

**PLANNING COMMISSION  
REGULAR MEETING  
JANUARY 4, 2001**

**SEATING OF THE COMMISSION**

**6:00 p.m.**

**ROLL CALL**

The meeting was called to order by Planning Director Kim Seidler at 6:00 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Ross Bradford, Jolene Dietle, Kirk Monfort, Craig Sanders, Sharon Stone and Nancy Wolfe. Commissioner Vic Alvistur was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Stacey Jolliffe, Associate Planner Claudia Sigona, Assistant Planner Jay Hanson, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

**SELECTION OF OFFICERS**

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

Commissioner Monfort nominated Commissioner Wolfe to serve as Chairperson. There being no further nominations, the Commission voted 6-0-1 (Commissioner Alvistur absent) to designate Commissioner Wolfe as Chairperson.

Commissioner Monfort nominated Commissioner Dietle to serve as Vice-Chairperson. There being no further nominations, the Commission voted 6-0-1 (Commissioner Alvistur absent) to designate Commissioner Dietle as Vice-Chairperson.

**RECOGNITION OF LARRY WAHL'S SERVICE ON THE COMMISSION**

Mr. Seidler presented Councilmember Wahl with a certificate of appreciation, and thanked him for his service on the Commission.

**PLANNING COMMISSION ORIENTATION**

Mr. Seidler reviewed the handbook prepared for the Commissioners. Ms. Barker reviewed the legal obligations of the Commission, including Brown Act provisions, ex parte communication, and conflicts of interest.

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The Commission was in recess from 6:25 to 6:30 p.m. Commissioner Alvistur arrived during the recess.

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## **REGULAR AGENDA**

6:30 p.m.

### **DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)**

None.

### **ADMINISTRATIVE AGENDA**

3. **Minutes of Adjourned Regular Meeting of November 30, 2000**  
*Staff recommends approval with any corrections/revisions required.*

COMMISSIONER MONFORT MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH CARRIED 4-0-3 (COMMISSIONERS DIETLE, SANDERS AND STONE ABSTAINING).

### **REGULAR AGENDA**

4. **General Plan Amendment No. 00-3/Rezone No. 00-5 (City of Chico)** - A request to amend the General Plan designation for 25 acres located at the southeast corner of the future extensions of Ceanothus Avenue and Eaton Road from Low Density Residential-Open Space for Environmental Conservation/Safety Overlay District (2.01 to 6 units per acre) to Medium Density Residential (4.01 to 14 units per acre), and also rezone the property from R1-RM Low Density Residential-Resource Management Overlay District (2.01 to 6 units per acre) to R2-SD-3 Medium Density Residential-Special Design Overlay District (4.01 to 14 units per acre). The site is identified as a portion of Assessor's Parcel Nos. 048-020-061 & 100, and is further identified as parcels A and B of the Foothill Park East master subdivision. This application is being processed under an addendum to the Foothill Park East Environmental Impact Report, certified June 2, 1997. *Staff recommends that this item be re-noticed and continued to the meeting of January 18, 2001.*

Commissioner Dietle stated that she would disqualify herself from items 4 and 5, as her employer has a significant business relationship with the property owner for both items. Commissioner Wolfe stated that she would also disqualify herself from items 4 and 5, as Mr. Drake had made a \$250 contribution to her political campaign in the last 12 months. Commissioner Monfort was designated acting Chair.

COMMISSIONER ALVISTUR MOVED THAT ITEM #4 BE CONTINUED TO THE MEETING OF JANUARY 18. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH CARRIED 5-0-2 (COMMISSIONERS DIETLE AND WOLFE DISQUALIFIED).

5. **Foothill Park Unit 3 Vesting Tentative Subdivision Map No. S 00-8**

**(Drake)** - A request to approve a vesting tentative subdivision map to subdivide 4.85 acres of land into nineteen residential lots ranging in size from 8,751 to 12,279 square feet. The project site is located northwesterly of the proposed Hudson Avenue and northeast of the proposed Valley Forge Drive and is identified as parcel H of the Foothill Park East Master Subdivision, a 4.85 acre parcel northwest of the proposed neighborhood park. The site is identified as Assessor's Parcel No. 048-020-018. The property is designated Low Density Residential on the City of Chico General Plan Diagram and is located in an R1 Low Density Residential zoning district. An Addendum to the Foothill Park East Environmental Impact Report, certified June 2, 1997 was prepared for the project, pursuant to the California Environmental Quality Act (CEQA). **Staff recommends adoption of the amendment to the FPE EIR and approval of the subdivision.**

Ms. Jolliffe presented the staff report, reviewing the land use issues involved, the addendum to the Foothill Park East (FPE) EIR, the history of the larger FPE project, and the details of this subdivision.

The Commission discussed condition 11 concerning fencing along the edge of the project. Ms. Jolliffe noted that the intent is to preserve foothill views to the extent feasible, and that the fence is required to be installed when the homes are built.

Commissioner Monfort expressed support for reducing the right-of-way width to 56 feet from the 62 foot width proposed. Ms. Figge noted that it is within the Commission's power to make changes to the project.

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

Jim Mann, 70 Declaration Drive #101, representing the applicant, confirmed that no grading is taking place on this site, but is taking place on the adjacent FPE Unit 2 site. He clarified that the applicant for this item is the City of Chico, not Drake Homes as indicated on the agenda.

In response to Commissioner Monfort, Mr. Mann indicated that Mr. Drake wishes to build a 62 foot right of way due to the relatively large size of the lots in this project, and that he is opposed to reducing the right-of-way width.

Bryan Baldrige, 660 Cromwell Drive, representing the North Valley Pilots Association, voiced concern with the project's proximity to the air tanker departure tracks from the Chico Municipal Airport. He inquired what land use zone the project was in under the new 2000 Airport Comprehensive Land Use Plan (CLUP). Mr. Seidler replied that the project is in zone C of the CLUP, which allows density of 4+ units per acre, and noted that this project is south of the air tanker buffer zone centered on Sycamore Creek. Ms. Jolliffe added that the CLUP status is moot from a regulatory standpoint, as the master FPE subdivision was approved in

1997, including overriding findings regarding the CLUP in place at that time. Mr. Baldrige expressed concern with maintaining the viability of the airport, especially in light of the federal grants the City has accepted to operate and maintain the airport. He opined that if new restrictions are placed on airport operations due to this project, the City may be required to pay back the federal grants.

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

The Commission discussed this project's relationship to the airport, agreed that no new issues were raised, and stated that existing conditions such deed disclosures are adequate to address airport issues.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION 00-31, ACCEPTING THE ADDENDUM TO THE FOOTHILL PARK EAST EIR AND APPROVING THE FOOTHILL PARK EAST UNIT 3 VESTING TENTATIVE SUBDIVISION MAP, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, INCLUDING THOSE MINOR CORRECTIONS ON THE ADDENDUM MEMO DATED JANUARY 3. COMMISSIONER ALVISTUR SECONDED THE MOTION.

Commissioner Monfort inquired if anyone else was interested in requiring narrower street widths; other Commissioners indicated they would not support requiring them.

THE MOTION PASSED 4-1-2 (COMMISSIONER MONFORT OPPOSED, COMMISSIONERS DIETLE AND WOLFE DISQUALIFIED).

6. **Rezone No. 00-13 (Ferrini) 287 Rio Lindo Avenue** - A request to rezone the southerly 0.8 acres of property located at 287 Rio Lindo Avenue from R3 Medium-High Density Residential to OR Office Residential. The property is identified as Assessor's Parcel No. 006-120-015, and is currently split-zoned with the front, northerly portion (0.4 acres) zoned OR Office Residential. The site is designated Medium-High Density Residential on the City of Chico General Plan Diagram. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends that the Planning Commission recommend City Council adoption of the mitigated negative declaration and approval of the rezone.***

Mr. Hanson presented the staff report, reviewing the land use issues involved, the differences between the two zoning districts, and the history of the property. He noted that the applicant intends to remove the mobile home and expand the offices for children's services, and that the site appears appropriate for the use.

In response to Commissioner Monfort, Mr. Hanson stated that the property adjacent to the southwest isn't a portion of this rezone because this rezone was requested by the applicant and is not a City-initiated "cleanup" rezoning. Commissioner Monfort suggested a "cleanup"

rezoning of the adjacent parcel; Ms. Figge pointed out that it would make the adjacent property a non-conforming use.

Commissioner Wolfe confirmed with staff that split zoning is not uncommon. Commissioner Bradford confirmed that the Fire Department had reviewed the project. Ms. Figge elaborated on the history of the property.

The public hearing was opened at 7:14p.m. There being no comment, the public hearing was closed.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 00-35 RECOMMENDING THE CITY COUNCIL ADOPT THE PROPOSED NEGATIVE DECLARATION AND APPROVE REZONE NO. 00-13. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 7-0.

7. **Bidwell Ridge Vesting Tentative Subdivision (S-00-2)/Planned Development Permit No. 00-3 (Horning)** - Final review of a planned development and subdivision of 7.05 acres located on the south side of Chico Canyon Road, approximately 1000 feet west of Falcon's Pointe Drive, to create seven lots for single family residential development. The site is identified as Assessor's Parcel No. 011-020-095, is designated Very Low Density Residential on the City of Chico General Plan Diagram, and is located in a (P)RS-1 Suburban Residential (one acre minimum) rezoning district. The planned development permit will allow for lot sizes which are slightly below the one acre net required. Proposed average net lot size is 37,374 square feet (.86 acre). A mitigated negative declaration of environmental impact is proposed pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration and approval of the planned development permit and subdivision.***

Ms. Sigona presented the staff report, reviewing the land use issues involved and the requested modifications to design standards, which will mirror those improvements recently approved for the Shastan at Chico Canyon Road subdivision. She noted that staff previously presented incorrect information regarding allowed building height; she clarified that this site is essentially level, and would thus be subject to the 25 foot height restriction for foothill development.

Commissioner Wolfe confirmed that a two-story house could still be built, as long as it was no taller than 25 feet.

Mr. Varga discussed the requested design modifications, noting that Planning and Engineering have agreed to disagree on the proposed street sections and street lighting. Ms. Figge noted that the Council upheld the modified standards for Shastan at Chico Canyon Road, and clarified that some sort of light would be required at each driveway.

The Commission discussed the proposed street sections, the cumulative effect of traffic on the Manzanita/Chico Canyon Road intersection, the need for a left-hand turn lane, and that intersection's priority in the Capital Improvement Program.

Commissioner Sanders confirmed with Mr. Varga that the interior street will be brought back down to Chico Canyon Road as properties to the east are developed.

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

Wes Gilbert, 70 Declaration Drive #101, project engineer, discussed the proposed street standards, noting that all internal streets are proposed to be public. He discussed proposed storm drainage improvements, and noted that a pressurized sewer line will be required to pump sewage up the hill from lot 1 to a sewer easement on lot 2; the proposal also calls for no street lighting, but driveway lighting would be provided.

There being no further comment, the public hearing was closed at 7:41 p.m.

Commissioner Wolfe confirmed with Mr. Varga that the proposed sewage pump and pressurized sewer line serving lot 1 is acceptable to the City.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 00-33, ADOPTING THE PROPOSED MITIGATED NEGATIVE DECLARATION AND APPROVING THE FINAL DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT PERMIT NO. 00-3 AND THE BIDWELL RIDGE VESTING TENTATIVE SUBDIVISION MAP S-00-2, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL DELINEATED THEREIN, WITH A MODIFICATION TO ALLOW A PRESSURIZED SANITARY SEWER LINE SERVE LOT 1 AS DISCUSSED. COMMISSIONER DIETLE SECONDED THE MOTION, WHICH PASSED 7-0.

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The Commission was in recess from 7:45 to 7:51 p.m.

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8. **Planned Development Permit No. 00-4/Parcel Map No. 00-8 (Campos)** - Conceptual review of a planned development and parcel map which proposes to create three lots averaging approximately 4,200 square feet in size, to be subsequently developed with three 4-bedroom single family residences, located at the northeast corner of Almond Street and Pomona Avenue. The site is identified as Assessor's Parcel Nos. 004-500-046 & 047, 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 planned

development permit would facilitate minor modifications to certain lot development standards, including minimum lot size for a corner parcel; minimum lot widths; and the street side yard setback. The planned development permit will also facilitate shared facilities including access, parking, and solid waste disposal. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332 (Infill Development Projects). ***Staff recommends that the Commission conceptually approve the planned development permit.***

Ms. Sigona presented the staff report, reviewing the land use issues involved and the details of the project. She noted that this type of development is supported by a number of General Plan policies, and that it should provide a good transition for the neighborhood. She reviewed staff's recommendations, which include increasing the planter strip to 3 feet in width at the expense of a foot of paving, and that individual trash containers be provided for each residence, to be stored within the enclosed patio areas.

Commissioner Sanders expressed concern that the number of trash containers would take up a large amount of patio space.

The public hearing was opened at 7:59 p.m.

Mike Campos, 774 Hillview Way, applicant, stated that the community interest would be best served by individual trash containers, instead of a dumpster as originally proposed. He opined that the tenants would be more likely to use individual containers and keep them in an orderly manner than they would a common dumpster.

In response to Commissioner Dietle, Mr. Campos stated that some sort of easement agreement would be implemented for parking, and that parking spaces would be assigned to each unit. Mr. Campos added that there is a large amount of on-street parking available.

The Commission discussed parking arrangements; Ms. Sigona suggested that a blanket easement for access and parking be placed over the entire parking area, with the details to be worked out in the CC&Rs. Commissioner Wolfe confirmed that this project is in an impacted parking area.

In response to Commissioner Monfort, Mr. Campos confirmed that the proposed housing style is similar to the older homes in the area, and that they are of two-story construction. There being no further comment, the public hearing was closed at 8:10 p.m.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION CONCEPTUALLY APPROVE PLANNED DEVELOPMENT PERMIT NO. 00-4, SUBJECT TO THE APPLICANT PROVIDING ADDITIONAL INFORMATION AND MAKING THE CHANGES DISCUSSED IN THE STAFF REPORT DATED DECEMBER 19, 2000, WITH THE ELIMINATION OF CONDITION #2 CONCERNING CONVERSION OF A PARKING SPACE TO A TRASH

ENCLOSURE; AND THAT THE PROJECT RETURN FOR FINAL ACTION UPON COMPLETION OF THE FINAL DEVELOPMENT PLAN, CONCURRENT WITH THE HEARING ON PARCEL MAP NO. 00-8. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 7-0.

**GENERAL BUSINESS**

None.

**PLANNING UPDATE**

Mr. Seidler congratulated the new officers and welcomed the new commissioners.

Commissioner Dietle confirmed that the only budget meeting where the Commission would possibly meet with the City Council is on May 22.

The Commission discussed traffic problems on Business Lane caused by the new In-N-Out and the status of plans to improve the Cohasset Road overpass. Staff indicated that they would research the issues and provide information to the Commission at a later time.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 8:18 p.m. to the Adjourned Regular Meeting of January 18, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

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April 19, 2001

Date Approved

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/s/

Kim Seidler

Planning Director

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
JANUARY 18, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Kirk Monfort, Craig Sanders, Sharon Stone and Nancy Wolfe. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Ed Palmeri, Senior Planner Stacey Jolliffe, Associate Planner Jay Hanson, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

None.

**REGULAR AGENDA**

1. **General Plan Amendment No. 00-3/Rezone No. 00-5 (City of Chico)** - A request to amend the General Plan designation for 25 acres located at the southeast corner of the future extensions of Ceanothus Avenue and Eaton Road from Low Density Residential-Open Space for Environmental Conservation/Safety Overlay District (2.01 to 6 units per acre) to Medium Density Residential (4.01 to 14 units per acre), and also rezone the property from R1-RM Low Density Residential-Resource Management Overlay District (2.01 to 6 units per acre) to R2-SD-3 Medium Density Residential-Special Design Overlay District (4.01 to 14 units per acre). The site is identified as Assessor's Parcel Nos. 048-020-101 & 102 (formerly a portion of Assessor's Parcel Nos. 048-020-061 & 100), and is further identified as parcels A and B of the Foothill Park East master subdivision. This application is being processed under an addendum to the Foothill Park East Environmental Impact Report, certified June 2, 1997. ***Staff recommends that the Commission adopt the addendum to the environmental impact report and recommend City Council approval of the general plan amendment and rezone.***

Commissioner Dietle stated that she would disqualify herself from this item, as her employer has a significant business relationship with the property owner. Commissioner Wolfe stated that she would also disqualify herself, as the property owner contributed more than \$250 to her political campaign in the last 12 months.

Commissioner Monfort was designated acting Chair for this item.

Ms. Jolliffe presented the staff report, reviewing the land use issues involved, applicable regulations, the history of the property and relevant project approvals, the constraints on the site, and surrounding land uses. She noted that the proposed SD-3 designation would establish a minimum density of 10 units/acre, ensuring that apartments are built, as well as require compliance with the Foothill Park East (FPE) design manual. She noted that the

major environmental impact caused by the GPA and rezone would be increased traffic, but that the projected level of traffic would still be within the range allowed under the FPE Master EIR. She stated that staff is recommending approval, and offered to answer any questions.

In response to Commissioner Monfort, Ms. Jolliffe stated that the -SD overlay allows the Commission to assign specific standards to the future development of this site. Commissioner Monfort confirmed that the Commission could place a requirement for a bike/pedestrian path to connect to Cactus as part of the -SD overlay district.

Commissioner Alvistur inquired what projected traffic volumes would be. Mr. Varga stated that their estimate is 2800 trips per day, which is well within the functional midrange for collector streets such as Marigold and Ceanothus; he added that if additional road improvements are necessary, requiring them would be an appropriate condition.

In response to Commissioner Sanders, Ms. Jolliffe stated that the addendum to the FPE FEIR is sufficient to address this number of additional units; the only changed environmental impacts would be additional noise and traffic.

In response to Commissioner Bradford, Ms. Jolliffe noted that this rezone was initiated by staff, although they did consult with the property owner to see if he was agreeable to the idea. Commissioner Monfort added that when this item was before the Commission in 1997, the Commission directed staff to look at rezoning this area as proposed.

Commissioner Sanders inquired why the 10 unit/acre minimum density is required, as it limits flexibility in design of the project. Ms. Jolliffe replied that the intent is to prohibit standard R1 density development, which staff feels will not work well on the site. She added that the City has no mechanism for architectural review of single-family residential structures. Commissioner Monfort added that a certain density is required to make transit feasible, and that this corridor has good potential as a future transit route.

Ms. Figge reviewed the site access constraints due to its relationship to Eaton Road, emphasizing that staff is looking to provide only multi-family housing on this site. She added that several other R2 parcels have been developed at single-family densities, and that staff is looking for ways to compensate for density lost in other areas of the City.

Commissioner Alvistur confirmed with Mr. Varga that there is no requirement that Eaton be constructed prior to apartments being built.

The public hearing was opened at 6:58 p.m.

Steve Mosher, 30 Rusty Lane, expressed concerns with traffic levels that would be created by the increased density of the project, the poor road connectivity in the area, the potential use of Cactus as an emergency access road, the impact the project will have on the existing

neighborhood, and the fact that no development impact fees are collected to improve 32 or 99. He requested that road improvements be installed before any construction is approved.

Jim Mann, 70 Declaration Drive, Suite 101, representing the property owner, stated that there are no plans to connect this property in any way to Cactus Avenue. He added that bicycle/pedestrian/equestrian access could be examined as the project site plan is designed, that the FPE project is currently being built at slightly less than 4 units per acre (lower than the 7 units per acre anticipated in the EIR) due to right-of-way dedications and other issues, that the Foothill Park East development has dedicated a total of 292 acres to the City for environmental conservation, and that Ceanothus will be completed before this property is developed. He noted that the preliminary design proposal is for 110 units on parcel A, similar to the existing "Cobble Creek" development, and that construction would not start until the fall at the earliest. He asked that the Commission defer any decision on what kind of wall or fence should be built in conjunction with the development until the project design is more complete.

Commissioner Alvistur expressed concern with proposed traffic volumes; Mr. Mann replied that all traffic would go down Marigold and Ceanothus for the time being, and that traffic impacts were addressed in the EIR. The Commission discussed traffic and associated improvements to Marigold and Ceanothus Avenues.

Kay Schenk, 31 Rusty Lane, stated that she has been working against this project since 1994, and is concerned about the role of the Commission in directing staff to pursue this GPA. She cited concerns with traffic and neighborhood incompatibility, and voiced her support for larger-lot single family residential development for the area.

Susan Efseaff, 1537 Kona Drive, voiced opposition to the project, citing concerns with traffic and the danger to children walking to the elementary and high schools. Ms. Figge noted that trip generation for multi-family residential is only 6.8 trips per day per unit; Ms. Jolliffe added that the 2800 daily trips figure is in lieu of the 1000 trips that would be expected for development under existing conditions, for a net gain of 1800 trips per day.

John Terris, 2765 Cactus Avenue, stated his opposition to the project, citing concerns with overcrowded schools and the current energy crisis. He suggested that Eaton Road be realigned further to the south to avoid the constraints to this property which are causing the need for a rezone.

Walt Chrupalo, 2636 Passiflora Court, stated his opposition to the project, citing concerns with traffic, pedestrian safety for school children, and the delayed installation of Eaton Road improvements.

Marge Fredenburg, 2848 Marigold Avenue, stated her opposition to the project, citing concerns with traffic, drainage, overcrowded schools, the lack of hiking and equestrian access across the future Eaton Road, and the timing of public improvements to serve the project. She requested that Eaton Road be given some sort of scenic roadway designation, and lamented

that little old ladies no longer feel safe walking their dogs on Marigold Avenue.

Jerry Olio, 2595 Cactus Avenue, thanked the two Commissioners who recused themselves, and opined that others should also recuse themselves when this item goes to the City Council. He read two letters to the Commission. The first, from Butte Environmental Council, outlined their concerns regarding the adequacy of the environmental review, issues of viewshed, project design, bike paths, parks, traffic impacts, relationship of the project to the airport, disclosure of fire tanker noise to future residents, the timing of the Eaton Road improvements, and the extent of noticing for the hearing. The second letter, written by his neighbors Chris and Bruce Sillars, expressed opposition to additional development in the area, citing concerns with potential damage to Cactus Avenue, poor drainage in the area, and the rural nature of existing development.

Erica Walker, 2623 Navarro Drive, stated that there isn't sufficient room behind her subdivision for the proposed Eaton Road extension, and expressed concern with such a large road close to Wildwood Park. She lamented her subdivision's loss of viewshed if this project is approved, and opined that drivers would use her subdivision as a shortcut. Mr. Varga stated that he doesn't believe that it will be a problem, but that the City could certainly look at traffic calming measures if the Bidwell Vista subdivision ends up being used as a shortcut.

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The Commission was in recess from 7:52 to 8:05 p.m.

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Liz Mosher, 30 Rusty Lane, stated her opposition to the project. She reviewed the history of the Foothill Park East subdivision and prior site plans for the subject parcel, and opined that Mr. Drake is working behind the scenes to get this project approved. She cited concerns with traffic, proximity to the airport, overcrowded schools, the lack of existing infrastructure, and loss of viewshed for Cactus residents. She urged that if any multi-family residential development is approved, it should be limited to one-story construction.

Mike Byrd, Rolls, Anderson and Rolls, 115 Yellowstone Drive, wished to clarify that the alignment for Eaton Road was established in the late 1970s and fixed in place when the Northeast Chico Sewer Assessment District (NECSAD) sewer main was installed under the centerline of the Eaton Road right-of-way.

Dan Efseaff, 1573 Kona Drive, stated concerns he has with the project, including traffic and the "brick wall effect" of new development. He questioned where the 6.8 trips per day per unit figure comes from. Mr. Varga reviewed that the figure is an ITE standard, and represents an average traffic volume for multi-family construction. He stated that actual trips for this project could certainly vary from the predicted level.

Paul Teegarden, 31 Rusty Lane, asked about this project's land use designation in the Airport Comprehensive Land Use Plan (CLUP). Mr. Seidler replied that the parcel is in CLUP zone

C, and that the major concern in that zone is noise and annoyance due to aircraft operations. Commissioner Sanders elaborated on the C designation, adding that the Airport Commission considered many factors when determining the zone boundaries.

Mr. Teegarden opined that this project is in conflict with several General Plan policies relating to neighborhood compatibility, sustainable growth, preservation of viewsheds, quality of life, and other issues. He requested that if the property must be rezoned, that only the western half be considered.

Jason Mountsier, 3059 Coachlight Drive, stated his opposition to the project, citing concerns with traffic, the more transient nature of tenants of multi-family housing, and neighborhood compatibility.

Mari Mountsier, 3059 Coachlight Drive, voiced agreement with the previous speaker. She ventured that an apartment complex seems like the last choice for the area given the site constraints, and questioned the wisdom of settling for the last choice in Chico development.

Ms. Figge pointed out the City's responsibility to provide housing for all segments of the community. Mr. Seidler added that the City also wants to ensure that no single area of the City is unduly burdened with higher density development.

Jerry Olio, a previous speaker, stated his opposition to the project and his support for either rezoning the property to open space or keeping the current zoning. He raised concerns with loss of viewshed, the proximity of apartment dwellers to rural neighbors with large animals, the different views the City and County have for the area, and the absence of the property owner at this hearing.

Liz Mosher, a previous speaker, asserted that there had been discussion at a previous Planning Commission meeting in 1997 about moving the Eaton Road alignment. Ms. Jolliffe replied that she may be referring to proposed changes in the landscaped setback from Eaton Road, but that the alignment has been fixed for many years due to the sewer main already in the ground.

Mark Hook, 2540 Cactus Avenue, stated his opposition to the project, citing concerns with traffic, emergency access during morning and afternoon rush hours, and the timing of Eaton Road improvements.

Steve Mosher, a previous speaker, raised concerns with the traffic count numbers in the addendum to the FPE EIR. Ms. Jolliffe elaborated on the EIR process, and noted that the EIR looked at a total of 547 units for Foothill Park East, without specific densities in specific areas. She stated that as the last portions of FPE are developed, if the total number of vehicle trips looks to exceed the number evaluated in the EIR, then additional mitigation measures will be considered at that time. She added that the portion north of Eaton Road is building at a lower density than that provided for in the EIR, and that the total number of units will probably be very

close to the 547 addressed in the EIR.

There being no further comment, the public hearing was closed at 9:02 p.m.

The Commission discussed the timing of Eaton Road construction, and confirmed with staff that Ceanothus will be extended by the developer to serve the next phase of FPE.

The public hearing was reopened at 9:07 p.m.

Jim Mann, a previous speaker, confirmed that Ceanothus will be constructed or re-constructed all the way to East Avenue. He added that the portion of Eaton Road that runs through FPE would have to be built before any more phases of FPE are developed.

In response to Commissioner Alvistur, Mr. Mann clarified that a permanent section of Ceanothus will be built from a point north of Eaton Road to the Sale property (just south of the PG&E easement), then a permanent half-section built across the Sale property, then a "throw-away" road built down to East Avenue.

The public hearing was reclosed at 9:10 p.m.

Commissioner Monfort noted that residents should be involved in the City's review of the Capital Improvement Plan. The Commission discussed viewsheds, notice to tenants about aircraft overflights, signs informing area residents about aircraft operations, proximity of buildings to Eaton Road, and the PG&E easement on the south portion of the property.

The public hearing was reopened at 9:15 p.m.

Mike Byrd, a previous speaker, stated that the PG&E easement is 40 feet wide, and contains both overhead and buried facilities.

Liz Mosher, a previous speaker, confirmed with staff that a parking lot and associated lighting would be allowed on the easement. Ms. Jolliffe added that a landscaped buffer would be required as a condition of the FPE master subdivision, and that the ARB would also review any site design, including lighting.

The public hearing was reclosed at 9:18 p.m.

The Commission discussed timing of East Avenue improvements, the net gain in density and traffic if approved, the possibility of pedestrian/bicycle access to Cactus Avenue, and the site constraints for placing single-family residential development on the property.

Commissioner Alvistur indicated that he's not in favor of the project as presented, primarily due to traffic impacts and neighborhood compatibility, but stated that he could support a project where just the western portion was rezoned.

Commissioner Bradford reviewed the City's loss of overall density with the under-building of R2 zoned land and noted the City's need for affordable housing.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION 00-28 RECOMMENDING ACCEPTANCE OF THE PROPOSED ADDENDUM TO THE FOOTHILL PARK EAST ENVIRONMENTAL IMPACT REPORT, ADOPTION OF GENERAL PLAN AMENDMENT 00-3 AND REZONE 00-5, SUBJECT TO THE FINDINGS THEREIN. COMMISSIONER STONE SECONDED THE MOTION. COMMISSIONER MONFORT OFFERED AN AMENDMENT THAT THE SPECIAL DESIGN OVERLAY INCLUDE PROVISION OF BICYCLE/PEDESTRIAN ACCESS TO CACTUS AVENUE; COMMISSIONER BRADFORD ACCEPTED THE AMENDMENT. THE MOTION, AS AMENDED, PASSED 3-2-2 (COMMISSIONERS ALVISTUR AND SANDERS OPPOSED, COMMISSIONERS DIETLE AND WOLFE DISQUALIFIED).

Mr. Seidler noted that the Commission's action is a recommendation to the City Council, and therefore cannot be appealed at this time.

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The Commission was in recess from 9:28 to 9:38 p.m.

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2. **Rezone 00-11 (Ostrander) 812 Nord Avenue** - A request to change the zoning classification on a portion (approximately 0.7 acre) of property rezoned CC Community Commercial to R3 Medium High Density Residential to allow multi-family residential development (apartments). The portion of the site proposed for rezone is identified as Assessor's Parcel No. 043-220-015, and is designated Medium-High Density Residential on the City of Chico General Plan Diagram. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends that the Commission recommend City Council adoption of the mitigated negative declaration and approval of the rezone.***

Mr. Hanson presented the staff report, reviewing the land use issues involved. He noted that the proposed rezone would be compatible with surrounding uses, and is desirable due to the site's proximity to CSUC and existing services.

The public hearing was opened at 9:42 p.m. Seeing no comment, the public hearing was closed.

In response to Commissioner Bradford, Mr. Hanson elaborated that some of the work already underway on the site doesn't require the rezone. Ms. Figge added that a use permit had already been secured for the site to allow ground floor apartments, but that the rezone is needed to prevent the site from becoming a non-conforming use.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-01, RECOMMENDING CITY COUNCIL ADOPTION OF THE PROPOSED MITIGATED NEGATIVE DECLARATION AND APPROVAL OF REZONE NO. 00-11. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 7-0.

3. **Marigold Village Vesting Tentative Subdivision, S 00-10 (Conroy/Marshall)** - A request to create 16 lots for single family residential development and an additional lot for storm water detention to be dedicated to the City on 4.73 acres located on the west side of Marigold Avenue, approximately 270 feet north of Kona Drive (2825 Marigold Avenue). The site is identified as Assessor's Parcel No. 048-740-002, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. Proposed average lot size is 10,300 square feet (0.24 acre net). A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration and approval of the subdivision.***

Commissioners Dietle and Stone disqualified themselves from this item; Commissioner Dietle stated that her employer has a significant financial relationship with the applicants, and Commissioner Stone stated that one of the applicants may have a business relationship with her spouse.

Mr. Hanson presented the staff report, reviewing the land use issues involved and the details of the project. He noted that the Commission may wish to discuss what sort of fencing is to be installed around the storm drainage detention area.

The Commission discussed the street connectivity in this area, and agreed that opportunities to provide greater internal circulation should be sought in this area when looking at future proposals. Staff indicated that a higher level of graphic detail on the surrounding parcels/subdivisions would be provided to facilitate such decision-making.

The public hearing was opened at 9:57.

Mark Adams, Northstar Engineering, 20 Declaration Drive, project engineer, stated that they propose a six foot wooden fence on the detention parcel, to be constructed at the building setback line, with a small access gate and driveway for maintenance of the facility. Commissioner Monfort confirmed with Mr. Varga that there will be a maintenance district for the project, and that fence maintenance could be added to the district's responsibilities. Ms. Figge noted that Planning staff agrees that a wood fence is appropriate.

There being no further comment, the public hearing was closed at 10:00 p.m.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION ADOPT

RESOLUTION 00-34, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE MARIGOLD VILLAGE VESTING TENTATIVE SUBDIVISION MAP, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER BRADFORD SECONDED THE MOTION. COMMISSIONER WOLFE OFFERED AN AMENDMENT TO INCLUDE MAINTENANCE OF THE WOOD FENCE IN THE PROJECT'S MAINTENANCE DISTRICT; COMMISSIONER ALVISTUR ACCEPTED THE AMENDMENT. THE MOTION, AS AMENDED, PASSED 5-0-2 (COMMISSIONERS DIETLE AND STONE DISQUALIFIED).

**4. Text Amendments to Title 19 of the Chico Municipal Code (City of Chico)**

- The proposed amendments to Title 19, Land Use and Development Regulations, of the Chico Municipal Code will clarify the architectural review process for projects with discretionary permits, revise building standards for the RD Downtown Residential zoning district, clarify that broadcast studios are subject to Chico Municipal Code Section 19.78, and require certain reporting when telecommunications facilities generate 80% of the maximum permissible EMF/RF emissions set by Federal regulation. It has been determined that pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) of the California Environmental Quality Act, no subsequent environmental review is required. ***Staff recommends that the Commission recommend City Council approval of the amendments.***

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He noted that the proposed code amendments deal with three areas: clarification that architectural review for discretionary projects is not to be granted until the Commission has granted the discretionary permit; minor changes in allowed uses for the RD Downtown Residential zoning district; and minor clarifications to the definitions and reporting requirements for Wireless Telecommunications Facilities permits.

Commissioner Dietle confirmed that the new Section 19.78.040.C would require the City to hire a consultant if EMF emissions are greater than 80% of the allowed standard, and also confirmed that existing radio broadcast studios were not notified of the proposed change in the code regarding their land use under the WTFO.

The Commission discussed the clarified language for architectural review. Ms. Figge summarized that the applicant will be encouraged to secure their discretionary permit before going through architectural review, and that any architectural approval isn't considered "final" until any needed discretionary permit has been granted.

There was discussion regarding the fee to appeal ARB decisions to the Planning Commission; the Commission agreed that no fee should be required.

Chair Wolfe indicated that she'd like to approve Sections 1 and 2, unless anyone in the audience wished to address those items. Nobody indicated they wished to address those

items.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION ADOPT SECTIONS 1 AND 2 OF ORDINANCE 01-02 AS THEY APPLY TO ARCHITECTURAL REVIEW AND RD DEVELOPMENT STANDARDS. COMMISSIONER MONFORT SECONDED THE MOTION.

Ms. Figge noted that there is currently a \$150 fee to appeal an ARB decision to the Planning Commission, although the Commission could certainly waive the fee.

COMMISSIONER DIETLE AMENDED HER MOTION TO STATE THAT APPEALS OF PROJECTS REQUIRING DISCRETIONARY PERMITS FROM THE ARB TO THE PLANNING COMMISSION NOT REQUIRE A FEE. THE MOTION, AS AMENDED, PASSED 7-0.

The public hearing was opened at 10:15 p.m.

Chris Perske, 2732 Silver Oak Drive, requested an in-depth explanation of what is being proposed, and why the Finance Committee became involved.

Ms. Barker reviewed the history of the Finance Committee's involvement and their role in reviewing City fees. She noted that the Committee wanted to limit the use of a consultant to two situations: when an applicant wants to place a facility in a zone in which it isn't otherwise allowed, and/or when the proposed emissions will be 80% or more of the applicable federal standard.

Ms. Perske confirmed with Ms. Barker that the City wished to limit its ability to require an independent consultant, but that the City could always hire a consultant at its own expense. Ms. Barker reviewed the fee structure for wireless telecommunications facilities; Ms. Perske confirmed that having emissions greater than 80% of the federal standard is one of the "must hire" cases for an independent consultant.

There being no further comment, the public hearing was closed at 10:22 p.m.

Commissioner Dietle voiced her concern with revising the zoning matrix without informing broadcasters of a change that may affect them. Ms. Barker noted that broadcast studios were previously regulated under the old definition of telecommunications facilities. Mr. Palmeri added that the new definition of broadcast studios was in the ordinance adopted by Council, but it wasn't stated separately on the matrix.

Commissioner Dietle confirmed with staff that the change regarding broadcast studios is only a clarification, and is not substantive.

COMMISSIONER DIETLE MOVED THAT THE COMMISSION ADOPT THE REMAINDER OF RESOLUTION 01-02, RECOMMENDING CITY COUNCIL ADOPTION OF AN

AMENDMENT TO TITLE 19, LAND USE AND DEVELOPMENT REGULATIONS (CITY OF CHICO). COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 7-0.

Mr. Seidler indicated that staff would provide Commissioners with a copy of the agenda and staff report when this item goes to the City Council.

**GENERAL BUSINESS**

Commissioner Monfort inquired as to the status of the revised Title 18. Mr. Seidler indicated that the draft ordinance is currently undergoing legal review.

Commissioner Bradford asked about the FPPC's position on fee-for-service as it relates to conflicts of interest. Ms. Barker indicated that she'd research the issue.

**PLANNING UPDATE**

Mr. Seidler reviewed the upcoming meeting schedule, noting that the number of development proposals remains high for the foreseeable future.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 10:32 p.m. to the Regular Meeting of February 1, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

\_\_\_\_\_  
April 19, 2001  
Date Approved

\_\_\_\_\_  
/s/  
Kim Seidler  
Planning Director

**PLANNING COMMISSION  
REGULAR MEETING  
FEBRUARY 1, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, Sharon Stone and Nancy Wolfe. Staff present were Principal Planner Pam Figge, Senior Planner Ed Palmeri, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

None.

**REGULAR AGENDA**

1. **Business Park at Forest & Talbert Tentative Subdivision Map No. 00-9 (Lands End Real Estate, Inc)** - A request to create 6 lots on approximately 2.4 acres located southeast of the intersection of Forest Avenue and Talbert Drive. The proposed lots range in size from 10,284 to 25,764 square feet. Access to the project area will be Forest Avenue and Talbert Drive. There is one existing commercial building on proposed lot 4. The property is identified as Assessor's Parcel Nos. 002-170-015 and 017, is designated Office on the City of Chico General Plan Diagram, and is located in a OC Office Commercial zoning district. This project is recommended to be determined to be categorically exempt pursuant to California Environmental Quality Act (CEQA), Section 15332 (In-fill Development Projects). ***Staff recommends approval of the subdivision.***

Commissioner Francis disqualified herself from this item due to the applicant's financial relationship with her employer. Commissioner Wolfe also disqualified herself, as the applicant contributed over \$250 to her political campaign in the past 12 months. Commissioner Monfort was designated acting Chairperson.

Mr. Palmeri presented the staff report, reviewing the land use issues involved, the details of the project, and the existing state of the site. He noted that the purpose of the subdivision is to allow separate ownership for each building in the business park, and that staff recommends approval.

The public hearing was opened at 6:35 p.m. Seeing no comment, the public hearing was closed.

The Commission expressed general approval of the project design and architecture; Mr. Palmeri noted that there is a revised resolution to correct a grammatical error.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION ADOPT

RESOLUTION 01-03, FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT AND APPROVING THE BUSINESS PARK AT FOREST AND TALBERT VESTING TENTATIVE SUBDIVISION MAP (LAND'S END REAL ESTATE, INC.), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS FRANCIS AND WOLFE DISQUALIFIED).

**GENERAL BUSINESS**

Commissioner Bradford inquired as to the status of the Annie Bidwell Trail. Ms. Figge reviewed Council's action on the trail, noting that the Council is still gathering information at this time.

In response to Commissioner Alvistur, Ms. Figge stated that GPA 00-3/RZ 00-5 (City of Chico) will be before the Council sometime in March.

**PLANNING UPDATE**

Ms. Figge reviewed the upcoming Planners Institute in Monterey, and encouraged Commissioners to attend. Commissioner Wolfe seconded the recommendation to attend.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 6:45 p.m. to the Adjourned Regular Meeting of February 15, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

\_\_\_\_\_  
April 19, 2001  
Date Approved

\_\_\_\_\_  
/s/  
Pam Figge  
Principal Planner

**PLANNING COMMISSION  
REGULAR MEETING  
FEBRUARY 15, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, Sharon Stone and Nancy Wolfe. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Ed Palmeri, Associate Planner Claudia Sigona, Associate Planner Bob Summerville, Associate Planner Jay Hanson, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

None.

**REGULAR AGENDA**

Commissioner Wolfe reviewed that the applicant for item #5, the Carl's Jr. use permit, had requested a continuance and that the item would not be heard this evening.

1. **Planned Development Permit No. 00-4/Tentative Parcel Map No. 00-8 (Campos)** - Final review of a planned development and parcel map which proposes to create three lots averaging approximately 4,200 square feet in size, to be subsequently developed with three 4-bedroom single family residences, located at the northeast corner of Almond Street and Pomona Avenue. The site is identified as Assessor's Parcel Nos. 004-500-046 & 047, 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 planned development permit would facilitate minor modifications to certain lot development standards, including minimum lot size for a corner parcel; minimum lot widths; and the street side yard setback. The planned development permit will also facilitate shared facilities including access and parking. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332 (Infill Development Projects). ***Staff recommends approval of Tentative Parcel Map 00-8 and the planned development permit.***

Ms. Sigona presented the staff report, reviewing the land use issues involved, details of the project, and architecture of the proposed buildings. She noted that changes requested at the previous meeting had been made, and that the project fulfilled the criteria for a planned development.

The public hearing was opened at 6:37 p.m. Seeing no comment, the public hearing was closed.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-05, APPROVING PLANNED DEVELOPMENT NO. 00-4 AND

PARCEL MAP NO. 00-8, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED THEREIN. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 7-0.

1. **Tentative Parcel Map No. 00-6 (Ahlsweide) 2121 North Avenue** - A request to subdivide 1.54 acres to create 3 single family residential lots on property located at 2121 North Avenue, at the northwest corner of North and Manzanita Avenues. The site is identified as Assessor's Parcel No. 048-120-019, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. Parcel 1 would be 0.3 acres, parcel 2 would be 0.88 acres and contain the existing residence and accessory buildings, and parcel 3 would be 0.36 acres. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration and approval of the tentative parcel map.***

Mr. Hanson presented the staff report, reviewing the land use issues involved. He noted that staff is recommending that all access be taken from North Avenue, and that abutter's rights to Manzanita would be conveyed to the City. He reviewed several minor changes to notes on the map, and stated that staff is recommending approval.

The public hearing was opened at 6:42 p.m.

Kevin Ahlsweide, 2121 North Avenue, applicant, noted that he had spoken with Tom Varga, and that he wished the requirement to convey abutter's rights removed. Mr. Varga stated that parcel three would be free to take access from one street or the other, but not both.

Mr. Ahlsweide also requested that the requirement for separated sidewalk be removed. He noted that the existing sidewalk in the area isn't separated from the curb, and that he wants to avoid removing the existing mature trees, which would be required if a separated sidewalk were installed.

Mr. Varga reviewed the sidewalks in the neighborhood, stating that the sidewalk can be curved around existing trees.

The Commission discussed the appropriateness of requiring separated sidewalk for the project.

Mr. Ahlsweide inquired whether the cost of any required sewer connections could be deferred until a new property owner wished to connect. Mr. Varga indicated that he would review the sewer application for the property, but noted that main fees are generally paid at the time of connection, while the remaining fees would be due when a building permit is issued.

There being no further comment, the public hearing was closed at 6:54 p.m.

There was additional discussion concerning abutter's rights to Manzanita and the type of sidewalk desired. The Commission agreed that access for lot three should be taken from North Avenue, and that a separated sidewalk should be required, although the sidewalk should meander to avoid existing trees.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION 01-04, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING TENTATIVE PARCEL MAP PM 00-6, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED TO REQUIRE DRIVEWAY ACCESS TO BE FROM NORTH AVENUE, AND THAT THE SIDEWALK SHALL BE A CITY STANDARD SEPARATED SIDEWALK, WHICH CAN MEANDER TO AVOID TREES. COMMISSIONER FRANCIS SECONDED THE MOTION, WHICH CARRIED 7-0.

2. **Tentative Parcel Map No. 00-5 (Hays)** - A request to create 11 lots on approximately 10 acres of land located at the terminus of Ivy Street north of Myers Street and south of the terminus of Normal Street. Access to the project area will be from Myers Street. The proposed lots range in size from 0.31 to 2 acres. The property is identified as Assessor's Parcel No. 039-430-052, is designated Manufacturing and Warehousing on the City of Chico General Plan Diagram and is located in a Light Manufacturing/Industrial zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration and approval of the parcel map.***

Mr. Palmeri presented the staff report, reviewing the land use issues involved, including relationship of the project to the residential area to the north and traffic circulation in the area.

Commissioner Monfort asked if a masonry wall will be required between this site and the adjacent residential area. Mr. Palmeri noted that a wall could be considered during the architectural review process. Ms. Figge added that the City has noise standards, and that a sound wall could be required as a mitigation. Mr. Varga stated that if the authority isn't clear to require a wall in the existing standards, it should be made a condition of map approval.

There was discussion concerning connecting this project to Ivy Street to the north. Mr. Varga stated that the connection would be a separate City project; Commissioner Francis added that most area residents don't want a connection.

The public hearing was opened at 7:12 p.m.

Dan Hays, 1041 Cherry Street #2, applicant, stated that the neighbors do not want a wall, but would like a nice wood fence.

In response to Commissioner Wolfe, Mr. Hays stated that he's spoken to all the neighbors adjacent to the project, including the owners of the apartments. He stated that the neighbors do not want the road to go through, and that they are opposed to a wall. He stated that his plan is to build a fence as parcels develop. Commissioner Stone confirmed with Mr. Hays that the neighbors want a fence with a residential character.

Mr. Seidler stated that staff does not feel strongly about requiring a wall, and that the ARB process gives the City another opportunity to look at this issue if the proposed use for the parcel creates a potentially high level of activity or noise.

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Chair Wolfe left the meeting at 7:20 p.m.

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Gene Damschen, 701 E. Lassen Avenue, property owner, emphasized his commitment to protecting the residential neighborhood. He noted that they would have to put in some additional street lighting as required by the City, but that they would try to minimize the impact it would have on the residential areas.

Mr. Seidler noted that the ARB frequently requires masonry walls, and cautioned that a wood fence might not be acceptable to the ARB. Mr. Damschen added that quality landscaping near the fence would also help with sound attenuation.

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

Commissioner Monfort stated that he'd like to make sure that any barrier that is constructed to prevent vehicles from traveling north would be permeable to pedestrians and bicyclists.

There was discussion as to whether the Commission should require a masonry sound wall to buffer this project from the residential areas to the north. Mr. Seidler noted that 100 feet of dense landscaping is required to obtain a 5 dB reduction. There was general agreement that a fence with dense landscaping would be appropriate, but that the final fence/wall determination should be made by the ARB.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION 01-06, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE IVY STREET BUSINESS PARK TENTATIVE PARCEL MAP (HAYS), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED TO REQUIRE THAT ANY BARRIER BLOCKING VEHICLE TRAFFIC TO THE NORTH MUST ALLOW FOR BICYCLE AND PEDESTRIAN ACCESS. COMMISSIONER ALVISTUR SECONDED THE MOTION. COMMISSIONER SANDERS OFFERED AN AMENDMENT THAT CONDITIONS 6 AND 7 SPECIFY 10 FEET OF DENSE LANDSCAPING; COMMISSIONER BRADFORD ACCEPTED THE AMENDMENT. THE MOTION, AS AMENDED, PASSED 6-0-1 (COMMISSIONER WOLFE ABSENT).

The Commission was in recess from 7:40 to 7:48 p.m.

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3. **Planned Development Permit No. 00-5 (Sears, Roebuck, & Co./Orchard Supply Hardware)** - A request to allow a 69,000+ square foot retail hardware store on property located at 215 West East Avenue, adjacent to the west of an existing supermarket. The subject 6 acre site is a former orchard with related facilities. The property is identified as Assessor's Parcel No. 006-150-116, is designated Community Commercial on the City of Chico General Plan Diagram and is located in a PD/CC Planned Development/ Community Commercial zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration and approval of the planned development permit.***

Mr. Summerville presented the staff report, reviewing the land use issues involved, the history of development in the area, and details of the project. He reviewed the PD process, and noted that staff is requesting both conceptual and final PD approval, as well as ARB approval at this meeting.

Mr. Summerville noted that there is an addendum with two added conditions, 10 and 11, regarding the screening wall for the loading area and the ground-mounted pylon sign on East Avenue.

Mr. Varga noted that there is still some design-level work to be done with parking and circulation, and would request an additional condition giving public works final approval of the site circulation and parking design. The condition, #12, would read "As additional design information is presented, the Public Works Department shall review and approve site improvements for access and circulation." The Commission agreed to the condition.

The Commission discussed site circulation and the gate connecting the site to the apartments to the west. Commissioner Monfort indicated that he'd like the gate to be five feet wide, so that bikes pulling kids in trailers would fit through.

Commissioner Francis asked about timing for a permanent median in front of this complex. Mr. Varga indicated that any median installed now would have to be removed when that portion of East Avenue is reconstructed, scheduled for 2005-2006.

The public hearing was opened at 8:02 p.m.

Fabian Herrera, MCG Architecture, 785 Market Street, San Francisco, project architect, reviewed the items that were changed on the project as a result of the January 3 ARB meeting. He stated that the light standards will be 14 feet where adjacent to residential areas,

and no more than 25 feet in the parking area, so as to remain consistent with the existing Raley's.

In response to Commissioner Francis, Mr. Herrera stated that the parking lot lights will be metal halide, the same type as the existing Raley's lights.

Mr. Herrera discussed the addendum to the report, noting that the ground mounted pylon sign would be reduced to 12 feet in height, but noted that the total project signage turned out to be 449 square feet, slightly over the allowed 400 square feet. He requested that the additional amount be allowed as a part of the permit.

In response to Commissioner Francis, Ms. Figge stated that any drive-through on the pad site would require a separate use permit. Commissioner Monfort confirmed that Mr. Herrera would be agreeable to a five-foot opening in the western wall.

Young Wong, MCG Architecture, confirmed with staff that the new ground-mounted sign is included in this approval.

The Commission discussed allowing the extra 49 square feet of signage. Ms. Figge indicated that this could be worked out with staff.

There being no further comment, the public hearing was closed at 8:12 p.m.

Mr. Summerville noted that the applicant could count both street frontages when determining signage, and that any minor changes in signage could be worked out at the staff level.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-07, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING PLANNED DEVELOPMENT PERMIT NO. 00-5 (SEARS, ROEBUCK & CO.) AND THE PROJECT'S ARCHITECTURAL DESIGN, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, ADDING CONDITIONS 10 AND 11 AS DESCRIBED IN THE ADDENDUM, ADDING CONDITION 12 AS DISCUSSED, AND REQUIRE A FIVE FOOT GATE TO THE WEST. COMMISSIONER SANDERS SECONDED THE MOTION.

Commissioner Monfort expressed support for requiring some sort of bond for demolition and recycling of the building should the business fail and leave an empty building; the rest of the Commission was not supportive of such a requirement.

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

- 5. Use Permit No. 00-37 (Carl's Jr.) - 620 Mangrove Avenue - A request to allow a drive-through facility associated with a proposed 2,165 square foot restaurant on approximately .63 acres located at the northeast corner of Mangrove and Vallombrosa Avenues. The site is identified as Assessor's**

Parcel No. 003-280-042, is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CC Community Commercial zoning district. An environmental initial study has been conducted for the project pursuant to the California Environmental Quality Act. **Staff recommends denial of the use permit request. However, the applicant has requested a continuation of this request to a future Planning Commission meeting.**

This item was continued the Planning Commission meeting of March 15, 2001.

### **COMMUNICATIONS**

- 6. General Plan Annual Report** - By memorandum dated January 24, 2001, Senior Planner Tom Hayes forwards the Annual Report of the General Plan. In accordance with State Law and the City's General Plan, an annual report is prepared each year to report on the status of the Plan and progress towards its implementation.

Mr. Seidler noted that staff is currently following up on the Annual Report, performing an analysis of residential land in the City, and determining whether additional land should be added to the planning area. He noted that staff is tentatively planning on a special meeting on March 29 to discuss the analysis and recommendations. He added that staff has prepared a map depicting potential growth areas, and that copies of that map have become public, but that the analysis which accompanies the map is not yet complete. He elaborated that some level of environmental review will be necessary, and that a significant number of people in the community will want to comment on any proposed changes.

### **GENERAL BUSINESS**

None.

### **PLANNING UPDATE**

Mr. Seidler reviewed recent Council action on the National Golf rezone, and a future meeting with the ALUC to discuss the City's concerns with the new CLUP. Ms. Figge reviewed upcoming training opportunities for Commissioners.

### **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 8:35 p.m. to the Regular Meeting of March 1, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

\_\_\_\_\_  
April 19, 2001  
Date Approved

\_\_\_\_\_  
/s/  
Kim Seidler  
Planning Director



**PLANNING COMMISSION  
REGULAR MEETING  
MARCH 1, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Ross Bradford, Jolene Francis, Craig Sanders, Sharon Stone and Nancy Wolfe. Commissioners Vic Alvistur and Kirk Monfort were absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Steve Zalusky, Associate Planner Jay Hanson, Associate Planner Bob Summerville, Associate Planner Claudia Sigona, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)**

None.

**CONSENT AGENDA**

1. **Planned Development Permit No. 00-2 and Tentative Parcel Map 00-7 (Heritage Partners)** - A request to approve the final development plan and parcel map for a subdivision of a 0.43 acre site located at the southeast corner of Linden and E. 9<sup>th</sup> Street to create four single family residential lots, each with a second dwelling unit. The Planning Commission previously granted conceptual approval for the project at its November 30, 2000 meeting. The site is identified as Assessor's Parcel Nos. 004-332-001 and 002, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332 (Infill Development Projects). ***Staff recommends approval of the planned development permit and tentative parcel map.***

Chair Wolfe pulled this item from the Consent Agenda.

2. **Rezone No. 00-14 (Peitz) 383 Rio Lindo Avenue** - A request to change the zoning classification from R3 Medium-High Density Residential to OR Office Residential on a 0.56 acre site at 383 Rio Lindo Avenue. The site is identified as Assessor's Parcel No. 006-120-077 and is designated Medium-High Density Residential on the City of Chico General Plan Diagram. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends the Commission forward a recommendation of approval to the City Council.***

Commissioner Stone stated that she would disqualify herself from voting on this item, as her husband owns a business in the vicinity of the project.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION APPROVE ITEM 2 ON THE CONSENT AGENDA. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH CARRIED 4-0-2-1 (COMMISSIONERS ALVISTUR AND MONFORT ABSENT, COMMISSIONER STONE DISQUALIFIED).

### **ITEMS REMOVED FROM CONSENT AGENDA**

1. **Planned Development Permit No. 00-2 and Tentative Parcel Map 00-7 (Heritage Partners)**

Mr. Summerville presented the staff report, reviewing the land use issues involved. He noted that a small change was proposed to reduce the curb return radius, and that the Commission would need to make Finding "A" in the addendum regarding General Plan consistency to approve the modification from the City improvement standard. He indicated that staff would revise the resolution with final dimensions when an appropriate radius is determined by Public Works.

The public hearing was opened at 6:37 p.m. There being no comment, the public hearing was closed.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-10, APPROVING PLANNED DEVELOPMENT NO. 00-2 AND PARCEL MAP NO. 00-7, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED THEREIN, AS MODIFIED BY THE ADDENDUM. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS ALVISTUR AND MONFORT ABSENT).

### **REGULAR AGENDA**

3. **Use Permit No. 00-41 (RHL Design/Safeway) 1366 East Avenue** - A request to allow a gas station, including eight pumps (16 fuel dispensing stations), a 267.5 square foot kiosk, and a 67' x 86' canopy on the front pad site at 1366 East Avenue (East Avenue Marketplace). This project also involves modifying Planned Development Use Permit No. 2194, which authorized the shopping center. The site is identified as Assessor's Parcel No. 048-061-047, is designated Community Commercial and identified as a Mixed-Use Neighborhood Center on the City of Chico General Plan Diagram, and is located in a PD/CN Planned Development/ Neighborhood Commercial zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends denial of the use permit and the modification to the planned development use permit.***

Commissioner Bradford stated that he would disqualify himself due to a conflict of interest; he is co-owner of property on East Avenue in the vicinity of the project site.

Ms. Sigona presented the staff report, reviewing the land use issues involved and the details of the project. She noted that staff believes the proposal to be inconsistent with the General Plan, and that the required findings cannot be made; staff is therefore recommending denial of the request.

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

Jeff Fergot, 5918 Stoneridge Mall Road, Pleasanton, Design Manager for Safeway, introduced others also present to speak about the project, including: Robert Picard, RHL; Allan Tilton, W-Trans; Nancy Bovas, store designer; and Mel Granskog, store manager. He reviewed the market reasons why Safeway is getting into the fuel business, noting that 25 percent of store patrons purchase fuel on the same trip, thereby "capturing" those vehicle trips on site and providing a one-stop shopping experience. He stated that the architecture of the project is unique for each site, and in this case would be consistent with the rest of the center. He added that the kiosk is merely a cash payment area, that no other goods will be sold on the site, and that 24 hour operation is proposed.

Robert Picard, RHL Design, 1137 N. McDowell Blvd., Petaluma, stated that he is involved with both the petroleum systems and architecture for the project. He reviewed the design features of the canopy, the kiosk, the fuel tanks, and other assorted details. He stressed the integrated nature of the design with the rest of the center, adding that the station would reduce trips in other parts of the community and would also serve bicyclists by providing an air filling station.

He noted that this design has less lighting per square foot than the new station at Bruce and Skyway, and also has a recessed lighting design instead of exposed lenses. He added that a notice was sent out to all parents of students at the high school due to Air Quality requirements, and that only two responses were received; neither was opposed to the project.

In response to Commissioner Wolfe, Mr. Picard stated that the amount of lighting is needed for safety, and that less than half a foot-candle is projected past the property lines of the project.

Allan Tilton, Whitlock and Weinberger, 509 7<sup>th</sup> Street, Santa Rosa, stated that he had been contacted by the project proponent to provide a peer review for the site design and pedestrian, bicycle and traffic issues. He stated that he had observed traffic patterns earlier in the day, and found no real evidence that a site of this type would exacerbate traffic safety issues. He opined that the project would be benign, with no impact.

Mel Granskog, 1366 East Avenue, Safeway branch manager, pointed out that the parking lot is already lit, so additional glare impact would be minimal. He acknowledged that morning traffic on East Avenue is very heavy, but ventured that this project would not add to that peak

flow, and might reduce traffic due to “capturing” trips on-site.

Vince Phelan, 3010 North Avenue, stated that he walks to the Safeway Marketplace every morning, and has observed that morning traffic, both vehicle and pedestrian, is very disorderly in the area. He stressed traffic safety issues due to the students transiting the area, and opined that the addition of the station would make traffic worse in the area.

In response to Commissioner Wolfe, Mr. Tilton, a previous speaker, stated that he didn't have traffic count figures available, but that 90% of the traffic going to a gas station is pass-by traffic on non-diverted link trips. He stated that only a few people will make a special trip to get gas, and that he believes it will be a negligible impact on existing roadways.

Ms. Sigona noted that the City doesn't allow pass-by trips in traffic analysis. She stated that this site proposes 26 light fixtures of 320 watts each, and that glare would still be substantial no matter how they are mounted.

Ms. Figge reviewed the history of the center and traffic on East Avenue. She noted that for nearly a decade the City has tried to restrict any increase in commercial activity and its associated traffic on this portion of East Avenue. She noted that the center is intended to just serve the neighborhood.

Commissioner Francis asked how the PD overlay would apply to this project. Ms. Figge replied that drive-throughs are prohibited, but it hasn't been interpreted to prohibit gas stations.

Jeff Fergot, a previous speaker, stated that the fuel center is potentially a much less intense use than other retail uses which could locate there without any sort of permit process. He noted that the ability to house 16 cars on-site would reduce the chance that cars would line up and block traffic in the parking lot. Regarding lighting, he stated that they'd be happy to try and reach an accommodation which reduces the amount of glare, while still providing adequately for safety.

Steve Vanella, 2106 Fern Avenue, described the marketing practices of the combined supermarket and gas station, known as a hypermarket. He related that in Roseburg, Oregon, a new hypermarket took away 30% of the business from the branded gasoline vendors and 50% from the unbranded vendors. He expressed doubt that this is the best location for a hypermarket in Chico.

Orville Hughes, 25 Hughes Lane, owner of the existing fuel station at East and Ceanothus, noted that he's finally figured out the Neighborhood Commercial means Neighborhood Commercial. He opined that if this area becomes a destination location, additional traffic will be put onto East Avenue and will end up creating something similar to Mangrove. He suggested that 24 hour operation not be allowed in a CN district.

There being no further comment, the public hearing was closed at 7:23 p.m.

Commissioner Wolfe stated that there is already a gas station in the area, and that previous councils and commissions have limited auto-oriented uses on East Avenue. She added that due to pedestrian safety issues, she's concerned about any traffic increase in the area. Commissioner Sanders agreed, but noted that the existing gas station is somewhat inconvenient to get to.

Commissioner Francis asked if there was any plan to connect the existing center to the existing gas station. Mr. Varga stated that there is certainly a desire to get provide cross-traffic between the two sites with an interior access, but noted that there is an intervening vacant parcel. Commissioner Francis expressed concern that these pumps were going to be right next to East Avenue, as the existing gas station was required to move his pumps away from the street. She added that it seems that the Council's intention is to prohibit all drive-throughs in this area, and that she sees this as a drive-through.

Commissioner Stone stated that this project has a different feel than the existing station and seems inappropriate for the center, especially with the proposed 24 hour operation.

Commissioner Wolfe noted that in order to approve the use permit, the Commission would need to make all 11 findings; she stated her belief that all the findings cannot be made. Commissioner Francis agreed, noting that based on the evidence presented to the Commission, all of the findings required to approve a use permit and a modification to the planned development permit cannot be made for the project.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION DENY THE REQUEST TO MODIFY PLANNED DEVELOPMENT USE PERMIT NO. 2194 AND USE PERMIT NO. 00-41 (RHL DESIGN/SAFEWAY) BY ADOPTION OF RESOLUTION NO. 01-08. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 4-0-2-1 (COMMISSIONERS ALVISTUR AND MONFORT ABSENT, COMMISSIONER BRADFORD DISQUALIFIED).

Commissioner Wolfe stated that the applicant has 15 days to appeal the Commission's decision to the City Council.

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The Commission was in recess from 7:30 to 7:38 p.m.

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4. **Planned Development Permit No. 01-02 (DES Partnership)** - Preliminary review of a proposal to construct 220 two-story, multi-family residential units on approximately 12.5 acres at a density of 17.6 units per acre, located on the north side of State Highway 32, approximately 300 feet west of Bruce Road, and to preserve approximately 3 acres of creekside greenway to the north

along Dead Horse Slough. The site is identified as a portion of Assessor's Parcel No. 002-160-076, is designated Medium-High and High Density Residential with an Open Space for Environmental Conservation and Safety overlay on the City of Chico General Plan Diagram, and is located in both R3 Medium-High Density and R4 High Density Residential zoning districts. This project was formerly being processed as Planned Development Use Permit No. 99-50 (Prowswood). Environmental review is currently being conducted for this project and will be finalized and circulated for a 30-day public review period prior to Planning Commission consideration of the final development plan. A subsequent public hearing will be scheduled at that time. ***Staff recommends conceptual approval of the planned development permit.***

Ms. Sigona presented the staff report, reviewing the history and details of the project. She noted that a total of five acres is proposed to be set aside as a creekside greenway. She added that several issues would need to be addressed prior to any final approval, including flood plain concerns, the final form of the bridge crossing the slough, potential health issues due to the site's proximity to the Humboldt Road Burn Dump (HRBD), and impacts to vernal pools. She stated that a supplemental memorandum had been prepared, and that minor changes and some additional information would be requested.

The Commission discussed the various locations and options for the slough crossing, including a pipe, a box culvert, and a bridge. Mr. Varga noted that a second bridge may not be aesthetically pleasing, as the area between the two bridges must be "armored" with concrete or rip-rap and ends up accumulating trash. He stated that a box culvert is probably the most practical option due, and that the crossing can't be moved too far to the west, as the channel becomes wider downstream and any bridge would then infringe on the riparian woodland. He noted that the site is somewhat constrained in terms of access. Ms. Sigona noted that any slough crossing would need to be approved by the Army Corps of Engineers.

Commissioner Francis expressed general approval of the project concept, but noted that her main concern is how children will get across Highway 32 to get to the junior high school. Ms. Figge indicated that the path proposed along the creek might be extended to El Monte, and that children could then cross there once the new traffic signal is installed. Commissioner Francis expressed support for a pedestrian overcrossing as a safer alternative.

Ms. Figge stated that these are the kinds of issues to examine during the conceptual phase. Ms. Sigona noted that the complex will now be 1 and 2 bedroom units, and will potentially have significantly fewer children than the previous Prowswood project.

The Commission discussed frontage improvements on Highway 32 and Bruce Road; Mr. Varga confirmed that no bicycle crossing is planned for 32 and Bruce, and that no bike lane or sidewalk exists all the way to the intersection. He noted that his initial position would be to require full urban improvements on the Bruce Road frontage. Commissioner Francis

expressed support for also putting a bicycle lane on Highway 32 in front of this project. In response to Commissioner Bradford, Mr. Varga clarified that Nob Hill will stripe a bike lane on Bruce Road to Highway 32.

The public hearing was opened at 8:03 p.m.

Joe Acquistapace, 32 Quista Drive, project architect, noted that he prefers a box culvert for the crossing, as this project will already be putting in one when it widens Bruce Road and makes other necessary right-of-way improvements. He noted that the Corps suggested a box culvert, and that it be placed as close as possible to the existing one.

Mr. Acquistapace reviewed other details, including the creekside greenway dedication, the apartment design, and the site layout.

George Eshoo, 175 Stonepine, Menlo Park, applicant, stated that he has been involved with this property for 10 years. He re-affirmed his desire for a box culvert, as the Corps stated that the habitat value of the creek is greater further west. He added that one of the Corps members stated that a hole between two bridges creates an eyesore.

He explained the decision to have only two-story construction, noting that it's easier to avoid flood plain issues with this design, and that he didn't want to upset the neighbors. He confirmed that there would be on-site underground stormwater detention, and described the details of that particular method.

Mr. Eshoo reviewed the studies performed on this site to determine potential environmental contamination from the HRBD. He noted that some off-site mitigation will be required, and that there is some minor contamination upstream from this property. He added that the bridge vs. culvert debate will be decided by the Corps, as he will have to comply with their requirements.

Commissioner Francis inquired if Mr. Eshoo could provide a pedestrian and bicycle exit from the project onto Highway 32 if a bike path could also be placed on 32 down to El Monte. Mr. Eshoo replied that he would be agreeable to placing a bike path wherever required, but noted that it might be difficult to obtain permission from Caltrans.

John Merz, 1331 Broadway, expressed concern with the process, and found it dismaying that the project was changed today. He opined that it was premature for the Commission to look at the revised site layout. He also stated that the idea of granting conceptual approval is an unwise approach, as significant changes may be required due to environmental review or other factors; he suggested workshops as an alternative. He also stated that this is an inadequate project description, as the Neighborhood Commercial component to the east is part of the same parcel, and that impacts should be dealt with in their entirety. He stated that staff should go back to square one and start over.

Commissioner Francis asked Mr. Merz if he had any concerns about the project as opposed to the process. Mr. Merz replied that the CN portion to the east is a key ingredient in the discussion, that there may be a place for some limited 3-story buildings so as to increase usable open space, and that there are potential viewshed issues. He reiterated his belief that any sort of review or approval is still premature.

Commissioner Sanders agreed with the semantic distinction between a review and an approval, but disagreed that staff needed to go back to square one. He agreed that CEQA review should be comprehensive, and expects that it will be.

Mr. Merz expressed additional concern with the statement on page 8 of the staff report concerning competing interests; he opined that the General Plan doesn't consider provision of housing and environmental preservation competing interests, and that the full 100 foot setback should be required.

Staff discussed Mr. Merz's concerns, noting that the Commission is being asked to make a determination and provide input on the conceptual plan, which will then be used to formulate the project description. Mr. Seidler noted that no application has been submitted for a commercial development on the eastern corner which would require a discretionary approval by the Commission, and stated that it is not premature for the Commission to look at this project.

Commissioner Sanders pointed out that a reasonable guess could be made concerning the type of development that would occur. Mr. Seidler agreed, but added that the much of the environmental review for that property was done when the General Plan EIR was adopted.

Julie Nasr, 88 Lazy S Lane, asserted that a Preliminary Environmental Assessment is required for this property as specified by the Department of Toxic Substances Control. She stated that the site had not yet been assessed, and that a PEA work plan needs to be approved. She asked how the Commission could even consider conceptually approving this project in the absence of complete environmental review.

Bob Purvis, 2259 Dorado Cerro, stated that his property is immediately downstream from this development, and that his house flooded in both 1992 and 1995. He expressed concern that this would make the flooding problem worse, and asked that the developer detain more stormwater than required so as to actually improve the situation. He expressed support for two-story apartments as opposed to three-story.

Commissioner Francis asked if Mr. Purvis and his neighbors would be interested in providing a bike path to El Monte. Mr. Purvis replied that his neighbor to the south owns all of the south side of the slough, where the proposed bike path would be located.

In response to Commissioner Francis, Mr. Purvis confirmed that the petition which was submitted was one originally gathered for the previous project, but noted that most of the

concerns regarding potential flooding and HRBD contamination remain.

In response to Commissioner Bradford, Mr. Purvis stated that he is concerned with the downstream migration of contaminants in soil on the site, which otherwise wouldn't migrate if the soil was left undisturbed.

Bill Bliss, 2260 La Quinta, agreed with Mr. Varga that the site is constrained, and asked whether High-Density Residential is appropriate for the site. He voiced agreement with Ms. Nasr's concerns regarding burn dump contamination, and expressed support for a full 100 foot creekside greenway.

Glynda-Lee Hoffman, 1099 El Monte Avenue, agreed with Mr. Purvis' concerns about flooding in the area. She encouraged the Commission to take into account the capacity of the slough in a comprehensive manner.

George Eshoo, a previous speaker, stated that he was sympathetic to the flooding issue and would gladly share his storm drainage detention plans with the neighbors. Regarding the HRBD, Mr. Eshoo indicated that he had been in contact with Mr. Patenaude of DTSC, and that the report he has was generated under the auspices of the DTSC; he noted that the report indicates there is not a problem with the slough going through the property. He added that the setback to buildings on the south side of the slough is 100 feet if you include the street. Mr. Eshoo reviewed the history of the zoning on the property, and noted that the CN portion is going to be split off as a separate lot and developed independently.

In response to Commissioner Wolfe, Mr. Eshoo reviewed that the report was prepared by a consultant who met and coordinated with DTSC.

Ms. Sigona reviewed a conversation she had with Tim Patenaude of DTSC. She noted that Mr. Patenaude has indicated that this is one component of a more comprehensive study that will be required.

Julie Nasr, a previous speaker, reiterated that a PEA will be needed.

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

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The Commission was in recess from 9:12 to 9:18 p.m.

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The Commission discussed potential environmental contamination on the site and confirmed with staff that a PEA will be completed. The Commission also discussed the conceptual nature of the project review, and provided the following direction to staff and the applicant: that pedestrians crossing SR 32 should be addressed, particularly for children who would need to cross SR 32 to attend school; that the 70 foot greenway dedication seems the best

compromise in light of the neighbors' opposition to 3-story construction; that engineering details on the underground stormwater detention should be provided; that detailed traffic analysis should be provided; and that bicycle and pedestrian circulation in the larger area should also be looked at.

Mr. Zalusky noted that an extensive traffic study is currently being performed on Bruce from 32 to Manzanita as part of the widening project, but that it wouldn't address any additional pedestrian bicycle crossings across SR 32; staff would need to look at that issue in addition to the current study.

Ms. Figge discussed the City's purposes for acquiring creekside greenways, and confirmed that 75 feet is a viable compromise in this situation.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION CONCEPTUALLY APPROVE PLANNED DEVELOPMENT PERMIT NO. 01-02, SUBJECT TO THE APPLICANT PROVIDING ADDITIONAL INFORMATION AND MAKING CHANGES AS DESCRIBED WITHIN THE STAFF MEMORANDUM DATED FEBRUARY 20, 2001, AS MODIFIED BY THE MARCH 1 ADDENDUM. COMMISSIONER FRANCIS OFFERED AN AMENDMENT TO INCLUDE LOOKING AT THE SR 32 BIKE AND PEDESTRIAN CROSSING, AND PROVIDING ENGINEERING DETAILS FOR THE UNDERGROUND DETENTION. COMMISSIONER BRADFORD ACCEPTED THE AMENDMENT. COMMISSIONER FRANCIS SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS ALVISTUR AND MONFORT ABSENT).

### **GENERAL BUSINESS**

Vince Phelan, a previous speaker, expressed concern for public safety at the intersection of Floral and East Avenues. He noted that a portion of sidewalk has been removed as part of a new development, and that the current lack of sidewalk poses a hazard to pedestrians, particularly those with disabilities. The Commission directed Mr. Varga to look into the matter and resolve it as quickly as possible.

### **PLANNING UPDATE**

Mr. Seidler reviewed the Council's approval of the Ferrini rezone. Commissioner Francis opined that the City should do a larger rezone for the Rio Lindo area; Mr. Seidler indicated that staff is already looking at that possibility. Mr. Seidler also noted that the residential land availability and capacity study should be on the Commission's April 5<sup>th</sup> meeting.

### **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 9:50 p.m. to the Adjourned Regular Meeting of March 15, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

Date Approved

Kim Seidler  
Planning Director

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
MARCH 15, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, Sharon Stone and Nancy Wolfe. Staff present were Principal Planner Pam Figge, Senior Planner Stacey Jolliffe, Associate Planner Jay Hanson, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Chair Wolfe confirmed with Ms. Barker that ex parte communication concerning an item withdrawn by the applicant does not need to be disclosed.

**REGULAR AGENDA**

1. **Buckland Parcel Map PM 00-9 (Feeney) 1389 East Avenue** - A proposal to create three parcels 10,428 square feet (sf), 11,089 sf, and 15,428 sf in size at the southwest corner of East and Ceanothus Avenues. The site is identified as Assessor's Parcel No. 048-730-008, is designated Office on the City of Chico General Plan Diagram, and is located in an OR Office Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act. ***Staff recommends that this item be continued to the April 5, 2001 meeting.***

This item was continued to April 5.

2. **Appeal of Use Permit 00-67 (Jacobson) 2201 Pillsbury Road** - An appeal of the Zoning Administrator's December 26, 2000 denial of a request to allow a daycare center for up to 60 children in an existing 3,200 square feet commercial suite at 2201 Pillsbury Road (Almond Orchard Plaza). Two outdoor play areas at the back of the suite were also requested. Proposed hours of operation for the facility are approximately 7:00 a.m. to 6:00 p.m., Monday through Friday. The site is identified as Assessor's Parcel No. 007-270-019, is designated Community Commercial on the City of Chico General Plan diagram, and is located in a CC Community Commercial zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15301(e) (Existing Facilities). ***Staff recommends denying the appeal, thereby upholding the Zoning Administrator's denial of the use permit.***

Ms. Jolliffe presented the staff report, reviewing the land use issues involved. She noted safety concerns raised by the Police Department, as well as issues of land use compatibility. She stated that staff believes this use is inappropriate for this location.

Ms. Figge reviewed a letter submitted by Greg and William Patton, property managers for the

Almond Orchard shopping center, which opined that the City's concerns are baseless and that the center would function well at the center.

Commissioner Monfort confirmed with Ms. Jolliffe that the state licensing board does perform a limited safety review when licensing sites.

Ms. Figge stressed that the Commission has to make all required findings to approve the permit; if the Commission cannot make all findings, the permit must be denied.

Commissioner Bradford opined that a play area on asphalt seems inappropriate and substandard; he also noted the loss of parking.

Commissioner Francis stated that the play area seems to be too close to the freeway, and that a potential hazard exists. Ms. Jolliffe noted that a fence or wall could be built to offset the potential hazard, and that the Police Department was quite adamant that it was a hazard to the facility.

Commissioner Stone confirmed that any additional fence or wall would be outside the current existing cyclone fence, and that vehicular through traffic would still be allowed in the parking lot as proposed.

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

Linda Lyons, 2201 Pillsbury Road #D-6, stated that she is the owner of the Brunch House restaurant in the center. She expressed concern with traffic and site circulation impacts, and inquired about liability if a child is hit in the parking lot. She disagreed with the property managers' support of this use, and noted that large trucks which make deliveries behind the center further constrain site circulation. She added that she is also concerned with the morning rush hour and the conflict it will have with her business.

Loring Hammer, 2201 Pillsbury Road #D-4, agreed with the previous speaker that delivery trucks pose a problem in the back of the center. She noted that the back area has dumpsters, and that Rent-A-Center also cleans their rental furniture behind the center.

Bob Crawford, 2255 Esplanade #1, stated that he is a contractor who has performed maintenance at the center, and would attempt to represent the property manager. He noted that any wall would be significantly below the level of the freeway, and that a wall could be designed to mitigate any traffic hazard.

Commissioner Alvistur confirmed with Mr. Crawford that Ms. Jacobson was not present. In response to Commissioner Monfort, Mr. Crawford indicated that the vacancy rate in the center is around 50%, but that more people are in the process of moving in.

There being no further comment, the public hearing was closed at 7:02 p.m.

Commissioner Wolfe expressed concern that neither the applicant nor property owner was present to answer questions. Commissioner Alvistur agreed, stating that in the absence of anyone to answer questions, he would vote to deny the permit.

Commissioner Francis pointed out that the required division of play yard to provide enough space for each child acts as an indicator that this site is inappropriate. She noted that she got stuck behind the center today, and had to back up several hundred yards because trucks were blocking through traffic.

Commissioner Stone added that the play area was very noisy; Commissioner Bradford disliked the fact that it was on asphalt.

COMMISSIONER FRANCIS MOVED THAT THE COMMISSION DENY THE APPEAL OF USE PERMIT 00-67, BASED ON INCOMPATIBILITY OF THE PROPOSED USE AT THIS LOCATION AND HEALTH AND SAFETY CONCERNS WITH CHILDREN UTILIZING A PLAY AREA ADJACENT TO SR 99. COMMISSIONER ALVISTUR SECONDED THE MOTION.

Commissioner Monfort stated that the center is beginning to look like a ghost town, and that he's in favor of putting something in there, but that in the absence of anyone to answer questions he would vote to deny.

THE MOTION PASSED 7-0.

Ms. Figge stated that this item could be appealed to the City Council within 15 calendar days.

3. **General Plan Amendment and Rezone GPA 00-9/RZ 00-15 (Meek) E. 20<sup>th</sup> and Locust Streets** - A request to amend the General Plan from Low Density Residential to Community Commercial and change the zoning from R1 Low Density Residential to CC Community Commercial for a 0.66 acre site located on the northwest corner of E. 20<sup>th</sup> and Locust Streets. The property is identified as Assessor's Parcel No. 005-236-005. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act. ***Staff recommends that the Commission recommend Council approval of the general plan amendment and rezone.***

Mr. Hanson presented the staff report, reviewing the land use issues involved and the history of the property.

Commissioner Bradford confirmed that the site is only 2/3 of an acre. Mr. Hanson noted that the houses on E. 19<sup>th</sup> Street are not included.

The public hearing was opened at 7:12 p.m.

Mack Hill, P.O. Box 3278, stated that he is the Realtor involved with this property and is unofficially representing the applicant.

In response to Commissioner Stone, Mr. Hill reviewed that the site is currently vacant, that a warehouse that was on the site was torn down approximately 10 years ago, and that no manufacturing occurred on the site.

There being no further comment, the public hearing was closed at 7:14 p.m.

The Commission agreed that the site appears more appropriate for commercial than residential use.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION 01-11, RECOMMENDING THE CITY COUNCIL ADOPT THE PROPOSED NEGATIVE DECLARATION AND APPROVE GENERAL PLAN AMENDMENT 00-9 AND REZONE 00-15. COMMISSIONER FRANCIS SECONDED THE MOTION, WHICH PASSED 7-0.

4. **Use Permit No. 00-37 (Carl's Jr.) - 620 Mangrove Avenue** - A request to allow a drive-through facility associated with a proposed 2,165 square foot restaurant on approximately .63 acres located at the northeast corner of Mangrove and Vallombrosa Avenues. The site is identified as Assessor's Parcel No. 003-280-042, is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CC Community Commercial zoning district. An environmental initial study has been conducted for the project pursuant to the California Environmental Quality Act. ***Staff recommends denial of the use permit request. (See related item under Section IV, General Business).***

This item was withdrawn by the applicant.

#### **GENERAL BUSINESS**

5. **Consideration of a -SD Special Design Considerations Zoning Overlay District for the Vallombrosa/Mangrove Intersection/Corridor and East Avenue Corridor east of North Avenue** - To proactively address the issues of future commercial development proposals along the Vallombrosa and Mangrove Avenues intersection/corridor and on East Avenue, east of North Avenue, Planning staff recommends that the Commission consider adopting an overlay zoning district to ensure that future development is compatible with existing general plan policies concerning automobile-intensive uses in these areas. Such an overlay district would expressly prohibit drive-through restaurants and gas stations. ***Staff recommends that the Commission discuss the overlay district concept and provide direction to staff.***

This item was withdrawn by staff.

**PLANNING UPDATE**

Ms. Figge reviewed future training opportunities for Commissioners. She noted that additional information concerning potential growth areas will be distributed with the Commission's binders for the April 5 meeting.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:16 p.m. to the Regular Meeting of April 5, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

\_\_\_\_\_  
May 17, 2001  
Date Approved

\_\_\_\_\_  
/s/  
Pam Figge  
Principal Planner

**PLANNING COMMISSION  
REGULAR MEETING  
APRIL 5, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, Sharon Stone and Nancy Wolfe. Staff present were Principal Planner Pam Figge and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

None.

**ADMINISTRATIVE AGENDA**

1. **Minutes of Adjourned Regular Meeting of December 14, 2000**  
***Staff recommends approval with any corrections/revisions required.***

COMMISSIONER FRANCIS MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 4-0-3 (COMMISSIONERS SANDERS, STONE AND WOLFE ABSTAINING).

**REGULAR AGENDA**

2. **Buckland Tentative Parcel Map PM 00-9 (Feeney) 1389 East Avenue** - A proposal to create three parcels 10,428 square feet (sf), 11,089 sf, and 15,428 sf in size at the southwest corner of East and Ceanothus Avenues. The site is identified as Assessor's Parcel No. 048-730-008, is designated Office on the City of Chico General Plan Diagram, and is located in an OR Office Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act. ***Staff recommends adoption of the mitigated negative declaration and approval of the tentative parcel map.***

Ms. Figge noted that the applicant has requested a 30 day delay for this project.

COMMISSIONER MONFORT MOVED TO CONTINUE THIS ITEM TO THE MEETING OF MAY 3. COMMISSIONER FRANCIS SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

**GENERAL BUSINESS**

Commissioner Monfort noted the passing of former Commissioner Jonathan Studebaker, stating that he didn't let his condition cripple him as a human being, and that he would be missed. There was general agreement.

**PLANNING UPDATE**

Ms. Figge reviewed Council's approval of the City GPA and RZ of a portion of Foothill Park East, noting that Council added a requirement for a path from Cactus to the future Eaton Road.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 6:33 p.m. to the Adjourned Regular Meeting of April 19, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

\_\_\_\_\_  
May 17, 2001  
Date Approved

\_\_\_\_\_  
/s/  
Kim Seidler  
Planning Director

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
APRIL 19, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, Sharon Stone and Nancy Wolfe. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Ed Palmeri, Associate Planner Bob Summerville, Associate Planner Claudia Sigona, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioners Monfort, Sanders, Francis and Wolfe each reported that they had taken a tour of the current shelter location and spoken with Tammi Ritter of Chico Community Shelter Partnership. Commissioners Francis and Wolfe reported that they had also spoken to the Associate Pastor of Faith Lutheran Church, which is currently housing the shelter.

**ADMINISTRATIVE AGENDA**

1. **Minutes of Regular Meeting of January 4, 2001**
2. **Minutes of Adjourned Regular Meeting of January 18, 2001**
3. **Minutes of Regular Meeting of February 1, 2001**
4. **Minutes of Adjourned Regular Meeting of February 15, 2001**  
*Staff recommends approval with any corrections/revisions required.*

COMMISSIONER ALVISTUR MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA.  
COMMISSIONER FRANCIS SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

**CONSENT AGENDA**

5. **General Plan Amendment and Rezone GPA 01-1/RZ 01-1 (Damschen)** - A request to amend the General Plan designation from Office to Community Commercial and to change the zoning from OC Office Commercial to CC Community Commercial for a 1.26 acre site located on the north side of East 20<sup>th</sup> Street, approximately 1,000 feet east of Forest Avenue. The property is identified as Assessor's Parcel No. 002-370-074. *Staff recommends the Commission forward a recommendation of approval to the City Council.*
6. **Parcel Map 00-10 (Imhoff)** - A request to create two 0.14 acre single family lots by subdividing the existing 0.40 acre parcel located at 412 West 6<sup>th</sup> Avenue, and increase the size of the adjacent parcel located at 400 West 6<sup>th</sup> Avenue from 0.61 to 0.73 acres. The properties are identified as Assessor's Parcel Nos. 043-740-013 and 043-740-067, are designated Low Density Residential on the City of Chico General Plan Diagram, and are located in a R1

Low Density Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration and approval of the parcel map.***

Commissioner Francis pulled this item from the Consent Agenda.

COMMISSIONER MONFORT MOVED APPROVAL OF ITEM 5. COMMISSIONER FRANCIS SECONDED THE MOTION, WHICH PASSED 7-0.

### **ITEMS REMOVED FROM CONSENT AGENDA**

#### **6. Parcel Map 00-10 (Imhoff)**

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He reviewed the changes in the revised subdivision report provided to the Commission.

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

COMMISSIONER FRANCIS MOVED APPROVAL OF PARCEL MAP 00-10 (IMHOFF). COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 7-0.

### **REGULAR AGENDA**

- 7. Planned Development Permit 01-01 (Henderson) 306 W. 7<sup>th</sup> Street - A request for conceptual review and final approval of a development plan and architectural design for a mixed-use project that proposes a three-story building with limited commercial and/or office uses on the first and second floors and two residential units on the third floor on property located at 306 W. 7<sup>th</sup> Street. The site is identified as Assessor's Parcel No. 004-231-006, is designated Downtown on the City of Chico General Plan Diagram, and is located in an RD-L Downtown Residential/Landmark Overlay zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332 (In-fill Development Projects). ***Staff recommends conceptual and final approval of the planned development permit, and architectural approval of the project.*****

Mr. Summerville presented the staff report, reviewing the details of the project and the land use issues involved. He reviewed the PD process, noting that the Commission is also being asked to grant architectural approval. He stated that while staff believes that the landscape buffers as proposed are adequate, a wood fence is also requested.

Commissioner Wolfe verified that this project has not been to the ARB. Ms. Figge noted that staff is trying to make the process more convenient for the applicant by having only one hearing.

In response to Commissioner Alvistur, Mr. Summerville explained that projects of this caliber are often approved as submitted. He added that some changes requested by staff were incorporated into the project, including bike parking, minor changes to windows, and the wooden fence.

Commissioner Francis confirmed that the building did not pose a sight distance problem for traffic. Mr. Summerville added that the corner entry is a clipped corner.

Commissioner Monfort inquired as to the purpose of the fence on the west side. Mr. Summerville replied that the fence is to separate the parking area from the adjacent property, particularly from the impact of headlights on the existing residences. He noted that only a wooden fence is allowed pursuant to existing code requirements, but that the Commission has the discretion to waive that requirement.

The public hearing was opened at 6:59 p.m.

Pat Cole, ARCADEME, 1037 Park Avenue, project architect, reviewed the details of the project and pointing out the constraints of this particular site. He noted that he plans to install trees that will have a canopy high enough so that sight distance isn't impacted when the trees are mature; they also plan to do some sort of sidewalk texture and/or color.

He expressed his preference for a fence such as a vine-covered grillwork or chain link. He reviewed parking for the development, and opined that 8 bicycle parking spaces is a bit much. At the request of Commissioner Monfort, Mr. Cole elaborated on certain architectural details of the roof and windows.

There was further discussion about the fence. Mr. Cole indicated he would like a perennial or evergreen flowering vine dense enough to screen headlights; Commissioner Monfort noted the maintenance required by such a design.

There being no further comment, the public hearing was closed at 7:18 p.m.

The Commission discussed options for a landscape-covered fence. Mr. Summerville stated that he would recommend vinyl-coated chain link without slats, that the initial size of the plantings be increased to one gallon, that adequate room for the plants be allowed at the base of the fence, and that irrigation be installed.

Commissioner Francis suggested a pillar treatment to break up the fence. There was general agreement that some sort of pillar treatment would be more attractive once the plants are established.

The Commission agreed that 8 bicycle parking spaces are appropriate, and that the location of the secure bicycle parking could be worked out between the applicant and staff. COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-15, APPROVING PLANNED DEVELOPMENT PERMIT 01-01 (HENDERSON) AND THE PROJECT'S ARCHITECTURAL DESIGN, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED THEREIN, MODIFIED TO REQUIRE A CHAIN LINK OR OTHER METAL FENCING WITH FAST-GROWING VINES AND SOME ARCHITECTURAL FEATURE. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 7-0.

8. **Use Permit 01-09 (City of Chico) SW of Whitman Avenue and Silver Dollar Way** - A request to allow an emergency shelter with related ancillary services on 1.9 acres located on the south side of Silver Dollar Way, approximately 500 feet west of Whitman Avenue, and a bicycle motocross (BMX) park on 3.01 acres located approximately 325 feet south of Silver Dollar Way and approximately 250 feet west of Whitman Avenue. Both sites are identified as portions of Assessor's Parcel No. 005-560-029, are designated Manufacturing and Warehousing on the City of Chico General Plan Diagram, and are located in an ML Light Manufacturing/Industrial zoning district. ***Staff recommends adoption of the mitigated negative declaration and approval of the use permit.***

Commissioner Francis stated that she will disqualify herself from this item, as there is a party involved in the property transaction which has approached her employer about financing on the remainder portion of the property.

Ms. Sigona distributed a supplemental memorandum for this item. She reviewed that the City Attorney's Office has recommended that this permit be split into two separate use permits, 01-09A (BMX park) and 01-09B (emergency shelter). She stated that separate public hearings should be conducted, and that the mitigations and conditions of approval have been separated appropriately.

#### **Use Permit 01-09A (BMX Park)**

Ms. Sigona presented the staff report for Use Permit 01-09A (BMX park), reviewing the land use issues involved and the details of the proposal.

Mr. Seidler noted for the record that staff is in possession of a stack of letters an inch thick, all in support of the BMX park.

The Commission discussed parking for the site. Ms. Sigona recommended adding a condition that additional overflow parking capacity beyond the proposed 50 on-site spaces be required for special events; such parking could possibly be obtained from the Silver Dollar Fairgrounds.

The public hearing for Use Permit 01-09A (BMX park) was opened at 7:37 p.m.

Cindy Valine, 475 E. 23<sup>rd</sup> Street, spoke in support of the BMX park, and wished to participate in its development.

Andy Holcombe, 278 E. Sacramento Avenue, Chico Community Shelter Partnership, spoke in support of the BMX park. He expressed support for the masonry wall separating the two uses, and requested that a gate separating this use from any overflow parking. He expressed concern that the fence be secure to reduce the chance that the homeless will approach the shelter through the fairgrounds.

Dolly Brown, no address given, Student City Manager for the Youth Shadow City Council, noted that the shadow council had voted to support the BMX park.

Dale Downey, 2875 Morseman #134, spoke in support of the BMX park. He noted the value of the park in keeping youth motivated and "on track."

There being no further comment, the public hearing was closed at 7:41 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION APPROVE USE PERMIT 01-09A, SUBJECT TO THE FINDINGS AND RECOMMENDED CONDITIONS DELINEATED IN THE STAFF MEMO DATED APRIL 19, 2001, WITH THE ADDITION OF AN AGREEMENT WITH THE SILVER DOLLAR FAIRGROUNDS FOR OVERFLOW PARKING. COMMISSIONER ALVISTUR SECONDED THE MOTION.

Commissioner Bradford inquired who would manage the facility. Mr. Seidler replied that the permit conditions would be binding on whomever manages the facility. Ms. Sigona added that the revised memo specifies that the future operators are responsible for meeting the conditions of approval.

THE MOTION PASSED 6-0-1 (COMMISSIONER FRANCIS DISQUALIFIED).

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The Commission was in recess from 7:44 to 7:52 p.m.

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### **Use Permit 01-09B (Emergency Shelter)**

Ms. Sigona presented the staff report, reviewing the land use issues involved and the details of the proposal. She reviewed the history of the Chico Community Shelter Partnership (CCSP), which is proposed to operate the facility.

Commissioner Monfort asked who would be responsible for constructing the fence between the shelter and the BMX Park. Ms. Sigona replied that the fence would be built by whichever

use is established first, and that staff would clarify the language to make the requirement more explicit.

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

Chair Wolfe reviewed public testimony procedures. A show of hands revealed that approximately 25 people were in favor of the project, and 5 were against.

Andy Holcombe, Chico Community Shelter Partnership, a previous speaker, stated his wholehearted support for a year-round shelter. He stressed the benefits of a year-round shelter, particularly in retaining skilled staff and providing consistent social services. He clarified that the organization only has funding right now for a winter shelter, but that they are already providing year-round social services.

Commissioner Wolfe opined that if the hall were to be rented out, then the parking would be inadequate. Mr. Holcombe stated that the shelter could conceivably rent out the facility during the summer months if year-round operation doesn't happen, but asserted that parking wouldn't be an issue.

In response to Commissioner Alvistur, Mr. Holcombe stated that there will be 24-hour staffing in the facility, and that the perimeter will be monitored regularly. He opined that a larger neighborhood patrol wouldn't be needed. He added that most shelter patrons are bussed to the Jesus Center in the morning for breakfast, and those that loiter around the shelter lose their overnight privileges.

In response to Commissioner Bradford, Mr. Holcombe stated that some shelter patrons get Supplemental Security Income (SSI), and that some with children qualify for Aid to Families with Dependent Children (AFDC). He noted that one of the social service components is helping people qualify to receive benefits, and to eventually get people out of homelessness and into an apartment.

The following people spoke in support of the use permit: Jay Coughlin, 2640 San Jose Street, United Way; Dr. Ted Sandberg, 129 Zinnia Way, Pastor of First Baptist Church and President of the Interfaith Council; Amber Stephens, 321 Whitney Hall; Father Richard Yale, 2341 Floral Avenue, St. John's Episcopal Church; Rick Reynolds, 3369 Rodeo Avenue; Anastacia Snyder, P.O. Box 4184, Catalyst; Bruce Wohl, 1122 Citrus Avenue; Dale Downey, 1161 East Avenue, Independent Living Services; Mickey Taylor, 630 Esplanade; David Ferrier, 1001 Willow Street, representing C.H.I.P. and the Esplanade League; Scott Gruendl, 18 Tioga Way; Mike Jensen, 406 Nord Avenue #12; Grace Marvin, 1621 N. Cherry Street; Marcia Moore, 1601 Esplanade; Cris Carroll, 21 Franciscan Way; Tami Ritter, 1455 Normal Avenue, Director of the CCSP; Bob Ring, 3 Carson Street #3; Darrell Dinsmore, 2525 Esplanade; Jodea Foster, 119 Broadway; and Mary Flynn, 1130 Laburnum Avenue.

Issues raised included: that this is the best site with the least amount of public opposition; that

while many area churches have participated in the shelter program, none has the facilities to be a full-time full-service shelter; that many Chico State students support the proposal; that host churches have been impressed with the way the program is staffed and operated, and that loitering is not a problem; that a full-service shelter will facilitate the placement of people in housing, as well as provide more help for those homeless which are mentally ill; that the shelter serves both WWII and Vietnam veterans; that the CCSP is the strongest referral for Catalyst clients who are homeless; that the community needs a permanent year-round site near the downtown area; that a permanent shelter would facilitate the provision of social and health services to the homeless; that the Esplanade House can only serve 12 families at a time, and that more homeless shelter capacity is needed; that this is the best site in town; that the shelter would not become a magnet, that more funding streams are available to a year-round shelter, and that it is very difficult to operate a shelter on less than a year-round basis; that a facility like this is long overdue; that how well the community treats those less fortunate is a measure of that community; that approval of the shelter would be one of the proudest moments for many Chicoans; that the City has consistently supported and funded homeless shelter efforts, including those of the CCSP; that a year-round facility would allow the consolidation and efficient delivery of services; that the CCSP would gladly adopt rules similar to their existing rules for the new facility; that provision of a shelter will make Chico "whole", and that anyone can become homeless; that people's lives will be changed because of the shelter; that this shelter will have rules and be operated in a manner which will have a much lower impact than the armory; and that the shelter hasn't negatively impacted the neighborhoods next to hosting churches.

The following people spoke in opposition to the use permit: Cindy Rice, 2153 Elm Street; John Gillander, 4328 Kathy Lane; Cindy Valine, 475 E. 23<sup>rd</sup> Street; Ken Rice, 2153 Elm Street; and Barbara Smith, 558 E. 23<sup>rd</sup> Street.

Issues raised included: that notice was not given to those on E. 23<sup>rd</sup> Street, and that many in that neighborhood would be opposed to the project; that fencing and/or bussing should be required if this use is approved; that homeless passing through the E. 23<sup>rd</sup> Street neighborhood have previously stolen items, threatened residents, caused some residents to move away, and lowered property values; that the project appears to be growing beyond what was approved by Council; that a complete set of rules isn't available for the Commission's consideration; that this shelter offers a partial duplication of services when compared to the Jesus Center; that the shelter would negatively impact the school and two daycares in the neighborhood; that noticing for the hearing was inadequate, and that the Council approved a joint BMX park/shelter project; that neighborhood property values have climbed since the armory shelter has been shut down; and that bussing should be a required condition of approval if the Commission approves the use permit.

Staff noted that the required 300 foot mailing area was followed for this project, and that the CCSP held a neighborhood meeting for the E. 23<sup>rd</sup> Street neighborhood; fliers announcing the meeting were hand-distributed to residents of the neighborhood.

There being no further comment, the public hearing was closed at 9:25 p.m.

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The Commission was in recess from 9:25 to 9:33 p.m.

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The Commission was in general agreement that a year-round shelter is appropriate for the site, but that conditions should be required to lessen the impact to those in the 23<sup>rd</sup> Street neighborhood. After discussion, the Commission agreed that the rules for the shelter should be substantially the same as the rules the CCSP currently has in place, that some sort of bus or shuttle transportation should be required, that neighborhood patrols should be required (to include the 23<sup>rd</sup> Street neighborhood), and a reporting requirement should be imposed, similar to what is required of the Jesus Center.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION APPROVE USE PERMIT 01-09B, SUBJECT TO THE FINDINGS AND RECOMMENDED CONDITIONS DELINEATED IN THE STAFF MEMO DATED APRIL 19, 2001, WITH THE FOLLOWING CONDITIONS ADDED: 9. The CCSP rules for clients shall be substantially the same as the rules currently in place, and shall be approved by Planning staff. 10. The shelter shall provide some sort of bus or shuttle service to and from the facility. 11. The operator shall submit reports to the Planning Division every six months, similar to those required for the Jesus Center. 12. Neighborhood patrols shall be required in the neighborhood to the west. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS DISQUALIFIED).

#### **OTHER ITEMS (NO PUBLIC HEARING REQUIRED)**

9. **Memorandum from City Clerk Concerning 2001-2002 Budget Items** - Pursuant to the memorandum from the City Clerk dated March 29, the Commission shall determine if it wishes to meet with the City Council on May 22 to discuss budget matters for the 2001-2002 fiscal year. ***Staff recommends that the Commission determine if it wishes to meet with Council, and if so, provide direction to staff as to what budget items the Commission wishes to discuss.***

Mr. Seidler reviewed that the Commission has an opportunity to meet with the Council to discuss budget issues if desired, and that staff would prepare a memorandum to the Council listing whatever items the Commission wished to discuss.

Commissioner Monfort stated that General Plan implementation should be given more staff, and therefore more funding; he also suggested that the Commission should look at prioritizing new subdivision improvement standards to allow an alternate code for new development. Mr. Seidler added that the Commission could also provide priority for implementation of General

Plan policies and capital projects.

The Commission agreed to meet with Council, confirmed that a quorum would be present on May 22<sup>nd</sup>, and continued this item to the meeting of May 3<sup>rd</sup> so that Commissioners could create lists of more definite ideas. Staff agreed that it would provide additional information to the Commission at the next meeting.

**GENERAL BUSINESS**

None.

**PLANNING UPDATE**

Mr. Seidler reviewed that Council will decide whether or not to hear the appeal for the Safeway gas station use permit on May 1, and that the Commission will have the growth and residential capacity study on its May 17 agenda.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 10:01 p.m. to the Regular Meeting of May 3, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

\_\_\_\_\_  
June 7, 2001  
Date Approved

\_\_\_\_\_  
/s/  
Kim Seidler  
Planning Director

**PLANNING COMMISSION  
REGULAR MEETING  
MAY 3, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Craig Sanders, Sharon Stone and Nancy Wolfe. Commissioner Kirk Monfort was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Associate Planner Jay Hanson, Senior Development Engineer Tom Varga and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

None.

**REGULAR AGENDA**

1. **Buckland Parcel Map PM 00-9 (Feeney) 1389 East Avenue** - A proposal to create three parcels 10,428 square feet (sf), 11,089 sf, and 15,428 sf in size at the southwest corner of East and Ceanothus Avenues. The site is identified as Assessor's Parcel No. 048-730-008, is designated Office on the City of Chico General Plan Diagram, and is located in an OR Office Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration and approval of the parcel map.***

Ms. Figge noted that the applicant for this item has requested a 30 day continuance.

COMMISSIONER ALVISTUR MOVED THAT THIS ITEM BE CONTINUED TO THE MEETING OF JUNE 7, 2001. COMMISSIONER FRANCIS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER MONFORT ABSENT).

2. **Dominick Park Vesting Tentative Subdivision Map S 01-02 (Agasy, Inc.)** - A request to approve a vesting tentative subdivision map with 37 single family residential lots on property totaling 6.6 acres. The subject site is located at 2555 Mariposa Avenue approximately 200 feet north of East Avenue. The lots proposed with this subdivision range in size from 4,500 to 17,646 square feet with an average of 5,873 square feet (net). The project site is identified as Assessor's Parcel Nos. 048-720-021, is designated Low Density Residential (2.01 to 6 dwelling units per gross acre) on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration and approval of the vesting tentative subdivision map.***

Mr. Hanson presented the staff report, reviewing the land use issues involved and the specifics of the proposal. He reviewed the supplemental memorandum, which modifies some fences, setbacks and landscape areas.

Commissioner Francis verified that staff supports the original map for the project, not any of the three alternate designs proposed by the applicant. At the request of Commissioner Francis, Mr. Varga discussed the proposed traffic circle. He noted that Ravenshoe will connect Mariposa to Floral, and that without any traffic calming measures drivers would likely speed on that street.

Commissioner Sanders noted that this project is in zone C of the Airport Comprehensive Land Use Plan (CLUP) and opined that this project should have gone to the Airport Land Use Commission (ALUC) for review. Mr. Seidler noted that it is the City Attorney's opinion that the CLUP is not yet binding, as the City just received the CLUP a few days ago and the 180 day City review period has just begun. He stated that this application is at the end of the process, and that he believes that it does not have to go to ALUC. Ms. Figge added that the Assistant City Attorney noted that there are no procedures in place to determine consistency, and that if staff is provided with an accurate map, staff can make the consistency determination. Mr. Seidler opined that nothing would be gained by ALUC review at this point.

Commissioner Francis confirmed that the City Attorney is of the opinion that this application should still be processed. Commissioner Alvistur suggested that staff should send ALUC a letter as a courtesy; Mr. Seidler agreed to notify ALUC.

The Commission discussed the design of streets "C" and "D". Staff noted the higher density afforded by such a design, less City maintenance due their status as private streets, and applicable General Plan goals of reducing impervious surfaces and maintaining a compact urban form. Staff suggested that the Commission may also wish to ask the developer for his comments.

Commissioner Alvistur verified that the Fire Department had reviewed and approved the street design.

Commissioner Francis asked if the property lines for lot 38 will be modified to be coterminous with the proposed fence line. Mr. Hanson indicated that such an alteration was not planned.

Commissioner Bradford noted the irony of the Corps of Engineers considering Pleasant Valley Ditch a wetland, as it is man-made.

The public hearing was opened at 6:58 p.m.

Tony Symmes, P.O. Box 617, applicant, stressed that this project will add 37 affordable entry-level homes to the City's housing stock, noting applicable General Plan policies concerning

affordable housing.

In response to Commissioner Francis, Mr. Symmes confirmed that the non-standard private street design was chosen to maximize density on the site. He explained that a standard cul-de-sac design would have only 31 lots, and that previous customer response to what is essentially a common driveway has been positive. He stated that there will be a common maintenance agreement for the private street. At Commissioner Bradford's request, Mr. Symmes reviewed the details of the private streets, and reaffirmed that market response has been positive.

Mr. Symmes discussed lot 38 and the altered fence design, stating that the requested design isn't substantially different from corner lots in other subdivisions, and shouldn't pose any problems. He asserted that any future fence repair or maintenance dispute would be a homeowner issue.

Mr. Symmes requested that the Commission drop the requirement for a pedestrian path between lots 21 and 22, as it doesn't save much time for pedestrians and the path is disliked by adjacent homeowners. He also requested that the Commission eliminate the requirement for Street "E" connecting to the north, as it would allow him and the developer to the north, Mr. Crawford, to each gain an additional lot.

Mr. Varga reviewed Artesia Garden Manor, the previously approved subdivision to the north, and confirmed that it was approved with a stub which would connect with street "E". He stressed the value of getting north-south connectivity in addition to east-west connectivity in this area, and noted that this connection would also provide access to Mariposa for Baywood Estates.

Commissioner Alvistur noted that the Commission has encouraged connectivity whenever possible. The Commission was in general agreement that the northern connection be required.

Bob Crawford, 2255 Esplanade, owner of Artesia Garden Manor, reiterated the request to eliminate street "E" so that he could alter the design of his subdivision. He stressed the more pleasant atmosphere and traffic situation of living on a cul-de-sac, and the economic benefit of providing an additional lot. He suggested that if a connection is necessary that only a bike/pedestrian path be provided.

Cy Weagle, 2726 Mariposa Avenue, expressed concerns he has with the project, particularly traffic. He asked for an explanation of what is proposed at the existing bridge, and stressed the need for a good pedestrian path on Mariposa.

Mr. Varga reviewed the improvements proposed in conjunction with this subdivision. He noted that full urban improvements will be installed on the portion of Mariposa adjacent to this project, that the ditch will be put underground, and that the far half of the road at the bridge will

be widened enough to accommodate ultimate improvements for that side as well. He stated that the Anderson subdivision was required to provide pedestrian access down to East Avenue, and that the improvements could probably be coordinated to provide a better end product. He indicated that he would work with the relevant engineers and developers to determine what compromises could be made.

There being no further comment, the public hearing was closed at 7:30 p.m.

The Commission discussed the various requested modifications. There was general agreement that the connection across lots 21 and 22 should be eliminated, that the public improvements are adequate, and that street "E" should be required to go through to the north.

Commissioner Sanders expressed support for some legal arrangement for lot 38 and the adjoining "dog ear" areas, either an easement on the adjoining properties or modification of the lot lines. Commissioner Francis agreed that lot 38 is problematic. Commissioner Alvistur suggested that lot 38's configuration would be reflected in the sales price for that property.

Commissioner Francis moved to reopen the public hearing; Commissioner Bradford seconded the motion, which passed 6-0-1 (Commissioner Monfort absent).

The public hearing was reopened at 7:35 p.m.

Tony Symmes, a previous speaker, stated that the desirability of the lot 38 configuration would be reflected in the price, and opined that the Commission doesn't need to go into this level of detail.

There being no further comment, the public hearing was re-closed at 7:36 p.m.

Commissioner Francis verified with Mr. Varga that the traffic circle would be landscaped and adequately maintained by a maintenance district.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION 01-16, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE DOMINICK PARK VESTING TENTATIVE SUBDIVISION MAP (S 01-02), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED TO DELETE THE BIKE PATH BETWEEN LOTS 21 AND 22. COMMISSIONER BRADFORD SECONDED THE MOTION. Commissioner Francis acknowledged the need for higher density and affordable housing, but lamented that this design is the best that can be done. Commissioner Alvistur agreed. THE MOTION PASSED 6-0-1 (COMMISSIONER MONFORT ABSENT).

Commissioner Alvistur suggested that staff work with the developer in this area to see if anything can be done to improve the east side of Mariposa Avenue. Mr. Varga indicated that he would talk with the relevant parties.

Mr. Seidler confirmed that staff will notify ALUC.

**OTHER ITEMS (NO PUBLIC HEARING REQUIRED)**

3. **Memorandum from City Clerk Concerning 2001-2002 Budget Items** - Pursuant to the memorandum from the City Clerk dated March 29, the Commission shall determine if it wishes to meet with the City Council on May 22 to discuss budget matters for the 2001-2002 fiscal year. ***This item is continued from the meeting of April 19. Additional budget-related information is being provided.***

Mr. Seidler asked if the Commission had any specific budget-related items it wished to discuss with Council, and noted the presence of Senior Planner Tom Hayes to answer questions concerning General Plan implementation.

The Commission noted the absence of Commissioner Monfort, the Commissioner with the greatest desire to meet with Council. After discussion, the Commission suggested the topics of the subdivision ordinance and related design issues, and bicycle accessibility, particularly in the area near Hank Marsh Junior High School and the proposed apartment complex at SR 32 and Bruce Road.

Commissioner Sanders stated that he would be unable to attend the meeting; Commissioners Francis, Alvistur, Wolfe and Bradford indicated they could attend.

Mr. Seidler requested that any additional issues be made known to him by May 11.

**GENERAL BUSINESS**

None.

**PLANNING UPDATE**

Mr. Seidler reviewed recent Council action, including approval of the Meek and Damschen rezones, approval of the Title 19 amendments, and their decision not to hear the appeal of the East Avenue Marketplace gas station appeal. He noted the upcoming Planning Commissioner workshop on May 16, and encouraged Commissioners to attend.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:57 p.m. to the Adjourned Regular Meeting of May 17, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

\_\_\_\_\_  
June 7, 2001  
Date Approved

\_\_\_\_\_  
/s/  
Kim Seidler  
Planning Director



**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
MAY 17, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, Sharon Stone and Nancy Wolfe. Commissioner Vic Alvistur was absent. Staff present were Planning Director Kim Seidler, Senior Planner Tom Hayes, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

None.

**ADMINISTRATIVE AGENDA**

1. **Minutes of Regular Meeting of March 1, 2001**
2. **Minutes of Adjourned Regular Meeting of March 15, 2001**
3. **Minutes of Regular Meeting of April 5, 2001**  
*Staff recommends approval with any corrections/revisions required.*

COMMISSIONER FRANCIS MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER ALVISTUR ABSENT).

**REGULAR AGENDA**

4. **Use Permit No. 01-18 (Ubiquitel Leasing Company) 600 Country Drive**  
- A request to allow 3 cellular antennas to be mounted on an existing electric transmission pole including installation of associated ground mounted equipment on property located at 600 Country Drive. The site is identified as Assessor's Parcel No. 005-580-012, is designated Manufacturing and Warehousing on the City of Chico General Plan Diagram, and is located in an ML Light Manufacturing zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15301 (Existing Facilities). *Staff recommends approval of the use permit.*

Mr. Seidler noted that Mr. Hanson was ill and unable to attend tonight's meeting. Mr. Seidler presented the staff report, reviewing the land use issues involved and the details of the project. He reviewed the revised memorandum and accompanying resolution, noting that a new condition #5 is proposed, to read: 5. This use permit shall be valid for a period of 10 years from the date of issuance.

Commissioner Monfort verified that this project requires a use permit because power pole

installations aren't covered under the Wireless Telecommunications Facilities ordinance. The public hearing was opened at 6:39 p.m.

Steve Lewotsky, 140 Independence Circle, Suite A, representing the applicant, stated that the staff report was complete. He noted that PG&E had dropped the requirement for a wooden roof structure, and asked the Commission to drop that requirement also.

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

COMMISSIONER FRANCIS MOVED THAT THE COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA SECTION 15301 (EXISTING FACILITIES) AND APPROVE USE PERMIT 01-18 AND ADOPT RESOLUTION NO. 01-17, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, WITH THE ADDITION OF CONDITION #5 AS RECOMMENDED BY STAFF, AND REQUIRING THAT THE WOODEN ROOF STRUCTURE BE INSTALLED. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER ALVISTUR ABSENT).

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The Commission was in recess from 6:45 to 6:48 p.m.

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5. **Growth and Land Availability Analysis** - The City has prepared a report examining the demand for housing in the Chico Urban Area and whether sufficient land is designated for housing to meet future needs through the City General Plan's anticipated build out in 2012 and beyond. A presentation will be made on the findings and recommendations of the report. The Planning Commission will review this information and receive public testimony before forwarding a recommendation to the City Council. An environmental assessment will be conducted prior to formal consideration of any changes to the current General Plan. ***Staff recommends that the Commission forward a recommendation to the City Council that certain properties be brought within the City's Sphere of Influence (SOI), and that development standards be changed for certain properties already within the SOI. Please refer to pages 16-18 of the staff report for full recommendations.***

Mr. Seidler gave a brief overview of the report, noting that staff has been concerned about the potential shortfall in residential land ever since the 5 year General Plan review. He reviewed General Plan guiding policies concerning compact urban form, affordable housing, and the creation of neighborhoods.

Mr. Hayes gave a detailed presentation of the report, reviewing the various growth scenarios, potential growth areas, and staff's recommendations. During his presentation, he confirmed that Bidwell Ranch capacity is included in the calculations, stating that the property is limited

to 1500 housing units.

The Commission discussed the problems with underdevelopment of properties within the Sphere of Influence (SOI) but still under county jurisdiction. Mr. Hayes explained that staff is suggesting a joint County/City specific plan for areas 1 and 3 in the long term, and that a moratorium could be a temporary option to prevent underdevelopment of the area.

Commissioner Sanders expressed concern that there may not be enough property to accommodate growth within the next 5 years. Mr. Hayes reviewed a map showing the expected timing for various properties being ready to develop, noting that those with environmental constraints have a lengthy approval process.

Commissioner Francis inquired what objections there would be to higher densities on the Enloe and Schmidbauer properties, and questioned the benefit of requiring precise plans for those sites. Mr. Hayes explained that precise plans would enable the sites to develop as neighborhoods, and would aid in getting the community to “buy into” the proposal. Commissioner Monfort likened the situation to the 8<sup>th</sup> Avenue reconstruction, where the neighbors had significant input on the final design.

Commissioner Wolfe inquired about the CSA 87 Village’s consistency with the newly adopted ALUC plan. Mr. Hayes replied that the Village is in zone C, which allows more than 4 units per acre.

Commissioner Monfort opined that a lot of density could be realized by encouraging more second units on R1 properties; he suggested that development fees for those units be lowered. Mr. Hayes pointed out that all housing is treated equally in the nexus, and that lowering fees on second units would be problematic.

Commissioner Monfort suggested that a redevelopment area be formed around North Valley Plaza Mall, and that multi-family residential could be a part of the redevelopment.

Commissioner Stone asked if more density could be required on infill properties. Mr. Hayes replied that the 7 units per acre target density is not intended for traditional infill projects due to the more sensitive nature of those projects, but is intended only for new development.

Commissioner Stone confirmed that Chico’s 2% annual growth rate has remained relatively steady for the last decade.

Commissioner Sanders pointed out that the County’s census figures for Chico’s SOI population were different than the City’s and indicated a population around 85 or 86,000. The Commission discussed the discrepancy, and agreed that the Commission needed the most accurate information available.

The Commission discussed study areas 1, 2 and 3. Mr. Hayes noted that area 1 is already on the urban side of the greenline, that area 3 was previously designated as a study area, and

that the major question is area 2, which is on the wrong side of the greenline and is in active commercial agriculture use. The Commission agreed that area 2 would need to at least be looked at when planning for areas 1 and 3.

Commissioner Francis cautioned the Commission not to assume that the owner/renter housing ratio would return to a pattern similar to the 1980's, and asserted that home ownership would continue to be a driving factor in new growth.

Commissioner Monfort ruminated on the Commission's responsibility to provide particular kinds of housing as opposed to a particular amount of housing, and opined that the price for compact urban form could very well be a higher cost for single family residential homes.

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

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Chair Wolfe reviewed that each speaker would be limited to five minutes, and that if public testimony can't be concluded at this meeting, then the hearing would be continued to the June 7 meeting.

The public hearing was opened at 8:41 p.m.

Jim Mann, 70 Declaration Drive, Suite 101, representing both the Building Industry Association and Rural Consulting, asserted that the true historical density for Chico is 5 units per acre, not 7. He asked for the Commission's support in creating a longer timeframe for growth, and suggested looking at areas with enough growth potential for the next 20 or 25 years. He noted that home prices have risen 20% in the last year, and stated that it was due to the increasing cost of residential land. He expressed concern with broaching the greenline, and suggested that fewer new private apartment complexes will be built due to liability issues. He urged the Commission to leave the Schmidbauer property alone, as much time, effort and money has been spent trying to approve the area already; he added that they will probably reach 6 units per acre on that development. He also stated that 40 acres of area 8 is already in the sphere and is rezoned RS-20; he added that some environmental clearances have been received on that land, and that he would provide that information along with other comments to the Commission prior to the next meeting.

Commissioner Wolfe asked if Mr. Mann was opposed to development of areas 1, 2 or 3. Mr. Mann answered that the BIA is opposed to broaching the greenline.

John Gillander, 4328 Kathy Lane, presented some pictures and maps of the Schmidbauer site. He urged the Commission to not change any regulations affecting that property until the high school is built.

Bill Brouhard, 2897 Pennyroyal Drive, thanked staff for their work on the report. He stated that Bidwell Ranch should be a part of any dialogue on residential holding capacity. He

encouraged the Commission to take another look at that project, and asserted that if Bidwell Ranch is taken out of consideration then other land needs to be designated for residential development. He also noted that lack of infrastructure isn't a constraint to developing a property; it is reflected in the sales price of a property, and affects the timing of development. He concluded by stating that development of areas 6 and 7 would result in gridlock without the Otterson Drive extension.

Amy Rohrer, 951 E. 8<sup>th</sup> Street, representing Valley Contractors Exchange, read a letter from VCE President Tom Williams supporting the City's proactive approach in addressing the issue of future residential growth.

John Dunbar, 792 Rebecca Court, stated that he is a long time resident who lives adjacent to area 3, and doesn't think that his neighbors are ready to accept the densities proposed by staff for that area. He noted that many area residents are hobby farmers, stated that he has no problem with moving the greenline a little bit, and disagreed with staff's assertion that the City is responsible for providing housing for everyone who comes to town.

Norm Rosene, 6237 Cohasset Road, representing the Airport Land Use Commission (ALUC), pointed out problems with additional development near the airport. He asserted that the 2000 Comprehensive Land Use Plan (CLUP) should be considered in the discussion, and stressed the airport's importance to the local economy. He stated that ALUC would have no objection to increasing density in the CSA 87 Village, but that the Ravenwood property is inconsistent with the CLUP and is in one of the areas of greatest accident occurrence.

In response to Commissioner Wolfe, Mr. Rosene stated that the Ravenwood property is in zone C-1, which allows a density of one unit per five acres. He noted that a small jet crashed near that property several years ago.

Jeff Carter, 600 Parkwood Drive, commended staff for the work done on the report. He agreed with Mr. Brouhard's assertion that Bidwell Ranch should be considered. He stressed the need for more extensive planning in existing Resource Management Areas (RMAs) to try and achieve greater development densities on those properties. He agreed with staff's support of areas 1 and 3, and mentioned the Doe Mill project currently under construction as an example of attractive higher density development.

In response to Commissioner Wolfe, Mr. Carter elaborated on his views on Bidwell Ranch. He noted that the set-asides were tremendous and that the project was an example of good planning on an environmentally sensitive site.

Dave Ferrier, 1001 Willow Street, Executive Director of the Community Housing Improvement Program (CHIP), urged the Commission to be more aggressive in rezoning properties to R3. He stressed that near-term solutions for more rental properties need to be found, and stated that multi-family shouldn't be built at the expense of single-family housing.

Tod Kimmelshue, 9 Via Flora Court, representing the Butte County Farm Bureau, noted that while the Bureau is concerned about further encroachment on the greenline, the Bureau is not opposed to the development of area 3. He voiced concern that some properties to the south are under consideration for growth, and opined that development should be refocused to the east, where larger parcels under few ownerships allow for more comprehensive planning. He discussed the drainage and infrastructure problems in Bell-Muir, and added that a railroad over- or under-pass should be considered in conjunction with any development proposal in the area.

Jim Owens, 1462 Mountain View Avenue, also complimented staff for the work done on the report. He stated that the report seems a natural extension of the discussion that occurred when the General Plan was adopted in 1994. He urged the Commission to rezone the Enloe property back to R1 before looking at the Bell-Muir area, and urged the Commission to pursue a specific plan for the Bell-Muir area, to include areas 1, 2 and 3. He also encouraged the Commission to look at area 11, which could support some clustered residential development. He noted that some of the numbers don't quite match up, and suggested that staff correct the discrepancies. He also wondered why this kind of review was taking place now instead of being part of the 5-year General Plan review which occurred last year.

Billie Kanter, 614 W. 4<sup>th</sup> Avenue, stated that different Chico residents have different ideas regarding quality of life. She opined that density isn't a constraint if appropriate design is used, noting that the Mansion Park area is one of the most liveable areas in Chico and has a density of 10 units per acre. She lamented the negative impact of those who relocate to Chico from the Bay Area and Southern California; she suggested that these people are gradually turning Chico into the very place they escaped from.

Mr. Seidler suggested that if the Commission wishes to continue this item, the public hearing should be left open and the hearing continued to June 21, when Mr. Hayes will be able to attend; the Commission agreed.

Commissioner Bradford confirmed with Mr. Rosene, a previous speaker, that only a portion of the Bidwell Ranch property is affected by the CDF tanker flight path. Mr. Rosene elaborated that it is not ALUC's position that the property can't be developed, but that ALUC is committed to protection of the tanker corridor. Mr. Seidler added that he anticipates further discussion with ALUC concerning the Bidwell Ranch and Ravenwood properties; he noted that the City and ALUC have worked well together, and have resolved nearly all issues.

Commissioner Francis explained her earlier comments concerning single vs. multi-family housing; she agreed that more multi-family housing is needed, and that the Commission needs to approve more multi-family projects, but that she doesn't foresee new housing construction returning to a single-family/multi-family breakdown similar to the 1980's. She likened the housing market to a balloon that, if squeezed in one place (such as the City limiting single-family development), will simply expand somewhere else (into the surrounding unincorporated areas). She agreed with Ms. Kanter that R2 development needs to be made

more attractive, and that the Commission should demand better than what has been built.

The Commission discussed the City's lowering the density for R2 development, and agreed that it has achieved an undesired result.

The Commission agreed that no recommendations should be made tonight, and that more information and accurate figures should be made available at the next meeting on this topic.

Commissioner Monfort discussed what kind of community Chico wants to be; he acknowledged that overly burdensome City regulations will just push development into the County, and suggested that the City and County need to work together on growth issues.

Commissioner Wolfe discussed the recent increase in housing prices, noting that if prices continue to rise, the community will end up excluding many people who'd like to live here. Commissioner Monfort acknowledged that some decisions could increase the cost of housing, but that people would realize that the City has made a choice to not become another sprawling valley town like Fresno or Bakersfield.

The Commission reconfirmed its desire to not make any recommendations at this time, and the need for accurate statistical information.

Commissioner Sanders suggested that the Commission have a joint meeting with the County's Planning Commission; there was general agreement that a joint meeting should occur.

Commissioner Stone noted that a higher minimum density needs to be a part of any plan to move the greenline, so that the City effectively uses the new areas.

Commissioner Bradford expressed some concern with the Bell-Muir area, and stated that he would prefer Chico to grow to the East where the soil isn't viable for agriculture. He also noted that Chico is not San Francisco, and that residents should have choice among a variety of housing types, including larger lot single-family residential development.

Commissioner Sanders reviewed that the greenline was adopted in 1982 and was intended to have a 20 year lifespan; he suggested that this is an appropriate time for both the City and the County to take a hard look at it. He noted that the constraints and environmental issues on lands in east Chico weren't at the level of controversy that they are today when the greenline was adopted.

Mr. Seidler agreed that discussion about any of the outlying areas needs to be done in concert with the County in a joint meeting, but cautioned the Commission against going too far at this time without City Council direction.

Commissioner Monfort verified that one of the Commission's recommendations to Council

could be to hold joint meetings with the County Planning Commission. Commissioner Sanders added that he would be interested in City staff giving a presentation similar to tonight's to the County Planning Commission.

Mr. Seidler suggested that the hearing be continued to the June 21 meeting, as Mr. Hayes will be unable to attend the June 7 meeting.

COMMISSIONER FRANCIS MOVED THAT THIS ITEM BE CONTINUED TO THE MEETING OF JUNE 21. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER ALVISTUR ABSENT).

**GENERAL BUSINESS**

Commissioner Francis congratulated Commissioner Bradford on his upcoming marriage.

**PLANNING UPDATE**

Mr. Seidler reviewed Council's approval of the Meek and Damschen rezones, and reviewed the agenda for the Commission's joint meeting with Council on Tuesday.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 9:45 p.m. to the Regular Meeting of June 7, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

\_\_\_\_\_  
June 7, 2001  
Date Approved

\_\_\_\_\_  
/s/  
Kim Seidler  
Planning Director

**PLANNING COMMISSION  
REGULAR MEETING  
JUNE 7, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Jolene Francis, Kirk Monfort, Sharon Stone and Nancy Wolfe. Commissioners Ross Bradford and Craig Sanders were absent. Staff present were Principal Planner Pam Figge, Assistant Director of Public Works Fritz McKinley, Senior Planner Ed Palmeri and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

None.

**ADMINISTRATIVE AGENDA**

1. **Minutes of Adjourned Regular Meeting of April 19, 2001**
2. **Minutes of Regular Meeting of May 3, 2001**
3. **Minutes of Adjourned Regular Meeting of May 17, 2001**  
***Staff recommends approval with any corrections/revisions required.***

COMMISSIONER FRANCIS MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH CARRIED 6-0-1 (COMMISSIONER ALVISTUR ABSTAINING ON ITEM 3).

**REGULAR AGENDA**

4. **Buckland Parcel Map PM 00-9 (Feeney) 1389 East Avenue** - A proposal to create three parcels 10,428 square feet (sf), 11,089 sf, and 15,428 sf in size at the southwest corner of East and Ceanothus Avenues. The site is identified as Assessor's Parcel No. 048-730-008, is designated Office on the City of Chico General Plan Diagram, and is located in an OR Office Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***This item was continued from the meeting of May 3, 2001. Staff recommends adoption of the mitigated negative declaration and approval of the parcel map.***

Ms. Figge presented the staff report, reviewing the land use issues involved and the details of the subdivision. She noted that one of the driveways will be allowed to remain on East Avenue, and that staff recommends approval.

In response to Commissioner Monfort, Mr. McKinley discussed the driveway on East Avenue, noting that staff proposes to make it right-in, right-out only access, and that the driveway is far enough from the intersection so that it shouldn't pose any problems. He noted that the access

onto Ceanothus Avenue will be shifted south, as far away from the intersection as possible.

Commissioner Monfort verified with Mr. McKinley that the improvements include a separated sidewalk and park strip.

Commissioner Francis confirmed that paragraph 2, subparagraph "b" is missing an amount for storm drain fees. Mr. McKinley noted that an amount will be charged, and that the developer will get credited for installing certain oversized improvements.

Commissioner Monfort verified that this project could be developed with both office and residential uses.

The public hearing was opened at 6:39 p.m.

Bob Feeney, 389C Connors Court, project engineer, offered to answer any questions.

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

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-12, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING PARCEL MAP NO. 00-9, SUBJECT TO THE FINDINGS AND CONDITIONS INCLUDED THEREIN, MODIFIED TO CORRECT THE PARAGRAPH IN THE SUBDIVISION REPORT CONCERNING STORM DRAIN FEES, AND REQUIRING THAT THE EAST AVENUE DRIVEWAY BE RIGHT-IN, RIGHT-OUT ONLY. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS BRADFORD AND SANDERS ABSENT).

5. **Parcel Map 00-1 (Auer)** - A request to create three single family lots by subdividing the existing 0.53 acre parcel located at 820 West 8<sup>th</sup> Avenue. The lot sizes consist of two lots at 0.11 acres and one lot at 0.31 acres. The property is identified as Assessor's Parcel No. 043-080-054, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332 (In-fill Development Projects). ***Staff recommends approval of the parcel map.***

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He noted that the area was recently annexed to the City, and is located 600 feet west of an area designated as a mixed use neighborhood core.

In response to Commissioner Monfort, Mr. Palmeri discussed the lot configuration, noting that parcel 3 is a remainder piece that will be used as a storage area. Mr. Palmeri confirmed that there will be no access to Lodge Pine Lane from this property.

Commissioner Alvistur verified that Lodge Pine Lane is a private street, and that parcel 3 could secure an easement and buy in to the maintenance district for Lodge Pine and connect there at a future time.

Ms. Figge noted that parcel 3 could potentially be re-subdivided.

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

Dan Hays, 1041 Cherry Street #2, representing the applicant, stated that there are no plans to subdivide parcel 3, and that the Auers plan to build a new home on parcel 3 at a later date.

Commissioner Monfort confirmed with Mr. Hays that the Auers plan to use all of parcel 3 for their new home at a later date.

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

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-18, DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT AND APPROVING TENTATIVE PARCEL MAP 00-1 (AUER), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS SANDERS AND BRADFORD ABSENT).

### **GENERAL BUSINESS**

Commissioner Monfort reviewed an AP article dealing with the effects of traffic and sprawl.

### **PLANNING UPDATE**

Ms. Figge noted that Mr. Varga is leaving, and that he will be missed. She also stated that there will be no Planning Commission meeting on July 5<sup>th</sup>.

Commissioner Francis announced that she would not be able to attend the meeting on June 21<sup>st</sup>, and verified with staff that she could submit written comments on the growth study.

### **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 6:54 p.m. to the Adjourned Regular Meeting of June 21, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

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July 19, 2001  
Date Approved

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Kim Seidler  
Planning Director

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
JUNE 21, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Kirk Monfort, Craig Sanders, Sharon Stone and Nancy Wolfe. Commissioner Jolene Francis was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Assistant Director of Public Works Fritz McKinley, Senior Development Engineer Tom Varga, Associate Planner Bob Summerville, Assistant City Attorney Lori Barker, Neighborhood Enforcement Team Officer Dave Richardson, and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioner Wolfe confirmed with Ms. Barker that there is no reason to disclose written communication that was provided to staff and the rest of the Commission. She reported that she had talked to Mr. Webb and had received a lot of correspondence from both sides concerning the Esplanade House.

Commissioner Sanders reported that he had spoken to Karen Duncan about the issues in her letter, and had discussed Esplanade House operations with Greg Webb.

Commissioner Alvistur reported that he spoke to a few people on the phone, stating that he prefers to hear all comments at the public hearing, and watched the Esplanade House video.

Commissioner Monfort reported that he received calls from persons both in favor and opposed to the project, spoke to Greg Webb, and watched the video.

Commissioner Bradford reported that he had received three calls opposed to the project and one in favor, and had also spoken to Mr. Webb.

Commissioner Stone reported that she had received several phone calls both for and against. She added that she received a packet of information from Dr. Incaudo, but did not speak to him or to Greg Webb.

Commissioner Wolfe announced that the Commission would be continuing Item 4, the growth analysis, to the meeting of July 19.

COMMISSIONER ALVISTUR MOVED THAT ITEM 4 BE CONTINUED TO THE MEETING OF JULY 19. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS ABSENT).

## **CONSENT AGENDA**

1. **Text Amendments to Title 19 of the Chico Municipal Code (City of Chico)**: The proposed amendments to Title 19, Land Use and Development Regulations, of the Chico Municipal Code will correct clerical and typographical errors with respect to listing the C-1 Restricted Commercial and C-2 General Commercial zoning districts in Table 4-1 Zoning Districts, land uses in the C-1 Restricted Commercial and C-2 General Commercial zoning districts, and amending the definition of "gross density" to include one-half the street rights-of-way, and the definition of "professional offices" to include telemarketing. It has been determined that, pursuant to Section 15162 of the California Environmental Quality Act, no subsequent environmental review is required. ***Staff recommends forwarding a recommendation of approval to City Council.***
  
2. **Vial Estates Vesting Tentative Subdivision Map S 00-7 (Vial) 2257 Holly Avenue** - A request to approve a vesting tentative subdivision map to create 9 single-family residential lots on property totaling 2.27 acres. The subject site is located at 2257 Holly Avenue, approximately 200 feet south of West Lindo Avenue, and is identified as Assessor's Parcel Nos. 043-021-005 and a portion of 007. The proposed lots range in size from 6,004 to 13,047 square feet, with an average of 10,986 square feet (net). The property is designated Low Density Residential (2.01 to 6 dwelling units per gross acre) on the City of Chico General Plan Diagram and is located in an R1 Low Density Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration and approval of the subdivision.***

Commissioner Wolfe pulled Item 2 off the Consent Agenda.

COMMISSIONER BRADFORD MOVED THAT THE COMMISSION ADOPT RESOLUTION NO. 01-20, RECOMMENDING THAT COUNCIL ADOPT THE PROPOSED AMENDMENTS TO TITLE 19. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS ABSENT).

## **ITEMS REMOVED FROM CONSENT AGENDA**

2. **Vial Estates Vesting Tentative Subdivision Map S 00-7 (Vial) 2257 Holly Avenue**

Ms. Figge reviewed the supplemental memorandum and the additional condition of approval. She noted that staff is recommending a buffer area between 4 and 7 feet in width on the

northern property line, along with a six foot wood fence; the applicant has agreed to the new conditions.

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

Alan Cullens, 2270 Holly Avenue, stated that he had submitted a letter requesting the landscape buffer. He also expressed his desire for a masonry or stucco sound wall instead of a wood fence.

There being no further comment, the public hearing was closed at 6:46 p.m.

Commissioner Wolfe confirmed with staff that a wood fence is standard between adjacent single-family residential uses, and that staff is not in favor of a masonry or stucco wall.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION 01-19, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE VIAL ESTATES VESTING TENTATIVE SUBDIVISION MAP (S 00-07), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, AS AMENDED BY THE SUPPLEMENTAL MEMORANDUM TO PROVIDE A SIX FOOT WOOD FENCE AND A 4 TO 7 FOOT LANDSCAPED BUFFER ALONG THE NORTHERN PROPERTY LINE. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS ABSENT).

## **REGULAR AGENDA**

**Item 4, Growth and Land Availability Analysis**, will be not heard any earlier than 8:00 p.m.

3. **Use Permit No. 01-15 (Webb/Community Action Agency) 2920 Esplanade** - A request to approve a pre-annexation use permit allowing a 60 unit apartment complex/ transitional living facility on property located at 2920 Esplanade. Included in the proposal are associated services and a daycare facility for up to 75 children living within the complex. The site borders the southeast corner of Esplanade and East Shasta Avenue, with access proposed from East Shasta Avenue. The site is identified as Assessor's Parcel No. 006-380-010, is designated Community Commercial/ Medium Density Residential on the City of Chico General Plan Diagram, and is located in a CC Community Commercial/R2 Medium Density Residential rezoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration and approval of the use permit.***

Commissioner Wolfe disqualified herself due to a conflict of interest; Mr. Webb contributed more than \$250 to her campaign last year. Commissioner Sanders was appointed to run the

meeting.

Commissioner Sanders noted that the Commission had received approximately a hundred letters concerning this topic, both for and against; he also reviewed public hearing procedure, stressing the need for civility.

Mr. Summerville presented the staff report, reviewing the land use issues involved and the details of the proposal. He explained that 26 units will be used for the transitional program, with the remaining 34 units to be used by those who have recently graduated from the program. He noted Dave Richardson's presence to answer any questions concerning police responses at the existing Esplanade House facility.

Mr. Summerville explained the three reasons a use permit is needed: the Planning Director has made a determination that a use permit is required, as transitional housing is not defined in Title 19; a use permit is required for apartments on the ground floor in a CC zone; and a use permit is required for the day care facility. He added that the use permit also includes a request for reduced parking, as the car-ownership rate is much lower among Esplanade House clients than among the general population. He reviewed the conditions of the use permit, and summarized the meeting which had been held the previous Thursday at the CARD center.

Commissioner Alvistur reviewed a letter received from Andy Holcombe, which asserted that this kind of use is protected under fair housing laws. Ms. Barker agreed that there could be no gender or income requirements for living in a certain neighborhood, and stated that the City isn't treating this application any differently from any other residential use. Commissioner Monfort confirmed with Ms. Barker that the Commission should just be looking at the land use.

The Commission discussed the impact that an apartment complex would have on the same site; while noting that a use permit would still be required, there was general agreement that a standard apartment complex would generate greater noise and traffic impacts.

The Commission discussed transit availability for the site; Mr. Summerville stated that transit currently goes to the Lassen/Esplanade intersection, but would extend north to Philadelphia Square in the next fiscal year.

Commissioner Alvistur stated that several letters expressed concern with the number of police calls at the current Esplanade House, and asked staff to discuss police responses.

Officer Richardson discussed police responses for the current facility, stating that there have been 27 calls for service in the last 2.5 years, for an average of .9 calls per month. In response to Commissioner Monfort, Officer Richardson reviewed response rates for other apartment complexes, which ranged from 2 calls in the past 2.5 years for a 12-unit complex to 34 calls during that same time period for a four-unit complex.

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

Stan Gungl, 129 West Shasta Avenue, spoke in opposition to the project. He cited concerns with reduced property values, problems caused by a transient population, neighborhood incompatibility, and the inappropriateness of the site.

Tom Tenorio, 389 Balboa Court, executive director of the Community Action Agency (CAA), spoke in support of the project. He noted the support the community has given to the Esplanade House and the fact that they've operated the current facility three blocks from this site. He asserted that the characterization of Esplanade House clients has been unjust, and that most people are Chico residents who are getting back on their feet to become productive members of society. He discussed information provided to the Commission, including a summary of several studies showing no adverse impact on surrounding property values.

In response to Commissioner Alvistur, Mr. Tenorio stated that while there will be an on-site monitor, no neighborhood patrols are proposed.

Bob Battezzato, 51 Westgrove Court, representing the north Esplanade neighbors, spoke in opposition to the project. He urged the Commission to find a win-win solution, suggesting the Whitman Avenue location as discussed by Council. He urged the Commission to consider the financial impact of its decision, and what impact it would have on the beautification of Chico.

Dave Ferrier, 1296 Howard Drive, representing the Esplanade League, spoke in support of the project. He cited the organization's excellent track record, pointed out the advantages of having development which can be held to the conditions of a use permit, and urged the Commission to only consider the application before them for this particular site.

Greg Webb, 121 Yellowstone Drive, applicant, stated that he had looked at many sites in Chico before choosing this one. He pointed out that the site is tucked away, largely surrounded by commercial and multi-family uses, and won't adversely impact those on West Shasta, who appear to be the majority of the opposition. He reviewed that the program serves families, the majority of which are headed by single moms, with 85 percent of the children being age 9 or under. He reviewed some of the program's rules, which include zero tolerance for drugs and alcohol, a 10:30 p.m. curfew, forced savings programs so as to build up a deposit for an apartment, and 13 different life skills and training programs. He opined that low-income apartments without the programs and supervision would be disastrous, but that the program has a proven track record and deserves a chance to succeed.

In response to Commissioner Bradford, Mr. Webb stated that school-age children would attend Jay Partridge Elementary.

Commissioner Alvistur asked Mr. Webb if he could explain the difference between transitional and transient housing. Mr. Webb replied that the Esplanade House program is a transitional

housing program, designed to get people back on their feet, equip them with life and work skills, and make them self-sufficient. He emphasized the need for apartments on site, as individuals transition to apartments during the last 12 months of the program.

In response to Commissioner Monfort, Mr. Webb estimated that 90% of program participants are from Butte County, with at least 70% from the Chico area.

Commissioner Bradford asked how essential it was that the Esplanade House have this location. Mr. Webb replied that this site is not essential, but that he is not in favor of the Whitman Avenue location for several reasons: noise from the raceway, the backslide potential from having free meals provided nearby when the program is trying to teach self-sufficiency, and the problems with having people who desire to improve their lives in close proximity to true transients who may have no such desire.

Melissa Nichola, 171 East Shasta Avenue, noted that she owns the only single family residence which will be directly impacted by the project. She reviewed that Mr. Webb had agreed to install a sound wall adjacent to her property, and provide ingress/egress to her property via his driveway approach. She expressed her concern with traffic and emergency access to the property, and suggested that a second access point from the Esplanade be provided. She also expressed a desire to maintain the C-2 zoning on her property, and wanted an assurance that her zoning wouldn't change. She also voiced concern about the cost of connecting to sewer should her property be annexed, and whether she would need to cut down her hedge due to sight distance issues.

The Commission discussed the zoning of Ms. Nichola's property and the portion of the project site behind it, noting that while the county zoning is C-2, the City's rezoning is R2; the R2 designation would take effect when the property is annexed.

Commissioner Alvistur thanked Ms. Nichola for proposing mitigation measures such as the sound wall for the project, noting that such suggestions help the Commission reach a compromise solution.

Dan Angel, 261 Vail Drive, spoke in opposition to the project. He presented a petition with approximately 200 signatures of those opposed to the project. He expressed concerns with inadequate supervision and higher crime levels in the neighborhood as a result of the project.

Daniel Rodrigues, 153 Cavalier Way, spoke in opposition to the project. He cited concerns with the lack of comparable emergency response data for a 60 unit apartment complex, the graduation rate for the program, and the fact that the former location is three very long blocks away. He noted that he moved from San Francisco to live in a safe place to raise his kids, and opined that this project would be a retrograde step.

Tami Ritter, 1747 Broadway, Director of the Chico Community Shelter Partnership (CCSP), spoke in support of the project. She noted that the CCSP has to turn away families in a

housing crisis because there is nowhere for them to go, and added that this is an expansion of a successful program with a proven record.

Kathy Webster, 751 Eaton Road, spoke in support of the project. She stated that the people in the program are those who want to re-enter society and raise their children in a good environment. She asserted that the increase in crime alluded to by many speakers will not happen.

James Conlin, 939 West East Avenue #5, spoke in support of the project. He stated that he is proud to say that he has a daughter in the Esplanade House program, who is there as a condition of parole. He opined that there is a lot of unnecessary fear in the neighbors, as the residents are committed to bettering their lives.

Tom McLaren, 61 Brookvine Circle, spoke in opposition to the project. He pointed out that at last week's meeting, someone from the Esplanade House had stated that no one in the program was there as a condition of parole, and then tonight hears that someone is there as a condition of parole. He cited concern with reduced property values.

Dan Ostrander, 12756 Quail Run Drive, board member for the Esplanade House, spoke in support of the project. He noted that clients of the program aren't transients, but they've made mistakes and are now getting back on their feet. He asserted that Mr. Webb isn't making any money on the project.

Mr. Ostrander verified with Officer Richardson that none of the calls were for drug use, gang activity, or domestic violence. Mr. Ostrander noted that the only arrest was of a drug court client who violated a term that a regular citizen would not get arrested for. He noted that only Ms. Nichola would be impacted by this project, for which mitigations are proposed. He stated that a normal apartment complex would be a larger impact, and urged the Commission to remember that the residents in question are largely single women with children.

Cindy Privitt, 16 Regent Lane #4, spoke in support of the project. She noted that she is a graduate of the Esplanade House, and that it was the first place she ever felt safe. She offered herself as an example of a program graduate; she's started a new life, is now living independently, and recently graduated from Butte College.

William Rawley, 17 Overland Court #B, spoke in support of the project. He stated that he is an Esplanade House graduate and recent graduate of Butte College. He stressed that families come together because of the program, and that it needs to be expanded so the community can be healed.

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The Commission was in recess from 8:05 to 8:20 p.m.

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Walter Cook, 42 Northwood Commons, spoke in support of the project. He described the program as a valuable service and an asset to the City, and asserted that the property value argument is not a strong one.

Michelle Porter, 382 White Avenue #4, spoke in support of the project. She stated that she is an Esplanade House graduate and asked other graduates present to stand. (Approximately a dozen people stood.) She stated that she was angry that her new landlord is here opposing the project, when she had no problems renting an apartment to an Esplanade House graduate. She asserted that the people in the program have broken ties with undesirable elements from their past, and that there won't be any problems in the neighborhood from this project.

Caryn Jones, 5 Summerwood Court, spoke in support of the project. She pointed out that the program needs more space because it is successful, that it would fit in any of Chico's neighborhoods, and that the program contributes to the quality of life in Chico.

Harley Perez, 2717 San Jose Street, spoke in opposition to the project. He stated that he is not opposed to the program, just the location. He cited concerns with the overall number of low-income apartments in the area.

Andy Holcombe, 1339 Esplanade, spoke in support of the project. He reviewed the letter he submitted to the Commission, and urged the Commission to only consider the application before them. He stated that the BMX park doesn't fit at DeGarmo Park, that the BMX group doesn't want to move away from their approved location, and that the land on Whitman next to the shelter isn't appropriate for a transitional facility. He stressed that denying the project because of "those people" is both wrong and against the law.

Veronica Lowe, 429 Middle Creek Court, spoke in opposition to the project. She expressed concerns with those evicted from the program, the potential for drug abuse and gang activity, and the amount of high-density zoning in the area.

Starla Glassel, 318 Legacy Lane, spoke in opposition to the project. She cited concerns with lowered property values and the project's proximity to a private school.

Dennis Smith, 2713 San Jose Street, spoke in opposition to the project. He cited concerns with drug use and the number of multi-family complexes in the neighborhood.

Donna Akin, 124 West Lassen Avenue #6, spoke in support of the project. She related how the Esplanade House provided her a place to live so that her kids wouldn't be put up for adoption. She praised the healthy environment and the classes teaching various life and work skills.

Bobbie McClure, 724 West 2<sup>nd</sup> Avenue #1, spoke in support of the project. She identified herself as an Esplanade House graduate, stating that she moved there to escape domestic

violence. She related that she is now employed and self-sufficient as a result of the program.

Peggy Martindale, 180 East 12<sup>th</sup> Street, spoke in support of the project. She opined that the City is having "growing pains", pointed out that there haven't been any reduced property values near the Jesus Center's new location, and asserted that the Esplanade House needs to be located in a neighborhood.

Rachelle Whitworth, 539 West 11<sup>th</sup> Avenue, supervisor at the Esplanade House, spoke in support of the project. She stated that this issue is not about property values and crime, but rather is about Chico becoming a closed society. She held up a poster of "those people" and read a poem; the poster contained pictures of a dozen infants and small children. She urged the Commission to not let Chico become a closed and sick society.

Audrey LaPore, no address given, interim senior pastor at Faith Lutheran Church, spoke in support of the project on behalf of many from the Interfaith Council.

Rose Campos, 2058 Snowbird Drive, spoke in opposition to the project. She cited concerns with property values and the number of low-income apartments in the area, and opined that people need to live with the consequences of their choices.

Dr. Gary Incaudo, 221 Mission Serra Terrace, cofounder of the Esplanade House, spoke in support of the project. He stressed the successful formula of the program, which includes being in a neighborhood. He downplayed any danger or crime issue, noting that his parents will live 200 yards from the project.

In response to Commissioner Alvistur, Dr. Incaudo reviewed that they searched for two years before settling on this property, citing the presence of bus service, the availability of shopping, the "tucked away" nature of the property and proximity to a residential neighborhood.

Commissioner Monfort asked if it would be possible to provide an emergency access to the property from the Esplanade. Greg Webb, a previous speaker, replied that it wouldn't be impossible, but that he didn't think a second access would be a good idea with Shasta Avenue being so close.

Margaret McCampbell, 1275 Calla Lane, spoke in opposition to the project. She noted that she is a friend of Ms. Nichola, and that she supports the Esplanade House, but that she is opposed to this particular location.

Kathy Mason, 3171 Caribou Court, spoke in opposition to the project. She cited concerns with impacted schools, the lack of parks in the area, and the lack of close shopping.

Gaylord Figman, 341 Stonebridge Drive, spoke in opposition to the project. He opined that "low income folks are happy with their own kind" and that the project shouldn't be placed in this

neighborhood.

John Gillander, 4328 Kathy Lane, suggested that the rules of the Esplanade House be made a condition of the permit; Commissioner Monfort noted that they are already included as condition #6. Mr. Gillander expressed concern that if the 36 units become Section 8 housing, enforcement of the Esplanade House rules becomes more problematic.

Mickey Taylor, 630 Esplanade #2, program coordinator for the Esplanade House, spoke in support of the project. She pointed out that Mr. Webb and Dr. Incaudo have donated more than \$50,000 of their own money to this project, that the children in the program will continue to attend Emma Wilson (as they are currently doing without any problems), and that Albertson's is 0.3 miles from the site. She stressed the importance of assimilating the children back into society, noting that the minivans owned by the Esplanade House are unmarked for that reason.

Dennis Fife, 209 Brookvine Circle, spoke in opposition to the project. He expressed concerns with the size and location of the project, and proposed that multiple smaller locations would have less of an impact on the community.

Bill Wells, 21 Westgrove Court, spoke in opposition to the project. He noted that he is not opposed to the Esplanade House program, just this location. He asserted that it is naive to say that this project isn't about money, and that many opposed to the project are just trying to protect the investments in their homes.

Betsy Biermam, 3153 Caribou Court, spoke in opposition to the project. She related that her brother graduated from a program similar to this one, then went back to using drugs. She stated that she doesn't want people like her brother in her backyard.

Harold Ey, 644 Marshall Court, spoke in opposition to the project. He expressed concern with the size of the project and the impact it will have on surrounding property values. He suggested that the project is too ambitious, and that the Esplanade House should break up their clients into smaller groups at multiple sites. He questioned what would happen with the parking situation if the project fails and reverts to apartments.

Bob Battezzato, a previous speaker, reminded the Commission to look at the application before them. He opined that the process is moving too fast, that more community members should be included in the decision-making process, and that more mitigations are needed. He thanked the Esplanade House for bringing the neighborhood together, if nothing else.

Marilyn Ey, 644 Marshall Court, spoke in opposition to the project. She expressed concern with the altered standards being requested for this property, particularly parking. She asked what would be done about the parking situation if the project failed and the building reverted to standard apartments.

In response to Commissioner Alvistur, Ms. Figge explained that if the building were used as standard apartments, it would have to conform to the parking standards applicable at the time of conversion. She suggested that some of the playgrounds could be converted to additional parking.

Dale Downey, 1161 East Avenue, spoke in support of the use permit. She identified herself as an employee of Independent Living Services and a member of the homeless task force. She stated that there is nothing else in the community like the Esplanade House, that there is no duplication of services with other agencies, and that the program deserves the City's support.

There being no further comment, the public hearing was closed at 9:28 p.m.

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The Commission was in recess from 9:28 to 9:40 p.m.

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COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE USE PERMIT 01-15 (WEBB/COMMUNITY ACTION AGENCY), SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED WITHIN THE STAFF REPORT DATED JUNE 13, 2001, ADDING A TENTH CONDITION TO PROVIDE A SOUND WALL ALONG THE NORTHWEST CORNER AS DISCUSSED, AND ADDING AN ELEVENTH CONDITION TO PROVIDE EMERGENCY ACCESS TO THE ESPLANADE, POSSIBLY WITH BOLLARDS. COMMISSIONER ALVISTUR SECONDED THE MOTION.

Commissioner Alvistur stated that the Commission is making a tough decision, noting that there is always considerable opposition to these kinds of uses. He stated that he's satisfied with the Esplanade House's track record of success, and satisfied with their due diligence in finding an appropriate site. He explained that his own personal preference would be to break it up into multiple smaller sites, but realizes that it is impractical when considering the non-residential uses and play areas provided with this site. He reviewed that the Commission is being asked to make a decision tonight, noted that there is an appeal process for those dissatisfied with the Commission's decision, and stated that he would vote to approve the permit.

Commissioner Monfort agreed, noting that while these uses always generate opposition, they always work out well in the end. He explained the control the City has with a use permit that it wouldn't have with standard apartments, and that if the conditions aren't met then the permit can be revoked. He added that he would rather have this use in his neighborhood instead of student housing, and indicated that the Well Ministry was the best neighbor he ever had. He concluded that the Commission can only look at this use on this site, not any other sites, and that he will vote to approve the permit.

Commissioner Stone related that she used to live in the area, and knows Ms. Nichola, Dr. Incaudo, and many others present. She reiterated that the Commission is being asked for a determination for this use at this location, and that it appears appropriate with the conditions proposed. She stated that it's always difficult when a neighborhood changes, but emphasized the protections afforded by the use permit conditions. She noted that the General Plan supports mixed uses and diversity in types of development, and that as a community all needs must be blended together. She agreed with Mr. Battezzato that the communication and cooperation among the neighbors doesn't stop tonight, and that the community needs to find a way to work together. She added that the 10:30 curfew for the program is more restrictive than the curfew that her teenagers have, and voiced her high hopes and support for the project.

Commissioner Sanders indicated that there wasn't much more to say. He noted that from a land use perspective, it is a compatible use – apartments next to other apartments and commercial properties. He opined that it being tucked away is an advantage, and provides a good transition from the residential areas to the east to the commercial areas on the Esplanade.

Commissioner Monfort noted that people admire Chico because it is a community, and that a community has all kinds of people and all kinds of uses. He opined that this sort of use needs to be in everybody's neighborhood.

Commissioner Bradford confirmed with staff that Ms. Nichola wouldn't have to annex her property to the City. He related that this decision is tougher for him than the for the Jesus Center, but that he will vote in favor of the project. He expressed interest in a second access via the Esplanade, and asked if the Commission would consider adding one. After discussion, it was decided that the Esplanade access should remain available for emergencies only as moved by Commissioner Monfort, in part because any improvement of the access would require the elimination of at least part of a playground.

THE MOTION PASSED 5-0-1-1 (COMMISSIONER FRANCIS ABSENT, COMMISSIONER WOLFE DISQUALIFIED).

4. **Growth and Land Availability Analysis** - The City has prepared a report examining the demand for housing in the Chico Urban Area and whether sufficient land is designated for housing to meet future needs through the City General Plan's anticipated build out in 2012 and beyond. A presentation will be made on the findings and recommendations of the report. The Planning Commission will review this information and receive public testimony before forwarding a recommendation to the City Council. An environmental assessment will be conducted prior to formal consideration of any changes to the current General Plan. ***This item is continued from the meeting of May 17, 2001. Staff recommends that the Commission forward a recommendation to the City Council that certain properties be brought***

***within the City's Sphere of Influence (SOI), and that development standards be changed for certain properties already within the SOI. Please refer to pages 16-18 of the staff report for full recommendations.***

This item was continued to the meeting of July 19, 2001.

**GENERAL BUSINESS**

None.

**PLANNING UPDATE**

None.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 10:00 p.m. to the Adjourned Regular Meeting of July 19, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

\_\_\_\_\_  
July 19, 2001

Date Approved

\_\_\_\_\_  
Kim Seidler  
Planning Director

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
JULY 19, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:34 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, and Nancy Wolfe. Commissioner Sharon Stone was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Tom Hayes, Assistant Director of Public Works Fritz McKinley, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioner Monfort reported that a large number of people had spoken to him regarding the growth study, expressing a wide variety of opinions.

**ADMINISTRATIVE AGENDA**

1. **Minutes of Regular Meeting of June 7, 2001**
2. **Minutes of Adjourned Regular Meeting of June 21, 2001**  
*Staff recommends approval with any corrections/revisions required.*

COMMISSIONER ALVISTUR MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER FRANCIS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER STONE ABSENT).

**REGULAR AGENDA**

3. **Growth and Land Availability Analysis** - The City has prepared a report examining the demand for housing in the Chico Urban Area and whether sufficient land is designated for housing to meet future needs through the City General Plan's anticipated build out in 2012 and beyond. A presentation will be made on the findings and recommendations of the report. The Planning Commission will review this information and receive public testimony before forwarding a recommendation to the City Council. An environmental assessment will be conducted prior to formal consideration of any changes to the current General Plan. ***This item is continued from the meetings of May 17 and June 21, 2001. Staff recommends that the Commission forward a recommendation to the City Council that certain properties be brought within the City's sphere of influence (SOI), and that development standards be changed for certain properties already within the SOI. Please refer to pages 16-18 of the staff report for full recommendations.***

Mr. Hayes presented the staff report, reviewing the history of the current process, previous meetings on the topic, new information included in the current report, and what future approvals would be required before any recommendations would be implemented. He emphasized the many opportunities for public involvement in the process.

Commissioner Sanders confirmed with Mr. Hayes that a sphere of influence amendment is pending with LAFCO at this time; the amendment would add the CSA 87 Village area, the East of Airport Area, and the Highway 32 (north) area.

Mr. Hayes reviewed additional information, noting that the City's growth is less than 2% per year, that the most accurate census data for the City's sphere of influence showed a 2000 population of 86,000 (lower than the 91,000 previously reported), and that all growth options are now included in a matrix to show acres, units, and years of residential building capacity for each study area. He also reviewed the correspondence received to date.

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Commissioner Stone arrived at 6:55 p.m.

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The Commission discussed second units, and whether the fees and policies are too restrictive to make them competitive.

The Commission and staff discussed staff's recommendations, and why those particular areas were chosen. Mr. Hayes explained that a proposal is already going forward to place apartments on the majority of the Nord Avenue study area, and that staff is not in favor of the Little League site due to its separation from other residential areas. He emphasized that the data for all areas is contained in the matrix included with the supplemental report, so that the Commission can make recommendations concerning any of the areas.

Commissioner Monfort confirmed that the Commission could suggest opportunity sites for rezoning to multi-family residential.

In response to Commissioner Monfort, staff discussed the sphere of influence, its legal authority, and its relationship to state planning law. Commissioner Monfort confirmed that county property cannot be annexed until it is within the City's sphere of influence.

In response to Commissioner Alvistur, staff discussed the status of the Bell-Muir area, noting that the county has stated that development would be allowed in that area if necessary public improvements (most notably streets and storm drains) are installed.

The Commission discussed the disposition of R2-zoned land, and the feasibility of requiring minimum densities for new development in study areas. Mr. Hayes noted that all 135 acres of R2 land which have been developed since the minimum density for that zone was lowered have been developed as detached, single-family residences; he also recommended that precise plans be drawn up for several areas within the sphere of influence, to ensure a mix of housing types and a minimum density for new development in those areas.

The Commission discussed the rise in home ownership during the past decade. Ms. Figge emphasized the availability of smaller lots and more affordable houses; Commissioner Francis suggested that the strong economy may have been a greater causal factor.

The public hearing was opened at 7:13 p.m.

Jim Mann, 70 Declaration Drive #101, representing the Building Industry Association, pointed out that changes made in liability law in 1996 and 1997 concerning developer liability for multi-family housing serve as a disincentive to build those housing types. He reviewed a Wall Street Journal article, which stated that housing demand is rising faster than anticipated and may lead to housing shortages in some parts of the country. He emphasized low vacancy rates (1.7% for single family residences, 6.8% for rentals) and noted that a local apartment developer is experiencing vacancy rates of less than 2%.

Mr. Mann stated that not enough emphasis was given in the growth analysis to growth on the east side of town, and that there is not enough support for requiring 7 units per acre; in fact, 7 units per acre is nearly always opposed by neighbors in existing subdivisions. He stated that the real historic density of Chico is 5.5 units per acre, and that if development occurs at that density, then there is only enough land for 9 more years of development at 2% annual growth. He noted that the BIA is strongly opposed to breaking the greenline (development of areas 2, 3, 5 and 6), and added that environmental constraints force the City to look outside its current sphere of influence to find additional developable land.

John Gillander, 4328 Kathy Lane, stated that any development which is required to obtain a permit from the Army Corps of Engineers shouldn't be considered as developable in the near future. He noted that the Department of Fish and Game is also looking at the land surrounding Chico, and has bought the development rights for a portion of it. He emphasized the need to look far into the future and provide enough land for development.

Tod Kimmelshue, 9 Via Flora Court, stated that he represents both the Chamber of Commerce and the Butte County Farm Bureau. He stressed the need for affordable housing, asserting that a family income of \$50,000 is now needed to buy an average \$160,000 house in Chico. He added that the Chamber wishes to discourage residential development near the airport.

He noted that the Farm Bureau largely agrees with the BIA about not breaching the greenline, but that the Farm Bureau is comfortable with the development of Bell/Muir (area 3), as it is difficult to farm in that area because of the hodgepodge of residential development which already exists.

In response to Commissioner Monfort, Mr. Kimmelshue stated that area 5 could possibly be developed if a train over- or underpass is provided; that the Chamber promotes attainable home ownership, for whomever wants it; that the Farm Bureau wants development to occur on the least productive land, such as Nance Canyon, if ag land is

going to be developed; and that somewhat higher densities are more desirable because of the lessened impact on ag land.

Jon Luvaas, 1980 Wild Oak Lane, compared what is happening in Chico to what has already happened in Sacramento, San Jose, and Walnut Creek. He stressed the need for good design and maintenance of a compact urban form in new development, similar to what Davis is doing. He lamented the glut of large single-family residential homes being built, agreed with Mr. Mann concerning liability for developers of multi-family housing, and emphasized the importance of efficiently using the land already available. He stated that the minimum R2 density needs to be restored, that local streets need to be smaller, and voiced support of the staff recommendations.

Doris Schell, 2715 Rodeo Avenue, stated that she represents a number of landowners in the Bell/Muir area. She related that although some in her group have reservations, the consensus is that they want to develop their land. She stated that while some areas could be developed at 7 units per acre, there should probably be lower density development on the outlying areas.

Mary Andrews, 33 Amber Way, spoke in favor of developing area 12 (East of Airport). She clarified that only 150 acres of the 1300 acre site contains meadowfoam, that the City Council voted to include the property in the SOI back in 1994, and that the owner wants to develop the property. She also voiced support for incentives to build 3 and 4 story apartment buildings, and suggested the areas east of Raley's Skypark Plaza as suitable high density residential sites.

Norm Rosene, 6237 Cohasset Road, representing the Airport Land Use Commission (ALUC), urged the Commission to protect the airport and take into account the 2000 Comprehensive Land Use Plan (CLUP), particularly when considering area 12 and the CSA 87 Village. He stated that a portion of area 12 could be developed with residential uses and not conflict with the CLUP.

In response to the Commission, Mr. Rosene stated that the increase in density for CSA 87 is compatible with the CLUP, and that residential development on the downwind legs east and west of the airport would be acceptable.

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The Commission was in recess from 8:06 to 8:15 p.m.

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Julie Wetmore, 446 West Shasta Avenue, expressed concern with additional traffic on West Shasta that would result from developing areas 2 and 3, and inquired if Cussick and Bay Avenues will be connected to the future Eaton Road extension. Commissioner Monfort responded that a denser grid with multiple connections would spread out the traffic load while reducing vehicle speeds.

Scott Gruendl, 18 Tioga Way, spoke in support of requiring higher residential densities, providing incentives for infill development, and adopting a parallel TND code. He suggested using some annual growth rate percentage as a trigger to look at adding more properties to the SOI.

Don Smail, 897 Brandonbury Lane, representing the Chico Economic Planning Corporation (CEPCO), stressed the role that affordable housing has in any economic development strategy. He urged the City to maintain a proper jobs/housing balance, and cautioned that there is now perceived to be an inadequate supply of housing.

Michael Worley, 787 Filbert Avenue, noted that a portion of Chico's growth is natural, i.e. the difference between birth rate and death rate. He stated that a 3% growth rate is ridiculous, and that CUSD's enrollment is declining. He stressed the role of infill development in meeting the City's housing needs.

Richard Elsom, P.O. Box 5624, member of the General Plan Task Force, urged the Commission to look at policies for the next 50 to 100 years, but only look at land to take the City until 2012. He urged the Commission to not breach the greenline, pointed out the "unknown quantity" of areas such as the Park Avenue corridor, and suggested that the Commission throw enthusiasm and creativity at the problem instead of land.

There being no further comment, the public hearing was closed at 8:38 p.m.

Commissioner Monfort expressed support for recommending all five of the diamond points at the end of the May 4 staff report, suggesting that additional recommendations could subsequently be made.

There was general agreement that density needs to be increased on land already designated for residential development, and that actions to that end such as restoring the minimum density for R2 development, adopting narrower street standards, and changing the fee structure to encourage second units should be looked at.

Commissioner Stone expressed support for urbanizing the Bell/Muir area, but stated that 7 units per acre might be too high to fit in with existing development in that area.

Commissioner Wolfe stated that the City needs to encourage higher density development, but that the liability issue raised by BIA is a major disincentive to building apartments and condominiums.

Ms. Figge noted that while neighborhood residents are often opposed to higher density development, there are few if any complaints after a project is built and occupied. Mr. Hayes added that current residents often have a difficult time envisioning what a denser development could look like, and emphasized the role of visioning exercises and neighborhood involvement in the preparation of any specific plan.

Commissioner Wolf emphasized that roads and traffic need to be of primary concern in any discussion of increasing densities. Mr. Hayes stated that traffic calming measures could be included in any specific plan adopted.

Commissioner Stone and Mr. Seidler emphasized the role of good design in gaining acceptance for higher densities.

Commissioner Bradford noted the lengthy approval process for any changes proposed, and stated his support for requiring a certain density on land which is taken out of agricultural production, such as areas 1, 2 and 3.

Commissioner Alvistur asserted that the Commission needs to make a decision tonight, and pointed out that the staff report states that more land is needed; he also stated that the development potential of some sites is unknown due to environmental issues and other factors, which may further decrease the amount of buildable land.

Commissioner Francis stated that she is not willing to rule out any of the study areas at this time. She expressed concern with the slow rate of subdivision approval (i.e., only approving 200 new lots per year to add to the stock of existing recorded vacant lots, when 400 new houses are being built per year), voiced her support for restoring the R2 minimum density, and lamented that federal involvement is required before any development on the east side of town can take place. She stressed the need for new growth areas in addition to policies to increase density on lands already designated for development.

Commissioner Sanders opined that only minor corrections to the General Plan were needed at this time, consistent with the staff report recommendations, noting that it would probably take in excess of 5 years for any decisions made tonight to have an effect. He stressed the need for incentives to encourage higher density development, and determine the scope of the liability issue for developers of multifamily housing. He expressed support for developing Bell/Muir, but only after the majority of other currently available land is developed.

The Commission agreed that the City needs to work with the County on a specific plan for the Bell/Muir area to prevent fragmented development of the area. Commissioner Sanders noted that area 1 is already on the urban side of the greenline, and that area 3 has been a study area for possible movement to the other side of the greenline ever since the greenline was established in 1982.

There was general agreement that the Schmidbauer property shouldn't be rezoned or changed, so as not to delay the construction of the high school, but that the Enloe property should be rezoned for increased density now that a hospital is no longer planned for the site. There was also general agreement that a specific plan should be funded for areas 1 and 3, with substantial input from the neighbors.

Commissioner Alvistur expressed support for developing area 11, even with the environmental constraints present on a portion of the site.

Commissioner Sanders confirmed with staff that there are still several hundred acres of R2 land which would be affected by restoring the minimum density in that zoning district.

The Commission was in general agreement that the majority of the diamond points should be recommended tonight, but that this issue should be brought back before the Commission to make additional suggestions before sending the full recommendation on to Council.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION RECOMMEND ALL FIVE DIAMOND POINTS AT THE END OF THE MAY 4, 2001 STAFF REPORT TO CITY COUNCIL, MODIFIED TO OMIT ANY REZONE OF THE SCHMIDBAUER PROPERTY. COMMISSIONER ALVISTUR SECONDED THE MOTION. Commissioner Francis confirmed that the motion includes area 2 in the comprehensive study. THE MOTION PASSED 7-0.

The Commission directed staff to re-agendize this item for further discussion. Possible topics include instituting a parallel TND code, providing incentives for more second units and mixed residential/commercial development, creating incentives for denser apartment complexes, discussing multifamily housing liability issues, adopting alternate street standards to allow narrower streets, increasing the minimum density for the R2 zoning district, analyzing potential roadblocks to the development of certain lands (notably Bidwell Ranch, Schmidbauer-East, and Ravenwood), and discussing specific areas to designate for multi-family residential development. After further discussion, the Commission decided to delay discussion of a parallel TND code until January, 2002, and confirmed that the public hearing should be re-opened at the next hearing on this topic. The Commission confirmed its intention that no recommendations should be forwarded to Council until after the next hearing.

### **GENERAL BUSINESS**

None.

### **PLANNING UPDATE**

Mr. Seidler reviewed recent Council action on the Esplanade House appeal, noting that the Council has voted to hear the appeal on August 21, but will also discuss alternate sites at its meeting on August 7.

### **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 10:00 p.m. to the Regular Meeting of August 2, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

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August 16, 2001  
Date Approved

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Kim Seidler  
Planning Director

**PLANNING COMMISSION  
REGULAR MEETING  
AUGUST 2, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:32 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, and Nancy Wolfe. Commissioner Sharon Stone was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Assistant Director of Public Works Fritz McKinley, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

None.

**REGULAR AGENDA**

1. **Tentative Parcel Map 01-2 (Safeway)** - A request to create four commercial lots by subdividing 10.51 acres located in the Park Plaza Shopping Center at 700 Mangrove Avenue. The lot sizes are 3.95 acres, 4.79 acres, 1.21 acres, and 0.56 acres. The property is identified as Assessor's Parcel Nos. 003-280-032 and 003-280-040, is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CC Community Commercial zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15315 (Minor Land Divisions). ***Staff recommends approval of the parcel map.***

Ms. Figge presented the staff report, reviewing the land use issues involved and the details of the project. She noted that this parcel map is proposed to facilitate Safeway's relocation within the center and their future plans to open a fueling station. She stated that this site has parking in excess of City requirements, that additional landscaping will be installed, and that a few of the large liquidambar trees will have to be removed to make room for a turning lane off of Mangrove; however, those trees will be replaced with a variety that should do better in that location.

In response to Commissioner Francis, Mr. McKinley clarified that any new utilities installed as a part of the project will be required to be installed underground.

Commissioner Monfort confirmed with staff that there will still be a parkstrip adjacent to the new turning lane.

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

Chris Long, SLS Associates, 500 Ygnacio Valley Road, Suite 500, Walnut Creek, representing Safeway, offered to answer any questions.

In response to Commissioner Monfort, Mr. Long stated that there is a contractually enforced set of operating agreements and CC&Rs relating to parking lot operations and maintenance.

There being no further comment, the public hearing was closed at 6:38 p.m.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-22, DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT AND APPROVING TENTATIVE PARCEL MAP 01-2 (SAFEWAY), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER STONE ABSENT).

2. **Tentative Parcel Map 01-1 (Bowman)** - A request to create three residential lots by subdividing the existing 0.42 acre parcel located at 2628 and 2638 Burnap Avenue. The lot sizes are 0.16 acre, 0.14, and 0.10 acres. The property is developed with two single family homes. The property is identified as Assessor's Parcel No. 007-290-028, is designated Medium Density Residential on the City of Chico General Plan Diagram, and is located in an R2 Medium Density Residential zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332 (In-fill Development Projects). ***Staff recommends approval of the parcel map.***

Commissioner Sanders stated that he would be abstaining from this item because he prepared the comments from ALUC for this project.

Ms. Figge presented the staff report, reviewing the land use issues involved and the details of the project. She noted that surrounding uses are predominantly multi-family residential, and that full urban improvements will be required. She stated that the proposal meets all requirements of Title 19, is consistent with General Plan policies concerning infill development, and that staff is recommending approval.

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Commissioner Stone arrived at 6:41 p.m.

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Commissioner Bradford confirmed that the lots still meet minimum size criteria even after dedication of land for public improvements.

In response to Commissioner Bradford, Ms. Figge noted that a somewhat dilapidated fence currently exists between parcel 1 and the bike path, and that the Commission could certainly require that a new fence be installed as a condition of approval.

Commissioner Monfort confirmed with staff that each lot must provide 40% open space and two onsite parking spaces.

The public hearing was opened at 6:46 p.m.

Robert Eberhardt, 2621 Burnap Avenue, spoke in opposition to the project. He cited concerns with lot size, past history of tenants, and the separated nature of the garages.

In response to Commissioner Wolfe, Ms. Figge reviewed the existing land uses and zonings in the vicinity of the project. She noted that this property is zoned R2, and is adjacent to R3 properties on two sides.

John Parker, 81 Plumwood Court, spoke in support of the project. He stated that the previous speaker's comments were inflammatory and prejudicial, reviewed the investment his client has made in the existing houses, and noted that the current tenants cause no problems.

Bob Feeney, 389-C Connors Court, project engineer, offered to answer any questions. In response to Commissioner Wolfe, Mr. Feeney stated that no homes will be torn down, that one new home will be built on the new lot, and that he has no objection to requiring a new fence to be installed adjacent to the bike path, as one is already planned. In response to Commissioner Francis, Mr. Feeney stated that the house size is not yet determined, but that it will be limited due to the small lot size and required setbacks.

Robert Eberhardt, a previous speaker, confirmed with staff that the smallest lot is less than 4400 square feet, and that no structures will be removed.

There being no further comment, the public hearing was closed at 6:57 p.m.

Commissioner Wolfe noted that this project is a good example of infill development that maintains a higher density. Commissioner Monfort added that the third lot is almost like a granny unit; Commissioner Alvistur noted that the project is in keeping with the apartment nature of the neighborhood and will be an enhancement.

Commissioner Bradford noted that he likes the project, but wants to require a new fence adjacent to the bike path.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-21, DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT AND APPROVING TENTATIVE MAP 01-1 (BOWMAN) SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED TO REQUIRE THAT A NEW WOOD FENCE BE INSTALLED ADJACENT TO THE BIKE PATH. COMMISSIONER ALVISTUR SECONDED THE MOTION.

The public hearing was reopened at 6:59 p.m.

Robert Eberhardt, a previous speaker, noted that a large puddle forms in front of the project during the winter months, and asked what would be done to prevent it from reforming somewhere else. After discussion, Mr. McKinley confirmed that the required public improvements would carry away the storm water and not just relocate the puddle.

The public hearing was reclosed at 7:01 p.m.

THE MOTION PASSED 6-0-1 (COMMISSIONER SANDERS ABSTAINING).

**GENERAL BUSINESS**

None.

**PLANNING UPDATE**

Mr. Seidler stated that the remainder of the growth analysis would be back before the Commission on September 6, which looks to be a long meeting.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:03 p.m. to the Adjourned Regular Meeting of August 16, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

\_\_\_\_\_  
September 20, 2001

Date Approved

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Kim Seidler  
Planning Director

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
AUGUST 16, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Jolene Francis, Kirk Monfort, Craig Sanders, Sharon Stone and Nancy Wolfe. Commissioner Ross Bradford was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Claudia Sigona, Associate Planner Bob Summerville, Assistant Director of Public Works Fritz McKinley, Urban Forester Chris Boza, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioner Monfort reported that when he visited the Rolling Hills site, several men (names unknown) working on the property said it was a good project.

**ADMINISTRATIVE AGENDA**

1. **Minutes of Adjourned Regular Meeting of July 19, 2001**  
*Staff recommends approval with any corrections/revisions required.*

COMMISSIONER FRANCIS MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER BRADFORD ABSENT).

**REGULAR AGENDA**

2. **Text Amendment to Title 19 of the Chico Municipal Code (City of Chico)**  
- A proposed amendment to Title 19, Land Use and Development Regulations, of the Chico Municipal Code to allow "Schools - Art, dance, music, photography, etc." in all residential zoning districts subject to a use permit; and allow "Accessory retail uses" as a permitted use, and "Catering services", "Mortuary/funeral home", "Printing and publishing - Computer/electronic", "Secondhand stores", "Theaters - Live entertainment", and "Theaters - Motion picture, 1 screen" subject to approval of use permit in the RD Downtown Residential District. Pursuant to Section 15162 of the California Environmental Quality Act, no subsequent environmental review is required for this project, as it has been determined that it was covered under the previously certified General Plan EIR and the previously adopted mitigated negative declaration for the Title 19 update. ***Staff recommends that the Commission forward a recommendation to Council to approve the text amendment.***

Ms. Sigona presented the staff report, reviewing the reasons staff initiated the rezone. She noted that many of the uses currently in the RD district aren't allowed under the current regulations, but have existed for many years without causing any conflicts with nearby

residential uses. She noted that in addition to the existing identified uses, staff has added a number of other uses which seem appropriate; all proposed uses would be subject to a use permit.

In response to Commissioner Sanders, Ms. Sigona stated that this amendment will take care of all the currently nonconforming uses that staff identified. Ms. Figge added the RD district is new, and may need further adjustment in the future.

The public hearing was opened at 6:39 p.m. Seeing no comment, the public hearing was closed.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-24 RECOMMENDING CITY COUNCIL ADOPTION OF AN AMENDMENT TO TITLE 19 LAND USE AND DEVELOPMENT REGULATIONS. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER BRADFORD ABSENT).

3. **Rezone 00-12(City of Chico)** - A proposal to rezone properties in the Downtown Chico Area as follows:
  - A. Approximately 0.75 acre consisting of property on the west side of Wall Street, approximately 60 feet north of W. 6<sup>th</sup> Street, described as the easterly half of Assessor's Parcel No. 004-242-012; property on the north side of W. 6<sup>th</sup> Street, approximately 70 feet west of Wall Street, described as the easterly one-third of Assessor's Parcel No. 004-242-013; and property at the southwest corner of W. 7<sup>th</sup> and Wall Streets, described as the easterly half of Assessor's Parcel No. 004-384-015, from RD Downtown Residential to C-1 Restricted Commercial; and
  - B. Approximately 84 parcels located generally along Orient Street and extending to the half blocks between Flume and Orient Streets, and Olive and Orient Streets, from E. 1<sup>st</sup> Street to Humboldt Avenue, identified as Assessor's Parcel Nos. 004-094-001 thru 004; 004-172-003 thru 007; 004-173-001 thru 003 and 009-012; 004-175-003 thru 008; 004-176-001, 002, and 008-011; 004-179-001, 002, and 009-011; 004-382-003 thru 009; 004-383-001, 002, and 009-011; 004-386-003 thru 008; 004-387-001 thru 003, and 012-014; 004-423-004 thru 008; 004-424-001 thru 003, and 010-013; 004-427-003 thru 008; 004-428-001 thru 003, and 010-014, from OR Office Residential to R1 Low Density Residential. The subject area is designated Low Density Residential by the Chico General Plan, and is fully developed, predominantly with single family residences.

Pursuant to Section 15162 of the California Environmental Quality Act, no subsequent environmental review is required for this project, as it has been determined that it was covered under the previously certified General Plan EIR and the previously adopted mitigated negative declaration for the Title 19 update. ***Staff recommends that the Commission forward a recommendation to Council to approve the rezone.***

Commissioner Francis noted that there was no list of affected property owners attached to the report, and requested a five minute recess to review the list and determine whether any conflicts of interest exist.

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The Commission was in recess from 6:41 to 6:46 p.m.

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Commissioner Francis stated that she would disqualify herself from Rezone 00-12A, and asked the Commission to hear and approve the A and B sections of Rezone 00-12 separately. The Commission agreed to split the public hearings.

#### **Rezone 00-12 A**

Ms. Sigona presented the staff report, reviewing the details of the rezone and the areas which would be affected. She reviewed that some parcels were inadvertently split zoned, and that this rezone will consolidate those parcels under the C-1 zoning district. She characterized this rezone as a cleanup, and stated that staff is recommending approval.

The public hearing was opened for Rezone 00-12A at 6:49 p.m. Seeing no comment, the public hearing was closed.

Ms. Sigona noted that staff would separate out the two portions into separate resolutions.

COMMISSIONER ALVISTUR MOVED THAT THE COMMISSION ADOPT RESOLUTION NO. 01-25, FORWARDING A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR REZONE 00-12 A. COMMISSIONER STONE SECONDED THE MOTION, WHICH PASSED 5-0-1-1 (COMMISSIONER BRADFORD ABSENT, COMMISSIONER FRANCIS DISQUALIFIED).

#### **Rezone 00-12 B**

Ms. Sigona presented the staff report, reviewing the details of the rezone and the properties affected. She noted that the area was designated Low Density Residential during the 1994 General Plan update, and that the neighborhood is predominantly single-family residential in character, with no office uses present. She noted that the existing OR

zoning requires a use permit for any new residence or expansion of an existing residence, and that the rezone would remove that requirement. She added that 87% of the properties in the rezone area would be consistent with R1 zoning regulations, and that 8 of the 11 multi-family residential uses present in the zone would continue to be nonconforming, just as they are in the OR zone; the other 3 multi-family uses would become non-conforming. She described the difficulties in converting parcels in the rezone area to office uses, including provision of adequate parking and building code issues. She also stated that many of the existing second units are consistent with the regulations concerning second units in the R1 district.

In response to Commissioner Francis, Ms. Sigona stated that the entire corridor is proposed to be changed to R1, as the SR 32 bypass may reduce the traffic on 8<sup>th</sup> and 9<sup>th</sup> Streets. She noted that the existing RD district serves as the transition to the Downtown area; she added that three letters in opposition to the rezone were received, and that a number of other contacts were in support of the rezone. She also stated that those apartments in the area tend to be large houses which are internally subdivided, thereby retaining the feel of a single-family residential neighborhood.

Ms. Figge noted that R1 zoning doesn't preclude student housing, and that an upzoning to R2 or R3 would invite redevelopment of the area via demolition and new construction.

In response to Commissioner Sanders, Ms. Sigona noted that the R3 district to the east contains a mixture of housing types.

The public hearing was opened at 7:01 p.m.

Pat Bernedo, 4691 Cable Bridge Court, spoke in opposition to the rezone. He stated that he owns property (418 Orient Street) that would be affected, that he values his current zoning, and that he doesn't think that an R1 zone is appropriate next to an RD zone. He characterized this rezone as another erosion of property rights. He added that on his particular block, this rezone would make nearly every lot nonconforming. He stated that there are multi-family rentals on his block, and that he sees the area eventually transitioning to a residential professional use.

Ms. Sigona clarified that small lots that couldn't be created under current regulations are not considered nonconforming, as long as they were created legally at the time.

Richard Elsom, P.O. Box 5624, requested that the Commission postpone making a decision on this item. He reviewed General Plan policies concerning maintaining downtown, and stated that there should be a meeting with property owners to discuss what they desire, opining that RD might be a viable option for the corridor. He also requested that the Commission look at broader issues relating to the edges of downtown, including south of downtown issues.

Ms. Sigona indicated that these issues were visited by the General Plan task force, which is why this area was designated Low Density Residential in the General Plan. Ms. Figge added that the RD zoning districts exactly match the downtown areas designated in the General Plan.

Mr. Elsom requested that this issue be discussed in a community forum.

Ms. Sigona reviewed the history of the area, noting that before the 1994 General Plan update, the RP district was compatible with the High-Density Residential designation of the General Plan. She added that this area was re-designated Low Density Residential in 1994, and that this is just a cleanup rezone.

Commissioner Monfort stated that any additional office development downtown should be kept in the downtown core, instead of spreading out to the flanks. He opined that as much residential area should be kept as close to downtown as possible.

Katrina Davis, P.O. Box 3670, representing the Downtown Chico Business Association (DCBA), seconded Mr. Elsom's request that a decision be delayed on this rezone. She indicated that the DCBA directors would meet on August 28<sup>th</sup> to discuss this issue, and requested that any decision be made after that time.

In response to Commissioner Monfort, Ms. Davis stated that none of these properties are in the DCBA district, but that it does have the potential to impact the downtown area, particularly if the City decides to put a parking structure on that side of downtown.

Sandee Renault, 229 Orient Street, stated that she would like the area to stay Low Density Residential, which is what she had assumed the area already is.

Norman Egarth, 469 E. 5<sup>th</sup> Street, stated that R1 is inappropriate for the neighborhood. He stated that his parcel is surrounded by multi-family uses, and that he counted 120 units on 84 parcels in the rezone area. He expressed concern about potential loss of property value from losing the ability to building either offices or multi-family residential.

Mary Van Der Klossen, 382 E. 4th Street, expressed her desire to maintain the current zoning. She stated that the area isn't family-oriented, and contains a large number of multi-tenant and student rental properties. She added that she wants to retain the ability to put a duplex on her property.

Ms. Sigona noted that all 84 parcels currently have residential uses, and thus would require a use permit to do any expansion. Ms. Figge added that staff is merely proposing to make the zoning consistent with the existing General Plan designation.

Mr. Seidler elaborated that zoning is an implementation of the General Plan, and that the established zoning in this area is inconsistent with the adopted General Plan designation;

staff is simply trying to make the zoning consistent with the General Plan designation. He noted that there have been several requests for a delay, and that staff is comfortable with delaying this project if the Commission so desires.

There being no further comment, the public hearing was closed at 7:29 p.m.

There was general agreement that the Commission should delay this project to a future meeting. Several Commissioners expressed support for allowing some higher density development along portions of the corridor; staff pointed out that such a change would require a General Plan amendment.

COMMISSIONER FRANCIS MOVED TO POSTPONE THIS ITEM TO A FUTURE HEARING. COMMISSIONER ALVISTUR SECONDED THE MOTION.

The Commission discussed whether to provide further direction to staff; Commissioner Sanders suggested that R2 might work, with R3 nearer SR 32; Commissioner Monfort suggested that R1 zoning would "freeze" the existing mix of housing types.

Mr. Seidler recommended an indefinite continuance, to be renoticed when it next comes before the Commission.

THE MOTION TO CONTINUE PASSED 6-0-1 (COMMISSIONER BRADFORD ABSENT).

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The Commission was in recess from 7:41 to 7:47 p.m.

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4. **Preliminary Review of Vesting Tentative Subdivision Map (S-01-05), Planned Development Permit (PDP 01-03), and Use Permit (UP 01-37) for Rolling Hills at Canyon Oaks Subdivision, Phase III** - A request to subdivide a 64.53 acre site into 48 single family lots with 44.18 acres to remain undeveloped for permanent open space and/or conservation purposes. The Planned Development Permit would allow lot sizes to range from 7,298 square feet to 1.48+/- acres with an average lot size of 18,467 square feet. The request includes approval of a use permit to allow a 500,000 gallon domestic supply water storage tank as required by the *Canyon Oaks EIR (1986)*. The property is located at the eastern terminus of Shadow Tree Lane and Whispering Winds Lane within the private road subdivision of Canyon Oaks and is identified as Assessor's Parcel No. 011-030-106. The property is designated Very Low Density Residential/Resource Management Area on the City of Chico General Plan Diagram, and is located in a RS-1 Suburban Residential, 1 acre minimum parcel size, RS-20 Suburban Residential, 20,000 square foot minimum parcel size, and OS-1

Primary Open Space zoning districts. Final approval would be contingent on the Planning Commission's review and adoption of a proposed mitigated negative declaration and approval of the final development plan at the Planning Commission's meeting of September 6, 2001. **Staff recommends that the Commission hold the required public hearing and provide comments to staff for incorporation into the project.**

Commissioner Stone stated that she would abstain from this item, due to a perceived conflict of interest.

Mr. Summerville presented the staff report, reviewing the land use issues involved, the details of the proposal, and the history and environmental constraints of the Canyon Oaks development. He noted that the current design concentrates development on the northern half of the site, thereby avoiding identified populations of Butte County Checkerbloom and large numbers of trees (2000+) on the south side of the ephemeral drainage. He stated that the density of the project is .74 units/acre, reviewed the conservation easements proposed for the site, and described the different "limited development", "no development" and "restricted height" zones on the property; all are intended to preserve significant natural features and protect viewsheds, particularly from Upper Bidwell Park. He stated that a 2 to 1 replacement ratio is proposed for trees removed during construction, with replacement trees to be chosen from an approved list provided by the Urban Forester.

In response to Commissioner Wolfe, Mr. Summerville elaborated on the 20 foot height restriction for lots 1 through 10, explaining that it was a condition of the original 1986 Canyon Oaks EIR. He noted that the restriction is such that the median height of the house can be no more than 20 feet; portions of the house could conceivably be taller. Several Commissioners expressed support for allowing taller houses if set back further from the no development zone on the rear of the lots. Ms. Figge indicated that a site-specific viewshed analysis would be required if the Commission chooses to alter the 20 foot requirement.

Mr. Summerville reviewed the preliminary house designs submitted for the project, noting that the Commission has authority to review the architecture through the PD process. He stated that the proposed structures are stucco with Spanish tile roofs and alternating building masses, adding that staff recommends approval. Commissioner Francis indicated that normally a number of plans are submitted, instead of just one representative plan.

Mr. Summerville reviewed a letter submitted by a Canyon Oaks resident concerning an unofficial access trail to Upper Bidwell Park from the site. He noted that staff is not making any recommendation whether or not to fence the property line where the trail crosses, stating that the issue should be addressed by the Bidwell Park and Playground Commission.

Commissioner Wolfe confirmed with staff that this is a conceptual review, and that the final approval hearing would be held on September 6.

Commissioner Monfort asked why the proposed northern lots are large with the non-development area, instead of smaller, fully developable lots; Mr. Summerville suggested that the applicant could best answer that question.

The public hearing was opened at 8:12 p.m.

Susan Hight, 3259 Canyon Oaks Terrace, stated that she is the former president and current treasurer of the Canyon Oaks Homeowners Association (HOA). She presented a handout to the Commission, and expressed concern regarding additional traffic and the "downstream" problem of speeding on Canyon Oaks Terrace resulting from this development. She stated that many homeowners bought homes in the area with understanding that this parcel planned to have 30 one-acre lots, and reviewed additional concerns with poor fire access, inadequate parking, and setting a poor precedent for future developers. She asked where the good faith is when a project is increased in density by 50%.

Mr. Summerville discussed the Very Low Density Residential designation in the General Plan, noting that this project still falls within the allowed density range of .2 to 2 units per acre. In response to Commissioner Wolfe, Mr. Summerville stated that the developer could conceivably create as many as 75 or 80 lots from this parcel. Commissioner Wolfe added that home buyers should check with the City to determine what could be built on nearby parcels.

Ms. Figge reviewed the history of the Canyon Oaks development, noting that individual approval must be obtained for each subdivision. She noted that the land use regulations allow flexibility in siting lots on a project to protect sensitive environmental areas or mitigate impacts to neighboring properties.

Ms. Hight noted that there are different homeowners associations within the Canyon Oaks development, and that her homeowners association has significant concerns with traffic which will be generated by this development. She lamented that the battle over density and traffic has to be waged with each new development, and suggested that the validity of that letter from the Upper Park Property Owners' Association is questionable, as no homes are yet built in that area.

Tim Artl, 3172 Woodcreek Drive, project developer, reviewed that Canyon Oaks as a whole has been built below the allowable General Plan density, adding that an additional 154 units could have been built to date. He noted his concern as a property owner and developer for providing adequate fire protection and creating value in the development, of which lot design and layout is a large portion. He stated that a lot of value has been added to the Canyon Oaks development as a whole, and that everyone in Canyon Oaks has benefitted from that value. He reviewed the extensive research and reporting which have gone into creating this design, and offered to answer any questions.

In response to Commissioner Monfort, Mr. Artl stated that he prefers for lots 1 through 10 to be large with the no development easements on them, as it increases property value and prohibits public and vehicle access behind those houses.

In response to Commissioner Wolfe, Mr. Artl stated that the 20 foot height limitation is something that was painfully agreed to, but that he knew about the viewshed issues when he bought the property and thinks that he can live with the restriction.

In response to Commissioner Monfort, Mr. Artl stated that aware of any concerns with closing off the northern boundary of the project site, and that he doesn't feel strongly one way or the other. He elaborated that he wouldn't be in favor of being required to install an 8 foot barrier, but that he's not opposed to closing it off if it can be done in a sensible way.

Commissioner Monfort discussed fire access and traffic generation for the project, noting that streets are the responsibility of the private HOAs.

Commissioner Wolfe confirmed with Mr. Artl that this project will not annex to the Canyon Oaks HOA.

Susan Hight, a previous speaker, asked why Mr. Artl's reasoning for large lots on the northern portion of the project didn't apply to the lots on the southern portion.

Mike Orr, 1469 Humboldt Road, Suite 100, partial owner of the property, stated that Ms. Hight bought a lot from the original developer, and that he had no control over what that seller told her would be done with this property. He also sympathized with the Commission, noting that the last Canyon Oaks project revolved around the provision of open space, which has been a non-issue in this project.

Michael Galli, 3171 Sandstone Lane, stated that it is his intention to buy and develop some of the lots in this project, and that he thinks the project is well-planned.

There being no further comment, the public hearing was closed at 8:45 p.m.

Commissioner Francis asked if there were any wildlife trails on this property, noting that wildlife trails were a major factor in the design of a previous Canyon Oaks project. Mr. Summerville replied that staff did not identify any migratory trails on the property.

Commissioner Sanders inquired if the 20 foot height limitation is a mitigation from the Canyon Oaks EIR, and whether it could be amended. He suggested establishing a particular plane, which would allow construction higher than 20 feet as long as the plane was not intersected. Ms. Figge replied that the 20 foot restriction is the best estimate to avoid viewshed impacts, and pointed out that the property owner knows about the restriction and has agreed to it. She noted that the height restriction is measured to the median height of the structure.

Commissioner Alvistur noted that there always seems to be opposition to new projects due to concerns with traffic and increased population, adding that the developers have property rights which allow a certain density to be built.

Commissioner Wolfe opined that this design is superior to the original 34 lot design, as it provides a mix of housing types and preserves much more open space, noting that the project could have been proposed for a higher density.

Commissioner Francis discussed traffic speed mitigation measures, and suggested that the developer consider adding small jogs and/or tree wells to the road to slow down traffic. She also noted that the majority of the speeders are Canyon Oaks residents.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION APPROVE THE CONCEPTUAL PLAN FOR VESTING TENTATIVE SUBDIVISION MAP S 01-05, PLANNED DEVELOPMENT PERMIT 01-03, AND USE PERMIT 01-37 FOR ROLLING HILLS AT CANYON OAKS SUBDIVISION, PHASE III, WITH FINAL APPROVAL CONTINGENT ON THE COMMISSION'S REVIEW AND ADOPTION OF A PROPOSED MITIGATED NEGATIVE DECLARATION AND APPROVAL OF THE FINAL DEVELOPMENT PLAN AT THE PLANNING COMMISSION'S MEETING OF SEPTEMBER 6, 2001. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 5-0-1-1 (COMMISSIONER BRADFORD ABSENT, COMMISSIONER STONE ABSTAINING).

Commissioner Alvistur noted that the condition of approval on page 17, item 4A, may prevent property owners from performing weed control for fire prevention. Mr. Seidler agreed that the City or CDF could require clearing, and possibly force a homeowner to violate a condition of approval for the project.

### **GENERAL BUSINESS**

None.

### **PLANNING UPDATE**

Mr. Seidler reviewed the Council's discussion of alternate sites for the Esplanade House, adding that the Council will hear the appeal next week.

### **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 9:00 p.m. to the Regular Meeting of September 6, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

\_\_\_\_\_  
November 1, 2001

Date Approved

\_\_\_\_\_  
Kim Seidler  
Planning Director

**PLANNING COMMISSION  
REGULAR MEETING  
SEPTEMBER 6, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, Sharon Stone and Nancy Wolfe. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Claudia Sigona, Associate Planner Bob Summerville, Associate Planner Jay Hanson, Assistant Director of Public Works Fritz McKinley, Assistant City Attorney Lori Barker, Park Director Dennis Beardsley and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioners Monfort and Wolfe reported that they had each spoken to Georgie Bellin, who offered to answer any questions about the Skypark project. Commissioner Bradford reported that he had spoken to two men about the proposed gas station in front of the Mangrove Avenue Safeway.

**CONSENT AGENDA**

1. **Final Review of Vesting Tentative Subdivision Map (S-01-05), Planned Development Permit (PDP 01-03), and Use Permit (UP 01-37) for Rolling Hills at Canyon Oaks Subdivision, Phase III** - A request to subdivide a 64.53 acre site into 48 single family lots with 44.18 acres to remain undeveloped for permanent open space and/or conservation purposes. The Planned Development Permit would allow lot sizes to range from 7,298 square feet to 1.48+/- acres with an average lot size of 18,467 square feet. The request includes approval of a use permit to allow a 500,000 gallon domestic supply water storage tank as required by the *Canyon Oaks EIR (1986)*. The property is located at the eastern terminus of Shadow Tree Lane and Whispering Winds Lane within the private road subdivision of Canyon Oaks and is identified as Assessor's Parcel No. 011-030-106. The property is designated Very Low Density Residential/Resource Management Area on the City of Chico General Plan Diagram, and is located in a RS-1 Suburban Residential, 1 acre minimum parcel size, RS-20 Suburban Residential, 20,000 square foot minimum parcel size, and OS-1 Primary Open Space zoning districts. ***A public hearing was conducted for this project at the meeting of August 16, 2001, where the Commission granted conceptual approval. Staff recommends adoption of the proposed mitigated negative declaration and approval of the vesting tentative subdivision map, planned development permit and use permit.***

Ms. Figge pulled this item from the consent agenda.

2. **General Plan Amendment/Rezone 01-02 (City of Chico)** - A proposal to amend the General Plan land use designation for a 5.5 acre parcel located at the southwest corner of Humboldt Road and El Monte Avenue from High Density Residential to Parks and consistently rezone the site from R4 High Density Residential to OS2 Secondary Open Space; and amend the General Plan land use designation for a 4.7 acre parcel located on the north side of Little Chico Creek, approximately 800 feet south of the intersection of Humboldt Road and El Monte Avenue from Parks to High Density Residential and consistently rezone the site from OS2 Secondary Open Space to R4 High Density Residential. The sites are identified as Assessor's Parcel Nos. 002-280-093 and 002-180-091. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends that the Planning Commission recommend City Council adoption of the mitigated negative declaration and approval of the general plan amendment/rezone.***

John Merz pulled this item from the consent agenda.

3. **Planned Development Permit 01-08 (Community Housing Improvement Program) 1001 Willow Street** - A request to approve a site plan and architectural design for the remodel and expansion of an existing office building located at 1001 Willow Street. The site is identified as Assessor's Parcel No. 004-363-029, is designated Low Density Residential on the City of Chico General Plan Diagram and is located in a PD/CN Neighborhood Commercial w/Planned Development Overlay zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15303 (New Construction or Conversion of Small Structures). ***Staff recommends approval of the architectural design and planned development permit.***

COMMISSIONER FRANCIS MOVED APPROVAL OF ITEM 3 ON THE CONSENT AGENDA. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 7-0.

#### **ITEMS REMOVED FROM CONSENT AGENDA**

1. **Final Review of Vesting Tentative Subdivision Map (S-01-05), Planned Development Permit (PDP 01-03), and Use Permit (UP 01-37) for Rolling Hills at Canyon Oaks Subdivision, Phase III**

Commissioner Stone indicated that she would disqualify herself due to a financial contract. Commissioner Bradford stated that he would disqualify himself as he owns property adjacent to the project site.

Ms. Figge indicated that some changes have been made to the project regarding conditions of approval, the water tower location, and the road alignment; staff is also requesting a discussion of fencing along the northern property line. She stated that Mr. Summerville will be presenting the report for this item.

Mr. Summerville presented the staff report, reviewing the changes since the last hearing. He reviewed revised conditions concerning preservation of the Butte County Checkerbloom on the site, the 20 foot height restriction for lots 1 through 10, and removal of vegetation for fire control purposes. He noted that staff is now recommending that a fence be installed along the northern property boundary between this project and the park, mainly to prevent minor encroachments by property owners onto park land and vice versa. He added that the road alignment and water tank placement have also been changed, in part to both make the tank less prominent visually and to facilitate circulation to the parcel located to the east.

Mr. Summerville discussed issues raised by John Merz, including the use of the word "native" in the tree replacement conditions, and that a finance mechanism be required for the management plan for the Butte County Checkerbloom. In response to Commissioner Alvistur, Mr. Summerville stated that the management plan would be financed by the homeowners association for this project, and that the plan would be developed by the applicant.

The public hearing was opened at 6:43 p.m.

John Merz, 1531 Broadway, apologized for getting his comments to staff so late. He requested that a tree replacement ratio of 5 to 1 be required, or that a 2 to 1 ratio with a 90% survivability rate be required. He also requested that a financing mechanism be specified to pay for tree monitoring.

Wes Gilbert, 70 Declaration Drive #101, project engineer, reviewed a new fence design approved by Park Director Dennis Beardsley; the design consists of small signs mounted on metal stakes and posts every 25 feet. Mr. Gilbert noted the concerns with the previous fence design, including aesthetic considerations and potential disruption of wildlife corridors. He added that the most important thing is to clearly delineate the property line, to prevent encroachments by private property owners into the park and vice versa.

Brian Firth, 627 Broadway, project landscape architect, stated that both he and Mr. Artl are agreeable to providing a 2 to 1 tree replacement ratio with monitoring to ensure a 90% survival rate.

There being no further comment, the public hearing was closed at 6:52 p.m.

The Commission discussed tree replacement and survival ratios, and concerns over the precedent and enforceability of such a condition.

Mr. Summerville inquired if the 2 to 1 replacement ratio is intended only for road construction, or also for individual site development.

The public hearing was reopened at 6:56 p.m.

Tim Artl, 3172 Woodcreek Drive, property owner, pointed out the difficulty in guaranteeing what an individual lot owner will do. He suggested a 2 to 1 tree replacement ratio only for road construction, with a 90 percent survival rate five years after being planted.

John Merz, a previous speaker, noted that the Butte County Checkerbloom easement is to be maintained and monitored in perpetuity by a third party, and is a separate item from a monitoring standpoint.

Tim Artl, a previous speaker, agreed with Mr. Merz, noting that it will be administered and budgeted through the subdivision's CC&Rs.

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

Mr. Seidler stated that the City does have a mitigation monitoring program, and that while the program is not perfect, mitigation monitoring is taken very seriously.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-27, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE VESTING TENTATIVE SUBDIVISION MAP (S 01-05), PLANNED DEVELOPMENT PERMIT (PDP 01-03), AND USE PERMIT (UP 01-37) FOR ROLLING HILLS AT CANYON OAKS SUBDIVISION PHASE III, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION, MODIFIED TO REVISE CONDITION 10 TO INCLUDE THE REVISED FENCE DESIGN AS PROPOSED BY THE DEVELOPER, AND REVISING CONDITION 14 TO SPECIFY A 2 TO 1 TREE REPLACEMENT RATIO WITH MONITORING FOR 5 YEARS AFTER THE DATE OF PLANTING. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS BRADFORD AND STONE DISQUALIFIED).

Commissioner Monfort suggested that the City consider establishing a policy for tree replacement, to require native trees, a certain ratio, and a certain survivability rate. Mr. Seidler indicated that it could certainly be scheduled for discussion.

## **2. General Plan Amendment/Rezone 01-02 (City of Chico)**

Claudia presented the staff report, reviewing the land use issues involved and the history of the affected properties. She noted that the rezone is largely driven by engineering considerations for provision of a detention basin for the new school, and that essentially a "swap" of the zonings on two parcels is being proposed.

The public hearing was opened at 7:08 p.m.

John Merz, a previous speaker, noted that this is the drainage basin for 108 acres, and expressed curiosity as to who paid for what. He noted that this site has the potential for a community recreation center, and that many believe that one should be placed there. He stated that it is yet another example of parkland being negatively impacted in the community.

There being no further comment, the public hearing was closed at 7:11 p.m.

In response to Commissioner Monfort, Ms. Sigona elaborated that detention basin can be used for most of the year as informal playing fields, and will be incorporated into the larger community park site proposed for the area. Mr. McKinley added that the basin is a high-flow detention basin, and will be empty except in the case of a major storm event; he also stated that the basin has already been constructed.

Commissioner Monfort confirmed with staff that a recreation center could still be built on a portion of the site.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-26, RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE GENERAL PLAN AMENDMENT/REZONE 01-02. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 7-0.

#### **REGULAR AGENDA**

4. **Foothill Park East Unit 4 Vesting Tentative Subdivision Map 01-04 (Drake Homes)** - Vesting Tentative Map to subdivide 9.05 acres to create 26 single-family residential lots with an average size of 12,000 square feet. The property is located at the intersection of St. Lawrence Avenue and Hudson Avenue and is identified as Assessor's Parcel Nos. 048-020-104 and 106. The property is designated Low Density Residential on the City of Chico General Plan Diagram and is located in an R1 Low Density Residential zoning district. An Initial Study Checklist was prepared for this project, which determined that the project is consistent with the Scope of the Foothill Park East Environmental Impact Report and related Foothill Park East Master Design Manual. ***Staff recommends approval of the vesting tentative subdivision map.***

Commissioner Sanders stated that he would abstain from this item, as he makes recommendations to the Airport Land Use Commission.

Mr. Hanson presented the staff report, reviewing the land use issues involved and the details of the project. He noted that 26 lots are proposed on 9.05 acres, and that this is Phase IV of the larger Foothill Park East development; staff is recommending approval.

Commissioner Monfort pointed out that the proposed right-of-way is 62 feet wide; he confirmed that staff would support a narrower right-of-way if the developer is agreeable. Commissioner Alvistur suggested that the density seems somewhat low. Ms. Figge replied that while this phase is slightly below the anticipated density for Foothill Park East, the development as a whole is still within the range, particularly with the rezone of the southern portion to R2.

The public hearing was opened at 7:25 p.m.

Jon Luvaas, 1980 Wild Oak Lane, stated that he gets angry whenever an R1 development is proposed with wide streets and fewer than 3 units per acre. He encouraged the Commission to require higher density and narrower streets.

Jim Mann, 70 Declaration Drive #101, representing the applicant, stated that he gets angry every time he hears Jon Luvaas speak. He stated that buyers in the Webb subdivision have indicated that they like the wider streets, and that Dan Drake wishes to remain consistent within this subdivision.

In response to Commissioner Monfort, Mr. Mann indicated that they will install narrower streets in future subdivisions.

Brian Baldrige, 660 Cromwell Drive, member of the Airport Land Use Commission but speaking as an individual, discussed concerns he has with the project. He expressed concern with poor land use planning in regard to the airport, expressed concern with development encroaching on the airport, and suggested that this area should be commercial instead of high density residential.

The Commission discussed ALUC input into this project. Mr. Seidler reviewed that the entire Foothill Park East subdivision was approved several years ago, and included adoption of an EIR. He noted that the project is in Zone C of the Airport Land Use Comprehensive Plan (ALUCP), which allows residential development of either 4 or more units per acre, or one or fewer units per five acres.

Jim Mann, a previous speaker, stated that ALUC supports both this project and the next project to the west, and that both projects are consistent with the ALUCP.

Mr. Seidler agreed that the entire subdivision is consistent with the ALUCP.

Mr. Mann related that City Manager Tom Lando has spoken with CDF, and that CDF has agreed to not comment on any projects except Bidwell Ranch, so long as the 1000 foot flight corridor is maintained.

Brian Baldrige, a previous speaker, stated that things are confusing and that this is poor planning. He suggested that the Commission defer any decision on this project to the City Council.

Commissioners Alvistur and Bradford confirmed with Mr. Baldrige that the pending airport master plan is not in conflict with this project, and that Mr. Baldrige had not been sent by his committee.

Mr. Seidler added that the airport master plan is still under development, and suggested that it would have been more valuable for the ALUC to hold off on adopting the compatibility plan until the master plan was adopted.

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

Commissioner Monfort stated that this is just another phase in a project that was approved years ago, and that all the ALUC issues were settled when the master project was approved. Commissioner Francis agreed.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION 01-23, ACCEPTING THE INITIAL STUDY CHECKLIST FINDING THAT THE PROJECT FALLS WITHIN THE SCOPE OF THE FOOTHILL PARK EAST EIR AND APPROVING THE FOOTHILL PARK EAST UNIT 4 VESTING TENTATIVE SUBDIVISION MAP, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 5-1-1 (COMMISSIONER MONFORT OPPOSED, COMMISSIONER SANDERS ABSTAINING).

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The Commission was in recess from 7:47 to 7:57 p.m.

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5. A. **General Plan Amendment/Rezone 00-01 (Bellin)** - A request to amend the General Plan land use designation from Open Space for Environmental Conservation/Safety (OSECS) to Manufacturing and Warehousing with an OSECS overlay designation and change the rezoning from RR Rural Residential to ML Light Manufacturing/Industrial with an -RM Resource Management overlay, for 37 +/- acres located along the west side of Marauder Street, southeast of Mud Creek, northeast of the Chico Municipal Airport, and

approximately 700 feet north of Ryan Avenue. The site is identified as Assessor's Parcel Nos. 047-280-014, 015, 020 and 094.

- B. Planned Development Permit 01-05 (Bellin)** - Conceptual plan review of a proposed industrial office park consisting of approximately 240,000 square feet of building floor area and creekside greenway open space on approximately 37 acres located along the west side of Marauder Street, southeast of Mud Creek, northeast of the Chico Municipal Airport, and approximately 700 feet north of Ryan Avenue, pending approval of General Plan Amendment/Rezone 00-01 (noted above). The site is identified as Assessor's Parcel Nos. 047-280-014, 015, 020 and 094.

***Staff recommends that the Planning Commission recommend City Council approval of the general plan amendment/rezone, and that the Planning Commission conceptually approve the planned development permit, subject to additional information and recommendation prior to final review.***

Commissioners Francis and Bradford stated that they would be disqualifying themselves due to financial relationships with the applicant. Commissioner Sanders stated that he would abstain from this item, as he provides staff support to the ALUC.

Ms. Sigona presented the staff report, reviewing the land use issues involved and the details of the project. She noted that the proposal consists of 240,000 square feet of building floor area in four phases. She reviewed that ALUC has determined that the project is consistent with the B2 and C zoning designations, provided that certain density standards are adhered to, and that staff is confident that the proposal is below ALUC's density standards. She added that the retention of the RM and OSEC overlay zones will ensure that the development will preserve natural resources, and that staff is recommending that the rezone be forwarded to Council with an approval recommendation. She discussed further details of the project, including creekside setbacks, general plan consistency, floodplain issues, and details of the site plan and project amenities. She noted that staff is recommending approval with conditions.

The public hearing was opened at 8:07 p.m.

Don Holtgrieve, P.O. Box 396, Forest Ranch, project manager, reviewed the details of the project, reviewed the information binder which was provided to Commissioners, and offered to answer any questions. He noted that the six acres to the west of the creek will remain in a natural state, and could possibly be a mitigation bank for the Valley Elderberry Longhorn Beetle (VELB). He noted that subdivision of the property is not intended, and that the campus atmosphere will provide an attractive location for companies to locate, thereby furthering the economic development of that portion of town. He added that the project is located within the Free Trade Zone at the airport.

Georgie Bellin, 785 Filbert Avenue, property owner, reviewed the large number of studies and reviews required to make this project happen. She noted that she had toured the state looking at successful business parks, and that the project as proposed reflects some of the best characteristics of successful parks, including a campus atmosphere, green space, and screened parking areas. She added that the bicycle path to the airport will be extended through this project, and that a number of businesses have expressed their desire to locate in the project.

In response to Commissioner Wolfe, Ms. Bellin stated that the water feature will be installed with Phase I, and that the bike path will be laid out in rough form with Phase I, to be finished with paving and picnic areas later in the project.

In response to Commissioner Alvistur, Ms. Bellin reviewed the easement across the TFI property to access the rear (western) portion of this project. She noted that in final form the easement will be paved with bollards installed, for fire and bicycle/pedestrian access, and would most likely happen in Phase II or III. She noted that Phase I will be served only by Marauder Street.

In response to Commissioner Monfort, Ms. Bellin stated that the bike path will allow cyclists to continue out through the parking area to the baseball fields across the street, and noted that the bike path will be similar to what is across the street from Hignell and Hignell's offices on Humboldt Road. Commissioner Monfort suggested that employers will need to make sure that lockers and showers are available; Ms. Bellin replied that it could certainly be done. Commissioner Monfort suggested that such provisions be required through the CC&Rs for the project.

In response to Commissioner Monfort, Ms. Bellin discussed the hydrological studies underway, adding that Assistant Community Development Director Clif Sellers has indicated that Mud Creek will be channeled to the north when the main runway is extended; as Phase IV is not anticipated to be developed for a number of years, the hydrological environs may be different by the time it is developed.

Don Holtgrieve, a previous speaker, reminded the Commission that this is a conceptual review, and that the final review will contain all relevant engineering and hydrological studies, and may result in modifications to the plan. He emphasized the amount of information the Commission will have available when final approval is sought. Ms. Sigona added that the additional information will be required before this project can come back before the Commission.

Commissioner Monfort expressed his concern about too much industrial land being provided in Chico. Mr. Holtgrieve replied that an industrial/research park is the best use for this parcel that is also in keeping with the airport environs; he also reviewed the problems of airport compatibility as they relate to other potential uses for this property, such as low density residential.

Darby Makel, 37 Covey Court, stated that he owns Makel Engineering, and that he plans to be the first occupant of the first building. He noted that his microelectronics business provides components for high quality applications, including the Space Shuttle, and that work which is currently contracted out of state would be performed at this new facility. He encouraged the Commission to approve the project.

Ms. Sigona responded to Commissioner Monfort's previous concern, explaining that a General Plan Amendment/Rezone is in process to change a portion of land along Nord Avenue from Industrial to Medium-High Density Residential, and that it can be viewed as a "swap" of industrial land. She added that the General Plan foresees the provision of more industrial land than may be necessary, due to individual companies' siting constraints.

Bill Gaines, 1444 Fortress Street, owner of Transfer Flow International (TFI), stated that while he is in support of the project, he has some concerns with the border between the project property and his property. He described his concerns with the potential for litter and accidents in the vicinity of the bicycle trail.

There being no further comment, the public hearing was closed at 8:38 p.m.

COMMISSIONER ALVISTUR MOVED THAT THE COMMISSION ADOPT RESOLUTION NO. 01-27, RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE GENERAL PLAN AMENDMENT/REZONE 00-01, AND THAT THE COMMISSION CONCEPTUALLY APPROVE PLANNED DEVELOPMENT PERMIT 01-05, SUBJECT TO THE APPLICANT PROVIDING THE ADDITIONAL INFORMATION AND MAKING REVISIONS AS OUTLINED UNDER SECTION V OF THE STAFF MEMORANDUM DATED AUGUST 23, 2001, PRIOR TO REVIEW OF THE FINAL DEVELOPMENT PLAN. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 4-0-1-2 (COMMISSIONER SANDERS ABSTAINING, COMMISSIONERS BRADFORD AND FRANCIS DISQUALIFIED).

6. **Growth and Land Availability Analysis** - The City has prepared a report examining the demand for housing in the Chico Urban Area and whether sufficient land is designated for housing to meet future needs through the City General Plan's 15 to 25 year anticipated buildout. The Planning Commission has conducted two previous public hearings and received public testimony. A final recommendation to Council was postponed at the July 19 meeting pending additional information on several issues. The Planning Commission will review these issues and receive additional public testimony before forwarding a recommendation to the City Council. An environmental assessment will be conducted prior to formal consideration of any changes to the current General Plan. ***Staff recommends that the Commission receive additional public testimony and forward a final recommendation to the City Council, including specific direction on those issues raised at the July 19, 2001 Planning Commission meeting.***

Mr. Hayes presented the staff report, reviewing the process, previous Commission actions, staff's recommendations, further opportunities for public input, and staff's role in facilitating the Commission's policy-recommending capacity. He noted that additional growth matrices have been provided, which take into account the new census figures as well as more exact information on the City's growth rate, which is approximately 1.8% annually. He also reviewed additional correspondence received since the Commission's last hearing on this topic.

Mr. Hayes reviewed historical density for Chico, noting that it is 5.5 units per acre, below the 7 units per acre target set in the General Plan. He also stated that substantial analysis and environmental review would occur after the Council decides what, if any, actions to take. He stated that environmental review could range from a supplemental General Plan EIR to a completely new General Plan EIR or even a new General Plan.

Mr. Seidler added that Council has established a policy that single-family residential subdivisions are to be developed between 3 and 4 units per acre, noting that the higher density is anticipated through multi-family projects.

Commissioner Francis suggested that it would be more cost effective to look at all the study areas at once, then discard those which are infeasible. Mr. Hayes replied that including all the areas would provide a much larger growth area than that anticipated in the current General Plan; Mr. Seidler added that such a course of action would be dependent on direction from Council.

Mr. Hayes reviewed the staff information in the report concerning incentives for second units, incentives for mixed development, incentives for greater apartment densities, liability related to multi-family development, narrower street standards, increased minimum density in the R2 district, potential roadblocks to developing certain properties, and specific areas to designate for multi-family residential development.

The Commission discussed the difficulties in financing non-traditional projects such as mixed developments and second units, and expressed support for a reverse development fee structure (fees per unit go down as density increases), as long as the nexus can be met.

The Commission discussed what kind of community Chico wants to be; Commissioner Monfort suggested that there be a referendum to determine if people have decided that sprawl is acceptable. Commissioner Francis noted that while everyone says they desire a compact urban form, the Commission always runs into resistance when trying to implement those policies for higher densities; Commissioner Monfort agreed that there is a down side to compact urban form, but that the alternative is ending up like Fresno.

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

Constant Tra, 70 Declaration Drive #101, representing the BIA, reiterated the BIA's concerns about breaking the greenline. He also expressed concern with developing the Bell-Muir area due to the expense of development, restated BIA's support for the R2 minimum density of 4 units per acre, and stressed that one of the main problems in Chico is land availability.

Mike Smith, 1970 Wild Oak Lane, representing the Yahi group of the Sierra Club, stated that the real growth rate is around 1.7 or 1.8 percent, which doesn't indicate a land availability problem. He added that it gives the City enough time for a vigorous attempt at infill development. He expressed support for staff's recommendations, and suggested that the City consider higher development impact fees for development on the edge of town.

The Commission discussed the difficulty in providing a compact urban form when neighbors always seem to think that projects are too dense, and when so many lands are undevelopable due to environmental constraints.

Mr. Smith noted that the City never completed the Habitat Resource Conservation Plan (HRCP), which would have answered those environmental questions early in a comprehensive manner. He emphasized the Commission's duty to the community as a whole instead of individual homeowners.

Commissioner Francis discussed the various growth scenarios, noting that a 1.75% growth rate would reach buildout in 2012, and that a 2% growth rate would reach buildout in 2011.

Mr. Smith suggested that a new General Plan be adopted if major changes are considered to the current Plan.

Scott Gruendl, 18 Tioga Way, suggested that a compact urban form in Chico is threatened because many single-family homes are being used as rentals. He asked who would pay for the study to look at all the growth areas, and expressed concern over inadequate funding for capital improvement projects if new growth areas are embraced. He asked how much financial burden would be placed on the existing community in order to make expansion into growth areas feasible. He expressed support for linking fees to density, and suggested that fees be determined by region within the City according to the costs to provide infrastructure.

Dr. Grace Marvin, 1621 N. Cherry Street, voiced her agreement with the last two speakers. She suggested that there needs to be a community-wide discussion if any changes are considered to the current General Plan.

Jon Luvaas, 1980 Wild Oak Lane, related that he has a friend who owns six single-family homes in Chico, all of which are rented out to students. He stated that more multi-family housing is in the pipeline, and that this will extend the life of the current Plan significantly. He lamented the large size of homes being built, encouraged the Commission to consider

incentives or requirements for more affordable single-family residences, suggested that the City encourage alternate housing types such as townhouses, stated his support for increasing the minimum densities in both the R2 and OR zoning districts, and suggested that second units by right could work if done via an overlay zone. He asserted that by making these changes, in concert with staff's recommendations, an additional three years of growth is provided for. He urged the City to take a larger role in promoting mixed-use development through gap loans and/or reduced fees.

He suggested that the City copy an approach being looked at by the county, whereby development impact fees are determined by zone instead of city-wide. He agreed with Mr. Gruendl's suggestion to lower fees for infill projects, and suggested that all residential streets have a ten foot travel lane, with a six foot wide parking shoulder in most instances. He also requested that traffic calming measures be installed with the initial construction of new streets. He reviewed the results of a General Plan Task Force poll: 97% supported building in CSA 87, 61-85% supported building in Bell-Muir, 72% were opposed to going southeast into the foothills, 82% were opposed to Nance Canyon, and 85% were opposed to Midway.

In response to Commissioner Bradford, Mr. Luvaas stated that the goal of 7 units per acre was chosen to encourage affordable housing and narrower streets. He stated that little affordable housing has been built since 1994, and encouraged the Commission to explore options to increase the variety of housing types being built.

Commissioner Francis countered that Tony Symmes has built plenty of affordable houses, and asserted that elimination of developable land from the City's inventory is what is pushing up the cost of housing.

Commissioner Stone confirmed with staff that the 7 units per acre goal was intended only for newly developing portions of the City.

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The Commission was in recess from 9:55 to 10:05 p.m.

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Richard Elsom, P.O. Box 5624, a former member of the General Plan task force, expressed support for staff's recommendations and the other suggestions made by previous speakers. He encouraged the Commission to move forward with adopting TND standards, urged them to not open up any growth areas on the agricultural side of the greenline, and specifically suggested that the Commission support development of the CSA 87 and Bell-Muir areas.

Rolland Berger, 9 Lindo Park Drive, encouraged the Commission to conduct a cost-benefit study to establish the cost of providing municipal services to different people in the community. He noted that it costs more to serve a sprawling community, and that those projects with a lesser impact should be charged lower fees. He urged the Commission to

adopt economic policies that would encourage a compact urban form. There being no further comment, the public hearing was closed at 10:14 p.m.

The Commission discussed the recommendations in the staff report. The Commission was in general agreement that allowing second units by right was not desired, and that economic conditions, high fees and the cost of required improvements were the major obstacles to second unit construction. The Commission agreed to recommend that incentives for second units be explored, and that low and moderate income housing funds be made available to pay for off-site improvements required with second unit construction.

The Commission agreed that incentives for mixed residential development should be explored; Mr. Hayes noted that the Park Avenue visioning study, which will be before the Commission in the fall, should be a catalyst for mixed use development. The Commission discussed apartment densities, and agreed that the R2 minimum density should be raised to 7.01 units per acre; the also agreed that an inverse development fee structure keyed to density should be investigated.

The Commission discussed townhouses as an option to increase density, and decided that the existing PD process is sufficient to allow that type of housing.

The Commission discussed street widths, and agreed to recommend that narrower street widths be pursued, separate from the upcoming TND discussion.

There was general agreement that additional sites should be examined for rezoning to multi-family residential.

The Commission discussed the roadblocks to development of certain property, and agreed that most of the HRBD and environmental issues are outside the authority of the City to influence.

Commissioner Bradford expressed support for including area 11 in the Commission's recommendation to Council.

Commissioner Francis stated that all areas should be examined at the same time to allow efficient, informed decision-making. Commissioner Wolfe agreed, asking if some sort of preliminary financial analysis could be performed for each area in terms of needed public improvements.

Mr. McKinley reviewed that a sanitary sewer master plan is currently being drawn up for Alkop Farms, Bell-Muir, and CSA 87. He added that Bell-Muir has a storm drainage problem, and that information would be some time in coming.

Mr. Seidler noted that the Commission has already made a decision regarding areas 1, 2 and 3. He suggested that the Commission recommend further study and consideration of

the other growth areas as conditions seem to warrant. Commissioner Francis agreed to the proposal.

In response to Commissioner Bradford, Mr. Hayes stated that area 11 contains some sensitive biological resources, concentrated on the western end. He added that since services would need to be extended from the west through the sensitive areas, it made the area much less feasible for new housing construction.

There was general agreement to not specifically mention area 11 in the Commission's recommendation. Commissioner Francis added that she would recommend that the Council consider all the other locations as well.

Staff reviewed the Commission's direction for inclusion into a motion.

COMMISSIONER FRANCIS MOVED THAT THE COMMISSION FORWARD A RECOMMENDATION TO COUNCIL INCLUDING ALL RECOMMENDATIONS MADE AT PREVIOUS MEETINGS, AND ADDITIONAL RECOMMENDATIONS THAT COUNCIL CONSIDER NARROWER STREET STANDARDS, GREATER APARTMENT DENSITIES, USE OF LOW AND MODERATE INCOME SET-ASIDE FUNDS TO BUY DOWN OFF-SITE IMPROVEMENTS AND DEVELOPMENT FEES FOR SECOND UNITS, REDUCTION OF OFF-STREET PARKING STANDARDS FOR MIXED USE DEVELOPMENTS, INCREASED DENSITY NEAR TRANSIT AND COMMERCIAL SERVICES, EXPLORATION OF ADDITIONAL INCENTIVES FOR SECOND UNITS, INCREASING MINIMUM DENSITY IN THE R2 DISTRICT TO 7 UNITS PER ACRE, ADDITIONAL LOCATIONS FOR MULTI-FAMILY RESIDENTIAL USES, IDENTIFYING LOCATIONS FOR MULTI-FAMILY RESIDENTIAL, INCENTIVES FOR GREATER APARTMENT DENSITIES, INCLUDING AN INVERSE DEVELOPMENT FEE SCHEDULE, AND THAT THE COUNCIL CONSIDER OTHER GROWTH AREAS IN ADDITION TO WHAT THE COMMISSION HAS RECOMMENDED. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 7-0.

### **GENERAL BUSINESS**

None.

### **PLANNING UPDATE**

None.

### **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 10:55 p.m. to the Adjourned Regular Meeting of September 20, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

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November 1, 2001  
Date Approved

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Kim Seidler  
Planning Director

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
SEPTEMBER 20, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, Sharon Stone and Nancy Wolfe. Staff present were Principal Planner Pam Figge, Senior Planner Claudia Sigona, Associate Planner Ed Palmeri, Senior Development Engineer Tom Alexander, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioner Bradford reported that he had met with representatives from both Safeway and Enloe concerning their pending projects.

Commissioner Sanders reported that he had also spoken to representatives from Safeway, and that he had also spoken to someone representing some Union 76 gas stations concerning gas station operations.

Commissioner Wolfe reported that she had spoken to Steve Vanella, of Vanella Oil, who informed her that he opposes the Safeway project.

**ADMINISTRATIVE AGENDA**

**1. Minutes of Regular Meeting of August 2, 2001**

Commissioner Francis stated that she didn't recall the parcel map being in part to facilitate the fueling station now being considered. Ms. Figge replied that the information was given as part of the oral report.

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

**CONSENT AGENDA**

- 2. Tentative Parcel Map 01-3 (Sturges) 2000 Vallombrosa Avenue - A request to create two residential lots by subdividing an existing one acre parcel developed with a single-family home located at 2000 Vallombrosa Avenue. The proposed lot sizes are 0.45 and 0.49 acres. The property is identified as Assessor's Parcel No. 045-412-042, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in a R1-15 Low Density Residential (15,000-square-foot minimum lot areas) zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends adoption of the proposed mitigated negative declaration and approval of the tentative parcel map.***

The public hearing was opened at 6:38 p.m. Seeing no comment, the public hearing was closed.

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

### **ITEMS REMOVED FROM CONSENT AGENDA**

None.

### **REGULAR AGENDA**

3. **Rezone 01-1 (Reed) and Thoman Vesting Tentative Subdivision Map S 01-3 - 3012 Cohasset Road** - A request to rezone approximately 0.18 acres from OR Office Residential to R1 Low Density Residential and create 10 residential lots and one parcel for office use by subdividing 4.28 acres located at 3012 Cohasset Road, approximately 620 feet north of Lupin Avenue. The lot sizes range from 0.14 acres to 1.37 acres. A .45± acre parcel, not part of the subdivision request, is proposed for a partial rezone from OR to R1. The properties are identified as Assessor's Parcel Nos. 048-400-008 and -009 (rezone only), are designated Office on the City of Chico General Plan Diagram, and are split zoned OR Office Residential on the westerly portion fronting Cohasset Road to a depth of 134 ± feet, with the remainder zoned R1 Low Density Residential. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act. ***Staff recommends that this item be continued to the Planning Commission meeting of October 18, 2001.***

Chair Wolfe confirmed that no one was present to discuss this item, and continued it to the meeting of October 18.

4. **Use Permit 01-38 (Feder) 201 Main Street** - An appeal of the Zoning Administrator's approval of a use permit allowing the use of an existing building for indoor entertainment, including pool and video games, on property located at 201 Main Street. The property is identified as Assessor's Parcel No. 004-082-001, is designated Downtown Commercial on the City of Chico General Plan Diagram, and is located in a CD Downtown Commercial zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15303 (Conversion of the Use of Small Structures). ***Staff recommends that the Commission uphold the Zoning Administrator's approval, thereby denying the appeal.***

Ms. Figge presented the staff report, reviewing the land use issues involved and the details of the project. She reviewed the prior Zoning Administrator hearing for this item, noting that the zoning administrator removed some of the recommended conditions of approval,

including a six month review and discussion of the storefront window treatment with staff. She stated that the appellant was not at the previous public hearing, and reviewed his concerns as outlined in his letter dated August 19. She noted that a similar use permit was heard by the Planning Commission in 1989, and was denied.

Ms. Figge discussed other issues of concern, including bicycle parking, loitering, the provision of entertainment venues in the downtown area; she also reviewed the conditions staff is recommending to mitigate these and other concerns.

Commissioner Monfort confirmed that staff has re-instated those conditions removed by the Zoning Administrator, with the exception of condition concerning loitering. Commissioner Stone confirmed that this is "de novo" and that the Commission can add new conditions if needed. Commissioner Alvistur confirmed that staff had not recommended a particular size for the sign mentioning municipal code sections concerning skateboarding and bicycling.

In response to Commissioner Stone, Ms. Figge stated that curfew is 10 p.m., 11 p.m. during daylight savings. In response to Commissioner Monfort, Ms. Figge stated that the condition regarding window treatment is intended to prevent the backs of video machines or other undesirable views from facing the storefront windows.

Commissioner Sanders suggested that condition 5 be amended to specify a review after six months of operation.

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

Robert Feder, 4789 Songbird, Applicant, presented a revised floor plan to the Commission. He stated that there has been a lot of misinformation about this project, explaining that there are no coin-operated video games, just two pool tables, and that the front area near the windows will be the seating for the snack bar. He noted that the facility will be called Mind Games, and showed the Commission the proposed sign design. He elaborated on the details of the project, stating that access will be controlled by an elastic barrier similar to a movie theater, that the game playing areas will have high-definition televisions (HDTVs) on raised platforms with custom-built leather chairs and surround sound, that there will be a lounge area with a juke box, and that foosball, air hockey and dome hockey will also be provided. He stated that his original marketing study was for college students under age 21, and that it is his intention to clear the facility of minors by 8:30 p.m., as it is bad business to mix college students and 14 year olds; he stated that he would be happy to add that as a condition.

In response to Commissioner Monfort, he stated that he has some concern with a six month review due to the amount of money being invested in the project.

In response to Commissioner Wolfe, Mr. Feder stated that he is opposed to closing at 9 p.m. as proposed by the police department. He re-stated that it is his intention to clear out those under 18 by 8:30, so that college students under age 21 can use the facility.

In response to Commissioner Francis, Mr. Feder stated that crowd control is a high priority, and that he is considering placing a breathalyzer near the entrance. He re-emphasized the expensive nature of the equipment, and that he has no intention of letting it be damaged by drunks.

Don Kidd, 119 Main Street, owner of Mr. Kopy, spoke in support of the project. He emphasized the need to provide entertainment for young people that doesn't involve drinking. He emphasized that the public should decide with their dollars whether or not the business is wanted at that location.

John Alden, 178 E. 2<sup>nd</sup> Street, owner of North Rim Adventure Sports, discussed concerns he has with the project, including the potential for increased loitering, the appropriateness of the business in that particular location, and the potential for it turning into a quasi-babysitting service.

Bob Malowney, 320 Broadway, Appellant, owner of Bird in Hand, spoke in opposition to the project. He reviewed a 1995 report paid for by the City containing strategies for improving downtown. He lamented the loss of prime retail space that occurs when buildings are converted to office uses, and suggested that separate zoning districts be provided for entertainment and retail. He noted that the City-funded plan calls for that particular building to be a retail anchor. He also reviewed minutes from the 1989 video arcade denial, suggesting that many of the same compatibility concerns exist with this facility.

Nancy Lindahl, 204 Main Street, owner of Zucchini and Vine, spoke in opposition to the project. She noted her agreement with the previous speaker, and added that the previous arcade attracted so many teenagers that their bikes and skateboards blocked the sidewalk, hurting her business.

In response to Commissioner Monfort, Ms. Lindahl stated that she would like a retail tenant in the facility, and suggested that DCBA needs to do more recruiting. She stated that she would be happy to work with Mr. Halimi to find a tenant for the building, and stated that she recalled that a change was made to the zoning regulations in 1989 to regulate entertainment in the downtown retail core.

Ms. Figge reviewed the minutes of the 1989 meetings, noting that the Planning Commission decided at that time that this kind of facility would be allowed with a use permit; the Commission then denied the use permit for the facility that was then in operation.

Georgie Bellin, 785 Filbert Avenue, stated that she is the leasing agent for the building, and reviewed the history of the structure and its tenants. She noted that it has taken a long time to lease the space, as large spaces are not in demand downtown; she added that the basement and upstairs have remained vacant even when tenants occupied the ground floor. She likened the facility to the cybercafes she has seen in other college communities.

She asserted that the place will be a hangout for college students, and emphasized that nobody wants a big empty building downtown.

In response to Commissioner Alvistur, Ms. Bellin stated that she has been looking for a tenant for the building since January or February. She added that others were interested if the building were to be subdivided, but that doing so was financially infeasible due to earthquake retrofit, handicapped accessibility, and other requirements.

Barbara Mundy, 152 E. 2<sup>nd</sup> Street, owner of Mundy & Co. Jewelers, stated that she has been located downtown since 1988, and that the City needs to reinforce downtown as a retail location.

Bill Dudman, 131 Broadway, owner of Avanti, spoke in support of the project. He stated that it is a nice sentiment for the building to be a retail anchor, but the reality is that retailers are not standing in line to lease the building. He suggested that the DCBA create a subcommittee to try and attract those sort of tenants to downtown. He emphasized that this is a decent business being proposed by a decent businessman, and that the Commission shouldn't deny the project just because it isn't exactly what someone else wants.

David Halimi, 181 E. 2<sup>nd</sup> Street, property owner, spoke in support of the project. He stated his concerns with the appeal process, noting that the municipal code requires an appeal to be on a City form, accompanied by a fee, within 10 days of approval; the City has neither form nor fee, and he formally noted his objection. He stated that he was guilty of the same sort of negative stereotyping being displayed at this hearing when Dr. Feder first approached him. He noted that Dr. Feder has a good marketing plan, is well capitalized, and is a respectable businessman. He suggested that it really comes down to whether people want the building empty or not, and stated that other large spaces downtown have been vacant for many years at a time. He stated that the study Mr. Malowney quoted does not say that this corner should only be retail, and he stressed that a mix of uses prevents the downtown from closing at 6 p.m. He added that Jerry Brayton, owner of Brayton's Hallmark who was opposed to the 1989 arcade, is in support of this project.

In response to Commissioner Monfort, Mr. Halimi stated that it isn't economically feasible to subdivide the building, and suggested that the Commission look at the vacancy rate in the Garden Walk to determine the demand for such units. He stated that most people just want the space filled.

Richard Elsom, P.O. Box 5624, boardmember of the DCBA, spoke as an individual in support of the project. He reviewed the history of the prior project, and noted that Dr. Feder has shown that he is sensitive to other business owners' concerns. He noted that there are no other retail proposals for this building at this time.

Bob Malowney, a previous speaker, emphasized that local businesses need large spaces to grow into, citing himself and John Alden as examples. He stated that he's sorry that Mr. Halimi is losing money when it's vacant, but expressed his desire that the site be a retail shop.

Lisa Molta, 214 Main Street, owner of Gabrielle Ferrar, spoke in opposition to the project. She reviewed problems with the previous arcade in 1989, stating that her customers felt afraid of the element that frequented that facility. She lamented that a wine and cheese shop that was proposed for the site was somehow prohibited.

Ms. Figge reviewed the study which resulted in a moratorium on new alcoholic beverage establishments in the downtown area, and stated that the wine and cheese shop technically met the definition and was therefore prohibited.

Mr. Halimi, a previous speaker, stated that no one had talked to either him or his agent about such a use for the building.

In response to Commissioner Bradford, Dr. Feder stated that he would regulate patron age economically, and re-stated that his primary target market is college students. He reviewed the details of his proposed pricing structure designed to make that happen, and stated that he would use a breathalyzer and/or a bouncer to keep drunks out of the facility.

Ms. Barker added that limiting patronage by age as described shouldn't pose any legal problem, but that she hasn't looked into it in detail.

Dr. Feder discussed why he chose this location, noting its proximity to college housing and his desire to provide non-drinking entertainment downtown for 18 to 20 year old college students. He noted that the building is made of unreinforced masonry, and that any substantial changes to the building would trigger a seismic upgrade.

In response to Commissioner Francis, he stated that he doesn't see any conflict with the surrounding drinking establishments, as most of the problems caused by drinking patrons begin after midnight, when his business will be closed. He added that he may very well be closed all of St. Patrick's Day.

In response to Commissioner Alvistur, Dr. Feder stated that if the business becomes very busy, they will use an Internet site to make reservations for the gaming stations.

Lisa Molta, a previous speaker, stated that the system of wristbands and crowd control would likely result in more loitering. She stated that Tower Records will become a dropoff point for parents, and that all of downtown will end up babysitting the students. She offered to introduce Mr. Halimi to the potential wineshop tenant.

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

The Commission discussed the project – Commissioner Francis stated that she would rather see the site be a retail use, noting her concern with the site's proximity to so many drinking establishments. Commissioner Monfort noted that he would prefer retail, but that he would rather have this use than a big empty hole downtown, and that this project will probably attract an upper-middle class college crowd. Commissioner Sanders noted the technology-dependent aspect of the project, stating that the building might very well open up again in a few years when technology changes again. Commissioner Stone stated her support for a non-drinking establishment located downtown geared toward older teens.

Commissioner Bradford stated that he would prefer to see retail on such a high traffic corner. Commissioner Alvistur stated that the building has been vacant for many months, and that he is in support of putting a tenant in the building, even though he personally would prefer retail; he suggested that the DCBA get a committee going to market these sorts of spaces downtown. Commissioner Wolfe stated her support for the concept, but that it should be put in a different location.

Commissioner Wolfe opined that the required findings cannot be made that the project will not be detrimental or injurious to property. Commissioner Monfort countered that having the building stand empty is more injurious to surrounding property; Commissioner Wolfe stated that she would support the project if it wasn't on such a highly visible corner.

At the request of Commissioner Sanders, Ms. Figge reviewed the zoning code for the Downtown Commercial district. She noted that Access Dental came in under the old regulations, and that a use permit is now required for ground floor offices.

Commissioner Francis noted that while Dr. Feder appears sincere, the use permit runs with the land. She stated that this could become a project with a substantially different character.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION UPHOLD THE DECISION OF THE ZONING ADMINISTRATOR AND DENY THE APPEAL, THEREBY APPROVING USE PERMIT 01-38, SUBJECT TO THE RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL CONTAINED WITHIN THE STAFF MEMORANDUM DATED SEPTEMBER 11, 2001, MODIFIED SO THAT CONDITION #5 WILL BE SIX MONTHS FROM THE DATE OF OCCUPANCY. COMMISSIONER MONFORT OFFERED AN AMENDMENT TO CONDITION 3, SPECIFYING A CLOSING TIME OF 8:30 P.M. FOR THOSE 17 AND UNDER, AND MIDNIGHT FOR EVERYONE; COMMISSIONER ALVISTUR ACCEPTED THE AMENDMENT. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH WAS DEFEATED 3-4 (COMMISSIONERS BRADFORD, FRANCIS, SANDERS AND WOLFE OPPOSED).

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION RESCIND THE ZONING ADMINISTRATOR DECISION, GRANTING THE APPEAL, THEREBY DENYING USE PERMIT 01-38, BASED ON THE INABILITY TO MAKE THE FINDINGS ON PAGE 3 OF THE STAFF REPORT. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 4-3 (COMMISSIONERS ALVISTUR, MONFORT AND STONE OPPOSED).

Ms. Figge stated that there is a 15 day period during which the Commission's decision can be appealed to the City Council.

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The Commission was in recess from 8:35 to 8:45 p.m.

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5. **Rezone 01-02 (Lands End Real Estate Inc.) 852 Manzanita Court** - A request to rezone a vacant one acre parcel located at 852 Manzanita Court from OR Office Residential to OC Office Commercial. A use permit to allow a 100-foot transmission tower as part of subsequent parcel development is anticipated to be heard by the Commission on October 18, 2001. The site is identified as Assessor's Parcel No. 006-240-045 and is designated Office on the City of Chico General Plan Diagram. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends that the Commission forward a recommendation of approval to City Council for the rezone.***

Commissioner Francis stated that she would disqualify herself from this project, due to her employer's financial relationship with the applicant.

Ms. Figge presented the staff report, reviewing the land use issues involved and the details of the project. She noted that the rezone is being requested to facilitate a development proposal that would include a broadcasting station and transmission tower.

In response to Commission Alvistur, Ms. Figge verified that notice was distributed in a 300 foot radius of the property, and that the plat showing the noticing area was inadvertently omitted from the staff report.

Commissioner Sanders confirmed with staff that approval for the tower isn't part of the rezone request.

In response to Commissioner Monfort, Ms. Figge stated that the site is more suited for OC zoning than OR due to the proximity of Highway 99; she noted that the site was zoned OR because it had originally been a residence.

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The public hearing was opened at 8:55 p.m. Seeing no comment, the public hearing was closed.

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COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-31, RECOMMEND THAT THE CITY COUNCIL ADOPT THE PROPOSED NEGATIVE DECLARATION AND APPROVE REZONE 01-02 (LAND'S END REAL ESTATE). COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS DISQUALIFIED).

6. **Use Permit 01-24 (RHL Design/Safeway) 690 Mangrove Avenue** - A request to allow a gas station which operates 24 hours a day, including seven multi-product dispensers (14 fueling positions), a 400+/- square foot sales kiosk and a 7,224+/- square foot canopy area on a front pad site at 690 Mangrove Avenue, within the Park Plaza Shopping Center. The site is identified as Assessor's Parcel No. 003-280-040, is designated Community

Commercial on the City of Chico General Plan Diagram, and is located in a CC Community Commercial zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the proposed mitigated negative declaration and approval of the use permit.***

Ms. Sigona presented the staff report, reviewing the land use issues involved. She noted that this request is part of a larger project involving the relocation of Safeway to the site formerly occupied by Rite Aid, adding that the gas station design is consistent with the facade remodel for the center recently approved by the ARB. She stated that a deceleration lane, new street trees and additional parking lot shading will be provided with the project. She reviewed the differences between this project and the recently denied project at Vallombrosa and Mangrove, including the following: placement in an established shopping center with existing access points instead of a busy corner with constrained turning areas and access; the provision of a right-in deceleration lane; the project's lack of proximity to Bidwell Park; the fact that this project consists almost exclusively of gasoline sales; the fact that this project is not on Vallombrosa, a designated scenic roadway; and the preparation of a traffic study for this project, showing that affected intersections would continue to operate at acceptable LOS.

Ms. Sigona stated that while staff is recommending approval, staff does have some concerns with the proposed lighting plan and is recommending that the number and/or intensity of fixtures be reduced. She added that one letter had been received in opposition to the project, stating that the combined supermarket/gas station would become a hypermarket and listing the problems that hypermarkets cause.

Commissioner Monfort stated that if the allegations in the letter are true, there will be traffic problems on Mangrove Avenue.

Ms. Sigona reviewed the traffic study. She noted that ITE had no separate traffic count generation figures for a hypermarket as opposed to a standard gas station.

Commissioner Francis requested a copy of the traffic study, and inquired how many gallons of gasoline are anticipated to be sold per month.

Ms. Sigona reviewed that the traffic study shows an additional 180 peak hour a.m. trips, and an additional 226 peak hour p.m. trips. She added that these numbers don't change the level of service (LOS) for the surrounding streets and intersections.

The Commission discussed traffic flow around the project site, the impact this project would have on traffic, the removal of the dedicated right-hand turn lane originally proposed, and relevant portions of the municipal code concerning entrances to gas stations.

Ms. Figge noted that Public Works didn't want an additional access for this property to Mangrove, and it was thus removed.

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

Robert Picard, 1137 N. McDowel Blvd., Petaluma, with RHL Design Group, design firm for Safeway, discussed the details of the project design and architecture, noting that it is all consistent with the previously approved Safeway facade remodel. He noted that the design contains seven dispensers, only one more than two other stations within a mile of the site. He reviewed that 32 320-watt flush-mounted directional lights are proposed, which Safeway feels are necessary for safety reasons, and asked the Commission for latitude to look for a compromise between their proposal and staff's lighting recommendation. He described other details, including parking, street trees, and the tanker delivery path.

The Commission discussed lighting. Mr. Picard noted that Safeway could possibly drop to 250 watt fixtures, but that 175 watt fixtures would make it too gray under the canopy. Ms. Sigona reviewed that staff had reviewed information from the Illuminating Engineering Society of America concerning gas station canopy lighting, which asserts that 175 watt fixtures provide adequate customer safety without creating additional glare.

In response to Commissioner Monfort, Ms. Sigona stated that the gas station at Skyway and Bruce Road has 24 320-watt fixtures, but that they are not fully shielded like the ones Safeway is proposing; she noted that Safeway's proposed canopy is also slightly larger than the one at Skyway and Bruce Road.

Commissioner Francis confirmed with staff that the parcel map and the use permit application were applied for at different times and are separate projects.

In response to Commissioner Alvistur, Mr. Picard indicated that the existing six-dispenser stations are the 76 station at 8<sup>th</sup> and Bartlett and the Citgo at 32 and Forest.

Kevin Russell, 1731 Banning Park Drive, Safeway store manager, spoke in support of the project. He asserted that the majority of the customers will be those that are already coming to the Safeway store. He stressed the convenience for elderly shoppers, and stated that it will be a positive addition to the area.

Ms. Sigona reviewed the extent of the noticing. She added that four calls were received from area residents; none of the callers were opposed to the project after confirming that it is not on Vallombrosa.

Candy Custer, 702 Mangrove Avenue #125, an employee of Safeway, agreed with the previous speaker. She added that there are both elderly customers and elderly employees who would benefit from the added convenience of a gas station onsite.

Todd Paradise, 5918 Pleasanton Blvd., Pleasanton, representing Safeway, offered to answer any questions, and stated that he'd be happy to bring back their traffic engineer at a later date. He reviewed other Safeway fueling sites in Northern California, stating that the focus is to serve existing customers and make life easier by combining vehicle trips. He noted that the City doesn't take into account pass-by trips, which he asserted are the

majority of their vehicle trips. He stated that the prices will be competitive, but won't be severely discounted like Costco has done at times, creating long lines and traffic problems. He stressed the infill nature of the project, and displayed a map showing the need for a fueling center in this location. He noted that monthly gallonage is a difficult item to discuss, but he suggested that it will be in the range of 180,000 to 220,000 gallons per month. He asserted that the figure of 1,000 additional trips per day suggested in one of the letters to the Commission is grossly exaggerated.

In response to Commissioner Monfort, Mr. Paradise stated that the size of the station was determined by an outside marketing firm using a proprietary model, and that the main intention with seven dispensers is to prevent anyone from waiting in line to purchase fuel.

In response to Commissioner Bradford, Mr. Paradise stated that the Club Card discount at existing fueling centers is 3 cents off of the current street price.

In response to Commissioner Francis, Mr. Paradise stated that Safeway is trying to remain competitive in an increasingly competitive market. He emphasized that many customers purchasing fuel will already be going to the Safeway to purchase groceries.

Commissioner Francis confirmed with staff that the fueling center will pay traffic impact fees.

In response to Commissioner Francis, Mr. Paradise indicated that some of the additional traffic will be drawn by the newly remodeled and expanded Safeway store, and that they're hoping to sell between 5,000 and 7,000 gallons per day.

Gary Lewis, 2538 Esplanade, spoke in opposition to the project. He argued that Safeway's pricing strategy is more aggressive than is being represented, and suggested that the real sales figures will be 350,000 to 500,000 gallons per month. He suggested that it is not fair to approve the Safeway proposal without also approving his proposal at the corner of Mangrove and Vallombrosa, and accused City staff of playing favorites. He stated that the City should be more concerned with the total traffic generated by this use, and requested that this project be continued to a meeting when both projects can be heard simultaneously.

Steve Vanella, 2106 Fern Avenue, spoke in opposition to the project. He stated that in other communities with a "hypermarket" (joined grocery store and fueling station), traffic is significantly increased and the store becomes a destination location. He agreed with the previous speaker, adding that if this station pumps 500,000 gallons a month, it will be twice as large as any other station in Butte County.

In response to Commissioner Monfort, Mr. Vanella clarified that he's not suggesting that the Commission regulate a company's business practices, but that he just wants the Commission to be aware of the amount of traffic this project may generate.

George Parachou, 1295 E. 8<sup>th</sup> Street, spoke in opposition to the project. He reviewed an article from the Wall Street Journal concerning “hypermarkets”, and suggested that the true traffic generation potential for this project is 2,380 vehicles per day. He urged the Commission to limit the number of pumps in the project.

Orval Hughes, 25 Hughes Lane, spoke in opposition to the project. He stated that the project is too close to the park, and that it could change traffic on Mangrove from LOS D to LOS F.

Greg Wheeler, 200 Wild Rose Circle, spoke in opposition to the project. He reviewed a fax he sent to the Commission, noting the substantial increase in grocery sales if a fueling station is present also. He suggested that the number of pumps and the presence of a pass-through aisle allows a tremendous volume of fuel to be sold. He stated that every other gas station in Chico will be negatively impacted by this project. He noted that Wal-Mart is trying to change existing law so that they can sell fuel below cost, solely to bring more shoppers into their stores.

Heidi Ferrar, 1089 Filbert Avenue, discussed concerns she has with the project, including the number of different access points, the impact of traffic on the elderly living on Buttonwillow, the increase in traffic on Mangrove Avenue, and the appropriateness of a gas station in that location.

Commissioner Francis confirmed with staff that all residents on Buttonwillow received a public notice.

There being no further comment, the public hearing was closed at 10:19 p.m.

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The Commission was in recess from 10:19 to 10:25 p.m.

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Commissioner Francis expressed disapproval for how this project is being handled, stating that she didn't recall any mention of a gas station when the Commission recently approved the parcel map for this property. She noted that even using conservative figures, it will take 600 trips per day for this station to work, and recalled that at least one Commissioner thought that Mr. Lewis' project, which is of a similar size, belonged on an Interstate. She stated that she doesn't think this is an appropriate location for a gas station.

Commissioner Wolfe voiced agreement with much Commissioner Francis' position, and stated that she doesn't feel like she has enough information concerning traffic. She suggested continuing the item to a meeting where both the City's and the applicant's traffic engineers could be present.

Commissioner Stone discussed her concerns with canopy lighting and the difficulty of getting in and out of the site from Mangrove.

Commissioner Monfort stated that he's not opposed to a gas station being located here, as long as it is sized appropriately to serve just the local clientele; he also questioned what effect the presence of a traffic engineer would have on the Commission's decision. He suggested that staff research the traffic impact of these joint "hypermarkets" in other jurisdictions.

Commissioner Alvistur cautioned the Commission to not be discriminatory with projects or applicants. He urged the Commission to not be overly sensitive to additional traffic, and that they should try to objectively determine how much worse the traffic will get with this proposal.

Commissioner Sanders stated that he would also like the full traffic study with the overall counts.

Commissioner Bradford suggested that Safeway consider reducing the size of the project, and asked if the City wanted the largest gas station in town in the middle of a block.

The Commission agreed to continue this item to a future meeting, to be renoticed, with both the applicant's and the City's traffic engineer present, with staff to contact other jurisdictions having "hypermarkets" already in place to determine any problems, traffic generated, and the level of discounting.

COMMISSIONER ALVISTUR MOVED THAT THE COMMISSION CONTINUE THIS ITEM TO A FUTURE MEETING. COMMISSIONER STONE SECONDED THE MOTION, WHICH PASSED 5-2 (COMMISSIONERS FRANCIS AND MONFORT OPPOSED).

### **GENERAL BUSINESS**

None.

### **PLANNING UPDATE**

None.

### **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 10:45 p.m. to the Adjourned Regular Meeting of October 18, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

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December 6, 2001

Date Approved

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Kim Seidler  
Planning Director

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
OCTOBER 18, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders and Nancy Wolfe. Commissioners Vic Alvistur and Sharon Stone were absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Claudia Sigona, Associate Planner Ed Palmeri, Assistant Director of Public Works Fritz McKinley, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioner Monfort reported that he had spoken to a family who lived in the vicinity of the proposed Richmond Park project.

**CONSENT AGENDA**

1. **Use Permit 01-35 and Architectural Review (Land's End Real Estate Inc.) 852 Manzanita Court** - A request to allow the operation of a radio broadcasting facility within a proposed office complex at 852 Manzanita Court, including a 100 foot high transmission tower and associated microwave and ground mounted equipment. Architectural review approval is requested in conjunction with the use permit. The site is identified as Assessor's Parcel No. 006-240-045, is designated Office on the City of Chico General Plan Diagram, and is in the process of being rezoned from OR Office Residential to OC Office Commercial to facilitate this use permit request. This project was included within the description for an initial study prepared for Rezone 01-02, recommending that a negative declaration be adopted for the proposed rezone and use permit. A 20 day public review was conducted from August 31, 2001 to September 19, 2001 for the proposed negative declaration. *Staff recommends approval of the use permit and the architectural design.*
  
2. **Tentative Parcel Map 01-06 (Land's End Real Estate) 2101 Forest Avenue** - A request to subdivide 1.5 acres to create 4 lots on property located at 2101 Forest Avenue, on the east side of Forest Avenue, 200 feet north of Talbert Drive. The parcels range in size from 10,500 to 24,810 square feet. Parcels 1 and 2 are currently being developed with offices, while parcels 3 and 4 are currently vacant. The site is identified as Assessor's Parcel No. 002-170-012, is designated Office on the City of Chico General Plan Diagram, and is located in an OC Office Commercial zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15315 (Minor Land Divisions). *Staff recommends approval of the tentative parcel map.*

Chair Wolfe explained that both items on the consent agenda would need to be continued due to the lack

of a quorum.

COMMISSIONER MONFORT MOVED THAT BOTH ITEMS ON THE CONSENT AGENDA BE CONTINUED TO THE MEETING OF NOVEMBER 1. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS ALVISTUR AND STONE ABSENT).

### **ITEMS REMOVED FROM CONSENT AGENDA**

None.

### **REGULAR AGENDA**

3. **Rezone 01-1 (Reed) and Thoman Vesting Tentative Subdivision Map S 01-3 - 3008 and 3012 Cohasset Road** - A request to subdivide a 4.28 acre parcel to create 10 single family residential lots and one parcel for office use, and a request to rezone approximately 0.18 acres from OR Office Residential to RI Low Density Residential, on property located at 3008 and 3012 Cohasset Road. A 0.459 acre parcel adjacent to the proposed subdivision site (shown as Not A Part on the subdivision map) on south side of the proposed Thoman Court is included in the rezone. The project site is a total of 4.7 ± acres of land located on the east side of Cohasset Road, south of Kovak Court and approximately 620 feet north of Lupin Avenue. The residential lot sizes range from 0.14 acres to 1.37 acres with an average lot size of 0.20 acres or 8,930 square feet. The sites are identified as Assessor's Parcel Nos. 048-400-008 and 048-400-009, are designated Office and Low Density Residential on the City of Chico General Plan Diagram, and are split zoned with an OR Office Residential zoning district on the westerly portion fronting Cohasset Road to a depth of 134± feet and the remainder of the sites in an R1 Low Density Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends approval of the vesting tentative subdivision map and that a recommendation of approval be forwarded to Council for the rezone.*

Chair Wolfe explained that this item would also need to be continued due to the lack of a quorum.

COMMISSIONER BRADFORD MOVED THAT THIS ITEM BE CONTINUED TO THE MEETING OF NOVEMBER 1. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS ALVISTUR AND STONE ABSENT).

4. **Use Permit 01-50 (Chico Community Shelter Partnership) 430 W. 7<sup>th</sup> Street**- A request to allow a business office including social services and case management, and afternoon bus pick-up of clients for transport to emergency shelters for a six month period over the 2001-2002 fall/winter season on property located at 430 W. 7<sup>th</sup> Street. The site is identified as Assessor's Parcel No. 004-218-008, 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 request involves a modification of a nonconforming use within an existing structure (a former wholesale distribution and supply business) on a site with no off-street parking. Staff is recommending that the request be restricted to a temporary use ending September 1, 2002. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15301 (Existing Facilities). *Staff recommends approval of the use permit.*

Ms. Sigona presented the staff report, reviewing the land use issues involved, the details of the project, and correspondence received. She reviewed the scope of activities and services at the location, noting that this use is only temporary until the permanent facility is constructed on Silver Dollar Way. She reviewed the organization's rules and regulations, and noted that they will be incorporated as a condition of approval. She stated that staff is recommending approval.

In response to Commissioner Wolfe, Ms. Sigona explained that condition #3 is meant to allow the applicant's current meeting which occurs once per month, plus other meetings as necessary - therefore, staff is recommending the once-per-week limitation.

In response to Commissioner Bradford, Ms. Sigona explained the partition of space within the building, noting that the large metal door might be used at the pickup time but would otherwise not be used. She also stated that staff had no objection to revising the condition allowing four people at a time to congregate outside the facility.

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

Andy Holcombe, 1339 Esplanade, board member of the CCSP, spoke in support of the project. He expressed his anger with a flyer distributed in the neighborhood opposing the project.

Tami Ritter, 1747 Broadway, Executive Director of the CCSP, offered to answer any questions. She explained the bus pickup and dropoff procedure, noting that there wasn't enough room at the previous site on Broadway to allow a bus to be used. She also explained staffing levels and the roles the staffers perform.

Margaret Tipton, 1980 Yorktown, Paradise, asked why clients didn't simply congregate at the Jesus Center.

Tami Ritter, a previous speaker, explained the differences between the two programs, noting that the breakdown is mainly sheltering and providing social services vs. feeding.

Steve Johnson, 1687 Cooks Way, stated that he manages rental property in the area and is concerned about the length of the use permit, and agreed with a previous speaker that clients should be picked up and dropped off at the Jesus Center.

Commissioner Francis confirmed with staff that the use permit is for only six months of bus pickup, and one year of office use.

Bob Tipton, no address given, stated that he also has apartments in the area and agreed with the previous speaker. He confirmed that only four people will be allowed to congregate outside at any given time. He suggested that feeding and sheltering should be combined in one operation.

Commissioner Wolfe explained that such an operation is what CCSP is trying to do with the permanent facility under construction.

Ray Murdoc, 520 W. 7<sup>th</sup> Street, spoke in opposition to the project, citing potential conflicts between the homeless and college students.

Paul Tullius, 2693 Henshaw Avenue, property owner, spoke in support of the project. He pointed out that this project is very limited in duration, and suggested that student rentals cause more problems than the homeless.

Michael Chase, P.O. Box 4490, spoke in opposition to the project, citing potential conflicts between the homeless and college students and loss of property values.

Drew Whitehead, no address given, spoke in opposition to the project, agreeing with previous speakers.

Estee Aragon, no address given, spoke in opposition to the project. She stated that she lives alone across the street from the project, and suggested that her personal safety had been compromised by the project.

Mike Schmack, no address given, spoke in opposition to the project, citing concerns with what the homeless might do to the abandoned house on the corner.

Jeremy Kenkel, no address given, spoke in opposition to the project, citing problems with homeless panhandling in the neighborhood.

Korey Williams, 417 W. 7<sup>th</sup> Street, spoke in opposition to the project, citing concerns with the long timeframe to gain compliance and/or revoke the permit if the rules are not being complied with. Commissioner Francis suggested that a reporting condition could be added, similar to what was required of the Jesus Center; Mr. Williams indicated that he was in favor of such a requirement.

Forrest Bowen, no address given, spoke in opposition to the project, citing potential conflicts between students and the homeless.

Charlie Preusser, no address given, spoke in support of the project. He stated that he managed a business across from the CCSP's previous location, and that no problems occurred. He urged people to look beyond the inaccurate stereotypes.

Joey Brisson, no address given, spoke in support of the project, stating that he is saddened by the number of students that are closed-minded on the subject.

Daniel Dobbin, no address given, spoke in opposition to the project. He asked why the south campus neighborhood is proposed again and again as a site for homeless services.

Tami Ritter, a previous speaker, explained that this is the first time her organization has had an office on 7<sup>th</sup> Street, and that previously they were downtown. She stated that this building came open for an affordable price, and was close to bus lines within walking distance of downtown.

Lance Wright, 716 Hazel Street, spoke in opposition to the project, citing concerns with safety, conflicts between students and the homeless, and loss of property values.

John Burgess, 2612 Esplanade, spoke in support of the project. He stated that he works at 6<sup>th</sup> and Normal, and that he and 11 co-workers welcome the CCSP to the neighborhood.

Sonia Olsen, 1459 E. Lassen Ave. #101, asked who the homeless really are.

Tami Ritter, a previous speaker, gave a detailed breakdown of who the homeless are and elaborated on the details of the program. She stated that safety concerns due to homeless are an inaccurate stereotype, and that anyone who violates their rules would be prohibited from using their services.

Marilyn Ey, P.O. Box 9211, inquired to what degree the CCSP is responsible for the actions of their clients.

Tami Ritter, a previous speaker, explained the CCSP's policies, noting that the CCSP would be the first to call the police if there were a serious problem.

Lance Wright, a previous speaker, raised additional concerns with the CCSP's responsibility for clients who cause damages or harass neighborhood residents.

Commissioner Monfort related his experience of living next to The Well, stating that he'd rather have a program with enforced rules as a neighbor instead of unruly college students.

Steve McFarlane, 12 Jasper Drive, pastor of the church adjacent to the property, spoke in support of the project. He recited a list of vandalism and other problems which have occurred on the church property, all of which have been caused by college students. He stated that he couldn't think of any better way to expose college students to the end result of alcohol abuse, and added that he welcomes the program to the neighborhood. He stated that he is in favor of a reporting requirement.

Michael Chase, a previous speaker, asserted that he could go to the south campus area and bring back a thousand signatures opposed to the project. Commissioner Monfort pointed out that those using the

services are the ones who are trying to improve their situation.

Don Cangilose, 1459 E. Lassen Ave. #101, stated that everything which needs to be said has been said, and likened himself to a reporter saying "Thank you, Mr. President." He urged the Commission to begin their deliberation and take action.

Marilyn Ey, a previous speaker, spoke in opposition to the project, noting that the CCSP occupied the building without first obtaining a use permit, and opined that the real time period of the use would end up being longer than is currently proposed.

Commissioner Wolfe pointed out that all the issues have been identified in the staff report, and that all reasonable mitigation measures are conditions of the use permit, and that an additional reporting requirement will most likely be added.

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

Commissioner Sanders stated that he would support the use permit, due to the proven track record of the organization and the temporary nature of the use.

Commissioner Wolfe stated that she would also support the use permit, particularly because of the organization's track record. She suggested that a ninth condition be added to require some sort of timely reporting on complaints and police calls.

Mr. Seidler suggested the following language for condition 9 : "The permittee shall provide monthly monitoring reports to the Planning Division throughout the life of the use permit. These reports shall document any disturbances to area residents and nearby uses that are attributed to clients of this program and are known to the operators of the program."

Commissioner Monfort suggested that condition 5 be modified to allow 4 people outside at a time. Commissioner Bradford noted that the Commission never hears any complaints about these uses once they're in operation, and emphasized that people don't go here unless they're trying to improve their lives.

Commissioner Francis stated that she is disturbed by the lack of compassion shown tonight. She stated that she has toured the rotating shelter operation, and has heard nothing but glowing reports.

COMMISSIONER FRANCIS MOVED THAT THE COMMISSION DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA SECTION 15301 (EXISTING FACILITIES) AND APPROVE USE PERMIT 01-50 (CCSP) TO OPERATE A TEMPORARY BUSINESS OFFICE, INCLUDING SOCIAL SERVICES, CASE MANAGEMENT AND AFTERNOON BUS PICKUP OF CLIENTS FOR TRANSPORT TO EMERGENCY SHELTERS DURING THE 2001-2002 FALL/WINTER SEASON, SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN SECTION VI OF THE STAFF MEMO DATED OCTOBER 8, 2001,

WITH THE ADDITION OF CONDITION 9 AS PROPOSED BY STAFF, AND AMENDING CONDITION 5 TO BE CONSISTENT WITH THE APPLICANT'S RULES ALLOWING FOUR PEOPLE OUTSIDE AT A TIME. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS ALVISTUR AND STONE ABSENT).

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The Commission was in recess from 8:25 to 8:35 p.m.

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5. A. **Richmond Park Vesting Tentative Subdivision Map S-O1-09 (Agasy, Inc.) between W. 8<sup>th</sup> and W. 11<sup>th</sup> Avenues** - A proposed subdivision of 16.4 acres to create 110 lots for single family residential development on property located northwest of Greenwich Drive between W. 8<sup>th</sup> Avenue and W. 11<sup>th</sup> Avenue, on the east side of the Union Pacific Railroad right-of-way. The site is identified as Assessor's Parcel Nos. 043-040-019 and 043-070-001, 002, 043, 046, 047 and 061, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential rezoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA).
- B. **Use Permit 01-59 (Agasy, Inc.) between W. 8<sup>th</sup> and W. 11<sup>th</sup> Avenues** - A request to allow perimeter fencing in excess of six feet in height (7-8 foot high fencing/sound wall proposed) in association with the Richmond Park Subdivision which proposes to create 107 lots for single family residential development on 16.4 acres located northwest of Greenwich Drive between W. 8<sup>th</sup> Avenue and W. 11<sup>th</sup> Avenue, on the east side of the Union Pacific Railroad right-of-way. The site is identified as Assessor's Parcel Nos. 043-040-019 and 043-070-001, 002, 043, 046, 047 and 061, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential rezoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15303(e) (New Construction or Conversion of Small Structures).

***Staff recommends adoption of the mitigated negative declaration, approval of the vesting tentative subdivision map, and approval of the use permit.***

Ms. Sigona presented the staff report, reviewing the details of the project and the land use issues involved. She noted that the map is now 107 lots, and that the applicant is the first to invoke the City's small lot subdivision regulations.

In response to Commissioner Monfort, Mr. McKinley explained what public improvements will be

required, noting that the final design for 8<sup>th</sup> Avenue has not yet been determined, and that in-lieu fees will be required for certain sections instead.

There was additional discussion concerning the exact design of the project, including placement of soundwalls, the status of various easements, and the decision to not include pocket parks.

The public hearing was opened at 8:46 p.m.

Tony Symmes, Aspire Homes, P.O. Box 617, project applicant, stressed the importance of both implementing the General Plan and making reasonable compromises with the neighbors. He stated that the project is the result of both, and that it will improve area property values in the long term.

David Reise, 1031 Carlos Place, stated that his property borders the east boundary of the project (number 009). He praised Ms. Sigona for her helpfulness and stated that Mr. Symmes had been responsive to some of their concerns. He reviewed his further recommendations listed in a letter included in the Commission's packet, including: allowing only three homes to abut the rear of his property; reducing the density to 6 units per acre; requesting further explanation of the environmental review process; requesting clarification on air quality issues caused by more fireplaces; and enforcing conditions required of the project.

Ms. Sigona clarified that the R1 district allows 7 units per acre with either a PD permit or using the small lot subdivision standards.

Roberts Braden, 1041 Dias Drive, stated that his property (number 004) has two common boundaries with the project. He noted that Mr. Symmes has agreed to sell him the portion of the adjoining lot with the trees, and wanted to know if they would be saved if for some reason the sales negotiations should fail. He requested that a wall and planter be installed adjacent to Greenwich Avenue, with a gate to allow his property to access Greenwich, that thought be given to allow his property the possibility of connecting to sewer in this subdivision, and the possibility of attaching his and other property to the annexation pending for this property.

Mr. McKinley stated that the City could work with the developer to provide a stubout, but that a sewer application would be needed to determine the fees. Ms. Sigona added that if the "tree" property negotiations fail, that property would revert to being a portion of lot 5.

Louis Buccholtz, 1029 Carlos Place, stated that he would also like the potential to connect to sewer through this subdivision. He expressed concerns due to increased traffic on 8<sup>th</sup> Avenue and the impact to Emma Wilson Elementary School, and inquired how quickly the project would be built.

Commissioner Francis pointed out that Mr. Symmes builds affordable homes which sell quickly. Commissioner Bradford added that the eastern portion adjacent to Mr. Buccholtz's property will be the first part built.

The Commission discussed the pending 8<sup>th</sup> Avenue improvements, and the relationship between that project and this subdivision. Mr: McKinley noted that the 8<sup>th</sup> Avenue reconstruction should be completed in 2003.

Tony Symmes, a previous speaker, clarified that most of his homes do not have wood-burning fireplaces, that sidewalk design will be as determined by public works, that the houses on the east will be built first, and that he will try and provide sewer stubouts and easements to the adjacent properties to the east.

Jim Laughlin, 1183 W. 11<sup>th</sup> Avenue, stated that he has no intention of selling or subdividing his property. He stated that he doesn't want a tall fence behind his property, and confirmed that the properties on the edge of the property are all single story.

There being no further comment, the public hearing was closed at 9:16 p.m.

The Commission discussed the soundwall, and whether the portion along the northern boundary might exacerbate train noise problems for adjacent residents. The Commission also discussed the configuration of the storm water detention area and the potential to include pocket parks in the proeject.

The public hearing was reopened at 9:22 p.m.

In response to Commissioner Monfort, Mr. Symmes, a previous speaker, stated that he would happily install pocket parks and deed the property to the City, but that Public Works and the Police Department are not in favor of them due to the problems they cause.

There being no further comment, the public hearing was re-closed at 9:27 p.m.

There was additional discussion regarding the soundwalls; the general consensus was to encourage the developer to extend the wall adjacent to the railroad tracks further north (and if this is done to not extend the soundwall along the northern property line), possibly trying to split the cost with those affected landowners, and that the soundwall adjacent to Greenwich should transition to a fence just south of the Bidwell Coachmen's house.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-33, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE RICHMOND PARK VESTING TENTATIVE SUBDIVISION MAP (S-01-9) SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED SO THAT THE SOUND WALL EXTENDS TO BEHIND LOT #91, AND ALSO EXTEND ON THE EAST SIDE NORTH TO A DISTANCE HALFWAY THROUGH THE LOT THAT ENDS IN 031. COMMISSIONER FRANCIS OFFERED AN AMENDMENT THAT THE WALL ON THE EAST END AT THE CORNER OF LOT 031; COMMISSIONER BRADFORD ACCEPTED THE AMENDMENT. COMMISSIONER FRANCIS SECONDED THE MOTION.

In response to Commissioner Monfort, Ms. Sigona stated that sewer easements could be worked out

privately and that a note could be added to the map concerning preservation of the trees adjacent to Mr. Braden's property.

THE MOTION, AS AMENDED, PASSED 5-0-2 (COMMISSIONERS ALVISTUR AND STONE ABSENT).

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION APPROVE USE PERMIT 01-59, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED IN THE STAFF REPORT DATED OCTOBER 4, 2001. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS ALVISTUR AND STONE ABSENT).

#### **DISCUSSION OF FUTURE MEETING SCHEDULE**

Mr. Seidler noted that staff is proposing a single meeting in December, on the 13<sup>th</sup>. After determining that some Commissioners could not attend on that date, it was decided to have only one meeting in December, but on the 6<sup>th</sup>.

#### **GENERAL BUSINESS**

None.

#### **PLANNING UPDATE**

Mr. Seidler reviewed recent Council actions, including approval of the cleanup zoning, approval of the Bellin GPA/RZ, and calling up the record for the Feder use permit. He added that the growth study is being heard on both October 30<sup>th</sup> and November 27<sup>th</sup>, and is being agendized to allow potential Council action.

#### **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 9:50 p.m. to the Regular Meeting of November 1, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

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February 7, 2002

Date Approved

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Kim Seidler  
Planning Director

**PLANNING COMMISSION  
REGULAR MEETING  
NOVEMBER 1, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, Sharon Stone and Nancy Wolfe. Staff present were Principal Planner Pam Figge, Assistant Director of Public Works Fritz McKinley, Associate Planner Jay Hanson, Associate Planner Ed Palmeri, Associate Planner Bob Summerville, Urban Forester Chris Boza, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)**

Commissioner Sanders reported that he met with Doug Hignell regarding Husa Ranch, and also spoke with Orville Lambert and Jim Stevens regarding Shastan at Forest Avenue. Commissioner Francis reported that she met discussed Shastan at Forest Avenue with Jim Stevens. Commissioner Monfort reported that he had spoken to both Doug Hignell and Mark Francis concerning Husa Ranch. Commissioner Stone reported that she had spoken to some area residents about Husa Ranch. Commissioner Bradford reported that he had also spoken to Mr. Hignell regarding Husa Ranch. Commissioner Wolfe stated that she had spoken with Doug Hignell twice, as well as Mark Francis, Grace Woodward and Dave Jones concerning Husa Ranch; she stated that she had also spoken to Jim Stevens concerning Shastan at Forest Avenue.

**ADMINISTRATIVE AGENDA**

1. **Minutes of Adjourned Regular Meeting of August 16, 2001**
2. **Minutes of Regular Meeting of September 6, 2001**  
*Staff recommends approval with any corrections/revisions required.*

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

**CONSENT AGENDA**

Commissioner Francis announced that she would disqualify herself from the entire consent agenda.

Commissioners Sanders and Wolfe stated that they would disqualify themselves from item #5.

3. **Use Permit 01-35 and Architectural Review (Land's End Real Estate Inc.) 852 Manzanita Court** - A request to allow the operation of a radio broadcasting facility within a proposed office complex at 852 Manzanita Court, including a 100 foot high transmission tower and associated microwave and ground mounted equipment. Architectural review approval is requested in conjunction with the use permit. The site is identified as Assessor's Parcel No. 006-240-045, is designated Office on the City of Chico General Plan Diagram, and is in the process of being rezoned from OR Office Residential to OC Office Commercial to facilitate this use permit request. This project was included within the description for an initial study prepared for

Rezone 01-02, recommending that a negative declaration be adopted for the proposed rezone and use permit. A 20 day public review was conducted from August 31, 2001 to September 19, 2001 for the proposed negative declaration. *Staff recommends approval of the use permit and the architectural design.*

Commissioner Stone pulled this item from the consent agenda.

4. **Tentative Parcel Map 01-06 (Land's End Real Estate) 2101 Forest Avenue** - A request to subdivide 1.5 acres to create 4 lots on property located at 2101 Forest Avenue, on the east side of Forest Avenue, 200 feet north of Talbert Drive. The parcels range in size from 10,500 to 24,810 square feet. Parcels 1 and 2 are currently being developed with offices, while parcels 3 and 4 are currently vacant. The site is identified as Assessor's Parcel No. 002-170-012, is designated Office on the City of Chico General Plan Diagram, and is located in an OC Office Commercial zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15315 (Minor Land Divisions). *Staff recommends approval of the tentative parcel map.*
  
5. **Rezone 01-1 (Reed) and Thoman Vesting Tentative Subdivision Map S 01-3 - 3008 and 3012 Cohasset Road** - A request to subdivide a 4.28 acre parcel to create 10 single family residential lots and one parcel for office use, and a request to rezone approximately 0.18 acres from OR Office Residential to R1 Low Density Residential, on property located at 3008 and 3012 Cohasset Road. A 0.459 acre parcel adjacent to the proposed subdivision site (shown as Not A Part on the subdivision map) on south side of the proposed Thoman Court is included in the rezone. The project site is a total of 4.7 ± acres of land located on the east side of Cohasset Road, south of Kovak Court and approximately 620 feet north of Lupin Avenue. The residential lot sizes range from 0.14 acres to 1.37 acres with an average lot size of 0.20 acres or 8,930 square feet. The sites are identified as Assessor's Parcel Nos. 048-400-008 and 048-400-009, are designated Office and Low Density Residential on the City of Chico General Plan Diagram, and are split zoned with an OR Office Residential zoning district on the westerly portion fronting Cohasset Road to a depth of 134 ± feet and the remainder of the sites in an R1 Low Density Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends approval of the vesting tentative subdivision map and that a recommendation of approval be forwarded to Council for the rezone.*

Mr. Palmeri pulled this item from the consent agenda.

COMMISSIONER MONFORT MOVED THAT THE COMMISSION APPROVE ITEM #4 ON THE CONSENT AGENDA. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH CARRIED 6-0-1 (COMMISSIONER FRANCIS DISQUALIFIED).

### **ITEMS REMOVED FROM CONSENT AGENDA**

#### **3. Use Permit 01-35 and Architectural Review (Land's End Real Estate Inc.) 852 Manzanita Court**

Mr. Hanson presented the staff report, reviewing the land use issues involved, the recent rezone of the property, the details of the project, standards for broadcasting towers, the power output of the tower, and the architectural design of proposed structures. He noted that the Commission is being asked to conduct architectural review for the project. He added that the project is located in ALUC zone D, that a light is not required for the tower, and that the airport manager has stated that the tower won't encroach into navigable airspace.

Ms. Figge reviewed additional correspondence received concerning the project.

Commissioner Alvistur confirmed with staff that the broadcast power level is 0.22 percent of the allowed federal standard.

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

Kathryn Arbogast, 825 E. Lindo Avenue, spoke in opposition to the project, citing hazards from EMF emissions, the visual impact of the tower, and loss of property values.

Phyllis Merck, 1739 Sunset Avenue, spoke in opposition to the project, citing difficulties in monitoring power output of the facility.

Ms. Barker reviewed the WTF ordinance's provisions for monitoring, which only apply when an engineer's report indicate that the emissions from the tower will reach 80% or more of the allowed federal standard.

Joanne Rasmussen, 1745 Sunset Avenue, spoke in opposition to the project, citing concerns with negative visual impact on the surrounding neighborhood. She stated that the tower shouldn't be taller than the surrounding trees.

Maggie Van Dame, 852 Palo Alto Street, spoke in opposition to the project. She stated that a tower shouldn't be placed in the middle of a residential area.

Rick Coletti, Land's End Real Estate, 1163 East Avenue, applicant, offered to answer any questions. He emphasized that the current broadcast tower is only 300 yards away from this one, and that they need a new tower to be taller than the trees as trees are causing problems with their existing tower. He noted that the Holiday Inn will help screen the tower from some viewing angles, and presented some pictures showing the site from various viewing locations.

In response to Commissioner Monfort, Mr. Coletti stated that a full "stealth" treatment is not proposed for the tower, but he noted that it will be painted light blue to blend in with the sky. He also noted that there are no guy wires supporting the tower, thereby reducing the visual impact.

In response to Commissioner Bradford, Mr. Coletti stated that four dishes of a perforated circular design are proposed to be mounted on the tower.

Kathryn Arbogast, a previous speaker, expressed additional concern with visual impacts and EMF emissions.

Phyllis Merck, a previous speaker, expressed concern with what would be hit if the tower fell over.

Rick Coletti, a previous speaker, stated that he is not an engineer, but suggested that anything within 100 feet (the height of the tower) of the base could potentially be hit if the tower fell over. He noted that the area near the tower is mostly parking and landscaping, with structures located 80 to 100 feet away.

Bob Cross, 555 E. Lindo Avenue, stated that he is with Results Radio, who will occupy the facility and use the tower. He stated that the existing site and plan was the result of a long search, and feels that it is a good fit with existing development.

In response to Commissioner Bradford, Mr. Cross stated that the tower height is necessary to gain line-of-sight to Pasquenta, NimsheW and the Sutter Buttes, where their main transmitters are located.

There being no further comment, the public hearing was closed at 7:10 p.m.

At the request of Commissioner Wolfe, Ms. Barker reviewed the provisions of the WTF ordinance in regard to siting, co-location, and power output, adding that the City can only insure compliance with the power levels established at the federal level.

The Commission discussed the proposal, noting that it is in keeping with the WTF ordinance. Commissioner Stone expressed concerns about the proximity of the dishes to the upper story rooms of the Holiday Inn; Commissioner Sanders pointed out that the dishes are directional in nature, and are not pointed at the Holiday Inn.

COMMISSIONER ALVISTUR MOVED THAT THE COMMISSION ADOPT THE MITIGATED NEGATIVE DECLARATION AND RESOLUTION 01-32, APPROVING USE PERMIT 01-35 INCLUDING THE ARCHITECTURAL DESIGN (LAND'S END REAL ESTATE), SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 5-1-1 (COMMISSIONER STONE OPPOSED, COMMISSIONER FRANCIS DISQUALIFIED).

**5. Rezone 01-1 (Reed) and Thoman Vesting Tentative Subdivision Map S 01-3 - 3008 and 3012 Cohasset Road**

Mr. Palmeri presented the staff report, reviewing the land use issues involved.

The public hearing was opened at 7:10 p.m. Seeing no comment, the public hearing was closed.

COMMISSIONER STONE MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-30, ADOPTING THE MITIGATED NEGATIVE DECLARATION, CONDITIONALLY APPROVING THE THOMAN VESTING TENTATIVE SUBDIVISION MAP (S 01-03) SUBJECT TO THE EFFECTIVE DATE OF THE REZONE ORDINANCE AND RECOMMENDING CITY COUNCIL ADOPTION OF REZONE 01-01, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 4-0-3 (COMMISSIONERS FRANCIS, SANDERS AND WOLFE DISQUALIFIED).

### **REGULAR AGENDA**

6. **Shastan Homes at Forest Avenue Vesting Tentative Subdivision Map S 01-06 (Shastan Homes)** - A request to approve a vesting tentative subdivision map with 54 single family residential lots on property totaling 14.3 acres. The subject site is located on the east side of Forest Avenue, north of State Highway Route 32, 500 feet south of E. 8<sup>th</sup> Street and is identified as Assessor's Parcel No. 002-050-120. The residential lots proposed with this subdivision range in size from 6,560 to 12,290 square feet with an average of 8,810 square feet (net). The property is designated Low Density Residential (2.01 to 6 dwelling units per gross acre) on the City of Chico General Plan Diagram and is pre-zoned R1 Low Density Residential. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends approval of the subdivision.*

Mr. Hanson presented the staff report, reviewing the land use issues involved and the details of the project. He reviewed the trees on site and their proposed dispositions, noting that many of the oaks, including the large Heritage Oak, will be preserved. He noted that staff has received several letters and phone calls expressing concerns with traffic, storm drainage, wildlife corridors, agriculture preservation, and removal of existing trees; he addressed each of the concerns and appropriate mitigation measures and/or design elements of the project.

Ms. Figge reviewed minor changes in Exhibit 2 of the resolution, including language that relates to tree preservation.

Commissioner Monfort confirmed that the shared driveway should be a pervious surface, and that the trees adjacent to Forest Avenue won't be watered.

The public hearing was opened at 7:36 p.m.

Katherin Hunsley, 1967 Wild Oak Lane, encouraged the Commission to keep Forest Avenue as narrow as possible in order to save the trees adjacent to the road.

Jim Stevens, 20 Declaration Drive, project engineer, agreed with the staff report, and reviewed the design history which led to the final proposal. He described project accommodations for stormwater detention and traffic, noting that his client wants to preserve the trees along Forest Avenue and is

therefore proposing 12 foot drive lanes with 5 foot bike lanes with the road centerline shifted to the west; however, he stated that they would gladly install whatever street section the Commission decides upon.

In response to Commissioner Monfort, Mr. Boza reviewed the different construction standards used adjacent to oak tree roots to help ensure the survival of the trees; Mr. Stevens indicated they would gladly install use tree-sensitive construction methods.

Mr. Stevens discussed traffic circles, as requested in some letters from area residents, and said that they would install them, as long as it is a traffic circle and not a roundabout, which is much larger and requires more right-of-way; he also requested that stop signs be retained on the side streets. He added that they would be glad to extend the bike path to E. 8<sup>th</sup> Street on the east side of the road, but that installation of sidewalk would be problematic.

Mr. Stevens stated that they would gladly reduce the width of the private driveways and use a pervious surface, would distribute information to homebuyers about caring for oak trees, and requested that less-intense street lighting be installed at the Commission's discretion. He stated that the request for a 50 foot setback along the southerly boundary isn't feasible, but that he could put a note on the map stating that there is the potential for horses along the southerly boundary of the project.

Mr. Stevens discussed tree preservation, noting that they will retain 75 to 80 percent of the 208 existing trees. He asked the Commission for flexibility in the tree preservation condition, allowing additional tree removal after consultation with the Urban Forester and Public Works in case a tree is found to be diseased or dying. In response to Commissioner Alvistur, Mr. Stevens confirmed that he prefers the wording on page 6 of 10 in staff's analysis as opposed to the condition on page 7 of 10 of the subdivision report.

Mr. Stevens discussed storm drainage, stating that the perimeter grade will match the existing grade wherever possible, that facilities will be extended as needed, and that they will not block any existing surface drainage.

Anne Biker Kauffman, 1994 Wild Oak Lane, encouraged the Commission to require narrower traffic lanes on Forest, the installation of the bike lane, and to only require minimal lighting so as to not impact stargazing in the vicinity.

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The Commission was in recess from 8:05 to 8:15 p.m.

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John Schaller, 809 El Monte, urged the Commission to include language he presented to them concerning water and surface drainage in the conditions of approval. Mr. McKinley stated that the language could be added to the map.

Ray Barnett, 1963 Wild Oak Lane, commended the applicant for working with neighbors, and urged the Commission to require ten foot travel lanes on Forest Avenue.

Sheri Bloke, 894 Forest Avenue, urged the Commission to require ten foot travel lanes on Forest Avenue, the installation of traffic circles, and minimal, energy efficient lighting.

Dorothy Jackson, 1188 E. 8th Street, expressed support for providing storm drains in the project.

Guy Bernard, 1034 Forest Avenue, encouraged the Commission to limit traffic speeds and install more storm drainage on Forest Avenue.

Dale Rudesill, 1962 Wild Oak Lane, urged the Commission to require low, shielded lighting in the project and narrow traffic lanes on Forest Avenue.

Jay Goldberg, 1984 Wild Oak Lane, President of the Valley Oaks Village Homeowners Association, stated that he supports the project in its current form, and urged the Commission to require 10 foot travel lanes on Forest Avenue.

Commissioner Francis took a straw poll, confirming that the Commission is in favor of tree preservation and narrower travel lanes on Forest Avenue.

Orvin Lambert, 2993 Oakleaf Drive, Cameron Park, stated that he owns the property to the south of the project. He reviewed the letter he sent to the Commission, asking for a 50 foot setback for the main structure from the southerly property line and a notice that a title report would pick up concerning the potential of farm animals on his property. In response to Commissioner Monfort, Mr. Lambert asked that the farm animal notice be more than a notice on the deed, so that it will definitely be known by the final purchaser of the home.

Shandie Rudesill, 1962 Wild Oak Lane, urged the Commission consider more high density development in the future.

Jay Halbert, 378 Brookside, Shastan Homes, applicant, stated that the 50 foot setback won't work with his house plans and lots, and that he would appeal the project if such a setback was required; and that he would like to eliminate street lighting altogether in favor of individual house lights next to the streets.

In response to Commissioner Wolfe, Mr. Halbert indicated that he would be agreeable to a 25 foot setback on lots 6 through 10, and that the best solution for notification regarding potential agricultural uses is to add wording to the title report and deeds for those properties.

Don Roberts, 898 Forest Avenue, spoke in support of 10-foot travel lanes on Forest Avenues and the inclusion of traffic circles. He lamented that the project isn't proposed at a higher density, and urged the Commission to pay more attention to density when considering future projects.

Paul Friedlander, 23 Vermillion Circle, urged the Commission to require traffic circles, and suggested that a degree of flexibility be incorporated into the traffic calming measures.

Stacey Jolliffe, 1798 Vallombrosa Avenue, suggested that the Commission alter condition 18 to specify "prior to recordation of the final map, or prior to issuance of a grading permit" regarding tree preservation. She also urged the Commission to recommend that installation of a bicycle path and associated improvements on the west side of Forest Avenue be moved up in the capital improvement program.

John Merz, 1331 Broadway, questioned the wisdom of requiring a stub-out to connect to El Monte, when the chances of that happening are small. He lamented the loss of open space in this project and the lack of a small community park. He suggested that the Commission should make some provision for the thousands of seedlings already growing, which will eventually replace the larger oaks when they die. He also suggested that the tree preservation area next to the shared driveway will become a play area for kids, and requested that information on how to care for oaks be distributed with each home sold.

Jon Luvaas, 1980 Wild Oak Lane, spoke in favor of narrow lanes on Forest Avenue and the inclusion of traffic circles into the project. He lamented the boring quality of the project, and the fact that it isn't more dense. He also expressed support for a bike path on the west side of Forest Avenue, but acknowledged that it is probably not reasonable for this developer to install such a path at his own expense. He encouraged the Commission to narrow the shared driveway to 15 feet in width, and to either require 12 foot light poles or no interior lighting. He also requested that a six foot cedar fence be required adjacent to Forest Avenue, to prevent a hodge-podge of fencing types.

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

Ms. Figge noted that the applicant submitted a letter addressing the need to keep trees smaller than six inches in diameter, and the distribution of oak tree care information to home buyers.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION 01-35, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE SHASTAN AT FOREST AVENUE VESTING TENTATIVE SUBDIVISION MAP (S 01-06), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED TO REQUIRE TEN FOOT DRIVE LANES AND FIVE FOOT BIKE LANES ON FOREST AVENUE, EXTENSION OF THE BIKE LANES TO E. 8<sup>TH</sup> STREET ON BOTH THE EAST AND WEST SIDES OF FOREST AVENUE, A NOTE ON THE MAP REGARDING ADJACENT AGRICULTURAL USES, ALLOW REMOVAL OF PRIVATE TREES WITH ADMINISTRATIVE APPROVAL, AND WITH STREET LIGHTING TO BE WORKED OUT BETWEEN THE APPLICANT AND PUBLIC WORKS. COMMISSIONER MONFORT SECONDED THE MOTION.

Commissioner Francis noted that her motion did not include traffic circles, due to acceleration noises and the impact on the right-of-way width.

Mr. McKinley discussed the impact of traffic circles on right-of-way width, noting that Public Works would prefer 11-foot travel lanes as a compromise instead of 10. He added that traffic circles don't work well at T-intersections, explaining that the necessary deflection to slow down traffic would either force vehicles into the bike lane or require widening of the road adjacent to the intersection, thereby impacting the trees.

Commissioner Wolfe discussed the language concerning drainage raised by Mr. Schaller and the language regarding fencing raised by Mr. Luvaas; Commissioner Francis indicated that she was not concerned with those issues.

THE COMMISSION AGREED TO ALTER CONDITION #18 TO READ "EITHER PRIOR TO RECORDATION OF THE MAP OR ISSUANCE OF A GRADING PERMIT, WHICHEVER OCCURS EARLIER", TO MOVE CONDITION #22 UP IN THE LIST ORDER, TO ALLOW A VARIANCE TO STANDARD STREET LIGHTING, WITH DETAILS TO BE WORKED OUT BETWEEN THE APPLICANT AND PUBLIC WORKS, THAT THE SHARED PRIVATE DRIVE BE REDUCED TO 20 FEET IN WIDTH, THAT THERE BE A 25 FOOT REAR YARD SETBACK ON LOTS 6 THROUGH 9, AND THAT THE REQUIREMENT FOR THE BIKE PATH ON THE WEST SIDE OF FOREST AVENUE BE REMOVED. THE MOTION, AS AMENDED, PASSED 7-0.

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The Commission was in recess from 9:32 to 9:42 p.m.

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7. **Preliminary Review of Vesting Tentative Subdivision Map (S-01-07) and Planned Development Permit (PDP 01-04) for Husa Ranch (Hignell Development Group) south of Nob Hill, west of Bruce Road, north of Dead Horse Slough** - A request to subdivide a 36.35 acre site into 76 parcels, comprised of 72 single-family residential lots with an average lot size of 9,450 square feet, a 10.1 acre parcel for the development of 184 apartment units, a 2 acre single-family parcel for an existing home, a 1.7 acre parcel for floodway/park purposes and an adjoining 1.1 acre parcel for stormwater detention/ park purposes. A creekside greenway with a pedestrian/bicycle path is also proposed. In conjunction with the subdivision application, a planned development permit is requested to allow a gross project density of 7 units per acre. Final approval would be contingent on the Planning Commission's review and approval of the final development plan and adoption of a proposed Mitigated Negative Declaration at a subsequent Planning Commission meeting. The property is located on the west side of Bruce Road adjacent to the south of the Nob Hill Subdivision and north of Dead Horse Slough. The site is identified as Assessor's Parcel Nos. 002-160-062, 061 and 040, is designated Low Density Residential on the City of Chico General Plan Diagram (7 units per gross acre allowed with a planned development permit), and is located in an R1 Low Density Residential Rezoning District. An Initial Study for environmental review is being prepared for the proposed project and will be noticed and available for review in the Chico Planning Division once completed. **Staff**

**recommends that the Commission conceptually review the project, and provide any needed direction to staff and the applicant regarding the final development plan.**

Commissioners Francis, Alvistur and Stone stated that they would be disqualifying themselves from this project; Francis due to living less than 500 feet from the project, Alvistur due to business relationships with the applicant, and Stone due to a contractual relationship with the principals.

Mr. Summerville presented the staff report, reviewing the land use issues involved and the details of the project. He noted the number of studies performed for the project, and that most issues have been resolved to the satisfaction of staff. He noted that the western boundary of the project is proposed to have a stepped retaining wall, with a six foot wall instead of a fence on the rear property lines, and that houses along that edge will be limited to single-story construction. He reviewed the design of the multi-family portion of the project, including measures to minimize the appearance of the three-story units from surrounding areas. He discussed flooding and stormwater detention, and noted that the analysis indicated that there would be no adverse impacts to the El Monte site to the West; small increases in flood water levels would occur to the south and east of the project, for which the applicant will obtain necessary easements.

Mr. Summerville discussed the neighborhood park in between this project and the Nob Hill subdivision, adding that a review of records and videotapes concerning the Nob Hill approval indicated that the primary focus on whether to expand the park to the south concerned eligibility for park fee credits, and that no commitment was made that would obligate this developer to expand the park.

In response to Commissioner Monfort, Mr. Summerville explained that the applicant has been working with the property owner to the south, and that obtaining necessary easements for the greenway, path, and floodway shouldn't pose a problem.

In response to Commissioner Bradford, staff discussed the feasibility of extending the neighborhood park to the south, pointing out that the detention aspect of the park only serves the Nob Hill development, and that four acres of open space is being proposed adjacent to Dead Horse Slough.

Commissioner Monfort inquired if it would be feasible to coordinate the detention basins so that additional detention by Nob Hill would reduce the peak flow into Dead Horse Slough from both projects; Mr. McKinley indicated that the systems would work independently.

Commissioner Monfort confirmed with staff that the Council couldn't have required this parcel to provide an extension of the park, as this property is separate from the Nob Hill parcel. He suggested that a specific plan for this area would have provided the necessary authority to ensure the expansion of the park.

The public hearing was opened at 10:07 p.m.

Doug Hignell, 1500 Humboldt Road, applicant, reviewed that he has been working with the property owner to the south, and has reached a tentative agreement to obtain the necessary easements in return for sharing the floodplain analysis. He asserted that a written agreement would be finalized before the project next comes to the Commission. He reviewed the history of the project, noting the extensive meetings both with staff and neighbors, and pointed out that these meetings generated a lot of input which helped determine the final form of the project.

Mr. Hignell stated that only two items remain: the height differential along the western project boundary, for which a stepped retaining wall is proposed; and the issue of the park. He noted that it isn't economical to provide a single loaded street, adding that the alignment of Blackstone Court (which was approved in a separate project) determined the roadway alignment on the south side of the neighborhood park. He opined that the City needs to allow infill projects to occur in a profitable manner if it wishes to encourage them.

Commissioners Wolfe and Monfort discussed General Plan policies that speak to the creation of neighborhoods instead of subdivisions. Both praised the overall plan of the project, but stated that extending the park will be the primary issue.

Mr. Hignell acknowledged that the neighbors desire the extension of the park; Commissioner Monfort acknowledged the problems with the economic loss of four lots and the alignment of Blackstone Court.

Andy Meghdadi, 3110 Shady Grove Court, developer of the Nob Hill subdivision, stated that he supported the project except for a few changes. He stated that when he wished to relocate the park/detention pond, City staff told him that he couldn't because the mirror image was intended to extend south from its current location. Based on that information, he told neighbors that the City plan was to extend the park to the south. He also requested that the Husa Ranch development join the maintenance district to help pay for upkeep of the park/detention pond.

In response to Commissioner Bradford, Mr. Meghdadi clarified that the majority of the money in the maintenance district goes to the park, but that other items such as walls are also included. He opined that much of the four acres proposed as open space for Husa Ranch isn't developable anyway.

Matt Meuter, 838 Palo Alto Street, reviewed the petition he had previously presented to staff. He urged the Commission to require that the park be extended to the south, and that Husa Ranch pay for a portion of the maintenance cost of the park. He urged the Commission to take advantage of this opportunity to leave a legacy of a good park to tie the neighborhood together. He also requested that other changes be made to the project as described in the petition, and that the apartment buildings be limited to two-story construction.

Bill Bliss, 2260 La Quinta, discussed the change in elevation on the western boundary of the project. He stated that the current proposal is essentially a wall on top of a wall, and requested that an earth slope be provided in place of the stepped retaining wall. He also requested that the wall be increased to seven feet in height, due to potential conflicts noise conflicts caused by livestock on property off El Monte.

In response to Commissioners Bradford and Monfort, Mr. Bliss indicated that he would use shrubs to keep animals away from the slope, and reiterated that the stepped wall is too abrupt a transition.

Phil Smith, 884 Husa Lane, spoke in support of the overall project, but discussed two issues: drainage from both this project and the Nob Hill project onto his property, and the abandonment of the access easement from the project site to Husa Lane. He urged the Commission to require retaining walls or other drainage improvements and the easement abandonment conditions of approval.

Laura Voorhees, 6 Creekwood Court, stated that she is a future resident of Nob Hill, and that the mirror image park was a major selling point.

Mark Francis, 2290 Burlingame Drive, urged the Commission to require single-story homes adjacent to the park, require that the park be expanded as originally intended, and require a traffic circle at the intersection of Lakewest, Coit Tower, and Road B. He encouraged the Commission to create a neighborhood with the larger park, with single loaded streets surrounding it, and noted that a larger park would result in a greater detention area, and thus less peak flow going into Dead Horse Slough.

Jon Luvaas, a previous speaker, urged the Commission to consider a denser project with at least 50 more units on the site. He lamented the lack of creative design and the presence of 40 foot wide streets. He also lambasted the street connectivity between this project and the projects to the north, requested that a bike path be installed between Blackstone Court and Road D, and suggested that the bike path behind the apartments be reduced to six feet in width.

Mike Byrd, Rolls, Anderson and Rolls, 115 Yellowstone Drive, project engineer, pointed out that: the existing park and drainage basin in Nob Hill is uphill from this project, and thus cannot be used for storm water detention; the Stonehill subdivision between this project and Nob Hill has already been approved, and any changes to Blackstone Court are infeasible; and Husa Ranch's facilities are still required to be the same size, even if a larger park allows greater detention for the Nob Hill project.

In response to Commissioner Monfort, Mr. Byrd stated that he could look at the wall and drainage in the vicinity of Dr. Smith's property, and that any issue there could be worked out as a design detail.

Nora Todenhagen, 2298 E. 8<sup>th</sup> Street, lamented the piecemeal development that takes place in Chico. She urged the City to adopt a comprehensive development fee structure to fully mitigate all growth in Chico.

Doug Hignell, a previous speaker, pointed out the compromises that had already been made at the expense of the single-family portion of the project. He reviewed problems with extending the bike path to the south, and the difficulties in obtaining an easement from Dr. Evers. He stated that the bike path would be developed when the DES property is developed.

In response to Commissioner Wolfe, Mr. Hignell stated that he could potentially provide a connection between Blackstone Court and Road D, although it would be steep. He also stated that

he could conceivably reduce the street widths to 36 feet, although he prefers a wider street. He also stated that he would prefer the 18 foot street lights for installation in this project.

Commissioner Monfort and Mr. Hignell discussed the problems with providing a contiguous bike path to SR 32.

In response to Commissioner Monfort, Mr. Hignell stated that he didn't wish to construct duplexes or triplexes, and pointed out that any additional units would require a general plan amendment.

In response to Commissioner Wolfe, Mr. Hignell stated that he had no objection to limiting lots 1 through 15 to single-story construction.

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The Commission was in recess from 11:25 to 11:33 p.m.

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David Everett, 2259 La Quinta, agreed with Mr. Bliss. He voiced his approval for the project, and requested that the project keep the existing detention area even if the park is expanded.

Mike Van Dame, 852 Palo Alto Street, spoke in support of expanding the park. He asserted that the developer shouldn't profit at the expense of neighbors who already live in the area.

Wes Dempsey, 2378 Farmington Avenue, stated that the project isn't imaginative and needs to go back to the drawing board.

Commissioner Bradford asked Mr. Hignell if there's any way the Commission can talk him out of the four lots backing up to the park, and whether they could be placed somewhere else in the project. Mr. Hignell replied that the neighbors were told something that wasn't a fact regarding the park expansion, and that the marketability of the subdivision is of paramount concern as they will likely sell the single-family portion of the project. He emphasized that he can only provide a certain amount of park land in a project this size.

There was discussion as to whether any expansion of the park should also include an expansion of the detention area; the Commission agreed that the important thing was to put some grass area there, and that a different elevation would be acceptable.

Andrew Meghdadi, a previous speaker, suggested that the neighborhood wouldn't object to two different elevations in the park.

There being no further comment, the public hearing was closed at 11:45 p.m.

Commissioner Wolfe indicated that she'd recommend a seven foot masonry wall along the western boundary, that the applicant should try and split the difference on the slope going up to the masonry wall, that the issue with the sixteen-foot length of retaining wall needs to be addressed, that the possibility of connecting the bike path from Blackstone Court to Road D should be examined, and that the four lots backing up to the park should be turned into a grassy park area.

Commissioner Sanders added that he would also recommend that lots 1 through 15 be limited to single-story construction, that the bike path to the south stub out at dead horse slough to hopefully cross the slough at a later time, and that the interior streets be narrowed beginning south of Blackstone Court.

Commissioner Wolfe reiterated that although it is difficult for her to do, she is requesting the park in place of those four lots. Commissioner Monfort agreed, saying that future residents will think that an opportunity was missed if the park extension isn't required.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION APPROVE THE CONCEPTUAL PLAN FOR THE HUSA RANCH SUBDIVISION (S 01-07) AND PLANNED DEVELOPMENT PERMIT 01-04 (HIGNELL DEVELOPMENT GROUP) WITH FINAL APPROVAL CONTINGENT ON THE INCLUSION OF THE RECOMMENDATIONS DISCUSSED AND THE COMMISSION'S REVIEW AT A SUBSEQUENT MEETING. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 4-0-3 (COMMISSIONERS ALVISTUR, FRANCIS AND STONE DISQUALIFIED).

**DISCUSSION OF FUTURE MEETING SCHEDULE**

Ms. Figge confirmed that all Commissioners could attend a second December meeting on the 20<sup>th</sup>, and apologized for any interference with Commissioners' holiday plans.

**GENERAL BUSINESS**

None.

**PLANNING UPDATE**

None.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 11:55 p.m. to the Adjourned Regular Meeting of November 15, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

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March 7, 2002  
Date Approved

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Kim Seidler  
Planning Director

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
NOVEMBER 15, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Kirk Monfort, Sharon Stone and Nancy Wolfe. Commissioners Ross Bradford, Jolene Francis and Craig Sanders were absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Claudia Sigona, Associate Planner Jay Hanson, Assistant Director of Public Works Fritz McKinley, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioner Monfort reported that he met with Safeway representatives a month ago, and that he also spoke to Susan Gibbs regarding the Safeway project.

**CONSENT AGENDA**

1. **Use Permit 01-52 (Verizon Wireless) 65 Heritage Lane** - A request to allow the addition of 18 feet in height to an existing 100± foot high monopole telecommunications tower and the co-location and operation of additional telecommunication antennae on property located at 65 Heritage Lane. The installation includes the placement of two self-storage equipment units at the base of the tower adjacent to the five existing equipment units. Currently there are three other telecommunication providers located on the tower. The existing tower is located in a self-storage facility, south of two large retail businesses, and immediately north of SHR 99. The property is identified as Assessor's Parcel Number 007-270-022, is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CC Community Commercial zoning district. The project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15303 (New Construction or Conversion of Small Structures). *Staff recommends that this item be continued to a subsequent meeting, to be re-noticed at that time.*

COMMISSIONER MONFORT MOVED THAT THIS ITEM BE CONTINUED INDEFINITELY. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED 4-0-3 (COMMISSIONERS BRADFORD, FRANCIS AND SANDERS ABSENT).

2. **Modification of Use Permit 01-59 (Agasy, Inc.) between W. 8<sup>th</sup> and W. 11<sup>th</sup> Avenues** - A request to modify a previously approved use permit which allowed perimeter fencing in excess of six feet in height (7-8 foot high masonry/sound wall proposed) in association with the Richmond Park Subdivision located northwest of Greenwich Drive between W. 8<sup>th</sup> Avenue and W. 11<sup>th</sup> Avenue, on the east side of the Union Pacific Railroad right-of-way. The applicant requests that the project description be modified to allow extension of a seven foot masonry wall along a portion of the north

boundary of the subdivision. The site is identified as Assessor's Parcel Nos. 043-040-019 and 043-070-001, 002, 043, 046, 047 and 061, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential rezoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15303(e) (New Construction or Conversion of Small Structures). *Staff recommends approval of the modification to the use permit.*

Chair Wolfe removed this item from the consent agenda.

### **ITEMS REMOVED FROM CONSENT AGENDA**

#### **2. Modification of Use Permit 01-59 (Agasy, Inc.) between W. 8<sup>th</sup> and W. 11<sup>th</sup> Avenues**

Ms. Sigona presented the staff report, reviewing the land use issues involved and the details of the request. She noted that adjacent property owners to the north of the project, on Basswood Court, requested that the sound wall be continued further to the east as originally proposed. Analysis provided by a noise consultant also indicated that the presence of a wall wouldn't negatively impact the properties to the north due to reflected sound for a variety of technical reasons, including obstruction of buildings, the frequency of the noise, and the condition of the track in this area.

The public hearing was opened at 6:37 p.m. Seeing no comment, the public hearing was closed.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW, AND APPROVE THE MODIFICATION TO USE PERMIT 01-59 (AGASY) SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED WITHIN THE STAFF MEMORANDUM DATED NOVEMBER 5, 2001. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 4-0-3 (COMMISSIONERS BRADFORD, FRANCIS AND SANDERS ABSENT).

### **REGULAR AGENDA**

#### **3. Tentative Parcel Map PM 01-04 (P&P Enterprises) 2707 Burnap Avenue - A** request to subdivide 1.88 acres to create 4 lots on property located at 2107 Burnap Avenue, on the west side of Burnap Avenue, 450 feet south of West Lassen Avenue. Parcels 1 through 3 are 0.34 acres each, and Parcel 4 is 0.86 acres. The property is currently vacant, and is intended to be developed with apartment buildings. The site is identified as Assessor's Parcel No. 007-570-006, is designated Medium Density Residential on the City of Chico General Plan Diagram, and is located in an R2 Medium Density Residential rezoning district. A mitigated negative declaration is proposed for this

project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends adoption of the mitigated negative declaration and approval of the parcel map.*

Mr. Hanson presented the staff report, reviewing the land use issues involved, the surrounding land uses, and the details of the project. He noted that the proposed density for the final development of this property is 10.6 units per acre, and that full urban improvements will be required.

Commissioner Monfort confirmed that the large pine tree is to remain.

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

Todd Tracy, 2711 Burnap Avenue, expressed concern with the project being not in character with surrounding uses, and with the traffic which will be generated by the project.

Mr. Hanson responded to some of Mr. Tracy's procedural questions. Ms. Figge added that the 20 units proposed could be built on the property without subdividing it; the subdivision is merely to allow separate ownership of the duplexes.

Mike Hitchcock, 2715 Burnap Avenue, stated his agreement with the previous speaker. He also noted that there are problems with a blind intersection due to some overgrown bushes where the bike path crosses Burnap.

Mark Risso, P.O. Box 3249, Paradise, project engineer, reviewed the public improvements which would be installed in conjunction with the project. He noted that no major impacts are expected through either development or the traffic generated by this development.

There being no further comment, the public hearing was closed at 6:54 p.m.

In response to Commissioner Monfort, Mr. McKinley indicated that he would have the Park Department examine the bushes and trim them if needed.

Commissioner Alvistur noted that the City's General Plan encourages more dense development, and has accepted increased traffic as one of the consequences of density.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION 01-39, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE TENTATIVE PARCEL MAP, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 4-0-3 (COMMISSIONERS BRADFORD, FRANCIS AND SANDERS ABSENT).

4. **Variance 01-02 (Metcalf) 215 W. Frances Willard Avenue** - A request to vary from the side and rear yard setbacks to allow an accessory structure (a raised deck/covered patio structure) to remain in the rear yard of property located at 215 W. Frances Willard Avenue. The site is identified as Assessor's Parcel No. 003-155-004, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15305(a) (Minor Alterations in Land Use Limitations). *Staff recommends approval of the variance.*

Ms. Sigona presented the staff report, reviewing the land use issues involved and the details of the request. She noted that the raised "treeless treehouse" is one foot from both the side and rear property lines. She stated that while staff is supportive of a variance to the rear yard setback, as the rear property line abuts a portion of the Chico State campus, staff could no basis to grant the side yard variance. She added that the conditions of approval as proposed are consistent with that course of action.

Commissioner Monfort pointed out that some of the pictures submitted by the applicant seem to indicate a large number of non-conforming structures in that neighborhood; Ms. Sigona replied that most structures are legal non-conforming, and that Code Enforcement will follow up on those structures which appear to be more built more recently without permits.

The public hearing was opened at 7:03 p.m. There being no comment, the public hearing was closed.

The Commission discussed the difficulty in determining the status of non-conforming structures, but noted that the Commission needs to enforce the rules and therefore agrees with staff.

COMMISSIONER MONFORT MOVED THAT THE COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE VARIANCE 01-2 (METCALF) SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED WITHIN THE STAFF MEMORANDUM DATED OCTOBER 30, 2001. COMMISSIONER STONE SECONDED THE MOTION, WHICH PASSED 4-0-3 (COMMISSIONERS BRADFORD, FRANCIS AND SANDERS ABSENT).

5. **Use Permit 01-24 (RHL Design/Safeway) 690 Mangrove Avenue** - A request to allow a gas station which operates 24 hours a day, including six multi-product dispensers (12 fueling positions), a 400+/- square foot sales kiosk and a 7,224+/- square foot canopy area on a front pad site at 690 Mangrove Avenue, within the Park Plaza Shopping Center. The site is identified as Assessor's Parcel No. 003-280-040, is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CC Community Commercial zoning district. A mitigated negative declaration is proposed for this project pursuant to CEQA, for which a 20-day public review period was previously conducted. This project was previously heard at the Commission's meeting of September

6, 2001, and was continued without action. *Staff recommends adoption of the mitigated negative declaration and approval of the use permit.*

Ms. Sigona presented the staff report, reviewing the land use issues involved and the details of the project. She noted that some issues could not be adequately addressed at the previous hearing, and that both the applicant's and the City's traffic engineers are present to answer any such questions. She stated that in response to some Commissioners' concerns about the size of the facility, it has been reduced in size from 7 to 6 MFDs (multi-fuel dispensers), each with two fueling positions. She added that the complete traffic study has been provided to the Commission, which shows no negative traffic impact, and should actually result in an improved traffic situation on northbound Mangrove Avenue due to the installation of the deceleration lane; she also stated that the traffic study was based on 7 MFDs, so the decrease in size to 6 MFDs should result in a corresponding decrease in traffic.

Ms. Sigona reviewed additional information, including: a memorandum from Engineering stating that this project will not have a significant traffic impact on Buttonwillow Lane, a private street owned by Safeway; information provided by the applicant indicating that only 14% of trips to such facilities are just for gas, the rest being either pass-by trips or being combined fuel/supermarket trips; information showing that Safeway's pricing generally falls between corporate and discount brand station; information from other jurisdictions with such combined markets stating that there are not any unusual traffic impacts or fuel price differences; a survey of Chico gas station prices showing that there is already a 14 cent difference in prices between various fuel vendors; and staff's position that 250 watt fixtures represent a viable compromise for this project, as lighting standards for gas stations are still being debated and determined in the community.

Commissioner Wolfe discussed lighting with Ms. Sigona, expressing support for 175 watt fixtures and suggesting that 250 watt fixtures would still result in an over-lit canopy. Ms. Sigona replied that there are no stations in town with the 175 watt fixtures for comparison.

The Commission discussed the fuel pricing of Safeway in other communities. Ms. Sigona stated that planners in other communities said that Safeway was charging the same price as other gas stations in the area, and added that pricing is not a land use consideration.

In response to Commissioner Wolfe, Ms. Sigona stated that staff had met with the applicant and discussed reducing the number of MFDs to 5, but that the applicant did not wish to go any smaller than 6.

Commissioner Monfort confirmed with staff that the right-in access originally proposed has been removed in favor of installing the deceleration lane.

In response to Commissioner Wolfe, Mr. McKinley stated that the left-hand turn lane into the center from southbound Mangrove Avenue would remain the same length that it is currently.

The public hearing was opened at 7:21 p.m.

Todd Paradise, 5918 Stoneridge Mall Road, Pleasanton, representing Safeway, discussed the changes in the project since the last meeting. He discussed the decision to go with 6 MFDs, stating that the goal is to prevent lines and waiting to purchase fuel, and that he doesn't see any major company installing fewer than 6 MFDs in a new facility unless there are space constraints on the property. He stated that the Tower Mart at Highway 32 and East Avenue has 9 MFDs, and noted that people aren't flocking there from all over town to purchase fuel.

Mr. Paradise stated that he would like to agree to 175 watt fixtures, but cautioned that he is afraid that it won't be perceived as safe enough for people at night. He suggested that Safeway could possibly agree to 175 watt fixtures, with the understanding that they could request to upgrade the fixtures later if people don't feel safe purchasing fuel at night.

Blythe Wilson, 1340 Arnold #110, Martinez, representing RHL Design Group, also discussed lighting. He noted that the fixtures are 14 feet in the air and will be fully shielded, and stressed that 250 watts may be necessary for adequate lighting. For comparison, he noted that new Shell stations typically use a 400 watt fixture.

Commissioner Monfort discussed the marketing aspects of gas station lighting. Mr. Wilson explained that the light both creates a "safe haven" and provides enough light to safely perform the process of fueling a vehicle.

There was additional discussion regarding the glare impact of varying lighting types. Mr. Wilson pointed out the difference between the shielded, recessed lights in the Council Chamber and the unshielded television lights in terms of perceived glare. He stated that the main criteria should not be the wattage, but the foot-candles at the operating level beneath the canopy. He noted that staff's suggestion to put lights on the columns is not feasible, as the National Electrical Code requires explosion-proof fixtures within a certain distance of fuel dispensers. He indicated that he would prefer to work with staff to come up with a revised lighting design rather than discuss wattage of bulbs.

Fred Chua, 2990 Casa Ridge, Court, Roseville, with Fehr and Peers, noted that he did the traffic study for this project. He stated that the project results in a 4 to 5 percent increase in traffic flow in the area; if pass-by trips aren't counted, the increase is around 1 or 2 percent.

He presented a computer simulation showing traffic conditions both with and without the project, as well as with the project at anticipated general plan buildout traffic levels. He noted that 14% of vehicles accessing the center use Buttonwillow Lane.

Commissioner Wolfe pointed out her concerns with those vehicles turning left onto southbound Mangrove out of the main entrance, noting that it is practically impossible at certain times of day.

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Commissioner Sanders arrived at 7:45 p.m.

Ms. Figge confirmed that there is a longer delay turning left out onto Mangrove during the peak hour.

Mr. Johnson stated that the traffic count provided by Vanella Oil shows a rate of 36 cars per hour turning left out of the main entrance, or approximately one every two minutes, which is not a problem.

Gary Lewis, 2538 Esplanade, Chico, spoke in opposition to the project. He stated that the combined store remodel and fueling station would greatly increase traffic in the area, and suggested that the traffic study doesn't work. He expressed concern with other issues, including the removal of mature trees, the tactic of making little profit on the fuel station to drive customers to the main store, the perceived lesser chance of his project at Mangrove and Vallombrosa getting approved if this project is approved.

Greg Wheeler, 200 Wild Rose Circle, spoke in opposition to the project. He stated that Safeway's true fuel price per gallon is a penny or two less than Arco, due to the Club Card discount, and that the low price will cause greater traffic to the project than is indicated in the traffic study. He expressed additional concern with traffic movements into and out of the center, and suggested that "right-in, right-out" access be required, similar to another Safeway station in Rocklin.

Mr. Johnson noted that as the City grows, traffic increases throughout the City. He pointed out that a traffic study compares the current level of service (LOS) against impacts created by the development, then make a judgement whether the project will alter the LOS. He stated that the question needs to be whether this project will drop LOS below a level that is considered acceptable in the General Plan.

In response to Commissioner Wolfe, Mr. McKinley stated that the traffic signal in front of the East Avenue Raley's store was established by a nexus study specifying a certain traffic count; Raley's increased traffic from the Raley's store tripped the trigger requiring a traffic light.

Commissioner Monfort confirmed with staff that this project, with the improvements and mitigations proposed, will either not affect the LOS or will actually increase the LOS for some intersections.

Ms. Figge discussed that LOS D is considered acceptable by the General Plan, and that major arterials (including Mangrove Avenue) can go to LOS E under certain circumstances. She also noted that the applicant will pay development impact fees for traffic generated by the project.

There was additional discussion concerning traffic, LOS, signal timings, and the lack of any traffic-generating uses on the west side of Mangrove due to the cemetery. Mr. Johnson noted that drivers generally have less tolerance for waiting at an unsignalized intersection, even if the LOS is higher. Peter Tichinin, 1133 Spruce Avenue, expressed concern with the removal of mature trees to install the deceleration lane.

Ms. Sigona replied that the Urban Forester is supportive of the removal, as the existing liquidambar trees make poor street trees, due to the mess they create and the damage they do to sidewalks.

Orval Hughes, 25 Hughes Lane, spoke in opposition to the project. He cited concerns with traffic on both Mangrove and Buttonwillow, suggesting that traffic will increase to a degree that is intolerable.

Mel Granskog, 762 Bridlewood Court, manager of the Mangrove Avenue Safeway, spoke in support of the project. He noted that no citizens who live nearby are speaking against the project due to traffic concerns; instead the opposition consists of gas station owners and other fuel interests. He re-emphasized the results of the traffic study, which should be given precedence over the competition's unsupported opinion. He compared denying this permit based on pricing to prohibiting WareMart because the workers are not union employees.

Blythe Wilson, a previous speaker, stated that Safeway has no ulterior motives in this application, that their gasoline must be sold at a price that makes a profit, and that the traffic issue has been addressed. He agreed with Mr. Granskog that most of the opposition seems to be from other fuel center owners.

There being no further comment, the public hearing was closed at 8:19 p.m.

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The Commission was in recess from 8:19 to 8:26 p.m.

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Mr. Johnson pointed out that Buttonwillow Lane is a private street built by Safeway for the purpose of providing additional access to the center.

Commissioner Sanders expressed his approval of the project, noting that the traffic study shows that the LOS won't be unacceptable. He added that the lack of commercial traffic or any access points across Mangrove is unique to a commercial area, and makes this location appropriate.

Commissioner Wolfe expressed continued concern over the amount of traffic on Mangrove Avenue, and the difficulty in turning left out of the center. She confirmed with Mr. Johnson that staff believes there is no need for a traffic light at the main entrance.

The Commission discussed the LOS of the Mangrove/Vallombrosa intersection, and confirmed that it is in the Capital Improvement Plan (CIP). Ms. Sigona noted that the CIP is intended for projects needed due to general, City-wide impacts. Mr. Johnson added that the developer will be paying development impact fees for traffic.

Commissioner Stone stated that while this project will increase traffic, she hasn't seen any contradictory evidence to make findings opposite to those in the traffic study. She also noted that the shielded nature of the lighting should do a great deal to reduce glare.

Commissioner Alvistur stated that he is satisfied that all issues raised at the previous meeting have been adequately addressed.

After discussion, there was general agreement that 175 watt fixtures be required, but that the applicant could request a modification of the use permit if it is subsequently determined that 175 watt fixtures are insufficient for customer safety.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT THE MITIGATED NEGATIVE DECLARATION AND APPROVE USE PERMIT 01-24 AND THE ARCHITECTURAL DESIGN OF THE PROJECT, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED IN THE STAFF MEMO DATED NOVEMBER 2, 2001, AMENDED TO REQUIRE 175 WATT, FULLY SHIELDED FLAT LENS FIXTURES, WITH THE UNDERSTANDING THAT IF IT IS UNSAFE, THE APPLICANT CAN REQUEST A MODIFICATION TO THE USE PERMIT. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 4-1-2 (COMMISSIONER WOLFE OPPOSED, COMMISSIONERS BRADFORD AND FRANCIS ABSENT).

6. **General Plan Amendment/Rezone/Prezone 01-05 (City of Chico) Avenues east of Esplanade** - This project involves the amendment of the General Plan land use designation, rezoning and zoning for 291 parcels (approximately 53 acres) located in the Vecino (East Avenues) neighborhood and generally bounded by Palm Avenue to the east, Lindo Channel and East 10<sup>th</sup> Avenue to the north, Oleander Avenue to the west and the existing city limits to the south. The current General Plan designation of Medium Density Residential and rezoning/zoning of R2 Medium Density Residential are proposed to be amended to Low Density Residential and R1 Low Density Residential zoning. All parcels within the project area are within unincorporated Butte County, except for a single parcel located at 260 East 6<sup>th</sup> Avenue. The purpose of this amendment is to preserve the existing single-family residential character of the Vecino neighborhood and provide for consistent future land use development for all city and county land within this neighborhood. Several small multiple-family residential units exist throughout the project area, as well as many second dwelling units. Two churches and two preschools are located in the area, along with eight commercial uses. The commercial uses are non-conforming uses under any city residential zoning. There are twenty parcels developed with multiple-family housing of three units or more. Only seven of these developments would become non-conforming as a result of the amendments. The other thirteen complexes exceed the maximum density allowed in the R2 Medium Density Residential district and would remain non-conforming under the proposed change. A negative declaration is proposed for the project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends that the Commission forward a recommendation to Council to adopt the negative declaration and approve the general plan amendment/rezone/prezone.*

Mr. Hayes presented the staff report, reviewing the history of the area and the changes being requested. He noted that area residents had expressed a desire to maintain the R1 character of the neighborhood as early as 1995, but that the issue has been “on the back burner” for some time. He reviewed General Plan policies regarding neighborhood preservation, and stated that only a small amount of infill potential would

be lost. He explained the infill opportunities that would still be present with an R1 zoning, consisting of splitting larger lots into two or more developable parcels and adding second units to existing parcels. He noted that any additional units will need to be connected to City sewer, due to nitrate groundwater contamination in this area.

The public hearing was opened at 8:58 p.m.

Kathleen Lambert, 2033 Palm Avenue, spoke in opposition to the project. She cited concerns with loss of property value, and limited use of her building for her ceramic business. She stated her preference for maintaining a commercial zoning on her property, and that it be left under county jurisdiction. She threatened to homestead her property if the City persisted in pursuing this project.

Pam Stoesser, 482 E. 6th Avenue, asked what the status would be of those multi-family units which already exist if the rezone is approved. Mr. Hayes explained that City R1 zoning allows lot sizes as small as 4500 square feet, and also allows second units subject to certain criteria.

Mary Anne Houx, 196 Memorial Way, spoke in support of the project. She noted the investments made in homes in the neighborhood, and stated that the City and County have agreed to allow property owners in nitrate action areas to connect to City sewer without having to annex to the City.

Cheri Prior, 1935 Laburnum Avenue, spoke in support of the rezone, but asked that the property not be annexed at this time. She asked those in the audience who agreed with her to stand – approximately a dozen people stood. She stated that her main concern is preserving the neighborhood, and urged the Commission to recommend approval of the project.

Warren Anderson, 278 E. 9<sup>th</sup> Avenue #6, spoke in support of the project. He stated that he is the owner of an apartment complex on 9<sup>th</sup> Avenue, but that he now sees the inconsistency and supports preserving the rest of the neighborhood.

Chris Pelak, 1738 Oleander Avenue, stated that he has some concerns about the project. He noted that he currently has three units on his property, and that he wishes to expand one of the units from one to three bedrooms. After discussion, it was determined that he could expand his property as proposed under either City or County jurisdiction with a use permit.

Keith Brubaker, 1916 Laburnum Avenue, spoke in support of the project. He stated that the neighborhood is R1 in character, and urged the Commission to designate it as such.

Pam Stoesser, a previous speaker, asked if curbs and gutters will be required if the area is annexed to the City.

Mary Anne Houx, a previous speaker, asserted that a public improvement plan is in place. Mr. McKinley added that no improvements are required just due to annexation, but that any subsequent development after annexation would trigger installation of public improvements on the affected property's frontages.

Marilyn Ey, P.O. Box 9211, suggested that the area be left alone, and that the City should let the area residents and voters express their opinion.

There being no further comment, the public hearing was closed at 9:20 p.m.

The Commission discussed the current county zoning, and whether it was feasible to prezone some properties as R2 instead of R1. Ms. Figge noted that some of the uses are currently nonconforming, and would remain so after the rezone. She also added that small businesses can be operated out of one's home, subject to certain restrictions; she also noted that the City isn't forcing anyone to annex.

The public hearing was reopened at 9:23 p.m.

Cheri Prior, a previous speaker, asserted that the county's records indicated that her property was zoned R2 as of August, 2001.

Warren Anderson, a previous speaker, pointed out that as long as the City and County zonings are different, there is room for a "creative" developer to put in something the neighborhood may not want.

Kathy Pelak, 1738 Oleander Avenue, suggested that the item be continued until the County zoning can be accurately determined. She questioned whether the high nitrate area would provide grounds for denying a use permit to rebuild a structure which burned down.

Mr. Hayes stated that none of the City's actions would apply until the property is annexed, and pointed out that until then it would be the County's decision whether to allow a replacement septic system should one fail.

There being no further comment, the public hearing was reclosed at 9:28 p.m.

There was additional discussion regarding County zoning; the general consensus was that the City wants to preserve the neighborhood, and should therefore designate the area R1, with the limited potential for second units as set forth in City regulations.

The public hearing was reopened at 9:30 p.m.

Chris Pelak, a previous speaker, stated that he would prefer his property to stay R2, but has no problem if everyone else wants to go to R1.

There being no further comment, the public hearing was reclosed at 9:31 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-38, RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION AND APPROVE GENERAL PLAN AMENDMENT 01-05,

PREZONE 01-01, AND REZONE 01-04. COMMISSIONER SANDERS SECONDED THE MOTION.

Commissioner Stone pointed out that a revised resolution was handed out at the meeting; Commissioner Monfort amended his motion to include the revised resolution.

THE MOTION, AS AMENDED, PASSED 5-0-2 (COMMISSIONERS BRADFORD AND FRANCIS ABSENT).

**GENERAL BUSINESS**

Phil Smith, 884 Husa Lane, showed the Commission a videotape of flooding problems caused by the Nob Hill subdivision and problems with the retaining wall between Nob Hill and Husa Lane.

Mr. Seidler indicated that staff is aware of the problem, and that Public Works would investigate.

**PLANNING UPDATE**

Mr. Seidler reviewed the growth study, noting that Council will be having a special meeting on November 27 for just that issue.

Ms. Figge reviewed the status of the downtown rezone on Flume Street, noting that it will come back to the Commission in a slightly modified form.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 9:41 p.m. to the Regular Meeting of December 6, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

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April 4, 2002  
Date Approved

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Kim Seidler  
Planning Director

**PLANNING COMMISSION  
REGULAR MEETING  
DECEMBER 6, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, Sharon Stone and Nancy Wolfe. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Assistant Director of Public Works Fritz McKinley, Senior Planner Claudia Sigona, Associate Planner Ed Palmeri, Urban Forester Chris Boza, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioner Bradford, Monfort and Wolfe reported that they had each been contacted by Pat Bernedo, who expressed his concerns about the Orient Street rezone. Commissioner Monfort added that he had also received a letter from DCBA concerning the rezone.

**ADMINISTRATIVE AGENDA**

**1. Minutes of Regular Meeting of September 20, 2001**

COMMISSIONER ALVISTUR MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

**CONSENT AGENDA**

- 2. Text Amendment to Title 19 of the Chico Municipal Code (City of Chico): A proposed amendment to Title 19, Land Use and Development Regulations, of the Chico Municipal Code, consisting of: deleting the density definitions and use of the terms "gross acre" and "gross density", including dental and medical offices as professional offices, defining transitional housing, clarifying time periods for temporary uses, allowing a 45 foot building height in the R3, R4, and RD zoning district, clarifying the height for garages with second floor dwelling units, amending parking and landscaping requirements for certain uses, and clarifying when small-lot subdivisions may be allowed. It has been determined that pursuant to Section 15162 of the California Environmental Quality Act (CEQA), no subsequent environmental review is required for the proposed text amendment. *Staff recommends that the Commission continue this item to the meeting of December 20, with a new public notice to be published and distributed in advance of that meeting.***
- 3. Parcel Map 01-7 (Greenlee) 1074 East Avenue - A request to create four office-commercial lots by subdividing the existing 3.59 acre parcel located at 1074 East Avenue (Ramada Place Professional Offices), currently developed with**

professional offices. The lot sizes are 0.88 acres, 1.02 acres, 1.43 acres, and 0.26 acres. The property is identified as Assessor's Parcel No. 048-240-054, is designated Office on the City of Chico General Plan Diagram, and is located in an OR Office Residential zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15315 (Minor Land Divisions). *Staff recommends approval of the parcel map.*

COMMISSIONER FRANCIS MOVED APPROVAL OF THE CONSENT AGENDA.  
COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED  
UNANIMOUSLY.

#### **ITEMS REMOVED FROM CONSENT AGENDA**

None.

#### **REGULAR AGENDA**

4. **Parcel Map 01-5 (Selkirk) 634 Madrone Avenue** - A request to create three residential lots, including one flag lot, by subdividing the existing 0.83 acre parcel located at 634 Madrone Avenue, currently developed with a single-family home. The lot sizes are 0.26 acres, 0.23 acres, and 0.23 acres (excluding the access easement for the flag lot). The property is identified as Assessor's Parcel No. 045-520-053, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in a R1 Low Density Residential zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332 (In-fill Development Projects). *Staff recommends approval of the parcel map.*

Mr. Palmeri presented the staff report, reviewing the land use issues involved and details of the project. He noted that the project is consistent with General Plan infill policies, and that the lot sizes are comparable with the homes on Amber Way. He added that several letters have been received from Amber Way residents expressing concerns about traffic and noise associated with the project, but that staff believes that such concerns are unfounded. He stated that staff is recommending approval.

In response to Commissioner Bradford, Mr. Palmeri reviewed that access for the two new lots will be from Amber Way, and that each of the lots must provide four onsite parking spaces.

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

Steve Fleischman, 15 Amber Way, spoke in opposition to the project, citing concerns with density and neighborhood compatibility. He suggested that only one additional house be constructed. 25 members of the audience stood to indicate their agreement.

Suzanne Combs, 389-C Connors Court, representing Feeney Engineering, spoke in support of the project, noting that the design fits into that site and complies with zoning regulations.

Terence Hoffman, 11 Amber Way, spoke in opposition to the project. He voiced agreement with Mr. Fleischman, and stressed the difference in noise, parking and traffic impacts between a college rental and a family-occupied dwelling.

John Shields, 32 Amber Way, spoke in opposition to the project, agreeing with previous speakers.

David Bauer, 12 Amber Way, spoke in opposition to the project, agreeing with previous speakers.

David Miller, 14 Amber Way, spoke in opposition to the project, agreeing with previous speakers. He also discussed aesthetic issues.

Mary Andrews, 33 Amber Way, spoke in opposition to the project. She urged that only one house be allowed to front Amber Way, and that the second house, if allowed, take access from Madrone.

Charlie Urbanowicz, 622 Madrone Avenue, stated that he agreed with Mr. Fleischman, not Ms. Andrews. He stated that traffic on Madrone is much worse than Amber Way due to the school.

Mike Campos, 774 Hillview Way, spoke in support of the project. He stated that the lots will be the same size as other lots on Amber Way, shouldn't harm property values, and will actually improve the neighborhood.

Ms. Figge noted that the original proposal was for a total of 4 lots (three new houses), which staff felt was incongruous with the existing neighborhood. She added that staff worked with the applicant to remove one of the lots to maintain neighborhood compatibility.

Jerry Hughes, 29 Amber Way, spoke in opposition to the project, agreeing with previous speakers. He urged the Commission to only allow one new house instead of two.

Terence Hoffman, a previous speaker, explained that Mr. Selkirk visited several neighbors, and told them of his intention to use these homes as college rentals for his retirement income. He added that there are currently college students in the existing house fronting Madrone.

Carol Urbanowicz, 622 Madrone Avenue, stated that while the college students renting the existing house are good neighbors, they tend to have four to seven cars there all the time. She suggested that four parking spaces may be inadequate, especially for the flag lot in the rear.

Daryl Rockey, 470 E. 7<sup>th</sup> Street, spoke in opposition to the project, agreeing with previous speakers.

There being no further comment, the public hearing was closed at 7:06 p.m.

The Commission discussed the project, noting that they cannot control whether a house is rented or owner-occupied. There was general agreement that requiring access from Madrone for lot 2 wasn't practical. After additional discussion, there was also agreement that the house on lot 3 should be oriented to face Amber Way, that only one curb cut on Amber Way should serve both lots, and that a total of six parking spaces (four of which are not tandem) be required for lot 2.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-40, DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT AND APPROVING TENTATIVE PARCEL MAP 01-5 (SELKIRK), SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL, MODIFIED TO REQUIRE AN ADDITIONAL TWO NON-TANDEM PARKING SPACES ON LOT 2, REQUIRE A ONE-FOOT NO-ACCESS STRIP TO BE DEEDED ON THAT PORTION OF THE AMBER WAY FRONTAGE WHICH IS NOT IN FRONT OF THE EASEMENT, AND REQUIRE THAT THE HOUSE ON LOT 3 BE ORIENTED TO FRONT AMBER WAY. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 7-0.

5. **Use Permit 01-52 (Verizon Wireless) 65 Heritage Lane** - A request to allow the addition of 18 feet in height to an existing 102.5 foot high monopole telecommunications co-location tower and the installation and operation of additional telecommunication antennae, on property located at 65 Heritage Lane. The installation includes the placement of a two self-storage equipment units at the base of the tower adjacent to the existing five equipment units serving three other telecommunication providers located on the tower. The existing tower is located in a self-storage facility, south of two large retail businesses, and immediately north of SHR 99. The property is identified as Assessor's Parcel Number 007-270-022, is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CC Community Commercial zoning district. The project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15303 (New Construction or Conversion of Small Structures). *Staff recommends approval of the use permit.*

Commissioner Sanders disqualified himself from this item, as he provided comments on the project while acting as ALUC staff.

Mr. Palmeri presented the staff report, reviewing the land use issues involved and the details of the project. He noted that the permit would be ministerial if the project was solely a co-location, but the applicant is requesting an additional 18 feet in height to be added to the tower, thus

requiring a use permit. He explained that ALUC had also reviewed and approved the project, with the condition that a non-blinking red-light be added to the tower due to the frequent use of SR99 as a visual navigational aid by helicopters. He stated that staff is recommending approval of the use permit, subject to the subsequent adoption of a code amendment to allow the light (which is currently prohibited by the Chico Municipal Code). He added that the Commission is also requested to conduct architectural review on the project.

In response to Commissioners Bradford and Wolfe, Mr. Palmeri reviewed that while FAA regulations do not require a light in this instance, ALUC had required the light due to concerns about helicopters following the freeway at night. Mr. Seidler added that the proposed code amendment would allow lights in very limited circumstances, and that some sort of shielding is also desired.

The public hearing was opened at 7:28 p.m.

Michelle Hightower, 1729 Rutan, Livermore, representing Verizon Wireless, clarified that all of the equipment will be in the mini-storage, and that only the air conditioning condensers will be outside. She voiced her agreement with the conditions of approval, and urged the City to process the code amendment as quickly as possible.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA SECTION 15301 (EXISTING FACILITIES) AND ADOPT RESOLUTION 01-36 APPROVING USE PERMIT 01-52 (VERIZON WIRELESS) AND ARCHITECTURAL REVIEW FOR THE EXTENSION OF THE TOWER AND PLACEMENT OF THE NON-BLINKING RED LIGHT, SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER SANDERS DISQUALIFIED).

6. **General Plan Amendment/Rezone 01-04 (Piret)** - A proposal to amend the General Plan land use designation for a 1.15 acre site located on the east side of Forest Avenue, approximately 750 feet south of E. 20<sup>th</sup> Street, from Office to Community Commercial and concurrently rezone the site from OC Office Commercial to CC Community Commercial. The site is identified as Assessor's Parcel No. 002-370-071. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends that the Commission forward a recommendation that City Council adopt the mitigated negative declaration and approve the general plan amendment and rezone.*

Ms. Sigona presented the staff report, reviewing the land use issues involved. She noted that the parcel would effectively become an extension of the Pheasant Run shopping center to the north, and reviewed the difference in uses between the OC and CC zoning districts.

Ms. Figge noted that the easements are such that this parcel has access to Pheasant Run, and the parcels to the south have access to this parcel, but the parcels to the south do not have access to Pheasant Run through this parcel.

The public hearing was opened at 7:35 p.m.

Ron Piret, 567 Paseo Companeros, applicant, stated his agreement with the conditions of approval and offered to answer any questions.

In response to Commissioner Monfort, Mr. Piret stated that the property seems to be more suited to retail, and that he desired a wider range of potential uses when seeking a tenant for the property.

John Repanich, 2035 Forest Avenue, reviewed a letter he submitted on November 27. He stated that there is no compelling reason for a zoning change, and that he bought his property to the south based on the fact that it was zoned OC on both sides. He stated that his tenant, the Social Security Administration, wishes the zoning to remain OC. He also expressed concern about the access easements, asserting that vehicles had no right to go through his property all the way to Pheasant Run; he also expressed concerns with site security at night, as his property only keeps normal office hours.

Andrew Cannon, 3 Wysong Court, spoke in opposition to the project, citing concerns with neighborhood incompatibility, increased traffic, light and noise, and decreased property values.

Peggy Wilson, 8 Wysong Court, spoke in opposition to the project, agreeing with the previous speaker. She stated that an office would be more compatible adjacent to single-family residential development.

Mike Byrd, Rolls, Anderson and Rolls, 115 Yellowstone Drive, project engineer, stated that the project will be lit if it is either office or retail, and that some amount of traffic will be present with either use. He stated that Mr. Piret isn't opposed to installing a sound wall, and opined that some design features could be added to make the project work.

Erik Glendhill, 4 Wysong Court, spoke in opposition to the project, agreeing with previous speakers. He asked why adjacent property owners should suffer the increased negative impacts so that Mr. Piret can sell his property for a higher price. He expressed particular concern about the cars which will use the easement, and the fact that his dogs will most likely bark at the cars.

Ms. Sigona noted that both the OC and CC districts have identical height limitations of 45 feet.

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

The Commission discussed the project, and generally agreed that OC is a more appropriate zoning district, with too many intense commercial uses allowed by right under the CC zone to be directly adjacent to the residences to the east. There was also concern that some of the required findings could not be made in order to approve the rezone.

Commissioner Bradford opined that this rezone could be a valid extension of the shopping center to the north.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-43, RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE GENERAL PLAN AMENDMENT/REZONE 01-04 (PIRET), SUBJECT TO MAKING THE REQUIRED FINDINGS. THE MOTION DIED FOR LACK OF A SECOND.

COMMISSIONER SANDERS MOVED THAT THE PLANNING COMMISSION ADOPT A MOTION OF INTENT TO RECOMMEND DENIAL, ASKING STAFF TO BRING THIS ITEM BACK TO THE COMMISSION AT THE DECEMBER 20 MEETING, WITH THE PUBLIC HEARING REMAINING CLOSED, AND WITH A REVISED RESOLUTION RECOMMENDING DENIAL OF THE GENERAL PLAN AMENDMENT/REZONE. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 7-0.

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The Commission was in recess from 8:10 to 8:25 p.m.

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7. **Rezone 00-12 B (City of Chico)** - A proposal to rezone approximately 54 parcels located generally along Orient Street and extending to the half blocks between Flume and Orient Streets, and Olive and Orient Streets, generally from E. 1<sup>st</sup> Street to E. 8<sup>th</sup> Street, identified as Assessor's Parcel Nos. 004-094-001 thru 004; 004-172-003 thru 007; 004-173-001 thru 003 & 009-012; 004-175-003 thru 008; 004-176-001, 002, & 008-011; 004-179-001, 002, & 009-011; 004-382-003 thru 009; 004-383-001, 002, & 009-011; 004-386-003 thru 006; 004-387-001 thru 003, & 014, from OR Office Residential to R1 Low Density Residential. The subject area is designated Low Density Residential on the City of Chico General Plan Diagram, and is fully developed, predominantly with single family residences. Pursuant to Section 15162 of the California Environmental Quality Act, no subsequent environmental review is required for the above project, as it has been determined that it was covered under the previously certified Environmental Impact Report for the General Plan update. This rezone request was initially considered at the August 16, 2001 Planning Commission meeting. *Staff recommends that the Commission forward a recommendation that City Council approve the rezone.*

Ms. Sigona presented the staff report, reviewing the details and history of the project, as well as previous Commission action on the rezone. She reviewed the meeting staff held with the DCBA, as well as the numerous letters opposed to the project. She noted that staff still favors the rezone to R1, adding that any conversion to an office use requires significant changes pursuant to the Uniform Building Code. She stated that staff recognizes some validity in the concerns presented by some of the property owners, and suggested that the Commission could also look at a different zoning district and/or an overlay zone. She suggested that higher-density residential zoning could be appropriate if it were modeled after existing older homes which have been internally subdivided, thereby keeping the single-family character of the neighborhood. She reiterated staff's opposition to any sort of office zoning for the area.

There was discussion about the creation of non-conforming uses if the rezone is approved, and the perceived uncertainty of obtaining a use permit to rebuild a non-conforming structure.

Commissioner Bradford noted that this area is part of the "ring" transportation corridor, and questioned the appropriateness of downzoning an area where increased density and transit service is envisioned.

Commissioner Monfort discussed preserving the feel of the neighborhood to the east of this project. He stated that he would support multi-family zoning if design criteria were adopted mandating that parking be off the alley.

Commissioner Sanders noted that there are already provisions for second units in the R1 zoning district.

The public hearing was opened at 8:40 p.m.

Mike Campos, 774 Hillview Way, stated that he owns property in the rezone area. He expressed support for rezoning the area to R2 with the overlay district. He suggested that the real edge of the rezone area should be Pine Street.

Commissioner Monfort opined that Flume Street should be the buffer, as Orient Street has a largely single-family residential character to it.

Mr. Campos replied that there are a number of duplexes and triplexes on Orient, and restated that R2 with the overlay seems to be the best solution.

Frank Sperling, 458 E. 7<sup>th</sup> Street, stated that he owns a historic building in the rezone area. He urged the Commission to minimize any creation of non-conforming uses, suggested that the use permit requirement be eliminated for rebuilding historic structures, and expressed support for the overlay concept.

Pat Bernedo, 418 Orient Street, reviewed a handout he presented to the Commission. He suggested that there are discrepancies and inaccuracies on certain City maps, and asserted that it would also take a general plan amendment to rezone this area to R1. He expressed his opposition to such a rezone, and expressed support for letting the OR zoning remain.

Ms. Sigona reviewed the map discussed by Mr. Bernedo, noting that the original plan shows that the east flank of the downtown area lies mid-block between Flume and Orient Streets. She stated that the existing RD district provides the transition area advocated in the General Plan.

Daryl Rockey, 470 E. 7<sup>th</sup> Street, spoke in opposition to the rezone. He expressed concern about the future development potential of his property, and suggested that more time be given to solicit neighborhood input.

Richard Elsom, P.O. Box 5624, board member of the DCBA, reviewed the letter submitted by the DCBA. He thanked staff for attending a DCBA meeting. He noted that the idea for an R2 zone with a special design overlay was an idea from Tom DiGiovanni, and suggested that it should be pursued.

There being no further comment, the public hearing was closed at 9:03 p.m.

After discussion, the Commission agreed to table this item and direct staff to further explore the proposal to rezone the property to R2, with a special design overlay specifying a single-family residential character and parking off the alleys.

Mr. Seidler indicated that the project wouldn't be coming back for some time, as staff will need some time to flesh out the proposal and seek input from affected residents.

COMMISSIONER MONFORT MOVED THAT THIS ITEM BE CONTINUED INDEFINITELY. COMMISSIONER FRANCIS SECONDED THE MOTION, WHICH PASSED 7-0.

8. **Request for a reconsideration of a condition of approval for the Shastan Homes at Forest Avenue Vesting Tentative Subdivision Map S 01-06 (Shastan Homes) approved at the November 1, 2001 Planning Commission hearing** - A request to reconsider a condition of approval for the above referenced subdivision map which reduced the recommended and City standard 12-foot drive lane for Forest Avenue, an arterial street, to a 10-foot width. The request is to approve an 11-foot drive lane for safety reasons. The project site location is on the east side of Forest Avenue, north of State Highway Route 32, 500 feet south of E. 8<sup>th</sup> Street and is identified as Assessor's Parcel No. 002-050-120. A mitigated negative declaration was adopted by the Planning Commission prior to approval of the vesting tentative subdivision map at the November 1, 2001 public hearing. *Staff recommends approval of the requested change in the condition of approval.*

Ms. Figge presented the staff report, reviewing the land use issues involved and the Commission's previous action on this project. She stated that discussion is limited only to what was noticed, which is the Forest Avenue street width. She noted that the applicant has requested an 11-foot width due to safety reasons, including the use of the road as a bus route. She explained that the bodies of City busses are 8 to 8.5 feet wide, and are actually around 10 feet if one counts the rearview mirrors.

Commissioner Francis agreed that she hadn't considered the size of busses when voting for the 10-foot lanes. Commissioner Monfort added that he spoke to Ed McLaughlin, director of Chico Velo, who agrees that 11 feet is reasonable.

The public hearing was opened at 9:15 p.m.

Jim Stevens, 20 Declaration Drive, representing Shastan homes, noted that while they will install whatever the Commission directs, his client is a little bit scared to have a 10-foot lane. He voiced his agreement with staff's concern and the support for an 11-foot lane.

Dale Rudesill, 1962 Wild Oak Lane, expressed his surprise at this issue being raised again. He urged the Commission to keep the 10-foot travel lane, and stated that he's never seen two busses pass each other on this section of road.

Mike Smith, 1970 Wild Oak Lane, also stated his support for 10-foot travel lanes. He requested that the Commission recommend to City Council that bike lanes and sidewalks be moved up on the Capital Improvement Plan (CIP) if the Commission desires 11-foot travel lanes.

Will Rowe, 1958 Wild Oak Lane, stated his support for 10-foot travel lanes. He noted the speeding problem currently on Forest Avenue, and cited the value of narrow lanes in reducing traffic speed.

Jon Luvaas, 1980 Wild Oak Lane, spoke in support of 10-foot travel lanes. He noted that the busses are on entirely different schedules, and stated that the real problem is the attitude of Public Works that vehicles can't cross the centerline of the road. He urged the Commission to request to that Council move remaining improvements on Forest Avenue up in priority on the CIP.

Sherry Bloker, 894 Forest Avenue, spoke in support of 10-foot travel lanes. She cited problems with speeding and encroachment into the root zones of existing trees if 11-foot lanes are adopted.

Mike Jensen, 406 Nord Avenue, agreed with previous speakers that remaining public improvements on Forest Avenue should be installed as soon as possible.

There being no further comment, the public hearing was closed at 9:30 p.m.

Commissioner Monfort discussed the speed difference between 10-foot and 11-foot lanes. Mr. McKinley noted that the centerline will also be moved over, and that northbound traffic is looking at a T-intersection at the end of Forest Avenue.

Commissioner Wolfe asked what the difference is in root encroachment between 10-foot and 11-foot lanes. Mr. Boza replied that the additional encroachment is minor and shouldn't have a significant effect on the survivability of the trees.

The Commission was in agreement that the 11-foot lanes were needed for safety, and would pose minimal additional risk to the trees adjacent to the road.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-44, APPROVING THE REVISION OF THE FOREST AVENUE LANE WIDTH FROM 10 FEET TO 11 FEET FOR THE SHASTAN AT FOREST AVENUE VESTING TENTATIVE SUBDIVISION MAP (S 01-06), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 7-0.

#### **GENERAL BUSINESS**

After discussion, the Commission directed staff to draft a letter to Council suggesting that improvements on Forest Avenue be moved up on the CIP. Ms. Figge indicated that a draft letter would be brought to the Commission at the next meeting.

#### **PLANNING UPDATE**

Mr. Seidler noted the presence of new audio-visual equipment in the room, stating that staff will utilize it to greater degrees as time progresses.

Mr. Seidler reviewed recent Council actions on the Thoman rezone, the Land's End rezone, and spray paint booth regulations.

The Commission discussed what could be done about County projects in the urban area that were approved without any public improvements, and how those improvement standards could be made the same. Mr. Seidler indicated that he would talk with his counterpart at the county, but acknowledged that there is a political component to any such discussion. Commissioner Sanders added that the County Planning Commission is bound by the current code, which has standards that are out of date.

#### **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 9:52 p.m. to the Adjourned Regular Meeting of December 20, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

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April 4, 2002  
Date Approved

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Kim Seidler  
Planning Director

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
DECEMBER 20, 2001**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:35 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, Sharon Stone and Nancy Wolfe. Commissioner Vic Alvistur was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Claudia Sigona, Senior Planner Patrick Murphy, Associate Planner Bob Summerville, Assistant Director of Public Works Fritz McKinley, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioner Wolfe reported that she had met with Jim Mann and a representative from Sterling; they showed her the plans for the project.

**CONSENT AGENDA**

1. **Resolution to Recommend Denial of General Plan Amendment/Rezone 01-04 (Piret)** - A proposal to amend the General Plan land use designation for a 1.15 acre site located on the east side of Forest Avenue, approximately 750 feet south of E. 20<sup>th</sup> Street, from Office to Community Commercial and concurrently rezone the site from OC Office Commercial to CC Community Commercial. The site is identified as Assessor's Parcel No. 002-370-071. *This item was previously heard by the Commission at its meeting of December 6, 2001, at which the Commission closed the public hearing and adopted a motion of intent to recommend denial of the GPA/RZ to City Council. Staff recommends approving the resolution recommending denial of the project.*
  
2. **Memorandum to City Council Recommending Installation of Public Improvements on Forest Avenue**: Pursuant to the Commission's direction at its meeting of December 6, 2001, staff has prepared a memorandum recommending that certain public improvements (bicycle and pedestrian facilities) be installed on Forest Avenue from E. 8<sup>th</sup> Street across Highway 32 to Humboldt Road. *Staff recommends that the Commission review and approve the memorandum to Council.*

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

**ITEMS REMOVED FROM CONSENT AGENDA**

None.

## **REGULAR AGENDA**

3. **Final Review of Vesting Tentative Subdivision Map (S-01-07) and Planned Development Permit (PDP 01-04) for Husa Ranch (Hignell Development Group) south of Nob Hill, west of Bruce Road, north of Dead Horse Slough** - A request to subdivide a 36.35 acre site into 73 parcels, consisting of 68 single family residential lots with an average lot size of 9,450 square feet, a 10.4 acre parcel for the development of 188 apartment units, a 1.0 acre parcel for park/stormwater detention purposes, a 1.7 acre parcel for floodway/park purposes with an adjoining 1.1 acre parcel for stormwater detention purposes, and a 2 acre parcel for an existing single family residence. In conjunction with the subdivision application, a planned development permit is requested to allow a gross project density of 7 units per acre. The property is located on the west side of Bruce Road adjacent to the south of the Nob Hill Subdivision and north of Dead Horse Slough. The site is identified as Assessor's Parcel Nos. 002-160-062, 061 and 040, is designated Low Density Residential on the City of Chico General Plan Diagram (7 units per gross acre allowed with a planned development permit), and is located in an R1 Low Density Residential Rezoning District. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends adoption of the mitigated negative declaration, approval of the planned development permit, and approval of the subdivision.*

Commissioner Francis stated that she would disqualify herself because she lives in the adjacent subdivision. Commissioner Stone stated that she would disqualify herself due to a contractual relationship with the applicant.

Mr. Summerville presented the staff report, reviewing the land use issues involved, the details of the project, and the changes made since the previous meeting, including: removal of four lots to expand the park, slight shifting of road alignments and narrowing of street widths, increasing the size of parcel A to allow four more apartment units, narrowing the creekside greenway from 60 to 50 feet, removal of the bike path behind lots 16 through 19, restricting lots 1 through 15 to single-story construction, reversion to the stepped masonry wall on the western property boundary, inclusion of 18-foot light standards, possible removal of some oak trees due to the addition of four more apartments, and provision of a bicycle path stub leading to the south.

Mr. Summerville reviewed additional details concerning project hydrology and associated mitigations. He noted that the revisions provide added general plan consistency, and that staff recommends approval of the project.

In response to Commissioner Wolfe, Mr. McKinley discussed aspects of the storm drainage and the bicycle path, noting that some issues will be addressed through subdivision design.

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

Doug Hignell, 1500 Humboldt Road, applicant, agreed with Mr. Summerville's review. He stated that he is asking for park fee credits for parcel E, and for half a street section, noting that the City has offered credits in similar cases. He noted that he had discussed the issue at a Finance Committee meeting, and voiced his hope that this is the last time the project comes before the Planning Commission. He requested one change in the subdivision report, on page 5, item 10, that he not be required to landscape parcel E unless park fee credits are available to do so.

Mr. McKinley stated that parcel E will be landscaped if there are park fee credits available, and that a note will be put on the map to that effect.

Commissioner Wolfe confirmed with Ms. Figge that the Commission could impose such a condition.

Commissioner Monfort discussed whether parcel C would be solely a park or a joint park/detention basin; Mr. Hignell replied that the subdivision report allows flexibility for it to go either way.

Mr. Hignell stated that parcel C would either be a park or open space, depending on whether park fee credits are available to landscape the parcel. He also requested flexibility on the street light standards, as he would like to have consistent lights all the way around the center park, but the exact transition point to the other style hasn't been determined. He also stated that he plans to save the oak tree on the apartment site, but that he would like the mitigation included in case it needs to be removed due to the apartment configuration.

Mr. Hignell also requested that the 235 foot deceleration lane be deleted, as Engineering doesn't see the need for it, and that page 8 of the subdivision report be revised to specify that the greenway be acquired either in fee simple or as an easement.

Mr. Hignell discussed the sixteen foot property leg adjacent to Dr. Smith's property, noting that it isn't feasible to put in fill and a retaining wall. He added that there is no legal requirement that he can't let water which is already draining that direction to continue to do so, and noted that abandoning the easement would pose a problem for the utility companies, who have facilities located in the vicinity.

In response to Commissioner Monfort, Mr. Hignell stated that Stonehill is being graded so that nearly all the flow is away from Husa Lane.

John Schaller, 819 El Monte, questioned whether the public utility easement went all the way to the Husa Ranch property, but asserted that there is an agreement to abandon the easement once the final Husa Ranch map is recorded. He requested that the abandonment be made a condition of approval, so that it will bind any future developer who may purchase the project.

There was additional discussion about the easement; Ms. Figge pointed out Note 10 on the map, which should alleviate most concerns.

Mr. Schaller also discussed potential problems with the portion of lot 1 which will be on the Husa Lane side of the retaining wall, including springs which flow throughout the winter months.

Commissioner Sanders asked if the retaining wall has exacerbated the condition with the springs. Mr. Schaller replied that it hadn't, but asserted that the retaining walls will fail due to the water coming from the springs.

Mike Byrd, 115 Yellowstone Drive, project engineer, clarified that PG&E has facilities in the sixteen foot strip, that they must retain their easement to maintain their facilities, and that the property owners can only terminate their own access rights, not PG&E's. He reviewed that under any scenario, the amount of water going to Dr. Smith's property is reduced due to surface flow being redirected to the storm drain system.

Phil Smith, 884 Husa Lane, discussed the videotape he showed the Commission at the previous meeting, noted his disagreement with Mr. Byrd, and asserted that water flows onto his property continuously during the winter.

Matt Meuter, 848 Palo Alto Street, confirmed with Mr. McKinley that the bike path will continue along Bruce Road, and requested that an additional bike path connect streets E, C, and the western end of Blackstone Court. He spoke in favor of the park on parcel E to be street level, noting the problems with soggy ground in the existing park. He asked what would happen if park credits aren't available for parcel E.

Ms. Figge indicated that Mr. Hignell would have to submit a new map if credits aren't available.

Bill Bliss, 2260 La Quinta, confirmed with staff that the fence on the western property boundary will be a seven-foot masonry fence, as it is still indicated to be a six-foot wooden fence on the map; staff indicated that the condition has been changed, and that the notation on the map will be changed also. Mr. Bliss also requested that the western masonry wall be installed as early during the construction as possible, that street lighting be minimized and/or lowered, and that as much of the creekside greenway be preserved as possible.

Jean Hubbell, 4870 Lookout Circle, Forest Ranch, representing the Little Chico Creek Watershed Group, urged the Commission to retain a 100-foot creekside greenway if possible, and to prevent any additional water from entering Little Chico Creek.

Doug Hignell, a previous speaker, noted that Dr. Smith has a serious water problem, but that his current situation is better than what he used to have; he noted that the underground spring is a pre-existing condition that isn't surface flow, and that the surface flow situation is being improved through this project. He reviewed the status of the various large parcels, noting that parcel E makes the most sense for a park, that D is only a detention basin (which he would like to enclose with a solid fence), and that he would prefer to keep parcel C as open space or greenway. He confirmed that he will install the western masonry wall earlier rather than later in the process. He noted that the reduction in the greenway width is needed, as the dimension across parcel A is critical to the

apartment design. He also stated that he is fairly sure that parcel E will be at grade, but that he'd like the flexibility to make it a detention area if needed and feasible.

Bill Bliss, a previous speaker, confirmed that he would prefer a seven foot fence adjacent to his property.

America Garman, 2376 Sausalito Street, urged the Commission to also make parcel C a park, especially for use by residents at the apartment complex.

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

There was discussion about drainage and Dr. Smith's property; the general consensus was that it is a pre-existing problem which is not being made any worse by this project, and may in fact be improved.

The Commission discussed the status of parcel C, and who would take care of it if it remains open space; Ms. Figge noted that it would be included in the maintenance district for the subdivision, and would at least be subject to seasonal grass trimming.

There was general agreement that parcel E should be on grade, and that the slope could be a part of the amenity; there was also agreement that the wall on the western boundary should be of seven-foot masonry construction.

There was discussion concerning the creekside greenway, with general agreement to accept the reduction in greenway width as proposed.

Mr. Summerville reviewed the changes to the resolution, which are: change Exhibit II, B.10.c. to indicate that parcel E will be landscaped if park fee credits are offered; change Exhibit II, F.1.e. to be consistent with Exhibit I, condition 17; change the word "will" to "shall" in all incorporated mitigations; change Exhibit I, condition 9, to state that the rear yard fence of lots 1 and 2, and lots 62 through 67, shall be a seven-foot masonry wall, to be constructed early in the development of this subdivision; deletion of the 235 foot deceleration lane on Bruce Road; provision for 18-foot light standards on roads C, D, and E, with lighting around the park to be consistent with what is already installed; that parcel E be "at grade", with a slope down to the existing park area; and that parcel C be an open space area, not a park, which could possibly be the site for any required tree replantings.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-47, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE VESTING TENTATIVE SUBDIVISION MAP (S 01-07) AND PLANNED DEVELOPMENT PERMIT (PDP 01-04) FOR HUSA RANCH, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION, MODIFIED AS DISCUSSED. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 4-0-1-2 (COMMISSIONER ALVISTUR ABSENT, COMMISSIONERS FRANCIS AND STONE DISQUALIFIED).

The Commission was in recess from 8:03 to 8:15 p.m.

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4. **Rezone 01-03 (Davis) 571 E. 1<sup>st</sup> Avenue** - A request to change the zoning classification from R2 Medium Density Residential to CC-TC Community Commercial/Transit Corridor overlay for a 0.43 acre parcel of property located at 571 E. 1<sup>st</sup> Avenue. The site is identified as Assessor's Parcel No. 003-220-035, and is designated Medium Density Residential on the City of Chico General Plan Diagram. The purpose of the rezone is to facilitate the re-development of an existing single-family residence for a service commercial business (key shop) with an upstairs residence. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends that the Commission recommend approval of the rezone to City Council.*

Ms. Figge presented the staff report, reviewing the land use issues involved, the reasons for the rezone, and the surrounding land uses and zoning. She stated that staff recommends approval.

In response to Commissioner Monfort, Ms. Figge explained that the rezone would extend the transit corridor designation, as well as allow a mixed commercial/residential project to occur; she noted that staff would not support a drive-through on this site, and that one has not been applied for.

In response to Commissioner Bradford, Ms. Figge explained that the current structure will be re-used after a minor remodel, and that the site may be further developed in the future.

There was additional discussion about potential traffic generation with the rezone; the Commission generally agreed that any increase in traffic would be minimal.

The public hearing was opened at 8:22 p.m.

Dianna Davis, 396 Vallombrosa Avenue, applicant, offered to answer any questions the Commission may have.

In response to Commissioner Wolfe, Ms. Davis explained that they are in escrow to purchase the property at this time, and that they plan to remodel the existing structure.

There being no further comment, the public hearing was closed at 8:25 p.m.

The Commission discussed whether the TC overlay should be extended in addition to the CC zoning designation. Some Commissioners expressed concern over not having greater control on exactly what use is put on the site, while others noted that this rezone provides the opportunity for a mixed commercial/residential project.

Commissioner Francis opined that the Commission has no reason to believe that the property will be developed in a manner other than what is proposed by the applicant, and expressed her support for the project.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION 01-46, RECOMMENDING THAT THE CITY COUNCIL ADOPT THE PROPOSED NEGATIVE DECLARATION AND APPROVE REZONE 01-03 (DAVIS). COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 5-1-1 (COMMISSIONER STONE OPPOSED, COMMISSIONER ALVISTUR ABSENT).

5. **Text Amendment to Title 19 of the Chico Municipal Code (City of Chico):** A proposed amendment to Title 19, Land Use and Development Regulations, of the Chico Municipal Code, consisting of: deleting the density definitions and use of the terms “gross acre” and “gross density”, including dental and medical offices as professional offices, defining transitional housing, clarifying time periods for temporary uses, allowing a 45 foot building height in the R3, R4, and RD zoning district, clarifying the height for garages with second floor dwelling units, amending parking and landscaping requirements for certain uses, clarifying when small-lot subdivisions may be allowed, clarifying the requirement for a use permit for animals, allowing for lighting on telecommunications towers, limiting the number of bedrooms and size of second dwelling units, and making various clerical and typographical corrections. It has been determined that pursuant to Section 15162 of the California Environmental Quality Act (CEQA), no subsequent environmental review is required for the proposed text amendment. *Staff recommends that the Commission recommend adoption of the text amendment to Title 19 to the City Council.*

Chair Wolfe indicated that the Commission would consider item G (second dwelling units) separately, because of Commissioner Monfort’s need to disqualify himself on that item.

Ms. Figge clarified that some of the items in the notice and on the agenda weren’t addressed in this report, and will be covered in a subsequent amendment to Title 19. The omitted items include use permit requirements for animals, small lot subdivision regulations, and transitional housing.

Ms. Figge reviewed the report pertinent to item G, second dwelling units. She noted that staff is recommending a two-bedroom limitation, as applications have been received for three- and four-bedroom units, which was not the intent of the regulations. Unit size would be 850 square feet or 75% of the floor area of the main unit, whichever is less.

The public hearing for section G, second dwelling units, was opened at 8:36. Seeing no comment, the public hearing was closed.

COMMISSIONER FRANCIS MOVED THAT THE COMMISSION ADOPT RESOLUTION NO. 01-41, SECTION G ONLY, RECOMMENDING THAT THE CITY COUNCIL FIND THAT THE

AMENDMENTS ARE NOT SUBJECT TO ENVIRONMENTAL REVIEW AND ADOPT THE AMENDMENTS TO TITLE 19 LAND USE AND DEVELOPMENT REGULATIONS (CITY OF CHICO). COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 5-0-1-1 (COMMISSIONER ALVISTUR ABSENT, COMMISSIONER MONFORT DISQUALIFIED).

Ms. Figge reviewed the remainder of the staff report, reviewing the proposed changes in the regulations. She noted that the 45-foot height restriction in R3 will allow an architectural roof on a three-story apartment building, and that the change in tower lighting provisions would allow greater flexibility for the City to comply with ALUC lighting requirements, as well as allow a light for other health and safety reasons.

The public hearing was opened at 8:40 p.m. Seeing no comment, the public hearing was closed.

The Commission discussed parking requirements, accessory structure heights, and roof color on large buildings. There was general agreement to approve all changes proposed in the report.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-41, MINUS SECTION G, RECOMMENDING THAT THE CITY COUNCIL FIND THAT THE AMENDMENTS ARE NOT SUBJECT TO ENVIRONMENTAL REVIEW AND ADOPT THE AMENDMENTS TO TITLE 19 LAND USE AND DEVELOPMENT REGULATIONS (CITY OF CHICO). COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER ALVISTUR ABSENT).

6. **General Plan Amendment 01-03/Prezone 01-01 (Sterling University Housing/City of Chico)** - A proposed amendment of the City of Chico General Plan land use designation and rezoning for four parcels located within the jurisdiction of Butte County. An application for annexation to the City of Chico is being concurrently processed through the Butte County Local Agency Formation Commission (LAFCo). The subject parcels are located on the east (north) side of State Highway Route 32/Nord Avenue, between W. 8<sup>th</sup> Avenue and Lindo Channel, and are identified as Assessor's Parcel Nos. 042-140-077, 078, 098 & 103. The proposal would change the existing designation of *Manufacturing & Warehousing* on the City of Chico General Plan Diagram to *Medium-High Density Residential* (14.01-22 units/acre), and the existing rezoning designation of *ML Light Manufacturing/Industrial* would be changed to *R3 Medium-High Density Residential*. If approved, each of the four parcels could be developed with multi-family residential uses once they are annexed into the City. A 320-unit apartment complex is currently being proposed for the two southerly parcels (APNs 042-140-098 & 103). No development is currently being proposed for the two northerly parcels. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends that the Commission recommend that City Council adopt the mitigated negative declaration, approve the general plan amendment, and approve the prezone.*

Mr. Murphy presented the staff report, reviewing the land use issues involved, surrounding land uses, traffic issues, details of the student apartment complex being proposed, and other pertinent information. He reviewed the traffic report prepared for the project, and the four different scenarios analyzed. He noted that required traffic improvements include a center two-way left turn lane, adequate driveway spacing, restrictions on certain turning movements, and a traffic signal at the 32/Glenwood intersection. He also reviewed different options for a bicycle path/lane and the proposed buffer zone between residential and agricultural uses. He noted that while the traffic report was prepared with input from Caltrans, they have not yet provided their comments on the project; comments are expected in approximately a week.

In response to Commissioner Monfort, Mr. Murphy elaborated on construction details of each of the bike path/lane options. He noted that the bike path mitigation is phrased as “either/or” so only one bike path will be required.

In response to Commissioner Wolfe, Mr. Murphy stated that Butte County Environmental Health does not require soil testing for agricultural lands converted to residential use. He added that the applicant will be performing soil testing as part of the geotechnical report for the project.

Commissioner Wolfe confirmed with staff that Helena Virisimo, owner of the two northerly parcels, would not be required to connect her properties to sewer until such time as she initiates development of her property.

Commissioner Francis noted that page 12 of the traffic study shows that rezoning the property will result in 5,000 additional trips per day, and opined that the traffic mitigation is inadequate.

Mr. Murphy explained that the key traffic determinant is level of service (LOS) during peak hours, for which the main mitigation is the center turn lane in the middle of 32. He added that a traffic signal would be installed at Glenwood and 32 when the northerly two parcels are developed, and suggested that Mr. Johnson would be better equipped to discuss detailed traffic issues.

Mr. Johnson pointed out that the incremental increase during the p.m. peak is 102 peak hour trips, or 25 more peak hour trips per parcel. He noted that of the 8 intersections examined in the traffic study, the City only has full control over West Sacramento/Warner; all other intersections are under Caltrans’ jurisdiction.

There was additional discussion regarding LOS at affected intersections and difficulties in working with Caltrans. Mr. Johnson explained that some intersections will go to LOS F even without the rezone, but that others would get better with the project due to the installation of mitigation measures.

The public hearing was opened at 9:24 p.m.

Jim Mann, 70 Declaration Drive #101, representing the applicant, stated that they are performing a Phase I environmental assessment on the property, and will submit the results to the City. He

noted that this site has been discussed as a future multi-family housing site in three public hearings before the Commission and three hearings before the City Council. He introduced others involved with the project, and urged the Commission to approve the general plan amendment and rezone on just the two southerly parcels, currently proposed for development. He emphasized Sterling's experience in managing college properties, including the presence of onsite security, the construction of a bike path, and the provision of shuttle service.

He stated that he had talked to Chico State President Esteban about the project, that the project will cost \$12 million and involve many local contractors and trades, and that the ARB was unanimous in its support for the project.

Greg Melton, 627 Broadway, Land Image Landscape Architects, explained details of the site and landscaping design. In response to Commissioner Monfort, Mr. Melton stated that the units are three stories high, and that a bus shelter and secured bike parking will be provided.

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The Commission was in recess from 9:38 to 9:48 p.m.

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Michael Connor, 1415 Trenta Drive, spoke in opposition to the project, citing concerns with traffic, loss of privacy, safety, and whether the community needs space for an additional 1000 students.

Laurene Vrisimo, 1512 Oak Grove Drive, Los Angeles, confirmed with staff that her mother's property (the two northerly parcels) will not be required to annex to the City or to connect to City sewer, and that property taxes will remain the same. She spoke in opposition to the project, citing concerns with traffic, safety, unauthorized use of her mother's property, and the need for a buffer zone between the project and her mother's property. She stated that her mother is not asking for a rezone of her property.

Jane Dolan, 1051 Adlar Court, spoke in opposition to the project, citing concerns with additional traffic, the dysfunctional state of the existing roadways on the west side, inadequate noticing, holding the meeting five days before Christmas, potential conflict with Emma Wilson Elementary School, and unrealistic expectations of students' use of alternative transportation.

In response to Commissioner Francis, Ms. Dolan stated that it is both the City and County's responsibility to improve the traffic situation on the west side.

Ms. Dolan requested that if the project is approved, the following conditions of approval should be required: provision of a shuttle system, contribution of fees toward a traffic signal at Oak Way, removal from consideration of a bike path within or near the UP right-of-way, provision of a bus stop on both sides of 32, installation of a solid fence along the train tracks, and payment of fees to the Oak Park Assessment District. She urged the Commission to not take action at this time.

Coleen Smith, 2223 Nord Avenue, spoke in opposition to the project, citing concerns with traffic and safety.

Jennie De Bose, 2175 Nord Avenue, spoke in opposition to the project, citing concerns with traffic, safety, neighborhood security, and the impact on her business.

Rodney Krebs, 1603 Oak Park Avenue, representing Sterling, spoke in support of the project. He stated that they will be excellent neighbors, and noted that traffic impacts will occur if the City is serious about density and avoiding sprawl.

Mary Brownell, 1942 Roseleaf Court, spoke in opposition to the project, citing concerns with traffic and safety. She stated that she has a petition with 20 signatures opposed to the project, and ventured that she could obtain many more.

Mike Dunkley, 1535 La Linda Lane, stated his agreement with the previous speaker. He urged the Commission to either postpone or deny the project.

Craig Dickerson, representing Sterling Housing, applicant, stressed his company's track record in building and managing over 30,000 apartment units in 15 states. He stressed that security guards will live on site, and noted the variety of transportation options due to bus service and the bike path. He stated that they plan to contract with the university to increase the shuttle service to the site, but if that is not feasible, then they will provide their own shuttle service. He stated their commitment to implementing all mitigation measures, and have stated so in writing.

There being no further comment, the public hearing was closed at 10:31 p.m.

The Commission discussed the project, confirming with staff that the developer will pay all impact fees in addition to installing required mitigation measures, and that the conditions of approval would be binding on any subsequent developer of the property.

Mr. Seidler reminded the Commission that its action is only a recommendation to the City Council. He noted that a neighborhood meeting will be held in the near future, and discussed this project's relevance in the City's larger discussion of growth areas and compact urban form. He added that any infill upzoning will affect existing residents in terms of traffic, and urged the Commission to consider the long-term needs of the entire community.

After discussion, the Commission agreed to continue this item, both to allow comments from Caltrans as well as comments from the neighborhood meeting. Commissioner Stone added that she would appreciate some sort of toxic substances report.

The Commission also agreed to extend the notice area for the neighborhood meeting, to be determined by staff in conjunction with Jane Dolan. The Commission also agreed that the next meeting on this topic should be a special meeting for just this item.

COMMISSIONER FRANCIS MOVED TO CONTINUE THIS ITEM TO A SPECIAL MEETING ON JANUARY 24, WITH THE PUBLIC HEARING CLOSED. COMMISSIONER MONFORT SECONDED THE MOTION.

Chair Wolfe clarified that it is likely that the Commission will re-open the public hearing.

THE MOTION PASSED 6-0-1 (COMMISSIONER ALVISTUR ABSENT).

**GENERAL BUSINESS**

None.

**PLANNING UPDATE**

Mr. Seidler reviewed recent Council action on the Chico Vecino rezone and the Reed rezone. He also noted that Council chose not to call up the record for the Safeway fueling station appeal. Regarding growth issues, Mr. Seidler reviewed that there will be an additional Council meeting on the 8<sup>th</sup> to further explore growth issues provide additional direction to staff.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 10:52 p.m. to the Adjourned Regular Meeting of January 17, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

April 4, 2002

Date Approved

Kim Seidler  
Planning Director