for this project on June 2, 1997.

This item was continued to the March 1, 1999 Regular Meeting at the request of staff.

The Commission was in recess from 8:55 p.m. to 9:00 p.m.

CORRESPONDENCE

7. **General Plan Annual Report**, copy of report forwarded to City Council and Planning Commission.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Planning Director Seidler reviewed upcoming training opportunities.

At the request of the Commission, Planning Director Seidler explained that a Commissioner could request that a topic be agendaized for discussion at a future meeting.

ADJOURNMENT

The meeting was adjourned at 9:07 p.m. to the Adjourned Regular Meeting of February 8, 1999.

March 1, 1999
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
FEBRUARY 8, 1999**

ROLL CALL

The meeting was called to order by Commissioner Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Glenn Fry, Larry Wahl and Nancy Wolfe. Commissioner William Hamilton was absent. Staff present were Planning Director Kim Seidler, Assistant City Attorney Lori Barker, Senior Development Engineer Tom Varga, Senior Planner Ed Palmeri and Administrative Secretary Karen Kracht.

PLANNING COMMISSION ORIENTATION

Ms. Barker reviewed ex parte contacts, conflicts of interest and Brown Act regulations.

DISCUSSION OF EX PARTE COMMUNICATION

None.

REGULAR AGENDA

1. **Use Permit UP-98-53 (Land Design Properties LLC) Southwest Corner of West East Avenue and Holly Avenue** - A request to allow the construction and operation of a 4500 square outpatient foot surgical clinic on property located on the southwest corner of West East Avenue and Holly Avenue. The property is identified as Assessor's Parcel No. 042-700-034. The subject property is designated Office on the General Plan Diagram and is located in a R-P Residential-Professional/ Business Office zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA) Section 15303, New Construction or Conversion of Small Structures.

Mr. Palmeri presented the staff report, reviewing the land use issues and recommendations made by staff.

The public hearing was opened at 7:53 p.m., to which there were no comments.

COMMISSIONER WOLFE MOVED TO DETERMINE THAT USE PERMIT 98-53 (LAND DESIGN) IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15303, AND APPROVE THE USE PERMIT SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF REPORT. COMMISSIONER BRADFORD SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (COMMISSIONER HAMILTON ABSENT).

2. **Peterson Vesting Tentative Subdivision Map S 98-2 (Webb Homes) - West of the Esplanade and North of Shasta Avenue** - A proposed subdivision of 42.9 acres to create 135 single-family residential lots averaging 8,000 square feet, a storm drainage detention area and a 5 acre park site. The project is located west of the Esplanade and north of Shasta Avenue, on property identified as Assessor's Parcel No.006-500-010. The property is designated Low Density Residential on the General Plan Map and is in a R-1 Single-Family Residential zoning district. An initial study for environmental review has been prepared for the project and the Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA); a 30-day public review period was conducted. A mitigated negative declaration is a determination that project will not have a significant impact on the environment with incorporation of specific mitigation.

Mr. Palmeri presented the staff report, reviewing the land use issues, conditions of approval and environmental mitigations contained therein. He noted staff is recommending that a finding be made that Level of Service (LOS) E is acceptable at the intersection of East Avenue and the Esplanade as there is transit available, that the project would generate approximately one percent of this peak hour traffic and that the intersection will be improved as part of the City's Capital Improvement Program (CIP).

In response to a question from Commissioner Alvistur, Mr. Palmeri explained that several of the neighbors received a flyer suggesting that Middle Creek Circle in the Amber Grove subdivision be extended to Bay Avenue in order to provide more traffic routes. He indicated that such a requirement is not in the scope of this project.

At the request of Chair Dietle, Mr. Varga reviewed that the intersection of East Avenue/Esplanade with or without the project will become LOS E and described the proposed improvements. Council has prioritized the intersection for future improvement identified in Tier 2 of the CIP, which would be expected to be developed in 5 to 10 years and has no funding currently identified. He added that current estimates for the improvement is \$875,000.

He noted that it has yet to be determined if a funding program from the Butte County Association of Governments (BCAG) may apply to this project. Chair Dietle inquired how the intersection could be moved up in priority on the CIP. Mr. Seidler explained that although Council sets the priorities, the Commission could, with a majority vote, send a request to Council to consider the issue.

Chair Dietle expressed concern with the future development of the neighborhood park as there will be several homes facing onto the park. Commissioner Fry compared it to Baroni Park, a 5 acre neighborhood park which has been undeveloped for the past 5 years.

Responding to Chair Dietle's concern regarding the potential impact of a requirement to plant trees along the westerly and southerly portions of the project on the SUDAD ditch, Mr. Palmeri

explained that the trees will be planted on private property and should not impact the ditch. This was intended to reduce the visual impact.

In response to Commissioner Fry, Mr. Palmeri noted that the school district has indicated that there currently is capacity in the schools for children from this project, although homes in this project will be charged the allowed impact fee.

The public hearing was opened at 8:15 p.m.

Greg Webb, the applicant, stated that it is his intent to develop the neighborhood park in return for park fee credit. He noted that the proposed subdivision will join the lighting and landscaping district which was established with Amber Grove and Greenfield subdivisions, which will fund the maintenance of the park. He expressed concerns regarding the planting of trees in private rear yards along the SUDAD ditch and requested that accesses to the bicycle path be reduced to one point from the southerly court. In response to questions from Chair Dietle, he explained that the rear yards would have a depth of 30 to 40 feet with a 6 foot wood fence, and a soundwall between the commercial property and the proposed project. He also noted that piping natural gas to the fireplaces is done on demand and piping to the rear yards for a gas barbeque has never been requested.

Commissioner Fry verified that the park assessment district is controlled by the Chico Area Recreation District (CARD).

The following people addressed the Commission: Ned Kirkham, 58 Northwood Commons, representing the Cussick Area Neighborhood Council, Julie Wetmore, 446 W. Shasta Avenue, John Meyer, 3028 Top Hand Ct, Mark Hickman, 3150 Calistoga Dr, Nichole Nava, 188 Greenfield Dr., Drake Brown, 175 Greenfield Dr., Michael Fogleman, 3123 Eagle Lake Ct. They expressed concerns regarding potential use of the neighborhood park, school impacts, traffic flow throughout the area, safety of children on a bicycle path along the SUDAD ditch, bicycle path access to Shasta Avenue, street lighting/glare, preservation of a row of almond trees along the southerly property line, and clarification of property lines. Mr. Kirkham suggested that the SUDAD ditch be covered as it passes through the area. Several of the speakers expressed interest in participating in the development of the neighborhood park.

The Commission discussed the suggestion to cover the SUDAD ditch. Chair Dietle verified that Butte County controls the ditch, which includes an easement over private property. It was agreed that ownership and maintenance of the ditch, as well as liability, are concerns which would need to be discussed by the County and the City Council.

Mr. Webb reviewed that the park design would be submitted to City staff for approval prior to development. In addressing the suggestion to cover the SUDAD ditch, Mr. Webb estimated that the cost of covering the ditch would be approximately \$120,000. He stressed that there are other bike paths along creeks and waterways throughout the City. In response to

Commissioner Bradford's question on the ownership of the property on which the bike path will be built, he explained that as the ditch is an easement over other's property, he must get permission from the property owners to build it and estimated its cost to be \$15,000.

In response to Commission questions regarding traffic, Mr. Varga explained that there are existing homes on the two cul-de-sacs to the west, limiting vehicle access. He noted that Middle Creek Drive stubs to a 10 acre parcel toward Bay Avenue, which is owned by another party who is not at the meeting to address questions on its future development.

There being no further comments, the public hearing was closed.

The Commission was in recess from 9:07 p.m. to 9:18 p.m.

COMMISSIONER WAHL MOVED TO ADOPT RESOLUTION 99-01, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVE THE PETERSON VESTING TENTATIVE SUBDIVISION MAP S 98-2, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED IN THE RESOLUTION WITH THE FOLLOWING MODIFICATIONS: 1) THE PLANTING OF TREES IN PRIVATE REAR YARDS WILL NOT BE REQUIRED, AND 2) ACCESS TO THE BIKE PATH BE FROM THE SOUTHERLY CUL-DE-SAC. COMMISSIONER BRADFORD SECONDED THE MOTION.

Chair Dietle suggested that covering or the entire portion of the SUDAD ditch is a decision that must be made by the County and the property owners. Commissioner Bradford agreed stating that it was unfair to require an individual to cover the drainage ditch owned by others.

Commissioner Fry expressed concern regarding gas plumbing to the rear porch and the fireplace, as the Commission had been requiring it of other subdivisions and should on this proposal also. Mr. Palmeri noted that such a requirement, although an item of Commission discussion, has not been a requirement on recent subdivisions.

THE MOTION WAS APPROVED 6-0-1 (COMMISSIONER HAMILTON ABSENT).

CORRESPONDENCE

- 3. Memorandum regarding upcoming Workshop and Hearings**, from Planning Director Kim Seidler, dated January 27, 1999.

BUSINESS FROM THE FLOOR

Chair Dietle expressed concern regarding the traffic congestion at the Esplanade/East Avenue intersection and its priority on the CIP, and suggested a memorandum to Council requesting the intersection be reviewed in light of anticipated LOS E. Mr. Seidler stated that the Commission could direct staff to prepare a draft memorandum to Council to be brought to the Commission at the next regular meeting, to which there was Commission consensus.

PLANNING UPDATE

Mr. Seidler reviewed upcoming training opportunities.

ADJOURNMENT

The meeting was adjourned at 9:43 p.m. to the Adjourned Regular Meeting of February 26, 1999 and the Regular Meeting of March 1, 1999.

April 5, 1999
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
FEBRUARY 26, 1999**

ROLL CALL

The meeting was called to order by Commissioner Jolene Dietle at 9:00 a.m. in Conference Room 1 of the Chico Municipal Center. Commissioners present were Ross Bradford, Jolene Dietle, Glenn Fry, Larry Wahl and Nancy Wolfe. Commissioners Vic Alvistur and William Hamilton was absent. Staff present were Community Development Director Tony Baptiste, Planning Director Kim Seidler, Assistant City Attorney Lori Barker, Senior Planner (Hourly) Pam Figge, Senior Planner Ed Palmeri, Associate Planner Claudia Sigona and Administrative Secretary Karen Kracht.

There were several members of the public present including, but not limited to, Jim Goodwin representing the Chamber of Commerce, Kevin Thompson representing the Building Industry Association, Al Silva representing the Valley Contractors Exchange and Jon Luvaas.

SPECIAL WORKSHOP MEETING

1. **Draft Comprehensive Update to Title 19, Land Use and Development Regulations, of the Chico Municipal Code (CMC).** The proposed Land Use and Development Regulations are a component of the implementation program for the Chico General Plan. An Evaluation of Environmental Impact (Initial Study) has been prepared for the Comprehensive Update to Title 19, which determined that the update will not result in a significant impact on the environment. A noticed thirty (30) day review period on the proposed Mitigated Negative Declaration of Environmental Impact began on February 12, 1999 and will end on March 15, 1999. A public hearing on the proposal will be held March 15, 1999.

The purpose of the workshop is to formally present the document to the Planning Commission and public. The consultant who prepared the draft regulations and members of the City Planning staff will make a presentation to the Planning Commission on the format and content of the document. Notable changes from the current regulations will be discussed. Following the workshop, a noticed public hearing will be scheduled for Planning Commission consideration and recommendation to the City Council for adoption of the Comprehensive Update to Title 19.

Mr. Seidler explained the purpose of the zoning ordinance, which is intended to implement General Plan policies with a user-friendly format. He noted that staff continues review of the document and will be proposing a number of minor, technical changes. He introduced the consultants on the project, Paul Crawford, Bruce Jacobson, ?? Zigraph/??.

Mr. Crawford described the zoning ordinance which includes zoning, land uses, procedures for approval of proposals, and authority for administration. He described the layout of the document.

Ms. Figge described each section of the Draft, reviewing the background and intent of each section, paying particular attention to any changes from current regulations.

The Commission expressed concerns regarding the potential to streamline the processes, staying informed on actions taken by staff or the Zoning Administrator, regulations regarding mobile food vendors, use of neon in signs and on building architecture, off-site sales permits, minimum lot sizes, side yard setbacks, and the allowed size of second units.

Regarding off-site sales, the Commission concurred that review for off-site sales requests should fall to zoning administrator approval and be limited to two sales a year on one site. Ms. Figge stated that further discussion would be agendized to discuss any standards and restrictions to be placed on such a permit.

Following discussions on lot sizes in small lot subdivisions, developing small lot subdivisions through a Planned Development process, and second units on residential property, Mr. Seidler stated that staff will review the proposed regulations and indicate if a second unit on smaller lots could be accomplished without impacting setbacks. Senior Planner Figge explained that a Planned Development is allowed in order to reduce lot size, with additional amenities such as bikeways or parks. Mr. Seidler noted that the development community would prefer to avoid the Planned Development requirement where this may be feasible.

Mr. Seidler explained that the public hearing, originally scheduled for March 15, 1999, will be rescheduled for April, 1999 in order to allow for further staff review. Following a public hearing, the Commission will be asked to make a recommendation to the City Council who will then hold a further public hearing and take action on the document.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

The meeting was adjourned at 12:40 p.m. to the Regular Meeting of March 1, 1999.

April 5, 1999
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
MARCH 1, 1999**

ROLL CALL

The meeting was called to order by Commissioner Jolene Dietle at 7:30 p.m. in Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Glenn Fry, Larry Wahl and Nancy Wolfe. Commissioner William Hamilton was absent. Staff present were Planning Director Kim Seidler, Assistant City Attorney Lori Barker, Senior Development Engineer Tom Varga, Senior Planner Ed Palmeri and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

None.

ADMINISTRATIVE AGENDA

1. Minutes of Regular Meeting of February 1, 1999.

Recommended Action: Approve with any corrections/revisions required.

2. General Plan Amendment 98-4/Rezone 98-5 (Foothill Park East Subdivision) -

A proposal to amend the General Plan designation from Low Density Residential to Medium Density Residential and change the zoning from Single-Family Residential to Medium Density Residential. The affected property consists of the southern fifteen acres of the 173 acre subdivision between Ceanothus Avenue and Cactus Avenue. The property is identified as Assessor's Parcel Nos 048-020-060 and 061. A Final Environmental Impact Report was previously certified for this project on June 2, 1997. This item was continued from the February 8, 1999 Planning Commission meeting.

Recommended Action: The Butte County Airport Land Use Commission has found this project inconsistent with the Airport Environs Plan, and staff is considering alternatives. Staff recommends that this item be continued indefinitely. A public notice will be published at such time as the public hearing is rescheduled.

COMMISSIONER FRY MOVED FOR APPROVAL OF THE ADMINISTRATIVE AGENDA, WHICH COMMISSIONER ALVISTUR SECONDED. THE MOTION WAS APPROVED 6-0-1 (COMMISSIONER HAMILTON ABSENT).

CONSENT AGENDA

3. **Parcel Map No. 98-3 (The Windchime Group) - Southeast Corner of Bruce Road and Lakeside Village Commons** - A request to subdivide 3.457 acres into two lots, a 2.49 acre parcel zoned R-P Residential-Professional/Business Office to be developed with an 83-unit assisted living facility for the elderly, and a second, 0.97 acre parcel zoned CO Commercial Office. The subject property is located at the southeast corner of Bruce Road and Lakeside Village Commons, and is identified as Assessor's Parcel No. 011-160-014. The site is designated Offices on the Chico General Plan Diagram. A mitigated negative declaration is proposed for this project, for which a 20-day notification period was conducted.

Recommended Action: Make the findings and adopt the mitigated negative declaration, approve the parcel map based on the findings and conditions of approval as listed in the staff report.

4. **Parcel Map No. 98-4 (Reiter) - 1084 Manzanita Avenue** - A request to subdivide a 23,939 square foot lot into three parcels located at 1084 Manzanita Avenue. The property is identified as Assessor's Parcel No. 048-140-030. While the property is currently under County jurisdiction pending annexation, it is rezoned R-1 Single Family Residential, and is designated Low Density Residential by the Chico General Plan. Upon subdivision, the subject property will consist of Parcel 1 (7,041 square feet), Parcel 2 (7,749 square feet) and Parcel 3 (9,149 square feet). Parcel 1 contains an existing single family residence, while Parcels 2 and 3 would be developable with single family residences after the subdivision. This project has been determined to be Categorically Exempt from environmental review pursuant to Section 15315 Minor Land Divisions of the California Environmental Quality Act (CEQA).

Recommended Action: Approve the parcel map based on the findings and conditions of approval as listed in the staff report.

5. **Use Permit 95-17 (Bruno Hawkins) 2041 Forest Avenue** - A request that the Planning Commission find that Butte Community Bank has established a need for the continued use of the drive through bank teller and Condition No. 12 of Use Permit 95-17 has been satisfied. The drive through facility is located at 2041 Forest Avenue on the southeast corner of Forest Avenue and Parkway Village Drive. The property is identified as Assessor's Parcel No. 002-370-051. The subject property is designated Offices on the General Plan Diagram and is located in a C-0 Commercial Office zoning district. A previous categorical exemption was filed for the project and no further review is required.

Recommended Action: Approve the use permit based on the findings and conditions of approval as listed in the staff report.

6. **Use Permit No. 98-45 (Joshi) - Northwest Corner of Bruce Road and Skyway-**
A request to allow a 24-hour convenience store and gas station with a drive-through car wash. The property is located at the northwest corner of Bruce Road and the Skyway, identified as Assessor's Parcel No. 002-210-026. The property is designated Community Commercial on the Chico General Plan Diagram and is located in a C-1 Restricted Commercial zoning district. A mitigated negative declaration is proposed for this project, for which a 20-day notification period was conducted.

Recommended Action: Adopt the mitigated negative declaration and approve the use permit based on the findings and conditions of approval as listed in the staff report.

7. **Use Permit No. 98-52 (Azad) - 195 Humboldt Avenue, Suite C** - A request to allow expansion of a non-conforming martial arts studio and a determination as to required parking. The property is located at 195 - C Humboldt Avenue and is identified as Assessor's Parcel No. 004-432-027. The property is designated Downtown on the Chico General Plan Diagram and is located in a C-1 Restricted Commercial zoning district. A mitigated negative declaration is proposed for this project, for which a 20-day notification period was conducted.

Recommended Action: Adopt the mitigated negative declaration and approve the use permit based on the findings and conditions of approval as listed in the staff report.

Chair Dietle stated that she would abstain from Item 3, as her employer does business with one of the partners in the Windchime Group.

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

Two individuals spoke regarding Item No. 6, Elizabeth Devereaux, 296 Honey Run Road, expressed concerns regarding viewshed and General Plan compliance, and suggested that a master plan be prepared addressing all development throughout the area. Roger Key, project engineer, pointed out that the property has improvements installed and had been previously subdivided.

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

Mr. Palmeri noted that a memorandum had been distributed to the Commission prior to the start of the meeting modifying Condition 4, ingress and egress, on Item No. 6.

COMMISSIONER ALVISTUR MOVED TO APPROVE THE CONSENT AGENDA AS FOLLOWS MAKING THE NECESSARY FINDINGS AND INCLUDING CONDITIONS OF APPROVAL AS NOTED IN THE APPROPRIATE STAFF REPORTS: 1) ADOPT RESOLUTION NO. 99-2, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND

APPROVING PARCEL MAP NO. 98-3; 2) ADOPT RESOLUTION 99-4 APPROVING PARCEL MAP 98-4 FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CEQA SECTION 15315; 3) APPROVE CONTINUING USE PERMIT 95-17 FINDING THAT IT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15303; 4) ADOPT THE MITIGATED NEGATIVE DECLARATION AND USE PERMIT 98-45; 5) ADOPT MITIGATED NEGATIVE DECLARATION AND USE PERMIT 98-52. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (COMMISSIONER DIETLE ABSTAINED FROM ITEM NO. 3, COMMISSIONER HAMILTON ABSENT).

REGULAR AGENDA

8. **Appeal of Administrative Permit 98-1 (Ibanez) - 698 E. 18th Street** - An appeal of an administrative permit to allow 29 chickens to be kept on property located at 698 E. 18th Street, identified as Assessor's Parcel No. 005-252-010. The property is designated Low Density on the General Plan Diagram and is zoned RD-1, Low Density Residential.

Mr. Palmeri presented the staff report and an overview of animal regulations. He also reviewed the land use issues involved. In response to Chair Dietle, he noted that there have been approximately a dozen such permits requested, which have produced no complaints following approvals.

The public hearing was opened at 7:55 p.m. to where there were no comments.

At the request of the Commission, Mr. Palmeri noted that staff had verified with the appellants that the appeal stood, reviewed restrictions on the roaming of chickens, the enforcement of those restrictions and the location of the chicken coop. Mr. Palmeri explained there had been extensive discussions between the applicant, staff and neighbors regarding the number of chickens to be allowed.

Commissioner Fry expressed concern regarding the lack of public input during the hearing. Commissioner Wolfe noted that she had received two telephone calls on the issue, one from a neighbor who was concerned and felt that chickens do not belong in an urban area.

COMMISSIONER WOLFE MOVED TO DENY ANIMAL PERMIT 98-1. COMMISSIONER FRY SECONDED THE MOTION WHICH WAS APPROVED 5-1-1 (COMMISSIONER WAHL OPPOSED, COMMISSIONER HAMILTON ABSENT).

9. **Appeal of Administrative Permit 98-2 (Jones, Lupe-Douglas) - 1686 Vallombrosa Avenue** - An appeal of an administrative permit to allow 10 chickens to be kept on property located at 1686 Vallombrosa Avenue, identified as Assessor's Parcel No. 045-330-024. The property is designated Low Density on the General Plan Diagram and is zoned R-1, Single Family Residential.

Mr. Palmeri present the staff report and described the location.

The public hearing was opened at 8:10 p.m.

Douglas Jones, 1686 Vallombrosa, the applicant, described the coop area and described the care of the chickens.

Rocky Rawlin, 1691 Parkview Lane, and Paulene Right, representing owners of 1690 Vallombrosa Avenue, spoke in favor of the proposal.

There being no further comments, the public hearing was closed at 8:20 p.m.

Chair Dietle noted this request is different from the previous in that the coop is well maintained and is not visible from outside the property, and noted that the appellant's concerns have been addressed with the exception of the request for annual review. Commissioner Alvistur agreed.

COMMISSIONER WAHL MOVED TO APPROVE ANIMAL PERMIT 98-2, ALLOWING TEN CHICKENS TO BE KEPT IN THE BACKYARD OF PROPERTY LOCATED AT 1686 VALLOMBROSA, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF REPORT. COMMISSIONER FRY SECONDED THE MOTION WHICH WAS APPROVED 5-1-1 (COMMISSIONER WOLFE OPPOSED, COMMISSIONER HAMILTON ABSENT).

The Commission was in recess from 8:25 p.m. to 8:40 p.m.

- 10. Use Permit 98-51 (Aguilera) 851 Main Street** - A request that the Planning Commission consider not extending Use Permit 98-16 to allow a pet store with related retail sales within an existing building located at 851 Main Street. Pursuant to Condition No. 5 of Use Permit 98-51, the use permit expired on February 10, 1999, six months after the date of issuance. The property is identified as Assessor's Parcel No. 004-421-005. The subject property is designated Downtown on the General Plan Diagram and is located in a C-1 Restricted Commercial zoning district. A previous categorical exemption was filed for the project and no further review is required.

Mr. Palmeri noted that the Planning Commission approved the use permit with a condition that it expire six months in order to allow further review to determine compliance with the conditions of approval. He noted that staff's recommendation is to not extend the use permit as all of the conditions of approval placed on the permit have not been met, including architectural review of any signage. He added that since publication of the staff report, staff has learned that the applicant has provided Animal Control with telephone contact numbers.

The public hearing was opened at 8:43 p.m.

George Acosta, the applicant, stated that it was his belief that the City is targeting his business as there are signs painted on windows in other area businesses which have not received sign permits. He requested a continuance of public hearing until such time as the signs for his business have had architectural review. At Commissioner Bradford's request, he reviewed that the business carries reptiles, birds and other small animals.

At Commissioner Bradford's request, Mr. Seidler stated that window paintings are included in the sign regulations and require architectural review.

There being no further comments, the public hearing was closed at 8:55 p.m.

Mr. Palmeri reviewed that at the July 1, 1998 meeting, the Commission had a number of concerns relative to potential impacts on the area and ensuring that the conditions of approval were met within a period of time. The six-month expiration condition was placed on the permit in order to ensure compliance within the time period. The applicant was aware of the conditions as the conditions were contained in the previous staff report and were included on the use permit which was signed by the permittee. Chair Dietle stated that Commission's concern at the initial hearing included the fact that the business had been in operation prior to applying for the permit, that the applicant had received citations from Animal Control, that there were concerns about the condition of the facility and that there was a desire to keep the Downtown area aesthetically pleasing.

Mr. Seidler suggested continuing this hearing to the first meeting in April as Mr. Acosta has indicated a willingness to have architectural review of the signage. Chair Dietle agreed, suggesting that the hearing be continued for 30 days to allow for compliance of the conditions in the use permit. She advised the applicant to submit a written list of telephone contact numbers to Animal Control and have architectural review of any signs within 30 days.

In addressing Commissioner Wahl's inquiring regarding animal control complaints, Mike Maloney, Police Department Captain charged with supervising Animal Control, stated that between January 1998 and October 1998, the Animal Control unit had dealt with Mr. Acosta on several complaints. In January 1999 complaints had been received regarding the care and welfare of animals in the store. A pager number was provided to Animal Control on October 30, 1998. There have been no citations issued at this time as Mr. Acosta has been willing to work with Animal Control. He described the complaint received on January 14, 1999 as having originated by two citizens who felt compelled to go to another pet store to find what they should do. The citizens have submitted written statements to Animal Control. In response to Commissioner Wahl, Lt. Maloney stated that more complaints have been received on this pet store than on other pet stores.

COMMISSIONER WOLFE MOVED TO CONTINUE THIS ITEM TO THE APRIL 5, 1999 REGULAR MEETING. COMMISSIONER ALVISTUR SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (COMMISSIONER HAMILTON ABSENT).

11. **Stratford Estates Vesting Tentative Subdivision Map S 98-4 (Ritchie) - Intersection of Cussick Avenue and Henshaw Avenue** - A request to subdivide two existing parcels into 37 single family lots in two phases. Phase I, located on the west side of Cussick Avenue approximately 300 feet south of the intersection of Cussick and Henshaw Avenues, proposes to subdivide a 4.56 acre parcel with 16 single family lots, with an average lot size of 9,270 square feet, and is identified as Assessor's Parcel No. 042-450-003. Phase II, located at the southeast corner of Henshaw and Alamo Avenues, proposes to subdivide a 5.66 acre parcel with 21 single family lots, with an average lot size of 8,894 square feet, and is identified as Assessor's Parcel No. 042450-001. Both parcels are designated Low Density Residential on the Chico General Plan Diagram and are located in a R-1 Single-Family Residential zoning district. A mitigated negative declaration is proposed for this project, for which a 20-day notification period was conducted.

Commissioner Fry stated that he would abstain on the item as his company does represent Mr. Ritchie, the applicant, on the sale of his projects.

Mr. Palmeri reviewed the staff report, land use and environmental issues. He also reviewed letters received by the Commission both in the packet provided and prior to this hearing. He noted that staff is recommending a modification to Exhibit 1, Condition 8, that the improvements in Phase II be included in a maintenance district.

In response to Commissioner Alvistur's inquiry on additional landscaping along Shady Acres Court was not required, Mr. Varga explained that Shady Acres Court is a privately owned street, and as such, the City is not in a position to require installation or maintenance of landscaping on it.

The public hearing was opened at 9:20 p.m.

Jim Mann, 70 Declaration Drive, representing the applicant, requested the elimination of Condition 9, which required a street sideyard setback along Cussick Avenue. Mr. Palmeri concurred with the request. He noted that the applicant has volunteered to install off-site improvements on Cussick Avenue if the City is willing to pay for the cost of materials, in exchange for street fee credit. He reviewed required improvements on Alamo Avenue, which will require trees to be removed; those trees will be replaced with 24 inch box trees.

Chair Dietle verified that planter strips with street trees will be installed in parkways in the interior of the subdivision.

The following people expressed concerns regarding the proposal: Dan Stumpfig, 715 Shady Acres Court, Theresa Burleigh, 730 Henshaw Avenue, Ned Kirkham, 58 Northwood Commons, Cussick Area Neighborhood Council, Vern Doranz, 707 Shady Acres Court, and Mark Kesterson, 2630 Alamo Avenue. The concerns expressed included; density of Phase II, transition to the Shady Acres Court neighborhood, longevity of wooden fencing, possibility of trespassing on Shady Acres Court (a private road) particularly during the construction

phase, storm drainage with regard to additional impervious surfaces and quality of area well-water by pollutants held in the leech fields, improvements on Cussick Avenue, privacy and safety with the cul-de-sac at end of Phase I. Mr. Kesterson requested that provisions be made to allow hookup to California Water Service without any additional fees.

At Chair Dietle's request, Mr. Palmeri noted that fencing along the property line is not a condition of approval but is expected to be installed.

The Commission was in recess from 9:50 p.m. to 10:00 p.m.

Mr. Mann explained that leech fields will be installed to City and County standards. He stated that no construction equipment will use Shady Acres Court and that the homebuyers in Phase II will be notified that it is a private road to which they will have no access. A masonry wall will not be built along Shady Acres Court due to expense, but a fence will be built with landscaping installed along the road that has both neighbor and City approval, to be maintained by the residents on Shady Acres Court. As for the end of cul-de-sac from Cussick Avenue, fencing with four bollards and a 1 to 1.5 foot tall retaining wall will help protect residents on the other side of the fence.

Mark Kesterson, a previous speaker, reiterated his concern that future property owners may not be aware of the private road status of Shady Acres Court and may wish to install gates in wood fencing, where a solid fence would prohibit such a gate.

There being no further comments, the public hearing was closed at 10:15 p.m.

Commissioner Wahl reviewed the recommended amendments to the conditions of approval which include modifying Condition 8 to ensure that improvements are included in a maintenance district and to remove Condition 9. Commissioner Alvistur verified that landscaping on Shady Acres Court could not be included in the maintenance district as the road is private property.

At Mr. Seidler's request, Mr. Varga briefly described the regulations covering the use of seepage trenches in storm drainage systems. He described the design and depth of the seepage trenches and existing and project storm drainage systems.

COMMISSIONER WAHL MOVED TO ADOPT RESOLUTION 99-3, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE STRATFORD ESTATES TENTATIVE SUBDIVISION MAP S 98-4, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED IN THE RESOLUTION WITH THE FOLLOWING AMENDMENTS: 1) AMEND CONDITION 8 TO INCLUDE THE IMPROVEMENTS IN A MAINTENANCE DISTRICT, AND 2) DELETE CONDITION 9. COMMISSIONER WOLFE SECONDED THE MOTION.

Commissioner Alvistur suggested further amendments to stipulate that four bollard posts be installed at end of cul-de-sac from Cussick Avenue and landscaping be installed along Shady Acres Court. Commissioner Wahl accepted the amendments.

THE MOTION WAS APPROVED 5-0-1-1 (COMMISSIONER FRY ABSTAINED, COMMISSIONER HAMILTON ABSENT).

12. Draft Memorandum to Council, regarding the Capital Improvement Program.

Commission directed staff to draft a memorandum to Council recommending prioritization of capital improvements to the East Avenue/Esplanade intersection on the City's Capital Improvement Program. Staff is recommending that Commission request a discussion of this matter at its annual budget meeting with the City Council to be held in May 1999.

The Commission discussed the proposed memorandum, and concurred that the Commission suggest to Council that it increase the priority of the intersection of East Avenue and the Esplanade as a result of the scope of approvals made on development in the area.

Chair Dietle requested that background information be provided to her regarding the number of units approved and applied for, number of approved tentative maps in the area, as well as copies of the most recent traffic study completed on the intersection of Esplanade and East Avenue. She also requested any information from Mr. Varga on alternative funding sources.

Commissioner Alvistur suggested that the last line of the first paragraph be changed to read ..." addressed as highest priority."

Ned Kirkham, a previous speaker, noted that an eventual solution to the intersection will be the Eaton Road bypass, as by rerouting State Highway Route (SHR) 32 the pressure on East Avenue will be diminished. He suggested that the Commission include a suggestion to proceed with the Eaton Road extension.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Seidler reviewed upcoming training opportunities.

ADJOURNMENT

The meeting was adjourned at 10:40 p.m. to the Regular Meeting of April 5, 1999.

April 5, 1999
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
APRIL 5, 1999**

ROLL CALL

The meeting was called to order by Commissioner Jolene Dietle at 7:30 p.m. in Council Chambers of the Chico Municipal Center. Commissioners present were Ross Bradford, Jolene Dietle, Glenn Fry, Larry Wahl and Nancy Wolfe. Commissioner Vic Alvistur was absent. Staff present were Planning Director Kim Seidler, Assistant City Attorney Lori Barker, Senior Development Engineer Tom Varga, Senior Planner Ed Palmeri and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

Chair Dietle stated that she had a discussion with former commissioner Michael Wright regarding Item 9, who raised concerns regarding delivery trucks staging on Button Willow Road.

ADMINISTRATIVE AGENDA

1. **Minutes of Adjourned Regular Meeting of February 8, 1999, Adjourned Regular Meeting of February 26, 1999, and the Regular Meeting of March 1, 1999.**

Recommended Action: Approve with any corrections/revisions required.

COMMISSIONER WOLFE MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER SECONDED BRADFORD. THE MOTION WAS APPROVED 6-0-1 (COMMISSIONER ALVISTUR WAS ABSENT).

CONSENT AGENDA

2. **Use Permit 99-2 (Modern Building Co.) - 1625 Mangrove Avenue** - A request to remodel and expand an existing car wash and gas station at 1625 Mangrove Avenue, identified as Assessor's Parcel No. 003-413-029. The project includes construction of a new 800 sq. ft. Store, a 660 sq. ft. office, and a 500 sq. ft. waiting room, as well as replacement of the existing gas pumps and installation of a new canopy and landscaping. The subject site is designated Community Commercial by the Chico General Plan and is in a C-1 Restricted Commercial zoning district with a MUTC Multi-use Transit Corridor overlay. This project has been determined to be Categorically Exempt from environmental review pursuant to 15301(e)(2) Existing Facilities of the California Environmental Quality Act (CEQA).

Recommended Action: Approve the use permit based on the findings and conditions of approval as listed in the staff report.

3. **Use Permit 99-4 (Coffman) - 1720 Esplanade** - A request to allow construction and operation of a 7,000± square foot professional office at 1720 The Esplanade, formerly the Hatchcover Restaurant. The property is identified as Assessor's Parcel No. 003-394-012. The site is designated on the Chico General Plan Diagram as Community Commercial and is in a C-1 Restricted Commercial zoning district. The project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act Section 15303, New Construction or Conversion of Small Structures.

Recommended Action: Approve the use permit based on the findings and conditions of approval as listed in the staff report.

4. **Use Permit 99-6 (Wittmeier Auto Center) - 2044 Forest Avenue** - A request to allow two temporary off-site auto/truck sales from May 13 through May 16 and July 15 through July 18, 1999 on the easterly portion of the Wal-Mart parking lot. The property is located at 2044 Forest Avenue, identified as Assessor's Parcel No. 002-370-057. The site is designated on the Chico General Plan Diagram as Community Commercial and is in a C-1 Restricted Commercial zoning district. The project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act Section 15323, Normal Operations of Facilities for Public Gatherings.

Recommended Action: Approve the use permit based on the findings and conditions of approval as listed in the staff report.

5. **Use Permit 99-8 (Chuck Patterson Auto World) - 1950 E. 20th Street** - A request to allow two temporary off-site auto/truck sales from May 27 through May 31 and September 2 through September 6, 1999 on the westerly portion of the Chico Mall overflow parking lot. The property is located at 1950 E. 20th Street and is identified as Assessor's Parcel Nos. 002-140-010 and 002-450-042. The site is designated on the Chico General Plan Diagram as Community Commercial and is in a C-1 Restricted Commercial zoning district. The project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act Section 15323, Normal Operations of Facilities for Public Gatherings.

Recommended Action: Approve the use permit based on the findings and conditions of approval as listed in the staff report.

This item was removed from the Consent Agenda by a member of the public.

6. **Hyde Park Unit 2, Building B, Tentative Condominium Subdivision Map (Land Design Properties) S-99-3** - A proposed subdivision of a 15,361 sq. ft. office building located on 1.44 acres at 615 West East Avenue, Assessor's Parcel No. 042-700-034, into seven condominium units with an average size of 2,194 square feet. The subject site is designated Offices by the Chico General Plan and is in an R-P

Residential-Professional/Business Office zoning district. A mitigated negative declaration was previously adopted for this project in association with Prezone No. 95-5 and no further environmental analysis is required for this project.

Recommended Action: Approve the Subdivision based on the findings and conditions of approval as listed in the staff report.

7. **Use Permit 98-51 (Aguilera) 851 Main Street** - A request that the Planning Commission consider not extending Use Permit 98-16 to allow a pet store with related retail sales within an existing building located at 851 Main Street. Pursuant to Condition No. 5 of Use Permit 98-51, the use permit expired on February 10, 1999, six months after the date of issuance. The property is identified as Assessor's Parcel No. 004-421-005. The subject property is designated Downtown on the General Plan Diagram and is located in a C-1 Restricted Commercial zoning district. A previous categorical exemption was filed for the project and no further review is required. This item was continued from the March 1, 1999 Regular Meeting.

Recommended Action: Continue this item to the May 3, 1999 Regular Meeting to allow for architectural review on the project.

Chair Dietle stated that she would abstain from Item 6 as her employer has entered into discussions regarding the item.

Regarding Item 3, Mr. Palmeri noted that staff is proposing a modification to Condition 3 regarding improvements on the alleyway which was handed out to the Commission prior to the meeting.

Commissioner Fry verified on that Item 7 was recommended for continuance for architectural review only.

The public hearing was opened at 7:35 p.m. to which there were no comments.

COMMISSIONER BRADFORD MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEM 5, MAKING THE FINDINGS AND INCLUDING CONDITIONS OF APPROVAL AS NOTED IN THE APPROPRIATE STAFF REPORTS TO: 1) APPROVE USE PERMIT 99-2 (MODERN BUILDING), FINDING THAT IT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) SECTION 15301(E)(2); 2) APPROVE USE PERMIT 99-4 (COFFMAN) FINDING THAT IT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15303 WITH THE CORRECTION TO CONDITION 3 AS RECOMMENDED BY STAFF; 3) USE PERMIT 99-6 (WITTMER AUTO CENTER) FINDING THAT IT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15323; 4) APPROVE USE PERMIT 99-8 (CHUCK PATTERSON) FINDING THAT IT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT

TO SECTION 15323; 5) APPROVE SUBDIVISION 99-3 (HYDE PARK) FINDING THAT A PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION WAS ADOPTED FOR THE PROJECT; 6) CONTINUE USE PERMIT 98-16 (AGUILERA). COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS APPROVED 5-0-1 (CHAIR DIETLE ABSTAINED ON ITEM 6, COMMISSIONER ALVISTUR ABSENT).

ITEMS REMOVED FROM THE CONSENT AGENDA

5. **Use Permit 99-8 (Chuck Patterson Auto World) - 1950 E. 20th Street** - A request to allow two temporary off-site auto/truck sales from May 27 through May 31 and September 2 through September 6, 1999 on the westerly portion of the Chico Mall overflow parking lot. The property is located at 1950 E. 20th Street and is identified as Assessor's Parcel Nos. 002-140-010 and 002-450-042. The site is designated on the Chico General Plan Diagram as Community Commercial and is in a C-1 Restricted Commercial zoning district. The project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act Section 15323, Normal Operations of Facilities for Public Gatherings.

Mr. Palmeri presented a brief staff report.

The public hearing was opened at 7:40 p.m.

John Gillander, 4328 Kathy, handed out a copy of Chico Municipal Code Section 9.48.070, and requested that the issue be forwarded to the City Council for a policy decision regarding the section and the legality of placing signs on vehicles. In response to Chair Dietle's query as to why he failed to raise the same issue with Item 4, which was a similar request, Mr. Gillander explained that while he had viewed the site on for this request, he had not done so for Use Permit 99-6.

There being no further comments, the public hearing as closed at 7:45 p.m.

At Commissioner Wahl's request, Ms. Barker explained that the City Attorney does not consider the Code section to apply to automobiles on car lots as the Code section applies to advertisements placed on vehicles, houses, and other personal property without the owner's permission.

COMMISSIONER FRY MOVED TO DETERMINE THAT THE USE PERMIT 99-8 (CHUCK PATTERSON AUTO WORLD) IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15323 OF CEQA AND APPROVE THE USE PERMIT SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF REPORT. COMMISSIONER BRADFORD SECONDED THE MOTION WHICH WAS APPROVED 5-0-1 (COMMISSIONER ALVISTUR ABSENT).

REGULAR AGENDA

8. **Use Permit 99-3 (Bruce Jones) - 1900 Park Avenue** - A request to occupy an existing building with non-conforming on-site parking for the sales and service of motorcycles and all terrain vehicles on property located at 1900 Park Avenue, identified as Assessor's Parcel No. 005-263-009. The subject property is designated Community Commercial on the General Plan Diagram and is in a C-1 Restricted Commercial zoning district with a MUTC Multi-use Transit Corridor overlay. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15301, Existing Facilities.

Chair Dietle stated that she would abstain from this item as as her employer does business with the property owners. Vice Chair Wahl introduced the item.

Mr. Palmeri presented the staff report, reviewing the land use issues and recommended conditions of approval.

The public hearing was opened at 7:50 p.m. to which there were no comments.

COMMISSIONER WOLFE MOVED TO DETERMINE THAT USE PERMIT 99-3 (JONES) IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15301 OF CEQA AND APPROVE THE USE PERMIT SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF REPORT. COMMISSIONER FRY SECONDED THE MOTION WHICH WAS APPROVED 4-0-1-1 (CHAIR DIETLE ABSTAINED, COMMISSIONER ALVISTUR ABSENT).

9. **Use Permit 98-44 (Safeway, Inc.) - 720 Mangrove** - A request to allow the 24-hour operation of a new 48,598 square foot supermarket, creating a net increase of approximately 9,000 square feet of retail floor space. The property is located at 720 Mangrove Avenue, identified Assessor's Parcel No. 003-280-040. The property is designated Community Commercial on General Plan Diagram and located in a C-1 Restricted Commercial zoning district. A mitigated negative declaration is proposed for this project, for which a 20-day notification period was conducted.

Mr. Palmeri presented the staff report, reviewing the land use issues involved and the recommended conditions of approval, including a modified condition which was distributed to the Commission prior to the start of the meeting. He added that staff is also recommending that Condition 3 be modified to allow deliveries between the hours of 7:00 a.m. to 10:00 p.m. to accommodate the delivery of goods. He also reviewed a letter received by the Commission from the property management for the Park Plaza Shopping Center regarding the use of Button Willow Lane. At the request of Commissioner Wolfe, he explained that Condition 6 would require that the delivery truck staging area be placed behind the existing Safeway building and Condition 3 would regulate at what hours the receiving bays would be used.

Commissioner Fry expressed concern with allowing truck deliveries at a late hour next to residential uses. Chair Dietle stated that she had concerns regarding staging along Button

Willow Lane, but found that requiring the staging to take place on the south side of the property behind the current Safeway store would be acceptable.

The public hearing was opened at 8:00 p.m.

Timothy Sheil, 4381 Meadowview Acres Rd, representing the applicant, requested that the allowed delivery hours be extended to 6:00 a.m. through 10:00 p.m.

There being no further comments, the public hearing was closed at 8:03 p.m.

Chair Dietle expressed concern with allowing early hour deliveries in proximity to residential uses.

Commissioner Bradford moved to reopen the public hearing, which Commissioner Wahl seconded. The motion was unanimously approved.

Hal Crawford, 720 Mangrove Avenue, representing Rite Aid, stated that deliveries are currently being made as early as 5:00 a.m., with truck breakdown taking place in the front of the store.

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

Mr. Palmeri noted that the initial study contained specific mitigation regarding noise of delivery trucks. He verified for the Commission that no other businesses within the shopping center currently have restrictions on delivery hours. He also described the necessary traffic pattern to approach the loading docks of the building in relation to the proposed staging area.

Commissioner Wahl moved to reopen the public hearing, which Commissioner Wolfe seconded. The motion was unanimously approved.

Mr. Sheil stated that the current truck deliveries are made by one truck between 5:00 a.m. and 7:00 a.m., and one truck in the early evening hours. He added that produce warehouses also make deliveries early in the morning.

There being no further comments, the public hearing was closed at 8:15 p.m.

Chair Dietle reviewed that the recommended changes to the condition include expanding the hours of delivery in Condition 3 to 6:00 a.m. through 10:00 p.m., and adding Condition 6 to limit the staging area.

COMMISSIONER WOLFE MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION AND APPROVE USE PERMIT 98-44 (SAFEWAY, INC.) SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN THE STAFF REPORT, WITH THE MODIFICATION TO CONDITION 3 ESTABLISHING THE HOURS OF DELIVERY FROM 6:00 A.M. THROUGH 10:00 P.M., AND ADDING CONDITION 6 TO LIMIT THE STAGING AREA. COMMISSIONER

BRADFORD SECONDED THE MOTION WHICH WAS APPROVED 5-0-1 (COMMISSIONER ALVISTUR ABSENT).

The Commission was in recess from 8:15 p.m. to 8:25 p.m.

- 10. Use Permit 98-46 (Rite Aid/Honeycutt & Associates) - 650 Mangrove Avenue -**
A request to allow the 24-hour operation of a proposed pharmacy with drive-through service located at 650 Mangrove Avenue. The property is identified as Assessor's Parcel No. 003-280-010 and 042. The property is designated Community Commercial on the General Plan Diagram and is located in a C-1 Restricted Commercial zoning district. A mitigated negative declaration is proposed for this project, for which a 20-day notification period was conducted.

Mr. Palmeri presented the staff report, reviewing the land use issues, proposed building footprint and the recommended conditions of approval. He discussed General Plan issues regarding the siting of the buildings and the proposed pedestrian feature.

The public hearing was opened at 8:30 p.m.

Steve Honeycutt, 2881 Pennyroyal Dr., representing the applicant, reviewed the project's compliance with General Plan goals to improve pedestrian orientation and reviewed the proposed treatment of the Vallombrosa/Mangrove Avenue corner. He requested that Condition 5 be modified to allow the sign package to have architectural review by staff or the Architectural Review Board. He verified for Commissioner Wahl that the lighting will be low enough to not encourage night time usage or loitering.

Mr. Palmeri suggested that Condition 5 be modified to read, "Except as otherwise approved through architectural review process, prior to issuance of a building permit..."

There being no further comments, the public hearing was closed at 8:40 p.m.

CHAIR DIETLE MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION AND APPROVE USE PERMIT 98-46 (RITE AID) SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF REPORT, WITH THE MODIFICATION TO CONDITION 5 TO READ, "EXCEPT AS OTHERWISE APPROVED THROUGH ARCHITECTURAL REVIEW PROCESS, PRIOR TO ISSUANCE OF A BUILDING PERMIT....". COMMISSIONER BRADFORD SECONDED THE MOTION WHICH WAS APPROVED 5-0-1 (COMMISSIONER ALVISTUR ABSENT).

CORRESPONDENCE

11. Letter from William Hamilton, received March 3, 1999, tendering his resignation from the Planning Commission.
12. Memorandum from the City Clerk, dated March 15, 1999, regarding the 1999-2000 Council Budget Meeting with Boards and Commissions.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

None.

ADJOURNMENT

The meeting was adjourned at 8:40 p.m. to the Adjourned Regular Meeting of April 19, 1999.

April 19, 1999
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
APRIL 19, 1999**

ROLL CALL

The meeting was called to order by Commissioner Jolene Dietle at 7:30 p.m. in Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Glenn Fry, Kirk Monfort, Larry Wahl and Nancy Wolfe. Staff present were Planning Director Kim Seidler, City Attorney Dave Frank, Assistant City Attorney Lori Barker, Community Development Director Tony Baptiste, Senior Planner Pam Figge, Senior Planner Tom Hayes, Senior Planner Stacey Jolliffe, Associate Planner Claudia Sigona and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

None.

ADMINISTRATIVE AGENDA

1. Minutes of Regular Meeting of April 5, 1999.

Recommended Action: Approve with any corrections/revisions required.

Commissioner Monfort abstained from this item as he had not been appointed to the Commission at the time of the meeting.

COMMISSIONER BRADFORD MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (COMMISSIONER MONFORT ABSTAINED).

REGULAR AGENDA

2. General Plan Amendment 99-2/Rezone 99-2 and Prezone 99-1 (City of Chico) -

This proposal involves amendments to the General Plan land use designation and zoning for those properties identified as Sites A through D, described below. These amendments are in response to actions taken by the Butte County Airport Land Use Commission (ALUC) in October 1998. A mitigated negative declaration is proposed for this project, for which a 20-day notification period was conducted. In order that the City General Plan and zoning remain consistent with the Chico Municipal Airport Environs Plan amendments adopted by ALUC, the following amendments are proposed:

Site A - Approximate six-acre vacant site (portion of A.P. No. 007-190-022). Designated Low Density Residential in the General Plan and prezoned PMU Planned Mixed Use, this site is a portion of a site planned for Mixed Use Neighborhood Center. The proposal would amend General Plan designation from Low Density Residential to Medium Density Residential to comply with development restrictions for Area B of the Overflight Area.

Site B - Largest of the four sites, Site B is approximately 20 acres in size. It is located within Area B of the Overflight Area. It is designated Low Density Residential in the City General Plan and is rezoned PMU Planned Mixed Use. Site B is a portion of A. P. No. 047-250-141. The site is also a part of the "Villages" portion of the North Chico Specific Plan. The County-adopted Specific Plan designates the site for Medium Density Residential. The City proposal would amend the City General Plan designation of this site from Low Density Residential to Medium Density Residential. Rezoning is proposed to remain unchanged at this time since both Sites A and B require that future development occur as planned developments, at which time zoning would be specified.

Site C - Two parcels, approximately three acres in area (A. P. Nos. 048-670-048 and 054, 2670 and 2674 Ceres Avenue), located on the east side of Ceres Avenue, approximately 1,000 feet north of East Avenue. Existing General Plan designation is Low Density Residential, and parcels are zoned and rezoned R-1 Single Family Residential. Parcels are located within the Outer Safety Zone and are developed with an existing single family residence. Proposal would amend the General Plan designation from Low Density Residential to Very Low Density Residential and rezone the 2670 Ceres Avenue from R-1 Single Family Residential to RS-2 Suburban Residential-Two Acre Minimum Lot Size and rezone 2672 and 2674 Ceres Avenue from R-1 Single Family Residential to RS-2 Suburban Residential-Two Acre Minimum Lot Size.

Site D - Two parcels (A. P. Nos. 048-600-055 and 056, 2705 and 2747 Floral Avenue) ranging in size from 2 to 2.5 acres and both developed with a single family residence located on the west side of Floral Avenue, approximately 100 feet south of Glenshire Lane. Designated Low Density Residential and zoned R-1. Proposal would amend the General Plan designation from Low Density Residential to Very Low Density Residential and would change zoning from R-1 Single Family Residential to RS-2 Suburban Residential-Two Acre Minimum Lot Size.

Mr. Hayes presented the staff report, describing the general plan amendments brought forward in response to the adoption of the Airport Environs Plan adopted by the Butte County Airport Land Use Commission (ALUC).

Commissioner Wolfe expressed concern regarding the recommendation for densities in the four different areas. Commissioner Bradford noted that the proposed amendments would restrict the properties in Sites C and D to lower densities than that of the surrounding fully-developed areas.

At Commissioner Monfort's request, Mr. Hayes reviewed the findings that would be required should the Council desire to override the ALUC.

In response to Commissioner Alvistur, Mr. Hayes reviewed that as Sites A and B are currently under County jurisdiction, development of the properties would require additional review as

well as significant improvements. Site D and a larger section of Site C are currently within the City boundaries, with the southern most parcel of Site C is in the County. Commissioner Alvistur noted that neighbors of Site A have submitted letters in opposition to action by the City as the property is within the County.

The public hearing was opened at 8:00 p.m.

The following people spoke in opposition to the proposal, expressing concerns regarding traffic, higher densities and the potential impact of low income housing: Douglas Richardson, 794 Marcia Court, Rocky Campbell, 794 Marcia Court, Bob Hope, 780 Marcia Court, Dave Curtis, 3143 Morseman.

There being no further comments, the public hearing was closed at 8:10 p.m.

Commissioner Wolfe expressed concern with increasing densities in the affected area. Chair Dietle noted that there have been airports in California which have been closed down due to owner-occupied residential influences in the area. She indicated that by encouraging multi-family development, the potential for such a closure may be diminished.

Commissioner Fry suggested that in order to lessen the impacts, Site B could be rezoned RP Residential Professional, or Commercial. Mr. Hayes replied that the proximity and need for Commercial would have to be analyzed as the 18 acre site already has a commercial component to it.

Commissioner Fry expressed concern with requiring the equivalent of leapfrog development on Sites C and D. Commissioner Monfort noted that it would be difficult to make the findings required to override ALUC in order to avoid that leapfrog effect.

COMMISSIONER MONFORT MOVED TO RECOMMEND COUNCIL ADOPTION OF A NEGATIVE DECLARATION AND APPROVAL OF GENERAL PLAN AMENDMENT 99-2, PREZONE 99-1 AND REZONE 99-2, SUBJECT TO THE FINDINGS AS LISTED IN SECTION VI OF THE STAFF REPORT DATED APRIL 5, 1999. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS APPROVED 5-2 (COMMISSIONERS FRY AND WOLFE OPPOSED).

The Commission was in recess from 8:20 p.m. through 8:30 p.m. at which time Mr. Frank left the meeting.

3. **Draft Comprehensive Update to Title 19, Land Use and Development Regulations, of the Chico Municipal Code (CMC).** The proposed Land Use and Development Regulations are a component of the implementation program for the Chico General Plan. The comprehensive update includes a change in the format of Title 19 with the addition of zoning matrices and graphic illustrations, various new or modified regulations to bring the document into consistency with the Chico General Plan and the following changes to the City's Zoning Map: 1. Renaming of the zoning district names; 2. Rezoning the areas adjacent to the downtown along Wall and Flume Streets and Salem and Normal Streets from various zoning districts to RD Residential Downtown (allowing residential, office and retail uses); 3. Rezoning RD-1 Low Density Residential properties to R-1 Low Density Residential and adoption of new overlay districts, including the Planned Development (Foothill), Landmark, and Special Design zoning overlay districts. A mitigated negative declaration is proposed for this project, for which a 30-day notification period was conducted.

Mr. Seidler noted that much of the proposed update has not changed from the Code presently in force. He reviewed the goals of staff in preparing this update as well as the public meetings held to review and refine the document.

Ms. Figge reviewed the changes listed in the staff report which were made by staff since the Commission held its workshop in February, and the environmental review completed on the document. She also reviewed the proposed zoning changes, the renamed zoning districts and proposed overlay zones. She presented existing examples of small lot subdivisions in relation to the proposed regulations. At Commissioner Wolfe's request, Ms. Figge reviewed minimum lot sizes in the R1 district and the planned development provisions.

Regarding Mobile Food Services, Ms. Figge explained that staff had proposed eliminating this temporary use, and requested direction from the Commission. There are currently an estimated nine such uses, of which three have been granted use permits. At Commissioner Wahl's request, Ms. Figge explained that sales of food from mobile food vendors will remain allowable through the City's vend, peddle, hawk provisions on the public right-of-way or on publicly owned property. At issue is whether to allow such uses on private property. She noted that the vendors are also regulated by the Butte County Health Department. She added that staff have received complaints from business owners concerned with possible unfair business practices as the mobile food vendors do not have to pay building overhead costs. She also noted that this use was supposed to be "temporary" yet there was no time limitation. Chair Dietle stated that the Commission has been led by the vendors to believe that the use is temporary, which has not proved to be the case. Commissioner Monfort suggested that a such a use may be allowed with a restriction that the use be permitted for up to two years, without a possible extension for the same site.

The public hearing relating to mobile food services was opened at 9:07 p.m.

Dan Davis, 1212 Bidwell Avenue, clarified that he was not representing the Chamber of Commerce, which has not taken a position on the issue. He expressed concern with the possibility of not allowing a type of business and suggested that flower vendors be included in the same regulations.

There being no further comments, the public hearing at was closed at 9:10 p.m.

Commissioner Wahl moved to table the issue to allow for each mobile food vendor to be individually notified. Commissioner Bradford seconded the motion.

Mr. Seidler stated that staff may not have the addresses and names of the proprietors, particularly due to the nature of the mobile business. He suggested that the language in the text of this section remain for now, with the understanding that it would be resolved by the City Council or by the Planning Commission at a later date.

Chair Dietle stated that she would support allowing the use for a finite period of time at a specific location. Commissioner Alvistur suggested that mobile food vendors be allowed as exists currently, with the option for the issue to be reviewed by the Commission at some time in the future, and that review of the requests be delegated to the Zoning Administrator. In response to Commissioner Wolfe's request to define mobile, Ms. Figge stated that a mobile food service business is a temporary use, which staff has by practice, determined to be allowed for one year, in order to provide time to establish a permanent facility.

COMMISSIONER WAHL AMENDED HIS MOTION TO LEAVE MOBILE FOOD SERVICES AS IT READS IN THE EXISTING REGULATIONS. COMMISSIONER BRADFORD WITHDREW HIS SECOND. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH WAS APPROVED 7-0.

Ms. Figge reviewed the staff recommendation for temporary off-site sales of vehicles to continue to allow two annual events per auto dealer on the same site.

The public hearing was opened at 9:20 p.m. regarding temporary off-site vehicle sales, to which there was no comment.

At Commissioner Monfort's request, Chair Dietle reviewed that the Commission had a previous workshop on the issue.

The Commission concurred with the proposed language in the draft regulations.

Ms. Figge reviewed the recommendation to establish side yard setbacks at four feet. Five feet is currently required with an allowance of a 25 percent encroachment with approval of a use permit; this encroachment would no longer be allowed. Chair Dietle verified that the Zoning Administrator would have the authority to approve a variance of any size; Ms. Figge stressed

that such a variance would require very specific findings based on physical characteristics of the lot.

The public hearing regarding side yard setbacks was opened at 9:25 p.m. to which there was no comments.

Commissioner Fry suggested that larger lots be required with no allowances for variances, and that the side yard setback be increased. Commission Monfort noted that variances by law have specific findings and thus are rare. Mr. Seidler stated that the proposed regulation would apply to both existing lots and new subdivisions and would apply to building additions on developed lots. Commissioner Monfort verified that the provisions would allow zero lots by putting side yard setbacks all on one side of the home, which would remain an option through the Planned Development process which allows for architectural review. In response to a question from Commissioner Alvistur, Ms. Figge noted that while a use permit normally applies to the use of the land, the City began allowing encroachments through the use permit process without establishing specific findings to regulate such a request because it is so difficult to approve variances.

Commissioner Monfort moved to approve establishing a side yard setback at 4 feet. Commissioner Bradford seconded the motion which was approved 4-3 (Commissioners Dietle, Fry and Wolfe opposed).

The Commission was in recess from 9:35 p.m. through 9:45 p.m., at which time Chair Dietle left the meeting.

Vice Chair Wahl reconvened the meeting.

Ms. Figge reviewed the proposed portable sign regulations, noting that the Internal Affairs Committee had recommended that the Council provide that such a regulation would lapse after one year in order to determine the impact on the City.

The public hearing regarding portable sign regulations was opened at 9:50 p.m.

Carolina Bertagna, representing Maisie Jane's, 116 W. 12th Street, requested that portable signs be allowed to be located on property other than that owned or leased by the business or that adjacent to the business.

There being no further comments, the public hearing was closed at 9:55 p.m.

Vice Chair Wahl suggested changing the wording from "adjacent" to "nearby." Mr. Seidler cautioned that a specific distance should be indicated in an effort to prevent

misinterpretations. He stressed that the Internal Affairs Committee had recommended that the regulations be in effect for a period of one year and be reviewed before making them permanent.

Vice Chair Wahl suggested the term "adjacent" be changed to "within 300 feet." The Commission concurred.

Ms. Figge reviewed the proposed regulations relating to second dwelling units on one residential properties to be allowed with a use permit. Ms. Sigona reviewed the current regulations permitting the use on RD-1 zoned property of a specific size or allowed with a use permit on lots of smaller size; the proposal would not impact the smaller RD-1 lots. At Commissioner Fry's request, Ms. Figge reviewed the areas currently zoned RD-1. Commissioner Monfort verified that not only would setbacks restrictions apply to such a development, but also landscape, open space and parking requirements would apply to second dwelling units. Ms. Figge reviewed State law regarding second units. In response to Vice Chair Wahl's question regarding size requirements, Ms. Figge explained that the character of the lot could change should a second dwelling be larger than the home.

The public hearing was opened at 10:05 p.m. to which there was no comment.

Commissioner Monfort suggested that on Page V-130 - Section 19.70.080 C., the words "In accordance with Table 5-9" be deleted. He added that within the required findings (Section 19.76.130.2., Page V-131), the second finding is redundant. Staff concurred with the recommendation.

Ms. Figge reviewed the suggested regulations relating to small lot residential subdivisions.

Commissioner Monfort noted that on Page V-133, Section 19.76.150 B, a last sentence in the first paragraph was repeated twice.

The public hearing regarding small lot subdivisions was opened at 10:05 p.m.

Jon Luvaas, 1980 Wild Oak Lane, suggested that the Commission encouraged small lot subdivisions through reduced front yard setbacks and that alternate regulations be approved in order to allow smaller lots.

Jim Mann, Building Industry Association, 70 Declaration Drive, spoke in support of small lot subdivisions without a planned development process as proposed in the draft. In response to Commissioner Monfort's question regarding how to vary lot sizes within a subdivision, Mr. Mann stressed that the market dictates the product. Commissioner Fry suggested requiring a mixed housing product, as a wide variety of homes within a subdivision builds community. Mr. Mann noted that larger projects can afford such a mix, while the smaller infill projects are limited due to the cost of infrastructure.

Commissioners Fry and Wolfe expressed concern regarding housing footprint and lot size mix. Ms. Figge stated that the proposed R1 zoning district does allow lot sizes to vary from 4,500 to 15,000 sq feet, while the existing Code does not allow such a variation. She reviewed the current economic factors impacting the affordable housing market. Ms. Sigona explained that some of the limited variation has been due to many small lot subdivisions being developed in R2 districts which must be developed at the smallest possible lot sizes in order to meet the required densities. Commissioner Wolfe stressed that the time to address the variety of lots within a subdivision is when it comes before the Commission.

There being no further comment, the public hearing was closed at 10:28 p.m.

Commissioner Monfort explained the planned development process allowed for architectural review of a project. He suggested raising the average lot size in an effort to encourage more variety. Ms. Sigona stated that the allowable square footage will enable developers to achieve the required densities in the R1 district. Ms. Figge stated that the proposed regulations try to encourage as much variety in lot sizes as possible and noted that the current practice has been to create small lots without standards. Mr. Seidler noted that the housing variety is a matter of design components, not of minimum lot sizes. Commissioner Wolfe expressed concern that as lot sizes have come down in size, the same houses are being built on the same lots. Commissioner Bradford stated that while he is also concerned with lot sizes, the market is buying the product. Ms. Figge stressed that the Commission must look toward the future with smaller lots becoming more important as the costs of housing and property continues to climb.

Commissioner Bradford moved to recommend approval of the section as written, Commissioner Alvistur seconded the motion.

Commissioners Fry stated his opposition to the proposed section as the current standards are sufficient. Commissioner Wolfe stated that the mixed uses should be required through design guidelines.

Commissioner Monfort stated that he would support the recommendation, although he has concern regarding residential design standards. He suggested that the Council consider a policy to require review of housing elevations.

Vice Chair Wahl verified that the design guidelines will be discussed at a future meeting.

The motion was approved 5-1-1 (Commissioner Wolfe opposed, Chair Dietle absent).

The Commission was in recess from 10:40 p.m. to 10:45 p.m. -----

Ms. Figge reviewed correspondence received by the Commission prior to the meeting which included a request to allow fencing up to 7 feet high and a listing of changes requested by the Risk Manager.

The public hearing was opened regarding a request for allowing 7 foot fencing, to which there was no comment.

Commissioner Alvistur expressed concern with receiving amendments at the meeting, rather than in the Commission's packets. Mr. Seidler recommended that the Commission adopt a motion-of-intent to approve the resolution in order to allow for the revisions recommended at this meeting to be made to the text.

The public hearing regarding the draft land use regulations was opened at 10:50 p.m.

Jim Mann, Building Industry Association, requested time to review the airport zoning issues as recommended by the Risk Manager. The Commission stated that it would discuss the revisions at a future meeting in order to allow such review.

Mr. Mann suggested that in Section 19.28.010. B. (Page III-25) be modified to eliminate the terms "integrity and character". Also Section 19.01.020 (Page I-2) paragraph F be deleted as there are no planning standards to establish transit feasibility densities and thus is open to interpretation. Commissioner Monfort stated that as there is a given figure established to pay for transit, such a condition would discourage one acre lot subdivisions.

Mr. Mann continued with Section 19.06.040. B. (Page II-3), and suggested that the word "substantial" be deleted. Mr. Seidler stated that the word "substantial" works to the benefit of an applicant by limiting the changes that must be referred back to the Planning Commission. Mr. Mann requested that substantial be defined.

Mr. Mann also suggested that Section 19.10.40 (page II-11) be amended to include that the Zoning Administrator *may* announce and record the decision and that in Section 19.60.050 (Page V-7) the terms "subtle; architecturally" be deleted as "lighting integrated with the character of all structures" is sufficient.

Caryn Jones, 5 Deborah Terrace, expressed support for the proposed political sign rules as they are brief and uncomplicated.

Jon Luvaas, a previous speaker, suggested that Mr. Mann's concerns regarding Section 19.10.040 may be addressed with the phrase "will either" instead of "may." He stated that he was opposed to increasing width of parking stalls in Section 19.70.060 (page V-57). He also suggested increasing the percentage of compact parking stalls by up to 50 percent in commercial districts and 60 percent in residential districts (Section 17.70.060 C.2 [page V-58]). Regarding foothill development standards, Section 19.66.010 (V-27), Mr. Luvaas suggested that point E. be added to "Prevent or minimize the disruption of the natural appearance of the foothills from the valley floor" to be consistent with General Plan goals. He requested that Section 19.66.030 H. (Page V-28) be modified to have the preliminary

landscape plans identify and preserve if possible all trees over 4 inches in diameter, rather than the six inches which was proposed in the draft.

Mr. Luvaas noted that in Section 19.66.040 (page V-29), the draft calls for minimum lot area of 6,000 square feet, which he suggested be changed to 4,500 square feet. He noted that the draft language in the General Plan had "required" clustered development in the foothills, which was changed to "encouraged". Commissioner Fry expressed concern that 4,500 square foot lots may be undevelopable without building two-story homes.

Mr. Luvaas suggested that Section 19.66.040 (page V-29) also be modified in paragraph C, F, G and M: Paragraph C add "strongly" to encourage clustered development; Paragraphs F, G and M have the word "should" replaced with "must" or "shall."

Dan Davis, 1212 Bidwell Avenue, suggested that in Section 19.70.080 C (page V-67) , the reference "in accordance with Table 5-9" be deleted. He requested clarification of "intensity" and when a change in the intensity of a use would trigger new or additional code compliance.

Jim Mann, a previous speaker, noted that as there will be resource monitoring, and that planned developments will be reviewed by the Commission, he requested that the term "encourage" remain as drafted in Section 19.66.040 C. discussed by Mr. Luvaas.

There being no further comment, the public hearing was closed at 11:50 p.m.

Vice Chair Wahl suggested that the Commission continue this item and adjourn to April 22, 1999 at 6:30 p.m. The Commission concurred.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

None.

ADJOURNMENT

The meeting was adjourned at 11:55 p.m. to the Adjourned Regular Meeting of April 22, 1999.

June 7, 1999
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
APRIL 22, 1999**

ROLL CALL

The meeting was called to order by Commissioner Jolene Dietle at 6:30 p.m. in Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Glenn Fry, Kirk Monfort, Larry Wahl and Nancy Wolfe. Staff present were Planning Director Kim Seidler, Assistant City Attorney Lori Barker, Community Development Director Tony Baptiste, Senior Planner Pam Figge, Associate Planner Claudia Sigona and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

None.

REGULAR AGENDA

1. **Draft Comprehensive Update to Title 19, Land Use and Development Regulations, of the Chico Municipal Code (CMC).** The proposed Land Use and Development Regulations are a component of the implementation program for the Chico General Plan. The comprehensive update includes a change in the format of Title 19 with the addition of zoning matrices and graphic illustrations, various new or modified regulations to bring the document into consistency with the Chico General Plan and the following changes to the City's Zoning Map: 1. Renaming of the zoning district names; 2. Rezoning the areas adjacent to the downtown along Wall and Flume Streets and Salem and Normal Streets from various zoning districts to RD Residential Downtown (allowing residential, office and retail uses); 3. Rezoning RD-1 Low Density Residential properties to R-1 Low Density Residential and adoption of new overlay districts, including the Planned Development (Foothill), Landmark, and Special Design zoning overlay districts. A mitigated negative declaration is proposed for this project, for which a 30-day notification period was conducted.

Ms. Figge reviewed a memorandum distributed to the Commission prior to the start of the meeting which summarizes the actions taken at the April 19, 1999 public hearing. The memorandum also reviews changes suggested by members of the public and Commission and provides a response and recommendation from staff. The Commission concurred that it would review each suggested change made at the April 19, 1999 meeting, open the public hearing to receive comments on the change and take action on the item.

19.01.020 F. ~~The fostering of development patterns that promote energy conservation and efficient land use, and offer alternatives to automobile use by establishing densities and intensities that provide transit feasibility, and thereby also air quality benefits.~~

The public hearing was opened, to which there was no comment.

Commissioner Alvistur moved to retain the language. Commissioner Monfort seconded the motion which was approved 6-1 (Commissioner Wahl opposed).

19.02.06.040 B. *If the Council proposes to adopt any ~~substantial~~ modification to the amendment not previously considered by the Commission during its hearing, the proposed modification shall be first referred back to the Commission for its recommendation.*

The public hearing was opened, to which there was no comment.

Commissioner Fry moved to retain the language as written. Commissioner Monfort seconded the motion which was unanimously approved.

19.10.040 *Notice of Decision Zoning Administrator. For applications requiring Zoning Administrator approval, the Zoning Administrator **may** announce and record the decision at the conclusion of a scheduled hearing, refer the matter to the Commission for determination, or defer action and take specified items under advisement and ... A request was made to change the word "may" to provide clarity; "will either" was also suggested.*

Mr. Seidler reviewed the staff recommendations to add the word "of" to the title and the phrase "will either" to the body of the paragraph.

The public hearing was opened, to which there was no comment.

Commissioner Monfort moved to accept the word "of" in the title and the phrase "will either" in the text of the paragraph. Commissioner Wahl seconded the motion which was unanimously approved.

19.28.010 B. *Protecting the public health, safety, welfare, ~~integrity, and character~~ of the residential, commercial and manufacturing areas of the City;*

The public hearing was opened, to which there was no comment.

Commissioner Bradford moved to accept the suggested change. Commissioner Monfort seconded the motion which was unanimously approved.

19.60.050 *Exterior Lighting. Exterior lighting shall be functional, ~~subtle, architecturally integrated with the character of all structures, ...~~*

The public hearing was opened at which time Jim Mann, Building Industry Association, stated that removal of vague language would avoid confusion in interpretations. There being no further comments, the public hearing was closed.

Commissioner Wahl moved to accept the change as proposed. The motion was not seconded.

Commissioner Wolfe stated that while the terms "functional" and "subtle" are subjective, the phrase "architecturally integrated" does stress the importance of the regulation.

Commissioner Wolfe moved to remove the words "functional" and "subtle" from the paragraph. Commissioner Monfort seconded the motion which was unanimously approved.

19.66.010 Suggested Addition E. *Prevent or minimize the disruption of the natural appearance of the foothills from the valley floor.*

Chair Dietle stated that the Commission cannot prevent disruption of the natural appearance of the foothills as long as development is allowed.

The public hearing was opened at which time Jim Mann, Building Industry Association, spoke in opposition to the proposal. There being no further comments, the public hearing was closed.

Commissioner Fry moved to not add the suggested Paragraph E. Commissioner Bradford seconded the motion which was unanimously approved.

19.66.030 H. *Preliminary landscaping plan. A preliminary landscaping plan showing size and location of existing trees over ~~six~~ **four** inches in diameter at breast height to be preserved if at all possible, indicating any trees proposed for removal, and the type and extent of proposed conceptual landscaping;*

The public hearing was opened at which time Jim Mann, Building Industry Association, spoke in opposition to the proposal and recommended that the language remain to map trees of over six inches in diameter at breast height. There being no further comments, the public hearing was closed.

At Commissioner Bradford's request, Ms. Figge reviewed that current Code requires that only trees over six inches in diameter are mapped. Commissioner Monfort stated that the suggested modification would broaden the Commission's power to better review proposed maps without eliminating possibilities to save trees. Commissioner Fry noted that developers do attempt to retain as many trees as feasible. Commissioner Bradford stated that the Commission should preserve trees to the extent possible.

Commissioner Wahl moved to not accept the proposed revision and retain the language as drafted. Commissioner Alvistur seconded the motion which was approved 6-1 (Commissioner Monfort opposed).

19.66.040 A. *Minimum lot area. The minimum lot area for new residential subdivision shall be ~~6,000~~ 4,500 square feet, except where housing units are clustered and the project is approved through a planned development permit in compliance with Chapter 19.28.*

Commissioner Monfort verified that a Planned Development overlay would allow the proposed 4,500 square foot lot size. Ms. Figge stated that even with an overlay, there are special characteristics of the foothills which may be better protected through larger lot sizes.

The public hearing was opened, to which there was no comment.

Commissioner Wolfe move to retain the draft language. Commissioner Fry seconded the motion which was unanimously approved.

19.66.040 C. Clustered development. *Clustered development is **strongly** encouraged as a means of preserving the natural appearance of the foothill area and maximizing the amount of open space. Under this concept, dwelling units shall be grouped in the more level portions of the site, while steeper areas shall be preserved in a natural state.*

The public hearing was opened, to which there was no comment.

Commissioner Monfort moved retain the section as drafted in the text. Commissioner Alvistur seconded the motion which was unanimously approved.

19.66.050R F. Architectural Design. *Buildings ~~should~~ must or shall be designed with the following principles in mind:...*

19.66.050R G. Colors and Materials. *A harmonious mixture of materials, color, and forms ~~should~~ must or shall be used to blend structures with the natural appearance of the foothills.*

19.66.050R M. Preservation of ridgelines. *Ridgelines ~~should~~ must or shall be preserved as much as possible...*

The public hearing was opened at which Jim Mann, Building Industry Association, stated his opposition to the proposed revisions. There being no further comments, the public hearing was closed.

At Commissioner Monfort's request, Assistant City Attorney Barker stated that the guideline "R" sections of the Municipal Code can have requirements and are enforceable. By nature of being guidelines, the language will be advisory with terms such as "should".

Commissioner Wahl moved that "should" shall be retained as contained in the draft text. Commissioner Wolfe seconded the motion which was unanimously approved.

19.70.060 C.1 Table 5-8 Reduce Compact Stall width to 7 feet.

The public hearing was opened, to which there was no comment.

Commissioner Wolfe moved to retain the standard at the 8 foot width. Commissioner Wahl seconded the motion which was unanimously approved.

19.70.060 C.2 Compact parking spaces. *When two or more off-street parking spaces are required by this chapter, up to ~~one-half~~ 60 percent of the parking spaces proposed for a residential project may be compact spaces. Up to ~~one-third~~ 50 percent of the spaces proposed for a non-residential project may be compact spaces. Each compact space shall be clearly marked as compact.*

The public hearing was opened, to which there was no comment.

Commissioner Monfort verified that with the widened parking spaces and not requiring more compact spaces, the City would then be requiring more pavement.

Commissioner Wahl moved that the original language be retained. Commissioner Wolfe seconded the motion which was approved 6-1 (Commissioner Monfort opposed).

19.70.080 C. *Shower and locker facilities. ~~In accordance with Table 5-9, the number of required vehicle parking spaces may be reduced by 5% if shower and locker facilities are provided.~~*

The public hearing was opened, to which there was no comment.

Commissioner Wahl moved to approve the recommended change. Commissioner Monfort seconded the motion which was unanimously approved.

19.76.130 2. *~~The second dwelling unit will not contribute to a high concentration of these units sufficient to change the character of the surrounding residential neighborhood.~~*

The public hearing was opened, to which there was no comment.

Commissioner Wahl moved to approve the recommended change. Commissioner Monfort seconded the motion which was unanimously approved.

19.76.130 E.1 *"Have a floor area not exceeding 75 percent of the existing living area of the main dwelling for an attached unit, or 850 square feet of living area for a detached unit, whichever is less;"*

The public hearing was opened, to which there was no comment.

Commissioner Bradford moved to delete the phrase "whichever is less." Commissioner Wahl seconded the motion which was unanimously approved.

19.76.150 B. Standards. *Small-lot, detached single-family subdivision may be allowed in the R1 and R2 zoning district when they are compatible with surrounding development and comply with the following standards: ~~Small-lot, detached single-family subdivision may be allowed in the R1 and R2 zoning district when they are compatible with surrounding development and comply with the following standards:~~*

The public hearing was opened, to which there was no comment.

Commissioner Wolfe moved to delete the sentence as proposed. Commissioner Alvistur seconded the motion which was unanimously approved.

Suggestion to clarify "intensity" or when a change in the intensity of a use would trigger new or additional code requirements.

The public hearing was opened at which Dan Davis, 1212 Bidwell Avenue, in support of the requested clarification. There being no further comments, the public hearing was closed.

Commissioner Alvistur moved to add the following language to Section 19.01.050.D as recommended by staff, "New construction which increases the square footage of an existing structure or a new or changed land use which would increase the required number of parking spaces by three or more additional parking spaces shall comply with applicable standards within Title 19." Commissioner Monfort seconded the motion which was unanimously approved.

19.74.050 C.8 *Add "Political signs on residentially-zoned property are limited to no more than four signs not exceeding four square feet of surface area per sign."*

The public hearing was opened, to which there was no comment.

Commissioner Monfort move to accept the proposed language with the modification to five signs per lot not exceeding four square feet of surface area per sign. Commissioner Wahl seconded the motion which was unanimously approved.

Various recommendations from Risk Manager Bob Koch regarding airport issues.

The public hearing was opened, to which there was no comment.

Commissioner Bradford moved to approve the airport related recommendations from the Risk Manager. Commissioner Monfort seconded the motion which was unanimously approved.

At Commissioner Wahl's request, Ms. Figge reviewed the recommendation relating to fence height to remain at 6 feet, with the ability to raise the height to 8 feet through a use permit. The Commission concurred.

Commissioner Monfort reviewed the map of the proposed Landmark Zoning Overlay and questioned why the designated area did not spread to the South of Campus area all the way to the creek as there are several significant buildings in the area. Commissioner Alvistur stated that such an expansion should be based on a survey. In response to a question from Commissioner Wahl, Ms. Figge explained that the Chico Heritage Association conducted the Historical Inventory which was accepted by the State Office of Historic Preservation and may not have reviewed all the properties beyond the South Campus area. In addition, the proposed Landmark Overlay District is the same area as currently protected by the interim demolition ordinance passed by the City Council. Commissioner Monfort suggested that the Commission agenda discussion of the zone for a later meeting to allow for further review by staff. Commissioner Wolfe added that the input should be received from the Heritage Association. Chair Dietle directed staff to agenda the Landmark Overlay Zone for later hearing to provide notification of the Chico Heritage Association.

Regarding excessive parking regulations (Section 19.70.040 G), Commissioner Monfort suggested that the 25 percent parking in excess of required spaces which may be administratively approved be required to be made of a pervious surface material. Commissioner Fry noted that there have been instances where entire parking lots were developed for phased building projects. Mr. Baptiste explained that in such an instance, the applicant would be required to provide additional landscaping around the exterior of the area. He stressed that storm water quality and quantity issues be addressed for all parking lot construction.

Mr. Seidler suggested that the sentence be modified to read: "Parking spaces which exceed the minimum number of spaces required by a maximum of 25 percent may be administratively approved by the Director when a combination of additional landscaping, pedestrian and/or bicycle improvements, and/or permeable surfaces are provided above those required by the this chapter."

The public hearing was opened, to which there were no comments.

Commissioner Monfort moved to modify the language as proposed: "Parking spaces which exceed the minimum number of spaces required by a maximum of 25 percent may be administratively approved by the Director when a combination of additional landscaping, pedestrian and/or bicycle improvements, and/or permeable surfaces are provided above those required by the this chapter." Commissioner Alvistur seconded the motion which was unanimously approved.

Commissioner Monfort expressed concern regarding the setbacks between structures and tops of slopes (Section 19.66.040 D.) Noting that the distance would be variable depending on the height. Ms. Figge suggested the wording be modified to "additional setback may be required for vertical differences greater than six feet..."

The public hearing was opened at which time Jim Mann, Building Industry Association, stressed that the draft language was worked out by engineers to ensure developability.

Commission Monfort asked staff to review the section prior to Council approval to consider a variable figure rather than a fixed number.

Commissioner Monfort reviewed Table 5-7, Parking Requirements by Land Use, and noted that California State University, Chico (CSUC) determines the ration to be 1 space for every 5 students. Mr. Baptiste explained that the parking requirements are based on industry standards in most areas, and in this case would affect not only State properties, such as Butte College and CSUC, over which the City has limited input, but also private colleges. He added that staff has received complaints regarding the parking at the Butte College extension. Commissioner Wahl suggested that the word "College" be changed to "Commercial Trade/Business Schools, Private Colleges." Chair Dietle suggested the word "college" be modified to "Private College."

The public hearing was opened to which there was no comment.

Commissioner Monfort moved to change the word "College" to "Private College." Commissioner Wahl seconded the motion which was unanimously approved.

Commissioner Wahl questioned why in Section 19.68.040 C regarding landscape requirements for facade remodel, numerical amounts for the requirements were used as opposed to percentages. Ms. Figge explained that the dollar amounts were previously adopted and were carried over to the draft regulations.

Commissioner Wahl stated that the draft regulations for Title 19, when approved, will be in compliance with the General Plan and inquired which would have priority should they not correspond. Ms. Figge explained that the General Plan has priority. She stressed that by State law, the land use regulations need to be consistent with the General Plan, and as such the proposed regulations are consistent with the exception of the Downtown South District Overlay, which was removed from the document. She added that following any amendments to the General Plan, staff will review the land use regulations for compliance.

COMMISSIONER MONFORT MOVED TO DIRECT STAFF TO REVISE THE PROPOSED CITY ZONING MAP TO REFLECT ALL THE PROPERTIES PROPOSED FOR PREZONING AND/OR REZONING AS REVIEWED BY THE PLANNING COMMISSION AND CONSISTENT WITH THE STAFF REPORT AND REVISED TEXT, PRIOR TO THE CITY COUNCIL REVIEW AND ACTION ON THE PROPOSED AMENDMENTS, THAT THE PLANNING COMMISSION RECOMMEND CITY COUNCIL ADOPTION OF THE NEGATIVE DECLARATION AND THE COMPREHENSIVE UPDATE TO TITLE 19 LAND USE AND DEVELOPMENT REGULATIONS AND REZONE/PREZONE 99-05 BY ADOPTION OF PLANNING COMMISSION RESOLUTIONS 99-7 AND 99-8, WITH THE FINDINGS LISTED

IN SECTION VI OF THE STAFF REPORT DATED APRIL 13, 1999. COMMISSIONER WOLFE SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

BUSINESS FROM THE FLOOR

Commissioner Wolfe thanked Mr. Mann, Mr. Davis and Mr. Luvaas for their involvement in the process to create the draft Title 19. Chair Dietle also congratulated staff for two years of dedicated work on the document, which will be easy to use and to understand.

Commissioner Wolfe suggested that the Planning Commission change the regularly scheduled meeting times to 6:30 p.m. Mr. Seidler suggested that the Commission consider holding their regularly scheduled meetings on Thursday nights at 6:30 p.m., and the Commission concurred. Chair Dietle directed Mr. Seidler to begin the process on the requested rescheduling.

ADJOURNMENT

The meeting was adjourned at 7:45 p.m. to the Regular Meeting of May 3, 1999.

June 7, 1999
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
MAY 3, 1999**

ROLL CALL

The meeting was called to order by Chairperson Jolene Dietle at 7:30 p.m. in Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Glenn Fry, Kirk Monfort and Larry Wahl. Commissioner Nancy Wolfe was absent. Staff present were Planning Director Kim Seidler, Assistant City Attorney Lori Barker, Sr. Development Engineer Tom Varga and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Fry stated that he had spoken with the general manager of Canyon Oaks to discuss the development, including runoff issues.

Commissioner Monfort stated that he had received a telephone call from Jim Stevens regarding the Walgreens proposal, discussing traffic issues.

CONSENT AGENDA

1. **Use Permit 99-9 (Rodriguez) - 738/740 Mangrove Avenue** - A request to allow live indoor non-amplified music and alcoholic beverages in conjunction with a new restaurant located within 300 feet of a residential district. The restaurant is located in the Park Plaza Shopping Center, 738/740 Mangrove Avenue, identified as Assessor's Parcel No. 003-028-040. The subject site is designated Community Commercial on the City of Chico General Plan Diagram and is in a C-1 Restricted Commercial zoning district. This project has been determined to be Categorically Exempt from environmental review pursuant to 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA).

Recommended Action: Approve the use permit based on the findings and conditions of approval as listed in the staff report.

2. **Use Permit 99-10 (Khodaverdi) - 2568 Esplanade** - A request to allow a used car sales lot with exterior show space for six (6) cars in conjunction with an existing 900 square foot office space on property located at 2568 The Esplanade, identified as Assessor's Parcel No. 006-060-057. The property is designated Community Commercial in the City of Chico General Plan and located in a C-1 Restricted Commercial zoning district. This project has been determined to be Categorically Exempt from environmental review pursuant to 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).

Recommended Action: Approve the use permit based on the findings and conditions of approval as listed in the staff report.

This item was removed from the Consent Agenda at staff's request.

The public hearing was opened, to which there was no comment.

COMMISSIONER MONFORT MOVED TO FIND THAT USE PERMIT 99-9 (RODRIGUEZ) IS CATEGORICALLY EXEMPT AND APPROVE USE PERMIT 99-9 (RODRIGUEZ) ALLOWING A RESTAURANT WITH LIVE MUSIC AND SERVICE OF ALCOHOLIC BEVERAGES AT 738/740 MANGROVE AVENUE, SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN SECTION IV OF THE STAFF REPORT DATED APRIL 20, 1999. COMMISSIONER BRADFORD SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (COMMISSIONER WOLFE ABSENT).

ITEMS REMOVED FROM THE CONSENT AGENDA

2. **Use Permit 99-10 (Khodaverdi) - 2568 Esplande** - A request to allow a used car sales lot with exterior show space for six (6) cars in conjunction with an existing 900 square foot office space on property located at 2568 The Esplanade, identified as Assessor's Parcel No. 006-060-057. The property is designated Community Commercial in the City of Chico General Plan and located in a C-1 Restricted Commercial zoning district. This project has been determined to be Categorically Exempt from environmental review pursuant to 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).

Recommended Action: Approve the use permit based on the findings and conditions of approval as listed in the staff report.

Mr. Seidler explained that staff recommended that an additional condition, Condition 9, be added to read, "Should the low income apartments on the project site change to a more parking intensive use that requires the parking area allocated to the used car business, this permit shall be voided."

The public hearing was opened, to which there was no comment.

COMMISSIONER ALVISTUR MOVED TO DETERMINE THAT USE PERMIT 99-10 (KHODAVERDI) IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CEQA SECTIONS 15301 (EXISTING FACILITIES) AND APPROVE USE PERMIT 99-10 (KHODAVERDI) AUTHORIZING A USED AUTOMOBILE SALES BUSINESS, SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN SECTION VI OF THE STAFF REPORT DATED APRIL 20, 1999, WITH ADDITION OF CONDITION 9 AS RECOMMENDED BY STAFF. COMMISSIONER MONFORT SECONDED THE MOTION.

Commissioner Bradford reviewed uses on and surrounding the site, expressing concern for the adjacent residents, parking on site and traffic flow through the area. Mr. Seidler noted that the applicant will be installing a security chain and landscaping the site. The access to the residential units is across the property line and is associated with the current request as the applicant will need a cross-access agreement. Chair Dietle verified that the applicant will not be allowed to fix or detail the cars through this use permit.

THE MOTION WAS APPROVED 5-1-1 (COMMISSIONER BRADFORD OPPOSED, COMMISSIONER WOLFE ABSENT).

REGULAR AGENDA

3. **Use Permit 99-5 (Jacobson) - 116 W. 17th Street** - A request to allow a day care center for 55 children within an existing building on property located at 116 W. 17th Street, identified as Assessor's Parcel Nos. 005-206-005, 006 and 007. The subject property is designated Community Commercial on the General Plan diagram and is in a C-1/MUTC Restricted Commercial/Mixed Use Transit Corridor zoning district. This project has been determined to be Categorically Exempt from environmental review pursuant to 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA).

Mr. Seidler presented the staff report, reviewing the surrounding uses and land use issues, including parking requirements. Chair Dietle noted that hours of operations were listed in the staff report as generally 7:00 a.m. through 6:00 p.m. Monday through Friday, and suggested that the hours of operation be included as a condition of approval in order to ensure that it is not operating in the evening due to the proximity of the facility to adult oriented businesses.

In response to a concern expressed by Commissioner Wahl regarding the required improvements in Condition 3, Mr. Varga explained that it is a standard requirement imposed on any project to repair adjacent existing street facilities.

The public hearing was opened at 7:45 p.m. to which there were no comments.

CHAIR DIETLE MOVED TO DETERMINE THAT USE PERMIT 99-5 (JACOBSON) IS CATEGORICALLY EXEMPT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15303 AND THAT THE COMMISSION APPROVE USE PERMIT 99-5 WITH THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN SECTION VI OF THE STAFF REPORT, WITH AN ADDITIONAL CONDITION 4, LIMITING HOURS OF OPERATION FROM 7:00 A.M. TO 6:00 P.M. MONDAY THROUGH FRIDAY. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (COMMISSIONER WOLFE ABSENT).

4. **Tentative Subdivision Map and Boundary Line Modification S 98-5 (Richard Frey - Marion Court Subdivision)** - Tentative Subdivision Map and Boundary Line Modification of 4.4 acres to create 22 single family residential lots and 2 lots zoned for office use on property located at on the south side of East Avenue 250 feet east of Coleman Court. The property is identified as Assessor's Parcel No. 048-220-046, 054 and 055. The property is designated Low Density Residential on the General Plan diagram and is pre-zoned R-1 Single Family Residential. A mitigated negative declaration is proposed for this project, for which a 20-day notification period was conducted.

Mr. Seidler presented the staff report, reviewing the request and the land use issues involved. He noted that the Commission has received a number of letters addressing concerns regarding traffic, storm drainage and parking on East Avenue. At Commissioner Alvistur's request, Mr. Varga described the storm drainage leach trench proposed for the project.

The public hearing was opened at 7:50 p.m.

Jim Stevens, NorthStar Engineering, representing the applicant, reviewed storm drainage concerns expressed by neighbors and the conditions placed on the project which address those concerns. He noted that a soil analysis has been completed which verifies that the soils have the ability for the drainage to percolate into the ground. In addressing concerns regarding the flag lot configuration, he stressed that rear yard setback requirements will apply to the project and thus, limit the impact on the neighboring properties. He described the ingress/egress proposed for the project. He offered on the behalf of the applicant to detain an additional 5 percent of the runoff over what is required and to limit construction along the westerly boundary of the project to single-story construction.

Commissioner Fry verified that the RP Residential Professional zoned properties will have adequate visibility for ingress/egress and will be subject to architectural review.

Commissioner Bradford questioned the project's impact on existing storm drainage capacity limitations in the area. Mr. Stevens stressed that the project is under the same obligations as the neighboring Coleman Court subdivision. Mr. Varga explained that the current system cannot handle additional runoff, as such, both the Coleman Court and the Marian Court subdivisions must limit runoff to what was existing prior to development.

At Chair Dietle's request, Mr. Stevens agreed to restricting parking along East Avenue in front of the two commercial lots. Mr. Varga noted that the properties will not take access off of East Avenue for the RP lots and, if appropriate, an easement will be required to ensure site distances.

Commissioner Monfort questioned what type of fencing will be used to separate the RP lots from residential construction, to which Mr. Stevens replied that it would most likely be wood fencing with the parking on the RP lots behind the buildings.

Richard Jones, representing Grace Community Church, 2346 Floral Avenue, expressed concern regarding the capacity of the storm drainage facilities as noted in the letter received by the Commission prior to the hearing. Mr. Varga clarified, at Commissioner Bradford's request, that there is an existing pipe which was sized for Coleman subdivision and the subject parcel which does go through the church property. All three properties will face the limitation that any additional runoff will need to be contained onsite.

Walter Boroudeu, 16 Coleman Court, expressed concern with traffic on East Avenue, particularly dealing with ingress/egress to both the subject parcel and the Coleman Court subdivision and parking on East Avenue. He suggested that the duration of the maximum flow of storm drainage be limited as well as the amount of the maximum flow.

There being no further comment, the public hearing was closed at 8:15 p.m.

At Commissioner Monfort's request, Mr. Varga reviewed the storm drainage requirements and noted that the soils were tested in April which showed no evidence of water tables found to a depth of 9 feet and thus saturation is not likely to occur. He added that as opposed to most instances which must connect to an existing storm drainage system, the metering device is already in place which diminishes the necessary analysis to deal with the water on site.

In response to Commissioner Monfort's question regarding the future design of East Avenue, Mr. Varga noted that a five-lane layout for East Avenue is no longer planned due to the extensive cost. He stated that the possibility of no parking in the area was not examined, but may be feasible directly in front of the subject lots once the existing buildings on East Avenue have been demolished.

COMMISSIONER ALVISTUR MOVED TO ADOPT RESOLUTION 99-6, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE MARION COURT TENTATIVE SUBDIVISION MAP AND BOUNDARY LINE MODIFICATION, S98-5 (FRY), WITH ADDITIONAL CONDITIONS AS FOLLOWS: 7. THE STORM DRAINAGE DESIGN SHALL BE FOR AN ADDITIONAL 5 PERCENT BEYOND THAT REQUIRED BY CITY STANDARDS. 8. A NOTE SHALL BE PLACED ON THE FINAL MAP STIPULATING THAT HOMES CONSTRUCTED ALONG THE WESTERN EDGE OF THE SUBDIVISION SHALL BE LIMITED TO ONE STORY. 9. PRIOR TO CONSTRUCTION OF LOTS 1 AND 2 THE CURB ALONG EAST AVENUE WILL BE PAINTED TO INDICATE NO PARKING. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (COMMISSIONER WOLFE ABSENT).

The Commission was in recess from 8:25 through 8:38 p.m.

Chair Dietle verified that there was no Ex Parte Commission during the recess.

5. **Arroyo Greens Vesting Tentative Subdivision No. 99-1 (Arroyo Greens, LLC)**
- A request to subdivide an 8.25 acre parcel with 26 single family lots, while preserving

1.9 acres as open space. With a net useable area of 6.35 acres, the proposed project would create a gross density of 4.1 units per acre. Lot sizes range from 7,478 square feet to 14,071 square feet, with an average size of 9,413 square feet. The property is located on the south side of Canyon Oaks Terrace, approximately 1,500 feet east of the Canyon Oaks entry gates, and is identified as Assessor's Parcel No. 011-560-025. The property is designated Medium Density Residential on the Chico General Plan Diagram and located in a R-2 Medium Density Residential zoning district. A mitigated negative declaration is proposed for this project, for which a 30-day notification period was conducted.

Mr. Seidler presented the staff report reviewing the proposal and the land use issues involved. He noted that staff is recommending an amended Condition 9 as was received in a memorandum prior to the start of this meeting along with a letter received from Mr. Don Chu.

The public hearing was open at 8:45 p.m.

Wes Gilbert, Gilbert Engineering, representing the applicant, reviewed that the proposal was designed in such a way as to maintain as many trees as possible, as well as to maintain open space and other land features.

Brian Firth, Land Image Landscape Architects, also representing the applicant, described the proposed landscaped median and traffic circle which will be maintained by the homeowners association.

Chair Dietle verified that the existing cart path will cross through Street A and reviewed the roadway widths with Mr. Gilbert.

At Commissioner Monfort's request, Mr. Gilbert indicated that all streets in the Canyon Oaks subdivision are posted at 25 mph, and that this proposal is consistent with the Canyon Oaks Environmental Impact Report.

Commissioner Bradford verified that the traffic circle will be landscaped with trees and shrubs.

Richard Coyle stated that he and his wife own Lot 20 of the Canyon Oaks subdivision, which is located that the entryway to the proposed project. He verified that the tree facing his property will not be removed. He expressed concern that the proposed landscaped median may impact the viewshed from his property. He noted that the cart path which currently goes across the proposed Street A and his property will be relocated to not cross his property. He verified that when he purchased the property, he had been informed of the possible development of the subject parcel.

Mr. Firth reviewed the project identification treatment and proposed landscaping of the median, which may include some type of tree with a canopy.

Don Chu, 3162 Canyon Oaks Terrace, expressed concern regarding traffic safety along Canyon Oaks Terrace. He noted that there is wildlife that uses the subject parcel, including deer, coyotes and a golden eagle.

Commissioner Fry verified that Canyon Oaks is a gated community. Commissioner Monfort verified that Canyon Oaks Drive is a private road and the residents in the area can add speed control through the homeowners association.

There being no further comment, the public hearing was closed at 9:10 p.m.

COMMISSIONER WAHL MOVED TO ADOPT RESOLUTION 99-9, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE ARROYO GREENS VESTING TENTATIVE SUBDIVISION MAP (S99-01) SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION WITH CONDITION 9 AS AMENDED BY STAFF. COMMISSIONER BRADFORD SECONDED THE MOTION.

Commissioner Fry suggested an amendment to require the median be landscaped with shrubbery instead of trees.

Commissioner Wahl moved to reopen the public hearing. Commissioner Fry seconded the motion which was approved 5-1 (Commissioner Monfort opposed).

Mr. Gilbert stressed that this project, including landscaping and homes, will have to be approved by the Canyon Oaks Homeowners Association, and thus height concerns could be addressed at that level.

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

Regarding Commissioner Fry's suggested amendment concerning landscaping in the median, Commissioner Wahl indicated that the landscaping should be reviewed and approved by the homeowners association. Commissioner Bradford agreed.

THE MOTION WAS APPROVED 6-0-1 (COMMISSIONER WOLFE ABSENT).

Chair Dietle suggested that Mr. Chu bring his traffic concerns to the homeowners association as his request is not within the Commission jurisdiction.

6. **Use Permit No. 99-1 (Cowan/KZ Holdings) - 1042 Nord Avenue** - A request to allow 24 hour operation of a 14,000 square foot drug store with a drive through window at 1042 Nord Avenue (SHR 32), immediately north of the Safeway Shopping Center. The site is identified as Assessor's Parcel Nos. 043-210-019, 030 and 043-200-038. The property is designated Commercial Services on the Chico General Plan Diagram and is located in a C-2 General Commercial zoning district. A mitigated negative declaration is proposed for this project, for which a 30-day notification period was conducted.

Mr. Seidler presented the staff report, reviewing surrounding and existing uses, and the proposed traffic mitigations. He also reviewed a letter received by the Commission prior to the meeting expressing concerns regarding tree preservation. He noted that while it may be possible to retain more trees, due to site grading the Urban Forester has indicated that the drainage resulting from development will have a detrimental effect on the trees. He suggested that a condition to require a landscape plan read as follows: "Prior to issuance of a grading permit, the permittee shall submit a landscape plan for approval by the Architectural Review Board. This plan shall include the preservation of existing trees to the extent possible consistent with project construction. The permittee shall also install 24 inch box replacement trees within the parking lot and the front landscaped buffer and enlarge parking peninsulas as needed to accommodate the boxed replacement trees. The landscaping along the site frontage shall be designed to substantially reduce the visual impacts of parked cars."

At Chair Dietle's request, Mr. Seidler verified that the current requirement is for 50 percent shading of parking areas; based on site plan, the current plan may not meet that requirement.

Mr. Seidler reviewed the proposed traffic flow in relation to the project. Mr. Varga stressed that a condition placed on the project does require a cross-access agreement with Safeway for use of the signalized intersection. In response to a question from Commissioner Monfort, Mr. Seidler stated that the initial study does indicate that the existing level of service will not be lowered from this project.

The public hearing was opened at 9:25 p.m.

Jim Stevens, NorthStar Engineering, representing the applicant, stated that there is an existing cross parking agreement with Safeway shopping center. He noted that Nord Avenue/State Highway Route 32 (SHR 32) is a Caltrans facility, and reviewed a Caltrans study on the route which indicates that expansion of the roadway will not occur in the foreseeable future. He indicated that there is a minor correction to the plat which is that the driveway access proposed to will provide entrance to the facility to the west and through the Safeway center. Mr. Stevens reviewed a letter received from the State Department of Transportation regarding storm drainage impacts. He added that the project has been before the Architectural Review Board (ARB) for preliminary review and the applicant is aware of the landscaping requirements.

Chair Dietle stated that the use will service existing area residents. Commissioner Fry verified that current residents mobile home park have been notified and that the existing septic

system will be removed. Commissioner Fry expressed concern with the right-turn entrance only concept. Mr. Stevens explained that the right ingress only was planned in an effort to control entrance traffic onto the roadway.

Commissioner Monfort expressed concern that as the area has become a neighborhood shopping area, the development standards reflect that use, including the placement of the sidewalk. Mr. Varga explained that SHR 32 is a State right-of-way; it must be developed to State standards which requires the sidewalk to be placed adjacent to the curb in front of the landscaped buffer.

Pat Cowan, 4100 Newport Place, Suite 660, Newport Beach, the applicant, indicated the agreements between Safeway and Walgreens include not only traffic but also services. He accepted the landscaping condition as proposed by Mr. Seidler. He stated that once escrow is closed, Walgreens will work with existing mobile home park residents for their relocation. In response to Commissioner Monfort, he noted that 60 to 70 percent of the walkway around the building will be covered, and will also feature a bicycle rack on the sidewalk.

Chris Oige, 3501 Coffee Road, Suite 6, Modesto, representing Walgreens, reviewed other Walgreens locations which have drive-through facilities and explained that the device used for providing the prescriptions will be with an apparatus similar to those used for drive-through banking facilities.

There being no further comment, the public hearing was closed at 9:55 p.m.

COMMISSIONER FRY MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVE USE PERMIT 99-1 SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF REPORT, WITH THE ADDITION OF CONDITION 7 "PRIOR TO ISSUANCE OF A GRADING PERMIT, THE PERMITTEE SHALL SUBMIT A LANDSCAPE PLAN FOR APPROVAL BY THE ARCHITECTURAL REVIEW BOARD. THIS PLAN SHALL INCLUDE THE PRESERVATION OF EXISTING TREES TO THE EXTENT POSSIBLE CONSISTENT WITH PROJECT CONSTRUCTION. THE PERMITTEE SHALL ALSO INSTALL 24 INCH BOX REPLACEMENT TREES WITHIN THE PARKING LOT AND THE FRONT LANDSCAPED BUFFER AND ENLARGE PARKING PENINSULAS AS NEEDED TO ACCOMMODATE THE BOXED REPLACEMENT TREES. THE LANDSCAPING ALONG THE SITE FRONTAGE SHALL BE DESIGNED TO SUBSTANTIALLY REDUCE THE VISUAL IMPACTS OF PARKED CARS." COMMISSIONER WAHL SECONDED THE MOTION.

Commissioner Alvistur suggested that Condition 7 may not be necessary as the project will be reviewed by the Architectural Review Board (ARB). Commissioner Fry noted that ARB gets some direction from the Commission. Mr. Seidler explained that the condition does require larger trees than the standards used by the ARB, as well as provide direction for review of the landscape plan as a whole.

Commissioner Monfort stated that although the City does not have an established policy regarding redevelopment of land which was used for low income housing, he noted that some of the residents may have transportation issues with a relocation. Commissioner Fry stressed that the applicants have indicated a willingness to assist in relocation.

Commissioner Monfort expressed concern with allowing a drive-through facility in a neighborhood shopping area. Commissioner Fry indicated that the drive-through use will not incur a higher vehicular volume than the pharmacy alone would. Commissioner Alvistur stated that while he does share Commissioner Monfort's concern, the benefits of such a drive-through use does outweigh the disadvantages.

THE MOTION WAS APPROVED 6-0-1 (COMMISSIONER WOLFE ABSENT).

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Seidler stated that the Airport Land Use Commission (ALUC) has reviewed the General Plan Amendments as approved by the Commission at a recent meeting. ALUC has determined that the project is consistent with the Airport Environs Plan with a modification to Site A, requiring that the western half of the six acre site remain in open space, and the eastern half be developed with up to 24 units. The City Council will hold a public hearing on the issue at the May 4, 1999 meeting.

In response to a question from Chair Dietle regarding modifying the Commission's scheduled meeting day and time, Ms. Barker explained that the City Attorney is drafting an amendment to the Municipal Code which would allow that to occur. The City Council will consider the amendment at a June 1999 meeting.

ADJOURNMENT

The meeting was adjourned at 10:07 p.m. to the Adjourned Regular Meeting of May 17, 1999.

June 7, 1999
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
MAY 17, 1999**

ROLL CALL

The meeting was called to order by Chairperson Jolene Dietle at 7:30 p.m. in Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Jolene Dietle, Glenn Fry, Kirk Monfort, Larry Wahl and Nancy Wolfe. Commissioner Ross Bradford was absent. Staff present were Planning Director Kim Seidler, Assistant City Attorney Lori Barker, Senior Planner Ed Palmeri and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

None.

CONSENT AGENDA

1. **Use Permit 99-12 (Chico Nissan/Courtesy Motors) - 2044 Forest Avenue** - A request to allow two temporary off-site auto/truck sales from June 11 through June 13 and August 6 through August 8, 1999 on the easterly portion of the Wal-Mart parking lot. The property is located at 2044 Forest Avenue and is identified as Assessor's Parcel No. 002-370-057. The site is designated on the General Plan Diagram as Community Commercial and is in a C-1 Restricted Commercial zoning district. The project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act Section 15323, Normal Operations of Facilities for Public Gatherings.

Recommended Action: Approve the use permit based on the findings and conditions of approval as listed in the staff report.

2. **Use Permit 99-15 (Arness) - 3164 Canyon Oaks Terrace** - A request to allow an additional three feet in height in excess of the maximum allowable height of 30 feet for a single family residence located at 3164 Canyon Oaks Terrace. The property is identified as Assessor's Parcel No. 011-560-008. The site is designated on the General Plan Diagram as Very Low Density Residential and is in a RS-20 Suburban Residential (20,000 square foot minimum) zoning district. The project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act Section 15305, Minor Alterations in Land Use Limitations.

Recommended Action: Approve the use permit based on the findings and conditions of approval as listed in the staff report.

3. **Use Permit 99-16 (Knadler) 217 W. 16th Street** - A request to allow a second dwelling unit on property located at 217 W. 16th Street, identified as Assessor's Parcel

No. 005-197-004. The subject property is designated on the General Plan Diagram as Low Density Residential and is in an RD-1 Single Family Residential zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act, Section 15303 New Construction of Small Structures.

Recommended Action: Approve the use permit based on the findings and conditions of approval as listed in the staff report.

This item was removed from the Consent Agenda at Commissioner Monfort's request.

The public hearing was opened, to which there was no comment.

COMMISSIONER WAHL MOVED TO FIND THAT USE PERMIT 99-12 (CHICO NISSAN) IS EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15323 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND USE PERMIT 99-15 IS EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15303 (A) OF CEQA, AND APPROVE THE USE PERMITS SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN THE STAFF REPORTS. COMMISSIONER FRY SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (COMMISSIONER BRADFORD ABSENT).

ITEMS REMOVED FROM THE CONSENT AGENDA

- 3. Use Permit 99-16 (Knadler) 217 W. 16th Street** - A request to allow a second dwelling unit on property located at 217 W. 16th Street, identified as Assessor's Parcel No. 005-197-004. The subject property is designated on the General Plan Diagram as Low Density Residential and is in an RD-1 Single Family Residential zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act, Section 15303 New Construction of Small Structures.

Commissioner Monfort noted that the recommended setback of 20 feet is not typical for the development in the area, which is at 15 feet or less, and recommended that the building be moved forward to allow for an increased rear yard area. Mr. Palmeri explained that the setback was recommended in an effort to retain a mature redwood tree and suggested that the project have architectural review.

The public hearing was opened, to which there was no comment.

COMMISSIONER MONFORT MOVED TO DETERMINE THAT USE PERMIT 99-16 (KNADLER) IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15303 AND APPROVE USE PERMIT 99-16 WITH THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF REPORT, WITH THE ADDED CONDITION ALLOWING THE FRONT

YARD SETBACK TO BE REDUCED TO 15 FEET. COMMISSIONER WOLFE SECONDED THE MOTION WHICH WAS APPROVED 6-0 (COMMISSIONER BRADFORD ABSENT).

REGULAR AGENDA

4. **Use Permit 98-16 (Aguilera) - 851 Main Street** - A request that the Planning Commission consider extension of Use Permit 98-16 to allow a pet store with related retail sales within an existing building located at 851 Main Street. This request was previously discussed on March 1, 1999, when the use permit was extended to allow time to comply with conditions of approval. The property is identified as Assessor's Parcel 004-421-005. The site is designated on the Chico General Plan Diagram as Downtown and is located in a C-1 Restricted Commercial zoning district. A previous categorical exemption was filed for the project and it has been determined that no further environmental review is required.

Mr. Palmeri presented the staff report, reviewing previous Commission discussions and actions on the use permit. He explained that the applicant has complied with the conditions placed on the use permit pertaining to contact phone numbers and has appeared before the Architectural Review Board (ARB) as noted in Exhibit C to the staff report. In response to a question posed by Commissioner Alvistur, he suggested that the applicant be given 60 days to comply with the conditions placed by the ARB prior to issuance of a Notice of Violation. Chair Dietle verified that the Commission can place a specific date for compliance as a condition of the permit.

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

George Acosta, P.O. Box 147, representing the applicant, stated that while he did try to accommodate the ARB, he disagreed with the manner in which it has been handled. He noted that the ARB has reviewed the proposed signs, and placed conditions on the signage which may not equate to the amount of signage allowed by the Municipal Code. He asked that the condition in the use permit condition relating to the architectural review be removed, thus separating the two permits.

Chair Dietle questioned if the applicant would comply with the requirements placed on the project by ARB. Mr. Acosta reviewed the ARB action and stated that he objected to the reduction in the size of the proposed sign. He stated that in order to stay in business, he must comply with the ARB decision.

In response to Mr. Acosta's question regarding due process, Mr. Seidler stated that an action taken by the ARB can be appealed to City Council within 15 days of action by the ARB; likewise, action taken by the Planning Commission can also be appealed to the City Council within 15 days. Chair Dietle clarified that a condition placed on a use permit by the Planning Commission, such as that requiring ARB approval of signage, can be appealed to Council.

She stressed that a condition of the use permit does include compliance with the signage plan approved by the ARB.

In response to a question from Commissioner Alvistur, Mr. Acosta stated that a 60-day time period to comply with the ARB conditions may not be feasible as it is a lengthy process. Chair Dietle stressed that the condition has been in place for a full year and has yet to be complied with. Mr. Acosta pointed out that the project has been before the ARB.

At Mr. Acosta's request, Ms. Barker reviewed the appeal process and noted there is a 15-day period for the ARB action.

Commissioner Wahl questioned why the decision of the ARB was not appealed if it was found unsatisfactory by the applicant, and noted that the applicant has not complied with any condition placed by ARB. Commissioner Fry suggested that a time frame be placed on the continuation of the use permit to monitor compliance with the ARB conditions.

There being no further comments, the public hearing was closed at 8:10 p.m.

Chair Dietle suggested that language be added to the permit requiring that the conditions placed by the ARB be complied with within 30 days of an action on an appeal by the City Council or within 30 days of the action of this Commission.

In response to a question from Commissioner Alvistur, Mr. Seidler explained that Council may choose to not hear an appeal, or it may choose to hear the appeal and could uphold the appeal, deny the appeal or modify the conditions of the permit. If the applicant continues to object to the conditions placed on the permit following Council action, the action can be taken to the court system.

Replying to Commissioner Monfort's question regarding Fire Marshall inspection requirements at time of business licenses, Mr. Palmeri stated that such a requirement is dependent on the type of use and building specifications.

COMMISSIONER MONFORT MOVED TO DETERMINE THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED FOR THE PROJECT AND APPROVE USE PERMIT 98-16 AS MODIFIED WITH THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF REPORT, WITH THE ADDITIONAL CONDITION THAT COMPLIANCE BE MADE WITHIN 30 DAYS OF APPROVAL, OR WITHIN 30 DAYS OF CITY COUNCIL ACTION, SHOULD THE DECISION BE APPEALED. COMMISSIONER WAHL SECONDED THE MOTION.

Commissioner Wahl expressed concern that on a site visit he had observed a potentially hazardous situation. He suggested an amendment to the motion for an additional condition that within the same 30-day period following approval of the permit, the applicant be required

to request Fire Marshall and Animal Control inspection of the premises. Commissioner Monfort accepted the amendment.

THE MOTION WAS APPROVED 6-0-1 (COMMISSIONER BRADFORD ABSENT)

Mr. Seidler noted that should the applicant be opposed to the Commission action, he can appeal the decision to the City Council within 15 calendar days.

5. **Use Permit 99-13 (Henderson) - 519 Normal Street** - A request to allow a six bedroom residential unit on property located at 519 Normal Street, identified as Assessor's Parcel No. 004-221-009. The subject property is designated on the General Plan Diagram as Office and is in a R-P Residential-Professional/Business Office zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act Section 15303, New Construction of Small Structures.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He noted that the Commission has received two letters addressing concerns relating to parking and noise, and a memorandum from staff suggesting, because of the historical district, two changes to the conditions. He added that as staff had further opportunity to review the area and the project's potential impacts, staff revised the recommendation accordingly.

Commissioner Wolfe confirmed that the design of the project would need to be compatible with the surrounding historical area. Chair Dietle verified that there are no specific conditions regarding what type of fencing is to be placed along three sides of the property.

The public hearing was opened at 8:25 p.m.

Tim Henderson, 2609 Lakewest Dr, the applicant, expressed concern with the timing of staff's recommendation and the impact of having the parking in the rear on the design of the building due to the narrow width of the lot. Chair Dietle verified that other conditions are acceptable with the applicant and suggested that a condition be placed on the project limiting the number of residents to six. Commissioner Monfort noted that neighbor has suggested a cyclone fencing with slats. Mr. Henderson noted that there are existing wood fences along three sides, one of which is in need of repair, and stated that he was not opposed to installing such fencing along the rear property line. In response to a question from Commissioner Fry, Mr. Henderson stated that an architect will be hired to design the building following use permit approval.

Bud Tracy, Tracy and Associates, P.O. Box 3069, representing the current property owner, reviewed the analysis section of the staff report, and suggested that the lot may not be wide enough to provide parking in the rear. He stressed the need for landscaping and architectural review.

Jessie Allread, 1430 Bidwell Avenue, representing the neighboring business of Grace Junior's, reviewed surrounding land uses and existing fencing. He urged the Commission to require sturdy fencing aimed at limiting trespassing.

There being no further comments, the public hearing was closed at 8:40 p.m.

Chair Dietle expressed concern with providing parking in the rear due to the close proximity to a bar. Commissioner Fry noted that there are many homes in the area which have parking in the rear or along alleyways. Commissioner Monfort noted that placing parking in the rear may inhibit public access to the private lot.

The Commission discussed the building placement and concurred that the siting of the building and parking is to be determined by the Architectural Review Board.

COMMISSIONER WAHL MOVED TO DETERMINE THAT USE PERMIT 99-13 (HENDERSON) IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15303 AND APPROVE THE USE PERMIT SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF MEMORANDUM WITH THE FOLLOWING MODIFICATIONS: DELETE CONDITION 1, REPLACING IT WITH "CONDITION 1. THIS USE PERMIT ALLOWS FOR THE CONSTRUCTION OF A SIX BEDROOM RESIDENTIAL DWELLING UNIT ON THE SITE."; DELETE CONDITION 3, REPLACING IT WITH "CONDITION 3. PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE DWELLING, THE PERMITTEE SHALL OBTAIN APPROVAL FROM THE ARCHITECTURAL REVIEW BOARD FOR BUILDING DESIGN, SITING, LANDSCAPING AND FENCING. DETAILED ELEVATIONS SHALL BE SUBMITTED FOR ARCHITECTURAL REVIEW, AND THE DESIGN OF THE BUILDING SHALL BE ARCHITECTURALLY COMPATIBLE WITH THE SURROUNDING HISTORIC NEIGHBORHOOD."; AN ADDITIONAL CONDITION 5. "LIMIT THE PROPERTY TO A TOTAL OF 6 TENANTS AT ANY ONE TIME."; AND AN ADDITIONAL CONDITION 6 "FENCING SHALL BE ON THREE SIDES."

Commissioner Wolfe suggested an amendment that the fencing also be approved by the ARB.

Commissioner Wahl accepted the amendment. Commissioner Alvistur seconded the motion as amended.

Mr. Seidler verified that Condition 3 would read, "... the permittee shall obtain approval from the Architectural Review Board for building design, landscaping, and fencing."

Commissioner Monfort strongly urged the Commission to provide direction to the ARB to move the building forward on the lot. He noted that a 25 percent encroachment into the sideyard setback may be allowed. Commissioner Wahl noted that the lot has been vacant for

a number of years in an area which has a number of uses. Commissioner Alvistur expressed support for the project as infill. Commissioner Wolfe noted that the ARB will have a better opportunity to review the siting once designs have been completed. She also stressed that the ARB will consider the interests of the historic district.

Commissioner Monfort restated that he would be opposed to placing the parking in the front. Mr. Palmeri noted that staff can inform the ARB of the concerns brought forward at this meeting. Commissioner Wolfe asked that the minutes be provided to the ARB.

THE MOTION WAS APPROVED 6-0-1 (COMMISSIONER BRADFORD ABSENT).

BUSINESS FROM THE FLOOR

Commissioner Fry asked that the Commission receive a list of permits requested and their staff action. Mr. Seidler stated that such a list was planned to begin following the adoption of the revised Title 19, and noted that a list of administrative permits currently proposed would be prepared for Commission information.

PLANNING UPDATE

Mr. Seidler reviewed a planned joint meeting between the Planning Commission and the City Council to be held on May 25th regarding the East Avenue/Esplanade intersection. Commissioners Dietle, Fry and Wahl indicated that they would attend.

Mr. Seidler reviewed an upcoming training workshop regarding the Subdivision Map Act.

ADJOURNMENT

The meeting was adjourned at 9:05 p.m. to the Adjourned Regular Meeting of June 7, 1999.

June 7, 1999
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
JUNE 7, 1999**

ROLL CALL

The meeting was called to order by Chairperson Jolene Dietle at 7:30 p.m. in Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Glenn Fry, Kirk Monfort, Larry Wahl and Nancy Wolfe. Staff present were Assistant City Attorney Lori Barker, Community Development Assistant Clif Sellers and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

None.

ADMINISTRATIVE AGENDA

1. **A. Minutes of Regular Meeting of April 19, 1999.**
- B. Minutes of Adjourned Regular Meeting of April 22, 1999.**
- C. Minutes of Regular Meeting of May 3, 1999.**
- D. Minutes of Adjourned Regular Meeting of May 17, 1999.**

Recommended Action: Approve with any corrections/revisions required.

COMMISSIONER WAHL MOVED TO APPROVE THE ADMINISTRATIVE AGENDA. COMMISSIONER FRY SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

2. **Use Permit 99-11 (Stuart) - 134 W. 20th Street** - A request to allow two second dwelling units on separate, adjacent lots on property located at 134 W. 20th Street, Assessor's Parcel No. 005-263-017. The property is designated Low Density Residential in the City of Chico General Plan and located in a RD-1 Low Density Residential zoning district. This project has been determined to be categorically exempt from environmental review pursuant to Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA).

Commissioner Monfort stated that he would be abstaining on this item as he has a business relationship with the applicant.

Mr. Sellers presented the staff report, reviewing the request and the land use issues involved. He noted that the Commission has received a letter of opposition signed by several neighbors, expressing concerns regarding surrounding land uses and traffic impacts of the proposed project on the neighborhood.

Chair Dietle expressed concern regarding the condition of the alleyway and noted that a condition requiring the alley be improved had not been included in the staff report. At Commissioner Alvistur's request, Mr. Sellers reviewed the staff report regarding the alley fee and explained the use of such in lieu fees. In response to Commissioner Wahl, Mr. Sellers reviewed the standard improvements for alleyways.

Commissioner Alvistur expressed concern with the project density. Mr. Sellers explained the General Plan density provisions for up to 6 units per acre, and noted that State law requires that second units be considered consistent with single family residential.

The public hearing was opened at 7:40 p.m., at which time the following residents spoke in opposition to the project expressing concerns regarding alley access, traffic, parking, existing law enforcement problems in the area, and the surrounding land uses: John Willis, 6 Wildflower Court, and Brownwyn Perkins, 133 W. 18th Street. There being no further comments, the public hearing was closed at 7:53 p.m.

Chair Dietle verified that the proposed second units are both one bedroom/one bath units, that the new home will have a two car garage, and the number of parking spaces being required. Commissioner Alvistur compared the subject project to one heard recently by the Commission where it was preferred to have positive development rather than the preexisting condition.

Commissioner Wolfe verified that the second dwelling units are subject to architectural review, and requested that the new house also be subject to architectural review. Mr. Sellers supported the request, noting that as there will be development of multiple residences on a single lot, architectural review of all the residences is appropriate.

COMMISSIONER BRADFORD MOVED TO DETERMINE THAT USE PERMIT 99-11 (STUART) IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15303, AND APPROVE THE USE PERMIT SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF REPORT WITH THE FOLLOWING MODIFICATIONS: 1) MODIFY CONDITION 6. TO READ "ARCHITECTURAL REVIEW OF THE NEW RESIDENTIAL UNITS SHALL BE REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMITS." AND 2) ADDITIONAL CONDITION 7. REQUIRE IMPROVEMENT OF THE ALLEYWAY FROM 20TH STREET TO THE END OF THE PROPERTY, WITH PERMANENT SURFACE PREFERRED BUT GRADING AND GRAVEL OR BASE ROCK AS A MINIMUM COMPLETED IF PAVING CANNOT BE PHYSICALLY INSTALLED. COMMISSIONER FRY SECONDED THE MOTION. THE MOTION WAS APPROVED 6-0-1 (COMMISSIONER MONFORT ABSTAINED).

Commissioner Alvistur requested that a memorandum be sent to the Department of Public Works requesting that the full alley be improved. The Commission concurred.

- 3. Use Permit 99-19 (Sloan) - 818, 830 and 842 Orange Street - A request to allow a construction storage yard and a 400 square foot office building on contiguous lots**

located at 818, 830 and 842 Orange Street. The properties are identified as Assessor's Parcel Nos 004-267-001, 003 ad 005. The subject site is designated Medium Density Residential on the City of Chico General Plan Diagram and is in an M-1 Limited Manufacturing zoning district. This project has been determined to be categorically exempt from environmental review pursuant to 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA).

Mr. Sellers reviewed the staff report and the land use issues involved and noted that the General Plan designation will be revised to reflect industrial use when various corrections are made to the General Plan. Chair Dietle noted that the applicant has already made significant improvement to the site.

The public hearing was opened at 8:10 p.m., during which the applicant, Mike Sloan, described a modified site plan.

COMMISSIONER FRY MOVED TO FIND THAT THE PROJECT, USE PERMIT 99-19 (SLOAN), IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE THE USE PERMIT SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF REPORT. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

None.

ADJOURNMENT

The meeting was adjourned at 8:12 p.m. to the Adjourned Regular Meeting of June 21, 1999.

June 21, 1999 _____
Date Approved

/s/ _____
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
JUNE 21, 1999**

ROLL CALL

The meeting was called to order by Chairperson Jolene Dietle at 7:30 p.m. in Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Glenn Fry, Kirk Monfort, Larry Wahl and Nancy Wolfe. Staff present were Assistant City Attorney Lori Barker, Planning Director Kim Seidler and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Monfort stated that he had a telephone call from John Merz regarding Item 4, Scout Court Subdivision, and noted that he would discuss concerns during the review of that item.

ADMINISTRATIVE AGENDA

1. Minutes of Regular Meeting of June 7, 1999.

Recommended Action: Approve with any corrections/revisions required.

COMMISSIONER WAHL MOVED TO APPROVE THE ADMINISTRATIVE AGENDA. COMMISSIONER WOLFE SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

- 2. Use Permit No. 99-17 (Hoffman/No. Valley MRI) - 1638 The Esplanade** - A request to expand an existing medical clinic (an MRI and CT facility) with a 3,400 square foot building addition and authorization for construction of a future 7,200 square foot building; and a determination of parking requirements at a ratio of one space for every 375 sq. ft. of floor area due to oversized machinery. The property is located at 1638 The Esplanade, and is identified as Assessor's Parcel Nos. 003-401-023, 024, 025, and 026. The subject property is designated Offices by the Chico General Plan, and is within an R-P Residential-Professional/Business Office. This project has been determined to be categorically exempt from environmental review pursuant to Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA).

Mr. Seidler presented the staff report, reviewing the request and the land use issues involved. He suggested that Condition 3 be modified to provide a time reference such as "...prior to issuance of building permits." He clarified that the applicant had not been made aware of the proposed change prior to the meeting.

In response to a question from Commissioner Alvistur regarding the maintenance of the alleyway, Mr. Varga explained that the public alley is maintained by the City in the same manner as streets and other public facilities and most improvements are completed as a result of development to adjacent lots. Commissioner Monfort reviewed a previous Commission discussion regarding alley improvements.

The public hearing was opened at 7:40 p.m. at which time Larry Coffman, representing the applicant, reviewed the recommended changes to Condition 3 and requested that the condition be tied to the Certificate of Occupancy rather than with building permits. At Chair Dietle's request, Mr. Coffman verified that the total number of employees anticipated with the expansion will be eight, as mentioned in the staff report. There being no further comments, the public hearing was closed.

COMMISSIONER WOLFE MOVED TO DETERMINE THAT THE PROJECT, USE PERMIT 99-17 (COFFMAN/NORTH VALLEY MRI & CT CENTER), IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW, AND APPROVE THE USE PERMIT SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF REPORT, AMENDING CONDITION 3 TO READ "THE PERMITTEE SHALL COMPLETE A MERGER OF THE FOUR LOTS PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY." COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

3. **Parcel Map 99-2 /General Plan Amendment and Rezone 99-4 (A & L Properties)**
 - Proposed subdivision of 14.29 acres located on the north side of E. 20th Street, approximately 525 feet east of Forest Avenue, into three parcels sized as follows: Parcel 1 (10 acres), Parcel 2 (3.01 acres) and Parcel 3 (1.25 acres). The property is identified as Assessor's Parcel No. 002-370-028 and is designated Offices by the Chico General Plan, located in C-O Commercial Office zoning district. The project also includes a request to amend the General Plan designation from Offices to Community Commercial and change the zoning from C-O Commercial Office to C-1 Restricted Commercial for 3.01 acres being created as Parcel No. 2. A mitigated negative declaration is proposed for this project, for which a 30-day notification period was conducted.

Mr. Seidler presented the staff report, reviewing the land use issues involved and a revised plat which was distributed to the Commission. He suggested that Mitigation Measure No. 5 (D.1) be amended to remove the language "...transit improvements as deemed appropriate."

He noted that the Commission has been given a memorandum regarding a change in the subdivision report adjusting timing requirements to the conditions of approval. At Commissioner Bradford's request, Mr. Seidler reviewed the plat distributed showing the proposed rezone. Commissioner Alvistur verified that neighbors have been notified. In response to a question from Commissioner Monfort regarding internal access through the lots, Mr. Varga noted that there is a site plan included with the Initial Study.

The public hearing was opened at 7:50 p.m.

Mike Byrd, Rolls Anderson & Rolls, representing the applicant, noted that there is an access easement north of the traffic signal which does go to the Winco property. All three parcels have frontage to the internal easement to provide access to 20th Street. Commissioner Monfort verified that Notre Dame Blvd will go north by the Enloe property and that this project will not have access to that roadway.

Steve Gonsalves, Nichols, Melberg & Rossetto, representing the applicant, expressed concern regarding Mitigation Measure 5, stating that a bus shelter would not be necessary due to the air quality estimates for the project, that the use of solar water heating would not be necessary as the project is plumbing eight sinks and will not be a high user of hot water, and questioned the need for shower facilities and the number of bicycle parking spaces required. He described the national employee profile for the estimated 400 employees as mostly young single women with children who would be driving to work.

Chair Dietle verified that the applicant was not providing locker facilities. She noted that the building may eventually house a different use and any conditions placed on the project must address that possibility. She agreed that solar water heating may be unnecessary, and while shower facilities may not be needed at this time, lockers would be a benefit.

Commissioner Fry questioned if United Health Group will employ college students, and the impact of that demographic on the demand for shower facilities.

Commissioner Wolfe stated that there is already is an existing bus shelter located at the corner of 20th Street and Forest Avenue.

At Mr. Seidler's request, Mr. Varga noted that the Municipal Building has two showers located in the men's and two in the women's facilities which are used regularly. Commissioner Wolfe suggested that it be left to the company to determine the need to provide showers. Mr. Seidler reviewed that the proposed Title 19 Land Use Regulations will include shower facilities as an incentive while the General Plan does include policies for development of bicycle facilities. He noted that if such facilities are provided, people do tend to use them.

Commissioner Monfort noted that the downside of the growth caused by attracting new employers is the cumulative impact on air quality. Commissioner Fry stressed that the precedent which could be made by not requiring showers will impact future large projects. Mr. Seidler reviewed the mitigation and suggested that the number of showers be specified.

Mr. Gonsalves stressed that installation of showers will impact the building plan review process, which has already begun, as well as the available floor area in the building. In response to a question from Commissioner Bradford, he stated that he was not sure what impact ADA requirements would have on the shower stalls.

Chair Dietle suggested that the mitigation be modified so that showers be installed during a future expansion of the facility. In response to Commissioner Fry, Mr. Seidler noted that the applicant agreed to the mitigations by signature on May 20, 1999.

Mr. Gonsalves stated that the need for shower facilities was not discussed at any previous time in the process, including Development Review Committee and Architectural Review Board discussions. He stated that they would not be opposed to the modification to the mitigation that upon expansion of the facility, two showers for each sex be installed according to any implemented Title 19 or General Plan requirements.

At Commissioner Wolfe's request, Mr. Gonsalves stated that the applicant would provide one bicycle space per every 10 parking spaces. Mr. Seidler added that the bicycle parking would have some sort of secured facility and be covered.

Mike Byrd noted that in the staff report Background Section reference to Parcel 2 includes square footages based on a preliminary site plan; he stressed that there is not a current proposal for the parcel and thus, the square footage figures are not fixed.

There being no further comments, the public hearing was closed at 8:30 p.m.

In response to a question from Commissioner Wolfe, Commissioner Monfort noted that as the proposed parking for the facility is over City parking standards, there is the added requirement for 75 percent shading.

Commissioner Monfort verified that there was no time at which the applicant had been told about shower facilities prior to the Commission review. Mr. Seidler stated that these are environmental mitigations, prepared for a mitigated negative declaration at the Planning Commission level. He stressed that the mitigations had been signed by the applicant and thus were not anticipated as concerns that would be raised at the hearing.

Mr. Seidler reviewed the issues involved in requiring shower facilities and suggested that the Commission could discuss the issue in the future. He restated that the draft Title 19 will offer shower facilities as an incentive, not a requirement. Chair Dietle expressed concern that this project has gone far into the process without this requirement. She suggested that the Commission agendaize shower facilities and suggest an amendment to the draft Title 19. Commissioner Wahl verified that the Commission could require the applicant to install showers in a future expansion without Title 19 reflecting such a requirement and that the applicant will not have to return to the Commission for approval of an expansion.

Ms. Barker stated that if the Commission does amend a modification to a mitigation contained in the mitigated negative declaration, the Commission must make the finding that the mitigation as amended will be no less effective.

Commissioner Fry moved to reopen the public hearing, which Commissioner Wahl seconded and was unanimously approved.

Mr. Gonsalves requested that the 75 percent shading requirement be amended to require 75 percent shading on the parking which is over the City standard parking requirements. Mr. Seidler confirmed that this was staff's intent.

There being no further comments, the public hearing was closed.

COMMISSIONER BRADFORD MOVED TO APPROVE RESOLUTION 99-12, ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR PARCEL MAP 99-2 AND THE PARCEL MAP SUBJECT TO THE FINDINGS AND CONDITIONS INCLUDED IN RESOLUTION; AND APPROVE RESOLUTION 99-13 RECOMMENDING CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT AND REZONE 99-4 WITH FOLLOWING MODIFICATIONS 1) CHANGES TO MITIGATION 5: A.) ELIMINATE ITEMS 3 AND 4; B.) CLARIFY ITEM 6, THAT 75 PERCENT SHADING OF ANY PARKING ARE BEYOND THE MINIMUM REQUIRED; C) MODIFY ITEM 8 TO REMOVE THE REQUIREMENT FOR SHOWER FACILITIES, BUT RETAIN THE REQUIREMENT FOR LOCKER FACILITIES; 2) MODIFICATIONS TO THE SUBDIVISION REPORT AND MODIFIED PLAT AS DISTRIBUTED TO THE COMMISSION. 3) MAKING THE FINDING THAT BASED ON TESTIMONY, THE CHANGES TO THE INITIAL STUDY ARE MINOR IN NATURE AND ARE NOT GOING TO LESSEN THE MITIGATION'S EFFECTIVENESS WITH REGARD TO AIR QUALITY. COMMISSIONER WAHL SECONDED THE MOTION.

Commissioner Monfort questioned if providing shower facilities would change the effectiveness the use of alternative transportation. Chair Dietle stated that in this instance it may not have an effect. Commissioner Alvistur stated that showers would be a minimum incentive. Commissioner Fry stressed that any mitigations must be enforceable and process must allow it.

Commissioner Bradford requested that discussion of a requirement for shower facilities in commercial buildings be agendaized for future discussion. The Commission concurred.

THE MOTION WAS APPROVED 5-2 (COMMISSIONER MONFORT AND COMMISSIONER FRY OPPOSED).

The Commission was in recess from 8:50 through 9:00 p.m.

4. **Scout Court Vesting Tentative Subdivision Map - S 99-6 (Lands End Real Estate Inc.)** - A request for a Vesting Tentative Subdivision Map of 2.2 acres to create 12 single family residential lots on property located on the west side of Marigold Avenue, 330 feet north of East Avenue. The property is identified as Assessor's Parcel

No. 048-740-024. The property is designated Low Density Residential on the General Plan diagram and is zoned R-1 Single Family Residential. A mitigated negative declaration is proposed for this project, for which a 20-day notification period was conducted.

Mr. Seidler presented the staff report reviewing the requested project and the land use issues involved. He noted that staff has distributed a memorandum regarding General Plan compliance.

The public hearing was opened at 9:05 p.m. at which time Debbie Sabelman, 2556 Marigold, requested that development be restricted to single-story to address privacy, neighborhood compatibility and viewshed. There being no further comments, the public hearing was closed.

At Commissioner Monfort's request, staff verified that an approved map goes with the property, not with a particular applicant, and thus an individual may apply for a map with the property owners permission. Commissioner Fry added that the escrow on a property can be conditioned on City approval of a map.

The Commission reviewed existing tree locations and those proposed for removal. Chair Dietle noted that the Subdivision Report contains the comment that as many trees are to be saved as possible.

Commissioner Fry noted that there are several two-story buildings currently existing in the area. Chair Dietle noted that building footprints have not been presented for Commission review, although the Commission has put such a condition on subdivision maps in the past. Commissioner Bradford reviewed surrounding land uses and building heights.

Commissioner Alvistur reviewed the Butte County Airport Land Use request for an avigation easement over the property. Chair Dietle noted that the condition is included in the Subdivision Report in Item E, Public Conveyances and Easements.

COMMISSIONER WAHL MOVED TO ADOPT PLANNING COMMISSION RESOLUTION 99-11, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE SCOUT COURT VESTING TENTATIVE SUBDIVISION MAP, S 99-6 (LANDS END REAL ESTATE INC). COMMISSIONER FRY SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Seidler noted that the City Council has set July 20, 1999 for the introduction and public hearing for the revised Title 19 Land Use Regulations.

ADJOURNMENT

The meeting was adjourned at 9:15 p.m. to the Regular Meeting of July 12, 1999.

July 12, 1999
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
JULY 12, 1999**

ROLL CALL

The meeting was called to order by Vice Chairperson Larry Wahl at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Glenn Fry, Larry Wahl and Nancy Wolfe. Chair Jolene Dietle and Commissioner Kirk Monfort were absent. Staff present were Assistant City Attorney Lori Barker, Senior Planner Ed Palmeri, Planning Director Kim Seidler, Senior Development Engineer Tom Varga, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

None.

ADMINISTRATIVE AGENDA

1. **Minutes of Adjourned Regular Meeting of June 21, 1999.**

Recommended Action: Approve with any corrections/revisions required.

COMMISSIONER ALVISTUR MOVED TO APPROVE THE ADMINISTRATIVE AGENDA. COMMISSIONER WOLFE SECONDED THE MOTION WHICH WAS APPROVED 5-0-2 (CHAIR DIETLE AND COMMISSIONER MONFORT ABSENT).

REGULAR AGENDA

2. **Administrative Use Permit No. 99-08 (Webb) - 2774 Ceres Avenue** - A request to uphold Planning Director approval of a large family day care home serving up to 14 children, on property located at 2774 Ceres Avenue, Assessor's Parcel No. 048-420-006. The property is designated Low Density Residential in the Chico General Plan and located in a R-1 Single Family Residential zoning district. Pursuant to Section 15268 of the California Environmental Quality Act (CEQA), a large family day care home permit is ministerial and exempt from environmental review.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He verified that the permit is nondiscretionary if the applicant meets certain criteria, such as parking and safety requirements, and that limiting the size of the day care (14 children) is out of the Commission's purview.

The public hearing was opened at 7:41 p.m. There being no public comment, the public hearing was closed. Commissioner Wahl stated his intent to vote against approval of the use permit, noting his belief that the state has no business inserting commercial uses into residential areas without any say at the local level. At Commissioner Fry's request, the public hearing was re-opened at 7:42 p.m.

Joanne Colbert, 2770 Ceres Avenue, noted that she had withdrawn her objection to the project, but noted that parking and noise issues remain. Maria Webb, 2774 Ceres Avenue, applicant, presented the Commission with a letter authorizing parking in front of 2771 Ceres, and showed pictures verifying that her home has four onsite parking spaces.

There being no further comment, the public hearing was closed.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION FIND THAT THE ACTION OF THE PLANNING DIRECTOR TO APPROVE NON-DISCRETIONARY PERMIT AUP 99-8 WAS NOT CONTRARY TO STATE OR CITY LAWS REGULATING LARGE FAMILY DAY CARE HOMES AND UPHOLD THE PLANNING DIRECTOR'S APPROVAL OF THIS NON-DISCRETIONARY PERMIT AUP 99-8 (WEBB). COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH WAS APPROVED 3-2-2 (COMMISSIONERS WAHL AND FRY OPPOSED, CHAIR DIETLE AND COMMISSIONER MONFORT ABSENT).

3. **Administrative Use Permit No. 99-09 (Coley) - 4 Emilio Way** - A request to uphold Planning Director approval of a large family day care home serving up to 14 children, including those under age 10 residing in the home, on property located at 4 Emilio Way, Assessor's Parcel No. 007-050-042. The property is designated Low Density Residential in the Chico General Plan and located in a R-1 Single Family Residential zoning district. Pursuant to Section 15268 of the California Environmental Quality Act (CEQA), a large family day care home permit is ministerial and exempt from environmental review.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He noted that the issues are nearly identical to the previous permit.

The public hearing was opened at 7:51 p.m.

Kerri Coley, 4 Emilio Way, applicant, stated that she is providing a valuable service to children and families, and that peak traffic is minimized due to the different schedules of the children. Commissioner Fry raised issues of decreased surrounding property values and bringing a commercial use to a residential setting. Commissioner Bradford confirmed that 14 children is the concurrent maximum.

Sally Jungling, 492 Panama Avenue, spoke against the project, citing traffic, fire safety, noise, loss of privacy, and the poor condition of Panama Avenue. The Commission discussed parking on Panama Avenue and other issues. Mr. Varga stated he would research the parking restrictions on Panama and request that "No Parking" signs be installed if appropriate. Commissioner Wolfe confirmed with the applicant that the larger day care wouldn't be put into operation until May of 2000, when the applicant has met state requirements for operational duration.

Pam Robles, 5 Emilio Way, stated that she is not against the day care, but wishes for the play structure to be moved further away from the fence so as not to impact her privacy.

There being no further comment, the public hearing was closed.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION FIND THAT THE ACTION OF THE PLANNING DIRECTOR TO APPROVE NON-DISCRETIONARY LARGE FAMILY DAY CARE PERMIT NO. AUP 99-09 (COLEY) WAS NOT CONTRARY TO STATE OR CITY LAWS REGULATING LARGE FAMILY DAY CARE HOMES AND UPHOLD THE PLANNING DIRECTOR'S APPROVAL OF THE LARGE FAMILY CARE CENTER. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED 3-2-2 (COMMISSIONERS WAHL AND FRY OPPOSED, CHAIR DIETLE AND COMMISSIONER MONFORT ABSENT).

4. **Animal Permit 99-1 (Graves) 6 Woodminster Court** - A request to uphold Planning Director approval of two (2) existing ducks kept in the backyard of a single family residential dwelling on property located at 6 Woodminster Court, identified as Assessor's Parcel No. 043-340-026. The property is designated Low Density Residential in the Chico General Plan and located in a R-1 Single Family Residential zoning district. Pursuant to Section 15268 of the California Environmental Quality Act (CEQA), the project is ministerial and exempt from environmental review.

Commissioner Wahl abstained from this item, due to close relatives living near the affected property.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He noted that a new condition was proposed, modifying the duck area of the yard to keep the ducks slightly further away from one neighbor.

The public hearing was opened at 8:18 p.m.

Patricia Graves, 6 Woodminster Court, permit applicant, provided a brief history of the ducks and answered questions pertaining to noise, odor, and the automatic feeder.

There being no further comment, the public hearing was closed.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION APPROVE ANIMAL PERMIT 99-1 ALLOWING TWO (2) DUCKS TO BE KEPT IN THE BACKYARD OF PROPERTY LOCATED AT 6 WOODMINSTER COURT, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN SECTION VI OF THE STAFF MEMO DATED JUNE 30, 1999. COMMISSIONER WOLFE AMENDED THE MOTION TO INCORPORATE THE CONDITION 7 LISTED IN THE STAFF MEMO OF JULY 12, 1999, MODIFYING THE DUCK AREA. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 4-0-1-2 (COMMISSIONER WAHL ABSTAINING, CHAIR DIETLE AND COMMISSIONER MONFORT ABSENT).

5. **Boundary Line Modification No. 99-1 (Clark) - 166 East Frances Willard Avenue** - A request to modify the common property line between two parcels located 125 feet west of Oleander Avenue, identified as 166 East Frances Willard Avenue, Assessor's Parcel Nos. 003-176-008 and 009, in an area designated Low Density Residential by the Chico General Plan and zoned R-1 Single Family Residential. The adjustment would increase the width and size of the easterly parcel from 25 feet to 53 feet and from 3,125 square feet to 6,625 square feet, respectively; and would decrease the width and size of the westerly parcel from 100 feet to 72 feet and from 12,500 square feet to 9,000 square feet, respectively.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He noted that the Commission doesn't usually see Boundary Line Modifications, but that Commission action was required in this case on appeal. He also stated that the 25' width lot is a legally buildable lot.

The public hearing was opened at 8:26 p.m.

Bill Pyle, 666 Esplanade, reviewed the history of the parcel and stated his concerns with traffic impacts to East Frances Willard, particularly if the new house is utilized by college students. He confirmed with Mr. Palmeri that there will only be a total of two lots, and that no new lots are being created.

Ruth Younger, 153 East Frances Willard, spoke in opposition to the project, stating additional traffic and parking concerns with the project and noting the small right-of-way width and impact from students living in the area. Commissioner Bradford confirmed with Mr. Palmeri that there will only be one additional house constructed, that the number of lots is remaining the same, and that the 25' width lot is currently a buildable lot.

Rick Rodriguez, Northstar Engineering, 20 Declaration Drive, project engineer, spoke in favor of the project, referring to the traffic analysis and other items in the staff report. He also offered to answer questions from the Commission. Mr. Varga referred to the visual display for this item, discussing the current and proposed property lines and resulting lots.

There being no further comment, the public hearing was closed.

Commissioner Wolfe confirmed with Mr. Palmeri that this is a non-discretionary permit, and that the Commission has little leeway if the required findings are made.

COMMISSIONER WOLFE MOVED THAT THE COMMISSION UPHOLD THE ACTION OF THE PLANNING DIRECTOR, FINDING THAT THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVING BOUNDARY LINE MODIFICATION NO. 99-1, SUBJECT TO THE CONDITIONS OF APPROVAL CONTAINED WITHIN THE STAFF MEMORANDUM DATED JUNE 25, 1999. COMMISSIONER FRY SECONDED THE

MOTION, WHICH PASSED 5-0-2 (CHAIR DIETLE AND COMMISSIONER MONFORT ABSENT).

In response to Mr. Pyle, Mr. Seidler stated that if the findings were made incorrectly, the Commission's decision can be appealed to the City Council.

Commissioner Bradford stated that the main traffic problems come from the county buildings, the school, and use of the street as a shortcut.

COMMISSIONER BRADFORD MOVED TO RE-OPEN THE PUBLIC HEARING at 8:50 P.M. COMMISSIONER FRY SECONDED THE MOTION, WHICH PASSED 5-0-2 (CHAIR DIETLE AND COMMISSIONER MONFORT ABSENT).

Mr. Pyle re-stated his assertion that the new house will most likely house college students, and expressed concern with the governmental buildings being exempted from the parking requirements. There was additional discussion concerning parking and traffic, with the Commission in agreement that the parking and traffic situation is bad in the area.

In response to Ms. Younger, Commissioner Fry re-confirmed that the existing lot is legally buildable due to grandfathering.

There being no further comment, the public hearing was re-closed.

The Commission was in recess from 8:54 through 9:00 p.m.

6. **Anderson Vesting Tentative Subdivision Map 97-8 and Administrative Use Permit 99-6 (Hays)** - A request to subdivide 4 acres into 22 single family lots and one detention area, and a use permit to allow an encroachment not exceeding 25 percent of the minimum required setback distance for the front and rear yard setback of lots on Vionica Place and tandem parking for the residential units. The project site is located at 2705 Mariposa Avenue, approximately 1,300 feet north of the intersection of East and Mariposa Avenues and is identified as Assessor's Parcel Number 048-650-048. The site is designated on the Chico General Plan Diagram as Low Density Residential (2.1 to 6 residential units per gross acre) and is in an R-1 Single Family Residential zoning district. A mitigated negative declaration has been proposed for this project, for which a 30-day notice was circulated.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He noted that amendments were made to Exhibit #2, requiring more extensive public improvements to the portion of Mariposa Avenue adjacent to the subdivision.

The public hearing was opened at 9:05 p.m.

Dan Hays, project applicant, offered to answer any questions the Commission may have.

Commissioner Fry confirmed with Mr. Palmeri that this subdivision is not a planned development, and is therefore not subject to architectural review.

There being no more public comment, the public hearing was closed.

The Commission discussed encroachment and setbacks in the subdivision, confirming with staff that this is allowed under current regulations, but would not be allowed with the new Title 19. Mr. Palmeri confirmed that the design was non-standard, due to the constraints of the parcel shape and size.

Commissioner Fry expressed concern with allowing 20 homes with an eleven foot setback. Commissioner Bradford confirmed with Mr. Palmeri that staff normally approves setback encroachments ministerially. Mr. Seidler clarified that the new Title 19 will not allow encroachment into setbacks, except through the variance process.

Commissioner Alvistur confirmed with Mr. Palmeri that the lots abutting the Black Hills subdivision would be limited to one story construction.

COMMISSIONER WOLFE MOVED TO RE-OPEN THE PUBLIC HEARING. COMMISSIONER WAHL SECONDED THE MOTION, WHICH PASSED 5-0-2 (CHAIR DIETLE AND COMMISSIONER MONFORT ABSENT).

Mr. Hays discussed that the reduced depth of some lots required the encroachments in order to place regular size houses, and stated his desire to get all of the encroachment issues out of the way at the same time. He noted that some of the lots to the west area nearly identical in size and configuration. He confirmed that the property shape resulted in an atypical design.

Commissioner Bradford confirmed that some houses will have rear garages with tandem parking in the driveway.

Commissioner Fry read a letter concerning the project submitted by William Misskelley, which discussed traffic and septic tank issues.

Commissioner Wolfe expressed reservations about approving this project, parts of which would not be allowed with the new Title 19.

Mr. Hays stated that he wanted to avoid multiple encroachment permit applications, and that he most likely wouldn't use allowed encroachments on all lots.

Commissioner Bradford confirmed that the applicant is not going to be building the houses, and asked staff their reasons for recommending approval. Mr. Palmeri replied that the physical constraints of the property, combined with historical precedent, resulted in staff's support.

There being no further public comment, the public hearing was re-closed.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION APPROVE THE ATTACHED RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR THE ANDERSON VESTING TENTATIVE SUBDIVISION MAP AND APPROVE THE ANDERSON VESTING TENTATIVE SUBDIVISION MAP S 97-8 AND ADMINISTRATIVE USE PERMIT 99-6 (HAYS) TO ALLOW YARD ENCROACHMENTS, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL INCLUDED IN THE STAFF MEMORANDUM DATED JUNE 29, 1999, AND THE ATTACHED RESOLUTION. COMMISSIONER ALVISTUR SECONDED THE MOTION.

Mr. Palmeri noted that a revised motion was included with the new staff memorandum handed out prior to the meeting.

COMMISSIONER WOLFE MOVED TO ADOPT THE REVISED PROPOSED MOTION AS DESCRIBED IN THE JULY 12, 1999 STAFF MEMORANDUM. COMMISSIONER ALVISTUR SECONDED THE MOTION. THE MOTION PASSED 4-1-2 (COMMISSIONER FRY OPPOSED, CHAIR DIETLE AND COMMISSIONER MONFORT ABSENT).

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Seidler noted that the Aguilera use permit had been appealed to the City Council. He also noted that Title 19 would have an introductory reading at the City Council meeting on July 20, 1999, and that the next Planning Commission meeting would be August 2, 1999.

Commissioner Alvistur inquired if anything further has been done by the City to confirm Mr. Acosta's compliance with City regulations. Mr. Seidler replied that Mr. Acosta has objected to the ARB conditions placed on his development and is not currently in compliance with those conditions.

ADJOURNMENT

The meeting was adjourned at 9:32 p.m. to the Regular Meeting of August 2, 1999.

September 13, 1999
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
AUGUST 2, 1999**

ROLL CALL

The meeting was called to order by Chairperson Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Glenn Fry, Kirk Monfort, Larry Wahl, Nancy Wolfe, and Chair Jolene Dietle. Staff present were City Attorney Dave Frank, Senior Planner Ed Palmeri, Planning Director Kim Seidler, Senior Development Engineer Tom Varga, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Monfort talked to Neil Bennett, Director of the Well Ministry, Item 6; nothing of interest passed.

ADMINISTRATIVE AGENDA

No items.

CONSENT AGENDA

1. **Use Permit No. 99-28 (AT&T Wireless) - 215 Orange Street** - A request to allow the installation of 12 panel-type telecommunication antennas mounted below the catwalks of an existing water tower and an equipment shelter building located at 215 Orange Street. The site is identified as Assessor's Parcel No. 004-038-003. The property is designated Manufacturing and Warehousing on the Chico General Plan Diagram and is in a M-1 Limited Manufacturing zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15303, New Construction of Small Structures.

Recommended Action: Applicant has requested a continuance to August 16, 1999.

2. **Use Permit No. 99-18 (Nichols, Melburg & Rossetto /Enloe Hospital) - Southwest corner of W. 6th and Magnolia Avenues and 214 & 216 West 6th Avenue** - A request to allow development of two parking lots on property at the southwest corner of West 6th and Magnolia Avenues and at 214 and 216 West 6th Avenue. The sites are identified as Assessor's Parcel Nos. 003-023-003, 003-0210-028 and 029. The property is designated on the Chico General Plan Diagram as Low Density Residential and is located in an R-P Residential-Professional/Business Office zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act, Section 15311, Accessory Structures (b).

Recommended Action: Approve the use permit based on the findings and conditions of approval as listed in the staff report.

Commissioner Monfort pulled this item from the Consent Agenda.

3. **Use Permit 99-21 (Binninger) 1052 Mangrove Avenue** - A request to allow a drive-through coffee kiosk at 1052 Mangrove Avenue. The property is identified as Assessor's Parcel No. 003-220-049. The subject property is designated Community Commercial on the General Plan Diagram and is located in a C-1/MUTC Restricted Commercial/Multi-Use Transit Corridor zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act, Section 15303 New Construction or Conversion of Small Structures.

Recommended Action: Approve the use permit based on the findings and conditions of approval as listed in the staff report.

Chair Dietle pulled this item from the Consent Agenda.

4. **Use Permit No. 99-25 (Peterson) 272 E. 4th Avenue** - A request to allow the modification of a pre-existing, non-conforming dwelling unit on property located at 272 E. 4th Avenue. The property is identified as Assessor's Parcel No. 003-044-013. The subject property is designated Low Density Residential on the City of Chico General Plan Diagram and is located in a R-1 Low Density Residential zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act, Section 15301 Existing Facilities.

Recommended Action: Approve the use permit based on the findings and conditions of approval as listed in the staff report.

5. **Parcel Map 99-1 - Chico Mall** - A request to create five commercial parcels to allow future development of retail pads on approximately 5.2 acres of land. The project site is located on the northerly portion of the Chico Mall land, currently developed as overflow parking, and is identified as Assessor's Parcel No. 002-140-010. The property is designated Community Commercial on the General Plan Map and is in a C-1 Restricted Commercial zoning district. A mitigated negative declaration is recommended for this project under the California Environmental Quality Act.

Recommended Action: Approve the parcel map based on the findings and conditions contained in Resolution 99-15.

COMMISSIONER MONFORT MOVED THAT THE COMMISSION CONTINUE ITEM 1 TO THE AUGUST 16, 1999 MEETING AND APPROVE ITEMS 4 AND 5 SUBJECT TO THE FINDINGS AND CONDITIONS AS LISTED IN THE STAFF REPORTS. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH CARRIED 7-0.

ITEMS REMOVED FROM CONSENT AGENDA

2. Use Permit No. 99-18 (Nichols, Melburg & Rossetto /Enloe Hospital) - Southwest corner of W. 6th and Magnolia Avenues and 214 & 216 West 6th Avenue

Mr. Palmeri presented the staff report, reviewing the land use issues involved. Commissioner Monfort confirmed with Mr. Palmeri that a Master Plan for the Enloe complex has not yet been submitted.

The public hearing was opened at 7:38 p.m.

Steve Gonsalves, 434 Broadway, representing the project applicant, reviewed the status of the Master Plans for the various Enloe properties, noting that the organization will present these plans to the City in the near future, with the plan for the Cohasset site being available first. He also stated that the plans deal with many technical areas such as seismic retrofit, ADA compliance and bringing older buildings up to code.

Commissioner Monfort expressed his concern with expansion turning the surrounding area into a parking lot, and inquired about alternative transportation incentives and other methods to minimize traffic. Mr. Gonsalves replied that there are many alternative transportation incentives in place. He noted that the additional parking is required mostly for patients and visitors. He confirmed that the traffic firm hired to study the situation looked at alternative transportation, and stated that increased parking should reduce "circling" traffic around the hospital.

Commissioner Alvistur confirmed that no additional parking will be proposed before presentation of the master plan.

There being no further public comment, the public hearing was closed at 7:49 p.m.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15311(B), AND THAT THE COMMISSION APPROVE USE PERMIT 99-18 (NICHOLS, MELBURG AND ROSSETTO/ENLOE HOSPITAL) SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN SECTION VI OF THE STAFF MEMO DATED JULY 7, 1999. COMMISSIONER FRY SECONDED THE MOTION WHICH PASSED 6-1 (COMMISSIONER MONFORT OPPOSED).

3. Use Permit 99-21 (Binninger) 1052 Mangrove Avenue

Mr. Palmeri presented the staff report, reviewing the land use issues involved. Chair Dietle confirmed with Mr. Palmeri that walkup traffic is not provided for, and noted that the two parking spaces would be used by the employees, not customers. Commissioner Wolfe confirmed that this project would require ARB approval.

Chair Dietle expressed additional traffic concerns, particularly left hand turns. Mr. Palmeri noted that the gas station previously on the site didn't have any significant traffic problems, and had a higher traffic count than this use is projected to have. Commissioner Monfort stated that with gasoline, there was no choice but to deliver the product directly to the vehicle; coffee, however, has serving options.

Chair Dietle reiterated her concern with traffic congestion at that intersection, noting that cars stacked up 6 and 7 deep even on a Sunday.

Wolfe asked about the source of the traffic determination. Mr. Palmeri replied that Development Engineering made the determination.

Chair Dietle opened the public hearing at 7:59 p.m.

Steve Binninger, 223 C Street, Davis, part owner of Java Detour, showed photos of their Redding location, which is on a smaller lot at a higher traffic intersection and doesn't have any traffic problems; the photos did not turn them in to become a part of the permanent record.

Chair Dietle confirmed that the Redding location also has right turn only restrictions exiting the property. Mr. Binninger stated that they've had good experience with people obeying the right turn only signs, and noted that there is sufficient space for vehicles to go all the way around the building.

Commissioner Monfort inquired whether the applicant would have to restrict the landscaping area to facilitate turning radii. Mr. Binninger replied that the landscaping areas are already designed for maximum turning area.

Commissioner Monfort expressed his desire to incorporate parkstrips in the project.

In response to Commissioner Alvistur, Mr. Binninger stated that some locations do have a walkup window, but that none is proposed for this location at this time. Mr. Binninger also stressed the fast service of the facility generally prevents long lines of cars. Chair Dietle confirmed that there is room on site for bicycle parking.

There being no further public comment, the public hearing was closed at 8:09 p.m.

COMMISSIONER WAHL MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROPOSED PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE USE PERMIT 99-21 (BINNINGER) SUBJECT TO THE FINDINGS AND CONDITIONS OF

APPROVAL LISTED IN SECTION VI OF THE STAFF MEMO. COMMISSIONER ALVISTUR SECONDED THE MOTION.

Commissioner Kirk offered an amendment to condition 5 to add parkstrips to the required installation. Commissioner Wahl rejected the amendment, stating that staff and applicant should work that out. Commissioner Bradford confirmed with Mr. Palmeri that the adjacent parcels do not have parkstrips. Mr. Palmeri noted that staff determined that there is adequate transition space between existing improvements and a future parkway strip. Commissioners Alvistur and Wolfe suggested that the ARB and staff can handle landscaping. Chair Dietle stated that she's going to vote against the motion, noting that she'd prefer to see this kind of a use where it's not at the intersection of two major arterials.

Mr. Seidler offered an amendment that physical barriers be put up to prevent left hand turns from the facility; Commissioner Wahl rejected the amendment. Commissioner Bradford stated his belief that this is a better use for the property than the previous gas station.

THE MOTION CARRIED 5-2 (CHAIR DIETLE AND COMMISSIONER MONFORT OPPOSED).

REGULAR AGENDA

6. **Use Permit No. 99-31 (The Well Ministry) - 2612 The Esplanade** - A request to allow a transitional housing facility for up to 90 people which includes room and board for residents on a transitional basis (typically six months) while residents receive life skills and vocational training, and on short-term basis (30 days) for temporarily displaced persons, as well as an on-site manager's residence, office space, and provision of spiritual services for residents, on a 2.5 acre site located at 2612 The Esplanade. The site is identified as Assessor's Parcel No. 006-054-008. The property is designated Offices on the Chico General Plan Diagram and is located in a R-P Residential-Professional/Business Office zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15301, Existing Facilities.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. Chair Dietle asked about the noticing of this item, and inquired if the 300' notice area was exceeded in this case. Mr. Palmeri replied that the Municipal Code requires a 100 foot notice radius, and that planning staff normally uses a 300 foot radius. In this case, the 300 foot radius was slightly extended to include some additional properties on Panama. Mr. Palmeri also noted that one letter was submitted from a mobile home park 1500 feet south of the site. Chair Dietle stated her belief that the residential areas to the east should have been noticed so that the residents have the opportunity to be at the public hearing.

The Commission was in recess from 8:25 to 8:37 p.m.

Chair Dietle asserted that this use may affect a much larger area than the area that was noticed.

CHAIR DIETLE MOVED TO CONTINUE THIS ITEM TO THE NEXT PLANNING COMMISSION MEETING, AND DIRECT STAFF TO NOTICE A MUCH LARGER AREA. THE MOTION DIED FOR LACK OF A SECOND.

Chair Dietle opened the public hearing at 8:39 p.m.

Neil Bennett, Executive Director of Well Ministry of Rescue, thanked the Commission for the opportunity to speak to their concerns. He stated that they did canvas the neighborhood on both sides of the Esplanade and 5 blocks down Panama, and received a largely positive response. He noted the organization's history of being good neighbors with a low profile, and offered to answer any questions.

Chair Dietle confirmed that the canvas documents included a copy of the rules for the facility. Mr. Bennett stated his belief that Chico needs a ministry to reach out to the hurt and hurting. Chair Dietle confirmed that the ministry is purchasing the property.

Commissioner Alvistur discussed the fencing and site security with Mr. Bennett. Mr. Bennett confirmed that someone who left the facility without permission would be discharged from the program, and emphasized the presence of 24 hour managers and volunteer staff. He also noted that nearly all participants are willing to obey the rules.

Commissioner Wolfe inquired about any past incidents with neighbors. Mr. Bennett reviewed the ministry's history, and noted that only one neighbor had complained during the 6 years the ministry has been in operation, during the time when they were on Marigold.

Commissioner Bradford asked about the ministry's administrative authority. Mr. Bennett replied that there is a 7 member local board of directors, and that the ministry belongs to the International Union of Gospel Missions. Commissioner Bradford confirmed that many of the rules are from the IUGM.

Chair Dietle asserted that the Commission has to look at this application from the point of view of the future property use. Mr. Bennett stated the ministry's long-term commitment to the community, and noted that they also have a ranch which they intend to use for any future expansion.

Commissioner Alvistur asked about specific areas that were canvassed. Commissioner Monfort recounted his positive experience when he was a neighbor of the facility at a previous location, but emphasized the need for strong conditions because the approval is for the property, not the organization. In response, Mr. Bennett stated that the IUGM would send in

someone else to ensure that the mission continue in perpetuity, and confirmed that the IUGM would own the facility.

Ms. Sigona pointed out that use permits may be revoked; Chair Dietle confirmed that a problem would have to occur before the Permit would be revoked.

The following people spoke in support of the use permit:

Bernie Richter, 1628 Oak Park Avenue; Don Bean, 13682 Endicot Circle, Magalia; Jesse Morales, 2612 Esplanade; Fran Shelton, 129 Sycamore Valley Road; Bary Cauchilado, 324 W. 2nd Avenue; Thomas Hines, 2612 Esplanade; Carl Wilfried, 1190 Manzanita Avenue; Debbie Whalen, 2612 Esplanade; Bob Green, 2612 Esplanade; Mark Edwards, 2612 Esplanade; Rolf Kleinman, 69 Lexington; Curtis Kuykendall, 2612 Esplanade; Bob Carroll, 5623 Woodglen, Paradise; Erin Dooley, 6388 Harvey Road, Paradise; Jane Souza, 9651 Midway; Richard Place, 2612 Esplanade; Heather Findley, 29 Kingwood Lane; Timothy Green, 2612 Esplanade; Holly Souza, 9651 Midway; John Brown, 8465 Skyway #2; Steve Frank, 6280 Clark Road, Paradise; and Michael Lash, 1345 Broadway.

Points expressed by supporters included the need for a homeless shelter; the high success rate of faith-based programs; the ministry's track record at previous locations; the fiscal sense of sending people to the facility instead of jail; the vocational and life-skills training provided by the ministry; that this is the best use for the property, and that it will become beautiful again; the fact that the Well Ministry provided security during meal time for the Jesus Center when it was on 16th Street; that the ministry restores families; that the ministry saves lives; that the organization has been faithful and regular in cooperating with the homeless task force, and that it serves single men, an underserved population; that the program also serves single women; that the ministry is needed to help people who wish to get their lives back together; that drug use in the area has dropped since this facility has moved in, and that its presence has increased surrounding property values; that the number of police calls to the area has dropped dramatically since the ministry moved in; that the facility has a much higher success rate than either Alcoholics Anonymous or federal programs; that the facility is much better maintained by the ministry than by the previous occupants; that a facility of this type is needed to help people make the transition back to productive members of society; that the ministry saves the lives of teenagers; that the facility provides a vehicle for change; that some Well graduates have gone on to Simpson Bible College; that the ministry helps keep children out of permanent foster care; that the participants in the program are there because they have made a choice to turn their lives around; that it enables the City to have recovering addicts instead of practicing ones; and that the well has an excellent track record regarding neighbors.

During the public hearing, the Commission recessed from 9:25 to 9:32 p.m.

The following people spoke in opposition to the use permit:

Adian Miller, 2328 Esplanade; Muhammad Hussain, 9655 Hwy 162, Butte City; and Perry Jenkins, 2631 San Jose Street.

Concerns raised included inadequate noticing; that this is not an appropriate location for this type of facility; that 40% of the members don't successfully graduate from the program; that security guards with flashlights on the property cause neighbors' dogs to bark; that a man urinated outdoors at the facility, and was seen doing so by a neighbor's daughter; that the facility will bring alcohol and drugs into the same neighborhood as children; and that the City should consider purchasing some land outside of town, and work with area churches to construct a new facility far from established neighborhoods instead of approving this facility.

There being no further public comment, the public hearing was closed at 9:57 p.m.

COMMISSIONER WAHL MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15301, EXISTING FACILITIES OF CEQA; AND THAT THE COMMISSION APPROVE USE PERMIT NO. 99-31 AUTHORIZING A MODIFICATION TO A NONCONFORMITY BY ALLOWING A TRANSITIONAL HOUSING FACILITY FOR UP TO 90 RESIDENTS AT 2612 THE ESPLANADE, IN AN R-P ZONING DISTRICT, SUBJECT TO THE FINDINGS AND RECOMMENDED CONDITIONS OF APPROVAL IDENTIFIED IN THE STAFF REPORT DATED JULY 6, 1999, WITH THE MODIFICATION THAT CONDITION #7 (REPORTING REQUIREMENT) BE DELETED DUE TO THE APPLICANT'S PRIOR TRACK RECORD. COMMISSIONER FRY SECONDED THE MOTION.

Chair Dietle suggested an amendment requiring that slats be inserted in the cyclone fence on the East and North boundaries of the property. Mr. Bennett agreed to this additional condition, and Commissioner Wahl accepted the amendment. After discussion, the Commission decided to re-instate condition #7; Commissioner Wahl also accepted this amendment. Commissioner Wolfe stated that this is the best use of this property for the community. Chair Dietle stated her hope that the approval is reported extensively, so that there isn't any misconception among those members of the public who may be affected and were not noticed, and directed that staff should discuss noticing with the Commission prior to hearings on other use permits of this type. Commissioner Bradford noted that the facility has had to move only because of its success and growth.

THE MOTION, AMENDED TO REINSTATE CONDITION #7 AND REQUIRE THAT SLATS BE INSERTED IN THE CYCLONE FENCING ON THE NORTH AND EAST PROPERTY BOUNDARIES, PASSED UNANIMOUSLY.

Mr. Seidler noted that the approval can be appealed to the City Council within 15 calendar days.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Seidler confirmed that the pet store appeal will be heard at tomorrow night's Council meeting.

ADJOURNMENT

The meeting was adjourned at 10:12 p.m. to the Adjourned Regular meeting of August 16, 1999.

October 7, 1999
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
AUGUST 16, 1999**

ROLL CALL

The meeting was called to order by Chairperson Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Glenn Fry, Larry Wahl, Nancy Wolfe, and Chair Jolene Dietle. Commissioner Kirk Monfort was absent. Staff present were Assistant City Attorney Lori Barker, Planning Director Kim Seidler, Senior Planner Ed Palmeri, Senior Development Engineer Tom Varga, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

All Commissioners had received calls from Jeff Farrar, who offered to answer any questions regarding Item 2 (In-N-Out Burger). Chair Dietle had spoken with Jim Stevens and Dick Jones regarding Item 4 (Shastan Homes). Nothing of substance passed in any of these conversations.

Chair Dietle noted that the Commission was in receipt of a memorandum from staff and a letter from the applicant requesting that Item 4 (Shastan Homes) be continued to the next meeting. A show of hands determined that at least one person wished to give testimony on this item. Chair Dietle stated that the public hearing would be opened to hear testimony from anyone who wished to address the Commission on this item at this time.

ADMINISTRATIVE AGENDA

No items.

REGULAR AGENDA

1. **Use Permit No. 99-28 (AT&T Wireless) - 215 Orange Street** - A request to allow the installation of 12 panel-type telecommunication antennas mounted below the catwalks of an existing water tower and an equipment shelter building located at 215 Orange Street. The site is identified as Assessor's Parcel No. 004-038-003. The property is designated Manufacturing and Warehousing on the Chico General Plan Diagram and is in a M-1 Limited Manufacturing zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15303, New Construction of Small Structures.

Mr. Palmeri reviewed the staff report and the land use issues involved. He reviewed that the project is nearly identical to one the Commission approved earlier for a water tower at Orient and 3rd Street. He also discussed the 1996 Telecommunications Act provisions as they related to this project, noting that the proposed power output of 200 watts falls far short of the FCC's limit of 1000 watts.

Chair Dietle confirmed that the architectural review requirement applied mainly to the equipment building. Mr. Palmeri stated that the review could be done at the staff level.

Commissioner Wolfe confirmed that there is no written communication from the group opposing the project.

Commissioner Alvistur, noting that the Commission cannot deny the permit on the basis of health concerns, asked why the permit is before the commission at all. Mr. Palmeri replied that a use permit is required per the code, and that the Commission should look at placement of the facilities and land use compatibility.

Ms. Barker noted that the permit could not be denied on the basis of radio frequency emissions, as long as it complies with applicable federal regulations, but it should be reviewed for land use compatibility. She stated that the Telecommunications Act of 1996 does not remove any local purview for land use issues.

The public hearing was opened at 7:40 p.m.

Arlan Nickel, AT&T Wireless services, project applicant, stated that he was in complete agreement with the staff report and offered to answer any questions the Commission may have.

Maggie Van Dame, 2695 Silver Oak Drive, representing Citizens for Community Justice, reviewed the tower location and noted its proximity to student housing. She inquired how many channels are planned for the tower. Mr. Nickel stated that the number of channels is uncertain at this time. Ms. Van Dame asserted that each channel uses 100 watts, stating that an unknown number of channels translates into an unknown power output. She stated additional concerns with the lack of monitoring of these towers.

Chris Perske, 2732 Silver Oak Drive, stated that she lives 700 feet away from the Pacific Bell tower on Mariposa. She asked if Mr. Nickel plans to respond to Ms. Van Dame's questions. She questioned the source of the wattage output figure, and stated that the health effects of this kind of facility are still unknown. She noted her involuntary exposure to EMF radiation in her neighborhood, and stated her belief that her civil rights have been violated by the tower on Mariposa. She asked why the city is not pursuing a moratorium on cell towers similar to the county.

Mr. Seidler stated that there are conflicting studies, but reiterated that the Commission does not have the ability to regulate the use based on radio frequency emissions. He stated that as long as the facility remains in compliance with federal standards, the commission cannot deny the permit on those grounds.

Ms. Perske stated that many communities have put standards in place that are more restrictive than the FCC regulations. She also stated that the Telecommunications Act of 1999 gives the Commission the capability to regulate location of these facilities.

Commissioner Bradford asked about the comparison to the tower off Mariposa, and recalled that the problem on Mariposa was mainly one of aesthetics. Ms. Perske stated that they have educated themselves, and are now concerned with the emissions. She noted that many of the FCC guidelines have not been tested. She stated that the FCC does not regulate facilities, but only responds to complaints.

Doug Perske, 2732 Silver Oak Drive, noted that health is still an issue, as well as aesthetics and property values. He stated that the federal regulations are inadequate, and are being challenged in court. He stated there are different health effects caused by high level and low level radiation. He seconded Ms. Perske's suggestion for a moratorium, as well as adoption of a cell tower ordinance.

Linnea Hansen, 2837 Mariposa, stated that her main concern is how many channels will be placed on the tower, and stressed the need for monitoring. She also supported a cell tower ordinance.

Mr. Seidler noted that cell tower regulations are part of the new Title 19, and that the City is working with the County to investigate the possibility of adopting additional standards. Commissioner Bradford stated that the tower is already there, so aesthetics aren't an issue. Chair Dietle stated she didn't want to get into a debate with project opponents.

Chris Perske stated that she just wanted to raise awareness of this issue, and asserted that the FCC doesn't see itself as a watchdog. She requested that the Commission delay making a decision and continue the item to the next meeting.

In response to Commissioner Bradford, Mr. Nickel stated that the total capacity is projected to be 200 watts. He noted that half of the 12 panels are receivers, not transmitters. He also spoke to the number of cell towers in Chico, citing system capacity and dead areas. He noted that the FCC states there are no adverse health effects from nonionizing radiation.

Commissioner Alvistur confirmed that the applicant would be willing to commit to the wattage limit in writing. Commissioner Wolfe stated that the applicant should come back for an additional use permit if the power output exceeds 200 watts. Mr. Nickel said he would be happy to submit to a site test.

There being no further comment, the public hearing was closed at 8:14 p.m.

Commissioner Wolfe stated her support for the co-location concept. Chair Dietle agreed, noting that there is a need for increased capacity. She also stated that if the scientific community feels there are health risks, the Commission should review the permit again.

Commissioner Alvistur stated his support for annual monitoring. The Commission discussed monitoring and third party verification. Commissioner Bradford asked legal counsel exactly what restrictions the Commission could place on this kind of permit.

Ms. Barker stated that the FCC's 1000 watt limit is an exemption, and that it assumes that the facility will comply with the stated specifications. She noted that the Commission can require annual monitoring to ensure compliance with the FCC's requirement. She stated that she can come up with language if given some time to explore, and said that the Commission can't deny service through unreasonable limitations. Chair Dietle stated that the Commission would take a recess so that staff could look up what other jurisdictions have done and come up with appropriate language for limiting power output.

The Commission was in recess from 8:22 to 8:35 p.m.

Because legal counsel was still performing research, Mr. Seidler recommended that the rest of the cell tower discussion be continued until after Item 2 (In-N-Out Burger).

CHAIR DIETLE MOVED TO CONTINUE FURTHER DISCUSSION OF THIS ITEM UNTIL AFTER THE COMMISSION HAS HEARD ITEM 2 (IN-N-OUT BURGER). COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER MONFORT ABSENT).

2. **Use Permit UP-99-7 (In-N-Out Burger) 2050 Business Lane** - A request to allow a drive-through service for a proposed fast food restaurant and an automotive retail and service facility on property located at the southerly terminus of Business Lane, which is identified as Assessor's Parcel No. 002-420-026. The site is designated Community Commercial on the General Plan Diagram and is located in a C-1 Restricted Commercial zoning district. A mitigated negative declaration is recommended for this project under the California Environmental Quality Act.

Mr. Palmeri reviewed the staff report, noting the land use issues involved. He stated that the Commission is not looking at Phase II of the project (the automotive repair store) this evening and should concern itself solely with the restaurant at this time. He also recommended that the final design be subject to the review and approval of the Department of Public Works.

The public hearing was opened at 8:45 p.m.

Ron Volle, Northern California real estate manager for In-N-Out, reviewed the history of the company, starting employees' wages, manager training, and the company's community involvement.

Chair Dietle confirmed that Mr. Volle was notified of the new conditions regarding landscaping and off-site improvements. Mr. Volle replied that he had no problem with the new conditions.

There being no further comment, the public hearing was closed at 8:48 p.m.

COMMISSIONER WAHL MOVED THAT THE PLANNING COMMISSION ADOPT THE

MITIGATED NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVE USE PERMIT NO. 99-7 SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN SECTION VI OF THE STAFF MEMO, WITH THE ADDITION OF CONDITIONS 6 AND 7 AND THE MODIFICATION OF CONDITION 1 AS DESCRIBED IN THE ADDENDUM MEMO DATED AUGUST 16, 1999. COMMISSIONER ALVISTUR SECONDED THE MOTION.

Commissioner Fry asked about an amendment requiring that Baney Lane be made a two-way street. Mr. Varga stated that the current plan is to eventually make Baney Lane and Business Lane public streets. He noted that once the proposed improvements to the Toys R Us parking lot are complete, there would then be nothing to prevent Baney Lane from becoming two lanes. Commissioner Fry indicated his concern with the modification to Baney Lane becoming two lanes not being in the staff report. Mr. Palmeri noted that widening Baney Lane is discussed in the initial study, and that stronger language can be added if desired.

Commissioner Bradford confirmed with staff that the road improvements are the applicant's responsibility. Chair Dietle Dietle noted that there is no specific condition that Baney Lane become two lanes.

Raymond Villanueva, Manager of Development for In-N-Out, stated his desire that it not be a condition of approval. He noted the cash holdback on the pending sale, and would not like widening Baney added as a condition. Mr. Varga added that until all the pieces are in place in the Toys R Us parking lot, staff would like to leave the choker there. Commissioner Fry stated that he would like to see Baney Lane widened and made two lanes before a certificate of occupancy is granted to the facility.

COMMISSIONER BRADFORD MOVED TO RE-OPEN THE PUBLIC HEARING. COMMISSIONER FRY SECONDED THE MOTION, WHICH CARRIED 6-0-1 (COMMISSIONER MONFORT ABSENT).

The public hearing was re-opened at 8:55 p.m.

Mr. Villanueva noted that it's difficult for the City to condition approval upon a third party. He noted the controls already in place with the holdback, and emphasized the timelines the company is already working with. Commissioner Fry said the intersection traffic is bad. Mr. Villanueva stated that the Toys R Us diverter has to be done, and is a requirement. Commissioner Fry stated his belief that Baney needs to be two lanes. The Commission concurred that they wanted Baney to be two lanes before the restaurant opens for business.

Mr. Volle noted that there is adequate entry off of 20th street, and that Baney Lane allows exiting to Forest.

Mr. Villanueva stated that their management wants Baney to be two lanes. He stated that there may be a delay in opening the restaurant if Baney widening is added as a condition, but noted that he must secure Toys R Us approval prior to close of escrow. He stated that if the

Commission feels the Baney widening is an issue, then they're willing to work with Commission to come to an agreement.

There being no further comment, the public hearing was re-closed at 9:03 p.m.

Commissioner Fry clarified that his amendment would require that Baney Lane become a two way street prior to a certificate of occupancy. Chair Dietle noted that the 20th Street intersection already operates at service level D. Commissioner Wahl declined the amendment, stating that it's unfair to penalize the applicant for being the last restaurant on Business Lane. Commissioner Fry stated that the requirement is planning for future growth.

Chair Dietle stated that she wants Baney to be two lanes, and hopes that the widening isn't delayed. Mr. Seidler suggested that the second certificate of occupancy, for the future automotive parts store, be withheld until the improvements are completed. Commissioner Wahl rejected this amendment.

COMMISSIONER WAHL'S MOTION TO APPROVE THE PROJECT CARRIED 5-1-1
(COMMISSIONER FRY OPPOSED, COMMISSIONER MONFORT ABSENT).

The Commission returned to discussing Item 1, Use Permit No. 99-28 (AT&T Wireless).

Ms. Barker reviewed what other jurisdictions are doing in regard to cell towers, and noted that the measurement standard is the level of frequency emissions, not wattage. She offered a proposed condition that initial compliance shall be demonstrated by a report from a qualified electrical engineer licensed to practice in the state of California, and that monitoring be enacted if calculations show that emissions are greater than 80% of the applicable federal emission standard.

Commissioner Wahl inquired about the 80% standard and the measurement units; Ms. Barker stated that she would have to research the origin of the 80% standard, and that she can't speak to the measurement unit as she's not an engineer.

Commissioner Wahl asked how many other towers are in the City. Mr. Seidler replied that staff doesn't have that figure readily available.

Mr. Nickel noted that Sacramento requires a power density study, and stated his client's agreeableness to some sort of monitoring. Chair Dietle noted that the Commission is out of their expertise, and recommended that the Commission go with legal counsel's opinion. Commissioner Alvistur stated that he would like to continue, noting that he would like engineering data from AT&T. Ms. Barker suggested that the Commission, before acting, could require a report listing the types and quantities of equipment, applicable federal standards, calculations specifying the RF emissions which will be produced, the relation of the emissions to be produced to the federal standards, and a narrative that can be understood

by lay people.

Commissioner Alvistur said the City needs to know the specifications for the facility. Commissioner Bradford noted that he'd also like an engineer from the applicant at the next hearing. Commissioner Fry asked if the Commission would still be out of their expertise. Dietle stated that the Commission should get detailed information from the applicant in a report as suggested by Ms. Barker.

COMMISSIONER BRADFORD MOVED TO CONTINUE THIS ITEM TO THE NEXT PLANNING COMMISSION MEETING ON SEPTEMBER 13, 1999; THAT THE APPLICANT SUBMIT A REPORT AS DESCRIBED BY MS. BARKER PRIOR TO THAT MEETING; AND THAT THE APPLICANT BRING AN ENGINEER TO ANSWER ANY TECHNICAL QUESTIONS. COMMISSIONER FRY SECONDED THE MOTION, WHICH CARRIED 6-0-1 (COMMISSIONER MONFORT ABSENT).

3. **Use Permit UP-99-24 (McDonald's) 655 Palmetto** - A request to allow a drive-through service for a proposed fast food restaurant on property located at 655 Palmetto Avenue, which is identified as Assessor's Parcel No. 003-280-030 and 031. The site is designated Community Commercial on the General Plan Diagram and is located in a C-1 Restricted Community Commercial zoning district. A mitigated negative declaration is recommended for this project under the California Environmental Quality Act.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. Chair Dietle asked about the very short left hand turn lane on southbound Mangrove Avenue. Mr. Varga said there will be some sort of improvement installed to prohibit left hand turns from Mangrove.

The public hearing was opened at 9:25 p.m.

Carl Leverenz, 515 Wall Street, representing McDonald's, stated that the applicant has read and accepts the conditions of the staff report. He noted that Sue Green, with McDonald's corporate office, and Barry Belmonte, the local franchisee, are here to answer any questions the Commission may have.

There being no further comment, the public hearing was closed at 9:27 p.m. Chair Dietle reviewed her discussion with staff earlier in the week, noting her approval of the right in/right out only restriction for the Mangrove Avenue entrance.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION ADOPT THE MITIGATED NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVE USE PERMIT NO. 99-24 SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN SECTION VI OF THE STAFF MEMO. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH CARRIED 6-0-1 (COMMISSIONER MONFORT ABSENT).

4. **Shastan Homes at Lindo Channel Tentative Subdivision No. S 99-05 (Shastan Homes)** - A request to subdivide a 3.5 acre parcel with 11 single family lots, while preserving creekside greenway, while providing a common driveway and landscaped area as open space. With a net useable area of 2.45 acres, the proposed project would create a net density of 4.5 units per acre. Lot sizes have an overall average size of 14,000 square feet. The property is located approximately 500 feet south of East Avenue on the south side of Holly Avenue and adjacent to the north side of Lindo Channel. The site is identified as Assessor's Parcel No. 042-730-009. The property is designated Medium Density Residential on the City of Chico General Plan Diagram and is located in a R-2 Medium Density Residential zoning district. A mitigated negative declaration is recommended for this project under the California Environmental Quality Act.

Chair Dietle noted that the public hearing would be opened for this item because there are members of the public present who wish to comment on it, but that the Commission would continue the item to the September 13 meeting. She stated that the Commission would forgo the staff report, and go straight to public hearing.

The public hearing was opened at 9:29 p.m.

Arthur Stoschke, 3 Christopher Alan Lane, stated that the map and description of the property are incorrect, and that the property is east of Holly Avenue. He noted that his concern is due to the impact on the property he owns at 775 W. Lindo Ave. He stated his belief that there is no way for the subject property to connect to sewer. He also expressed concern with the loss of trees with installation of subdivision improvements.

Commissioner Bradford corrected Mr. Stoschke as to the actual location of the subdivision, which is north of Lindo Channel and south of Holly Avenue.

Chair Dietle stated that the public hearing would remain open, that this item would be continued to a future meeting, and that interested parties will be notified of that time and date.

5. **Change of Planning Commission Meeting Day and Time** - The City Municipal Code has been amended to allow greater discretion in the meeting times for Boards and Commissions. The Planning Commission has previously discussed changing its meeting day and time to Thursday at 6:30 p.m. The Planning Commission should now make a formal decision on its future meeting day and time and request that the City Manager approve the decision.

Chair Dietle reviewed the proposed change, noting that it would interfere with Commissioners being able to take a long weekend off of work. She also said that she had spoken to Commissioner Monfort, who is absent this evening, and that he supported the change to Thursday.

COMMISSIONER FRY MOVED THAT THE PLANNING COMMISSION REQUEST THAT THE

CITY MANAGER APPROVE THE REGULAR MEETING DATE AND TIME FOR THE PLANNING COMMISSION AS THE FIRST THURSDAY OF THE MONTH AT 6:30 P.M. AND IN THE EVENT THE REGULAR MEETING DATE FALLS ON A HOLIDAY THE REGULAR MEETING SHALL BE HELD ON THE FOLLOWING THURSDAY. THE COMMISSION ALSO REQUESTS ESTABLISHING THE ADJOURNED REGULAR MEETING DATE AND TIME AS THE THIRD THURSDAY OF THE MONTH AT 6:30 P.M.

Chair Dietle noted that the Commission should hold a public hearing on this item.

The public hearing was opened at 9:35p.m. There being no comment, the public hearing was closed at 9:35 p.m.

COMMISSIONER ALVISTUR SECONDED COMMISSIONER FRY'S MOTION, WHICH CARRIED 6-0-1 (COMMISSIONER MONFORT ABSENT).

Mr. Palmeri stated that if the City Manager approves the change immediately, the next two meetings will be September 13th (Monday) and 23rd (Thursday).

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Seidler reviewed that the Well Ministry appeal would go to Council tomorrow night, and that the Council would also be looking at a proposed solution for the Benedict Ranch raptor study which wasn't performed. He added that the MedWaste facility will also be discussed, and that the applicant needs a use permit from the Airport Commission. Chair Dietle confirmed that the Airport Commission has not yet granted the use permit. Commissioner Alvistur asked about status of appeals to Council. In reply, Mr. Seidler said he could provide a periodic report to the Commission on the status of appeals.

ADJOURNMENT

The meeting was adjourned at 9:40 p.m. to the Adjourned Meeting of September 13, 1999.

October 7, 1999
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED MEETING
SEPTEMBER 13, 1999**

ROLL CALL

The meeting was called to order by Chairperson Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Glenn Fry, Kirk Monfort, Larry Wahl, Nancy Wolfe, and Chair Jolene Dietle. Staff present were Assistant City Attorney Lori Barker, Planning Director Kim Seidler, Associate Planner Claudia Sigona, Senior Development Engineer Tom Varga, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioners Fry and Monfort reported that they had conversations with Jim Stevens regarding Shastan at Lindo Channel; nothing of note transpired. Commissioner Bradford stated that he contacted Cal Water to find out when the water tower at 215 Orange was built; it was built in 1959. Commissioner Wahl stated that he received calls from Mark Francis and Al Silva concerning the Stonecreek subdivision, encouraging him to support staff's recommendation to deny the project. Chair Dietle reported that she had conversations with both Dick Jones and Cory Williams; nothing of note transpired.

ADMINISTRATIVE AGENDA

1. Minutes of Adjourned Regular Meeting of July 12, 1999

Chair Dietle and Commissioner Monfort abstained from this item, as they were not present at that meeting.

COMMISSIONER WOLFE MOVED TO APPROVE THE MINUTES FOR JULY 12 AS SUBMITTED. COMMISSIONER FRY SECONDED THE MOTION, WHICH CARRIED 5-0-2 (CHAIR DIETLE AND COMMISSIONER MONFORT ABSTAINING).

REGULAR AGENDA

- 2. Use Permit No. 99-28 (AT&T Wireless) - 215 Orange Street** - A request to allow the installation of 12 panel-type telecommunication antennas mounted below the catwalks of an existing water tower and an equipment shelter building located at 215 Orange Street. The site is identified as Assessor's Parcel No. 004-038-003. The property is designated Manufacturing and Warehousing on the Chico General Plan Diagram and is in a M-1 Limited Manufacturing zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15303, New Construction of Small Structures.

Chair Dietle confirmed that the public hearing is closed, and that no additional information had been submitted by the applicant subsequent to the staff report.

Mr. Seidler reviewed actions taken and concerns aired at the last meeting and presented the staff report, reviewing the land use issues involved. He noted that Mr. Nickel would like to address the Commission tonight.

COMMISSIONER MONFORT MOVED TO RE-OPEN THE PUBLIC HEARING.
COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH CARRIED 7-0.

The public hearing was re-opened at 7:37 p.m.

Arlan Nickel, representing AT&T Wireless, referred to the staff report, noting that the proposed project will generate emissions below 2% of the FCC standard. He submitted an FCC report, "Questions and Answers About Biological Effects and Potential Hazards of Radio Frequency Electromagnetic Fields", which states that there is no conclusive evidence that these emissions cause harm. He reviewed capacity issues which create the need for the site, and made other observations on the utility and necessity of wireless communications. He stated that a co-location is the lowest impact installation possible, and agreed with the conditions of approval in the staff report.

In response to Commissioner Monfort, Mr. Nickel stated that there is no scientific evidence that RF emissions within FCC standards create a negative health impact. Commissioner Monfort noted that it appears to be an open case. Mr. Nickel reviewed the history of the FCC standards, noting that the current standards are 50 times lower than those originally proposed.

Chair Dietle confirmed that the projected emission level is for maximum capacity, which will not be used at this time. Commissioner Alvistur thanked Mr. Nickel for the amount of information available to the Commission at this meeting, as opposed to the previous meeting.

Chris Perske, 2732 Silver Oak Drive, representing Citizens for Community Justice, asked for a continuance on this item so that an engineering report could be prepared by Dr. William Curry, a private consultant the CCJ had engaged to look at the placement. She emphasized that the report submitted by the applicant is difficult to understand, and that the Commission's approval should be an informed one. She noted the residential nature of neighborhood, and stated that microwaves at levels far below the FCC standards can cause harm. She suggested a moratorium on new cellular placements while studies are done and plans made.

Doug Perske, 2732 Silver Oak Drive, agreed with the previous speaker. He also stressed that the Commission should avoid redundancy in tower placements.

Joanne Colbert, 2770 Ceres Avenue, agreed with the two previous speakers. She also stated that widespread cellular phone use is a noise and social pollution, and poses a danger to society.

Maggie Van Dame, 2596 Silver Oak Drive, agreed with the previous speakers and reiterated the request for a continuance so that Dr. Curry can present his report. She submitted an

article entitled "A Clear Call: America Unplugged - A Guide to the Wireless Issue" for the record.

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

Chair Dietle asked about the power density study, and confirmed that the county is reviewing a plan for the placement of future towers. She asked if anything in that draft county ordinance would change this particular application. Mr. Seidler replied that it would change the approval procedure, but that tonight's item is probably consistent, although residential setbacks might be an issue. He noted that staff intends to propose a cell tower ordinance or code addition.

Commissioner Fry confirmed that the opposition was concerned with both health effects and aesthetics.

CHAIR DIETLE MOVED THAT THE PLANNING COMMISSION DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA SECTION 15301 (EXISTING FACILITIES) AND SECTION 15303 (NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES) AND APPROVE USE PERMIT NO. 99-28 (AT&T WIRELESS) AUTHORIZING AN UNMANNED CELLULAR WIRELESS FACILITY TO INCLUDE 12 PANEL ANTENNAS MOUNTED ON AN EXISTING WATER STORAGE TANK AND AN EQUIPMENT SHELTER PLACED AT THE BASE OF THE TANK, SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN SECTION VI OF THE STAFF MEMO DATED JULY 7, 1999. COMMISSIONER WAHL SECONDED THE MOTION.

Commissioner Alvistur suggested an amendment to include both monitoring conditions as described in the supplemental memo. Chair Dietle rejected the amendment. After further discussion and at the request of Commissioner Monfort, an amendment to add a new condition was accepted by Chair Dietle. The new condition is to read "Condition 5 - Any substantive increases in output shall require prior approval from the Planning Commission."

THE MOTION AS AMENDED CARRIED 6-1 (COMMISSIONER ALVISTUR OPPOSED)..

3. **Use Permit UP-99-30 (Neely/Kinder Kids) 155 Aspen Glen Drive** - A request to allow construction and operation of a day care center for 45 children on property located at 151, 155, and 159 Aspen Glen Drive. The site is identified as Assessor's Parcel Nos. 006-700-001, 002, and 003. The property is designated as Medium Density Residential on the City of Chico General Plan Diagram and is in an R-2/P-D Medium Density Residential/Planned Development district. A negative declaration is recommended for this project under the California Environmental Quality Act.

Ms. Sigona presented the staff report, reviewing the land use issues involved.

Chair Dietle confirmed the hours of operation, and noted that this project was anticipated when the subdivision was approved. Commissioner Fry confirmed that there will be a fence or barrier between the play area and the detention pond.

The public hearing was opened at 8:14 p.m.

Randy Neeley, 8 Kevin Court, Applicant, offered to answer any questions. Commissioner Monfort confirmed that Mr. Neely would be agreeable to deleting one parking space in order to create more play area. Mr. Neely agreed, and stated that the fencing on the street side is wrought iron with a 4 inch gap between bars.

There being no further comment, the public hearing was closed at 8:16 p.m.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION ADOPT THE ATTACHED NEGATIVE DECLARATION AND APPROVE USE PERMIT NO. 99-30 WITH THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN SECTION VII OF THE STAFF MEMO. COMMISSIONER BRADFORD SECONDED THE MOTION.

Ms. Sigona confirmed that an amendment was not needed to reduce the required parking from 9 to 8 spaces.

THE MOTION CARRIED UNANIMOUSLY.

4. **Use Permit UP 99-32 (Williams) - 1835 Mangrove Avenue** - A request to allow a drive-through service in association with a proposed coffee kiosk at 1835 Mangrove Avenue. The site is identified as Assessor's Parcel No. 003-383-034. The property is designated Restricted Commercial on the General Plan Diagram and is located in a C-1/MUTC Restricted Commercial/Mixed Use Transit Corridor zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15303, New Construction or Conversion of Small Structures.

Ms. Sigona presented the staff report, reviewing the land use issues involved.

Chair Dietle asked how the right-in and right-out restriction would be monitored. Claudia replied that signage would be required, or if the Commission prefers, a small raised median could be required. Mr. Varga noted that it nearly impossible to completely prevent wrong turns, but that markings or a small median can strongly encourage correct circulation.

Commissioner Bradford confirmed that parking isn't allowed on Mangrove in front of the site.

The public hearing was opened at 8:25 p.m.

Nan Jones, 303 Normal, project architect, noted that turning is out of their control. Chair Dietle agreed, and stated that she wants to design the entrance to make turns more difficult in a non-

approved manner. Ms. Jones noted that the similar site recently approved at First and Mangrove did not have a similar condition on their use permit.

Commissioner Monfort confirmed that the applicant is working with the Urban Forester to preserve the cedar trees. Chair Dietle confirmed that there will be picnic tables on site for walk-up traffic.

Cory Williams, 1030 Palm Avenue #4, Applicant, spoke about the left turn on to the site from Mangrove. He presented additional information to the Commission, in the form of pictures, a small map, and traffic count data. Mr. Williams gave a report on the traffic situation at Ninth and Mangrove, noting that there are substantial gaps in southbound Mangrove traffic; during these gaps there is more than adequate time to turn left into the site. In addition, the three businesses immediately to the south of the site all allow left ingress/egress off of Mangrove.

Chair Dietle asked about the date on the traffic counts. Mr. Williams replied that they were from March of 1998. He spoke about the signage requirement on page five of the memorandum. He requested that the condition requiring the "Do not block the sidewalk" sign be removed, stating his desire to avoid flooding the customer with negative signage. He noted that blocking a driveway is already a vehicle code violation.

Commissioner Monfort suggested that it would still be safer to not turn left on Mangrove, and stated that exiting the site on the Ninth Avenue side would allow a customer to use the intersection to turn left. Mr. Williams concurred.

Mr. Williams stated that he was surprised that these two items were in the staff report, indicating that Development Engineer Fritz McKinley had stated that it wouldn't be a problem. Ms. Sigona confirmed that staff is not opposed to left turns into the site, and that staff is cognizant of the traffic flows. Mr. Varga said that he'd like to minimize left turn movements both in and out of the site.

Chair Dietle confirmed that turns would be regulated through signage. Commissioner Fry expressed his support for allowing left turns into the site, noting that traffic will flow better.

There being no further comment, the public hearing was closed at 8:44 p.m.

Chair Dietle stated that she supports this site more than First and Mangrove, and thanked the applicant for the pictures and traffic study. She confirmed that the staff report does not prohibit left turns into the site, only out of the site, and discussed vehicle stacking and the possibility of a triangular median.

Commissioner Monfort noted that the body of the staff report discusses a prohibition on left turns in or out, but the conditions of approval do not list that prohibition.

COMMISSIONER WAHL MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROPOSED PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE USE PERMIT NO. 99-32, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN SECTION VI OF THE STAFF MEMO, WITH CONDITION NO. 3 AMENDED TO REMOVE THE "DO NOT BLOCK THE DRIVEWAY SIGN", AND SUBSTITUTE POSITIVE LANGUAGE SUCH AS "RIGHT OUT ONLY" IN PLACE OF THE "NO LEFT TURN" SIGN. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

The Commission was in recess from 8:49 to 9:02 p.m.

5. **Shastan Homes at Lindo Channel Tentative Subdivision No. S 99-05 (Shastan Homes)** - A request to subdivide a 3.5 acre parcel with 11 single family lots, while preserving creekside greenway and providing a common driveway and landscaped area as open space. With a net useable area of 2.45 acres, the proposed project would create a net density of 4.5 units per acre. Lot sizes have an overall average size of 14,000 square feet. The property is located approximately 500 feet south of East Avenue on the south side of Holly Avenue and adjacent to the north side of Lindo Channel. The site is identified as Assessor's Parcel No. 042-730-009. The property is designated Medium Density Residential on the City of Chico General Plan Diagram and is located in a R-2 Medium Density Residential zoning district. A mitigated negative declaration is recommended for this project under the California Environmental Quality Act.

Mr. Seidler presented the staff report, reviewing the land use issues involved. He noted that further legal noticing had been completed. He also reviewed a letter and petition which were received in opposition to the project, noting that the biggest neighborhood concerns were lot eleven, creekside setbacks, the design of the street, drainage concerns, and inconsistency with neighborhood character.

Chair Dietle inquired if the house on lot eleven could be redesigned to allow a circular driveway, due to the traffic on Holly. Mr. Seidler noted that lot eleven already exists legally and is a buildable lot.

The public hearing was opened at 9:06 p.m.

Jim Stevens, Northstar Engineering, representing the applicant, noted the difficult shape of the site, due to the realignment of Holly avenue. He asserted that development of the site, was anticipated, as curb cuts are present. He stated that there will be plenty of traffic sighting distance, due to the ROW width and the 14 foot distance from the curb to the property line. He noted that he looked at other alternatives, but concluded that the current design is the best. He confirmed that the site would tie in to the existing storm drain stub off of Holly, and noted

that no detention basin is proposed due to the proximity to Lindo Channel. He also discussed private road construction, water quality treatment, and drainage sloping, and confirmed with Mr. Varga that both the bike path and greenway are easements, not fee dedications.

Mr. Stevens discussed the streetlighting requirement, stating that an additional streetlighting system would be redundant. He suggested that security lighting near the houses be maintained by CC&Rs. He stated that the applicant is suggesting a 30 foot riparian setback, noting that the General Plan requests a 100 foot back area if possible; he stated that it doesn't apply to this area. He also suggested an 8 foot instead of a 6 foot fence with dense landscaping, and asked that the use permit approval be included in the subdivision approval. He concluded by stating that he had tried to acquire the "sliver" piece on the east side of the site, but had been unsuccessful.

Commissioner Fry confirmed that if the "sliver" were acquired that the BLM wouldn't come before the Commission.

Commissioner Monfort discussed the greenway dedication and its relation to several large trees, noting a particular example that he wanted to keep in the public realm. Mr. Stevens said that he'd like to keep that tree in the private realm, and can distribute tree care literature if needed. Commissioner Monfort discussed the variable width dedication behind Mission Ranch, and asked about continuity between the bike path behind Mission Ranch and the one for this project; Mr. Stevens confirmed that a switchback would be needed near the bridge embankment, and noted that they plan to put in sidewalk all the way to the bridge.

Chair Dietle confirmed that it would be possible to install a circular driveway on lot eleven, to avoid having to back out onto Holly.

Jay Halbert, 378 Brookside Drive, Shastan Homes, Applicant, agreed with the concern about lot eleven, but suggested increased flatwork instead of a circular driveway. He said that with a variance to the setbacks, it should be possible. Commissioner Fry asserted that the market will take care of the problem. Mr. Halbert stated that he's not opposed to making the circular drive a condition. He stated his desire to keep the large tree in a private backyard.

Bob Feeney, Feeney Engineering, representing Sandy Gulch (Mission Ranch), discussed the "sliver" of land to the east and the negotiations for it. He noted that the property has to have some kind of access. He stated that with some creative house plans, the long lot has some development potential. He recommended that the bikeway and greenway path be dedicated to the City instead of becoming easements, noting the precedent that these facilities in the past have been dedicated to the City.

Commissioner Monfort confirmed that Sandy Gulch doesn't own the property adjacent to lot eleven. Commissioner Fry confirmed that lot eleven is a buildable lot right now.

Commissioner Wolfe asked staff about easements versus dedication to the City for the bike path and greenway. Mr. Seidler clarified that the General Plan speaks of dedication.

Ron Hall, 2376 Cussick, presented additional petitions to the Commission. He noted neighborhood concern with the issues stated on the petition, particularly project density, the insufficient greenway setback, lot eleven, the lack of sidewalks, and the effect on neighboring property values. He stated that he had investigated purchasing the property and making it a park to keep it from being developed.

Chair Dietle asked which property owners would be willing to pay to acquire the property to have it turned into a park. Mr. Hall wasn't sure, but he considered purchasing the property to stop development.

Patricia McCarthy, 2405 Holly Avenue, agreed with the previous speaker. She also voiced concerns about channel erosion, emergency vehicle access, and neighborhood compatibility.

Chair Dietle confirmed with Mr. Varga that the Department of Public Works has approved the emergency vehicle circulation.

Pam Dale, 37 Pebblewood Pines, Secretary of Cussick Area Neighborhood Council, voiced concern about the status of the remnant pieces from the Holly realignment.

Mary Andrews, 33 Amber Way, stated concerns with parking, the greenway setback not being 100 feet, and lot eleven circulation.

Commissioner Alvsitur asked staff about the 100 foot setback for a greenway. Mr. Seidler replied that there is language in the General Plan, Policy OS-I-22, which requires a 100 foot setback along the tops of creeks; however, other policies discuss continuity in regard to creekside setbacks. He stated that on the eastern side of Highway 99, the 100 foot setback has generally been obtained, whereas on the west side where there is infill development less setback has been requested. He noted that the acquisition is usually paid for with park fee credits, and that to the extent that credits are given, that may not contribute much to the purposes of the General Plan. He stated that it is sometimes a good idea to consider what else the money could have been used for that possibly would make more sense. He stated that he believes that Council has the ability to require the 100 foot acquisition, but isn't sure if the Commission should require it.

Chair Dietle stated that the dedication is required. She suggested that the 100 foot setback isn't consistent with adjacent parcels and that the funding could be better used somewhere else. Mr. Seidler concurred. Chair Dietle indicated that the commission needs to decide whether park fee credits should be spent in this case.

John Merz, 1331 Broadway, reviewed the project initial study. He suggested that the report is inconsistent and that the map is an inaccurate representation of what is proposed. He suggested that the project should have a setback and pedestrian corridor similar to what is across Holly, or else be turned into a community park. He suggested putting the project on hold.

Chair Dietle asked if there was an additional dedication along the back of Mission Ranch, Phase 2. Mr. Seidler replied that much of the land was already owned by the City, and that a large stand of oaks was preserved as part of the CEQA process.

Bob Feeney, a previous speaker, stated that the developer of Mission Ranch adjusted the property lines so that the drip lines of the oaks would be in the public domain. Commissioner Fry confirmed that a condition of the Mission Ranch approval was to grant the land to the City.

Manny Gomez, 2013 Holly, spoke against the project. She cited traffic concerns, the lack of on-street parking, and project density.

Chair Dietle confirmed that standard curb to curb width of Holly is 40 feet. Commissioner Monfort asked what private street width would allow parking on one side. Mr. Varga replied that 28 feet is the minimum.

Mary Andrews, a previous speaker, asserted that the great depth of the lots would turn the back of each lot into a trash heap. She stated that moving the green line to 100 feet would make the lots a sensible depth.

Jim Stevens, a previous speaker, spoke about public versus private parking width. He clarified that storm drainage will connect to an existing outfall, which won't alter the existing erosion pattern. He noted that there will be a sidewalk on Holly going all the way to the bridge.

Commissioner Bradford asked if Jim's client would consider dedicating a larger area at the back of the lots, and asked if the lack of a turnaround would pose any problems. Mr. Stevens replied that putting in a turnaround would require the loss of a lot, and the R-2 minimum density would then not be met. He suggested that few people would get on the private driveway just to turn around, and that he envisioned traffic being mostly property owners.

Commissioner Wolfe asked about the greenway setback. Mr. Stevens said he was amazed at the previous comment that homeowners wouldn't maintain their yards.

Commissioner Fry asked if any credits would be given because of the bike path construction. Commissioner Wolfe confirmed that there will be 30 feet of greenway plus 15 feet of bike path. Commissioner Alvistur concurred that it is difficult to see on the map. Mr. Stevens said that the path is in the text conditions of approval. Commissioner Monfort confirmed that parking will be provided on one side of the private road. Mr. Varga stated that 28 foot width is the standard. Commissioner Wolfe confirmed that a 25 foot width is possible with a modification to the design criteria.

Mr. Stevens discussed fire truck access, noting that the houses are not outside the reach of the fire department if the trucks park on Holly. Mr. Varga confirmed that fire truck access is the reason behind most of the ROW requirements. Mr. Stevens stated he'd be happy to make the private street 28 feet wide.

Commissioner Fry noted that the City created the sliver, and stated that the developer shouldn't be saddled with fixing the problem. Commissioner Monfort asked whether the "sliver" could be tacked on to the Mission Ranch assessment district. Mr. Seidler replied that the County can take much of the credit for the Holly extension, that the "sliver" isn't part of Mission Ranch, and that he isn't sure it is developable.

Ms. Barker stated that amending a district would require a vote due to Proposition 218. Commissioner Fry confirmed that a maintenance district would be formed to take care of the property.

Commissioner Bradford confirmed with Mr. Seidler and Mr. Stevens that if the "sliver" were purchased and included in the project, it would probably be handled administratively.

Mary Andrews, a previous speaker, stated that if it is an administrative act to include the "sliver", it needs to be addressed now before it is out of the Commission's hands.

There being no further comment, the public hearing was closed at 10:21 p.m.

Commissioner Wolfe stated that for her, the biggest issue is the greenway setback, and that she wants to meet the General Plan goals if possible. Dietle suggested that it may not be worth it to pay the park fee credits for the additional setback area.

Commissioner Monfort stated that he'd like the City to keep the large tree in the public domain. He also suggested that the street should be 28 feet wide instead of 25. He confirmed with Mr. Seidler that the Commission could require that the project be brought back to the Commission if the "sliver" is included. Chair Dietle stated that the Commission should work with the plan they have in front of them.

COMMISSIONER FRY MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 99-16, APPROVING THE SHASTAN HOMES AT LINDO CHANNEL TENTATIVE SUBDIVISION MAP, SUBJECT TO THE FINDINGS AND CONDITIONS DELINEATED THEREIN, WITH AN AMENDMENT TO REQUIRE A 28' WIDE PRIVATE STREET AND A TOTAL CREEKSIDE EASEMENT OF 45 FEET. COMMISSIONER WAHL SECONDED THE MOTION.

Chair Dietle suggested modification of condition #4; she agreed with the applicant that standard interior streetlighting would be excessive. Mr. Varga clarified that the intent of the condition is that the applicant should perform a lighting analysis, and that whatever is missing would be placed on the street itself. Chair Dietle withdrew her amendment.

Chair Dietle suggested an amendment for lot eleven, such amendment to read "Residential construction on lot 11 shall be designed to reduce the likelihood of parked vehicles backing out onto Holly Avenue. This design shall be subject to the approval of Development Engineering, and shall be constructed consistent with that approved design." Commissioner Fry accepted this amendment.

Commissioner Alvistur stated his hope that the "sliver" is incorporated of the project. A second amendment was proposed to address the "sliver", said amendment to read "Any design of lots or improvements to include the property between the project site and Holly Avenue shall be subject to review by the Planning Commission." Commissioner Fry accepted this amendment. Commissioner Alvistur confirmed that the 8 foot fence is included in the approval.

Chair Dietle discussed mitigation monitoring with Mr. Seidler and Ms. Barker, and it was decided to wait until the Internal Affairs Committee has looked at the issue at its October meeting.

COMMISSIONER WAHL SECONDED THE MOTION AS AMENDED. THE MOTION CARRIED 5-2 (COMMISSIONERS MONFORT AND WOLFE OPPOSED).

The Commission was in recess from 10:37 to 10:43 p.m.

- 6. General Plan Amendment/Rezone 98-1 and Stonecreek Vesting Tentative Subdivision Map S-98-3 (Drake)** - A request to amend the General Plan Diagram from Office to Low Density Residential (2.1 to 6.0 dwelling units per gross acre), rezone the project site from R-P Residential-Professional/Business Office to R-1 Single-Family Residential and approve a vesting tentative subdivision map for 89 single-family residential lots on approximately 18 acres located at the southerly intersection of Ceres Avenue and Eaton Road, approximately 300 feet north of Lassen Avenue, and south of the Chico Municipal Airport "Approach Protection Zone"(Clear Zone). The site is identified as Assessor's Parcel Nos. 048-430-012, 014 and 015. City Staff is recommending denial of the project. Because projects that are denied are not subject to environmental review pursuant to the California Environmental Quality Act, no environmental review has been conducted for the project.

Chair Dietle and Commissioner Bradford excused themselves from discussion of this item, due to conflicts of interest.

Mr. Seidler presented the staff report, reviewing the land use issues involved. He noted the location's proximity to the airport protection zone, and reviewed the history of previous submittals and conflicts with the airport. He stated that staff is recommending denial, and that CEQA does not require environmental review in this case. He reviewed General Plan policies that are inconsistent with the project.

The public hearing was opened at 10:53 p.m.

Jim Mann, Rural Consulting Associates, 70 Declaration Drive, Suite 101, representing Drake Homes, noted that Dan Drake and several other persons had accompanied him to the

meeting tonight to answer any questions the Commission may have. He stated that the denial can't be looked at until the environmental documentation is complete. He also stated that he has a letter from George Kammerer, a land use attorney for Drake Homes, stating his belief that staff must prepare the environmental documentation.

Mr. Mann spoke of the need for a focused environmental impact report and stated his belief that an initial study is required in this case. Mr. Mann noted that he had a conference call with Kim, Ed and George Kammerer, and stated that he believes that City Planning is inaccurate in its recommendation for denial and for not preparing an EIR.

Mr. Mann discussed additional CEQA issues, and stated that Mr. Drake is willing to spend the money for the supplemental EIR so that the environmental review is complete. He asked the Commission to direct staff to complete a supplemental EIR. He stated that if the Commission chooses not to look at the report, he'd like to have his attorney read a letter regarding the project.

George Kammerer, 2710 Gateway Oaks Drive, Sacramento, stated that there is a fairness issue, as well as a legal issue. He suggested that this project is the epitome of infill development, which happens to be near the airport. He stated that the Commission and staff, in order to understand the data, need to have the EIR completed.

Vince Phelan, 3010 North Avenue, stated his opposition to this project. He stated that it is unfair to expose the residents to the noise and stress of air operations, and the necessity of preserving the CDF attack base. He noted the hazards of heavily laden aircraft taking off when doing CDF operations, as well as concerns with a plane dumping a load in case of engine failure. He also voiced concerns about the airport's future viability.

Jim Mann, a previous speaker, stated his strong support for the airport. He reiterated that his purpose here is to ask the Commission to direct staff to perform the EIR.

John Gillander, 4328 Kathy Lane, representing the Chico Community for Environmental/Economic Development, spoke about keeping down the cost of housing. He voiced his support for having an EIR completed.

There being no further comment, the public hearing was closed at 11:14 p.m.

Commissioner Wolfe stated that she would like the information an EIR would provide. Commissioner Wahl agreed, noting that all they're doing is telling staff to prepare the EIR. Mr. Seidler reviewed the CEQA guidelines, noting that the project has been through the process twice before and has been denied. He stated that there is also a concern with doing environmental review for projects which have already been denied, and stated that if the Commission doesn't see any merit in the project, there's no reason to proceed. He noted that if there is merit to the point that project approval is a possibility, then staff should be directed to perform the EIR.

Commissioner Wahl asked whether any other projects have been denied in this matter. Mr. Seidler replied that he wasn't aware of this in Chico, but that it is entirely consistent with CEQA.

COMMISSIONER WAHL MOVED THAT THE COMMISSION DIRECT STAFF TO COMPLETE THE SUPPLEMENTAL EIR FOR THE PROJECT. COMMISSIONER WOLFE SECONDED THE MOTION.

Commissioner Monfort stated that there's no reason to go through the trouble of completing the EIR unless they believe that at some point the project might be approved. Commissioner Wahl stated his belief that it should have full review. Commissioner Alvistur noted his agreement with Commissioner Monfort.

THE MOTION FAILED 2-3-2 (COMMISSIONERS ALVISTUR, FRY AND MONFORT OPPOSED, COMMISSIONER BRADFORD AND CHAIR DIETLE ABSTAINING).

COMMISSIONER MONFORT MOVED TO DENY THE PROJECT. COMMISSIONER FRY SECONDED THE MOTION, WHICH PASSED 3-2-2 (COMMISSIONERS WAHL AND WOLFE OPPOSED, COMMISSIONER BRADFORD AND CHAIR DIETLE ABSTAINING).

Mr. Kammerer stated that the Commission's decision would be appealed.

7. **Marigold Estates Phase 2 Vesting Tentative Subdivision Map S 99-4 (Conroy/Marshall)** - A request to subdivide 9.48 acres with 31 single family residential lots on property located on the west side of Marigold Avenue, 500 feet north of Arch Way. The site is identified as Assessor's Parcel No. 048-700-033. The property is designated as Low Density Residential on the General Plan Diagram and is in an R-1 Single-Family Residential zoning district. A mitigated negative declaration is recommended for this project under the California Environmental Quality Act.

Ms. Sigona presented the staff report, reviewing the land use issues involved. She stated that staff is also recommending the addition of future median on Marigold Avenue adjacent to the project.

Commissioner Monfort asked where the median verbage would go in the resolution. Mr. Varga replied that he'd like to put a provision in the maintenance district to maintain the median. In response to Commissioner Fry, Mr. Varga clarified that the City would install the median, but would want it maintained by the maintenance district for the subdivision.

Commissioner Monfort discussed the stubbing of Arch Way and Street "A", confirming with Ms. Sigona and Mr. Varga that future connectivity is intended to Ceanothus.

Commissioner Fry confirmed that Cactus Avenue is still in the county. Ms. Sigona noted that those lots are pre-zoned with a one acre minimum lot size, so connectivity in that direction is not as big an issue.

The public hearing was opened at 11:30 p.m.

Jim Stevens, Northstar Engineering, confirmed that connectivity is projected to Ceanothus. He stated that they plan to retain storm water on site, and that he basically agrees with the staff report. However, he would like to relocate adjacent overhead utilities instead of undergrounding them. He noted that the storm water detention facility will be fenced on all four sides, and suggested an alternate best management practice to turf in the facility. Chair Dietle confirmed that the fence would be maintained by the maintenance district.

There being no further comment, the public hearing was closed at 11:35 p.m.

Commissioner Fry and Chair Dietle expressed their support for the project. Commissioner Fry discussed the differences between relocating and undergrounding the utilities with Mr. Varga.

In response to Chair Dietle, Mr. Varga clarified that the proposed motion doesn't need to be modified to allow an alternate to turf in the detention area. Chair Dietle moved to re-open the public hearing. Commissioner Fry seconded the motion, which passed unanimously.

The public hearing was re-opened at 11:38 p.m.

Mr. Stevens clarified that there will be 20 feet of landscaping in front of the fence on the street side.

There being no further comment, the public hearing was re-closed at 11:39 p.m.

COMMISSIONER FRY MOVED THAT THE PLANNING COMMISSION ADOPT PLANNING COMMISSION RESOLUTION 99-17, APPROVING THE MARIGOLD ESTATES PHASE 2 SUBDIVISION. COMMISSIONER WAHL SECONDED THE MOTION.

Commissioner Monfort offered an amendment that the maintenance district include the future median in Marigold Avenue. Commissioner Fry accepted the amendment.

THE MOTION, AS AMENDED, PASSED UNANIMOUSLY.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Seidler reviewed the Title 19 motion by Council, the Arroyo Greens alternative performance requirement, and the Well Ministry appeal.

Commissioner Fry noted that the trees are a unique situation. Chair Dietle confirmed that the Internal Affairs Committee will be looking at mitigation violations, and verified that Mr. Seidler will notice the Commission when that occurs.

Commissioner Alvistur confirmed that there is no consistent policy. Mr. Seidler agreed, but stated that he doesn't believe that there is a large problem with mitigation violations; he also stated that Council's attitude needs to be determined on this issue.

Chair Dietle confirmed that the meeting on September 20th is the last Monday meeting.

ADJOURNMENT

The meeting was adjourned at 11:45 p.m. to the Adjourned Regular meeting of September 20, 1999.

October 21, 1999
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
SEPTEMBER 20, 1999**

ROLL CALL

The meeting was called to order by Chairperson Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Ross Bradford, Glenn Fry, Kirk Monfort, Larry Wahl, Nancy Wolfe, and Chair Jolene Dietle. Commissioner Vic Alvistur was absent. Staff present were Assistant City Attorney Lori Barker, Senior Planner Ed Palmeri, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Wolfe reported that she spoke with the applicant for item 1, Wells Fargo Rezone, and that nothing of substance was discussed.

REGULAR AGENDA

1. **Rezone No. 99-6 (Wells Fargo Bank)** - Proposed rezone of a 0.71 acre pad site located at the northeast corner of East and Mariposa Avenues within the East Avenue Marketplace Shopping Center from PD/N-C Planned Development Neighborhood Commercial to C-1 Restricted Commercial, to facilitate sale and future development of the site with a fast-food restaurant including a drive-thru facility. The site is identified as Assessor's Parcel No. 048-061-049. The property is designated Community Commercial in the Chico General Plan Diagram.

Because staff is recommending denial of the application, this project has been determined to be exempt from environmental review pursuant to section 15270 "Projects Which Are Disapproved" of the California Environmental Quality Act (CEQA). Should the Planning Commission feel the project has merit, staff would be directed to conduct environmental review before the application is processed further.

Chair Dietle stated that this item would be continued, but that if anyone present wished to present testimony she would open the public hearing. Seeing no one who wished to speak, the public hearing was not opened and the item was continued.

2. **Variance No. 99-1 (Steele)- 1253 Woodland Avenue** - Request for a variance from the front and rear yard building setbacks to allow the construction of a 2 car garage within 4 feet of the front yard setback and 2 feet of the rear yard setback on property located at 1253 Woodland Avenue. The site is identified as Assessor's Parcel No. 004-411-007. The property is designated Low Density Residential on the General Plan Diagram and is in an R-1 Single-Family Residential zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15305 Minor Alterations in Land Use Limitations.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He noted that staff is also recommending that the two unused driveways on Woodland and 7th be eliminated, and that curb, gutter and parkstrip in compliance with City standards be installed. He also reviewed a letter submitted by Mr. Steele.

Chair Dietle asked if the Commission had any questions for staff. Commissioner Bradford confirmed that the people in the current rental are parking on the street. Commissioner Monfort voiced concern about the open space requirement, due to installation of new driveway area. Mr. Palmeri stated that the property will still meet the requirement. Commissioner Monfort confirmed that the Urban Forester would look at the project to make sure that the curb cut was installed with minimal damage to trees.

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

Tom Steele, 1253 Woodland Avenue, project applicant, offered to answer any questions the Commission might have.

Commissioner Fry confirmed that Mr. Steele was prepared to remove the unneeded curb cuts. Commissioner Monfort asked Mr. Steele why the new driveway access is off 7th Street instead of Woodland. Mr. Steele replied that there is more clearance off of 7th Street. Commissioner Wolfe asked if the garage would be subject to architectural review. Mr. Palmeri replied that it can be required if the commission desires, and would most likely occur at the staff level.

There being no further comment, the public hearing was closed at 7:41 p.m.

Chair Dietle expressed support for consulting with the Urban Forester about the street tree impact. Commissioner Monfort expressed support for architectural review.

CHAIR DIETLE MOVED THAT THE PLANNING COMMISSION DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT AND APPROVE VARIANCE 99-1, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF MEMO, WITH THE ADDED CONDITIONS THAT THE APPLICANT REMOVE THE TWO UNUSED CURB CUTS AND REPLACE THEM WITH CURB, GUTTER, AND SIDEWALK, THAT THE PROJECT BE FORWARDED TO THE URBAN FORESTER FOR REVIEW AS TO IMPACT ON STREET TREES, AND THAT THE GARAGE BE SUBJECT TO ARCHITECTURAL REVIEW AT THE STAFF LEVEL. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH CARRIED 6-0-1 (COMMISSIONER ALVISTUR ABSENT).

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Palmeri reviewed that mitigation monitoring will be discussed at the Internal Affairs

Committee meeting on October 12. He also stated that there have been no further appeals of Planning Commission decisions since the last meeting, but that appeal papers have been taken out.

ADJOURNMENT

The meeting was adjourned at 7:44 p.m. to the Regular Meeting of October 7, 1999.

January 6, 2000
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
OCTOBER 7, 1999**

ROLL CALL

The meeting was called to order by Chairperson Jolene Dietle at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Glenn Fry, Kirk Monfort, Larry Wahl, Nancy Wolfe, and Chair Jolene Dietle. Commissioner Ross Bradford was absent. Staff present were Planning Director Kim Seidler, Senior Planner Ed Palmeri, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Wolfe reported that she had ex parte concerning Item 4, Wells Fargo Rezone. She spoke to both Mark Raymond, a business owner who would be impacted, and Carlton Lowen, a local real estate broker. Nothing of significance was discussed.

ADMINISTRATIVE AGENDA

1. Minutes of Regular Meeting of August 2, 1999

Recommended Action: Approve with any corrections/revisions required.

2. Minutes of Adjourned Regular Meeting of August 16, 1999

Recommended Action: Approve with any corrections/revisions required.

COMMISSIONER ALVISTUR MOVED THAT THE COMMISSION APPROVE BOTH ITEMS ON THE ADMINISTRATIVE AGENDA. COMMISSIONER WAHL SECONDED THE MOTION, WHICH CARRIED 6-0-1 (COMMISSIONER BRADFORD ABSENT).

REGULAR AGENDA

- 3. Administrative Use Permit No. 99-04 (Merritt)** - A request to allow a 25 percent encroachment into the rear yard setback area for two apartment units on property located at 1355 E. Lindo Avenue. The site is identified as Assessor's Parcel No. 045-560-025. The property is designated Medium-High Density Residential on the City of Chico General Plan Diagram and is in an R-3 Medium/High Density Residential zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15305, Minor Alterations in Land Use Limitations.

Mr. Palmeri presented the staff report, reviewing the land use issues involved and the history of the property. He noted that the applicant has been working with the City to remedy some preexisting code violations on the property, and that this Administrative Use Permit was applied

for under the old Title 19. He also stated that the 25 percent setback reduction would not be allowed under the new code and is opposed by neighbors. Staff is recommending denial.

The public hearing was opened at 6:38 p.m.

Dan Hays, 1041 Cherry Street #2, representing the applicant, submitted a site plan to the Commission. He stated that staff was largely correct in its analysis. He discussed the proposed duplex, county setbacks, and the history of the property, and stressed that the illegal unit was represented by the previous owner and the realtor as a legal unit. He noted that had this development occurred before annexation, there wouldn't be an issue. Code Enforcement told him to demolish the structure. Mr. Hays stated that the neighbor opposing the project has said that he will move shortly, and has also asked other neighbors to protest the project. He stated that the difference between approval and denial is the difference between a habitable and an uninhabitable structure, and that the area involved is only 78 square feet.

Commissioner Monfort noted that the argument applies only to the existing unit. Mr. Hays agreed, but appealed to the fairness of the decision. Commissioner Monfort stated that the use permit is for encroachments for two buildings, the existing unit and the new unit. Mr. Hays agreed that the duplex is a separate issue, but stated that the duplex will be built; the only question is where.

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

Commissioner Monfort asked if Mr. Hays' scenario is correct. Mr. Palmeri stated that he believed it was. Commissioner Fry pointed out that the permits were for a storage unit, that the City isn't penalizing anyone unfairly, and that the owner isn't relieved from any obligations just because they annexed to the City.

Commissioner Fry moved to reopen the public hearing. Commissioner Monfort seconded the motion, which passed 6-0-1 (Commissioner Bradford absent).

The public hearing was reopened at 6:49 p.m.

Mr. Hays said that denying this permit isn't a penalization by the City, it's a penalization by the property neighbor. He discussed how the property has been brought more into building code compliance. At the request of Chair Dietle, Mr. Hays reviewed the timeline of the purchase, annexation, and citations. Chair Dietle confirmed that the first notice was in 1992, and that the formal warning notice was in April of 1998.

Stan Merritt, 9602 McAnarlin Ave., Durham, project applicant, stated that the formal warning was not issued to him. He stated that he first looked at property in January, and bought it at the end of March or early April. Mr. Palmeri noted that the April 2nd formal notice was issued to a Wanda R. Bird. Commissioner Fry asked if the structure in question was represented as a legal unit. Mr. Merritt replied that it was represented as being capable of being made legal. Commissioner Fry confirmed that Mr. Merritt did not look at the county records for the property.

There being no further comment, the public hearing was re-closed at 6:55 p.m.

Chair Dietle stated that there are three letters from two adjacent property owners opposing the permit, and stated that the Commission shouldn't discount these concerns. She stated that it was an unfortunate situation, and that Mr. Merritt may have a legal or realtor issue to pursue regarding misrepresentation, but that it doesn't change the fact that there's an illegal unit five feet from the property line. She noted that after considering the testimony, staff's report and the neighbor's concerns, she feels that she must vote to deny the permit. Commissioner Wahl indicated that he is in favor of granting the permit, citing the infill nature of the project and the fairness issue.

COMMISSIONER WAHL MOVED THAT THE PLANNING COMMISSION APPROVE ADMINISTRATIVE USE PERMIT NO. 99-04 (MERRITT/CONNELLY) AUTHORIZING A 25 PERCENT ENCROACHMENT FOR TWO APARTMENT BUILDINGS INTO THE REAR YARD SETBACK. THE MOTION DIED FOR LACK OF A SECOND.

CHAIR DIETLE MOVED THAT THE PLANNING COMMISSION DENY ADMINISTRATIVE USE PERMIT NO. 99-04 (MERRITT/CONNELLY) AUTHORIZING A 25 PERCENT ENCROACHMENT FOR TWO APARTMENT BUILDINGS INTO THE REAR YARD SETBACK FOR LACK OF FINDINGS TO APPROVE THE USE PERMIT. COMMISSIONER FRY SECONDED THE MOTION, WHICH CARRIED 5-1-1 (COMMISSIONER WAHL OPPOSED, COMMISSIONER BRADFORD ABSENT).

4. **Variance V-2-99 (McDonald's)** - A request for a variance from sign regulations to allow two signs to project 7 feet 6 inches above the roof line of a proposed building. The project site is located at 655 Palmetto Avenue, and is identified as Assessor's Parcel Nos. 003-280-030 and 031. The property is designated Community Commercial on the General Plan Diagram and is in a C-1 Restricted Commercial zoning district.

Mr. Seidler presented the staff report, reviewing the project and the land use issues involved. He also reviewed the variance process itself, noting the specific findings which must all be made to support a variance. He stated staff's recommendation that the internal illumination be removed, and that the "Speedy" logo be removed from above the roofline. He stated that staff doesn't agree with all of the applicant's "statement of facts", and doesn't believe that the facts support a variance. He reviewed each of the findings which must be made, listed on page 4 of the staff report, and stated that staff recommends denial. He also discussed the petition which had been submitted, with 29 signatures supporting the project.

Commissioner Fry asked if the signatories knew the full design and intent of the project when they signed the petition. Mr. Seidler read aloud the language from the petition.

Chair Dietle confirmed with Mr. Seidler that the proposed amount of signage isn't in excess of what would be allowed without a variance. Mr. Seidler also clarified that staff would not consider

the arches themselves as signage if they are not illuminated. Commissioner Monfort confirmed that an opaque covering, such as stucco, could be placed on the arches. Commissioner Alvistur confirmed that if the arches were not internally illuminated and the "Speedy" sign were removed, the project wouldn't need a variance.

The public hearing was opened at 7:11 p.m.

Carl Leverenz, 515 Wall Street, representing the applicant, showed a videotape of two similar structures in Fresno and North Sacramento. He stated that these two other restaurants are the only two like this in California. He further reviewed the history of McDonald's, the "Speedy" concept, the forthcoming "retirement" of Ronald McDonald from active marketing, and the uniqueness of these structures. He stated that this will be the only McDonald's of this style in Chico, and noted that it costs \$80,000 to \$100,000 more to build compared to a standard McDonald's. He discussed the signage issue and re-stressed the uniqueness of the structure. He stated that the Commission could certainly approve the arches without the "Speedy" logo, but that it isn't the applicant's preference.

He stated his belief that the required findings can easily be made, and reviewed each in turn. He concluded by asserting that this building will be an asset to the community, and that representatives from McDonald's and the Belmonte family are present to answer any questions the Commission may have.

Commissioner Wolfe confirmed with Mr. Leverenz that the petitioners understood the proposed design, including the illuminated arches and "Speedy" logo.

Commissioner Alvistur and Mr. Leverenz discussed required finding number 4, that the variance will be in harmony with the Land Use Regulations. Sign definitions and the uniqueness of the arches logo were also discussed.

Commissioner Fry confirmed that this project has not yet been to the Architectural Review Board. Commissioner Monfort expressed his concern with the applicant's interpretation of uniqueness, noting that it usually applies to the location or topography of the land itself. Mr. Leverenz replied that the building and use should also be considered. There was further discussion between Commissioner Monfort and Mr. Leverenz regarding the uniqueness of the structure, and whether it would set a precedent for other businesses wishing to install signs above the roofline.

Commissioner Wolfe asked exactly how large the "Speedy" sign is, and how high it will be mounted. Mike Maynard, construction manager for McDonald's, replied that it is three feet in diameter, internally illuminated with fluorescent tubes, and that it is suspended from the arch. He also stated that the additional cost for this building compared to a standard building is in the range of \$100,000 to \$120,000.

Chair Dietle asked about the height of the arches. Mr. Palmeri replied that the peaks of the arches are 25 feet above grade, with approximately 8 feet actually above the roofline.

Commissioner Monfort asked if it is corporate policy to have all components present for this type of structure. Mr. Maynard replied that he's not in a position to answer that question, but said that the company is very adamant about the overall design. He noted that this building was designed for this particular location.

Bob King, 1105 Parkview Drive, Roseville, expressed his patronage and approval of the retro McDonald's at the North Sacramento location, which was shown on the tape by Mr. Leverenz. He stated that much of the appeal of the retro look is the arches and the "Speedy" logo.

Barry Belmonte, 1406 Manchester Road, property co-owner, spoke of recently approved projects, such as Tinseltown and Office Max, which both contained facades above the roofline for the purpose of holding signage. He stated that if Mr. Speedy was on a facade, there wouldn't be an issue. He stated that the package from corporate is limited in terms of modification, and that significant modification may prevent the project from going forward. He also discussed the historic nature of the new structure.

Gene Belmonte, no address given, property co-owner, spoke of the value added to the City by this project, and noted the community support for the new building.

Ian Merrill, 630 W. 2nd Ave., #7, stated that he has been a McDonald's employee since 1984. He reviewed the history of the company and the Belmontes' involvement in Chico. He also stressed the uniqueness of the structure.

There being no further comment, the public hearing was closed at 7:56 p.m.

Commissioner Monfort stated his support for the building, but not the "manufactured" history which accompanies it. Chair Dietle and Commissioner Monfort discussed the history of backlit signs, and discussed what portions of this project constituted a sign. Commissioner Wolfe stated that a backlit area isn't necessarily a sign, but emphasized that if the Commission wants to approve the project, the required findings need to be made. Commissioner Fry confirmed that the facades and signs above the roofline discussed earlier were examples in C-2 zoning districts. Alvistur thinks that the historical uniqueness outweighs the sign code; Commissioner Wahl concurred.

COMMISSIONER WAHL MOVED THAT THE PLANNING COMMISSION APPROVE VARIANCE NO. 99-02 AS SUBMITTED. COMMISSIONER ALVISTUR SECONDED THE MOTION. Mr. Seidler stated that staff will need some assistance from the Commission in making the required findings. Chair Dietle agreed that the Commission should address the findings at this time.

Commissioner Wolfe stated that the applicants have demonstrated uniqueness to her satisfaction. Commissioner Wahl agreed, and stated that the uniqueness works for all four of the required findings.

Mr. Seidler offered an amendment to the motion which provided specific language to address each of the required findings. Commissioner Wahl accepted the amendment. There was discussion and general agreement, however, that the language for finding #2 needed revision. After a straw poll revealed that the motion was likely to pass, Chair Dietle called for a brief recess to allow staff to revise the language for the required findings.

The Commission was in recess from 8:10 to 8:22 p.m.

Mr. Seidler revised his amendment to read as follows:

Finding #1: Because this building is unique in design and of a historical significance unlike other buildings, there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application which do not apply generally to land, buildings or uses in the same district.

Finding #2: This property has been developed with a McDonald's restaurant since 1968. The original design included arches extending up through the roofline. In order to re-create the historical context of this franchise at this specific location, the applicant must employ the retro design as proposed. Because there is a property right bound up in this historical context, the granting of the application is necessary for the preservation and enjoyment of substantial property rights to the petitioner.

Finding #3: The granting of this application will not adversely affect the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Finding #4: Because this historical context can only be accomplished with this specific design, this variance will be in general harmony with the Land Use Regulations.

Mr. Seidler stated that some of these findings are a stretch. Chair Dietle agreed.

THE MOTION AS AMENDED PASSED 5-1-1 (COMMISSIONER MONFORT OPPOSED, COMMISSIONER BRADFORD ABSENT).

5. **Rezone No. 99-6 (Wells Fargo Bank)** - Proposed rezone of a 0.71 acre pad site located at the northeast corner of East and Mariposa Avenues within the East Avenue Marketplace Shopping Center from PD/N-C Planned Development Neighborhood Commercial to C-1 Restricted Commercial, to facilitate sale and future development of the site with a fast-food restaurant including a drive-thru facility. The site is identified as Assessor's Parcel No. 048-061-049. The property is designated Community Commercial in the Chico General Plan Diagram.

Commissioner Wahl stated that he would be disqualifying himself from discussion and voting on this item because he had a conflict of interest due to the project's proximity to his business.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He also reviewed the history of re-zone applications for this property, each of which has been denied. Mr. Palmeri also discussed the danger of setting a precedent which would apply to other pads in the shopping center.

The public hearing was opened at 8:35 p.m.

Jeff Rader, Wells Fargo Bank, reviewed the history of Wells Fargo's ownership of the property. He stressed that his company is looking for more flexibility in potential uses of the property to facilitate its sale. He stated that he doesn't wish to create any traffic problem, and stressed the convenience of drive-throughs for parents. He stated his disagreement with staff's assertion that a drive-through would be a detriment to the neighborhood. He stated that the 76 service station would cause more traffic than a drive-through. He stated his belief that a drive-through wouldn't encourage students to drive there.

Mr. Rader discussed the aesthetics of the center, pointing out that the Grand Auto has an incorrect scale compared to the rest of the center. He stated his belief that a drive-through wouldn't conflict with other uses of the shopping center, and doesn't see expansion of uses on this property being a detriment. He asserted that the five restaurants already in the center would benefit from increased traffic, and doesn't see it becoming a regional hub. He stated that they can live with what they have, but that he doesn't believe that a rezone is inappropriate.

In response to Commissioners Wolfe and Fry, Mr. Palmeri stated that the zoning for the 76 service station is PD/NC, and that a use permit was required.

Bob King, Grubb & Ellis, Sacramento, stated that his job is to meet the needs of local communities. He discussed the need for flexibility to meet the needs of the community. He reviewed the staff report, discussed the aesthetics of the center, and noted that the center has matured. He stated that the property could be designed in a pedestrian-centered way, noting that a drive-through could be shielded by a berm as well as landscaping. He also discussed the need for convenience to the consumer. He stated his belief that a drive-through is consistent now, and asked the Commissioners if they believed a drive-through would hurt the center.

Susan Christiansen, 2237 Danbury Way, stated that she lives near the subject property. She noted that she found it interesting that someone from out of town is telling her what she needs. She reviewed the history of rezone denials for the property, and noted that it is convenient to pick up food at the center right now. She reviewed that the Commission was deadlocked on the 76 service station, and that Council approved it by only one vote. She also noted that the 76 station's use permit required noticing everyone at Pleasant Valley High School. She asked questions about traffic flow, and offered the example of Chico Mall as being more dangerous due to the presence of drive-throughs. Ms. Christiansen stated that she supported the Planning

Commissions's history of denying rezones for this property, and further stated that a drive-through encourages the use of vehicles. She noted the site's proximity to churches, Pleasant Valley High School, and Marigold Elementary School. She stated that there are other areas which are better for drive-throughs, and that a rezone wouldn't be good for the area.

There being no further comment, the public hearing was closed at 8:52 p.m.

Chair Dietle referred to the Planning Commissioners' handbook, which stated that a rezone request should not be granted unless there are compelling reasons; the handbook further states that increased profit or lack of opposition are not good reasons to grant a rezone. She stated that the burden falls on the applicant to prove that the issues are there, and said that she can't make the required findings. She noted that it can be developed right now, and that the property was zoned this way when the applicant purchased the property. She stated that it wouldn't be fair to other businesses in the center to grant this rezone, and that she agreed with the staff report.

Commissioner Alvistur concurred that he hasn't heard any overriding evidence to support a rezone.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION RECOMMEND CITY COUNCIL DENIAL OF REZONE NO. 99-6 AND FIND THAT THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15270 OF CEQA. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH CARRIED 5-0-1-1 (COMMISSIONER WAHL ABSTAINING, COMMISSIONER BRADFORD ABSENT).

Mr. Seidler clarified that this item will go to the Council with a recommendation for denial.

CORRESPONDENCE

- 6. Memorandum from Senior Planner Tom Hayes**, dated September 10, 1999, regarding Five-Year Review of the General Plan.

Mr. Seidler reviewed the memorandum and discussed the plan for the five-year review. He noted that the updated Master Environmental Assessment is almost done. He stated that the General Plan should be before the Commission in January, after which it will go to Council.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Seidler reviewed and presented a handout on communications tips at televised public hearings. He also discussed the County Planning Commission meeting on October 14th, at which the County will consider an ordinance for wireless communications facilities.

Mr. Seidler reported that two subdivisions, Shastan at Lindo Channel and Stonecreek, have been appealed to the City Council, which will hear the appeals on October 19th.

Commissioner Wahl encouraged public participation in the Halloween volunteer program.

Commissioner Monfort asked about the possibility of Planning staff working on a parallel code to allow traditional neighborhood developments. Mr. Seidler replied that in the past, staff has been directed to prepare a memo from the Planning Commission to Council asking for support for this project. After further Commission discussion, it was decided to agendize the topic for a future meeting.

Mr. Seidler reviewed a memorandum distributed to Commission, which invited the Commission to the next Internal Affairs Committee meeting, at which the Committee would be discussing mitigation monitoring. Commissioner Monfort suggested that mitigation monitoring may require additional planning staff, and suggested that the Commission discuss the with Council during the next budget process. There was additional discussion and general agreement that the Commission should be involved in the budgeting process.

ADJOURNMENT

The meeting was adjourned at 9:06 p.m. to the Adjourned Regular meeting of October 21, 1999.

January 6, 2000
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
OCTOBER 21, 1999**

ROLL CALL

The meeting was called to order by Chairperson Jolene Dietle at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Glenn Fry, Kirk Monfort, Larry Wahl, Nancy Wolfe, and Chair Jolene Dietle. Staff present were Planning Director Kim Seidler, Senior Planner Ed Palmeri, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

Chair Dietle reported that she spoke with Mario Sagustumi, an interested party, regarding item number three, Off The Wall Soccer, and with Jim Stevens regarding item 5, Shastan at Lindo Channel, regarding the outcome of City Council meeting Tuesday night.

ADMINISTRATIVE AGENDA

1. Minutes of Adjourned Meeting of September 13, 1999

Chair Dietle requested a minor correction on page 4, stating that the applicant's name on the KinderKids use permit is Randy Neely, not McNeely.

CHAIR DIETLE MOVED THAT THE COMMISSION APPROVE THE MINUTES OF THE SEPTEMBER 13, 1999 MEETING AS CORRECTED. COMMISSIONER FRY SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

REGULAR AGENDA

- 2. Use Permit No. 99-33 (Unity of Chico)** - A request to occupy a portion (778 square feet) of an existing office complex as a church with 35 members on property located at 585 Manzanita Avenue, Suite 2-A. The site is identified as Assessor's Parcel No. 007-270-034. The property is designated Community Commercial on the City of Chico General Plan Diagram and is in a CC Community Commercial zoning district. This project has been determined to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15303, Minor Land Use Changes.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He stated that parking is adequate, that only 343 sq. ft. can be occupied at any given time due to fire codes, and that the church is estimated to have no more than 35 parishioners.

Commissioner Wahl confirmed that the church is not yet holding services at the site.

Commissioner Monfort inquired why this use permit came to the Commission, not the Zoning

Administrator. Mr. Palmeri replied that the use permit was applied for under the old Title 19. Mr. Seidler added that the Zoning Administrator arrangements are still being finalized, and that it may be a few months before the first hearing.

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

COMMISSIONER FRY MOVED THAT THE PLANNING COMMISSION DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15303, AND THAT THE COMMISSION APPROVE USE PERMIT NO. 99-33 WITH THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF MEMO. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

3. **Use Permit No. 99-36 (Off The Wall Soccer)** - A request to allow an indoor soccer facility in an existing metal warehouse on property located at 1090 E. 20th Street. The site is identified as Assessor's Parcel No. 005-540-008. The property is designated Community Commercial on the City of Chico General Plan Diagram and is in a ML Light Manufacturing/Industrial zoning district. This project has been determined to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15301, Existing Facilities.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He reviewed the history of the site, and noted that the applicant's proposal is similar to a facility in San Jose. He stated that staff's main concern is parking. He stated that there has been a change to condition number 3, regarding the type of parking agreement. Staff has recently determined that a reciprocal agreement isn't necessary.

Commissioner Monfort asked about the discrepancy of an ML zone in an area designated Community Commercial by the General Plan. Mr. Palmeri and Mr. Seidler replied that a number of rezonings will be before the Commission in December.

Commissioner Monfort suggested that a condition be added that the bike parking be increased to ten stalls, and that "ribbon" style bike racks not be used; he claimed that while they are attractive, they are ineffective in use compared to nearly any other design. Chair Dietle suggested that the "or equivalent" language gives sufficient discretion to staff regarding bicycle rack style. Commissioner Wolfe reviewed the ARB history with the "ribbon" style bicycle racks. Mr. Seidler suggested that the condition be modified to remove the reference to the "ribbon" style rack.

Commissioner Bradford asked about the City's liability in putting what is essentially a youth recreation area on one of the busiest intersections in town. Ms. Barker replied that there

shouldn't be any problem, as the site is already close to a park.

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

Jan Eric Nordmo, 205 E. Main Street, Unit E, Los Gatos, and Dave Stahl, 905 Dayton Road, applicants, stated that the facility is very similar to their Santa Clara facility. He emphasized that the players are mostly adults, and that there is only a small amount of seating for spectators. He stated that they also plan to have programs for small children and older youth during weekdays. He noted that their proposal includes operation of a small retail soccer store, a concession stand, and provision for a small office space.

Commissioner Monfort asked if the applicant would remove the exterior tanks at the southeast corner of the building. Mr. Nordmo replied that he didn't plan to, and would need to discuss it with the property owner. Commissioner Monfort clarified his interest in the removal, stating that it would be a good place to put the bike racks. Mr. Nordmo replied that he prefers to keep the bike racks inside to help security. Commissioner Monfort asked if Mr. Nordmo would consider placing more bike racks, to which he replied that there generally isn't a need for additional bike parking.

Rocky Niles, Corlin Paint, 4534 Jason Court, confirmed that Mr. Palmeri hadn't spoken to him. Mr. Palmeri stated it was his understanding that the figures regarding parking came from conversations with Mr. Niles and Assistant Planner Bob Summerville. Mr. Niles said that there was a misunderstanding, and that he wasn't notified. He clarified that his business uses 7 parking spaces, with another 2 to 6 for customers. He questioned staff's assertion that the property could be striped for 66 spaces. Chair Dietle referred Mr. Niles to the plan which shows new striping on the existing lot. Mr. Niles stated that he had spoken to Mr. Nordmo and said that they should be able to come to an agreement. His concern is that there will be adequate parking without creating an overflow on to Whitman, and stressed the need for an accurate number of parking spaces.

Commissioner Fry asked whether notification was sent out to the full three hundred foot radius. Chair Dietle replied that the notice is only sent to property owners. In response to Commissioner Bradford, Mr. Niles stated that some of the area in question had never been set up as a parking lot, due to the access requirements of the semi trailers pulling in and out of the 7 Up facility. There was further discussion regarding site access, curb cuts, the number of parking spaces and their locations.

Mr. Seidler Kim offered an amendment to condition number 3 to indicate that the parking situation must be resolved to the satisfaction of both business owners, the property owner, and the City. Mr. Niles indicated that the revised condition was acceptable.

There was additional discussion regarding site access and circulation patterns.

Norm Clark, 1909 Whitman Avenue, stated that he lives at the ministorage facility on Whitman

Avenue north of the project. He stated that players don't carpool enough, and that staff's parking analysis is unrealistic. He noted that patrons of Corlin Paint often drive large trucks. He expressed further concern regarding the hours of operation thinking that it will be open too late. He noted the presence of gang members and drunken college students already in the area at the 20th street park, and expressed concern about the traffic at the 20th and Whitman intersection.

There being no further comment, the public hearing was closed at 7:20 p.m.

Commissioner Fry stated that it's a great use for a building which has been vacant for some time, and will provide a healthy adult activity to partake in. He indicated his support, subject to the parking situation being worked out with Corlin Paint and the land owner.

At the request of Commissioner Wahl, Mr. Seidler reviewed the amended condition 3 language, which would add a parking lot design component. Mr. Seidler stated that the Commission shouldn't get bogged down in these details, and that it could be worked out with the tenants, the property owner, and Public Works. Commissioner Monfort expressed concern for the project's if the parking concerns somehow can't be met. Mr. Seidler clarified that if the parking isn't worked out, the permit can be revoked.

Mr. Seidler reviewed the language for the amended condition 3, which shall read "Prior to issuance of a Certificate of Occupancy, the permittee shall furnish to the Planning Division a letter from the property owner confirming the allocation and parking lot design. The letter shall verify that 21 on-site parking spaces are dedicated to the existing wholesale paint business, and 45 spaces are dedicated to the indoor soccer facility. The parking lot design shall be subject to approval by the City."

COMMISSIONER BRADFORD MOVED TO REOPEN THE PUBLIC HEARING.
COMMISSIONER WAHL SECONDED THE MOTION, WHICH WAS APPROVED
UNANIMOUSLY.

The public hearing was re-opened at 7:26 p.m.

Commissioner Bradford confirmed with Mr. Nordmo that there is only one field proposed in the building, that only 12 players are on the field at a time, and that only 14 members can be on each team's roster. Commissioner Bradford also discussed the times of busiest operation, and confirmed that the paint store will be closed during much of that time.

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

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA SECTION 15301 (EXISTING FACILITIES) AND APPROVE USE PERMIT NO. 99-36 (OFF THE WALL SOCCER) AUTHORIZING AN INDOOR SOCCER FACILITY IN AN EXISTING METAL

WAREHOUSE, SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN SECTION VI OF THE STAFF MEMO DATED OCTOBER 6, 1999.

Chair Dietle confirmed that the motion included the amended condition 3.

COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 7-0.

Mr. Seidler stated that the Commission's decision can be appealed to the City Council within 15 calendar days.

4. **Use Permit No. 99-37 (Hillyard, Inc.)** - A request to modify an existing non-conforming use to allow a wholesale cleaning supplies distributor in a 6,100 ± square foot warehouse on property located at 430 W. 7th Street. The property is identified as Assessor's Parcel No. 004-218-008. The site is designated Medium-High Density Residential on the City of Chico General Plan Diagram and is located in an R3 Medium-High Density Residential zoning district. The project has been determined to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15301, Existing Facilities.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He also reviewed the history of the property and the surrounding uses, and noted that staff feels that the proposed use is less intensive than the previous use of a cabinet shop.

Chair Dietle confirmed that there will be no mixing of chemicals on site. In response to Chair Dietle, Mr. Palmeri stated that there is no parking on site, and that the project is in an impacted parking area.

The public hearing was opened at 7:35 p.m.

Jim Burup, Hillyard industries, 3951 Research Drive, Sacramento, representing the applicant, stated his agreement with the staff report and offered to answer any questions the Commission might have. Commissioner Wolfe asked about the parking situation for the site. Mr. Burup replied that there will only be one employee working on the site, and that the delivery truck could park inside the facility. Commissioner Monfort confirmed with Mr. Burup that the trucks from Sacramento wouldn't have to double park to unload. Mr. Burup emphasized that there isn't a lot of product volume, and that any major order would be delivered to the client directly from Sacramento. Commissioner Bradford inquired as to the size of the trucks; Mr. Burup replied that they are 22 foot trucks. He also noted that when the loading door is open, two cars could be pulled into the building to be loaded with product. He stated that there will be 4 sales representatives for this office, and that the business plan is mainly target the school district and the university. Mr. Burnup noted that they also deal in other sundries that a custodian would use.

Susan Jeffries, PO Box 9125, stated that she owns a rental property in the area, and inquired about the potential for a hazardous materials spill or a fire.

Mr. Burup stated that the strongest product is equivalent to 409 at the grocery store. He emphasized that they don't manufacture any product on site, and that the product and packaging is regulated by the Department of Transportation (DOT). He stated that he can't think of two products which would cause a hazard when combined. He stressed employee training, and noted that his industry has made major strides within the last ten years. In response to Commissioner Fry, Mr. Burup stated that there are only a few products which could be considered solvents, and that he could provide more information regarding specific products if desired.

There being no further comment, the public hearing was closed at 7:45 p.m.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA SECTION 15301 (EXISTING FACILITIES) AND APPROVE USE PERMIT NO. 99-37 (HILLYARD, INC.) TO OPERATE A NONCONFORMING CLEANING PRODUCTS DISTRIBUTION WAREHOUSE IN AN EXISTING STRUCTURE, SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN SECTION VI OF THE STAFF MEMO DATED OCTOBER 8, 1999. COMMISSIONER WAHL SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

The Commission was in recess from 7:47 to 7:56 p.m.

5. **Shastan Homes at Lindo Channel Revised Tentative Subdivision No. S 99-05 (Shastan Homes)** - A request to subdivide a 3.5 acre parcel with 10 single family lots, while preserving a 100 foot wide creekside greenway, and providing a common driveway and landscaped area as open space. With a net useable area of 2.1 acres, the proposed project would create a net density of 4.8 units per acre. The average lot size are 9,330 square feet. The property is located approximately 500 feet south of East Avenue on the south side of Holly Avenue and adjacent to the north side of Lindo Channel. The site is identified as Assessor's Parcel No. 042-730-009. The property is designated Medium Density Residential on the City of Chico General Plan Diagram and is located in an R2 Medium Density Residential zoning district. Initial design of this project was approved by the Planning Commission at its September 13, 1999 meeting. The same mitigated negative declaration adopted by the Planning Commission at its September 13, 1999 meeting for the initial project design adequately addresses the revised project's environmental issues and is recommended for this project under the California Environmental Quality Act.

Mr. Seidler presented the staff report, reviewing the land use issues involved. He noted the

new conditions which incorporated the approvals of the City Council. He reviewed the revised map elements and the sequence of events preceding the current hearing, noting that Council felt it is the Commission's role to discuss the details of the map. He discussed the disposition of a large walnut tree within the greenway, garbage collection, and the hammerhead turnaround.

Mr. Varga reviewed the new subdivision report, Exhibit II of the Commission's report packet. He noted the changes from the previous report, which included: removing the requirement for frontage improvements in front of the Mission Ranch "sliver" parcel; adding a note to the map that the project's intersection with Holly will not become a four-way stop; adding a recommendation regarding the disposition of the path within the greenway; making changes to the lot layout to facilitate the increased greenway width; inserting a note to specify the greenway width to be 100 feet, and that the bike path is contained within it; requiring an easement for path continuity, incorporating Fire Department comments; and clarifying that the constructed street width will be 28 feet.

Mr. Seidler stated that there had been no change in the mitigation measures.

In response to Commissioners Bradford and Fry, Mr. Varga stated that the City can require an easement outside the limits of the subdivision if it is required for an improvement that will be installed within that subdivision, but that he cannot require a creekside greenway on adjacent property. Mr. Seidler noted that the City could acquire additional greenway at the time the adjacent property is developed.

There was additional discussion regarding the bike path and greenway and consistency from one subdivision to another. Mr. Seidler stated that opportunities for wider greenways need to be taken as opportunities arise. Commissioner Bradford confirmed that no turnaround will be required on the bike path at this time.

In response to Chair Dietle, Mr. Varga confirmed that he had left out the word "dedicate" in the subdivision report, and clarified that the greenway would be a dedication. In response to Commissioner Wahl, Mr. Seidler discussed the ways in which the property could be acquired and noted that there is clear direction from Council to acquire the land. There was general discussion regarding the noticing of this meeting, which was determined to be adequate. There was additional discussion regarding the contents of the City Council motion referring this subdivision back to the Commission.

At the request of Commissioner Alvistur, Kim discussed staff's change of position regarding acquisition of the 100 foot greenway, the policy for which didn't make it into the General Plan. He noted that Council is supportive of the policy, which will be looked at during the General Plan Five Year Review.

Commissioner Fry confirmed that the project meets density requirements. Commissioner Monfort noted that the City didn't purchase property by Little Chico Creek, and he had

concluded that they changed the policy. He also asked whether the traffic circle which was removed could be placed in Holly instead. There was general disagreement with this idea, and Mr. Varga stated that roundabouts typically aren't installed on collector streets.

The public hearing was opened at 8:27 p.m.

Jim Stevens, Northstar Engineering, 20 Declaration Drive, representing the applicant, thanked staff for their preparation of multiple staff reports. He agreed with the review of project history and council direction as presented by staff.

He discussed the 100 foot greenway, noting that the developer had offered the dedication subsequent to the Commission's last meeting on the project. Regarding 100 feet, after hearing last time, the developer offered to make a 100 foot dedication, and confirmed with the City that they would be acquiring the additional 75 feet.

Mr. Stevens asked that the bike path be removed due to the access problems. He stated that he thinks it would be better to construct the path later, at the time the "sliver" is developed. He suggested that the path could be paid for by the applicant, or there could be a credit for the acquisition fee, but that the path not be constructed at this time. He also requested that if the Commission decides to postpone construction of the path, he would also ask for a postponement of the acquisition of the easement.

Mr. Stevens stated that the developer has gone a long way to meet concerns of neighbors. He reviewed that there is now a circular driveway on lot ten, that garbage collection has been addressed with a pad to be constructed if necessary, and that Fire Department requirements will be met for the turnaround. He noted that the 100 foot greenway acquisition caused elimination of the traffic circle, and stated that it is a bad idea for a circle in Holly to be conditioned on this project.

Ron Hall, 2376 Cussick Avenue, appellant, presented some pictures to the Commission showing the property. He expressed satisfaction with the 100 foot creekside setback, and that the large walnut tree is in the setback area. He reviewed the pictures he presented, and indicated concern with where the survey showed the top of bank to be. He asserted that any 100 foot setback would interfere with lot 9. He also confirmed that the hammerhead turnaround would be striped and signed to indicate no parking.

Patrick Macarthy, 2405 Holly Avenue, stated that he didn't think that the neighborhood has received adequate notice. He asserted that the notice didn't say that there was a brand new plan. He spoke about garbage collection, and stated that it would be inappropriate to ask residents to take garbage to Holly Avenue. He asked who would take care of the landscaped stormwater runoff treatment area. Mr. Varga replied that it will have a proper maintenance funding source, most likely a maintenance district. He stated that aesthetic maintenance would most likely be handled through some sort of agreement with the property owners, with the City stepping in if the property owners don't provide adequate maintenance.

Trisha Macarthy, 2405 Holly Avenue, stated her concern that the greenway would become a refuse place for lawn clippings and tree trimmings if there were no bike path. She agreed with the previous speaker and re-emphasized the need for some sort of a maintenance funding mechanism.

Mary Andrews, 33 Amber Way, stated that there is no mention of a fence along the property line between the west property and the subject property. Mr. Seidler clarified that it was in the Exhibit I conditions, which haven't changed from the previous map, noting that mitigation measure I.1 talked about the fence and vegetation. Ms. Andrews discussed some other minor misunderstanding regarding the staff and subdivision reports. In response, Chair Dietle clarified that the right-of-way is to be 28 feet wide, that the storm water will drain to Holly Avenue, and that there will be minimal grading in the greenway which will not alter the top of bank location. Mr. Varga clarified that the greenway has to be dedicated in an as-is state. Ms. Andrews stated her hope that the Commission would require the next property to also have a 100 foot setback. She also confirmed that the subdivision construction will incorporate Fire Department comments and requirements. She suggested that the no parking requirement in the hammerhead should be on a preliminary title report.

Caryn Jones, 5 Deborah Terrace, stated her support for infill development. She stated that she is pleased with 100 foot setback, and that although she had concern with bike paths being too close to people's fences, by and large her concerns have been addressed.

Ron Hall, a previous speaker, questioned the area calculations used in determining project density. He also stated that he wants to make sure that the fence line proposed along his property will go in. He expressed his desire to have the project finalized for neighborhood review with fully accurate information.

He suggested that the City purchase the "sliver" and use the credits from the parkway to add the property to the project, and noted that something similar could be done with lot ten on the other side of Holly. He stated additional concern with traffic flow, and stated that the circular driveway will cause problems.

There being no further comment, the public hearing was closed at 9:04 p.m.

Commissioner Wolfe stated that she supports the project now that there is a 100 foot setback. Commissioner Monfort discussed the need to build the bike path now, although it may seem strange to do so, because not doing so increases the chances that it will never get built. Commissioner Fry indicated that the Commission may be requiring the developer to put in a de facto skateboard park behind these houses by requiring a bike path with no outlets.

Mr. Varga stated that the current conditions would have the path actually starting at Holly. He noted that the developer would have to go into negotiations for the easement and construction of the path. In response to Commissioner Fry, Mr. Varga explained that the City can require

that improvements go across somebody else's land, but that it usually doesn't happen with bike paths, only roads. In response to Commissioner Bradford, Mr. Varga stated that an approximately 15 foot wide easement would be required.

There was additional discussion about noticing for the meeting. It was noted that maps are never sent out with public notices, and that the notice met legal requirements.

Commissioner Alvistur expressed concern that some of the neighbors were left out of the loop that that the neighborhood wasn't adequately notified. He stated additional concern with alleged inaccuracies regarding the top of bank location and with the number of changes brought to the Commission. He stated that he would like a single, all-inclusive report which reflects the project as currently proposed. Commissioner Monfort discussed trash collection, and clarified that lots 7, 8 and 9 are the ones which require truck access. He wanted the Commission to be explicit in spelling out what access various lots have to Holly.

Chair Dietle confirmed with Mr. Seidler that North Valley Disposal was not willing to put their comments on the subdivision in writing.

There was additional discussion regarding the status of the "sliver" parcel to the East, particularly the development potential of the parcel and the greenway which would be required if that property were to be developed.

Commissioner Wahl stated that the project is better due to the redesign, but there are too many loose ends.

COMMISSIONER WAHL MOVED THAT THE PROJECT BE CONTINUED TO THE NEXT AVAILABLE MEETING. CHAIR DIETLE OFFERED AN AMENDMENT THAT THE COMMISSION SHOULD GIVE STAFF DIRECTION AND CONDITIONS IF THEY CHOOSE THAT ROUTE, CITING THE EXAMPLE OF WHETHER THE COMMISSION SHOULD REQUIRE THE PATH TO BE INSTALLED AT THIS TIME. COMMISSIONER WAHL ACCEPTED THE AMENDMENT. COMMISSIONER ALVISTUR SECONDED THE MOTION AS AMENDED.

Chair Dietle discussed the top of bank discrepancy and the accuracy of the survey with staff. Mr. Varga stated that they would have it staked by the surveyor and review it in the field. Mr. Seidler noted that it is assumed with a tentative map that there may be small changes in the measurements, and that there may be variances between the tentative and final maps.

Mr. Seidler stated that the Commission could vote, then provide direction to staff.

THE MOTION PASSED 6-1 (COMMISSIONER FRY OPPOSED).

The Commission discussed noticing, and agreed that the next meeting should be re-noticed as a public hearing. The Commission reached consensus that the developer be required to

install the bike path when the subdivision is developed. Chair Dietle requested that staff find out if the garbage companies could use the Fire Department turnaround, and confirmed that the turnaround would meet Fire Department code requirements. The Commission confirmed that the right-of-way would be 28 feet wide, and that parking would be allowed on one side.

Commissioner Alvistur stated that he'd like a maintenance district to take care of the stormwater treatment area. There was additional discussion regarding the Holly Avenue right of way, which will have a curb, 8 foot parkstrip, then sidewalk.

Mr. Palmeri requested that anyone in the audience who would did not receive notice and would like to be noticed for the next meeting please leave their name with staff.

There was consensus that a new, all-inclusive staff report and subdivision report would be submitted to the Commission.

Mr. Seidler stated that this project would be back before the Commission at its meeting of November 18th.

BUSINESS FROM THE FLOOR

Mary Andrews, a previous speaker, expressed additional concern regarding the previous item with the setback from the stormwater treatment area and discussed the impracticality of dragging garbage cans through the area, as well as emergency vehicle access during the winter months.

PLANNING UPDATE

Mr. Seidler reviewed that the new Title 19 is now in effect. He also reviewed recent City Council actions on Shastan at Lindo Channel Subdivision, and Stonecreek Subdivision, which was tabled pending a new Chico Municipal Airport Comprehensive Land Use Plan. He reviewed Andy Meghdadi's alternate mitigation request for the Nob Hill Subdivision, which wasn't heard or acted on by the City Council. Mr. Seidler stated that the Internal Affairs Committee discussed the mitigation monitoring program at its meeting of October 12, and that the Committee directed staff to prepare an ordinance assessing penalties and fines for violations; he noted that the City Attorney's office was doing most of the work on this item. He reviewed other actions of the IAC, including that staff consider pre-construction review meetings, institute a developer reporting requirement, look at methods of financial security for performance of mitigations, and other items.

ADJOURNMENT

The Commission adjourned at 9:47 p.m. to a date and time to be determined by staff after consultation with the Commission members.

February 3, 2000
Date Approved

/s/
Kim Seidler

Planning Director

**PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 4, 1999**

ROLL CALL

The meeting was called to order by Chairperson Jolene Dietle at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Ross Bradford, Glenn Fry, Kirk Monfort, Larry Wahl, Nancy Wolfe, and Chair Jolene Dietle. Commissioner Vic Alvistur was absent. Staff present were Planning Director Kim Seidler, Senior Planner Ed Palmeri, Senior Development Engineer Tom Varga, Acting Fire Marshal Mort Meyers, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioners Wolfe, Wahl, Monfort and Fry reported that they had each spoken to Ray Schoenfeld of the Cussick Area Neighborhood Council, who voiced concerns about the Shastan Subdivision. Commissioners Bradford and Wahl reported that they had each spoken to project engineer Jim Stevens. Commissioner Monfort reported that he had also spoken to Mary Andrews.

REGULAR AGENDA

1. **Shastan Homes at Lindo Channel Revised Tentative Subdivision No. S 99-05 (Shastan Homes)** - A request to subdivide a 3.5 acre parcel with 10 single family lots, while preserving a 100 foot wide creekside greenway, and providing a common driveway and landscaped area as open space. With a net useable area of 2.1 acres, the proposed project would create a net density of 4.8 units per acre. The average lot size is 9,330 square feet. The property is located approximately 500 feet south of East Avenue on the south side of Holly Avenue and adjacent to the north side of Lindo Channel. The site is identified as Assessor's Parcel No. 042-730-009. The property is designated Medium Density Residential on the City of Chico General Plan Diagram and is located in an R2 Medium Density Residential zoning district. The project design has been modified to reflect general direction from the City Council at its meeting of October 19, 1999. This item has been continued from the Planning Commission meeting of October 21, 1999. The same mitigated negative declaration adopted by the Planning Commission at its September 13, 1999 meeting for the initial project design adequately addresses the revised project's environmental issues and is recommended for this project under the California Environmental Quality Act.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He also reviewed the history of prior hearings and appeals, Council direction to the Commission, and the direction given to staff at the last Commission meeting. He noted that CEQA allows for the kind of changes proposed without requiring any additional review, and that staff sent notices to a larger area than normal, in addition to any interested parties. He reviewed that there is still no agreement between the owner of this subdivision and the owner of the "sliver"

property to the east, and that the fencing and landscaping required as a mitigation measure on the property's western boundary will be installed prior to construction. He referenced several addenda which were distributed to the Commission for this meeting, and stated that the revised resolution 99-20 reconfirms the environmental review and would adopt the revised map and new subdivision report.

Commissioner Monfort noted a typographical error in the report, and confirmed that the allowed density on this R-2 zoned parcel is 4.01 to 14 units per acre.

The public hearing was opened at 6:42 p.m.

Jim Stevens, Northstar Engineering, 20 Declaration Drive, representing the applicant, reviewed why this project was continued from the previous meeting. He stated his agreement with all conditions except one; he stated that it may not be appropriate to construct the bike path at this time because there is no westerly exit, the ultimate alignment may not be correct, and it may have to be removed at a future date. He stressed that they will install it as this time if required by the Commission.

Mr. Stevens commented on concerns previously raised which he felt have been adequately addressed, including emergency vehicle and waste collection access, the status of the "sliver" to the east, and the accuracy of the survey. He noted that the top of bank location changed slightly due to differing interpretations, and that the revised top of bank location doesn't materially affect the project. He offered to answer any questions the Commission might have.

Ron Hall, 2376 Cussick Avenue, appellant, reviewed his letter of November 1st. He discussed additional concerns regarding fire hose length and firefighter access to the rear of the lots, the turnaround configuration, which side of the street parking was going to be on, the possibility of inclusion of the "sliver" parcel, and the top of bank delineation. He suggested that the applicant could drop one more house and still meet density requirements.

Ron Coleman, P.O. Box 4447, co-owner of the "sliver" with Dick Jones, wanted to clarify that his parcel is 13,000 square feet and is a buildable lot which should accommodate a duplex. He stated that he has had no success selling the property to the project applicant, and that he has some concern with how the bike path will go across the parcel.

Caryn Jones, 5 Deborah Terrace, stated her support for the project and wanted to commend the developer for revising the subdivision map. She stated that she supports the bike path going in at same time as the development, and urged the Commission to approve the project.

John Merz, 1331 Broadway, noted that the situation is largely due to poor County planning when Holly Avenue was re-aligned. He suggested that the bike path should connect to the Fire Department turnaround to make it more useful, and inquired whether this subdivision would have a public or private street. He emphasized the need for public access to the path to make it viable.

Mary Andrews, 33 Amber Way, stated that she was pleased with the revised top of bank delineation. She stated that there may be too many lots for the property, and that she still has some concern about fire suppression and garbage collection.

Fran Shelton, 250 Vallombrosa Avenue, Suite 370, spoke in support of the project, and opined that a duplex should be built on the "sliver" parcel.

In response to Commissioner Bradford, Mr. Coleman, a previous speaker, clarified that they do not yet have a building permit for the "sliver" parcel, but that they have applied for and received a permit for sewer service. Commissioner Bradford confirmed that there would be an access dedication for the bike path.

In response to Commissioner Monfort, Mr. Coleman stated that he wanted to swap the "sliver" parcel for lot 10, but that Mr. Halbert wasn't interested. He stated that he owns Creekside Park, and could have given lot 10 access from the interior of the subdivision instead of from Holly Avenue.

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

Commissioner Wolfe confirmed with Mr. Palmeri that a letter was received from the waste management companies, and that the layout is feasible for garbage collection. Wolfe asked Mort if the fire access was adequate. Mr. Meyers confirmed that when the structures are built they will conform to all Fire Department codes.

Commissioner Monfort confirmed with Mr. Varga that Shastan will have to provide an easement. Correct. Mr. Varga clarified that a good faith effort must be made, and that the City's last resort is eminent domain. Commissioner Monfort proposed using eminent domain to force a land swap, trading lot 10 for the "sliver" parcel. Mr. Varga and Ms. Barker stated their opposition to this proposal, citing both procedural and legal roadblocks preventing it. Chair Dietle confirmed that eminent domain is not proper in this situation, although Commissioner Monfort's concerns are noted. Commissioner Monfort discussed additional traffic concerns; Commissioner Fry discussed the role market selection plays in the development process.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION 99-20, APPROVING THE REVISED TENTATIVE SUBDIVISION MAP FOR SHASTAN HOMES AT LINDO CHANNEL, S-99-05 (SHASTAN HOMES). COMMISSIONER FRY SECONDED THE MOTION.

Commissioner Wahl offered an amendment that the developer not be required to install any bike path or acquire any easement across the "sliver" parcel. In response to Commissioner Bradford, Mr. Varga stated that it is much more difficult to secure an easement as a condition of a building permit. He noted that with a land division where there can be more conditions.

Mr. Varga clarified that while the easement is 15 feet wide, the paved path has a 12 foot width.

COMMISSIONER BRADFORD REJECTED COMMISSIONER WAHL'S AMENDMENT.
THE MOTION PASSED 6-0-1 (COMMISSIONER ALVISTUR ABSENT).

Mr. Seidler stated that the Planning Commission's decision could be appealed to the City Council within 10 calendar days.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Seidler reviewed the AT&T Wireless appeal, to be heard by the City Council on December 7. He noted that the Council had also reviewed the Internal Affairs Committee recommendations on mitigation monitoring, and that the issue will go back to the IAC in January. He stated that staff is putting together a workshop for a parallel development code, and that staff has not forgotten the request for a report on appeals and other requests.

ADJOURNMENT

There being no further business, the Planning Commission adjourned at 7:22 p.m. to the regular meeting of Thursday, December 2, 1999.

February 3, 2000
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
DECEMBER 2, 1999**

ROLL CALL

The meeting was called to order by Chairperson Jolene Dietle at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Glenn Fry, Kirk Monfort, Larry Wahl, Nancy Wolfe, and Chair Jolene Dietle. Staff present were Planning Director Kim Seidler, Senior Planner Ed Palmeri, Senior Planner Tom Hayes, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

None.

CONSENT AGENDA

1. **Use Permit No. 99-39 (Chico Home Improvement) 1310 The Esplanade** - A request to allow a detached accessory building (first floor garage and second story study with bathroom) to exceed the 15 foot height limitation for accessory structures, and to allow the structure to encroach into the five foot interior side and rear yard setbacks by 25 percent. The property is located at 1310 The Esplanade. The site is identified as Assessor's Parcel No. 003-071-013. The site is designated Offices by the General Plan Diagram and is located in an OR Office Residential (formerly R-P) zoning district. This application was determined to be complete prior to the revised Title 19 Land Use and Development Regulations' effective date of October 21, 1999. This project has been determined to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Sections 15303 (e) New Construction or Conversion of Small Structures and 15305(b) Minor Alterations in Land Use Limitations.

2. **Use Permit No. 99-40 (Maderos) 1646 Broadway Street** - A request to allow an 843 square foot, detached, single story second dwelling unit in the rear of the parcel located at 1646 Broadway Street. The site is identified as Assessor's Parcel No. 005-197-016. The property is designated Low Density Residential by the General Plan Diagram and is located within an R1 Low Density Residential zoning district. This project has been determined to be exempt from environmental review, pursuant to California Environmental Quality Act (CEQA) Sections 15303(e) New Construction or Conversion of Small Structures.

Chair Dietle stated she would abstain from discussion and voting on item #2 due to a conflict of interest.

A member of the audience requested that item #2, Use Permit No. 99-40 (Maderos) be pulled from the consent agenda.

Mr. Seidler suggested that the Commission open the public hearing for item #1, Use Permit No. 99-39 (Chico Home Improvement).

The public hearing for item #1 was opened at 6:35 p.m. Seeing no comment, the public hearing was closed at 6:35 p.m.

COMMISSIONER MONFORT MOVED APPROVAL OF ITEM #1, USE PERMIT NO. 99-39 (CHICO HOME IMPROVEMENT) SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN THE STAFF MEMORANDUM. COMMISSIONER FRY SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

Chair Dietle excused herself from Commission discussion on the next item, and turned the meeting over to Vice-Chair Wahl.

ITEMS REMOVED FROM THE CONSENT AGENDA

2. **Use Permit No. 99-40 (Maderos) 1646 Broadway Street** - A request to allow an 843 square foot, detached, single story second dwelling unit in the rear of the parcel located at 1646 Broadway Street. The site is identified as Assessor's Parcel No. 005-197-016. The property is designated Low Density Residential by the General Plan Diagram and is located within an R1 Low Density Residential zoning district. This project has been determined to be exempt from environmental review, pursuant to California Environmental Quality Act (CEQA) Sections 15303(e) New Construction or Conversion of Small Structures.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He reviewed the history of the site and the applicant's proposal. He reviewed a new condition not in the main staff report, which requires that a gate be installed in the wooden fence which bisects the property, and that a walkway from the rear to the front the of the lot also be installed. He noted that staff has received several letters in opposition to the project, several phone calls expressing opposition to the project, and that staff had met with certain concerned individuals.

Commissioner Monfort confirmed with Mr. Palmeri that with the prior zoning of RD-1, a use permit would still have been required for a second unit on this property larger than 640 square feet. Mr. Palmeri discussed the architectural review process, and noted that the second unit would be subject to architectural review to ensure compatibility with the main structure.

Commissioner Alvistur confirmed with Mr. Palmeri that the second unit is not a "mother in law" unit, but a full second unit.

The public hearing was opened at 6:42 p.m.

Janet Ellner, 1629 Broadway, read aloud the letter she had submitted to the commission. She stated her opposition to the project, citing concerns related to noise, on-street parking, the lowering of property values, increased police intervention, drug use, urination in public, the safety and integrity of the neighborhood, and the need for stable residents in the area. She submitted some photos of the area to the Commission.

Tim Vanderheiden, 1712 Broadway, stated his opposition to the project. He cited concerns with architectural incompatibility with the rest of the neighborhood, neglect of the property by an absentee landlord, and other concerns voiced by the previous speaker.

Ben Smallhouse, 1630 Broadway, stated his opposition to the project. He noted the setting of a precedent for the neighborhood with the approval of this use permit, and cited concerns voiced by previous speakers.

Matt Maderos, 25 Horse Run Lane, project applicant, noted that he lives in Chico and doesn't want to argue against residents. He stated that he has addressed the parking issue, and that every rental has turnover. He stated that a rental's owner is a large factor in the condition of the rental. He stated that he has owned the subject property since 1985, and that renters typically stay for one or two years. He agreed that the house at the corner of 17th and Broadway is an eyesore with undesirable tenants, and noted that he lost some of his tenants due to dogs owned by the tenants of the 17th and Broadway house which were running wild in the neighborhood. He stated that the house on the corner needs attention, but it's not his house.

Commissioner Monfort stated that he could understand the concern of the neighbors. He asked Mr. Maderos if he felt responsible for the behavior of his renters. Mr. Maderos replied that the house was occupied by transients when he purchased it, and that he subsequently improved the property and has rented it since 1985. He stated that every landlord has bad tenants at some time. He noted that he has no control over certain behaviors of his renters, and stated that the real problem in the neighborhood is the corner house. He stated that he doesn't believe the neighborhood will substantially change due to the construction of a second unit.

There being no further comment, the public hearing was closed at 6:53 p.m.

Commissioner Alvistur stated that the project appears to be an enhancement to the neighborhood, and noted that the Architectural Review Board will handle the incompatible appearance issues. He stated that the parking situation should improve with this project. Commissioner Monfort stated that he can be sympathetic to these people's complaints, but noted that when it was zoned RD-1 the second unit could have been put in without a use permit. He discussed the role of architectural review in maintaining compatibility with the house currently on the lot, and stated that the tenant problem is not related to this project.

Mr. Palmeri stated as a point of clarification that the project's lot size is 6,300 sq. ft., and would still have required a use permit under the old zoning, contrary to what may have been said previously during the hearing. He noted that the old RD-1 zoning had a 7,500 sq. ft. minimum lot size for a second unit by right.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE USE PERMIT NO. 99-40, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED WITHIN THE STAFF MEMORANDUM DATED NOVEMBER 16, 1999 AND THE ADDED CONDITION CONTAINED IN THE STAFF MEMORANDUM OF DECEMBER 2, 1999. COMMISSIONER WOLFE SECONDED THE MOTION.

Commissioner Fry confirmed that Mr. Maderos is aware of condition 5. Mr. Seidler confirmed that the Commission wished for this project to go to the Architectural Review Board, as opposed to staff-level architectural review.

THE MOTION PASSED 6-0-1 (CHAIR DIETLE ABSTAINING).

Mr. Seidler stated that the Commission's decision could be appealed to the City Council within 15 calendar days.

REGULAR AGENDA

3. **Use Permit No. 99-38 (Nichols, Melburg & Rossetto/Enloe Hospital) - 560 Cohasset Road** - A request to demolish a 27,000 square feet portion of an existing acute care hospital building, then construct a new 30,000 square foot comprehensive outpatient Cancer Center at 560 Cohasset Road. The site is identified as Assessor's Parcel Nos. 006-240-023 and 042. The property is designated Public Facilities and Services on the City of Chico General Plan Diagram and is located in a PQ Public/Quasi Public Facilities zoning district.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He reviewed the history of the property, noting that the net gain is 3000 sq. ft and that the facility will continue to be in operation while the proposed work is completed. He stated that specific mitigation measures have been incorporated into the Initial Study and the project.

Commissioner Alvistur confirmed that there will be no net impact on parking. Commissioner Monfort discussed the bicycle parking location.

The public hearing was opened at 7:03 p.m.

Dan Neumeister, Enloe Health System, applicant, reviewed staff's recommendations, stating that he thinks the project will enhance the community. He clarified that the bicycle rack is to

be located along western edge of the new construction. Commissioner Monfort confirmed with Mr. Palmeri that the 10% rule applies to bicycle parking, and wanted to ensure there would be enough bicycle racks. He also inquired about providing a better bus parking location, instead of the current one on Rio Lindo. Mr. Neumeister stated that most cancer patients come with a friend or a family member.

Jan Ellis, Vice President of Ambulatory Care at Enloe, indicated that there are volunteers to ferry patients to and from the facility.

There being no further comment, the public hearing was closed at 7:06 p.m.

Commissioner Monfort discussed additional bike parking concerns. Mr. Palmeri confirmed that the bike parking will be examined during the plan check process. Commissioner Wolfe inquired how many employees are going to be at the site.

COMMISSIONER MONFORT MOVED TO REOPEN THE PUBLIC HEARING. COMMISSIONER WAHL SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

The public hearing was re-opened at 7:08 p.m.

Jan Ellis, a previous speaker, stated that cancer patients will not be bicycling to treatment. Commissioner Monfort confirmed that a sign could be placed showing where bicycle parking is located. Commissioner Wolfe stated that a sign isn't necessary. Chair Dietle stated that she had no problem with placing the bicycle parking further away from the main structure, and doesn't think the signage is a big deal, as long as the bike parking is safe and well lit.

There being no further comment, the public hearing was re-closed at 7:12 p.m.

COMMISSIONER WAHL MOVED THAT THE PLANNING COMMISSION ADOPT THE ATTACHED MITIGATED NEGATIVE DECLARATION AND APPROVE USE PERMIT NO. 99-38 (NICHOLS, MELBURG & ROSSETTO/ENLOE MEDICAL CENTER) TO ALLOW A COMPREHENSIVE OUTPATIENT CANCER CENTER AT AN EXISTING MEDICAL FACILITY SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN SECTION VI OF THE STAFF MEMO DATED NOVEMBER 18, 1999. COMMISSIONER FRY SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

4. **General Plan Amendment/Rezone/Prezone No. 99-3A-H (City of Chico) -**
The following requests involve amendments to the General Plan Land Use Diagram, and prezones and rezones to correct errors and inconsistencies which resulted from the adoption of the General Plan, and the prezoning and rezoning of the Chico Urban Area:
 - A. Request to amend the General Plan designation from Offices to Manufacturing and Warehousing; and rezone the subject 5.5 acres from

CO Commercial Office to ML Light Manufacturing, identified as 810 Oak Street, 1205, 1321 & 1345 W. 7th Street and 1219 W. 9th Street, Assessor's Parcel Nos. (APN) 004-190-047 through 051.

- B.** Request to amend the General Plan designation from Low Density Residential to Medium Density Residential; and rezone the approximately six acres from R3 Medium-High Density Residential to R2 Medium Density Residential; for an area bounded by the alley between E. 8th Street and E. 9th Streets to the north, Humboldt Avenue to the south, the 1/2 block between Orient and Olive Streets to the west, and Pine Street to the east, APN 004-424-006 thru 009, 004-428-004, 005, 008, 009 & 015, 004-441-005 & 007-009, and 004-444-all.
- C.** Request to amend the General Plan designation from Community Commercial to Commercial Services and change the rezoning from CC Community Commercial to CS Service Commercial for a nine acre parcel identified as 13407 Garner Lane, APN 006-400-059; and change the rezoning from CC Community Commercial to CS Service Commercial for 34.4 acres identified as 3902, 3930, 3990, & 3880 The Esplanade and 13301 Garner Lane, APN 006-400-020, 021, 025-029, & 056.
- D.** Request to amend the General Plan designation from Low Density Residential to Manufacturing and Warehousing and change the rezoning from R1 Low Density Residential to ML Light Manufacturing for 19.31 acres identified as 153, 198 & 199 Innsbrook Way, APN 006-190-035 thru 038.
- E.** Request to amend the General Plan designation from Medium-High Density Residential and Low Density Residential to Offices and rezone/prezone the subject parcels from existing designations of R1 Low Density Residential and R3 Medium-High Density Residential to OR Office Residential, for approximately 2.69 acres identified as 996 E. 1st Avenue and 1026, 1044, 1108, 1116, 1126, 1136, 1138 & 1216 Sheridan Avenue, APN 003-480-040, 042, 043, 060, 066 & 112; 003-510-053 & 065.
- F.** Request to amend the General Plan designation from Low Density Residential to Community Commercial with a Transit Corridor Overlay, and rezone the subject area from R1 Low Density Residential to CC Community Commercial with a -TC Transit Corridor overlay, for property identified as 1607 Park Avenue, APN 005-207-007 & 012.

- G.** Request to amend the General Plan designation from Low Density Residential to Medium Density Residential and rezone/prezone the subject properties from R1 Low Density Residential to R2 Medium Density Residential, for 2.14 acres identified as 2443 and 2445 Mariposa Avenue, APN 048-220-013, 037, 041 & 044.
- H.** Request to amend the General Plan designation from Low Density Residential to Commercial Services, and rezone the approximately four acres from R1 Low Density Residential to PD/CS Planned Development Service Commercial, for an area identified as the east side of Fair Street, between Mulberry and E. 23rd Streets, APN 005-461-003; 005-464-001, 012-016; 005-471-042, 024, 025, 028, 029, & 034-039.
- I.** Request to amend the General Plan designation from Medium-High Density Residential to Medium Density Residential and rezone/prezone the subject area from R3 Medium-High Density Residential to R2 Medium Density Residential, in an area generally described as north of Pomona Avenue, including 1402-1438 W. 7th Street, and parcels on Almond Street and Hickory Street, APN 004-500-013 thru 017, 022-028, 030-033, 037-038, 045-053, 055-063, 069-070, and 072-073.

An Initial Study for environmental review has been prepared for the proposed project and is available for review in the Chico Planning Division. Based upon the information within the initial study, the Planning Division is recommending that a negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA).

Mr. Seidler suggested that the Commission take a straw vote on each portion, then make a final motion at the end of staff's presentation.

Mr. Hayes presented the staff report, reviewing the land use issues involved. He noted that most of these amendments are of a "housekeeping" nature to resolve inconsistencies which were inadvertently created when the General Plan was adopted in 1994. He stated that staff has received correspondence opposing items B. And E., and that staff had received a request from Butte County Planning to table item D. The Commission requested minor points of clarification at various times during the presentation.

The Commission was in recess from 7:42 to 7:53 p.m.

A straw vote confirmed that the Commission supported tabling item D.

The public hearing was opened at 7:55 p.m.

Mary MacMillan, 1265 E. 7th Street, stated that she owns properties at 004-428-008, 009, and 015 (Item B). She expressed concern over a zoning change and requested clarification on what would be allowed under R2 regulations. Mr. Hayes clarified that R2 allows 4 to 14 units per acre. There was further discussion on the differences between R3 and R2 zoning, and it was agreed that Ms. MacMillan is probably not opposed to the rezone, but would like to meet with staff to discuss the issue.

Mike Campos, 774 Hillview Way, wanted to make sure that properties weren't downzoned without adequate noticing. Mr. Seidler reviewed noticing procedures and stated that Council is examining these procedures. Mr. Campos stated that he wanted to make sure that properties weren't downzoned without the owner's full knowledge. Mr. Seidler clarified that the Commission's decision would go to the Council as a recommendation, which would be a noticed public hearing.

James White, P.O. Box 428, Shasta Lake City, wished to discuss item E., specifically his property at 996 E. First Avenue. He stated that he is one of several owners of the property, and reviewed the property's history. He stated that all offers for the property have been conditioned on it being zoned either CN or OC. Commissioner Bradford confirmed with Mr. White that he had been told that the property was to be CN. Mr. White noted that a commercial zoning can be compatible, and that the traffic problem is mainly at peak commute hours.

In response to Commissioner Bradford, Mr. Hayes stated that properties can be downzoned, with notification being sent to the property owners. Mr. Hayes noted that there has been a lot of discussion about this property, and that a commercial use can't be grandfathered in due to the service station because the service station has been abandoned for more than one year. Mr. Hayes reviewed that the current designation is R3, and the proposed designation is OR. Mr. Seidler reviewed what uses are allowed in the OR zoning district. Ms. Barker noted that small restaurants are allowed without a use permit in the OR zoning district. There was further discussion about allowable uses, and the possibility of giving the parcel CN with a PD overlay.

Commissioner Fry stated that any type of a commercial use would be a problem for that parcel, noting the change in the community since the gas station was in operation. Mr. White replied that the only offers for his property are for commercial uses. Chair Dietle confirmed that prior to 1992, the property was zoned NC, and that the property has been vacant since the early eighties. Mr. White noted that potential environmental concerns have contributed to the property remaining vacant.

Claudia Hanks, P.O. Box 620951, Orangevale, stated that she was Mr. White's sister. She reviewed additional parcel history, and requested that the Commission table Item E. She stated that there was inadequate notice when the property was rezoned by the City. She also

noted that she hasn't had a chance to contact planning staff to discuss the issue and explore the options with the property.

There being no further comment, the public hearing was closed at 8:24 p.m.

A straw poll revealed the Commission to be in favor of tabling Item D. Commissioner Wolfe indicated she would support tabling Item E., to which Mr. Hayes replied that changes can still be made at the Council level, and suggested that the Commission may want to proceed with the rezone, as it allows more uses than the current R3 zoning. There was general agreement that OR is suitable for the property, as it allows R3 housing density as well as some other uses, and that it is a step in the right direction.

COMMISSIONER FRY MOVED TO REOPEN THE PUBLIC HEARING. CHAIR DIETLE SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

The public hearing was re-opened at 7:29 p.m.

Claudia Hanks, a previous speaker, reiterated that they were unaware that the property had been rezoned to R3 until this last summer. She clarified that she doesn't want it to remain R3, and would support a move to OR, but would prefer going to CN. Mr. Seidler stated that the negative declaration doesn't allow a rezone to CN at this time. Commissioner Wolfe confirmed that the applicant would like to go forward at this time, rather than let the property remain R3.

James White, a previous speaker, noted that they gave up a strip of their property in return for NC zoning, and thinks it isn't fair to arbitrarily remove it. He stated that there should have been negotiations with the City.

Craig Ericksen, 979 Marguerite Avenue, asked some additional questions about the history of the property uses and zoning. Mr. Hayes replied that the property was zoned RP in 1993, and was inadvertently rezoned to R3 in 1994 when the new General Plan was adopted. Mr. Ericksen stated he would support a rezone to OR, and suggested to the property owner that the property would be more marketable if it were cleaned up.

There being no further comment, the public hearing was re-closed at 8:38 p.m.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR GENERAL PLAN AMENDMENT/REZONE/PREZONE NO. 99-3 A-I CHANGING THE GENERAL PLAN DESIGNATIONS, ZONING AND PREZONING FOR VARIOUS SITES WITHIN THE CHICO URBAN AREA AS DESCRIBED IN THE STAFF MEMORANDUM DATED NOVEMBER 18, 1999, WITH THE EXCEPTION THAT ITEM D BE TABLED AT THIS TIME. COMMISSIONER FRY SECONDED THE MOTION, WHICH PASSED 7-0.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Seidler reviewed recent actions by City Council, including the AT&T Wireless facility, the Wells Fargo rezone, ALUC General Plan Developments, and the appeal of the Architectural Review Board decision on the relocation of the Sportsman's Den trash enclosure relocation. Mr. Seidler also discussed that the General Plan Five-Year Review would be coming to the Commission soon, most likely in January.

Commissioner Alvistur confirmed that Council decided to hear the appeal of the AT&T Wireless facility.

ADJOURNMENT

The meeting was adjourned at 9:06 p.m. to the Adjourned Regular meeting of December 16, 1999.

March 2, 2000
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
DECEMBER 16, 1999**

ROLL CALL

The meeting was called to order by Chairperson Jolene Dietle at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Kirk Monfort, Larry Wahl, Nancy Wolfe, and Chair Jolene Dietle. Commissioner Fry was absent. Staff present were Planning Director Kim Seidler, Senior Planner Ed Palmeri, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

Chair Dietle stated that Commissioner Wolfe would have to leave at 6:55 p.m., and that the Commission would adjourn if the meeting went longer than an hour and a half due to previous engagements of some Commissioners.

DISCUSSION OF EX PARTE COMMUNICATION

None.

REGULAR AGENDA

1. **Planned Development Use Permit 99-46 (Land Design Properties, Inc.) Whitehall Park Subdivision** - A request for Planning Commission comments on a Conceptual Plan Review for a Planned Development of 6.5 ± acre parcel with 16 single family lots. The residential lots proposed in the conceptual plan range in lot area from 13,000 to 19,000 square feet. The property is located at 154 Centennial Avenue and is approximately 225± feet north of the intersection of Centennial Avenue and East 8th Street. A separate request to prezone the property from RS 20 Suburban Residential to RS-PD 15 Suburban Residential - Planned Development, and a vesting tentative map for 16 single family lots will be considered at a subsequent public hearing. The site is identified as Assessor's Parcel No. 011-010-119. The property is designated Low Density Residential (2.1 to 6 dwelling units per gross acre) on the City of Chico General Plan Diagram and is located in a PRS-20 Prezone Suburban Residential zoning district. The site is located in the county and will require annexation to the City of Chico.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He reviewed the history and of the parcel and previous approvals which were granted. He reviewed the PD process, noting that it allows greater flexibility to provide a staggered look with some units closer to street. He stated that staff is seeking input and direction from the Commission at tonight's meeting.

Staff recommendations include the following: that Centennial lots maintain a 20 foot setback; that the developer provide a tree preservation plan to look at trees on southerly portion of the site; and that no single unit be closer than 10 feet or further than 25 feet from front property line, with all garages a minimum of 20 feet from the front property line. Mr. Palmeri also

referenced a booklet from the developer which speaks to proposed landscaped areas and the use of parkways, as well as the treatment for the proposed wall on Centennial. The booklet also shows some typical elevations of proposed housing units, and Mr. Palmeri noted that in most cases these elevations are identical to the houses constructed at Hyde Park. He also reviewed a communication from County Supervisor Mary Anne Houx, who is opposed to the project, mainly due to neighborhood incompatibility and drainage concerns.

In response to Commissioner Wolfe, Mr. Palmeri clarified that at least one oak will be removed, and that several others may be impacted depending on the final plan which is approved. He stressed that staff wants to save what trees they can. He also explained that with the PD designation, not all lots have to meet the minimum lot size, as long as the aggregate density requirement is met.

Commissioner Bradford asked questions regarding the wall design, to which Mr. Palmeri suggested that the applicant is better equipped to answer those questions.

There was general discussion about noticing, with Mr. Palmeri confirming that everyone within 300 feet received a notice, as well as other parties who expressed an interest in this project. There was additional discussion about the appropriateness of a Low Density Residential designation for this area in the General Plan.

Commissioner Monfort inquired if there was a General Plan guiding policy regarding the grade of the slope on a lot to be not more than 10%, instead of 18% as proposed for this subdivision. Mr. Palmeri stated that staff is still working on the guidelines for residential housing on sloped areas. There was additional discussion regarding right-of-way width and the effect it has on lot size and the number of on-street parking spaces. Mr. Varga verified that this proposal is for a 56 foot ROW with a curb-to-curb distance of 32 feet.

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

Wes Gilbert, 70 Declaration Drive, #101, representing the applicant, stated that he wished to make some additions to what Mr. Palmeri reviewed in the staff report. He reviewed the General Plan designation of Low Density Residential for the site, and the allowed density of 2.1 to 6 units per acre in that designation. He noted that they could have 18 lots, but are choosing to only have 16 with this project. Mr. Gilbert also referenced the color renditions and elevations previously provided to the Commission. He reviewed that many elements, including houses and the wall design, are very similar to Hyde Park, but on larger lots. He stated that the sanitary sewer will connect to the existing sewer stub, and that storm water runoff will be subject to City standards for management and then be transferred to the existing system installed as part of the Walnut Park subdivision. Chair Dietle confirmed that the existing system has adequate capacity and that no new outfalls will be installed. Mr. Gilbert replied that there was an EIR for the area, and that the Walnut Park storm drainage was designed to meet the needs of the entire area. He noted that the project will also be picking up the Bidwell Ditch runoff, which has been incorporated into the storm drainage facility

design. He noted that he has been assured by staff that there is no cross-connection issue between the storm drainage system and existing storm drain leach trenches. He emphasized that regarding staff condition #2, it is impossible to know how many trees will be affected at this time, and that tree preservation is more properly an improvement plan issue, not a development plan issue. Mr. Palmeri confirmed this statement, noting that the topography needs to be worked with, and that staff won't know which trees might be impacted until final improvement plans are submitted. Mr. Gilbert also stated that there is a grade differential at the intersection with Centennial, which might affect which trees are impacted. He added that the plan will create a bike path easement on the north side of Lot 15, as part of the overall master plan to build a bike path across Bidwell Ditch.

In response to Commissioner Bradford, Mr. Gilbert stated that the wall would only be installed along the entryway, and only along Lot 1. He confirmed that the proposed design is very similar to what exists at Hyde Park.

Commissioner Monfort confirmed that the storm drainage improvements in Walnut Park were designed to deal with the drainage for everything upstream. Mr. Gilbert agreed, noting that the applicant's responsibility in this case is to provide first flush treatment and then purchase a portion of the improvements in Walnut Park. Commissioner Monfort inquired about the site design for Lot 15, to which Mr. Gilbert replied that there will be a combination of grading, stem walls, foundation treatments and possibly a steep driveway.

Commissioner Wolfe left the meeting at 6:55 p.m.

Marilyn Goolsby, 96 Centennial, stated that she has been a resident in the neighborhood for many years. She stated that during the Walnut Park hearings, area residents were told that Centennial would be the demarcation line for ½ acre lots, and that Manzanita would be the line for 1 acre lots. She stated that the minutes from these meetings should support her position.

Mr. Seidler stated that when this project previously came before the Planning Commission and City Council, it was under the old zoning ordinance, which had no RS-15 zoning. There was nothing between RS-10 and RS-20. It was his impression that RS-10 was deemed too small, and RS-20 was the next larger zoning available at that time.

Gina Turner, 62 Centennial, stated that she has lived in the neighborhood since 1977. She reviewed the prior incarnation of the project, which was approved on October 17, 1995. She noted that in 1995, it was agreed that there would be evergreens installed to follow all existing property lines. She confirmed that the City could still require the evergreen buffer with this project.

Jeff Goolsby, 102 Centennial, stated his agreement with Supervisor Houx's concerns with the

project, and stated that it is a fundamentally unacceptable plan. He reiterated the assurances given in 1995 that the area would be developed with half-acre lots. He noted that Walnut Park has been somewhat of a fiasco. He stated that the developer should look at the historical context, and create a development which fits in with the area.

Commissioner Monfort asked why the project is unacceptable. Mr. Goolsby cited flooding concerns, noting that the parcels are supposed to be larger as you go further upstream. He also cited neighborhood incompatibility, as well as the assurances which were given in 1995. He noted that he's not against the property being developed, but only as was previously promised. Commissioner Monfort confirmed that if three lots were removed, Mr. Goolsby would find the project satisfactory.

Commissioner Bradford asked Mr. Goolsby why he thinks Walnut Park is a fiasco. Mr. Goolsby cited concerns with the unattractive wall and lack of landscaping against it, flooding concerns, and property value concerns. He stated that he would ideally like to see one acre parcels, and that anything less than half an acre is ridiculous.

Sharon Wallace, 1258 Glenwood Avenue, stated that in the light of previous projects, consistency is an issue. She stated that the proposed homes are incongruent with the neighborhood. She stated the need for better transitions to the existing neighborhood and questioned why the wall was proposed on Centennial. She emphasized the role of the street as public space, and emphasized that the development should have a neighborly character.

Karen Vanderpool, 284 Centennial, stated that lots in the area are currently one acre or larger. She noted the presence of horses and other livestock in the area, and stated that it is inappropriate to take a small section and rezone it. She urged the Commission to look at the land uses and lifestyle of the area, and urged continued support of the commitment voiced in 1995 to keep the area at half acre lots.

Greg Steel, 603 Parkwood Drive, stated that he lives across from Walnut Park. He cited inconsistencies between the public notice, which refers to Planning Commission comments on the proposal, and the staff report, which contains a motion for conceptual approval. He discussed problems with forced annexation of property. He cited problems with the environmental review, noting that the environmental review was conducted for 19 units, which was then reduced to 11 as a result of the environmental review. He cited problems with storm drainage in the area, and discussed the issue of private vs public storm drains and their connectivity.

Mr. Steele discussed the previous mitigated negative declaration. Chair Dietle noted that the Commission did not have the 1995 minutes or the previous mitigated negative declaration. Mr. Steele read from the previous meeting's minutes, stating that approval of this project is predicated on completion of the improvements in Walnut Park being completed, which is not the case, as all improvements have not been installed and there is no maintenance district or other funding mechanism to maintain the storm drainage facilities. He noted that the Walnut Park developer is in Chapter 11. He re-stated concerns with storm drain linkage between the three subdivisions. Commissioner Wahl confirmed that the third subdivision he's referring to

is Shirley Park. He stated that he would like the french drains plugged up in the absence of a funding mechanism, and noted that Mr. Gilbert has assured him that flooding concerns will be addressed. He urged the Commission to look at the 11 unit project which was approved, and to not take formal action when the meeting isn't advertised as such.

Mr. Seidler discussed problems the City has had with Walnut Park, noting that it is an anomalous project. He reviewed that the developer went bankrupt between the time of approval and the time the maintenance district was established, that Proposition 218 was passed just before formation of the maintenance district, and that the developer voted against formation of the district. Mr. Steele ventured that had certificates of occupancy not been issued for residences in Walnut Park, there wouldn't be a problem.

In response to Commissioner Alvistur, Mr. Varga reviewed the Walnut Park storm drainage and treatment facilities, and noted that the maintenance district was intended to maintain common landscaping areas and storm water quality, not quantity. He stated that as far as quantity is concerned, the system works. He stated that water used to back up through Walnut Park, Shirley Park, and then the creek. He reviewed that the galleries need to be maintained for storm water quality only, and that no detention is required because the project is downstream of the control structure at Five Mile.

Chair Dietle confirmed with Mr. Seidler that the noticing was somewhat vague and that the Initial Study isn't available at this time. Mr. Steele emphasized that the Commission shouldn't take any formal action on the project tonight, because of the wording on the public notice.

There being no further comment, the public hearing was closed at 7:37 p.m.

There was general discussion regarding the history of the project, lot sizes, neighborhood compatibility and the appropriateness of granting a rezone for this property. Commissioner Alvistur asked if staff was aware of the October 1995 assurances given by Council. Mr. Seidler replied that he had read the minutes, and noted that it is possible that various Council members did give assurances, but stated that the best assurance would have been to amend the general plan to reflect those assurances. There was general agreement that the Commission would like to review the minutes of the October 17, 1995 Council meeting on this project.

Chair Dietle noted that while the lots aren't small on an absolute scale, they are small compared to neighboring parcels. She expressed her belief that larger lots would be marketable. Commissioner Monfort stressed that the Commission needs additional information before it can make any decision.

Mr. Seidler stated that there is nothing unique about this subdivision except the slope on the southern portion, and that the issue is primarily density. He stated that if the Commission feels a rezoning is feasible, and the Commission approves of the design in concept, then the Commission should look at the rezone request and determine the issue at that point. He stated that staff would provide additional information when the project is next looked at, and

noted that the project was previously approved at a lower density. Commissioner Monfort confirmed that density is the primary issue.

There was additional discussion over previous assurances given by Council, with Commissioner Monfort pointing out that situations and circumstances change, otherwise nothing would ever be changed in the General Plan. He also noted the danger of setting a precedent of blindly upholding a previous body's decision.

There was additional agreement that more information was needed in the next staff report, with particular clarification on the history of the property and the history of project approvals, and that the Commission should continue discussion of this item to the next meeting.

COMMISSIONER BRADFORD MOVED THAT THE COMMISSION CONTINUE THIS ITEM TO THE MEETING OF JANUARY 6, 2000. COMMISSIONER WAHL SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS FRY AND WOLFE ABSENT). Commissioner Alvistur added that he would also like a clear review of the drainage situation. Commissioner Monfort asked Mr. Varga to sort out the drainage history of the area and have that available at the January 6 meeting. Mr. Varga confirmed that some sort of maintenance district or other funding mechanism will need to be created to take care of Walnut Park, but noted that it is mainly an issue of paperwork.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Seidler reviewed the schedule for the Five Year Review of the General Plan, noting that the first community meeting will be on January 13. Commissioners Wahl and Monfort indicated they would attend the January 13 meeting. Mr. Seidler also stated that staff would like to have a special meeting on the Oak Valley subdivision to inform new commissioners about the history of the project, which has been in the works for several years.

On a non-planning issue, Mr. Seidler encouraged the Commission and the public to look at the new stained-glass artwork installed on the City office building.

Mr. Seidler also reviewed Council decisions regarding the AT&T Wireless appeal, the ALUC amendments, and the Sportsman's Den appeal of the Architectural Review Board decision regarding the trash enclosure placements. There was additional discussion regarding the creation of a wireless communications facility ordinance.

ADJOURNMENT

The Planning Commission adjourned at 8:06 p.m. to the Regular Meeting of January 6, 2000.

Date Approved

Kim Seidler
Planning Director