

**CITY OF CHICO PLANNING COMMISSION
JANUARY 6, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Kirk Monfort
 Steve O'Bryan
 Irv Schiffman

Staff Members Present: Teresa Bishow, Principal Planner
 Brendan Vieg, Senior Planner
 Ed Palmeri, Associate Planner
 Greg Redeker, Assistant Planner
 Scott Armstrong, Code Enforcement
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Alvistur called the meeting to order at 6:00 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

Chair Alvistur advised that the minutes of December 14, 2004, are being pulled per staff's request for further revisions.

Commissioner Monfort moved, seconded by Commissioner Brownell, approval of the minutes of May 15, 2003, June 19, 2003, and August 7, 2003. Motion passed 7-0.

3. ELECTION OF OFFICERS

Commissioner Luvaas nominated Commissioner Alvistur for Chair, seconded by Commissioner Brownell. The Commission voted 7-0 to re-elect Commissioner Alvistur for Chair.

Commissioner Alvistur nominated Commissioner Brownell for Vice Chair, seconded by Commissioner Monfort. The Commission voted 7-0 to elect Commissioner Brownell for Vice Chair.

4. PLANNING COMMISSION ORIENTATION

Principal Planner Teresa Bishow welcomed the new commissioners, Dave Kelley and Steve O'Bryan, and gave a brief orientation. She also distributed the Chico Planning Commission Orientation Handbook, League of California Cities Planning Commissioners' Handbook, and a 500-yard radius map of each of Commissioner's home.

Senior Planner Brendan Vieg distributed the Procedural Rules and Regulations for the Planning Commission of the City of Chico which were adopted by resolution on December 1, 1986.

Assistant City Attorney Lori Barker gave a brief overview of the California Brown Act and conflicts of interest.

5. WORK SESSION

Principal Planner Teresa Bishow and Senior Planner Brendan Vieg gave a brief overview to the Commission on the environmental features and pending developments south of State Highway 32 and north of E. 20th Street. Staff also reviewed the General Plan, zoning, and land use patterns, along both sides of Bruce Road between State Highway 32 and East 20th Street.

6. DISCUSSION OF EX PARTE COMMUNICATION FOR PUBLIC HEARING ITEMS

Commissioner Kelley advised that he had viewed the DVD of the continued items, Use Permit 04-24 Woolley and Bruce Road Tentative Subdivision Map S 04-04, and would like to participate. Commissioner O'Bryan stated that he did not have an opportunity to review the DVD of the prior Commission meetings on the continued Items, but did review the agenda material. Ms. Barker informed Commissioner O'Bryan that there is nothing in the Municipal Code that states he would have to be disqualified, but recommended he do so due to lack of prior knowledge of the continued items.

7. NOTICED PUBLIC HEARING ITEMS

7.1. Use Permit 04-24 (Woolley) 178 E. Washington Avenue - A request to authorize an existing one-bedroom second dwelling unit as a legal use. This use permit is being requested in response to City of Chico Code Violation No. 0875. The unit is built at the rear of property located at 178 E. Washington Avenue, adjacent to the alley. The main unit is owner-occupied. The site is identified as Assessor's Parcel No. 003-171-012, is designated Low Density Residential on the City of Chico General Plan Diagram,

and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures).

Assistant Planner Greg Redeker advised that this item was continued from the meeting of December 14, 2004, gave a brief overview of the project, and reviewed the conditions recommended by staff. He informed the Commission that the neighbors of this project filed a complaint with the City, and that there has been extensive correspondence received regarding this project. He also advised that there is a petition signed by 39 people requesting that the Commission deny this project. He reviewed that the Commission must make all required findings listed in the staff report, and that if the Commission cannot make one of the findings, it cannot approve the project. He also reviewed the binders given to the Commission by the neighbors just before the start of the meeting.

Chair Alvistur opened the public hearing.

William Apger, attorney representing the applicants, urged the Commission to approve the use permit, acknowledged that there have been troubled relations with the neighbors, and requested an opportunity to comment after everyone else has spoken.

Mr. and Mrs. Woolley thanked the Commission and requested that they approve their use permit for a second dwelling unit. Mrs. Woolley presented photos of their home to the Commission. Mr. and Mrs. Woolley advised the Commission that they have met some of the conditions and that the neighbors had signed a petition on May 16, 2004, which stated that the second dwelling unit had not bothered them. They also went over calls that were made to the police, and apologized to the Commission for being late on requesting a use permit for the second dwelling unit.

Richard Wodrich, neighbor, stated he has no issues with the Woolleys and wants this project to be reviewed on its merits. He also advised that the homes are close together in this neighborhood, with there being 14 feet between his house and the Woolleys' house. He referred to the binders that were presented earlier which included a map and the petition signed by 39 people requesting the Commission to deny this use permit. He again advised the Commission that the neighbors are asking them not to approve the use permit as they do not want any further disruptions by renters. In response to a question by the Commission asking if they had a problem with the structure or with the people, Mr. Wodrich explained that they do not want people living there due to the high noise level.

Marci Goulart, neighbor, explained she has been living there for 11 years. During that time, the Woolleys have had 4 different renters and numerous complaints about the noise. She requested

that the Commission deny the use permit based on the number of police complaints due to the noise and fighting from the renters.

Dominic Watkins spoke in favor of the use permit. He explained that there is more noise that comes from the high school, that the renters have not been too loud as he lives just around the corner on the Esplanade, and that the Woolleys are very nice people that help the community.

Kimberly Giffin, who lives directly across from the Woolleys, stated that she has personally witnessed disturbances at the rental. She reviewed the log of police calls for the property. She also stated that there are issues with traffic and does not believe there is any garbage service. She informed the Commission that she does not have a second dwelling unit and presented them with a photo showing her shed. She requested that the Commission deny the use permit.

Allen Anderson spoke in favor of the use permit. He explained that the Woolleys want to have their family live in the rental and believes that the family should be together.

Shannon Steffy spoke in favor of the use permit. She explained that there are problems with renters all over Chico and believes that the Woolleys will comply with all of the conditions.

Thomas Bir, property owner of 199 E. Washington Avenue, stated he has not heard any merits to approve this use permit and only emotions. He requested to hear from the Woolleys' attorney on what merits this use permit should be approved.

Melinda Vasquez requested that the Commission deny this use permit for a second dwelling unit, as it cannot conform to the codes. She stated that she does support second dwelling units that conform.

Caleb Giffin spoke against the use permit.

Karen Laslo informed the Commission that she had met the Giffins and was disappointed to hear that they might move out of the neighborhood. She stated that there is a lot of illegal activity in the older neighborhoods and referred to a project that was built nearby without a use permit. She believes these second dwellings that are illegally established should be held to the codes.

Mrs. Woolley informed the Commission that her daughter and son-in-law were here to speak but had to leave due to work. She stated that this unit has been there for 30 years. They have asked their renters to use the back access instead of the front access to prevent noise that would disturb the neighbors. She believes the renters were asked to leave due to their appearance. She also explained that the parking will be changed to meet City standards and that last year there were other units which are similar that were approved.

Chair Alvistur closed the public hearing.

Mr. Redeker explained that this second dwelling unit was the only structure on the property and was legally a dwelling from 1950 to 1980. He clarified it has not been permissible to use the structure as a rental since 1980 when a new home was built on the lot, but it is a legal guest house. He also explained that the applicants were charged double for the use permit and that payment of all applicable development impact fees would be required.

Principal Planner Teresa Bishow requested that if the Commission decides to deny the use permit, that a motion of intent be adopted to allow staff to prepare findings to deny the project, with final action to be taken at a subsequent meeting.

Assistant City Attorney Lori Barker explained that when a trust owns a property and the trustee lives at that same address, staff has considered the property to be owner-occupied.

Commissioner Schiffman confirmed that the rear unit will have pedestrian access to the street frontage.

Commissioner Brownell suggested parking be at a 90 degree angle to prevent headlights from bothering the neighbors. She also explained that she is opposed to this use permit due to the location and stated that she does not know how many back alley second dwelling units are in existence, but does not want to set a precedent.

Mr. Redeker explained that the second unit is an existing structure, and that it is not feasible to move the structure in order to comply with the standard set backs.

Commissioner Luvaas stated that he used to live on Washington Avenue and knows that there are a great number of rentals in the area. He also expressed that the land use is not the problem, but the people causing the problem.

Commissioner Monfort moved, seconded by Commissioner Luvaas, that the Commission find that the project is categorically exempt from environmental review and approve Use Permit 04-24 (Woolley), subject to the findings and conditions of approval contained within the staff memorandum.

Motion passed 6-1. Commissioner Brownell opposed.

- 7.2. Bruce Road Tentative Subdivision Map S 04-04 (MBD, Inc. & Marty and Denica Lugar) Bruce Road approximately 400 feet north of Little Chico Creek**
- A request to subdivide 2.5 acres located on the east side of Bruce Road

approximately 400 feet north of Little Chico Creek to create 12 single-family lots ranging in size from 6,000 to 6,859 square feet. The project density is 4.8 dwelling units per gross acre. The project site is identified as Assessor's Parcel No. 011-780-012. The property is designated Medium Density Residential/Open Space for Environmental Conservation/Safety (4.01 to 14 dwelling units per gross acre) on the City of Chico General Plan Diagram and zoned R2-RM (Medium Density Residential-Resource management overlay zone) zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA).

Associate Planner Ed Palmeri advised that this item has been continued from the Planning Commission Meeting of December 16, 2004, gave a brief overview of the project, and reviewed the handout which included the Department of Toxic Substances Control Memorandum dated September 30, 1999, and an added condition of approval to Resolution 04-53.

Staff addressed concerns from the Commission regarding drainage, the no-build zone, and City requirements for property owners to prevent fire hazards.

Chair Alvistur opened the public hearing.

Tim Wood, The Engineering Group, gave a brief overview of the project.

Staff and Commission discussed roadway connections to Bruce Road from the development.

Barbara Vlamis, Executive Director of the Butte Environmental Council, spoke about the environmental review and studies completed in the area of the project. She also clarified for the Commission that the Department of Toxic Substances Control (DTSC) study was not done with the consideration of human occupation, but for vacant land only.

Julie Nasr, wanted to reiterate what Ms. Vlamis had stated about the environmental study, and informed the Commission about potential contaminations and hazardous waste in the area. She believed a Phase II analysis was justified and suggested that staff contact DTSC to obtain their assessment of the site for development.

Tom DiGiovanni stated that he came to the meeting to hear the earlier work session, and that he recently submitted an application for Meriam Park. He also stated that he anticipates a number of intersections along Bruce Road which will slow down traffic, and believes that another study of the whole area would be worthwhile.

Tim Wood distributed a letter dated December 23, 2003, addressed to Mr. Luger from the

Department of Toxic Substances Control regarding the Luger/Meghdadi property.

Karen Laslo expressed to the Commission that they should listen to what was stated earlier by Ms. Vlamis and Ms. Nasr, and that a sign should be provided informing the public that these homes were built within 300 feet of a toxic dump. She also recommended that a Phase II study be completed.

Ms. Vlamis informed the Commission that the negative declaration states that the closest hazardous waste is the Humboldt Road Burn Dump, that no one was aware of the other hazards, and that staff was not aware of the 1981 study done by Butte County. She questioned whether the consultant had the information necessary to complete the Phase I analysis.

Chair Alvistur closed the public hearing.

The Commission discussed various issues including the environmental concerns and Bruce Road street design concerns.

Commissioner Alvistur suggested that the Commission consider a condition of approval that further evaluation of the environmental concerns be conducted. In response, Assistant City Attorney Barker advised against doing a conditional approval on the mitigated negative declaration.

Commissioner Schiffman clarification as to whether the mitigated negative declaration should be modified or perhaps a full EIR be conducted.

In response, Mr. Palmeri suggested the Commission direct staff to obtain further information in response to issues raised at the hearing.

Commissioner Luvaas stated he was particularly concerned about environmental issues, especially the inadequacy of the mitigated negative declaration, the project's lack of compliance with the General Plan, and insufficient basis for modifications to the standard subdivision design. Furthermore, he indicated concern that the project was going too quickly without coordination of other developments in the area.

Commission Luvaas made a motion of intent to deny the project based on inconsistency with the General Plan, especially the Housing Element and the intent of the Medium-Density Residential designation and the inability to approve the mitigated negative declaration. Commissioner Schiffman seconded the motion with a friendly amendment that the denial also be based on the project being premature, due to the need to review development in the entire area. Commissioner Luvaas accepted the amendment.

*Motion passed 4-2-1. Commissioners Alvistur and Brownell opposed.
Commissioner O'Bryan abstained.*

In response to questions, Ms. Bishow clarified that staff will prepare draft findings for the Commission to review at a future meeting. The Commission will be able to evaluate the draft findings and make a final decision as to whether to approve or deny the project.

Mr. Palmeri stated that Planning staff will seek further information from the consultant and contact DTSC.

Commissioner Monfort stated that he did not believe the project was inconsistent with the General Plan since the Council did not approve a change to the minimum density requirements in R2. Commissioner Luvaas stated that the proposed project would result in 12 dwellings whereas the R2 zoning would allow 35 dwellings. He added that the project was inconsistent with the Housing Element, Circulation Element, and Chico Design Standards.

Commissioner Kelley stated he voted for the motion primarily due to environmental concerns.

7.3. Parcel Map, PM 04-13 (Brown) 2001 Hooker Oak Avenue - A request to subdivide a 2.64 acre site to create two parcels with remainder acreage. The proposed size for Parcel 1 is 27,073 square feet and Parcel 2 is 25,967 square feet. The remainder acreage, which contains an existing single-family residence, will be 61,982 square feet. The subject property is located at 2001 Hooker Oak Avenue in an RS-20 zoning district (20,000 square feet minimum lot size) and has a General Plan designation of Low Density Residential. The property is currently accessed by a private driveway located along the westerly boundary of the property. The site is identified as Assessor's Parcel No. 045-412-006. The proposed project has been determined to be Categorically Exempt pursuant to the California Environmental Quality Act (CEQA) Section 15332, In-fill Development Projects.

Chair Alvistur disqualified himself due to living in close proximity to the project.

Senior Development Engineer Matt Johnson informed the Commission that the staff report had a requirement for the existing home to be connected to the sewer, but will wait for the County's recommendation.

Principal Planner Teresa Bishow gave a brief overview of the project and referred the Commission to the applicant for any questions regarding the project.

Vice Chair Brownell opened the public hearing.

Jim Stevens, NorthStar Engineering, referred to his letter dated January 2, 2005, addressed to Principal Planner Teresa Bishow regarding sewer connection, and requested an amendment at the end of Condition of Approval #6 of the staff report. He advised that they will leave the large trees, and that there would be no fencing in response to questions from the Commission.

He also clarified for the Commission that they are not doing a parcel map, that the General Plan designation is low density and zoning is R1, and as a result of the surrounding neighborhood, it was re-zoned up to RS 20 which is what the map act had anticipated.

Vice Chair Brownell closed the public hearing.

Commissioner Monfort moved, seconded by Commissioner Schiffman, that the Planning Commission find that the project is categorically exempt and adopt Resolution No. 04-52, approving the Tentative Parcel Map (PM 04-13), subject to the findings and conditions contained therein, and to amend Condition of Approval #6 to include "if construction disturbance equals or exceeds one acre."

Motion passed 6-0-1. Commissioner Alvistur was disqualified.

5. BUSINESS FROM THE FLOOR

None.

6. PLANNING UPDATE

Principal Planner Teresa Bishow distributed the upcoming Planning Commission schedule and a cc of a letter Steve Gonsalves sent to Eric Hart regarding the Senator Theater. She also advised the Commission about the American National Planning Conference scheduled in March, and to advise staff if they were interested in attending.

7. ADJOURNMENT - There being no further business before the Commission, the meeting was adjourned at 10:25 p.m. to the Adjourned Regular Meeting of January 20, 2005, at 6:30 p.m.

February 17, 2005

Date Approved

/s/

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
JANUARY 20, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Kirk Monfort
 Steve O'Bryan
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Fritz McKinley, Director of Public Works
 Teresa Bishow, Principal Planner
 Patrick Murphy, Senior Planner
 Claudia Sigona, Senior Planner
 Ed Palmeri, Associate Planner
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

Commissioner Monfort moved, seconded by Commissioner Brownell, approval of the minutes of December 14, 2004. Motion passed 7-0.

3. DISCUSSION OF EX PARTE COMMUNICATION FOR PUBLIC HEARING ITEMS

None.

4. NOTICED PUBLIC HEARING ITEMS

- 4.1. **Oak Valley Vesting Tentative Subdivision Map (S 99-12), Planned Development Permit and Conceptual Master Plan (PDP 02-01); bounded by Bruce Road on the west, State Route 32 on the north, a PG&E 500 kV transmission line on the east and Humboldt Road on the south; APN's 011-030-090, -136, -138, and -139 (Fogarty Investments).** Vesting tentative subdivision map and planned development permit to divide a 340-acre site into 147 parcels. Development of the 340-acre site would take place pursuant to a Conceptual Master Plan (Plan). Phase I of the Plan includes 126 smaller lots which would be developed on a 43-acre portion of the site, including two parcels for medium-density residential development (apartments). Development of the remaining 21 larger parcels (Parcels A-U) would take place under future phases via the process of individual subdivision maps. The large parcels range in size from 4.34 gross acres to 26.52 gross acres and would facilitate phased development and financing. At full buildout, the Plan for the site would accommodate approximately 1,324 residential units, along with 109,000 sq. ft. of commercial retail space on 10 acres, and 87.5 acres of open space. Phase I would provide for 295 units (85 single-family, 78 duplex, and 132 apartments).

The property is designated Very Low Density Residential, Low Density Residential, Medium Density Residential, Medium High Density Residential and Community Commercial with an overlay designation of Open Space for Environmental Conservation/Safety. The subject site is also identified as a "Special Development Area" in the Chico General Plan due to sensitive biological habitat and the foothill viewshed. The site is zoned Very Low Density Residential (RS-20), Low Density Residential (R1), Medium Density Residential (R2), Medium High Density Residential (R3), Community Commercial (CC) with a Planned Development Overlay zoning district (-PD Foothill) and a Special Design Considerations Overlay district (-SD2). A Planned Development Permit (PDP) has been required for this project. The PDP process will allow the project developer to cluster housing units and to transfer density to the western portion of the site by reducing parcels sizes, setbacks or other development standards.

The Programmatic Draft EIR for the Oak Valley Conceptual Master Plan and Project-Specific Draft EIR for the 43-acre Portion of the Subdivision was circulated for a 45-day public review period between the dates of April 18 and June 2, 2000. A recirculated Draft EIR was circulated for a 45-day public review period between the dates of April 30 and June 14, 2004.

Senior Planner Patrick Murphy presented a brief history of the project and went over key points of the staff report. He advised the Commission that consultants who prepared the EIR,

Francisca Mar, Steve Weinberger, and Adrienne Graham were in attendance and would be providing an overview of the EIR issues.

Adrienne Graham gave any overview of the Draft EIR of April 2000. She advised that the Final EIR includes responses to comments, and alternative analysis to try to achieve the objectives of the project. She also advised that a number of impacts such as traffic, air pollution, and changes to views, would remain significant even after mitigation measures are implemented.

Staff informed the Commission that any improvements to State Highway 32 would have to be approved by Cal Trans, and that Cal Trans does not support signal lights at E. 8th and E. 9th Streets at State Highway 32. As a result, statements of overriding considerations would need to be adopted for traffic impacts at this location, as there is no guarantee that Cal Trans would ever agree to install the signals.

Steve Weinberger went over traffic impacts at E. 8th and 9th Streets at State Highway 32.

Mr. Murphy informed the Commission that the project would not impact the historical portions of Humboldt Road. He explained that it is not feasible to build another collector road to preserve Humboldt Road as there is not enough room on the subject property. He reviewed what is planned for each lot, and their designated densities. He also reviewed alternative designs for the project and asked the Commission for direction on any recommended changes.

Staff and the Commission had further discussion regarding the design of the project, the densities, and what structures would be built on lands to be remediated by the applicant.

Director of Public Works Fritz McKinley addressed questions from the Commission regarding road connections. He also stated that the construction would not impact the wagon wheel ruts along Humboldt Road and that fencing would be utilized to protect the area from construction.

Chair Alvistur opened the public hearing.

Jim Mann, Project Manager for the applicant, gave a brief overview of the project and advised the Commission that the Oak Valley project consultants will also be presenting brief overviews of the project.

Wes Gilbert, Project Engineer for the applicant, gave a brief overview of the project which included drainage, a proposed pedestrian path, street dimensions and locations, the plan to use land form grading and terraces to minimize the use of retaining walls, and street lighting.

Greg Melton, Project Landscape Architect for the applicant, reviewed the landscape design of

the project.

Ken Whitney, Project Environmental Consultant for the applicant, gave a brief overview of the Resource Management Monitoring and Reporting (RMMRI) report which provides guidance on how sensitive biological resources might be integrated into the design of the project, and how the lands will be managed in the future to maintain these resources. He also addressed questions from the Commission regarding the area around Dead Horse Slough, and elderberry shrubs.

Kate Kirsh, Project Visualization Consultant for the applicant, gave a visual presentation of the project.

Tom Fogarty, property owner, gave a brief history and summary of the project which included details of the plan. He also reviewed key points including the Humboldt Road Burn Dump, sewer system, storm drainage, and toxic studies performed for the site. He addressed questions from the Commission regarding the soil remediation undertaken on the site thus far.

Wendy Johnston, Project Site Remediation Consultant for the applicant, gave a presentation on the process of clean-up standards on the site. She addressed questions from the Commission regarding toxins in the soil.

Mr. Fogarty expressed to the Commission that this project is very well designed, and because it is a large project, it is scrutinized more than smaller projects. He requested the Commission to approve the project.

Planning Director Kim Seidler informed the Commission that there are legal requirements to hear other projects on the agenda, and suggested the public hearing for this project be continued to February 24, 2005, at 6:30 p.m. The Commission agreed to the special meeting, but allowed members of the public that could not make that meeting to speak on the project.

Francis Farley expressed his concerns regarding the historic resources on Humboldt Road and the need to preserve these resources.

Julie Nasr spoke about the Humboldt Road Burn Dump, and concerns regarding a containment cell for toxic waste.

Chair Alvistur closed the public hearing.

Assistant City Attorney Lori Barker addressed a question from the Commission regarding the ownership of land zoned as open space.

*Commissioner Monfort moved, seconded by Commissioner Luvaas,
that the public hearing for Oak Valley Vesting Tentative Subdivision*

Map (S 99-12), Planned Development Permit and Conceptual Master Plan (PDP 02-01), be continued to a special meeting to be held on February 24, 2005, at 6:30 p.m.

Motion passed 7-0.

- 4.2. Hannah's Court Vesting Tentative Subdivision Map S 04-18 (Agasy, Inc.)** - This application consists of a vesting tentative subdivision map to create 5 single-family residential parcels on 1.09 acres located on the east side of Ceanothus Avenue, approximately 115 feet south of Sale Avenue and 250 feet north of Brenni Way, Assessor's Parcel No. 016-100-041. The proposed project density is 4.59 units per acre, and proposed lot sizes range from 5,226 to 9,372 square feet (net). The property is designated Low Density Residential in the General Plan, and is located in an R1 Low Density Residential zoning district. The General Plan designation and zoning district allow single-family residential development at densities between 2.01 and 6 units per acre. The project is Categorically Exempt from environmental review pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA).

Senior Planner Claudia Sigona presented the staff report, and advised that there are residential developments all around this project. She also addressed concerns from the Commission regarding the large wall proposed along Ceanothus Avenue, and the lack of open space in this area, pointing out that a large neighborhood park is planned to the north.

Senior Development Engineer Matt Johnson indicated a homeowner's association would be required for this subdivision, and addressed questions from the Commission that trees are not required as this is a private street.

Ms. Sigona did clarify that the applicant is being required to install street trees within an easement on the north side of the private street.

Chair Alvistur opened the public hearing.

Tony Symmes, applicant, advised the Commission that all of the homes will be single-story, he is willing to continue the wall and set back on Ceanothus Avenue, and street trees are being planted. He also explained that there are pockets of open space in the area for parks but there are issues that need to be addressed with the Chico Area Recreation District.

Chair Alvistur closed the public hearing.

Commissioner Luvaas moved, seconded by Commissioner Brownell, that the Planning Commission adopt Resolution No. 04-51 finding that the project is categorically exempt from environmental review

and approving Hannah's Court Vesting Tentative Map (S 04-18), subject to the findings and conditions contained therein and the additional condition as follows:

1. That CC&R's be required to maintain all private facilities.

4.3. Parcel Map/Planned Development Permit 04-14 (Doss) 823 Oak Lawn Avenue

- A request to create two single-family residential lots on 0.24 acres located on the west side of Oak Lawn Avenue and addressed as 823 Oak Lawn Avenue and approve a planned development permit. The property is identified as Assessor's Parcel Number 043-260-007. Proposed lot sizes are 5,020 and 5,223 square feet. The site is designated on the General Plan Diagram as Low Density Residential (2.01 to 6.0 dwelling units per gross acre) and is rezoned R1 Low Density Residential. The planned development permit would allow development of the site at a density of 7.0 dwelling units per gross acre. Staff recommends a determination be made that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines Section 15315 (Minor Land Divisions).

Associate Planner Ed Palmeri presented the staff report explaining that this is a planned development to allow density of 7.0 dwelling units per gross acre.

Chair Alvistur opened the public hearing.

Mark Risso, representing the applicant, explained that the reason the project was not brought closer to the street, is so that it would match the set back of the other homes.

Chair Alvistur closed the public hearing.

Commissioner Brownell moved, seconded by Commissioner O'Bryan, that the Planning Commission adopt Resolution No. 05-01, making a determination that the project is categorically exempt and approving Tentative Parcel Map/Planned Development Permit 04-14 (Doss), subject to the findings and conditions contained therein.

Motion passed 7-0.

5. BUSINESS FROM THE FLOOR

None.

6. PLANNING UPDATE

Planning Director Kim Seidler advised the Commission that Use Permit 04-51 (Harris)

and Second Dwelling Unit 04-10 (LVV Enterprises) were appealed and that the City Council held considerations on January 4, 2005, and will hear both items on February 1, 2005. He also advised the Commission that Use Permit 04-24 (Woolley) was appealed and will go to Council on February 15, 2005, for consideration.

Assistant City Attorney Lori Barker distributed a memorandum to the Commission regarding General Rules Regarding Conflicts Based On Real Property Interests Under the Political Reform Act.

Principal Planner Teresa Bishow explained that when the Senator Theater will be coming back to the Commission for consideration is determined by the applicant in response to a question by the Commission.

7. **ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 10:28 p.m. to the Regular Meeting of February 3, 2005, at 6:30 p.m.

February 17, 2005

Date Approved

/s/

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
FEBRUARY 3, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Kirk Monfort
 Steve O'Bryan
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Dennis McLaughlin, Housing Officer
 Patrick Murphy, Senior Planner
 Bob Summerville, Associate Planner
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

Chair Alvistur stated three points that he wanted clarified in the minutes of December 16, 2004, which were:

- 1. The design for the new building south of the Senator Theater should be 4 floors and not raise the current height.*
- 2. The viewshed should be saved from the penthouse owned by Bob Linscheid in the building to the south of the proposed new structure.*
- 3. There should be no visible parking lot facing Wall Street. The parking should be located under the building on Wall Street.*

*Commissioner Monfort moved, seconded by Commissioner Brownell, approval of the minutes of December 16, 2004, as amended.
Motion passed 7-0.*

3. DISCUSSION OF EX PARTE COMMUNICATION FOR PUBLIC HEARING ITEMS

None.

4. NOTICED PUBLIC HEARING ITEMS

4.1. City of Chico General Plan Housing Element Update (GPA 04-12) - The City of Chico has prepared an update to the Housing Element (Element) of the General Plan, which is required to be updated every five years. The purpose of the Element is to provide for a variety of housing types for City residents, and particularly to provide for an adequate supply of housing ranging in cost to meet the demands of low and moderate income persons, the special needs of the elderly and disabled, and to provide an opportunity for the first-time home buyers, all within the many constraints posed by today's housing market. The Element sets forth a five-year program of actions the City intends to implement or is implementing to meet its identified housing needs.

On December 16, 2003, the City adopted the Element and a Negative Declaration of environmental impact and subsequently forwarded the Element to the State Department of Housing and Community Development (HCD) for its final review and acknowledgment. In March 2004, HCD notified the City that the Element needed specific revisions in order to fully comply with statutory requirements. The City coordinated revisions with HCD and received acknowledgment from HCD that the revised Element would comply with State Law upon adoption by the City and further review by HCD.

Element revisions since its initial adoption in December 2003 predominantly include changes to the assessment of housing needs and inventory of community resources and constraints. In addition, two programs have been added to ensure that the City has adequate sites to accommodate affordable housing for Very Low- and Low-Income households. The new programs will not result in new or increased environmental impacts from those previously identified, and therefore no additional environmental review is required pursuant to Section 15073.5(c)(2) of CEQA Guidelines.

Planning Director Kim Seidler gave an overview of the revised Housing Element; concentrating on two programs which have been added to ensure that the City has adequate sites to accommodate affordable housing for Very Low- and Low-Income households, as well as increased opportunities for locating residential care homes. He explained that the revised Housing Element would comply with State Law upon adoption by the City and final review by the State Department of Housing and Community Development (HCD). He also acknowledged the hard work of retired Senior Planner Tom Hayes and Housing Officer Dennis McLaughlin on the Housing Element.

Mr. Seidler explained that use permits do allow staff to look at impacts in certain areas, and clarified the different impacts that senior care facilities have from child daycare facilities, in response to questions by the Commission. He also explained to the Commission the previous review process by City Council of the 2003 adopted Housing Element.

Housing Officer Dennis McLaughlin explained to the Commission how the State Department of Housing and Community Development reviews the average density achieved over time in various zoning districts, and average costs for construction. He stated that with today's costs for construction, you can not build affordable housing in R2 zoning.

Mr. Seidler advised the Commission that the R2 zoning issue with regard to a different minimum residential density will be back before Council this spring.

Commissioner Brownell asked if parking requirements would be reviewed with there being more careproviders.

Chair Alvistur opened the public hearing.

Evanne O'Donnell and Emily Fisher, Legal Services of Northern California, commented on the vast amount of information provided in the Housing Element and presented suggestions on how to implement more affordable housing including an inclusionary zoning ordinance, and an increase from 20% to 30% to be put into the development fund.

Mr. McLaughlin explained that the City does not have the resources to meet the required share of affordable housing as defined by HCD. He also advised that the Park Avenue and Pillsbury Road housing projects would only meet a small percentage of the total requirement, in response to a question by the Commission.

Chair Alvistur closed the public hearing.

The Commission pointed out numerous typographical errors in the revised Housing Element.

Commissioner Luvaas stated that the average income earner in Chico can not afford to buy any home in Chico and believes that the Housing Element needs to acknowledge that fact in plain english. He also distributed a list of proposed policy changes and suggested making a motion to include these changes.

Staff and the Commission had further discussions regarding the proposed policy changes and recommended making those types of amendments during the General Plan 5-year review process instead of as part of the reconsideration of the Housing Element.

Commissioner Schiffman moved, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 04-55 recommending that the City Council: 1) determine that this action is consistent with

the negative declaration previously adopted in conjunction with Council's 12/16/03 adoption of the Housing Element and that no further environmental review is required, and 2) approve General Plan Amendment 04-12.

Motion passed 7-0.

4.2. Draft Environmental Impact Report for Sycamore Glen and Mountain Vista Tentative General Plan Amendments, Rezone, and Tentative Subdivisions (S 00-11 and S 01-12)

Public hearing to accept comments on the Draft Environmental Impact Report (DEIR) for a proposal to subdivide a 178 acre site to create 419 parcels consisting of the following :

- 409 single-family residential lots comprising approximately 66 acres;
- four parcels comprising approximately 27 acres to allow the development of 270 multi-family residential units,
- one 1.9 acre parcel to allow the development of up to 25,000 square feet of commercial floor space,
- two parcels consisting of approximately 52 acres for preservation, restoration, and enhancement of permanent open space;
- three parcels consisting of approximately 4 acres for stormwater treatment;
- approximately 27 acres to accommodate roads.

The proposal includes a General Plan Amendment and Rezone to change the General Plan designation for 6.8 acres (located at the southeast corner of the site) from Low Density Residential to Medium-High Density Residential and change the zoning for this area from R1 Low Density Residential to R3 Medium-High Density Residential.

The General Plan designation for a proposed open space preserve (approximately 56 acres, including stormwater treatment facilities) planned for the northern portion of the site adjacent to Sycamore Creek would be changed from Low and Medium-High Density Residential to Open Space for Environmental Conservation/Safety and would be rezoned from PMU-RM and R1-RM Planned Mixed Use and Low Density Residential-Resource Management overlay to OS1 Primary Open Space.

Located in the northeastern portion of the City of Chico, the site is generally bounded by Floral Avenue on the west, Sycamore Creek on the north, Ceanothus Avenue on the east, and on the south by an existing Pacific Gas and Electric (PG&E) easement with electrical lines.

Sycamore Glen: 016-200-067

Mountain Vista: 016-200-069, 070, 071, and 072

Commissioner Kelley was disqualified due to living within 500 feet of the project.

Associate Planner Bob Summerville presented the staff report which included a brief project description. He advised the Commission that the purpose of the public hearing is to accept comments on the Draft Environmental Impact Report (EIR), but no action will be taken this evening.

Steven D. Ross, LSA Associates, summarized the Draft EIR process, and presented the findings of the Draft EIR. In response to a question from the Commission, Mr. Ross advised that they do make mitigation measures for air quality, but can not limit the effects.

Chair Alvistur opened the public hearing.

George Kammerer, who spoke on behalf of the applicant, advised that they have reviewed the Draft EIR and believe it is complete and legally adequate. He informed the Commission that the potential environmental impacts have been mitigated with the exception of air quality. He also advised that they will have written comments that will include clarifications and corrections to be submitted before the deadline, and that he is available to the Commission and staff for any questions regarding the Draft EIR.

The Commission discussed mitigation measures that can be taken due to air quality impacts, and inquired how the subdivision was designed to help reduce air pollution and energy use.

Bill Dinsmore, Rolls, Anderson & Rolls, reviewed the project design to the Commission in response to their concerns regarding environmental impacts.

Senior Planner Patrick Murphy reviewed the changes made to the original design, and stated the plan does meet the standards required by the General Plan.

Senior Development Engineer Matt Johnson reviewed the design and drainage detention facilities for the development. He also advised that the locations chosen for the 3 drainage facilities will not impact the vernal pools or wetlands.

Mr. Kammerer advised that applications have been submitted for permits from the State Department of Fish and Game and the U.S. Army Corps of Engineers, but have not yet been issued. He also advised that they do not anticipate any significant impact on the creek, and that they will be installing fencing and restoring the wetlands from damage done by dumping and ATV's, in response to questions by the Commission.

Jim Brobeck, Butte Environmental Council, expressed concerns regarding the Army Corp. of

Engineers and the California Department of Fish and Wildlife permits not being obtained. He also read a statement concerning the impacts on the environment and wetlands.

Chair Alvistur closed the public hearing.

Mr. Ross advised that the Department of Fish and Game was sent a copy of the Draft EIR, but they have not received any comments, and that the Army Corps of Engineers does not initiate their process until the City has gone through the CEQA process. He also advised that the final EIR will have comments addressing the State agencies, that the project was designed to not effect water flow to the south, and that open space was created to preserve primary swales, in response to questions by the Commission.

The Commission informed the applicant and staff that this is an opportunity to examine the project design and look for ways to improve environmental impacts.

Mr. Johnson clarified that the Floral Avenue and Eaton Road intersection would have signal lights not four way stop signs, and reviewed traffic impacts.

Mr. Murphy advised the Commission that they could contact staff anytime to ask questions regarding the project design.

5. BUSINESS FROM THE FLOOR

None.

6. PLANNING UPDATE

Principal Planner Teresa Bishow informed the Commission that at the public hearing on the appeal of the Commission's approval of Use Permit 04-51 (Harris), the Council passed a motion of intent to deny the use permit citing hours of operation and overall incompatibility with the surrounding area. Based on the Council's direction, staff is preparing the resolution with findings for final action.

Senior Planner Patrick Murphy informed the Commission that the Council also passed a motion of intent to uphold the appeal and deny the Second Dwelling Unit 04-10 (LVV Enterprises), as it did not meet the intent of the guidelines for Canyon Oaks. He advised that the applicant will be able to submit a new application.

Ms. Bishow informed the Commission that updated planning schedules will be distributed at the next meeting. She also asked the Commission if there was not enough time to reach a motion at the February 24, 2005, meeting regarding Oak Valley, if they would like to continue the special meeting for Oak Valley to March 31, 2005. The Commission agreed to schedule the special meeting and to inform staff if they were unable to attend.

7. **ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 8:45 p.m. to the Adjourned Regular Meeting of February 17, 2005, at 6:30 p.m.

March 3, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
FEBRUARY 17, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Mary Brownell, Vice Chair
Dave Kelley
Jon Luvaas
Kirk Monfort
Steve O’Bryan
Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
Teresa Bishow, Principal Planner
Claudia Sigona, Senior Planner
Bob Summerville, Associate Planner
Greg Redeker, Assistant Planner
Matt Johnson, Senior Development Engineer
Lori Barker, Assistant City Attorney
Renee Schreindl, Administrative Secretary

1. ROLL CALL

Vice Chair Brownell called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

*Commissioner Monfort moved, seconded by Commissioner O’Bryan,
approval of the minutes of September 4, 2003, September 18, 2003,
January 6, 2005, and January 20, 2005.
Motion passed 6-0-1. Commissioner Alvistur absent.*

3. DISCUSSION OF EX PARTE COMMUNICATION FOR PUBLIC HEARING ITEMS

Commissioner Brownell reported that she spoke with Melinda Vasquez concerning the second dwelling unit at 473 E. 1st Avenue. Commissioner Kelley stated that he received an email from Melinda Vasquez concerning the second dwelling unit at 473 E. 1st Avenue. Commissioner Schiffman reported that he had a conversation with a neighbor concerning the Garwood Lane Subdivision. Commissioner O’Bryan reported that he had a conversation with neighbors

concerning the 473 E. 1st Avenue second dwelling unit. Commissioner Luvaas reported that he had a conversation with Karen Laslo regarding the second dwelling unit at 473 E. 1st Avenue. Commissioner Monfort reported that he received an email from Ed McLaughlin regarding the second dwelling unit at 473 E. 1st Avenue.

4. NOTICED PUBLIC HEARING ITEMS

4.1. Use Permit 04-69 (Balken/Condos) 473 E. 1st Avenue - A request to authorize the conversion of an existing detached garage into a non-owner-occupied, 568 square foot one-bedroom second dwelling unit at the rear of property located at 473 E. 1st Avenue. The site currently contains an existing 980 square foot single-family residence and has three off-street parking spaces. The site is identified as Assessor's Parcel No. 003-114-012, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures). This project was considered by the Zoning Administrator on 01/24/05, who referred it to the Planning Commission.

Assistant Planner Greg Redeker presented the staff report. He reviewed the codes for second units, and reminded the public that this second dwelling unit does meet all of the requirements except for owner occupancy.

The Commission addressed the requirement of owner occupancy for second dwelling units referring to Attachment F of the staff report which is a memorandum dated May 23, 2003, entitled: Discussion Regarding the Criteria and Process to Allow Rentals If an Owner-Occupancy Requirement Was Imposed on Second Dwelling Units.

Planning Director Kim Seidler advised the Commission that the issue of regulating behavior with a use permit is difficult. He went on to explain that State Law does promote second units, and that the City has a noise ordinance that applies to everyone.

The Commission and staff discussed parking requirements.

Senior Development Engineer Matt Johnson advised that there is money put into the budget for alley maintenance and that alley fees are \$16.20 per lineal foot in response to a question by the Commission.

Assistant City Attorney Lori Barker explained to the Commission that a specific condition is not needed to abide by the noise ordinance, and if there were noise violations, proceedings could be initiated.

Mr. Seidler recommended to the Commission to add a condition regarding noise violations.

Mr. Redeker advised that the Council decided not to automatically require conditions for maintenance in response to a question by the Commission.

Vice Chair Brownell opened the public hearing.

Robert Condos, applicant, advised that this project would be an improvement to the neighborhood. He stated that he would screen tenants vigorously and would not rent to people without a job or good credit. He also advised that 3 or 4 cars could park on the property, and apologized to the Commission for his ignorance and assuming the contractor would handle the project correctly, in response to their concern about construction being started without a use permit.

Karen Laslo read a statement. She requested the Commission to enforce the owner occupancy provision and deny this use permit.

Melinda Vasquez encouraged the Commission to only support owner occupied second dwelling units.

Lee Laney, Marci Goulart, and Ken Flemming requested that the Commission deny the use permit.

Blanca Simon stated she has an owner occupied second dwelling unit and supports the second unit ordinance.

Vice Chair Brownell closed the public hearing.

The Commission and staff had further discussions regarding findings and adding conditions to insure that the property complies with the City's noise ordinance, is maintained in good condition, and accommodates vehicle parking.

Commissioner Schiffman stated that he supports second dwelling units and would only object if the particular project would be a physical detriment to the community.

Commissioner Luvaas stated he had concerns that the owner did not obtain the necessary City permits before starting construction, but he was supporting the use permit because most people in Chico cannot afford to buy a home and can barely afford to rent.

Commissioner Brownell stated that she was voting against the use permit because of the safety concern with the proposed tandem parking on East 1st Avenue.

Commissioner Monfort moved, seconded by Commissioner Schiffman, that the Planning Commission find that the project is categorically exempt from environmental review and approve Use Permit 04-69 (Balken/Condos), subject to the findings and conditions of approval contained within the staff memorandum, and the additional conditions

as follows:

13. *Use of the property shall comply with the Chico Municipal Code, including, but not limited to, the provisions in Chapter 9.38 (Noise).*
14. *The permittee shall maintain the property in good condition including, but not limited to: landscaping, perimeter fencing, housing condition, trash collection/storage and similar property maintenance issues.*
15. *To facilitate access to the tandem parking spaces for the main dwelling unit, the gate bisecting the front driveway shall be removed.*

Motion passed 4-2-1. Commissioners Brownell and O'Bryan opposed. Commissioner Alvistur absent.

- 4.2. Use Permit No. 04-64 (Taylor) 2568 The Esplanade** - This application is a request to allow a transitional housing facility with 19 units and up to 38 residents and an on-site resident manager at 2568 The Esplanade. The facility is intended to be occupied by clients who enter into a "clean and sober" contract arrangement with the applicant, a licensed counselor. The site is identified as Assessor's Parcel Nos. 006-060-055 and 057. The subject parcels are designated Community Commercial by the Chico General Plan and are located in a CC Community Commercial zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to the CEQA Guidelines, Section 15301 Existing Facilities.

Senior Planner Claudia Sigona presented the staff report. She advised the Commission that the applicant can address any questions regarding the project and that provisions of the contract can be added as conditions to the use permit.

Vice Chair Brownell opened the public hearing.

Joe Taylor, applicant, advised the Commission of past disturbance calls to the police due to the former tenants and that the approval of this use permit will help eliminate the problems. He also expressed that he was okay with the provisions of the contract being added as conditions to the use permit, as he is already planning on implementing those practices. He gave a brief background of himself, addressed the landscaping issue by informing the Commission he is planning on planting flowers. He also explained that income is generated from the service contract.

Ed Burns, owner of the bar and restaurant located in front of the proposed housing facility, expressed to the Commission that he hopes they enforce the conditions of the use permit. He

also expressed that the facility will be a great improvement if the applicant does what he is planning to do. He also informed the Commission that he is thinking of putting a patio in behind his bar and has concerns with parking.

Ken Flemming stated that he had worked many years for the County drug and alcohol administration and had knowledge regarding the proposed type of housing facility. He informed the Commission that they should approve this project.

Mr. Taylor advised that he is planning on enclosing the trash receptacle in response to a question by the Commission.

Vice Chair Brownell closed the public hearing.

Commissioner Monfort moved, seconded by Commissioner Luvaas, that the Planning Commission find that the project is categorically exempt from environmental review and approve Use Permit 04-64 (Taylor), subject to the findings and conditions listed in the staff memo dated February 2, 2005, and the additional conditions as follows:

- 10. The permittee shall enclose the existing trash receptacle area. Details regarding the location, size and the proposed method of screening shall be submitted to the Planning Division for review and approval.*
- 11. A 10:00 p.m. curfew shall be imposed on all clients residing at the premises.*
- 12. The permittee shall maintain the property in good repair, including buildings, landscaping, and parking areas.*
- 13. No more than one vehicle for every two units shall be permitted. All resident vehicles shall be maintained in operating condition.*
- 14. Clients in the program shall agree to maintain a clean and sober living environment (i.e. no consumption of alcohol or illegal drug use shall be permitted on the premises). The permittee shall enforce a "no tolerance" policy whereby clients failing to meet this standard are released from the program within 24 hours.*
- 15. Use of the property shall comply with the Chico Municipal Code, including but not limited to the provisions of Chapter 9.58 (Noise).*

16. *Clients residing on-site shall not be allowed overnight guests.*

Motion passed 6-0-1. Commissioner Alvistur absent.

- 4.3. Garwood Lane Vesting Tentative Subdivision Map (S 04-12)** - A request to subdivide a 1.34 acre parcel to create nine lots consisting of seven lots for single family residential uses, one lot for a private street, and one lot for group parking. The parcel is currently developed with four existing homes which will be retained. The project creates a gross density of 4.8 dwelling units per gross acre. The site is located on the east side of Ceanothus Avenue, approximately 450 feet north of Manzanita Avenue and is identified as Assessor's Parcel No. 015-490-011. The site is located on land designated Medium Density Residential on the General Plan Diagram and in the R2 Medium Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Infill Development Projects).

Associate Planner Bob Summerville presented the staff report which included a brief description of the project. He also advised that the property has one owner and that the land is zoned R2, in response to questions by the Commission.

Vice Chair Brownell opened the public hearing.

Jay Lowe, NorthStar Engineering, gave a brief overview of the project design. He also advised that there are no plans to add trees to the subdivision in response to a question by the Commission.

Mr. Johnson informed the Commission that the City Urban Forester does not require street trees on private streets.

Claudia Schwartz, neighbor adjacent to the north, requested that a sound wall be installed between her property and the project.

Mr. Johnson advised the Commission that they could add a condition regarding street light requirements. He also explained that all maintenance including sewer system, lighting, storm drainage and fencing would be handled by the homeowners association.

Mr. Summerville advised the Commission that they could add a condition requiring all new fencing for the project in response to their concerns regarding the existing fence.

Della Nicola, neighbor, expressed her concerns with cars turning around in the cul-de-sac and headlights being shined in her window. She also requested an 8 foot sound barrier be installed between her property and the project, and a sidewalk and light be installed on the north side of Garwood Lane.

Gary Foster, applicant, informed the Commission that each house has a minimum of two parking spots. He stated that there would be no problems with cars turning around in the cul-de-sac. He also stated that he did not know how to address fencing given the number of adjacent property owners.

Staff informed Mr. Foster that he could install a new fence on his property without requiring approval from adjacent property owners.

Vice Chair Brownell closed the public hearing.

Staff and the Commission had discussions regarding conditions to be added for approval.

Commissioner Schiffman moved, seconded by Commissioner Kelley, that the Planning Commission adopt Resolution No. 05-02 finding that the project is categorically exempt from environmental review and approving Garwood Lane Vesting Tentative Subdivision Map (S 04-12), subject to the required findings and conditions of approval contained in the staff report, and the additional conditions as follows:

- 10. The cul-de-sac shall be reduced to the minimum size acceptable by the fire department; any open space made available by the size reduction, shall be used to plant additional evergreen trees.*
- 11. The street lighting shall be shielded and the lowest level of lighting required for safety.*
- 12. The permittee shall install new fencing to be 6 feet in height for the entire project.*

Motion passed 5-1-1. Commissioner Luvaas opposed. Commissioner Alvistur absent.

5. BUSINESS FROM THE FLOOR

Chuck Eppelheimer informed the Commission that nothing has been done to date by SBC regarding the remote terminal located on the corner of Vallombrosa and Madrone Avenues. He requested that this item be put on the agenda and the use permit be denied for failure to comply with the conditions set forth by the Commission.

Planning Director Kim Seidler gave a brief background of the SBC project (UP 03-44), which was heard by the Commission on November 4, 2004. He recommended that the Commission reschedule this item.

Assistant City Attorney Lori Barker informed the Commission that a monetary violation cannot be enforced but the item could be put on a future agenda to consider revoking the permit.

6. PLANNING UPDATE

Planning Director Kim Seidler updated the Commission on Council actions which included the denial of the Wireless Telecommunications Facilities code amendment and that the Council decided to hear the appeal for Use Permit 04-24 (Woolley), which is scheduled for March 1, 2005. He also informed the Commission that a future meeting will be scheduled to discuss minimum residential density issues, and that there is a special meeting/workshop on Tuesday, February 22, 2005, to discuss the Enloe Master Plan.

Principal Planner Teresa Bishow informed the Commission that a new senior planner, Claudia Stuart, has been hired and will begin March 9, 2005.

7. ADJOURNMENT - There being no further business before the Commission, the meeting was adjourned at 10:10 p.m. to the Adjourned Regular Meeting of February 24, 2005, at 6:30 p.m.

March 3, 2005

Date Approved

/s/

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
FEBRUARY 24, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Kirk Monfort
 Steve O’Bryan
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Fritz McKinley, Director of Public Works
 Patrick Murphy, Senior Planner
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

None.

3. DISCUSSION OF EX PARTE COMMUNICATION FOR PUBLIC HEARING ITEMS

Commissioners Vic Alvistur, Mary Brownell, Dave Kelley, Jon Luvaas, Kirk Monfort, Steve O’Bryan and Irv Schiffman all reported that they had a conversation with Jim Mann concerning Oak Valley.

4. NOTICED PUBLIC HEARING ITEM

4.1. Oak Valley Vesting Tentative Subdivision Map (S 99-12), Planned Development Permit and Conceptual Master Plan (PDP 02-01); bounded by

Bruce Road on the west, State Route 32 on the north, a PG&E 500 kV transmission line on the east and Humboldt Road on the south; APN's 011-030-090, -136, -138, and -139 (Fogarty Investments)

Vesting tentative subdivision map and planned development permit to divide a 340-acre site into 147 parcels.

Development of the 340-acre site would take place pursuant to a Conceptual Master Plan (Plan). Phase I of the Plan includes 126 smaller lots which would be developed on a 43-acre portion of the site, including two parcels for medium-density residential development (apartments). Development of the remaining 21 larger parcels (Parcels A-U) would take place under future phases via the process of individual subdivision maps. The large parcels range in size from 4.34 gross acres to 26.52 gross acres and would facilitate phased development and financing. At full buildout, the Plan for the site would accommodate approximately 1,324 residential units, along with 109,000 sq. ft. of commercial retail space on 10 acres, and 87.5 acres of open space. Phase I would provide for 295 units (85 single-family, 78 duplex, and 132 apartments).

The property is designated Very Low Density Residential, Low Density Residential, Medium Density Residential, Medium High Density Residential and Community Commercial with an overlay designation of Open Space for Environmental Conservation/Safety. The subject site is also identified as a "Special Development Area" in the Chico General Plan due to sensitive biological habitat and the foothill viewshed. The site is zoned Very Low Density Residential (RS-20), Low Density Residential (R1), Medium Density Residential (R2), Medium High Density Residential (R3), Community Commercial (CC) with a Planned Development Overlay zoning district (-PD Foothill) and a Special Design Considerations Overlay district (-SD2). A Planned Development Permit (PDP) has been required for this project. The PDP process will allow the project developer to cluster housing units and to transfer density to the western portion of the site by reducing parcels sizes, setbacks or other development standards.

The Programmatic Draft EIR for the Oak Valley Conceptual Master Plan and Project-Specific Draft EIR for the 43-acre Portion of the Subdivision was circulated for a 45-day public review period between the dates of April 18 and June 2, 2000. A recirculated Draft EIR was circulated for a 45-day public review period between the dates of April 30 and June 14, 2004.

Senior Planner Patrick Murphy gave a brief overview of the staff report and the process to date. He provided an overview of staff's proposed modifications to project plans covering different portions of the site as depicted in Attachments A, B, E & F of the 2/24/05 staff report. He reviewed the letter received from the Butte County Air Quality Management District (BCAQMD) regarding the Air Quality analysis and indicated that the information provided by the District did not impact the conclusions of the EIR. He also stated that the comments by Mr. Farley in his letter are addressed in the final Environmental Impact Report (EIR), and advised the Commission that the EIR and remediation consultants are here to address any questions.

Greg Melton, Land Image, gave a visual presentation of the viewshed analysis which included different views of the site. He went over the number of proposed units and addressed questions from the Commission regarding the location of units, density, and open space.

Chair Alvistur opened the public hearing.

Diane Suzuki, Green Party of Butte County, read a statement to the Commission that included concerns of impacts to the environment and viewshed.

Luisa Garza questioned if the developer's greed was greater than his concerns about toxic impacts. She also questioned the kind of relationship the Commissioners had with the developers. Chair Alvistur responded to Ms. Garza by advising that they addressed that issue during the discussion of ex parte communications.

Scott Hodgkinson stated his concerns with the traffic impacts that will be caused from this project.

Jim Walker reviewed the responsibilities and obligations from the Planning Commission Orientation handbook. He asked the Commission to remember that their constituents are the people of the community and requested that they deny this project.

Francis Farley reviewed the impacts in the EIR. He went on to explain that the impact on the setting of Humboldt Road is not addressed and that CEQA protects the setting. He also suggested that Humboldt Road be declared an open/bike road in response to a question from the Commission.

Phil Johnson, Audubon Society, expressed his concerns with the loss of wildlife due to this development and questioned if anything had been done to relocate the wildlife. He also stated that the viewshed presentation was deceptive as it only showed a few different views.

Chris Credit, Green Party, stated that the proponents are contributing to the high cost of housing. He read a statement regarding real estate, and in particular, affordable housing. He went on to explain that more citizens are being locked out of buying homes and that the dwellings in this project should be made affordable.

Valerie Schmidt, representing the Johnson's, advised that there has been no agreement between the Johnson's and Mr. Fogarty for clean up of the Johnson parcel. She also stated that there is debris by Little Chico Creek.

Grace Marvin, Chair of the Sierra Club, expressed concerns with traffic impacts, viewshed impacts, and environmental impacts, as well as health and CEQA issues.

Nancy Park, spoke of the historical perspective and being in favor of in fill. She questioned

how far building will go. She also expressed that she does not think building should be done in the foothills and that it does not need to go that far up into the foothills to meet housing needs.

Len Jensen, expressed the need to preserve the beauty of Chico and that the foothills should be left alone as the wildlife needs a place to live.

Natalie Robertson expressed her concerns of housing developments being built on toxic waste sites and the health problems that could occur due to people living on these sites.

Kathleen Faith addressed toxic waste issues, viewshed impacts, and traffic impacts. She expressed that Humboldt Road should be accessible to everyone and does not feel this area should be developed.

Stephen Hackney expressed that he is not opposed to this project. He stated that there is inaccuracies and poor work done in the EIR, in particular, the traffic study. He reviewed the inaccuracies and stated that mitigation measures are not addressed. He also submitted a letter outlining his issues with the traffic report.

Barbara Vlamis, Butte Environmental Council, addressed toxic soil studies and stated that the air quality analysis is inaccurate as indicated in the BCAQMD letter. She also stated that all of the Humboldt Road Burn Dump property should be remediated before development. She presented suggestions on how to warn people about toxic waste which included using color barriers in the soil. She stated that the site is one where concessions were made during the General Plan adoption process to allow some level of development on the property. The RMA overlay for the site does provide the City with options to try to make it compatible with the landscape and the community. This can be achieved by allowing a density bonus on the western portion of the site, consistent with the General Plan.

Ross White expressed concerns about there not being a big enough drainage system for development in the area. He also expressed concerns with traffic impacts and that Humboldt Road should not be a collector road.

Karen Laslo stated that she supports what was said by Barbara Vlamis. She also stated that people should be notified that they will be living on land that was a cleaned up toxic waste dump.

Ellen Simon stated that she supports what was said by the previous speakers.

Nora Todenhagen, Bidwell Park Neighborhood Association, reviewed mitigation measures and traffic impacts in the EIR.

Jim Brobeck, Butte Environmental Council, addressed contaminated water issues and locations

of groundwater recharge areas.

Julie Nasr addressed the issue of the Johnson property stating that Mr. Fogarty had assured that this property would be cleaned up and urged the Commission to obtain assurances from Mr. Fogarty that the entire area be cleaned up of toxic waste. She also stated that she agrees with Ms. Vlamis's suggestion of using color barriers and thanked the staff for their recommendations to Mr. Fogarty.

Jane Turney addressed the issues of urban sprawl, affordable housing, and in fill. She stated that in fill was to mitigate urban sprawl.

Doug Aikins, representing the applicant, reviewed the benefits from this project which included millions of dollars in tax revenue; 20 percent of which is required to be set aside for low income and affordable housing which can be put anywhere inside the city limits, not just within the project. He also stated that the project will generate more than enough money to remediate the area and that the City of Chico General Plan does designate this area for development. He went on to address some of the issues brought up by the previous speakers including toxic waste clean up and traffic impacts.

Chair Alvistur closed the public hearing.

The Commission wanted to discuss five essential areas which included remediation of toxic waste, traffic impacts, aesthetics, environmental impacts, and Humboldt Road.

Steve Weinberger, the City's traffic consultant, reviewed the traffic analysis from studies completed which included access roads, traffic signals, traffic levels, and mitigation measures for increased traffic due to this development. He went on to explain that the study does consider cumulative impacts in the area in response to a question by the Commission.

Director of Public Works Fritz McKinley informed the Commission that he has been working with Cal Trans on the funding for improvements to State Highway 32, as well as funding for other projects in the area. He also reviewed some of the improvement plans for State Highway 32.

Andy Kopania, the City's consultant for the Humboldt Road Burn Dump remediation project, addressed the legal requirements that need to be met before construction can begin and advised that adding a condition to require the Johnson property to be cleaned up would be more stringent than state requirements in response to a question by the Commission.

The Commission continued their discussions of the project and provided direction to staff on the proposed plan and recommended the following design and land use modifications:

1. Limit the number of access points onto Humboldt Road east of the Potter Road extension. The number of access points should be the minimum number required for fire safety purposes.
2. Create a linear landscaped buffer zone along the north side of Humboldt Road which maximizes the distance between the planned residential homes and Humboldt Road.
3. Modify the design of Humboldt Road to be acceptable to Public Works, the Developer, and the Bicycle Committee in accordance with the proposed changes outlined by Commissioner Kelly in his memo to staff dated 2/23/05.
4. Accept the staff-recommended design changes as set forth in Attachments B, E & F of the 2/24/05 staff report.
5. Regarding Attachment A in the 2/24/05 staff report pertaining to Lot Q, there were three separate proposals from the Commission:
 - a. Move the homes on the knoll further down the canyon slope, away from Highway 32; rezone the parcel from RS-20 to R1-15 and allow maximum of 180 units provided they cannot be seen from Highway 32 (Commissioner Monfort);
 - b. Allow 80 to 100 units on Lot Q (Commissioner Schiffman); and
 - c. Allow no units on Lot Q and move the density further to the west (Commissioner Luvaas).
6. Combine Lots P and O and shift the allowed density on Lot P to Lot O and allow a maximum of 10 units per acre on the site by either rezoning the combined lot to R2 or by allowing the increased density with the R1 zone pursuant to the Planned Development Permit.
7. Provide bike and pedestrian access to Bruce Road as part of the first phase of the 43-lot subdivision; install a traffic signal at the Humboldt/Bruce Road intersection as part of the first phase of the 43-lot subdivision.
8. Clean up the Johnson parcel before allowing any building on the Fogarty property.
9. Eliminate the proposed second access road onto Highway 32 at the east end of the site.
10. Refine the R2 duplex unit designs. Provide all elevations for each unit design.
11. Provide further information regarding groundwater recharge for the site.
12. Prohibit residential development on lands containing remediated toxic soils (inside the

boundary of the DTSC fenceline), with the exception of allowing second-story residential units above the CN Neighborhood Commercial uses.

13. Utilize open span crossings over Dead Horse Slough to allow for unimpeded wildlife movement.
14. Retain the name Dead Horse Slough for the property due to its historical importance.
15. Change name of Dead Horse Slough to Dead Horse Creek for the eastern portion of the site.

The meeting was continued to the meeting of March 3, 2005, to complete the conceptual review and provide further direction to staff.

5. BUSINESS FROM THE FLOOR

None.

6. PLANNING UPDATE

Principal Planner Teresa Bishow distributed the Planning Commission meeting schedule.

- 7. ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 11:20 p.m. to the Regular Meeting of March 3, 2005, at 6:30 p.m.

March 17, 2005

Date Approved

/s/

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
MARCH 3, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Steve O'Bryan
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Fritz McKinley, Director of Public Works
 Patrick Murphy, Senior Planner
 Bob Summerville, Associate Planner
 Greg Redeker, Assistant Planner
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Vic Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

Chair Alvistur stated that item number one of the three points he wanted clarified in the approval of the minutes of December 16, 2004, should state:

1. *The design for the new building south of the Senator Theater should be 4 floors and not raise the current height.*

*Commissioner Luvaas moved, seconded by Commissioner Brownell,
approval of the minutes of February 3, 2005.*

Motion passed 6-0-1. Commissioner Monfort absent.

3. DISCUSSION OF EX PARTE COMMUNICATION FOR PUBLIC HEARING ITEMS

None.

4. NOTICED PUBLIC HEARING ITEMS

- 4.1. Tentative Parcel Map 04-22 (Trover) 1419 N. Cherry Street** - A request to subdivide a 0.34 acre parcel located at 1419 N. Cherry Street to create 2 single-family residential parcels. The property currently contains a single-family dwelling with accessory structures and improvements on proposed Parcel 1. Proposed Parcel 2 will accommodate future single-family residential development. The site is identified as Assessor's Parcel No. 043-131-006, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15315 (Minor Land Divisions).

Assistant Planner Greg Redeker presented the staff report which included condition of approval number five regarding parking requirements. He advised the Commission that the second dwelling unit on the first parcel is not owner-occupied and that it was approved by the Zoning Administrator. He also advised that the parcel to the north was split and that the parcels on both sides of the property have units in the rear, in response to questions by the Commission.

Chair Alvistur opened the public hearing.

Mike Byrd, Rolls, Anderson & Rolls, advised that the applicant is in favor of all the conditions on the staff report. He also advised that he was there to answer any questions for the Commission.

Chair Alvistur closed the public hearing.

Commissioner Mary Brownell expressed concerns with staff recommendations on owner occupied second dwelling units and does not think we should continue along this route as it does not create stability for neighborhoods. She also expressed concerns of putting in pavement where a yard would be to accommodate second dwelling unit parking requirements. She stated that she thought all non-owner occupied second dwelling units would be reviewed by the Planning Commission.

Planning Director Kim Seidler reviewed the second dwelling unit ordinance and explained how staff makes the determination to issue a use permit for second dwelling units. He stated that second dwelling unit use permits have been approved through the Zoning Administrator and that the lack of public controversy usually allows for second dwelling units to be approved at a lower level than Planning Commission.

Commissioner Jon Luvaas expressed that he was sympathetic with Commissioner Brownell's concerns about the affects that second dwelling units have on neighborhoods and the need to

look at each neighborhood individually.

Chair Vic Alvistur stated that there are rules that have to be followed even though we may not like some aspects of second dwelling units. He also stated that this area tends to be strictly college rentals.

Mr. Redeker advised that notices are sent to all property owners and people who live within 300 feet of the project, in response to a question by the Commission.

Mr. Seidler advised that if an application meets all the second dwelling unit criteria, we are required by ordinance to issue them a permit; he also noted that staff has the ability to bump any item from the Zoning Administrator to the Planning Commission, in response to questions by the Commission.

Mr. Redeker noted that every second dwelling unit does have to pay traffic impact fees to mitigate cumulative traffic impacts.

Commissioner Schiffman moved, seconded by Commissioner Luvaas, that the Planning Commission adopt Resolution No. 05-03, finding that the project is categorically exempt from environmental review and approving Tentative Parcel Map 04-22 (Trover), subject to the findings and conditions contained therein.

Motion passed 5-1-1. Commissioner Brownell opposed. Commissioner Monfort absent.

4.2. Peitz/Smith Planned Development Permit (PDP 04-04) 234 Oak Street -

Conceptual review of a planned development permit to authorize the construction of two additional single-family residences on a property currently occupied by one single-family residence. The site is identified as Assessor's Parcel No. 004-010-004, is designated Medium-High Density Residential on the City of Chico General Plan Diagram, and is located in an R3-FS Medium-High Density Residential/Fraternity-Sorority Overlay zoning district. The project is also in the impacted parking district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), subject to CEQA Guidelines section 15332 (Infill Development Projects).

Assistant Planner Greg Redeker presented the staff report. He requested that the Commission perform a conceptual review which includes input on bicycle parking, site plan and design, and fencing. He advised that the applicant is requesting a 10 foot setback and a reduction of parking spaces from eight to six.

Chair Alvistur opened the public hearing.

Greg Peitz, architect, requested a reduced front yard set back and reduction in parking spaces. He explained that the project adjacent to this one was granted reduced parking and there have been no problems. He addressed questions from the Commission regarding the distance between homes, density and fencing.

Chair Alvistur closed the public hearing.

Mr. Redeker reviewed the parking requirements for different densities in response to a question by the Commission.

Commissioner Dave Kelley presented suggestions of removing a vegetation island and sharing a trash receptacle with neighbors to make room for eight compact parking spaces.

Commissioner Schiffman suggested reducing the three bedroom structure to two bedrooms to create more room for parking.

Commissioner Brownell stated that she drove by the property and expressed that adding two more dwellings is a mistake. She suggested one additional unit with four bedrooms would allow more room for parking and pushing them back would increase density and improve the neighborhood. She also asked staff if the walkway adjacent to the parking area could be widened from four feet to five feet.

Commissioner Luvaas suggested moving the proposed structure that juts out closer to Oak Street back to half the distance and make one additional structure instead of two that has five or six bedrooms. He also suggested removing the rear bicycle storage to create a space for recreation or social gatherings. He stated that whatever could be done to alleviate the student pressure to drive their cars to school would be beneficial.

Staff and the Commission had further discussions regarding the project design, reducing the density by reducing the number of bedrooms, parking congestion in the area, and open space.

After a series of straw polls, the Commission recommended that:

1. No fencing shall be installed immediately adjacent to the apartment building.
2. A 3-foot fence shall be installed in the front yard area between the project site and the adjoining parking area for the apartments.
3. The proposed 6 parking spaces shall be retained approximately as proposed, even if the total project density is reduced by providing one larger unit instead of the two three-bedroom units proposed.
4. The width of the walkway adjacent to the parking area shall be increased to 5 feet.
5. Consider rotating the bicycle parking spaces to provide additional walkway space and to cover the bicycle parking area more easily.

The Commission deadlocked (3-3-1) on whether just one larger unit should be constructed

(instead of the two units proposed), and whether the new front unit should be pulled back further from the street.

Chair Alvistur reopened the public hearing.

Mr. Peitz advised that the applicant would not want to build more than a three bedroom house as it is not practical and that all of the bedrooms are upstairs in response to a question by the Commission. He stated that they have gotten positive feedback on the project from the neighbors, it is consistent with the neighborhood and the General Plan, and that these are the type of homes that people like to rent. He also stated that there are residences in the neighborhood now that do not have any on site parking and that they can provide seven spaces for this project.

Mr. Redeker reviewed the parking requirements per number of bedrooms for the Commission.

Chair Alvistur closed the public hearing.

Commissioner Luvaas moved, seconded by Commissioner Schiffman, to conclude the conceptual review for Planned Development Permit 04-04 (Peitz/Smith), to the meeting of April 7, 2005, when all of the Commissioners will be present.

Motion passed 6-0-1. Commissioner Monfort absent.

- 4.3. Floral Arrangement Vesting Tentative Subdivision Map (S 03-25)** - A proposal to subdivide a vacant 1.25 acre parcel to create six lots for single-family residential uses. The project creates a gross density of 4.8 dwelling units per gross acre. The site is located on the west side of Floral Avenue, approximately 450 feet north of its intersection with East Avenue and is identified as Assessor's Parcel No. 015-250-044. The site is located on land designated Low Density Residential on the City of Chico General Plan Diagram and in the R1 Low Density Residential zoning district. A mitigated negative declaration was previously circulated for this project that proposed a total number of eight lots. Since the current proposal is for six lots, and no other substantial changes are proposed, the current proposal is not anticipated to create new or increased environmental impacts from those previously identified, and therefore, no additional environmental review is required pursuant to Section 15073.5(c)(2) of the California Environmental Quality Act (CEQA) Guidelines.

Associate Planner Bob Summerville presented the staff report and advised that staff had distributed a revised copy of the resolution. He also advised that the two homes on the corner of Floral Avenue and Lawton Drive could face Floral Avenue in response to a question by the Commission.

Senior Development Engineer Matt Johnson reviewed the street requirements by the fire

department.

Chair Alvistur opened the public hearing.

Tony Symmes, applicant, advised that he was there to answer any questions for the Commission. He informed the Commission that the setback for the homes are 15 feet and 20 feet for the garages. He stated that he had tried to build duplexes but was prohibited due to restrictions by the Airport Land Use Commission. He also advised that the project will meet R1 criteria and that all of the houses will have front porches.

Chair Alvistur closed the public hearing.

Commissioner Brownell moved, seconded by Commissioner Schiffman, that the Planning Commission adopt a mitigated negative declaration and Resolution No. 05-05 approving Floral Arrangement Vesting Tentative Subdivision Map (S 03-25), subject to the findings and conditions contained therein and the additional conditions as follows:

- 6. The homes on Lots 1 and 6 shall face Floral Avenue. Driveway access to Lots 1 and 6 shall be taken from Lawton Drive.*
- 7. Where feasible, the roofs of all homes shall be oriented to a south exposure to enable the installation of active solar equipment.*

Motion passed 6-0-1. Commissioner Monfort absent.

5. WORK SESSION/CONCEPTUAL REVIEW

- 5.1. Oak Valley Vesting Tentative Subdivision Map (S 99-12), Planned Development Permit and Conceptual Master Plan (PDP 02-01); bounded by Bruce Road on the west, State Route 32 on the north, a PG&E 500 kV transmission line on the east and Humboldt Road on the south; APN's 011-030-090, -136, -138, and -139 (Fogarty Investments)** Vesting tentative subdivision map and planned development permit to divide a 340-acre site into 147 parcels. Development of the 340-acre site would take place pursuant to a Conceptual Master Plan (Plan). Phase I of the Plan includes 126 smaller lots which would be developed on a 43-acre portion of the site, including two parcels for medium-density residential development (apartments). Development of the remaining 21 larger parcels (Parcels A-U) would take place under future phases via the process of individual subdivision maps. The large parcels range in size from 4.34 gross acres to 26.52 gross acres and would facilitate phased development and financing. At full buildout, the Plan for the site would accommodate approximately 1,324 residential units, along with 109,000 sq. ft. of commercial retail space on 10 acres, and 87.5 acres of open space. Phase I would provide for 295 units (85 single-family, 78 duplex, and 132 apartments).

The property is designated Very Low Density Residential, Low Density Residential, Medium Density Residential, Medium High Density Residential and Community Commercial with an overlay designation of Open Space for Environmental Conservation/Safety. The subject site is also identified as a "Special Development Area" in the Chico General Plan due to sensitive biological habitat and the foothill viewshed. The site is zoned Very Low Density Residential (RS-20), Low Density Residential (R1), Medium Density Residential (R2), Medium High Density Residential (R3), Community Commercial (CC) with a Planned Development Overlay zoning district (-PD Foothill) and a Special Design Considerations Overlay district (-SD2). A Planned Development Permit (PDP) has been required for this project. The PDP process will allow the project developer to cluster housing units and to transfer density to the western portion of the site by reducing parcels sizes, setbacks or other development standards.

The Programmatic Draft EIR for the Oak Valley Conceptual Master Plan and Project-Specific Draft EIR for the 43-acre Portion of the Subdivision was circulated for a 45-day public review period between the dates of April 18 and June 2, 2000. A recirculated Draft EIR was circulated for a 45-day public review period between the dates of April 30 and June 14, 2004. Staff recommends that the Commission not take final action on the project at this meeting, but that the Commission provide direction to Staff on the proposed Plan and recommended design and land use modifications as depicted in the Planning Division staff report dated February 14, 2005.

Senior Planner Patrick Murphy advised that this item was continued from the special meeting of February 24, 2005, to review the list of proposed conditions created by the Commission from that meeting. He also advised that he had met with the applicant who does have answers to some of the items on the list and suggested conducting a straw poll on each proposed condition.

Staff and the Commission discussed the use of Humboldt Road which would have a limited number of access points if it is used as a collector road. The road would also include a buffer zone and landscaping. There were further discussions regarding possible design options for the road, which included leaving Humboldt Road as is and placing a separate collector within the interior of the subdivision.

Director of Public Works Fritz McKinley addressed the problems with having a collector road in the interior of the subdivision and the requirements for connection over the creek. He also reviewed the geotechnical study completed that found no underground water recharge areas on the Humboldt Road Burn Dump property or on any of the Oak Valley properties.

Planning Director Kim Seidler advised the Commission that there is no legal requirement for the applicant, Mr. Fogarty, to clean up the adjacent Johnson property but that there is a requirement for it to be cleaned up by the State.

Staff and the Commission reviewed the proposed list of conditions as well as a list of conditions of approval proposed by Commissioner Luvaas.

Chair Vic Alvistur opened the public hearing.

Jim Mann, Project Manager for the applicant, advised the Commission that an agreement has been proposed with the Johnson Family to clean up the property. He also stated that they have worked with staff on the design of the project to minimize viewshed impacts. He requested that the project be approved. He also addressed questions from the Commission regarding density and that they are receptive to the idea of installing signal lights at Bruce and Humboldt Roads as part of Phase I.

Chair Alvistur closed the public hearing and advised the conceptual review for Oak Valley will be continued to a special meeting on March 10, 2005.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Planning Director Kim Seidler informed the Commission that the Woolley Use Permit (UP 04-24) appeal was upheld by the Council and the use permit was denied. He also informed the Commission that the Council adopted the revised Housing Element and that it will be sent to the State for certification.

Mr. Seidler informed the Commission about holding a joint workshop involving the Council and the Commission to discuss their different points of view and decisions.

8. 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 10, 2005, at 6:30 p.m.

April 21, 2005

Date Approved

/s/

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
MARCH 17, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Mary Brownell, Vice Chair
Dave Kelley
Jon Luvaas
Steve O'Bryan
Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
Teresa Bishow, Principal Planner
Claudia Sigona, Senior Planner
Bob Summerville, Associate Planner
Ed Palmeri, Associate Planner
Matt Johnson, Senior Development Engineer
Lori Barker, Assistant City Attorney
Renee Schreindl, Administrative Secretary

1. ROLL CALL

Vice Chair Mary Brownell called the meeting to order at 6:35 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

Commissioner O'Bryan stated that in the minutes of the meeting of February 17, 2005, under Discussion of Ex Parte Communication, that he had a conversation with neighbors concerning the 473 E. 1st Avenue second dwelling unit, not the Garwood Lane Subdivision. Commissioner Kelley requested that in the minutes of the meeting of February 17, 2005, under Item 4.3, condition number 10, that the word "evergreen" be inserted in front of the word "trees". In the minutes of the meeting of February 24, 2005, the Commission wanted it to state that all of the Commissioners spoke to Jim Mann or Tom Fogarty regarding the Oak Valley project.

*Commissioner Luvaas moved, seconded by Commissioner O'Bryan,
approval of the minutes of November 20, 2003, February 17, 2005, and
February 24, 2005, with the noted corrections.
Motion passed 5-0-2. Commissioners Alvistur and Monfort absent.*

3. **DISCUSSION OF EX PARTE COMMUNICATION FOR PUBLIC HEARING ITEMS**

Commissioner Brownell reported that she had a conversation with Tony Symmes regarding Salisbury Court.

4. **NOTICED PUBLIC HEARING ITEMS**

4.1. **Parcel Map and Planned Development Permit 04-15 (Aguilar), 954 Myrtle Avenue** - A request to divide a 0.67 acre parcel to create three lots for residential uses. An existing single-family residence will remain on Parcel 1; Parcels 2 and 3 will each be developed with a tri-plex building (multi-family residential use) and related parking. With a total of seven units, the project will create a gross density of 7.4 dwelling units per gross acre. The property is identified as Assessor's Parcel Number 015-320-018-000. A planned development permit is proposed to allow reduced front and sideyard setbacks for the new tri-plex buildings and to allow residential uses in the OR zoning district. The project site is located on land designated Office on the General Plan diagram and prezoned OR Office Residential. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Infill Development Projects).

Associate Planner Bob Summerville presented the staff report which included details of the project design. He advised that the sidewalk beginning along Manzanita Avenue is contiguous and will continue as a standard sidewalk along Myrtle Avenue in response to questions by the Commission. He also mentioned the letters from neighbors that were distributed by staff to the Commission expressing their concerns regarding the project.

Senior Development Engineer Matt Johnson reviewed the street design of the project and street standards in response to questions by the Commission.

Commissioner Mary Brownell expressed her concerns with the safety and width of Myrtle Avenue as it gets very congested from parents taking their kids and picking them up from Bidwell Junior High School.

Mr. Summerville reviewed the parking requirements and landscaping of the project in response to questions by the Commission.

Vice Chair Mary Brownell opened the public hearing.

Greg Peitz, architect of the project, reviewed the design details of the project. He stated that they are providing more density and that by making the residences three bedrooms and two baths would attract families and be a good transition with the single family residences on Myrtle

Avenue. He advised that there will be privacy screens between the back patios and reviewed the location of trash receptacles in response to questions by the Commission.

Stephen Fritter, neighbor, expressed his concerns regarding parking.

Will Nichols, son-in-law of neighbors Mr. and Mrs. Assell, requested an eight foot stucco wall or fence be built and maintained along the eastern border of the development. He expressed concerns of triplexes being built which could potentially provide housing for at least fourteen residents which would create increased traffic, parking, and noise. He also expressed concerns of security. He clarified concerns regarding access to the back of their property for the Commission.

Planning Director Kim Seidler advised that an eight foot fence would be feasible and would require a building permit in response to a question by the Commission.

Bob Stofa, property owner, advised that the fence in the back of the property between his and the apartment complex has been well maintained. He also advised that there is an empty field between his house and the property for the proposed project, that there will be a low stucco wall along the front of the project on Myrtle Avenue, and that he would not put in a curb and gutter for the neighbors in response to questions by the Commission.

Vice Chair Mary Brownell closed the public hearing.

The Commission had further discussions regarding parking space requirements, landscaping, and the width of Myrtle Avenue. Commissioners Schiffman and Luvaas disagreed with Commissioner Brownell's assumption that a wider street section of Myrtle Avenue would provide added safety, citing that current planning and engineering practice has found that narrower streets foster slower vehicle speeds for added safety and, conversely, wider streets foster increased vehicle speeds and reduce safety.

Commissioner Schiffman moved, seconded by Commissioner Luvaas, that the Planning Commission adopt Resolution No. 05-07, finding that the project is exempt from environmental review and approving Tentative Parcel Map and Planned Development Permit 04-15 (Aguilar), subject to the required findings and conditions of approval, and the additional conditions as follows:

- 13. The applicant shall build a solid wall six feet in height between the property and the single family residence.*
- 14. The applicant shall provide additional landscaping in the areas in front of the residences.*

Motion passed 4-1-2. Commissioner Brownell opposed due to narrow

*street width of Myrtle Avenue and parking.
Commissioners Alvistur and Monfort absent.*

- 4.2. Parcel Map 04-20 (Lamb/Carlson) 226 Meyers Street** - A request to create three industrial lots on 0.72 acres located at the northeast corner of Bellarmine Court and Meyers Street and addressed as 226 Meyers Street. The property is identified as Assessor's Parcel Number 039-430-127-000. Proposed lot sizes are 0.16, 0.17, and 0.38 acres. The site is designated in the General Plan as Manufacturing and Warehousing and is zoned ML (Light Manufacturing/Industrial). Staff recommends a determination be made that the project is categorically exempt pursuant to the California Environmental Quality Act Guidelines Section 15315 (Minor Land Divisions).

Associate Planner Ed Palmeri presented the staff report.

Vice Chair Mary Brownell opened the public hearing.

Mark Carlson, applicant, presented an overview of the project and advised that a structure is being built to relocate their business and that there will be an access path to parking in response to questions by the Commission.

Vice Chair Mary Brownell closed the public hearing.

Commissioner O'Bryan moved, seconded by Commissioner Schiffman, that the Planning Commission adopt Resolution No. 05-06, making a determination that the project is exempt from environmental review and approving Tentative Parcel Map 04-20 (Lamb/Carlson), subject to the findings and conditions contained therein.

Motion passed 5-0-2. Commissioners Alvistur and Monfort absent.

- 4.3. Salisbury Court General Plan Amendment/Rezone (GPA/RZ 04-10) and Conceptual Review of Salisbury Court Vesting Tentative Subdivision Map/Planned Development Permit (S/PDP 04-17) 2659 Esplanade, Assessor's Parcel No. 006-530-003** - General Plan Amendment/Rezone No. 04-10 proposes to change the General Plan designation from Community Commercial to Medium Density Residential and zoning from CC Community Commercial to R2 Medium Density Residential for the westerly 1.13 acres of the subject 2.29 acre subject site. The subject site is located at the southwest corner of the Esplanade and Henshaw Avenue and is identified as Assessor's Parcel No. 006-530-003. Concurrent with review of those applications, the Planning Commission will conduct conceptual review of a subdivision map and planned development to create 8 lots for residential development on the 1.13 acre westerly half of the site and a 1.16 acre parcel on the east half for an existing

commercial use.

An initial study for environmental review has been prepared for this project. Based upon the information within each initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for each project pursuant to the California Environmental Quality Act (CEQA).

Senior Planner Claudia Sigona presented the staff report. She stated that the property on the Esplanade where Budget Rental is located will be redeveloped in the future and most likely be going before the Architectural Review Board, in response to the Commission's concerns regarding the appearance of that portion of the property.

Planning Director Kim Seidler informed the Commission that staff could bring their concerns regarding the appearance of the property on the Esplanade to code enforcement but does not believe this project should be delayed because of their concerns. He also advised that there is not currently a master plan for the Esplanade in response to a question by the Commission.

Vice Chair Mary Brownell opened the public hearing.

Tony Symmes, applicant, advised the Commission that the owner of the property has an obligation with Budget for several more years and they have made an agreement to make improvements to the property. He addressed concerns by the Commission regarding turn around space, fencing, and gutters being too close together.

The Commission had further discussions regarding the overall design of the project and recommended when the project comes back to provide more specifics on the details of the stucco wall, landscaping, fencing, tree locations, types of trees, and tree preservation plan.

Commissioner Kelley suggested the path between the duplexes be continued across the street in concrete.

Vice Chair Mary Brownell closed the public hearing.

Commissioner Luvaas moved, seconded by Commissioner O'Bryan, that the Planning Commission adopt Resolution No. 05-05 recommending that the City Council Adopt a mitigated negative declaration and approve GPA/Rezone 04-10 and conceptually approve Salisbury Court Subdivision and PDP 04-17 subject to the following recommendations being reflected in the final development plan:

- a. Installation of a six-foot high wall along the east property line of Lot 2, and six-foot high solid wood fencing along the south and west property lines where such fencing is currently deficient or is in disrepair. Prior to consideration of the final development*

plan, the applicant shall submit information about the locations and design of the wall and fencing, including specific details such as height, color, materials and design elevations. Fencing within sight-distance areas (as determined by the Department of Public Works) shall not exceed three feet in height.

- b. Clarify the minimum rear and side yard setbacks by removing the "minus" (-) signs and specifying minimum distances.*
- c. Tree preservation measures based on City Best Management Practices shall be included on the final development plan for preservation of the trees along the south property line.*
- d. Include low lighting along the walkway from Henshaw Avenue to Street A.*

Motion passed 5-0-2. Commissioners Alvistur and Monfort absent.

5. BUSINESS FROM THE FLOOR

None.

6. PLANNING UPDATE

Planning Director Kim Seidler advised the Commission that Council has scheduled their joint meeting for Tuesday, April 19, 2005, at 6:30 p.m. He requested the Commission to review their schedules and let staff know if they will be able to attend. He also informed the Commission of the Council meeting on March 22, 2005, to discuss the Barber Yard project, Park Avenue Visioning Study, and land use and redevelopment issues in Southwest Chico.

- 7. ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 8:07 p.m. to the Regular Meeting of April 7, 2005, at 6:30 p.m.

April 7, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
APRIL 7, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Kirk Monfort
 Steve O’Bryan
 Irv Schiffman

Staff Members Present: Teresa Bishow, Principal Planner
 Bob Summerville, Associate Planner
 Matt Thompson, Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Vic Alvistur called the meeting to order at 6:34 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

Per the request of Commissioner Brownell, the minutes of March 3, 2005, were pulled from the agenda to allow staff time to review the tape concerning Item 4.2, Planned Development Permit 04-04 (Peitz/Smith), to clarify Commission’s action regarding the walkway **adjacent to the parking area** and if the total project density was reduced by providing one larger unit instead of the two three-bedroom units proposed.

Commissioner Luvaas moved, seconded by Commissioner Schiffman, approval of the minutes of December 18, 2003, January 22, 2004, March 4, 2004, March 10, 2005, and March 17, 2005, with the following revisions to the minutes of March 10, 2005, and March 17, 2005:

***Minutes of March 10, 2005** - Clarify that the applicant shall provide safe access for school children to the nearby schools as part of the 43-acre Phase I subdivision by (1) providing bike and pedestrian access from the 43-acre Phase I subdivision site to the Bruce Road/Humboldt Road intersection and (2) installing a traffic*

signal at the Humboldt/Bruce Road intersection.

***Minutes of March 17, 2005 - To add the following condition:
Include low lighting along the walkway from Henshaw Avenue
to Street A.***

Motion passed as follows:

*Minutes of December 18, 2003, 6-0-1. Commissioner Luvaas
abstained due to being absent.*

Minutes of January 22, 2004, 7-0.

Minutes of March 4, 2004, 7-0.

Minutes of March 10, 2005, 7-0.

*Minutes of March 17, 2005, 5-0-2. Commissioners Alvistur and Monfort
abstained due to being absent.*

3. DISCUSSION OF EX PARTE COMMUNICATION FOR PUBLIC HEARING ITEMS

None.

4. NOTICED PUBLIC HEARING ITEMS

- 4.1. Eaton Cottages Vesting Tentative Subdivision Map and Planned Development (S/PDP 03-04)** - A request to subdivide a vacant 1.83 acre parcel to create 12 lots for development of single-family residential uses. A planned development permit is also proposed to allow modifications to development standards (including reduced building setbacks and open space requirements), to allow second dwelling units on the second floor of detached garages, and to coordinate architectural concepts. The project will create a gross density of approximately 4.33 dwelling units per gross acre. The site is located on the north side of Eaton Road 700 feet west of its intersection with The Esplanade and along the south side of the Shasta Union Drainage Assessment District (SUDAD) drainage ditch, APN 006-690-028. The property is located on land designated Office on the General Plan diagram and in a R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Infill Development Projects).

Associate Planner Bob Summerville advised the Commission that staff is changing the recommendation from approval to conceptual review only. He explained that the reason for this request is that although second dwelling units have been authorized in the past by the City with a Planned Development Permit, Title 19 does not specifically allow Planned Development Permits to supplant Use Permits. The project will, therefore, be renoticed to include the use permit requirement and brought back for the Commission's review at a future meeting. He

presented the staff report which included a brief overview of the project design and style of homes. He also informed the Commission of two letters that were distributed by staff before the meeting from neighbors opposing the project due to small lot sizes, increased noise, reduced open space, and non-owner occupancy of second dwelling units. He also clarified that there was no proposed zoning change.

Assistant City Attorney Lori Barker explained that the City of Chico General Plan designations are not always consistent with zoning with regard to parcels of two acres or less in size.

Mr. Summerville explained that up to 22 residential units are allowed per acre with a use permit on parcels in the OR zoning district. He also addressed questions by the Commission regarding the distance between the existing homes and the garages in the rear on the north side, second dwelling units, height of the garages, sidewalks, and parking requirements.

Development Engineer Matt Thompson advised that there is an island plan for West Eaton Road and cars going west on Eaton Road that want to get back to the Esplanade can make a U-turn at the next street to the west in response to a question by the Commission.

Commissioner Brownell expressed concerns with discrepancies between the landscape plan and the parking plan. She requested the Commission be provided with copies of the design maps before it comes back for their review.

Chair Alvistur opened the public hearing.

Nicole Ledford, NorthStar Engineering, gave a brief overview of the project and addressed issues concerning parking, fencing, and the Shasta Union Drainage Assessment District Ditch (SUDAD).

Ben Reed, co-applicant, gave a brief history of the project which included how the plans were driven by the width of the lots. He addressed questions from the Commission regarding second dwelling units, changing some of the elevations on lots 5 through 12 to prevent architectural monotony, and pedestrian access.

Ronald Simpson, who lives in back of the proposed project, expressed his concerns with zoning and the high density of the project.

Chair Alvistur closed the public hearing.

Staff and the Commission had further discussions regarding the overall design of the project including creating additional pedestrian access, lighting, and parking.

After a series of straw polls, the Commission recommended that:

1. Planning staff and the applicant should verify with the City Fire Marshal, if alley parking

would be allowed.

2. Similarly, investigate if an additional parking space would be available on Lot 12 adjacent to the northeast side of the alley.
3. Indicate one additional parking space for the second dwelling unit on Lot 12.
4. Condition No. 20 should be revised to require one common pedestrian path connecting the public alley to the public sidewalk on Eaton Road and be located between Lots 6 and 7 or between Lots 7 and 8.
5. Vary the front elevation of the homes on Lots 5 through 12 to reduce the potential for architectural monotony.
6. Reduce the height of the detached garage on Lot 1 to single-story.
7. Condition No. 18 should be revised to allow the option of installing either incandescent or fluorescent lamps in the fixtures on the north elevation of all detached garages.
8. Rectify the landscape plan on Lots 2 and 3 to reflect proposed parking as illustrated on the site plan.
9. Revise the right elevation of the detached garage to accurately reflect the first-floor plan.

In addition to the items above, the Commission discussed potential impacts associated with all of the proposed lots with second dwelling units being non-owner occupied. In addition, the Commission expressed concerns with the architectural massing of all of the detached garages being two-story, particularly on lots where second dwelling units are not proposed.

4.2. Workshop Concerning Potential Amendments to the Chico Parking Standards

(CA 05-01) - To obtain comments regarding potential amendments to parking standards contained in the Chico Municipal Code, Chapter 19.70. The Planning Commission is specifically interested in public comments concerning whether to amend the code to:

1. Provide a clear basis for granting reductions in required off-street parking in the downtown area;
2. Clarify the allowance for shared off-street parking and create incentives for shared parking arrangements;
3. Clarify the method of calculating off-street parking for multi-story buildings; and
4. Provide a new compact bicycle parking design.

The Planning Division will be preparing a staff report outlining various alternatives for the Planning Commission to consider.

Principal Planner Teresa Bishow advised that the workshop has been postponed to give staff further time to prepare information for the Planning Commission.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Principal Planner Teresa Bishow and Commissioners Kelley, Luvaas, and Schiffman shared highlights from their attendance of the American Planning Association National Planning Conference which was on March 19th through the 22nd, 2005.

Ms. Bishow distributed the Planning Commission schedule. She informed the Commission of Council actions which included adopting the resolution to deny the Woolley Use Permit (UP 04-24), affirming the Planning Commission's decision by denying the request for an appeal hearing on Balken/Condos (UP 04-69), and giving staff direction on Bidwell Ranch. She also reminded the Commission about the City Council/Planning Commission workshop scheduled on April 19, 2005, at 6:30 p.m.

The Commission requested a meeting be scheduled to discuss mitigation monitoring.

8. ADJOURNMENT - There being no further business before the Commission, the meeting was adjourned at 8:25 p.m. to the Adjourned Regular Meeting of April 21, 2005, at 6:30 p.m.

May 5, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
APRIL 21, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Kirk Monfort
 Steve O'Bryan
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Fritz McKinley, Director of Public Works
 Principal Planner Teresa Bishow
 Patrick Murphy, Senior Planner
 Claudia Sigona, Senior Planner
 Ed Palmeri, Associate Planner
 Greg Redeker, Assistant Planner
 Matt Thompson, Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Vic Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

Commissioner Luvaas noted in the minutes of March 3, 2005, Item 4.3, that the vote of the motion was left out and requested it be added to the minutes.

*Commissioner Luvaas moved, seconded by Commissioner Monfort,
approval of the minutes of March 25, 2004, April 15, 2004, and
March 3, 2005, with the above noted correction.
Motion passed 7-0.*

3. FINAL ACTION - The public hearing on this item was held and closed at a previous meeting. This item is scheduled for Planning Commission discussion and final action.

- 3.1 Oak Valley Vesting Tentative Subdivision Map (S 99-12), Planned Development Permit and Conceptual Master Plan (PDP 02-01); bounded by Bruce Road on the west, State Route 32 on the north, a PG&E 500 kV transmission line on the east and Humboldt Road on the south; APN's 011-030-090, -136, -138, and -139 (Fogarty Investments).** Vesting tentative subdivision map and planned development permit to divide a 340-acre site into 141 parcels. Development of the 340-acre site would take place pursuant to a Conceptual Master Plan (Plan). Phase I of the Plan includes 126 smaller lots which would be developed on a 43-acre portion of the site, including two parcels for medium-density residential development (apartments). Development of the remaining 15 larger parcels (Parcels A-Q) would take place under future phases via the process of individual subdivision maps. The large parcels range in size from 4.34 gross acres to 26.52 gross acres and would facilitate phased development and financing. At full buildout, the Plan for the site would accommodate approximately 1,324 residential units, along with 109,000 sq. ft. of commercial retail space on 10 acres, and 87.5 acres of open space. Phase I would provide for 295 units (85 single-family, 78 duplex, and 132 apartments).

The property is designated Very Low Density Residential, Low Density Residential, Medium Density Residential, Medium High Density Residential and Community Commercial with an overlay designation of Open Space for Environmental Conservation/Safety. The subject site is also identified as a "Special Development Area" in the Chico General Plan due to sensitive biological habitat and the foothill viewshed. The site is zoned Very Low Density Residential (RS-20), Low Density Residential (R1), Medium Density Residential (R2), Medium High Density Residential (R3), Community Commercial (CC) with a Planned Development Overlay zoning district (-PD Foothill) and a Special Design Considerations Overlay district (-SD2). A Planned Development Permit (PDP) has been required for this project. The PDP process will allow the project developer to cluster housing units and to transfer density to the western portion of the site by reducing parcels sizes, setbacks or other development standards.

The Programmatic Draft EIR for the Oak Valley Conceptual Master Plan and Project-Specific Draft EIR for the 43-acre Portion of the Subdivision was circulated for a 45-day public review period between the dates of April 18 and June 2, 2000 and a Recirculated Draft was circulated for a 45-day public review period between the dates of April 30, 2004 and June 14, 2004.

Regarding the Final EIR, staff recommends that the Planning Commission certify the Final Environmental Impact Report, adopt the Statement of Overriding Considerations, and adopt the mitigation monitoring program for the project. Regarding the project, staff recommends that the Planning Commission approve the vesting tentative subdivision map, planned development permit, and conceptual master plan for the project.

Senior Planner Patrick Murphy presented the staff report which included a brief overview of the past Planning Commission meetings and direction provided by the Commission to staff and the applicant. He reiterated that the various conditions discussed at the previous Commission meeting had either been incorporated into the final conditions of approval or included on the revised project map. He stated that the Commission is now being asked to (1) adopt Resolution No. 05-09 certifying the Final Environmental Impact Report, adopting the Statement of Overriding Considerations, and adopting the mitigation monitoring program for the project; and (2) adopt Resolution No. 05-10 approving the vesting tentative subdivision map, planned development permit, and conceptual master plan for the project, subject to the findings and conditions specified in the resolution. Mr. Murphy addressed questions from the Commission regarding street and driveway lighting.

Director of Public Works Fritz McKinley also addressed concerns by the Commission regarding lighting by suggesting CC&R's may be a way to handle the enforcement of lighting standards. In response to a question by the Commission, he also advised that it is the City's responsibility to carry out the soil remediation process on the City's property, not Mr. Fogarty's property.

Mr. Murphy reviewed mitigation measures for the project in response to concerns by Commissioner Monfort who stated he was disturbed by the lack of air quality mitigations on this project and other projects.

Commissioner Luvaas expressed his concerns with the impacts on the historical points of interest along Humboldt Road.

Staff and the Commission had further discussions regarding the conditions of approval, traffic impacts, design guidelines, tree requirements, combining parcels, Humboldt Road, and connectivity of roads.

Commissioner Monfort moved, seconded by Commissioner Schiffman, that the Planning Commission adopt Resolution No. 05-09 certifying the Final Environmental Impact Report, adopting the Statement of Overriding Considerations, and adopting the mitigation monitoring program for the project.

Motion passed 7-0.

Commissioner Monfort moved, seconded by Commissioner Schiffman, that the Planning Commission adopt Resolution No. 05-10 approving the Oak Valley vesting tentative subdivision map, planned development permit, and conceptual master plan subject to the conditions set forth

in the Resolution together with the following changes:

- 1. The Oak Valley Foothill Design Guidelines shall be modified to utilize the word “shall” in place of the word “should.”*
- 2. The “Cluster Home Development” section of the Oak Valley Project Foothill Design Guidelines shall be modified to move item #7 pertaining to the clustering of homes to the top of the list as item #1.*
- 3. The “Architecture and Site Design” section of the Oak Valley Project Foothill Design Guidelines shall be modified to add a requirement that all exterior lighting on houses, other structures, and landscaping be low-level and baffled downward and directed only toward areas requiring illumination and shall meet IES full-cutoff standards for lighting.*
- 4. Condition of Approval #22 relating to the water storage tank shall be modified to add language that the tank be located, designed, colored, and screened to avoid or minimize visibility from within and beyond the project site.*
- 5. Condition of Approval #37 shall be modified to read as follows: “A landscaped traffic circle shall be installed at the Yosemite-Potter Road Extension/Street A intersection.”*
- 6. Condition of Approval #45 shall be modified to apply the fencing requirement to Parcels G through Q.*
- 7. The Final Map shall combine Parcels H and G, Parcels I and J, and Parcels M and J, with no additional access points allowed onto Humboldt Road.*

Motion passed 6-1. Commissioner Luvaas opposed.

4. DISCUSSION OF EX PARTE COMMUNICATION FOR PUBLIC HEARING ITEMS

Commissioner Monfort reported that he met with a representative from Channel Lumber Company and Jim Mann regarding Eaton Village Condominiums.

5. NOTICED PUBLIC HEARING ITEMS

- 5.1. Eaton Village Condominiums Vesting Tentative Subdivision Map (S 05-03) (Channel Lumber Company) the southerly intersection of Eaton Road and Penzance Avenue - A request to approve creation of 308 residential condominium**

units and common areas in two phases at an unoccupied multi-residential complex currently under construction and located on the south side of Eaton Road at the intersection of Eaton Road and Penzance Avenue and addressed as 100 and 121 Penzance Avenue. The project was a part of and is consistent with the approved Brentwood Subdivision Map (S 01-08) and Planned Development Permit 01-09 for which a mitigated negative declaration was adopted (State Clearinghouse No. 2002032039) on May 21, 2002. Approval of the condominium map will allow for individual ownership of the residential units. The project site is identified as Assessor's Parcel Nos. 006-690-038 and 006-690-039. The properties are designated Medium Density Residential on the City of Chico General Plan Diagram and zoned PMU (Planned Mixed Use) zoning district. Pursuant to California Environmental Quality Act Guidelines, Section 15162 no further environmental review is required.

Associate Planner Ed Palmeri presented the staff report which included a brief history of the project.

Commissioner Mary Brownell expressed frustration that the builder was able to pay in-lieu fees instead of road fees, as construction costs have increased.

Development Engineer Matt Thompson addressed questions from the Commission regarding installing a bike trail along the Shasta Union Drainage Assessment District Ditch (SUDAD).

Chair Vic Alvistur opened the public hearing.

Jim Mann, Project Manager, advised that the County did not want a bicycle path connection from the SUDAD to the project due to safety issues, in-lieu fees were paid as the City at that time wanted them to put in temporary roads, and that Channel Lumber Company purchased the property over three years ago always intending on converting the apartments to condominiums in response to questions by the Commission.

The Commission expressed their desire to install a bicycle path along the perimeter of the project and additional bicycle parking facilities.

Staff addressed additional questions from the Commission regarding parking requirements, bicycle parking, and zoning.

Kay Rush, who lives on Royal Glen Lane, expressed concerns that the headlights from cars exiting the project shine into her home and that a bicycle path on the side of the SUDAD where her home is located would cause her to lose privacy.

Chair Vic Alvistur closed the public hearing.

Commissioner Luvaas moved, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 05-11 making a determination that the project is exempt from further environmental review and approving Eaton Village Condominiums Vesting Tentative Subdivision Map (S 05-03), subject to the findings and conditions contained therein.

Motion passed 7-0.

- 5.2. Peitz/Smith Planned Development Permit (PDP 04-04) 234 Oak Street -** A second conceptual and final review of a planned development permit to authorize the construction of two additional single-family residences on a site currently occupied by one single-family residence. The planned development permit would also authorize a reduction in the amount of onsite parking, and a reduction in setbacks. This project was reviewed conceptually on March 3, 2005. The site is identified as Assessor's Parcel No. 004-010-004, is designated Medium-High Density Residential on the City of Chico General Plan Diagram, and is located in an R3-FS Medium-High Density Residential/Fraternity-Sorority Overlay zoning district. The project is also in the impacted parking district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), subject to CEQA Guidelines section 15332 (Infill Development Projects).

Assistant Planner Greg Redeker gave a brief overview of the staff report, recapping the conceptual review performed on the project at the March 3, 2005 meeting. He reviewed the direction provided to the applicant at the March 3, 2005, meeting. Direction included:

1. No fencing shall be installed immediately adjacent to the apartment building.
2. A 3-foot fence shall be installed in the front yard area between the project site and the adjoining parking area for the apartments.
3. The proposed 6 parking spaces shall be retained approximately as proposed, even if the total project density is reduced by providing one larger unit instead of the two three-bedroom units proposed.
4. The width of the walkway adjacent to the parking area shall be increased to 5 feet.
5. Consider rotating the bicycle parking spaces to provide additional walkway space and to cover the bicycle parking area more easily.

Mr. Redeker noted that the applicant has added one additional parking space by moving the trash enclosure and reducing the width of the planter island by one foot. He stated that staff is recommending that the parking spaces be alternated from full size to compact size. He reminded the Commission that they were deadlocked on the number of units and whether to pull the front structure further back from Oak Street. He advised the Commission that the applicant would prefer to build two three-bedroom units. He also addressed questions by the

Commission regarding side yard variances and parking spaces.

Chair Vic Alvistur opened the public hearing.

Greg Peitz, applicant, requested that they be able to construct a fence that is five feet off the property line adjacent to the apartments. He stated that the owners would like to utilize these homes as student housing as it is close to the college. He also advised that the windows on the proposed buildings could be offset from the windows on the existing building to prevent being able to look directly into each other in response to a question by the Commission.

Chair Vic Alvistur closed the public hearing.

Commissioner Mary Brownell stated that she is opposed to the project due to parking congestion in the area.

Commissioner Dave Kelley stated that he was opposed to the project due to the high density and parking.

Commissioner Steve O'Bryan stated that he supports the density and the two structures and is supporting this project as it is in close proximity of the college which brings opportunity for different modes of transportation.

Commissioner Monfort moved, seconded by Commissioner O'Bryan, that the Planning Commission adopt Resolution No. 05-13, determining that the project is categorically exempt from environmental review, approving the project's architecture and site design, and approving the Peitz/Smith Planned Development Permit (PDP 04-04), subject to the findings and conditions of approval contained therein with the amendment of condition number 5 and the additional conditions as follows:

5. The permittee shall not install fencing adjacent to the existing apartment building unless the apartment building is located at least five feet away from the property line.

Added Conditions:

10. The permittee shall offset the upper-floor rear windows of the two new structures so that they are not directly opposite each other.

11. The permittee shall relocate the planter island in the parking area to a position to be at roughly the terminus of the front/rear pedestrian path.

Motion passed 5-2. Commissioners Brownell and Kelley opposed.

- 5.3. Mangrove General Plan Amendment/Rezone (GPA/RZ 04-09) and Use Permit (UP 04-17) (20th Street Mangrove LLC) Northwest corner of Mangrove and Vallombrosa Avenues** - A request to amend the General Plan land use designation for a 0.39 acre parcel identified as APN 003-210-006 from Public Facilities and Services to Community Commercial and to rezone the property from PQ Public Quasi-Public to CC Community Commercial; and a request to allow a drive-through service window for a coffee restaurant. Both applications are associated with the proposed development of a new 17,275 square foot retail center to be located at the northwest corner of Mangrove and Vallombrosa Avenues, consisting of four parcels identified as Assessor's Parcel Nos. 003-210-006, 011, 015 and 017. All parcels with the exception of the one noted above are currently designated Community Commercial by the General Plan and are zoned CC Community Commercial.

An initial study for environmental review has been prepared for the project. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that a project will not have a significant impact on the environment, after the incorporation of specific mitigation measures.

Senior Planner Claudia Sigona presented the staff report and addressed questions from the Commission regarding outdoor seating, building set backs, bicycle parking, and traffic.

Gregg Steele, applicant, advised he would work with the City concerning the number of bicycle racks. He stated that this is a quality project which he believes is a positive addition to the Community and that the change in zoning supports the City of Chico General Plan. He also stated that the safety issues have been addressed according to the traffic study and he disagrees with the City's recommendation to deny the drive through. He addressed questions from the Commission regarding types of retail, the Starbuck's drive through, and whether residential development was considered.

Brian Firth, Land Image, addressed questions from the Commission regarding shading for the outdoor seating area, trees, and how the overall landscaping would affect the visibility for traffic entering and exiting the center. He proposed meandering the sidewalk and creating an easement to help with visibility.

Richard Hopper reviewed the traffic study which he completed in April of 2004. He addressed concerns from the Commission regarding the visibility of bicyclists for vehicles entering and exiting the center.

Susan Mason expressed her concerns with the traffic study which did not consider the number of students or address delivery trucks.

Karen Laslo, reviewed her letter which she had written to the Commission reiterating her request for them to deny the drive through and expressed that the proposed Cypress trees are unattractive.

Brian Firth, Land Image, stated that he did not have a problem with changing the proposed street trees.

Chair Vic Alvistur closed the public hearing.

Commissioner Monfort moved, seconded by Commissioner Luvaas, that the Planning Commission adopt Resolution No. 05-12 recommending that the City Council adopt a mitigated negative declaration and approve GPA/RZ 04-09.

Motion passed 7-0.

Commissioner Monfort moved, seconded by Commissioner O'Bryan, that the Planning Commission deny Use Permit 04-17, finding that, based on the analysis contained within the staff memorandum related to concerns for bicycle and pedestrian safety, inconsistency with General Plan policies and the Bidwell Park Master Management Plan, and noncompliance with City regulations pertaining to drive-through facilities, all of the required use permit findings cannot be made.

Motion passed 7-0.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Planning Director Kim Seidler reviewed highlights from the Planning Commission/City Council workshop and distributed a chronology related to the owner occupancy requirement for second dwelling units.

Principal Planner Teresa Bishow and the Commission agreed to have a work session on Meriam Park at the meeting of June 2, 2005.

Commissioner Steve O'Bryan suggested doing a formal site visit to view second dwelling units that have been approved and completed.

Commissioner Jon Luvaas thanked the Commission for their support of his suggested amendments on Oak Valley.

- 8. ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 9:55 p.m. to the Regular Meeting of May 5, 2005, at 6:30 p.m.

June 2, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
MAY 5, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Steve O'Bryan
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Greg Redeker, Assistant Planner
 Matt Johnson, Senior Development Engineer
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Vic Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

*Commissioner Kelley moved, seconded by Commissioner Brownell, approval of the minutes of July 1, 2004 and April 7, 2005.
Motion passed 6-0-1. Commissioner Monfort absent.*

3. DISCUSSION OF EX PARTE COMMUNICATION FOR PUBLIC HEARING ITEMS

Commissioner Steve O'Bryan reported that he spoke with George Matthews concerning Tapp, and had indirect conversations with Fred Atwood and Ed McLaughlin concerning Laburnum Estates. Commissioner Mary Brownell reported that she spoke with Loren Wilcock concerning Tapp. Commissioner Irv Schiffman reported that he spoke with neighbors concerning Hawes, and received a message from George Matthews concerning Tapp.

4. NOTICED PUBLIC HEARING ITEMS

4.1. Hawes Tentative Parcel Map (PM 05-02) 1581 Mountain View Avenue - A request to create three parcels by subdividing an existing 0.69 acre parcel located at

1581 Mountain View Avenue. Proposed parcel 3 will take access directly from Mountain View Avenue, and will retain an existing home on the property. Proposed parcels 1 and 2 are intended for new single-family residential development, and will take access off a 24-foot wide access easement. The site is identified as Assessor's Parcel No. 045-322-009, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines sections 15315 (Minor Land Divisions) and 15332 (Infill Development Projects).

Assistant Planner Greg Redeker presented the staff report, which included environmental findings, access, details on lot sizes, parking, fencing, trees, and landscaping. He noted that a visual presentation was planned but the City's network went down and reviewed two letters from neighbors opposing the project that were distributed to the Commission just before the meeting. He suggested that the Commission modify condition #8 to remove the reference to "including a permanent automatic irrigation system" so that the applicant has the option of installing a low water xeriscape if desired.

Chair Vic Alvistur opened the public hearing.

Craig Hawes, applicant, advised that his family has owned the property since 1952. He also informed the Commission that these are large lots and requested that they approve the project.

James Renfro, The Engineering Group, stated that he agrees with the staff report. He explained that this project is consistent with the General Plan, that the storm water is completely contained on site, and that the sewer is in front of the property as well as at the back of the lot. He also advised that they will install a sidewalk along the front of the property as well as repair a portion of the existing sidewalk. He addressed questions from the Commission regarding the design of the proposed homes (which will be one-story), the sewer system, irrigation, and landscaping. He also stated that he would like a chance to address comments by the neighbors.

Principal Planner Teresa Bishow advised that the applicant of a parcel map is not required to submit a landscape plan for the proposed new lots in response to the Commissions' concerns regarding landscaping.

Myrl Hull, neighbor, advised that he has nothing against the Hawes and has enjoyed them as neighbors for years. He expressed that these homes will ruin the layout of the neighborhood and requested the Commission to deny the project. He also stated that he would be opposed to any home being built on the property in response to a question by the Commission.

Kathleen Watson, neighbor, advised that she and all of the neighbors oppose this project and requested the Commission to postpone making a decision.

Chair Alvistur explained that the Commission generally doesn't postpone making a decision.

W. Howard Isom, neighbor, advised that the project exceeds sewer capacity, that it would change the whole character of the neighborhood, that there should be tree requirements, and that he does oppose this project.

George Matthews spoke in favor of the project, stating that it would be better than mowing down farm land to build new homes.

Rosemary Sabino, neighbor, pointed out the petition/letter signed by 23 neighbors opposing this project. She stated that the neighborhood is considered low density and that increased traffic would endanger the children who play on the street. She requested that the Commission deny the project.

Dan Katz, neighbor, stated that he is opposed to the project and supports CC&Rs to require single-story homes. He advised that the project is not consistent with the character of the neighborhood and that the neighbors have paid to have the road paved.

Richard Hawes, applicant, stated that he has lived there all of his life, and that he and other family members plan on living in the new homes and the existing home.

Mr. Isom questioned what type of fencing is proposed along the property line adjacent to his property on Vallombrosa Avenue and requested a solid fence that is a minimum of 6 feet in height be installed.

Tom Blodget, neighbor, expressed concerns with people purchasing property in the neighborhood and then splitting it and how it would affect the character and quality of the neighborhood.

Chair Alvistur closed the public hearing and requested a ten minute recess from 7:23 p.m. to 7:33 p.m. to be able to read the letters received by neighbors.

Commissioner Mary Brownell expressed concerns with existing backyards becoming side yards. She also expressed that she wanted condition #8 to remain unchanged.

Senior Development Engineer Matt Johnson reviewed CC&Rs and advised that there is no setback requirement from the easement in response to a question by the Commission.

Commissioner Dave Kelley stated that this project is on the lower end of the density and is a low impact project.

Commissioner Irv Schiffman stated that he lives down the street from this project and personally would not want the parcel split, but legally he can not vote against it. He requested a condition that houses be limited to single-story.

Planning Director Kim Seidler informed the Commission that the final map could include a note that the homes shall only be one-story in order for it to be a requirement for the applicant. He also explained that Planning staff do not review the design of single-family homes during the standard subdivision process, in response to the Commission asking if a requirement could be made that the homes be the same character as the existing homes in the neighborhood.

Commissioner Jon Luvaas expressed that he would like to see medium-sized trees along the perimeter of the property to provide screening and neighborhood compatibility. He also requested that at least one of the homes have a southerly-oriented roof suitable for future solar installation.

Commissioner Schiffman moved, seconded by Commissioner O'Bryan, that the Planning Commission adopt Resolution No. 05-15, finding that the project is categorically exempt and approving Tentative Parcel Map 05-02 (Hawes), subject to the findings and conditions contained therein and the additional conditions as follows:

- 9. The applicant shall place a note on the final map stating that all new homes shall be limited to single-story construction.*
- 10. All construction on Parcel 1 shall be located a minimum of 15 feet from the southerly property line (i.e., 5 feet away from the sanitary sewer easement).*
- 11. At least one of the homes constructed on Parcel 1 or 2 shall have a southerly-oriented roof suitable for future solar installation, unless deemed infeasible by the Building division.*
- 12. The applicant shall plant trees around the easterly, southerly, and westerly perimeter of the site, as feasible. The trees shall be of medium size when fully grown, spaced to provide some screening for the adjacent properties, irrigated by a permanent automatic irrigation system, and specifically listed as a maintenance item in the CC&Rs for the project. The final landscape and irrigation plan shall be subject to review and approval by Planning staff.*

Motion passed 6-0-1. Commissioner Monfort absent.

4.2. Laburnum Estates Tentative Subdivision Map (S 04-16) (Merritt) 1602 Laburnum Avenue - A request to subdivide 1.25 acres located at 1602 Laburnum

Avenue to create 6 single-family lots, including two flag lots, ranging in size from 5,261 to 6,726 square feet. The project site is identified as Assessor's Parcel No. 003-403-009. The properties are designated Low Density Residential on the City of Chico General Plan Diagram and rezoned R1 Low Density Residential zoning district.

An initial study for environmental review has been prepared for this project. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that a project will not have a significant impact on the environment, after the incorporation of specific mitigation measures.

Principal Planner Teresa Bishow presented the staff report. She reviewed clarifications in the staff report. She advised the Commission of the correspondence distributed right before the meeting and thanked Superintendent Mary Anne Houx for facilitating the meetings with the applicant and neighbors to discuss their concerns. She also addressed tree issues raised by the Commission.

Planning Director Kim Seidler informed the Commission of several requests for continuance of this item.

Commissioner Mary Brownell expressed concerns with not having enough time to read the material from citizens.

Senior Development Engineer Matt Johnson advised that he had spoken with Mr. Ed Holohan, neighbor, regarding street widths. He also explained that the development of a master plan was initiated at the request of the City Council to establish uniform roadway design standards in the Chico Vecino Area and how it relates to this project.

Chair Vic Alvistur opened the public hearing.

Stan Merritt, property owner, reviewed which trees on the property will be saved, that the homes on Lots 4 and 5 would be single-story, and that all of the houses would have lapsiding. He also clarified that the reason there are two-story homes is that he is trying to accommodate the existing neighbors and increase the open space around the buildings.

Superintendent Mary Anne Houx stated that they had two very productive meetings with the developer, Planning Director Kim Seidler, and Principal Planner Teresa Bishow. She also stated that she disagrees with Mr. Merritt as it was her understanding that there would be no two-story houses and they feel that the setbacks are not appropriate. She is also disappointed that the agreements are not in the staff report. She advised that Mr. Holohan has requested a continuance to discuss issues including the preservation of trees and the type of covering for the

alley.

James Renfro, The Engineering Group, advised the Commission that the project does meet City standards and that the applicant has met with neighbors to come up with a compromise. He also reviewed the proposed stories for the homes.

Mr. Merritt advised that there would be no upper story windows on the north side of the home on Lot 3 and addressed questions from the Commission regarding the design and sizes of the homes.

Ed McLaughlin, neighbor, expressed that he does not have concerns with two-story homes but with the additional open space being created from the two-story homes which could possibly allow for second dwelling units. He also suggested using a turf stone surface for the alley.

Fred Atwood, neighbor, reviewed the list of agreements he had from the meeting. He expressed concerns with density, safety due to streets narrowing, and the noise generated by his wood shop that is adjacent to the property.

Russ Pickett, neighbor, reiterated their agreement with the applicant to build one-story homes and feels that the density is too high for the neighborhood. He recommended meandering the sidewalk to save trees. He also stated that Mr. Holohan would be affected the most by this project.

Tom Sherburne, neighbor, expressed that six homes is too many.

Doug Roberts, neighbor, also expressed that six homes is too many.

Nani Teves, spoke in favor of less homes that are smaller. She stated she would like to see larger yards due to the lack of parks in the neighborhood.

Rachelle Stangeland, who works at Fred Atwood's workshop, advised that there is a lot of noise generated by the wood shop that wasn't considered by the developer. She also reviewed the trees that she hopes will be saved.

Mike Pickering, advised that he worked with Mr. Merritt on this project and appreciates the concerns of the neighbors. He stated that the plans exceed City standards, that there is a minimal impact to mitigation measures, and feels it would be fair to move forward with the project.

Jonas Herzog, would like to see less density and requested the project be postponed.

Principal Planner Teresa Bishow reviewed a list of conditions of approval which could be

added to the existing conditions in the staff report.

Mr. Merritt clarified the proposed condition concerning windows and stated that he has built 40 good quality homes with full landscaping over the last 4 years and has had 40 satisfied homeowners.

Chair Vic Alvistur closed the public hearing.

The Commission had discussions regarding the number and size of lots, reducing the sizes of homes, adjusting setbacks, and the need to evaluate the design of homes for infill projects. The Commission also expressed concerns with the people most affected by this project not being able to attend the meeting and not having all of the information needed before making a decision.

Planning Director Kim Seidler explained to the Commission that if the majority would like a continuance of this item, than they have the authority to do so. He also addressed issues concerning the wood shop that is adjacent to the project.

After conducting a straw poll, the Commission voted 4-2-1, Commissioners Brownell and O'Bryan opposed, Commissioner Monfort absent, to try and complete the item tonight.

Senior Development Engineer Matt Johnson addressed issues from the Commission regarding alley access, street requirements, and explained Public Works guidelines with regard to setbacks and right-of-ways. He went on to explain City standards no longer permit gravel shoulders on roads due to there being issues that include maintenance and storm drainage in response to a request by Commissioner Luvaas.

Commissioner Alvistur moved, seconded by Commissioner Kelley, that the Planning Commission adopt Resolution No. 05-14, adopting the mitigated negative declaration and approving Laburnum Estates Tentative Subdivision Map (S 04-16), subject to the required findings and conditions of approval contained therein and the additional conditions as follows:

- 1. Allow 6 lots within the subdivision.***
- 2. Limit new buildings to one story.***
- 3. Tree #17 shall be reviewed by a certified arborist to ensure long-term preservation of the tree.***
- 4. Construction of the private driveway between lots 2 and 3 shall provide for the preservation of Tree #16 to the extent practical.***
- 5. Tree #19 shall be preserved.***

- 6. Provide notification on the deed of Lot 4 that an existing legal non-conforming wood shop generates noise.**
- 7. The permittee shall maintain the existing public right-of-way on Laburnum and East 6th Avenues to allow a five foot sidewalk and greater tree preservation.**
- 8. The permittee shall maintain a minimum 15 foot front yard setback along Laburnum and E. 6th Avenues.**
- 9. The permittee shall preserve Trees #4 and #5; and every effort will be made to preserve the unnumbered tree, east of the subject property along E. 6th Avenue subject to the opinion of the Urban Forester.**

Motion passed 4-2-1. Commissioners Brownell and O'Bryan opposed. Commissioner Monfort absent.

After the Planning Commission action, the chair granted a request from Commissioner Luvaas to reconsider the motion resulting in its defeat (3-3-1). With agreement from the applicant, the Planning Commission continued the item for further discussion and final action to May 19, 2005.

- 4.3. Use Permit (UP 05-07) (Tapp) 1130 Dayton Road** - A request to allow construction of a six-foot high fence in the front yard setback at 1130 Dayton Road. The six-foot high fence will extend across the front yard of a single-family home. The property is identified as Assessor's Parcel No 004-510-040. The site is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 (Low Density Residential) zoning district. Staff is recommending denial of the use permit request. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to the CEQA Guidelines, Section 15301 Existing Facilities.

Principal Planner Teresa Bishow presented the staff report which included the recommendation by staff to deny the use permit.

Chair Vic Alvistur opened the public hearing.

Thomas Tapp, applicant, stated that he is wanting to install a fence which absorbs sound due to the noise created by the heavy traffic on Dayton Road. He reviewed the conditions in the staff report which he stated can be met and that the curve on Dayton Road is the main sight line problem, not the fence. He explained that he is wanting to construct a straw bale fence which has been found to absorb sound, and the best way to mitigate noise. He also explained that he is planning on planting climbing vegetation which will eventually cover the fence, and installing a rod iron gate to allow access. He informed the Commission that this fence will increase the

quality of life for the residents and encourage pedestrian use.

George Matthews spoke in favor of the sound wall.

Chair Alvistur closed the public hearing.

Principal Planner Teresa Bishow reviewed the setbacks in response to a question by the Commission.

Chair Alvistur reopened the public hearing.

Mr. Tapp reviewed photos showing different views of the project location and how it would affect the line of sight, and a new plan proposing a 4-foot set back for the fence from the sidewalk.

Chair Alvistur closed the public hearing.

Due to the applicant submitting a proposal today to set back the fence by 4 feet from the sidewalk, the Commission agreed to continue the item to the Planning Commission meeting of May 19, 2005, to allow staff more time to review the applicant's new proposal and come back with an evaluation.

4.4 Use Permit (UP 05-14) (Riley) 152 E. Frances Willard Avenue - A request to authorize a six foot tall fence and wall in the front yard setback of property located at the northeast corner of E. Frances Willard Avenue and The Esplanade. The majority of the fence is proposed to be a six-foot white picket fence, but a small portion is proposed to be a solid block wall. The property was recently split via Parcel Map 04-10 (Riley). The site is identified as Assessor's Parcel No. 003-176-010, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303(e) (New Construction or Conversion of Small Structures).

Assistant Planner Greg Redeker presented the staff report and reviewed the correspondence received by Marci Goulart and Richard Wodrich requesting denial of the use permit, and from the applicant requesting the Commission approve the use permit with photos showing other fences that were constructed on corner lots that are six feet in height.

Chair Vic Alvistur opened the public hearing.

Mimi Riley, applicant, stated that she has spent over \$700,000.00 to restore her home. She reviewed her letter addressed to the Commission which included reasons why she is wanting to build the fence. She addressed questions by the Commission regarding the design and height of the proposed fence.

Rovan Younger, neighbor, stated that he is opposed to the fence. He expressed concerns regarding the sight line and cars having trouble seeing foot traffic from Chico Junior High. He also expressed a concern with 6-foot high fences destroying the aesthetics of neighborhoods.

Dennis Hoptowit, neighbor, clarified for the Commission where the crosswalk is located. He stated that he is opposed to the proposed picket fence, but would support a wrought-iron fence as it would be more compatible with the neighborhood.

Anastacia Snyder, neighbor, stated that she is opposed to a 6-foot high picket fence.

Chair Alvistur closed the public hearing.

Commissioner Brownell expressed that the fence should be wrought-iron.

Mr. Redeker discussed visibility and reviewed a variety of different designs of fences that could be built.

Commissioner Luvaas expressed concerns for the safety of the kids that walk and ride their bikes in that area and stated that anything over 3 feet in height would be dangerous.

Commissioner Luvaas moved, seconded by Commissioner Brownell, that the Planning Commission deny Use Permit 05-14 (Riley), without prejudice, as all required findings cannot be made for the project design as proposed.

Motion passed 5-1-1. Commissioner Alvistur opposed. Commissioner Monfort absent.

5. BUSINESS FROM THE FLOOR

None.

6. PLANNING UPDATE

Planning Director Kim Seidler reviewed the action by the Council concerning R2 density.

7. ADJOURNMENT - There being no further business before the Commission, the meeting was

adjourned at 11:45 p.m. to the Adjourned Regular Meeting of May 19, 2005, at 6:30 p.m.

June 2, 2005 _____
Date Approved

_____/s/_____
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
MAY 19, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Kirk Monfort
 Steve O'Bryan
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Patrick Murphy, Senior Planner
 Ed Palmeri, Associate Planner
 Bob Summerville, Associate Planner
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Vic Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. DISCUSSION OF EX PARTE COMMUNICATION FOR PUBLIC HEARING ITEMS

All of the Commissioners reported that they had either spoke to or received a message from Eddie concerning Tapp. Commissioner Monfort reported that he viewed the tape from the May 5, 2005, meeting concerning Laburnum Estates and Tapp.

3. ITEMS CONTINUED FOR FURTHER COMMISSION DISCUSSION

3.1. Laburnum Estates Tentative Subdivision Map (S 04-16) (Merritt) 1602 Laburnum Avenue - A request to subdivide 1.25 acres located at 1602 Laburnum Avenue to create 6 single-family lots, including two flag lots, ranging in size from 5,261 to 6,726 square feet. The project site is identified as Assessor's Parcel No. 003-403-009. The properties are designated Low Density Residential on the City of Chico General Plan Diagram and prezoned R1 Low Density Residential zoning district.

An initial study for environmental review has been prepared for this project. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that a project will not have a significant impact on the environment, after the incorporation of specific mitigation measures.

Associate Planner Ed Palmeri presented a brief overview of the staff report. He reminded the Commission that the public hearing on this item was held and closed on May 5, 2005. The item was continued to May 19, 2005, to allow the Commission further time to discuss the item before taking action.

Commissioner Steve O'Bryan expressed that he did not support this project last time as he is frustrated that it had already gone far in the process before coming before the Commission. He stated if the proponent meets all of the standards, its almost an automatic approval, and feels like he is a "rubber stamp." He would like to see the conceptual design first and then have them come back before the Commission for final approval. He also requested an explanation as to why the procedures are the way they are.

Planning Director Kim Seidler gave a brief overview of the process and advised that staff would be interested in exploring ideas from the Commission. He explained to the Commission that they do not have to follow the recommendation by staff, that they have every ability to ask more questions, and that if more information is needed, they can continue the item until staff can provide them with the information.

Chair Alvistur stated that the applicants negotiate with staff and he does not remember the Commission historically rubber stamping anything.

Commissioner Jon Luvaas shared Commissioner O'Bryan's view but agreed with Chair Alvistur that the Commission does have the ability to add conditions and make changes. He stated that he would also like to see conceptual reviews of all projects or at least large projects.

Commissioner Kirk Monfort stated that if an applicant meets all of the subdivision requirements, than the Commission does not get the opportunity to do a conceptual review. In this case, the applicant chose to talk to the neighbors and be compliant. He also stated that if the developer applied for a Planned Development Permit, which typically does give the Commission an opportunity to do a conceptual review, than the concerns by all parties could have been addressed.

Commissioner Irv Schiffman suggested an infill overlay zone which would give the Commission an opportunity for conceptual review in order to help ensure that a project will fit into the

neighborhood.

Planning Director Kim Seidler reminded the Commission that the City has established standards and codes for reviewing proposed subdivisions but the Commission does have some level of discretion to make changes. He gave a brief overview of the City of Chico General Plan policies with regard to infill development. He stated that the City needs to actively seek additional ways to handle infill.

Commissioner Mary Brownell expressed that there are things the Commission can do with this project to protect the neighbors but does not feel it is fair to require these lots to build only one-story homes when the neighbors could build two-stories and look down into these lots.

The Commission and staff had discussions regarding the design and size of the homes including whether or not to allow two-story homes or decreasing the size of homes to allow for more open space. Principal Planner Bishow reminded the Commission about the limited ability to impose unique design requirements on the future development of the lots since the project before the Commission was a subdivision instead of a planned development permit. The Commission had further discussions regarding narrowing the alley and preserving trees.

Commissioner Monfort moved, seconded by Commissioner Schiffman, that the Planning Commission adopt Resolution No. 05-14, adopting the mitigated negative and approving Laburnum Estates Tentative Subdivision Map (S 04-16), subject to the required findings and conditions of approval contained therein and the additional conditions as follows:

- 8. The permittee shall place a note on the final map stating that all new homes shall be limited to single-story construction.***
- 9. Tree #17 shall be reviewed by a certified arborist to ensure long-term preservation of the tree.***
- 10. Construction of the private driveway between Lots 2 and 3 shall provide for the preservation of Tree #16 to the extent practicable; including narrowing the driveway width at the entrance to 12 feet.***
- 11. Tree #19 shall be preserved.***
- 12. The permittee shall provide notification on the deed of Lot 4 that an existing legal non-conforming wood shop on an adjacent property generates noise.***
- 13. The permittee shall maintain the existing public right-of-way on Laburnum***

and East 6th Avenues to allow a five-foot sidewalk and greater tree preservation.

14. The permittee shall maintain a minimum 15-foot front yard setback along Laburnum and E. 6th Avenue.

15. The permittee shall preserve Trees #4 and #5, and every effort will be made to preserve the unnumbered tree located east of the subject property along E. 6th Avenue, subject to the opinion of the Urban Forester.

16. The permittee shall install baffled street lights that deflect downward to prevent glare.

Motion passed 5-2. Commissioners Brownell and O'Bryan opposed.

- 3.2. Use Permit (UP 05-07) (Tapp) 1130 Dayton Road** - A request to allow construction of a six-foot high fence in the front yard setback at 1130 Dayton Road. The six-foot high fence will extend across the front yard of a single-family home. The property is identified as Assessor's Parcel No 004-510-040. The site is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 (Low Density Residential) zoning district. Staff is recommending denial of the use permit request. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to the CEQA Guidelines, Section 15301 Existing Facilities.

Associate Planner Ed Palmeri gave a brief overview of the project and reminded the Commission that this item was continued from the meeting of May 5, 2005, to allow staff to review an alternative plan from the applicant for a straw bale fence that is set back 4 feet from the sidewalk. Mr. Palmeri advised that staff is recommending approval of the alternative plan.

Senior Development Engineer Matt Johnson reviewed vehicle codes on residential streets including speed limits, in response to a question by the Commission.

Commissioner Schiffman moved, seconded by Commissioner Monfort, that the Planning Commission find that the project is categorically exempt from environmental review and approve Use Permit 05-07 (Tapp), subject to the findings and conditions of approval contained therein.

Motion passed 7-0.

4. NOTICED PUBLIC HEARING ITEMS

- 4.1. Eaton Cottages Vesting Tentative Subdivision Map and Planned Development (S/PDP 03-04) and Use Permit 05-37** - A request to subdivide a vacant 1.83 acre parcel to create 12 lots for development of single-family residential uses. A planned development permit is also proposed to allow modifications to development standards (including reduced building setbacks and open space requirements), to allow second dwelling units on the second floor of detached garages, and to coordinate architectural concepts. The project will create a gross density of approximately 4.33 dwelling units per gross acre. The site is located on the north side of Eaton Road 700 feet west of its intersection with The Esplanade and along the south side of the Shasta Union Drainage Assessment District (SUDAD) drainage ditch, APN 006-690-028. The property is located on land designated Office on the General Plan diagram and in a R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Infill Development Projects).

Associate Planner Bob Summerville advised the Commission that staff recommends this item be continued to the meeting of June 2, 2005, as not all of the materials have been received from the applicant. He also informed the Commission that the General Plan designation for the project is Low Density Residential and not Office as noted in the previous staff report.

The Commission agreed to continue this item to the meeting of June 2, 2005.

- 4.2. Orr/Baker Parcel Map (PM 05-01)**- A request to create three lots, including one flag lot, on a 0.49 acre parcel located at 1006 West 8th Avenue. The site is currently developed with two single-family residential units that are proposed to be removed. The project site is identified as Assessor's Parcel Number 043-070-044, is designated on the City of Chico General Plan Diagram as Low Density Residential, and is rezoned R1 Low Density Residential. A related annexation application is pending. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to the CEQA Guidelines, Section 15332, Infill Development Projects.

Chair Alvistur disqualified himself from this item and left the council chambers.

Associate Planner Ed Palmeri presented the staff report.

Senior Development Engineer Matt Johnson reviewed the fire codes which included the standard width required by the fire department for access which is 20 paved feet and reviewed how the sewer system operates and how it serves the properties with access and public utilities in response to questions by the Commission. Staff also explained the difference between the access to this project and the access to the Laburnum Estates project.

Vice Chair Brownell opened the public hearing.

Jay Hanson, the applicant's consultant, advised that he is in agreement with the findings by staff. He also addressed questions from the Commission regarding the heritage cedar tree.

Vice Chair Brownell closed the public hearing.

Staff and the Commission had further discussions including methods on how to save the heritage cedar tree, and having the homes on the corners of 8th Avenue face 8th Avenue with the garages located in the rear.

Commissioner Luvaas moved, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 05-16, making a determination that the project is categorically exempt from environmental review and approving Tentative Parcel Map 05-01 (Orr/Baker), subject to the findings and conditions contained therein with an amendment to condition #6 and the added condition as follows:

- 6. Prior to a development permit being issued, the applicant shall provide the Planning Division with a report by a certified arborist indicating the health of the cedar tree located in the access easement; if the cedar tree is deemed saveable, then the driveway width shall be narrowed to 12 feet if the arborist considers it necessary to preserve the tree.*
- 9. The homes on Lots 1 and 2 shall face 8th Avenue with the garages in the rear.*

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

- 4.3. Bruce Road Tentative Subdivision Map S 04-04 (MBD, Inc. & Marty and Denica Lugar) Bruce Road approximately 400 feet north of Little Chico Creek**
- A request to subdivide 2.5 acres located on the east side of Bruce Road approximately 400 feet north of Little Chico Creek to create 12 single-family lots ranging in size from 6,000 to 6,877 square feet. The project density is 4.8 dwelling units per gross acre. A revised initial study and mitigated negative declaration has been prepared to address environmental concerns raised at the Planning Commission meeting of January 6, 2005. The project site is identified as Assessor's Parcel No. 018-390-012 (formerly 011-780-012). The property is designated Medium Density Residential/Open Space for Environmental Conservation/Safety (4.01 to 14 dwelling units per gross acre) on the City of Chico General Plan Diagram and is zoned R2-RM

Medium Density Residential-Resource management overlay zone.

An initial study for environmental review has been prepared for this project. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that a project will not have a significant impact on the environment, after the incorporation of specific mitigation measures.

Commissioner Monfort moved, seconded by Commission Luvaas, to continue this item to the Planning Commission meeting of June 2, 2005, to allow staff additional time to complete the staff report.

Motion passed 7-0.

- 4.4. Wildwood Estates/Cactus Avenue General Plan Amendment/Rezone (GPA/RZ 04-01) and Annexation involving 42 properties along Cactus Avenue and the proposed Wildwood Estates Vesting Tentative Subdivision Map (S 04-01) located at 2812 Cactus Avenue (Cactus Avenue Partners/City of Chico)** - This application consists of (1) a General Plan amendment to change the current General Plan land use designation for 42 properties within an 80-acre area (Project Area) along Cactus Avenue from Very Low Density Residential (0.2-2.0 units per acre) to Low Density Residential (2.01-6.0 units per acre); (2) a rezone to change the current zoning of the parcels from RS-1 (Suburban Residential - 1 acre minimum) to R1-SD7 (Low Density Residential with a Special Design Considerations Overlay Zone); (3) an accompanying subdivision map to divide a 12.6-acre parcel located at 2812 Cactus Avenue (APN 016-160-002) into 49 single-family residential lots to be accessed via the future Eaton Road extension; and (4) annexation of those unincorporated parcels within the Project Area into the City limits. Although a hearing on the annexation will be held at a later date before the City Council, it is mentioned here to ensure full disclosure and compliance with the California Environmental Quality Act (CEQA).

The boundary of the proposed General Plan Amendment/Rezone and annexation is generally located north of East Avenue, on the west and east sides of Cactus Avenue, and south of the planned Eaton Road extension (see map). Use of an -SD overlay is provided for in the Chico Municipal Code (Section 19.52.070) and is intended for areas with existing neighborhood characteristics, environmental features, or other concerns that require special attention in project design. Through the adoption of the SD-7 overlay, the City will establish specific design standards for future subdivisions within the Project Area to require the following in order to help preserve the rural feel

of the neighborhood: (a) provide connectivity between developments, (b) allow direct access onto Cactus Avenue only at such time that Cactus Avenue is improved, (c) require a minimum lot size of 10,000 s.f. for parcels fronting along Cactus Avenue (higher densities and smaller lots will be allowed within the interior of subdivisions away from Cactus Avenue), (d) require homes fronting along Cactus Avenue to be oriented towards Cactus Avenue, (e) allow multi-family units on parcels fronting Eaton Road, and (f) require low-level street lighting. Parcels currently within Butte County jurisdiction would be rezoned to R1, along with the combining overlay district, but would not be subject to the provisions of the rezone until such time that the parcels are annexed to the City of Chico.

An Initial Study for environmental review has been prepared for the project, which is available for review in the Chico Planning Division. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that a project will not have a significant impact on the environment.

Senior Planner Patrick Murphy gave a brief history of the project which included two neighborhood meetings and one previous Planning Commission meeting. He informed the Commission that the applicant for the Wildwood Estates Subdivision is now looking at a different design and therefore, at this time the Commission will only be reviewing the General Plan amendment and rezone and not the subdivision. Mr. Murphy reviewed the zoning and General Plan density for the neighborhood as well as details of the proposed design standards for Cactus Avenue in response to questions by the Commission. He reviewed the environmental assessment in which he advised the Commission that the environmental review has been changed from a mitigated negative declaration to a negative declaration for the GPA/rezone; informing the Commission that they do have the option of including mitigation measures.

Chair Alvistur opened the public hearing.

Rick Colletti, applicant, reminded the Commission that he attended a Planning Commission meeting in October of 2004 regarding this project and attended the neighborhood meetings to address the neighborhood's concerns. He informed the Commission that he is not moving forward with the subdivision map at this time and can answer any questions. In response to a question by the Commission, he advised that he is representing Cactus Avenue Partners.

Liz Mosher, who lives on Rusty Lane off Cactus Avenue, expressed that she does not want Cactus Avenue to go through to Eaton Road, requested that there be low lighting on Cactus Avenue, that the homes be single-story, and that the developer of the Wildwood Estates

project consider two lots fronting on Cactus Avenue instead of four so that the homes will look more like the existing homes along Cactus Avenue.

Mr. Murphy clarified that they are not deciding the specific roadway design standards for Cactus Avenue tonight and addressed questions by the Commission regarding rezoning the development and what could be requested by the applicant concerning changes in density.

Planning Director Kim Seidler advised the Commission that they could recommend inclusion of a -PD overlay zone in addition to the proposed -SD overlay zone. He explained to the Commission that they would have a great deal of discretion with a -PD overlay including the layout of lots and how they would affect wetlands and be able to address each development as they are presented to the Commission. He also advised that a -PD overlay would allow for an extensive environmental review for each planned development in response to a question by the Commission.

John Merz, advised that Mr. Murphy had clarified his confusion regarding the change in the mitigated negative declaration to a negative declaration. He reviewed the Initial Study, explained that any future development has to come with a full environmental review, and that the whole parcel should be treated as a Resource Management Area (RMA). He expressed that the three parcels in the northeast portion of the planning area should remain RS-1 density and that a -PD overlay zone is a good idea to encourage residential housing that is sensitive to the wetland resources.

Patricia Trimbell, who lives on Albion Court, stated that she will be impacted by this development and seconded what John Merz said.

Barbara Vlamis, Butte Environmental Council, reviewed her letter submitted to the Planning Commission and expressed her hope that the Commission had reviewed Attachment 1 (aerial photograph of the area). She stated that it is important to note the continued loss of vernal pool habitat. She also expressed that the RMA overlay will help cluster the homes and hopes the City makes plans way in advance as these developments destroy our natural resources. She advised that she does support R3 densities but understands that in this case it is not consistent with the neighborhood in response to a question by the Commission.

Paul Teegarden, neighbor, stated that he built his home in the area 13 years ago with the assumption that the zoning would protect it. He expressed objection to increasing density at regular intervals and would encourage designs that keep the area and viewshed open.

Chair Alvistur closed the public hearing.

Mr. Murphy explained how the resource management area policies apply to this project and

reviewed some requirements that can be imposed by the Commission on projects which have a -PD overlay zone. He also explained that an RMA serves as a red flag to require all environmental information be provided and disclosed at the beginning of a project and also requires that cumulative impacts be addressed.

Assistant City Attorney Lori Barker advised that staff would need to re-notice the project to include a -PD overlay zone as it is a rezone. However, if the -SD overlay zone design standards were to be modified to include a requirement that all future subdivisions obtain a planned development permit (versus rezoning to -PD), no re-noticing would be required.

Commissioner Brownell stated that the people living there now purchased their homes at a very low density range and is uncomfortable with coming in now and changing the density without seeing the affects.

Commissioner Kelley expressed concerns with changing the density and not respecting the rural atmosphere of Cactus Avenue.

Commissioner Monfort reiterated that this issue was discussed at the last meeting and that the proposed 10,000 sq. ft. minimum lot size along Cactus Avenue will help to make new development compatible with existing development along Cactus Avenue.

Commissioner Monfort moved, seconded by Commissioner Luvaas, that the Planning Commission adopt Resolution No. 05-17 recommending that the City Council (1) adopt a negative declaration and (2) approve GPA/Rezone 04-01 with changes to the revised -SD overlay zone ordinance as follows:

a) Modify design standard #4 in the -SD overlay ordinance to read “Buildings on parcels fronting Eaton Road should face Eaton Road and address potential noise concerns with measures that avoid the use of sound walls”; and b) Add as design standard #6: “All future subdivision applications shall require a Planned Development Permit.”, which includes amending the land use designation for the subject properties to Low Density Residential and rezoning the subject properties to R1 -SD-7.

Motion passed 5-2. Commissioners Brownell and Kelley opposed.

6. BUSINESS FROM THE FLOOR

Commissioner Monfort stated that he has concerns with imposing conditions on infill projects and not imposing the same conditions on existing properties.

Commissioner Luvaas stated that he would like to initiate a design review requirement on infill projects. Commissioner Schiffman agreed.

Planning Director Kim Seidler advised the Commission that the issue of neighborhood planning has been put on the staffs' priority list and that there will probably be more discussion by the City Council concerning infill.

Assistant City Attorney Lori Barker reviewed the procedures on changing the vote after a motion has been made in response to a question by the Commission.

Principal Planner Teresa Bishow also reviewed procedures on making a motion.

7. PLANNING UPDATE

Planning Director Kim Seidler updated the Commission on the Council actions regarding the General Plan Amendment/Rezoning for Mangrove and Vallombrosa, Salisbury Court, Bidwell Ranch, and Minimum Density.

Senior Planner Patrick Murphy updated the Commission on the appeal of Oak Valley advising that Council upheld their decision with a few minor changes.

Principal Planner Teresa Bishow distributed an updated Planning Commission schedule.

Assistant City Attorney Barker suggested putting in the notice a cut off date to receive written correspondence or an addition in the agenda that we will accept correspondence for the Commission but can not guarantee they will review it before the meeting.

8. ADJOURNMENT - There being no further business before the Commission, the meeting was adjourned at 9:35 p.m. to the Regular Meeting of June 2, 2005, at 6:30 p.m.

July 7, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
JUNE 2, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Kirk Monfort
 Steve O'Bryan
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Ed Palmeri, Associate Planner
 Bob Summerville, Associate Planner
 Lori Barker, Assistant City Attorney
 Matt Johnson, Senior Development Engineer
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Vic Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

*Commissioner Brownell moved, seconded by Commissioner Schiffman, approval of the minutes of April 21, 2005, and May 5, 2005.
Motion passed 7-0 for the minutes of April 21, 2005.
Motion passed 6-0-1 for the minutes of May 5, 2005; Commissioner Monfort abstained due to being absent from the May 5, 2005 meeting.*

3. DISCUSSION OF EX PARTE COMMUNICATION FOR PUBLIC HEARING ITEMS

Commissioner Brownell reported that she spoke with Jane Dolan, Ken and Barbara Anderson, and Linda Jones regarding River Glen. Commissioner Luvaas reported that he spoke with Jim Stevens some time ago regarding a project on Glenwood Avenue but he was unsure if it was River Glen.

4. NOTICED PUBLIC HEARING ITEMS

4.1. Bruce Road Tentative Subdivision Map (S 04-04) (MBD, Inc. & Marty and Denica Lugar) Bruce Road approximately 400 feet north of Little Chico Creek

- A request to subdivide 2.5 acres located on the east side of Bruce Road approximately 400 feet north of Little Chico Creek to create 12 single-family lots ranging in size from 6,000 to 6,877 square feet. The project density is 4.8 dwelling units per gross acre. A revised initial study and mitigated negative declaration has been prepared to address environmental concerns raised at the Planning Commission meeting of January 6, 2005. The project site is identified as Assessor's Parcel No. 018-390-012 (formerly 011-780-012). The property is designated Medium Density Residential/Open Space for Environmental Conservation/Safety (4.01 to 14 dwelling units per gross acre) on the City of Chico General Plan Diagram and is zoned R2-RM Medium Density Residential-Resource management overlay zone.

An initial study for environmental review has been prepared for this project. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that a project will not have a significant impact on the environment, after the incorporation of specific mitigation measures.

Associate Planner Ed Palmeri presented a brief overview of the project; advising that the project had been before the Commission twice previously at the December 16, 2004, and January 6, 2005, Planning Commission meetings and that both were continued to obtain additional information on environmental issues and surrounding projects. He advised the Commission that staff has prepared a resolution to deny the project per their request at the previous meeting, as well as a resolution to approve.

Commissioner Irv Schiffman expressed that it is unusual that the City does not have a plan for connectivity of the roads and that the first subdivision that comes into an area gets to decide where a road is located and then every project that comes after, has to connect to it. Senior Development Engineer Matt Johnson responded by explaining that the City does have street standards that are followed but that there are limitations as to what roads can be built depending on the size of the parcel. He stated that Planning does a good job working on the preliminary plans with the developer to decide where to construct the roads.

Commissioner Luvaas stated that this is a 12 unit subdivision, the first in the area, across the street from what will be a 1600 unit development, forcing the larger development to meet the needs of the smaller development. He expressed concerns about the lack of planning in this area and no circulation due to this project being the first in this area.

Chair Vic Alvistur stated that neither staff or the Commission would allow roads to be built without connectivity and that he would prefer seeing the Meriam Park project first.

Senior Development Engineer Johnson reviewed the plans for Bruce Road.

Planning Director Kim Seidler stated that the adjacent property has the same zoning as this one and that you do not have to look at the cumulative effects.

Associate Planner Ed Palmeri advised that prior to the recording of the subdivision map, the Director of Public Works has the opportunity to add additional right-of-ways as needed.

Commissioner Luvaas acknowledged that the backyards of the homes are to be fenced off but inquired if there will be fencing around the septic ponds. Planning Director Seidler responded by advising there is no legal requirement that the City can impose upon the applicant to install fencing on that part of the property.

Commissioner Luvaas also expressed concerns regarding storm water runoff through a leach field. Senior Development Engineer Johnson responded by advising that there will be a sewer system, not a leach system. He also advised that the sewer system is made up of plastic pipes which will prevent any contamination as the water will go around them, in response to a question by Commissioner Luvaas.

Chair Alvistur opened the public hearing.

Marty Luger, applicant, stated that this project has been in the works longer than Meriam Park. He advised that the Department of Toxic Substances Control (DTSC) has tested the property and determined that there was no hazardous material and would like no reference made that there is hazardous material. He also advised that they would be willing to construct a cul-de-sac.

Tim Wood, The Engineering Group, thanked staff for expediting the environmental review. He advised that the property does have a resource management overlay zone, that they did not conduct a groundwater analysis, and he affirmed what Senior Development Engineer Johnson stated regarding storm drainage.

Commissioner Brownell stated that the resource management area is not usable by homeowners and can not have fencing. She suggested creating a parcel to designate as unusable and deed it to the City at a later date to continue the linear park which will be on the opposite side of Bruce Road.

Senior Development Engineer Johnson stated that if 50 feet were taken off, it would reduce a lot to less than the required 6,000 square feet.

Mr. Wood stated that he does not think they could create more lots.

Principal Planner Teresa Bishow stated that redesigning the project can achieve more density.

John Merz addressed issues concerning storm drainage, tree preservation, and mitigations for hazardous waste such as sign requirements warning of potential hazards on the adjacent property. He also stated that it is too premature to determine if this project is compatible, that the road should be all the way to the north of the property to connect with Meriam Park, and that the applicant should submit an alternative design.

Mr. Luger stated that he would be happy to dedicate a tree preservation area to the City and again reiterated that the DTSC reports are clean.

Commissioner Luvaas stated that the current DTSC standards are radically different than the 1999 standards with regard to toxic materials.

Commissioner Brownell asked staff if the City would be interested in accepting a lot that is smaller than what is usually deeded.

Associate Planner Palmeri expressed concerns with the City taking on an additional area that is intended to be open space, and explained that with respect to linear parkways, the City has in place guidelines for properties near creek side areas.

Principal Planner Teresa Bishow stated that she is unsure if the City is willing to own and maintain the open space, but is prepared to protect it.

Planning Director Kim Seidler informed the Commission that in conversations with the Park Department, they would not want to acquire this parcel.

Assistant City Attorney Lori Barker suggested a requirement on the map of an offer to dedicate a portion of the property to the City, that is prohibited from being developed, that the City can later decide whether or not to accept. In response to a question by the Commission, she advised that the City has accepted one other conservation easement.

Olivia Peterson, Butte Environmental Council, read a statement concerning the impacts of this project.

Principal Planner Bishow encourages the public hearing process before continuing with further deliberations and suggested that the Commission ask the applicant if they want swift action tonight or to continue to a future meeting.

Andrew Meghdadi, applicant, stated that Little Chico Creek, which is behind this property, has a permanent easement and is open to suggestions. He advised that they have asked each

homeowner to dedicate a portion of the property to the City, and that they are willing to construct a cul-de-sac. He also informed the Commission that the Meriam Park project hasn't even closed escrow and does not know how long that will take. He explained that they are not in the business of building condominiums or apartments, that they have worked with the City for a year, and have gone through numerous changes, to come up with an acceptable option. In response to a question by the Commission, he advised that they are wanting to have a decision made tonight, and if the project is denied, they will go through legal channels.

Chair Alvistur closed the public hearing.

Commissioner Luvaas expressed concerns with the lack of a master plan for circulation of the entire area and with the design itself. He suggested denial of the project and have the applicant submit another design.

Commissioner Kelley referenced Attachment K with regard to street connectivity and stated that there has to be a start somewhere as to where the roads will go.

Staff and the Commission had further discussions regarding possible conditions including the irrevocable offer of the conservation easement to the City, and permanently protecting the open space.

In response to a question by the Commission, Associate Planner Palmeri clarified that there is no wall proposed along Bruce Road.

Commissioner Monfort moved, seconded by Commissioner O'Bryan, that the Planning Commission adopt Resolution No. 05-20, denying Bruce Road Tentative Subdivision Map (S 04-06).

Motion passed 6-1. Commissioner Kelley opposed.

- 4.2. Eaton Cottages Vesting Tentative Subdivision Map, Planned Development Permit, and Use Permit (S/PDP 03-04 & UP 05-37)** - A request to subdivide a vacant 1.83 acre parcel to create 12 lots for development of single-family residential uses. A planned development permit is also proposed to allow modifications to development standards (including reduced building setbacks and open space requirements), to allow second dwelling units on the second floor of detached garages, and to coordinate architectural concepts. The project will create a gross density of approximately 4.33 dwelling units per gross acre. The site is located on the north side of Eaton Road 700 feet west of its intersection with The Esplanade and along the south side of the Shasta Union Drainage Assessment District (SUDAD) drainage ditch, APN 006-690-028. The property is located on land designated Office on the General Plan diagram and in a R1 Low Density Residential zoning district. This project has been

determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Infill Development Projects).

Associate Planner Bob Summerville presented a brief overview of the project. He reminded the Commission that they had conducted a conceptual review at the Planning Commission meeting on April 7, 2005. He responded to inquiries made by the Commission at the previous meeting regarding alley parking, new proposal for the pedestrian path, elevations of Lots 5 through 12, reducing the height of garages on Lots 4 through 12, and second dwelling units (SDUs). He also reviewed the square footage of the homes and SDUs.

Assistant City Attorney Lori Barker reviewed the use permit process in response to questions by the Commission.

Commissioner Brownell expressed her concerns with all of the SDUs being 2 bedrooms; explaining that the more bedrooms there are, the more likely there will be parking problems.

Associate Planner Summerville reviewed parking requirements per bedroom and explained that if the SDUs were limited to a studio, than that would reduce parking.

Chair Alvistur opened the public hearing.

Nicole Ledford, NorthStar Engineering, stated that most of the items discussed at the previous meeting have been addressed. She reviewed Exhibit 7 in the staff report which illustrates the different front elevations proposed for Plan 3 on Lots 5 through 12. She advised that the applicant should speak to address whether they are willing to reduce the SDUs to allow for more parking. She also explained why no modifications could be made to allow for a walkway between the homes, and that the walkway was a safety concern. She asked the Commission if they had any questions.

Commissioner Schiffman stated that he was surprised that the walkway was eliminated as the idea is to set policy for SDUs to have access to the front street. He expressed concern with people having to walk all the way around the alley to access Eaton Road.

Commissioner Monfort noted the proposal to have the pedestrian path on the alley along the housing side and suggested having it on the opposite side of the alley to prevent cars coming out of their garages from hitting pedestrians.

Commissioner Luvaas inquired about design constraints that would prevent the continuous two-story homes on lots 5 through 12 to be broken up with one-story homes.

Ben Reed, applicant, stated that the neighbors will need to be vigilant with regard to people parking in the alley who are not supposed to, and that they have tried to work with the City and the idea of higher density by designing homes with SDUs. He also advised that some of the

people who are interested in these homes, currently own older homes and are wanting to upgrade with rental property, in response to a question by the Commission.

Chair Alvistur closed the public hearing.

Commissioner Brownell reiterated her concerns with the SDUs going over the 75% requirement and with the large massing created by the SDUs on Lots 5 through 12. She also expressed her concerns with the lack of parking in the area and would like to see the homes with two-car garages in the back and additional parking spaces.

Associate Planner Summerville clarified that the SDUs are actually approximately 56 percent of the size of the primary units and therefore, comply with the 75 percent requirement.

Commissioner Schiffman expressed that he was not happy with the pedestrian path along the alley but would accept reducing the number of bedrooms, which should reduce the number of people that would be using the alley to access Eaton Road.

The Commission and staff had further discussions regarding the pedestrian path, design elevations, size variation of homes, and parking.

Commissioner Monfort moved, seconded by Commissioner Schiffman, that the Planning Commission adopt Resolution No. 05-08 finding that the project is exempt from environmental review and approving Eaton Cottages Vesting Tentative Subdivision Map and Planned Development Permit (S/PDP 03-04) and Use Permit 05-37, subject to the required findings and conditions of approval and the additional conditions as follows:

24. The permittee shall intersperse 3 one-story homes between lots 6 through 12.

25. The permittee shall reduce the SDUs on three lots to be either one bedroom or a studio; being no wider than a two car garage.

Motion passed 6-1. Commissioner O'Bryan opposed.

4.3 River Glen Vesting Tentative Subdivision, Planned Development Permit, and Use Permit (S/PDP 03-18 & UP 05-33) - The proposed project includes a vesting tentative subdivision map, a planned development permit and a use permit. The tentative subdivision is proposed to divide a 5.23 acre parcel into 27 lots, 25 would be developed with single-family dwellings resulting in a density of 4.78 units per gross acre. One additional lot will likely remain in commercial use with access on State Highway 32/Nord Avenue, although the design of the lot will allow for future development as a

single-family dwelling. Another additional lot would be dedicated to the City of Chico as open space along Lindo Channel (.16 acres). The planned development permit is being requested to: 1) increase the lot coverage, and 2) reduce required rear, front, and street side setbacks. The use permit is requested to allow second dwelling units on 13 lots with alley access. The southwest boundary of the project is the Chico Sphere of Influence and Butte County Greenline. The project site is north of Glenwood Avenue, just west of State Highway Route 32/Nord Avenue and south of Lindo Channel, APN 042-130-001.

An initial study for environmental review has been prepared for this project. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that a project will not have a significant impact on the environment, after the incorporation of specific mitigation measures.

Principal Planner Teresa Bishow presented the staff report which included a brief history of the project and reviewed some of the changes made by the applicant. She reviewed the public testimony from the Andersons, neighbors who own the property adjacent to the project. She stated that they were unable to attend this meeting and had requested that the Commission continue the public hearing to the Planning Commission meeting of July 7, 2005. She advised the Commission that staff is unclear as to the location of the Greenline and provided an excerpt from the County of Butte General Plan that provides language on how the Greenline is determined. She distributed a potential motion to be used by the Commission if the public hearing is closed. She also advised that if this project was approved with the staff recommendation to add Condition #19, it would need to be re-designed as the applicant would lose 2 or 3 lots. She advised that the Butte County General Plan indicates a 300 foot agricultural buffer which is measured from the actual dwelling to the farm activity, in response to a question by the Commission.

Planning Director Kim Seidler advised that the City standards generally require a 100 foot agricultural buffer, and reviewed the City of Chico General Plan with regard to agricultural buffers and preservation standards, in response to a questions by the Commission.

Commissioner Brownell requested clarification that the patios would not be covered if they encroach upon the 15 foot minimum rear yard setback.

Chair Alvistur opened the public hearing.

Mark Adams, NorthStar Engineering, reviewed the right-of-way of the original road, and the agricultural buffer requirements with regard to the neighbors, the Andersons, who farm the walnut orchard adjacent to the project; he informed the Commission that the agricultural buffer

is to prevent agricultural spraying within 300 feet of a residence. He stated that the Andersons have had the luxury of farming the County right-of-way for years but records show the road was deeded to the County years ago. He reviewed the changes made for Street C after meeting with the neighbors, to meet their concerns as shown on a drawing provided to the Commission. He also explained that he would like to construct a fence along the orchard side of the street to prevent people from going into the orchard and prevent farm equipment from kicking up debris. He also addressed tree proposals, the Greenline, and that all the homes will be single-story in response to questions by the Commission.

John Merz expressed concerns with the overall lack of detail of the project. He raised issues concerning setbacks and buffer zones, and reviewed the mitigation monitoring program.

Pat Conroy, applicant, advised that they could narrow Street C from 24 feet to 20 feet but would need to turn Lots 1 and 2 90 degrees to allow for parking. He also stated that the mentioned barrels of toxic materials were located in a shed on Lots 10 and 11. He advised that there is 50 feet from the top of the bank at Lindo Channel to the curb, in response to a question by Commissioner Schiffman. He reviewed landscaping plans, and had further discussions with the Commission regarding the architectural design of the homes and street lighting.

Commissioner Luvaas requested a list of issues raised by John Merz.

The Commission discussed continuing this item to the meeting of July 7, 2005, to allow the neighbors, the Andersons, to testify, and to give staff time to provide them with further information regarding the Greenline, agricultural spraying, and park fees for the greenway.

The public hearing was left open.

Commissioner Luvaas moved, seconded by Commissioner Monfort, that the public hearing on this item be continued to the meeting of July 7, 2005.

Motion passed 7-0.

5. **BUSINESS FROM THE FLOOR**

None.

6. **PLANNING UPDATE**

None.

7. **ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 10:30 p.m. to the Adjourned Regular Meeting of June 16, 2005, at 6:30 p.m.

July 7, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
JUNE 16, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Kirk Monfort
 Steve O'Bryan

Staff Members Present: Kim Seidler, Planning Director
 Claudia Sigona, Senior Planner
 Greg Redeker, Assistant Planner
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Vic Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

*Commissioner Brownell moved, seconded by Commissioner Kelley,
approval of the minutes of August 5, 2004.
Motion passed 5-0-2. Commissioners Luvaas and Schiffman absent.*

3. DISCUSSION OF EX PARTE COMMUNICATION FOR PUBLIC HEARING ITEMS

None.

4. NOTICED PUBLIC HEARING ITEMS

4.1. Use Permit (UP 05-43) (Riley) - 152 E. Frances Willard Avenue - A request to authorize a five foot tall fence and six foot tall wall in the front yard setback of property located at the northeast corner of E. Frances Willard Avenue and The Esplanade. The majority of the fence is proposed to be a five-foot white spindle fence, similar in appearance to wrought iron, but a small portion is proposed to be a solid block wall. Both the fence and the wall are new designs, different from what was proposed by Use

Permit 05-14 (Riley), which was denied without prejudice by the Commission on May 5, 2005. The site is identified as Assessor's Parcel No. 003-176-010, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303(e) (New Construction or Conversion of Small Structures).

Assistant Planner Greg Redeker reviewed the Commission's denial of a previous use permit without prejudice at the Planning Commission meeting of May 5, 2005. He reviewed the new design for the fence that the applicant is proposing and included a model of the design. He advised that a wrought-iron fence is the most desirable for the neighborhood, and presented photos of other wrought-iron fences in the area. He explained that the new fence design does address the issue of safety, allowing for a better view of the corner. He advised that the size of the cross members have not yet been determined, and that the view needs to be protected due to the heavy traffic of pedestrians and bicyclists from Chico High and Chico Junior High Schools, in response to questions by the Commission.

Chair Vic Alvistur opened the public hearing.

Mimi Riley, applicant, reviewed the design of the fence. She advised that she wants the fence to be white as it goes with the style of the home, and that she does like wrought-iron but it is too expensive, in response to a question by the Commission.

Richard Peele, stated that he built a wall that doesn't match anything in the neighborhood but it is very nice and he receives lots of compliments on it. He explained that Ms. Riley has spent a lot of money restoring this home and has made it very beautiful, and that the fence does not have to match the neighborhood to make it beautiful.

Chair Alvistur closed the public hearing.

Commissioner Brownell expressed concerns that the fence will block the street scape, that she would like to see a fence that is 4 feet in height that extends all the way across the property, and that the wall does not come out all the way to the sidewalk on E. Frances Willard Avenue.

Chair Alvistur stated that he has observed lots of fencing and does prefer a variety.

Commissioner O'Bryan recalled in his youth seeing that the house did have a white picket fence.

The Commission had further discussions about setting the wall back.

Chair Alvistur re-opened the public hearing.

Ms. Riley explained that the reason she wants to build the wall is for the safety of her daughter who will be playing in that area.

Chair Alvistur closed the public hearing.

Commissioner O'Bryan moved, seconded by Commissioner Monfort, that the Planning Commission find that the project is categorically exempt from environmental review, and approve Use Permit 05-43 (Riley), subject to the findings and conditions of approval contained within the staff memorandum and the additional condition as follows:

6. The permittee shall locate the six foot wall so that it is no closer than seven feet from the back of the sidewalk.

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

- 4.2. Use Permit (UP 04-63) (Zehnder) - 757 East Avenue** - A request to allow a drive-through in conjunction with a new 2,700 square foot fast food restaurant on a vacant pad site at 757 East Avenue, at the southeast corner of East Avenue and Pillsbury Road, currently used as a parking lot. Site Design and architectural review will occur in conjunction with consideration of the use permit. The site is identified as Assessor's Parcel No. 007-280-048, is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CC Community Commercial zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (Infill Development Projects).

Assistant Planner Greg Redeker thanked Associate Planner Steve Betts for helping on the project while he was on vacation. He presented the staff report which included a brief overview of the new design. He requested that the Commission also conduct a architectural review. He also distributed a supplemental handout regarding additional sign information and recommended that the Commission not approve the monument sign as proposed and provide direction to staff on what sort of monument sign would be acceptable. He explained that the drive-through design does meet City standards and that staff recommends approval subject to any modifications the Commission wishes to make.

Senior Development Engineer Johnson reviewed the traffic study in response to questions by the Commission concerning access in and out of the parking lot.

Assistant Planner Redeker addressed questions by the Commission regarding the location of the trash enclosure, the sign ordinance, and reviewed information on the monument sign.

Chair Vic Alvistur opened the public hearing.

Bob Feeney, Project Engineer from The Engineering Group, explained how they determined this location for the project, and addressed issues regarding traffic, parking, and landscaping, in response to questions by the Commission.

Eric Zehnder, applicant, reviewed the findings in the staff report and sign proposal. He stated that he does prefer potted plants over a planter strip and that the screening wall/berm does work well. He also addressed issues regarding the monument sign, in response to questions by the Commission.

Dylan Wohl, Director of Operations for the proposed restaurant, reviewed the hours of operation.

Chair Alvistur closed the public hearing.

Assistant Planner Redeker and the Commission had further discussions regarding the design and location of the monument sign.

Commissioner Monfort moved, seconded by Commissioner O'Bryan, that the Planning Commission find that the project is exempt from environmental review and approve Use Permit 04-63 (Zehnder), including site design and architectural review, subject to the findings and conditions listed in the staff report and the additional conditions as follows:

- 15. The permittee shall modify the site plan to widen the walkway on the south side of the restaurant, remove the planter area immediately adjacent to the parking stalls, and place designer irrigated pots in the vicinity instead. Final design of the pots and walkway shall be subject to review and approval by Planning Division staff.***
- 16. The permittee shall submit a revised monument sign design, to be approved through the normal sign review process, which meets the following criteria: maximum height of 6 feet; channel letters or equivalent; and materials, colors, and architectural elements compatible with the main structure.***
- 17. The permittee shall modify the site and/or landscaping plans to indicate that the screening adjacent to the drive-through shall consist***

of at least two feet of berming and no more than two feet of wall (as viewed from East Avenue), and that the wall shall match the body color and texture of the restaurant.

Motion passed 5-0-2. Commissioners Luvaas and Schiffman absent.

- 4.3. Brown Parcel Map (PM 04-11) (Brown/Dutra) - 1225 Eaton Road, Assessor's Parcel No. 007-160-036** - The Brown Parcel Map proposes to subdivide 9.58 to create four industrial lots and an elderberry mitigation area to be dedicated to the City of Chico. The project site is situated on the south side of Eaton Road, north and east of the Pleasant Valley Ditch, between Burnap Avenue and Cohasset Road, is located at 1225 Eaton Road, and is identified as APN 007-160-036. The proposed average lot size is 2.4 acres and parcel sizes range from 1.93 acres to 3.0 acres (net). The General Plan designation for the site is Manufacturing and Warehousing, and the property is rezoned ML Light Manufacturing/Industrial. The site is presently in the County and pending annexation.

An Initial Study for environmental review has been prepared for the project, which is available for review in the Chico Planning Division. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that a project will not have a significant impact on the environment.

Senior Planner Claudia Sigona presented the staff report. She communicated concerns expressed by John Merz regarding the oak tree/elderberry conservation area not being dedicated to the City, extending the conservation area to preserve the 6 inch oak tree on the northwest corner of the property, and how the drainage would be handled; she clarified that informing the Commission of Mr. Merz's concerns, does not mean that staff supports them. She advised that staff is recommending approval of the parcel map with the area around the oaks and elderberries designated as a "no development area". She also advised the Commission that there is a requirement under the mitigation measures to install 4 foot high construction fencing around the preservation area, in response to a question by the Commission.

Senior Development Engineer Matt Johnson explained that a condition can be added to the staff report and a note made on the subdivision map limiting access to the four parcels, in response to a question by Commissioner Monfort. Senior Planner Sigona added that limited access is mentioned on page 1 of the subdivision report. She also stated that she does not know if a conservation easement would offer more protection for the oak tree and that the conservation area would be completed prior to the occupancy of parcel 1, in response to questions by the Commission.

Planning Director Kim Seidler explained that temporary fencing would be installed before any grading would be done on the property and that once grading is completed, it would be less likely that construction workers would trespass onto the other properties. He advised that Condition #16 would be established prior to any grading. Assistant City Attorney Lori Barker also explained that the parcels may not be owned by the same person in response to a question by Commissioner Monfort about modifying Condition #16 to require the person that builds first to install a fence then be reimbursed. Senior Planner Claudia Sigona stated that a requirement could be put on the map for the developer to install a fence.

Chair Vic Alvistur opened the public hearing.

Jim Stevens, NorthStar Engineering, advised that they do not have a problem with extending the no build area but would have to construct drainage in that area. He explained that the developer has no intentions of tearing down the oak trees, that they are obligated to create a temporary construction fence in which staff and biologists will come out to verify is in place and adequate. He stated that staff did a good job on the staff report and that they did obtain a permit from the Department of Fish and Game and the U.S. Army Corps of Engineers regarding the elderberry bushes. He requested a modification in the conditions to pay in-lieu fees instead of constructing improvements as they do not know yet what the design of Eaton Road will look like.

Senior Development Engineer Johnson stated that there is no problem with obtaining in-lieu fees as the Director of Public Works will determine the extent of improvements before receiving payment from the developer. He explained that the process of dividing the property will ensure that a sufficient amount of in-lieu fees are collected in response to a concern by Commissioner Brownell that the developer would not pay enough due to fees increasing over time.

Assistant City Attorney Barker explained that the City does not have any tree ordinance in place and reviewed the differences between a no development area versus a conservation area for the Commission.

Commissioner Monfort moved, seconded by Commissioner Brownell, that the Planning Commission adopt Resolution No. 05-21, adopting a mitigated negative declaration and conditionally approving the Brown Tentative Parcel Map (PM 04-11) with the following amendment to Condition #16 and added Condition #17 as follows:

16. The subdivider shall install 3-foot high chainlink fencing around the perimeter of the preservation area prior to recordation of the final map.

17. The applicant shall ensure that improvement plans for development of the subject property will not result in a net change in the drainage to the no development area.

Motion passed 5-0-2. Commissioners Luvaas and Schiffman absent.

- 4.4. Final Review of Salisbury Court Vesting Tentative Subdivision Map/Planned Development Permit (S/PDP 04-17) - 2659 Esplanade, Assessor's Parcel No. 006-530-003** - Final review of a subdivision map and planned development to create 8 lots for residential development on the 1.13 acre westerly half of the site and a 1.16 acre parcel on the east half for an existing commercial use. The residential component consists of six lots to be developed with single-family residential units, and two corner lots with frontage on Henshaw Avenue to be developed with duplexes. Proposed project density for the residential component is 8.85 units per acre with an average lot size of 4,299 square feet and parcel sizes ranging from 3,489 to 5,233 square feet (net). On June 7, 2005, the City Council approved the related General Plan Amendment/Rezone No. 04-10 to change the General Plan designation from Community Commercial to Medium Density Residential and the zoning from CC Community Commercial to R2 Medium Density Residential for the westerly 1.13 acres of the subject 2.29 acre subject site. A mitigated negative declaration of environmental impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Senior Planner Claudia Sigona presented the staff report. She reminded the Commission that they conducted a conceptual review at the meeting of March 17, 2005, and informed the Commission that the Council approved the general plan amendment and rezone. She reviewed the conditions that were added by the Commission at conceptual review, and the final conditions of approval. She also reviewed Exhibits 4, 5, and 6 for Commissioner Alvistur who was unable to attend the March 17, 2005 meeting.

Chair Vic Alvistur opened the public hearing.

Tony Symmes, applicant, addressed issues concerning the location of the heating/air conditioning units and the design of the wood fence along Henshaw Avenue. He had further discussions with the Commission regarding the sidewalks, windows, street lighting, and the location of the fence.

Chair Alvistur closed the public hearing.

Senior Development Engineer Johnson suggested installing a City street light between Street A

and the path. Assistant City Attorney Barker reiterated that a street light, specifically a bollard light, in that area would be adequate lighting for the walkway.

Commissioner Brownell requested a condition to install climbing vines on the concrete block wall along the east property line to prevent graffiti.

Chair Alvistur re-opened the public hearing.

Mr. Symmes stated that the Commission should not micro-manage by adding too many conditions.

Chair Alvistur closed the public hearing.

Commissioner Kelley moved, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 05-25 adopting the proposed mitigated negative declaration and approving the Salisbury Court Subdivision and Planned Development Permit (S/PDP 04-17), subject to the required findings and conditions of approval and the additional conditions as follows:

- 10. The subdivider or builder of the duplex units shall incorporate additional detailing around the windows facing Street "A".***
- 11. The subdivider shall install street trees along Street "A" on the south side of Lots 1 and 8 for the purpose of shading the roadway.***
- 12. The subdivider shall install supplemental lighting at either end of the walkway between Lots 1 and 8 to provide for pedestrian lighting. Such lighting shall be on a sensor that automatically turns on at dark. The proposed fixture(s) shall be indicated on building plans and shall be subject to Planning Division review and approval prior to issuance of building permits for the duplexes.***
- 13. Building plans for the single-family home on Lot 2 shall include the required concrete block wall along the east property line as well as irrigation and installation of climbing vines. The wall, irrigation and climbing vines shall be installed by the subdivider or builder prior to issuance of a certificate of occupancy for Lot 2.***

Motion passed 5-0-2. Commissioners Luvaas and Schiffman absent.

- 4.5. Valhalla Place Vesting Tentative Subdivision Map S 04-23 and Use Permit 04-70 (Conroy/Marshall) - 1442 East Avenue, Assessor's Parcel No. 016-070-020**
- Valhalla Place Vesting Tentative Subdivision Map (S 04-23) proposes to create 20 lots with a density of 5.22 lots per acre and an average lot size of 6,484 square feet on 3.68 acres identified as APN 016-070-020, and located at 1442 East Avenue. Six lots (Lots 1-4 and 19-20) are zoned OR Office Residential. A use permit has been requested to allow residential uses in an OR district consisting of either two story live-work units or duplexes on Lots 1-2 and single-family units on Lots 3-4 and 19-20; and to allow a 7-foot high sound wall along East Avenue. The remaining lots are zoned R1 Low Density Residential and will be designed for single-family homes. The General Plan designation for the site is Offices and Low Density Residential.

An Initial Study for environmental review has been prepared for the project, which is available for review in the Chico Planning Division. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that a project will not have a significant impact on the environment.

Senior Planner Claudia Sigona presented the staff report and advised that staff is recommending approval. She also advised that the sound wall is to mitigate noise impacts to future residents, in response to a question by Commissioner Kelley.

Chair Vic Alvistur opened the public hearing.

Mark Adams, NorthStar Engineering, advised that Nicole Ledford, Project Manager, is unable to attend the meeting as she went into labor today, that they have worked with staff on this project, and that he was there to answer any questions. He explained that the conditions of approval mention installing cap stone on the sound wall, that they used a rough finish to try and prevent graffiti, and he offered to plant climbing vines, in response to the Commissions' concerns that the sound wall looked unfinished.

Chair Alvistur closed the public hearing.

Senior Planner Sigona advised that Condition #2 of the use permit requires cap stone and Condition #4 requires a landscape plan to be submitted for along the sound wall in which they could specify planting climbing vines. She had further discussions with the Commission regarding alternatives for the sound wall including the location.

Chair Alvistur re-opened the public hearing.

Pat Conroy, applicant, advised that he would prefer orientating the wall differently.

Chair Alvistur closed the public hearing.

Staff and the Commission had discussions concerning the connectivity of this development to future developments.

Commissioner Monfort moved, seconded by Commissioner Brownell, that the Planning Commission adopt Resolution No. 05-24, adopting a mitigated negative declaration and conditionally approving Valhalla Place Vesting Tentative Subdivision Map (S 04-23) and Use Permit 04-70, with an amendment to Condition #2 of the use permit as follows:

- 2. The subdivider shall construct the 7-foot sound wall along a minimum setback line of 10-feet parallel with the south property line of Lot 1 and along the rear property line of Lot 1 from the 10-foot setback to a distance 43 feet north of the south property line. The wall shall be constructed of masonry block and have a cap stone, protruding at least 2 inches to the south and west facing sides. If painted, the wall should retain a rough texture on the southern face and use anti-graffiti paint.*

Motion passed 5-0-2. Commissioners Luvaas and Schiffman absent.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Planning Director Kim Seidler informed the Commission that the Council approved the General Plan Amendment/Rezoning for Mangrove and Vallombrosa, Salisbury Court, Bidwell Ranch, and Minimum Density. He also informed the Commission that Oak Valley will go back to Council, that Laburnum Estates and Bruce Road have been appealed and will be going to Council, and that the discussion of second dwelling units is scheduled for the June 21, 2005 Council meeting. He recapped what occurred at the Southwest Neighborhood meeting on June 8, 2005, and reviewed the Enloe Master Plan schedule for the Commission.

8. **ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 9:32 p.m. to the Regular Meeting of July 7, 2005, at 6:30 p.m.

July 21, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
JULY 7, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Mary Brownell, Vice Chair
Dave Kelley
Jon Luvaas
Kirk Monfort
Steve O'Bryan
Irv Schiffman

Commissioners Absent: Vic Alvistur, Chair

Staff Members Present: Teresa Bishow, Principal Planner
Claudia Sigona, Senior Planner
Ed Palmeri, Associate Planner
Bob Summerville, Associate Planner
Matt Johnson, Senior Development Engineer
David Frank, City Attorney
Renee Schreindl, Administrative Secretary

1. ROLL CALL

Vice Chair Brownell called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

Commissioner Monfort moved, seconded by Commissioner O'Bryan, approval of the minutes of: August 19, 2004, September 2, 2004, October 21, 2004, May 19, 2005, and June 2, 2005.

Motion passed for all minutes 6-0-1, Commissioner Alvistur absent, except the minutes of September 2, 2005, which passed 5-0-2.

Commissioner Alvistur absent and Commissioner Luvaas abstained due to being absent.

3. DISCUSSION OF EX PARTE COMMUNICATION FOR PUBLIC HEARING ITEMS

None.

4. NOTICED PUBLIC HEARING ITEMS

- 4.1. River Glen Vesting Tentative Subdivision, Planned Development Permit, and Use Permit (S/PDP 03-18 & UP 05-33)** - The proposed project includes a vesting tentative subdivision map, a planned development permit and a use permit. The tentative subdivision is proposed to divide a 5.23 acre parcel into 27 lots, 25 would be developed with single-family dwellings resulting in a density of 4.78 units per gross acre. One additional lot will likely remain in commercial use with access on State Highway 32/Nord Avenue, although the design of the lot will allow for future development as a single-family dwelling. Another additional lot would be dedicated to the City of Chico as open space along Lindo Channel (.16 acres). The planned development permit is being requested to: 1) increase the lot coverage, and 2) reduce required rear, front, and street side setbacks. The use permit is requested to allow second dwelling units on 13 lots with alley access. The southwest boundary of the project is the Chico Sphere of Influence and Butte County Greenline. The project site is north of Glenwood Avenue, just west of State Highway Route 32/Nord Avenue and south of Lindo Channel, APN 042-130-001.

An initial study for environmental review has been prepared for this project. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that a project will not have a significant impact on the environment, after the incorporation of specific mitigation measures.

Commissioner Luvaas moved, seconded by Commissioner O'Bryan, to continue this item to the Planning Commission meeting of July 21, 2005.

Motion passed 6-0-1. Commissioner Alvistur absent.

- 4.2. Reconsideration of a Condition of Approval of the Eaton Cottages Vesting Tentative Subdivision Map and Planned Development (S/PDP 03-04) and Use Permit 05-37 (Aguilar)**- This project was previously approved by the City of Chico Planning Commission at its meeting of June 2, 2005. The applicant requests reconsideration of one condition of approval regarding architectural variation of homes along the site's Eaton Road frontage. The overall project involves a request to subdivide a vacant 1.83 acre parcel to create 12 lots for development of single-family residential uses, a planned development permit to allow modifications to development standards (including reduced building setbacks and increased lot coverage) and to coordinate architectural concepts, and a use permit allow second dwelling units on the second floor of detached garages on seven of the proposed lots. The project will create a gross density of approximately 4.33 dwelling units per gross acre. The site is

located on the north side of Eaton Road 700 feet west of its intersection with The Esplanade and along the south side of the Shasta Union Drainage Assessment District (SUDAD) drainage ditch, APN 006-690-028. The property is located on land designated Low Density Residential on the General Plan diagram and in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Infill Development Projects).

Associate Planner Summerville gave a brief summary of the project, including a recap of what has occurred to date. He advised that the applicant has requested the Commission to reconsider a condition of approval to require one-story homes to be interspersed with two-story homes. He addressed questions from the Commission regarding staff's recommendation concerning single-story homes and that the Commission can make a condition specifying that the same elevation can not be adjacent to each other.

Vice Chair Brownell opened the public hearing.

Ben Reed, applicant, expressed that they have worked with the City for 2 ½ years on this project and was upset the Commission made a decision after the public hearing was closed at the meeting of June 2, 2005, to change the variation of the homes without hearing why it was done the way it was. He explained how Plan 2 was developed specifically to fit the odd lot and that Plan 3 was specifically designed for the other lots. He explained what problems would be caused by changing the variations. He stated that they had did everything the Commission had asked for at the conceptual review in April and believes they had a reasonable expectation for approval. He advised that they would be willing to have a couple more different elevations for the garages. He requested the Commission to reconsider their condition to have additional single-story homes as they would not fit on the lots.

Vice Chair Brownell closed the public hearing.

Commissioner Monfort stated that after reading the analysis, the applicant has a point. Commissioner O'Bryan stated that he agrees with the applicant and that is why he opposed the project at the June 2, 2005 meeting. Commissioner Kelley stated that he would go with staff's recommendation.

Commissioner Brownell expressed concerns with massing in the back of the lots.

Commissioner Luvaas stated that he was impressed with the applicant's argument and is willing to reconsider the condition of approval.

***Commissioner Monfort moved, seconded by Commissioner O'Bryan,
that the Planning Commission adopt Resolution No. 05-30 amending***

Resolution No. 05-08 conditionally approving Eaton Cottages Vesting Tentative Subdivision Map and Planned Development Permit (S/PDP 03-04) and Use Permit (05-37).

Motion passed 6-0-1. Commissioner Alvistur absent.

- 4.3. Doss Parcel Map (PM 05-03)** - A request to create three lots, including one flag lot, on a 0.45 acre parcel located at 2675 White Avenue. The site is currently developed with a single-family residence. The project site is identified as Assessor's Parcel Number 007-180-069, is designated on the City of Chico General Plan Diagram as Medium Density Residential, and is rezoned R2 Medium Density Residential. A related annexation application is pending. This project has been determined to be categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15315, Minor Land Division.

Associate Planner Palmeri presented the staff report advising that staff is recommending approval and reviewed Condition #9 in the conditions of approval that prior to issuance of building permits, the developer shall submit a landscape plan for review and approval by Planning staff showing a 2.5 foot wide, landscape buffer along both sides of the access easement. He also informed the Commission that the property owner immediately to the south has concerns regarding the project's impact on his property.

Senior Development Engineer Johnson referred the Commission to the applicant in response to a question regarding relocating the access easement to the south of Parcel 2 to serve both Parcels 2 and 3. Mr. Johnson addressed additional questions by the Commission concerning the public utilities and access easements.

Vice Chair Brownell opened the public hearing.

Mark Rizzo, Project Engineer, addressed questions from the Commission concerning the width and relocating of the access easement. He also advised that the property is not in the County but in the County service area, in response to a question by the Commission.

Associate Planner Palmeri reviewed R2 zoning setbacks in response to questions by the Commission.

Pat Carmichael, neighbor adjacent to the property, strongly opposes multi-level units being built on the property as they would overlook into his backyard causing him to lose privacy. He also expressed concerns with noise and parking.

Carol Carmichael, neighbor adjacent to the property, read a statement requesting one story single-family dwellings compatible to the neighborhood and to protect privacy. She also expressed concerns with the appearance of the dwellings that would be built on the property, off-street parking limiting visibility, and increased traffic.

Vice Chair Brownell closed the public hearing.

Staff and the Commission discussed zoning and density and what types of structures could be built on the parcels.

Vice Chair Brownell re-opened the public hearing.

Mr. Risso advised that the intent of this parcel map is for single-family homes and not duplexes, that Mr. Doss wants to stay with a three lot configuration, and that two-story residences were not discussed.

Senior Planner Sigona addressed questions from the Commission concerning minimum density requirements and whether a condition could be added limiting development to single-story, single-family homes.

Senior Development Engineer Johnson explained storm drainage requirements and reminded the Commission that this is a land division, not an application for a planned development permit.

Vice Chair Brownell closed the public hearing.

City Attorney Dave Frank advised the Commission to give clear direction to staff using the example of their suggestion of the modification to have only one access easement with the assumption that single-family units are going to be built.

Commissioner Luvaas stated that he would like to see landscaping on both sides of the access easement and suggested porous pavement or two tire strips be used for the driveway. Senior Development Engineer Johnson advised it would need to be approved by the fire department.

Commissioner Brownell stated that she is opposing as she feels this is an inefficient use of land that is zoned R2.

Commissioner Monfort moved, seconded by Commissioner O'Bryan, that the Planning Commission adopt Resolution No. 05-29, making a determination that the project is categorically exempt from environmental review and approving Doss Parcel Map (PM 05-03), subject to the findings and conditions contained therein and the additional conditions as follows:

10. The driveway shall be constructed using either porous pavement material or two tire strips.

11. The property owner shall, with the final map, simultaneously record covenants, conditions, and restrictions limiting development of the site to single-story, single-family residences.

Motion passed 5-1-1. Commissioner Brownell opposed. Commissioner Alvistur absent.

- 4.4. Rogers Tentative Parcel Map/Planned Development Permit (PM/PDP 04-19) and Use Permit (UP 05-38) (Rogers) - 1544, 1548, and 1552 Elm Street - A request to subdivide the subject 0.40 acre parcel into three lots consisting of Lot 1: 5,544 square feet; Lot 2: 6,072 square feet; and Lot 3: 5,808 square feet. The subject property contains six existing 736 square foot, two-bedroom units. The Planned Development Permit would allow modifications to the minimum lot width and parking standards to facilitate segregation of existing units onto the three separate lots. A use permit is requested to allow the three rear units to be considered second dwelling units (SDU) with the three front units as primary units. The use permit would allow variations to some SDU development standards. The overall gross density of the project is 4.35 units per acre based on each lot containing one primary residence and one SDU. The subject property is designated Low Density Residential and zoned R1 Low Density Residential. The site is identified as Assessor's Parcel No. 005-213-009. The proposed project has been determined to be Categorically Exempt pursuant to the California Environmental Quality Act (CEQA) Section 15332, In-fill Development Projects.**

Senior Planner Claudia Sigona presented an overview of the staff report which included reviewing the Use Permit, Parcel Map, and Planned Development Permit applications submitted and a background on the project site. She informed the Commission that staff is recommending approval of the 3 applications and advised that nothing will be changed except improvements to the alley and shoulder paving. She addressed questions from the Commission concerning pedestrian access to parking and to Elm Street. She explained that the use permit currently does not require owner-occupancy and that staff does not have an issue with the units being rentals as they have been there for 40 years.

Commissioner Brownell expressed concerns with the alley being so narrow and used as parking for the residences, making it very hard to leave. She suggested changing the spaces to be diagonal as that would allow 8 spaces for parking but the alley would then be only one way.

Vice Chair Brownell opened the public hearing.

Wes Gilbert, Project Engineer, addressed issues from the Commission concerning parking, sidewalks, access easements, tree requirements, and street lighting. He explained that no changes will be made except for the improvements stated by staff. He advised that the parcel

map will provide an opportunity for residences to own affordable housing and that they are fine with the staff recommended conditions of approval.

Vice Chair Brownell closed the public hearing.

Commissioner Luvaas stated that he likes the project, the narrower alley, and more street parking. He expressed that he was troubled with the 48 foot width of Elm Street and that he would much rather see a redevelopment project that allows additional housing.

Commissioner Luvaas moved, seconded by Commissioner Schiffman, that the Planning Commission adopt Resolution No. 05-26 finding that the project is categorically exempt from environmental review and approving the Rogers Tentative Parcel Map and Planned Development Permit (PM/PDP 04-10) and Use Permit (UP 05-38), subject to the findings and conditions contained therein and the additional condition as follows:

6. Where deficient on Lots 2 and 3, the permittee shall install pedestrian paths/sidewalks to provide access between the alley and Elm Street.

Motion passed 6-0-1. Commissioner Alvistur absent.

4.5. Planned Development Permit (PDP 05-02) and Use Permit (UP 05-32)

(Rauschenbach) - East Avenue Marketplace, 1380 East Avenue - A request to allow a new 11,120 square foot retail commercial building and associated parking, landscaping and signage, attached to the east side of the existing Safeway Store on an existing 2-acre parcel. Although uses are unknown at this time, in order to provide for maximum flexibility in leasing the space, the applicant would like advance authorization for uses which normally require a use permit, including auto parts stores (no repair), pet shops, veterinarian clinics, liquor stores, and day care centers, as well as use permit approval to allow permitted uses to exceed the 2,500 square foot size limitation in the applicable CN Neighborhood Commercial zoning district. The subject shopping center was developed with a -PD Planned Development Overlay which requires a Planned Development Permit for all new buildings and uses to ensure consistency and design. The subject property is designated Community Commercial by the General Plan. The site is identified as Assessor's Parcel No. 016-060-046. The proposed project has been determined to be Categorical Exempt pursuant to the California Environmental Quality Act (CEQA) Section 15332, In-fill Development Projects.

Senior Planner Claudia Sigona presented the staff report which included an authorization for

individual tenant suites to exceed 2500 square feet. She addressed questions from the Commission concerning what types of retail would be going in, location of the monument sign, and addressing.

Vice Chair Brownell opened the public hearing.

Fred Becker, applicant, addressed Condition #5 regarding shifting the building northerly five feet as he is concerned with outdoor seating having 17 feet of concrete from store front to parking. He proposed removing three parking spaces in the parking area to create a plaza area for seating which would be framed by trees for shade, a planter area, and small tables with umbrellas. He explained they would prefer not to move the building five feet as it could create building code violations and would like to keep the building in line with the other building. He addressed questions from the Commission regarding monument sign square footage, retail uses, and bicycle parking.

Rose Lagler, neighbor, stated that Safeway is being remodeled and wanted to know how this project would match it. Mr. Becker responded by advising that Safeway's remodeling is strictly interior. Senior Planner Sigona explained that the shopping center is under the original planned development permit so Safeway could not remodel to look different from the rest of the center.

Vice Chair Brownell closed the public hearing.

The Commission discussed moving the building, installing more bicycle racks, and allowing a second monument sign on East Avenue with the site address and possibly one tenant identification on it.

Commissioner Luvaas distributed a section of the General Plan concerning land use and mixed uses. He expressed concern with the parking area in the rear that could be used for housing.

Commissioner Schiffman agreed with Commissioner Luvaas but stated there is nothing that could be done about it tonight. He also expressed that he would like to see more landscaping in the rear parking area.

Senior Planner Sigona reviewed parking requirements with regard to landscaping and explained that more room is needed in the rear parking area for large delivery trucks, but suggested that a continuous planter could be provided between the two new rows of parking.

Commissioner Schiffman moved, seconded by Commissioner Monfort, that the Planning Commission find that the project is categorically exempt from the California Environmental Quality Act (CEQA) and

approve the Rauschenbach Planned Development Permit (PDP 05-02) and Use Permit (UP 05-32) by adopting Resolution No. 05-28, and with the following amendments to Conditions #5 and #6, and the additional condition as follows:

- 5. The permittee shall revise the final site plan to remove three parking stalls in the front of the building to increase the pedestrian area and provide a plaza for potential outdoor seating. Additional landscape planters shall be provided on both sides of this patio area. The permittee shall also install eight hoop racks under the covered area along the front of the building to provide secure bicycle parking meeting City standards.*

- 6. One freestanding monument sign for the center's address and identification for a single tenant is permitted on the East Avenue frontage. The sign shall not exceed 16 square feet of sign area per face and shall not exceed a height of 4 feet. The monument sign requires a sign permit and review and approval by Planning Division staff to ensure architectural consistency with the shopping center and existing monument signs.*

- 9. The permittee shall provide a continuous landscape planter between the rows of parking in the rear of the building.*

Motion passed 5-1-1. Commissioner Luvaas opposed. Commissioner Alvistur absent.

- 4.6. Longboard Tentative Subdivision Map, Unit 3 (S 05-06) (Baker) - East side of Floral Avenue, between Whitewood Way and Pauletah Place** - A request to subdivide the subject 0.67 acre parcel into four flag lots for single-family residential development, consisting of Lot 1: 6,033 square feet (net); Lot 2: 6,023.5 square feet (net); Lot 3: 6,000 square feet (net); and Lot 4: 10,000 square feet (net). Lots 1 and 4 will take access from existing driveway easements created as part of Longboard Subdivision, Unit 1; Lots 2 and 3 will take access from an existing 25-foot wide driveway easement created as part of Longboard Subdivision, Unit 2. The overall gross density of the project is 5.97 units per acre. The subject property is designated Low Density Residential in the General Plan and zoned R1 Low Density Residential. The site is identified as Assessor's Parcel No. 016-010-022 and 023. The proposed project has been determined to be Categorically Exempt pursuant to the California Environmental Quality Act (CEQA) Section 15332, In-fill Development Projects.

Senior Planner Sigona presented the staff report. She explained why the homes are not facing Floral Avenue, in response to a question by the Commission.

Senior Development Engineer Johnson explained that the maintenance district only maintains the planter strips along Floral Avenue and not the fencing. He also explained that a masonry wall would not be wanted due to people expecting the City to maintain it. He addressed questions from the Commission concerning drainage and reviewed how the lots were created.

Vice Chair Brownell opened the public hearing.

Jay Hanson, representing the applicant, explained that the proposed wood fencing is made better than it used to be as it is treated to last longer and that it is compatible with Floral Avenue. He also advised that he would not have a problem with rotating the homes but would prefer not to have them face Floral Avenue, in response to a question by the Commission.

Vice Chair Brownell closed the public hearing.

The Commission discussed reorientating the homes and changing the location of the structures on the lots to create a neighborhood, preserving the trees on Lot 3, modifying Condition #4, and providing an adequate access for Lot 24 of Longboard Unit 1.

Vice Chair Brownell reopened the public hearing to give the applicant the option of continuing the item to allow them more time to present a different arrangement, rather than having the Commission take action on the project with a possible denial.

Mr. Hanson requested a continuance.

Vice Chair Brownell closed the public hearing.

Commissioner Schiffman moved, seconded by Commissioner Monfort, to continue this item to the Planning Commission meeting of August 4, 2005, to allow the applicant time to respond to the concerns expressed by the Commission.

Motion passed 6-0-1. Commissioner Alvistur absent.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Principal Planner Teresa Bishow reminded the Commissioners of the 5:30 p.m. start time for

the July 21, 2005 meeting. She also reviewed what materials would be distributed for the Meriam Park EIR Scoping Session at the next meeting and confirmed that the public comment meeting for the Draft EIR for the Enloe Medical Center Master Plan is scheduled for July 12, 2005, at 6:30 p.m.

8. **ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 11:00 p.m. to the Adjourned Regular Meeting of July 21, 2005, at 5:30 p.m.

August 4, 2005

Date Approved

/s/

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
JULY 21, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Kirk Monfort
 Steve O'Bryan
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Steve Betts, Associate Planner
 Greg Redeker, Assistant Planner
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Vic Alvistur called the meeting to order at 5:33 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

*Commissioner Monfort moved, seconded by Commissioner Brownell, approval of the minutes of June 16, 2005.
Motion passed 5-0-2. Commissioners Luvaas and Schiffman abstained due to being absent.*

3. NOTICED ENVIRONMENTAL IMPACT REPORT (EIR) - PUBLIC SCOPING SESSION - The public scoping session is intended to inform the public about the project and gather comments about information or issues that should be included in the EIR. The scoping session will begin with a presentation of the proposed project and an overview of the EIR process.

3.1. Meriam Park - General Plan Amendment/Rezone, Planned Development Permit, Parcel Map, and Related Code Amendments (GPA/RZ 05-01, PDP 05-01, PM 05-09, and CA 05-02)

Project Location: Meriam Park is located in southeast Chico generally north of East 20th Street, south of State Highway 32, west of Bruce Road, and east of Bedford Drive. The northwest portion of Meriam Park contains a small

population of Butte County Meadowfoam intended to be preserved. Meriam Park is bisected north and south by Little Chico Creek, a natural drainage course extending east/west through the property. The Meriam Park project area lies within the city limits of Chico, approximately 2.5 miles from the city center.

Project Description: In accordance with the California Environmental Quality Act (CEQA), the City as Lead Agency is preparing an EIR for the 271.8 acre site known as Meriam Park. The City's goal in preparing the Environmental Impact Report and Mitigation Monitoring Program is to guide development by identifying environmental and planning issues and measures to mitigate CEQA-defined impacts.

The project proposes to change the Chico General Plan land use designations to 211.4 acres of Special Mixed Use, 37.8 acres of Open Space/Conservation, 15.3 acres of Creekside Greenway (City), 4.4 acres of Park (City) and 2.9 acres of PF&S Public Facilities and Services (PG&E).

The area to be designated Special Mixed Use will include a combination of public, private and civic spaces. It will incorporate different residential densities, mixed-use and commercial buildings, bike/pedestrian paths, public squares, community buildings, a public plaza and a future minor league baseball park. The project includes a maximum of 3,446 dwelling units, 262,207 square feet of retail space, and 878,485 square feet of office/commercial use. The project also includes plans for enhancing the City's greenway along Little Chico Creek.

The project also proposes to amend the zoning of 211.4 acres to TND Traditional Neighborhood Development, 37.8 acres to OS1 Primary Open Space, Preserve, 15.3 acres to OS1 Primary Open Space, Greenway-City, 4.4 acres to OS2 Secondary Open Space, City and 2.9 acres to PQ Public/Quasi-Public Facilities.

Type of Applications: Meriam Park includes the following set of applications:

1. Amend the Chico General Plan, including changes to the Plan text and the Plan Diagram, to: 1) establish a new plan designation to allow the creation of a Traditional Neighborhood Development; 2) provide open space and park designations along Little Chico Creek; and 3) apply a Public Facilities and Services designation at the new PG & E Notre Dame Substation. (See City File: GPA/RZ 05-01.)
2. Amend the Chico Municipal Code to establish a new zoning district to regulate Traditional Neighborhood Development and to implement the Meriam Park project. (See City File: CA 05-02.)
3. Amend the Chico Zoning Map to: 1) apply the new Traditional Neighborhood Development zoning district; 2) apply open space zoning along Little Chico Creek; and 3) apply the Public/Quasi-Public zoning district to the PG & E Notre Dame Substation. (See City File: GPA/RZ 05-01.)
4. Approve a Planned Development Permit. (See City File: PDP 05-01.)
5. Approve a Parcel Map creating nine (9) parcels greater than twenty (20) acres in size. (See City File: PM 05-09.)

Planning Director Kim Seidler introduced the Planning Division's new Associate Planner, Steve Betts.

Principal Planner Teresa Bishow welcomed everyone to the Meriam Park EIR Scoping Session. She presented a brief overview of the project which includes applications for amendments to the General Plan, a series of changes to the Zoning Map (including establishment of a new zoning district), and a related planned development permit. She explained that Chris Cole from New Urban Builders, the applicant for the project, will be doing a presentation on the project. She also advised that Steve Noack, Senior Associate with Design, Community & Environment, whom the City selected to provide professional services in the preparation of the EIR, will be presenting an overview of the EIR process as well as respond to questions concerning issues to address in the EIR.

Chris Cole, New Urban Builders, gave a presentation of the project which included five guiding principles and showed illustrations of the proposed mixed use project including offices, a ballpark, marketplace, and a variety of residential dwelling types. He addressed issues of connectivity, public transportation, an emergency response network, and the Little Chico Creek Greenway. He advised that all of the uses proposed will be built with the exception of the ballpark which is not finalized. He explained that if the ballpark does not get constructed, they do have an alternative plan and both plans will be considered in the traffic study. In response to a question by the Commission, he advised that there is an elementary school and a junior high school in the immediate area, as well as a proposal for a high school nearby on Bruce Road. There is a possible private school that may be established in the area.

Principal Planner Bishow explained that the developer is submitting a new draft zone, called Traditional Neighborhood Development (TND). The TND zone would be applied to a significant portion of Meriam Park and be available for other sites in the community. Mr. Cole also explained the zoning process for this project, in response to a question by the Commission.

Steve Noack, Design, Community & Environment, explained that the Environmental Impact Report (EIR) scoping session is designed to allow the public to provide comments on what they would like to see in the EIR. He advised that comment sheets have been provided for the public to use and submit for consideration. He reviewed the issues addressed in the EIR which include: aesthetics, urban design, air quality impacts, biological resources, cultural resources including archeological and historic, hydrology, hazardous material, drainage systems, land use public policy, noise impacts, increase in population and how it fits in with the General Plan, public services, recreation, traffic and circulation, and the ability for public infrastructure to be expanded to serve the site. He also advised that the Draft EIR will be published in mid-December for a 45 day review period to provide input.

Chair Alvistur opened the public hearing.

Barbara Vlamis, Butte Environmental Council, stated that a specific plan is needed for this part of Chico. She expressed concerns with bringing in different types of developments and how the landscape will end up if we do not do more analysis and a comprehensive review of the entire Southeast Chico area. She also stated that she hopes that Little Chico Creek receives a great deal of consideration as it could be significantly improved.

Commissioner Schiffman stated that the Commission has already turned down one proposed subdivision on Bruce Road in the area due to lack of planning and concerns with biological resources.

Alan Chamberlain stated that he likes the traffic circulation plan for this project; to integrate transit will have a positive impact on the issues of congestion and air quality and with over one million square feet of retail and commercial development in this project, it will become a commute system itself. He also stated that this project is a showcase for other communities.

Ken Fleming commented on how many very large lots scattered around town have been built around. He questioned how the new zoning district could be applied city wide in particular whether it would be suitable on infill sites. He also questioned the time frame given by staff on the schedule for reviewing the draft new zoning district and how citizens would be included.

In response to a question from the Commission, Principal Planner Bishow suggested that the Planning Commission consider a special work session or public hearing on the draft new form-based code.

Planning Director Seidler explained that if the new code is to be adopted as a parallel development code for the City of Chico, then the developers will have a choice. This will necessitate public hearings or workshops which will give the public plenty of opportunity to become involved. He also explained that the biggest opportunity to use the new code would likely be on large sites.

Mr. Noack advised that there will be a list of intersections that will be evaluated concerning traffic and circulation impacts, including impacts to State Highways 99 and 32, in response to a question by Commissioner Monfort.

Commissioner Brownell stated that the traffic circulation plan on site looks great but is concerned with the limited connections to existing streets off site. She also had the following questions:

- Will second dwelling units be part of the project?
- Are single family homes going to be purchased by single families?
- How is the City going to maintain the smaller park areas?
- What is the cost ratio to maintain smaller parks versus one large park?
- How are we going to improve the transit system?

Mr. Cole addressed issues of parking, multi-condos, and methods of maintaining the parks. He also explained that they would amend the application if the new code does not go through, in response to a question by Commissioner Schiffman.

Principal Planner Bishow stated that the vision of Meriam Park necessitates either a unique zone or extensive modifications through the planned development permit process.

Planning Director Seidler stated that a specific plan would have been an option and believes if we do get mired down, that we can still apply the planned development process.

Mr. Cole advised that they are writing and will be bringing the new form-based code to the City in a few weeks.

Mr. Noack advised that they are looking at the soil and the impacts of lighting in the area, in response to questions by Commissioner Luvaas concerning storm drainage and the lighting impacts on Little Chico Creek. Principal Planner Bishow also explained that Public Works will be evaluating the proposed storm drainage system.

Mr. Noack explained how CEQA does not address the economic impacts unless the impacts result in a physical change to the environment such as creating blight in an area, in response to a question from Commissioner Schiffman concerning the affect this project would have on downtown Chico.

Commissioner Luvaas questioned if the EIR would address tree placement to provide adequate parking lot shading.

Chair Alvistur closed the public hearing and reminded everyone to use the comment sheets if they had additional issues that they would like addressed in the EIR.

4. DISCUSSION OF EX PARTE COMMUNICATION

None.

5. NOTICED PUBLIC HEARING ITEMS - The following items will be considered in the order listed unless the Commission requests a change. Any person may speak on items listed below. In order that all items may be considered, any item may be continued to another meeting if it appears there will be insufficient time for full consideration of the item.

5.1. Second Dwelling Unit Standards Code Amendment (CA 05-03) - A proposal to amend Section 19.76 of the Chico Municipal Code (Second Dwelling Units) to provide that all properties with second dwelling units must be owner-occupied and to delete the ability to modify or waive second dwelling unit standards through the use permit process. The code amendment will apply to all land zoned RR Rural Residential, RS Suburban Residential, R1 Low Density Residential, R2 Medium Density Residential, and RD Downtown Residential within the City limits. The environmental review conducted prior to the adoption of the second

dwelling unit standards is determined sufficient to comply with the California Environmental Quality Act (CEQA).

Principal Planner Bishow reminded the Commission that the City Council had directed staff on June 21, 2005, to prepare an ordinance to require second dwelling units to be owner occupied and to develop a second dwelling unit design manual. She advised the Commission that the agenda report contained the required findings to amend the code. She also advised that the amendments would not affect projects already issued a second dwelling unit permit.

Assistant City Attorney Lori Barker explained that if a second dwelling unit permit requires owner-occupancy, there is a covenant recorded on the property requiring owner-occupancy when the property is sold to new owners, in response to a question by the Commission. She also addressed questions concerning family trusts.

Chair Alvistur opened the public hearing.

The following people spoke in support of the second dwelling unit ordinance:

Chris Cole
Melinda Vasquez
Kasey Merrill
Marci Goulart
Christina Grangured
Linda Furr
Rick Turner
Beverly Robertson
Sarah Salisbury
Pat Collentine
Lucy Smith
Ken Fleming

Reasons provided for supporting the ordinance included:

- 1) Owner-occupancy requirement would allow newly developing neighborhoods, such as Doe Mill, to be "insulated" from legal issues developers face with investors;
- 2) Owner-occupancy would prevent excessive noise and parking problems associated with two rentals on one property;
- 3) Increased attractiveness for homes being sold to owners living on the property; and
- 4) Eliminating the ability to grant exceptions through the use permit process would ensure compliance with second dwelling unit standards and help preserve the character and aesthetics of the neighborhood.

Steve Schuman spoke against the second dwelling unit ordinance because of the impact on affordable rentals.

Kasey Merrill explained that there may be circumstances for a second dwelling unit

where the standards might not have to fully apply, in response to a question by Commissioner Luvaas. She continued to explain that second dwelling units have had a heavy impact on neighborhoods as there has been no consideration of the impacts on sewer systems or the infrastructure to support the increasing density.

Chair Alvistur closed the public hearing.

Planning Director Seidler acknowledged the concerns raised regarding administrative approval of second dwelling units and that a design manual would greatly assist in the review process.

Senior Development Engineer Johnson reviewed the process of paying fees when a second dwelling unit and the main unit are being built at the same time.

Planning Director Seidler stated he would provide the Commission with further development fee information on second dwelling units.

Commissioner Luvaas stated that he agrees with Steve Schuman that second dwelling units encourage more affordable dwellings but there has been abuse and problems. He stated that although he had a problem with the portion of the ordinance where there would be no exceptions, he supported this approach at this time.

Commissioner Monfort stated that the State legislature would probably eventually override the City.

Commissioner Brownell stated she supported the ordinance until a second dwelling unit design manual can be prepared providing a more thorough review of the standards and ways to achieve better designed units.

Commissioner Monfort moved, seconded by Commissioner Brownell, that the Planning Commission adopt Resolution No. 05-32 recommending that the City Council adopt an ordinance amending Title 19 of the Chico Municipal Code in regard to second dwelling units.

Motion passed 7-0.

- 5.2. River Glen Vesting Tentative Subdivision, Planned Development Permit, and Use Permit (S/PDP 03-18 & UP 05-33)** - The proposed project includes a vesting tentative subdivision map, a planned development permit and a use permit. The tentative subdivision is proposed to divide a 5.23 acre parcel into 27 lots, 25 would be developed with single-family dwellings resulting in a density of 4.78 units per gross acre. One additional lot will likely remain in commercial use with access on State Highway 32/Nord Avenue, although the design of the lot will allow for future development as a single-family dwelling. Another additional lot would be dedicated to the City of Chico as open space along Lindo Channel (.16

acres). The planned development permit is being requested to: 1) increase the lot coverage, and 2) reduce required rear, front, and street side setbacks. The use permit is requested to allow second dwelling units on 13 lots with alley access. The southwest boundary of the project is the Chico Sphere of Influence and Butte County Greenline. The project site is north of Glenwood Avenue, just west of State Highway Route 32/Nord Avenue and south of Lindo Channel, APN 042-130-001.

An initial study for environmental review has been prepared for this project. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that a project will not have a significant impact on the environment, after the incorporation of specific mitigation measures.

Principal Planner Bishow presented an overview of the project and distributed to the Commission a copy of the draft resolution. She outlined changes made by the applicant to the proposed project and addressed the questions that the Commission had at the June 2, 2005 Planning Commission meeting concerning the Chico Area Greenline and agricultural spraying. She also advised that storm water drainage will be designed to meet standards.

Senior Development Engineer Johnson explained that there is a master plan for the area that shows a large outfall going into the creek and that the developer constructing it will be reimbursed for oversizing his facility.

Principal Planner Bishow addressed questions from the Commission concerning agricultural spraying including the apartments to the south being affected by spraying.

Chair Alvistur opened the public hearing.

Mark Adams, NorthStar Engineering, stated he disagreed with Senior Development Engineer Johnson on the storm drain outfall. Mr. Johnson responded by explaining that the outfall is consistent with the Chico storm drain master plan. Mr. Adams continued by explaining that there will be an 80 foot agricultural buffer and that they have met with the neighbors, the Andersons, to resolve some of their issues. He distributed and reviewed new plans for the access road, and addressed questions from the Commission concerning paving and drainage.

The Commission had further discussions concerning agricultural setbacks and whether there will be enough room for the Andersons to harvest the walnut trees adjacent to the westerly edge of the existing County right-of-way.

Mr. Adams advised that they have no plans to clean up Lindo Channel, in response to a

question by Commissioner Luvaas.

Jim Stevens, NorthStar Engineering, noted modifications to the notes on page 2 of the subdivision map which include no second dwelling units on Lots 18 and 19 and that the building setback on Street "C" has been changed from 10 feet to 5 feet.

Ken Anderson, neighbor, stated that he is still unconvinced of the location of the Greenline and he read a quote from the General Plan. He expressed concerns with the construction of Street "C" and the 80 foot agricultural buffer. He stated that they could live with the 35 feet of open space to do farming and that there is no way to prevent spraying from spreading onto adjacent properties. He advised that he has no constraints or regulations imposed upon him limiting when he can farm, in response to a question by Commissioner Monfort. He explained that he hoped the access road would be in a different location and that the increased traffic will make it harder to farm as he will have to be more watchful of cars when equipment is being operated, in response to a question by Commissioner O'Bryan.

Commissioner Luvaas requested clarification on how far the nuts fall from the trunk of the tree. Mr. Anderson responded by explaining some of the nuts will probably roll into the street and hopes that he will not be held liable if a pedestrian or bicyclist runs over one and gets injured.

Senior Development Engineer Johnson explained that there are no plans to clean up erosion problems along Lindo Channel due to storm runoff, in response to a question by Mr. Anderson.

Commissioner O'Bryan explained that it is very difficult to get equipment into Lindo Channel to clean it up and that is why the City or County has abandoned trying.

Mr. Anderson explained that they leave for the day when spraying occurs and that there is no way to inform the neighbors when they spray, that is why there is a buffer, in response to questions by Commissioner Schiffman.

John Merz, read a letter from the Local Area Formation Commission (LAFCo). He expressed concerns regarding the agricultural buffer which he stated should be at least 100 feet and explained the importance of buffers when you have two uses that are incompatible. He reviewed Exhibit E of the subdivision report concerning Creekside Setback Standards and stated that it is unfortunate there is incompleteness in regard to the environmental review and how the related cumulative impact would affect this project in terms of the erosion of Lindo Channel. He recommended that the staff report have a complete packet; referring to the resolution that was not included in the staff report. Mr. Merz advised that the City needs to install signage, and have a maintenance district in place to maintain Lindo Channel, in response to a question by Commissioner Luvaas inquiring how much erosion is in Lindo Channel.

Debra Anderson, neighbor, stated that the people that buy the homes need to be made aware and understand the possible health hazards of agricultural spraying. She expressed concerns with people holding them liable if something happens to them due to the spraying.

Don Marshall, applicant, stated he is aware of the concerns regarding the walnut orchard as he owns a walnut orchard. He advised that he has spoken to the Agriculture Commissioner concerning spraying and explained that nuts do fall in the road everywhere there are orchards.

Senior Development Engineer Johnson explained that Caltrans has the authority over Nord Avenue, but the City could recommend to Caltrans that a parkway strip be constructed along Nord Avenue, in response to a question by Commissioner Brownell.

Ken Fleming, community member, stated that further mitigation measures, such as a larger agricultural buffer, could be included if there was less density.

Pat Conroy, applicant, advised he would be open to requiring owner-occupancy for the second dwelling units, in response to a question by Commissioner Brownell. He explained he is open to doing only horizontal siding on the homes, in response to Commissioner Kelley's suggestion at the meeting on June 2, 2005, but that he prefers flexibility in design. He explained that the project is generally the same as when it was brought to staff in 2003, in response to a question by Commissioner O'Bryan. He also stated that he does not object to narrowing the width of Street C from 22 feet to 20 feet, in response to a request from Commissioner Luvaas.

Senior Development Engineer Johnson addressed issues raised by John Merz concerning the comments from the Parks Department in the subdivision report and explained that there are no additional impacts to Lindo Channel with respect to drainage. He also explained that the City only maintains property they own, in response to Mr. Merz's suggestion of having a maintenance district.

Mr. Anderson explained the harvesting process of his walnut orchard.

Chair Alvistur closed the public hearing.

Principal Planner Bishow reviewed General Plan policies concerning agricultural buffers and creekside setbacks, in response to questions by the Commission.

Planning Director Seidler read the Agriculture Preservation Standards from Title 19 to address Commissioner Monfort's concern about explaining the risks to the homeowners.

In response to a question by Commissioner Brownell, Principal Planner Bishow recommended a note be put on the planned development permit map requiring a physical barrier to be provided on Lot B to prevent through traffic to State Highway 32.

Senior Development Engineer Johnson advised that the proposed contiguous sidewalk was the applicant's choice to allow as much front yard as possible for the homes, in response to a question by Commissioner Luvaas. Mr. Johnson also explained that as stated in the General Plan, the City is not responsible for Lindo Channel, in response to the Commission's concerns regarding the problems and lack of maintenance of Lindo Channel.

Commissioner Schiffman expressed concerns with not having a 100 foot agricultural buffer and density being so close to the Greenline. Commissioner O'Bryan agreed with Commissioner Schiffman.

Commissioner Monfort moved, seconded by Commissioner Brownell, that the Planning Commission adopt Resolution No. 05-23 adopting the mitigated negative declaration and conditionally approving the River Glen Vesting Tentative Subdivision Map, Planned Development Permit and Use Permit with the following changes:

- 1. Amend Exhibit II, Condition A, to indicate that the Vesting Tentative Subdivision Map and the Planned Development Permit shall be modified as follows:***
 - a. Street "C" shall be changed as proposed by the applicant on July 21, 2005 as option "C", except the street width shall be reduced from 22 feet to 20 feet and the distance between the existing westerly right-of-way line and the new vertical curb shall be increased from 35.5 feet to 37.5 feet.***
 - b. The building setback line shown along Street "C" shall be changed to modify the required street side setback from 10 feet to 5 feet.***
 - c. No second dwelling units shall be permitted on Lots 18 and 19.***
 - d. A new Planned Development note shall be added requiring a physical barrier to be provided on Lot B to prevent traffic from "A" Lane going through Lot B to State Highway 32/Nord Avenue and vice versa.***

- 2. Amend Exhibit II, Condition B, to indicate that the Use Permit for second dwellings shall be modified as follows:***
 - a. The River Glen Use Permit (UP 05-33) authorizes use permits for 10 lots (shown as Lots 12 through 17 and 20 through 23 on the tentative subdivision map) with alley access to have second dwelling units as shown on the River Glen Planned Development Permit Map.***
 - b. Add a new condition of approval that all lots with a second dwelling unit shall be owner-occupied. (The owner may live in either the primary dwelling or the second dwelling unit.)***

Motion passed 4-3. Commissioners Luvaas, O'Bryan, and Schiffman opposed.

- 5.3. Use Permit (UP 05-31) (Chico U-Lock-It/Metro PCS) - 1909 Whitman Avenue** - A request to authorize construction of a 100-foot tall monopole with one PCS antenna array at an existing mini-storage site (Chico U-Lock-It). Other cellular and PCS providers may co-locate on the pole in the future. The site is identified as Assessor's Parcel No. 005-530-006, is designated Commercial Service on the City of Chico General Plan Diagram, and is located in a CS Service Commercial zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (New Construction of Small Structures).

Assistant Planner Redeker presented the staff report. He explained that the project does meet all of the standards for a new telecommunications tower except for the setbacks; however, a setback change is allowed through the use permit process. The pole and foundation are engineered to support a total of 4 carriers. He explained that all of the equipment will be located behind a new redwood fence and due to the industrial nature of the site and the presence of large trees on the adjoining park site, staff believes no additional landscaping is needed. Staff is recommending the tower be painted a non-glossy light blue-gray color, and recommends approval of the use permit.

Commissioner Brownell expressed concerns with additional units causing increased noise and requested that any additional units be located to the interior of the storage unit.

Chair Alvistur opened the public hearing.

Ken Crouse, applicant from Metro PCS, Inc., advised he is willing to relocate units in response to Commissioner Brownell's request. He explained that each carrier has their own set of antennas and that up to 4 antennas can be on a pole with the fourth antenna requiring a use permit, in response to a question by the Commission.

Assistant Planner Redeker explained that there are siting requirements and referred to the service map (Attachment J) in the staff report, in response to a question from Commissioner Luvaas regarding the location of the tower.

Chair Alvistur closed the public hearing.

Commissioner Schiffman moved, seconded by Commissioner Kelley, that the Planning Commission find that the project is categorically exempt from environmental review, and approve Use Permit 05-31 (Chico U-Lock-It/Metro PCS), subject to the findings and conditions of approval contained within the staff memorandum and the additional condition as follows:

- 7. The permittee shall relocate any additional noise generating units to the interior of the storage facility.***

Motion passed 7-0.

5.4. Appeal of the Planning Director's Decision to Approve a Secondary Dwelling Unit Permit at 3154 Shallow Springs Terrace; (SDU 05-06) (LVV Enterprises) - An appeal of the Planning Director's approval of a 794 square foot, studio unit constructed above a 3-car garage. The site is identified as Assessor's Parcel Nos. 018-080-003, is designated Very Low Density Residential on the City of Chico General Plan Diagram, and is located in an RS-1-PD zoning district. The project has been determined to be categorically exempt from environmental review.

A neighbor (John Luciano) filed a timely appeal of the Planning Directors' action to the Planning Commission within the ten-day appeal period. The appellant believes the height and architecture of the second dwelling unit does not fit the existing neighborhood.

Planning Director Seidler explained that he would not participate in the discussion since he rendered the decision and would sit in the audience. He stated he would be available to answer questions regarding the basis for the decision.

Principal Planner Bishow presented a brief overview of the project and stated that staff recommends the Commission deny the appeal and uphold the decision of the Planning Director to approve the second dwelling unit.

Assistant City Attorney Barker explained that the Planning Director considered the original CC&Rs and that the Planning Commission can consider the CC&Rs and homeowners association guidelines, in response to a question by Commissioner Kelley.

Chair Alvistur opened the public hearing.

Stan Gottlieb read a statement from the appellant, John Luciano, requesting the Commission to uphold the former decision of the City Council when a previous decision to approve a second dwelling unit on the same property was appealed. He also read a letter from the Canyon Oaks Homeowners Association explaining that the guidelines are not the same as the Shallow Springs Terrace Homeowners Association guidelines. He also gave a brief history of the project and explained that the Shallow Springs Terrace Homeowners Association was formed due to 4 lots that were not originally part of the Canyon Oaks Homeowners Association, in response to questions by the Commission.

Assistant City Attorney Barker explained that the architectural guidelines considered were in effect at the time the project was approved. She also explained that the applicant is not required to join the homeowners association, in response to a question by Commissioner Brownell as to how one lot can have two different guidelines.

Principal Planner Bishow advised that there is no dispute that the Canyon Oaks Homeowners Association reviewed and approved other projects in the neighborhood. She clarified, however, that the drawings submitted by Erica Higgins were not second dwelling units. One was a permit for a pool house and the other was a basement expansion of an existing home.

Jim Stevens, applicant, gave a brief history of the project and explained that the area where the second dwelling unit is proposed has never been part of the subdivision. He explained that the City Council denied the project as they felt it was not compatible, in response to a question by Commissioner Brownell. He believes the City Council was mistaken as they did adhere to the guidelines of the original subdivision map.

Commissioner Brownell expressed that the second dwelling unit is not consistent with the main unit. Some of the prominent features such as the windows and vents are not the same and that the existing home has wrought iron. She stated that it is her opinion that this looks like a large block with a smaller block on top.

The Commission had further discussions concerning the architecture of the second dwelling unit including using the same vents, roof features, railings, and changing the windows to look more similar to the existing home.

In response to Commissioner Luvaas asking if there are other common situations in the neighborhood with the primary home 19 feet in height and the second dwelling unit 25 feet in height, Mr. Stevens advised that the Canyon Oaks Homeowners Association allows for a 35 feet height limitation.

Georgie Bellin stated that there will be three new homes built that will be part of the Shallow Springs Terrace Homeowners Association. She expressed concerns with changes being made to the conditions that were approved originally and that they should stay with the original conditions. She also stated that the second dwelling unit will be lower in height, down further in elevation, and will be compatible with the existing home. She would like to see this project move forward.

Erica Higgins, neighbor, stated that the proposed second dwelling unit was determined not compatible in terms of scale, building treatment, and height by the City Council. The only things that have changed with the new application is the location and the height which has been lowered by 3 feet. She expressed that both homeowners associations should be updated together and requested the Commission to uphold Mr. Luciano's appeal and not allow this second dwelling unit and encourage the applicant to work with the homeowners association.

Kristen Lucena, attorney representing the applicant, Mr. Vedova, advised that they have worked diligently with Planning to come up with a plan that is 3 feet shorter, which makes the second dwelling unit a total of 7 feet shorter from the main unit because of elevation. They have moved the second dwelling unit as far away from Shallow Springs Terrace as possible, will provide additional natural screening by planting more trees, will mimic the main residence with identical color, stucco, texture, and roof, and that it meets all of the guidelines from December of 2004, which are the standards that should apply.

Commissioner Schiffman questioned why this new application does not follow the guidelines adopted in April of 2005. Assistant City Attorney Barker clarified which guidelines would apply and explained that Planning Director Seidler has taken the position that the standards that were originally imposed by the Canyon Oaks Homeowners Association apply.

Commissioner Luvaas stated that he is inclined to agree with Attorney Lucena and questioned why the applicant, who does not belong to the Canyon Oaks Homeowners Association, has to follow their guidelines.

Commissioner O'Bryan stated that what is in question is whether the City Council could require the applicant to comply with the Shallow Springs Terrace Homeowners Association.

Commissioner Schiffman questioned that if the City Council did not have the original CC&Rs, then why was the new application not required to follow the guidelines effective at the time of the new application. He also asked for clarification as to the basis for the Planning Director's decision. Planning Director Seidler responded by reviewing Attachment E of the staff report which is his memo outlining the findings for approving the second dwelling unit application.

Commissioner Luvaas stated that the Canyon Oaks CC&Rs and the City standards for second dwellings are inconsistent.

Commissioner Monfort moved, seconded by Commissioner O'Bryan, that the Planning Commission deny the appeal and uphold the decision of the Planning Director approving SDU 05-06 (LVV Enterprises), as conditioned, by adopting Resolution No. 05-31 and the additional condition as follows:

The second dwelling unit's features including railing, windows, roof, color, and texture shall mimic the existing home.

Motion passed 6-1. Commissioner Brownell opposed.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Planning Director Seidler updated the Commission on recent actions by the City Council which included adopting the resolution to deny the Hawes Parcel Map, and reversing the decision of the Commission and approving the Bruce Road Subdivision. He also distributed a discussion of long range planning priorities to the Commission.

Principal Planner Bishow advised that Laburnum Estates Subdivision was approved by the City Council with conditions.

8. **ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 11:37 p.m. to the Regular Meeting of August 4, 2005, at 6:30 p.m.

August 4, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
AUGUST 4, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Kirk Monfort
 Steve O’Bryan
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Claudia Sigona, Senior Planner
 Steve Betts, Associate Planner
 Greg Redeker, Assistant Planner
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Vic Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

*Commissioner Monfort moved, seconded by Commissioner O’Bryan, approval of the minutes of July 7, 2005.
Motion passed 6-0-1. Commissioner Alvistur abstained due to being absent.*

3. DISCUSSION OF EX PARTE COMMUNICATION

None.

4. NOTICED PUBLIC HEARING ITEMS - The following items will be considered in the order listed unless the Commission requests a change. Any person may speak on items listed below. In order that all items may be considered, any item may be continued to another meeting if it appears there will be insufficient time for full consideration of the item.

4.1. Rezone 05-01/Use Permit 05-18/ARB 05-09 (Cunan/ARC, Inc.): A request to change the zoning district for a 0.27 acre portion of a 0.66 acre site located at the northeast intersection of Lassen and Godman Avenues and addressed as 710 E.

Lassen Avenue. The zoning classification change is from prezone R2 (Medium Density Residential) to CN (Neighborhood Commercial). The use permit and architectural review is to allow a 1,700 square-foot (sf) expansion and relocation of an existing 3,200 sf convenience/gas store and review the site plan and architecture for the proposed expansion. The applicant will also merge two lots. An annexation request is currently being processed for the site. The site is identified as Assessor's Parcel Numbers 007-200-076 and 007-200-092. The site is designated Medium Density Residential in the General Plan. The project site is split zoned R2 (Medium Density Residential) and CN (Neighborhood Commercial).

An initial study for environmental review has been prepared for the project. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that a project will not have a significant impact on the environment, after the incorporation of specific mitigation measures.

*Commissioner Monfort moved, seconded by Commissioner O'Bryan, to continue this item to the Planning Commission meeting of August 18, 2005.
Motion passed 7-0.*

- 4.2. Longboard Tentative Subdivision Map, Unit 3 (S 05-06) (Baker) - East side of Floral Avenue, between Whitewood Way and Pauletah Place** - A request to subdivide the subject 0.67 acre parcel into four flag lots for single-family residential development, consisting of Lot 1: 6,033 square feet (net); Lot 2: 6,023.5 square feet (net); Lot 3: 6,000 square feet (net); and Lot 4: 10,000 square feet (net). Lots 1 and 4 will take access from existing driveway easements created as part of Longboard Subdivision, Unit 1; Lots 2 and 3 will take access from an existing 25-foot wide driveway easement created as part of Longboard Subdivision, Unit 2. The overall gross density of the project is 5.97 units per acre. The subject property is designated Low Density Residential in the General Plan and zoned R1 Low Density Residential. The site is identified as Assessor's Parcel No. 016-010-022 and 023. The proposed project has been determined to be Categorically Exempt pursuant to the California Environmental Quality Act (CEQA) Section 15332, In-fill Development Projects.

Chair Alvistur disqualified himself due to having a business relationship with the applicant and left the Council Chambers.

Senior Planner Sigona reminded the Commission of their discussion of this item at the Planning Commission meeting on July 7, 2005. She reviewed the items they requested to be changed or added to the project. She explained that staff has worked with the applicant's representative to develop a revised site design which meets the objectives set

forth by the Commission. In the revised plan, homes are now clustered toward the center of the project site, all garages are located to the side or are recessed behind the front facade of the homes, and all four homes face each other to form a more cohesive neighborhood environment for future residents. She also explained that the revised drawing now depicts a 15-foot wide access easement across the rear (east side) of Lots 1 and 2 to serve Lot 24, includes a preservation of two of the existing Ash trees on Lot 3, and the lot sizes have been modified somewhat due to the revised layout, with area for Lots 3 and 4 to be more equitably divided between the two.

Ms. Sigona advised that conditions of approval 4-6 in Exhibit II of the resolution have been modified by staff to reinforce the changes made in the site design, and the Department of Public Works' Subdivision Report has been revised to include establishment of a maintenance district for the Floral Avenue landscaping as requested by the Commission.

There being no questions by the Commission for staff, Vice Chair Brownell opened the public hearing.

Vice Chair Brownell closed the public hearing.

Commissioner Monfort moved, seconded by Commissioner Kelley, that the Planning Commission adopt Resolution No. 05-27 finding that the project is categorically exempt from environmental review and approving Longboard Tentative Subdivision Map, Unit 3 (S 05-06), based on the findings and subject to the conditions contained therein.

Motion passed 6-0-1. Commissioner Alvistur was disqualified.

- 4.3. Use Permit (UP 05-19) (Whitlock) - 310 W. 4th Avenue, 003-013-020 - A proposal to allow an 743 square foot, two-bedroom, non-owner occupied second dwelling unit on a 7,500 square foot parcel. The project is located on land designated Low Density Residential on the General Plan diagram and located in the R1-SD-4 Low Density Residential-Special Design Considerations-4 (West Avenue Neighborhood Area) overlay zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures).**

Assistant Planner Redeker presented an overview of the project, explaining that the applicant is proposing a non-owner occupied second dwelling unit which requires a use permit. He reminded the Commission that on April 11, 2005, the use permit was found to be complete and that it needs to be processed under the current regulations. He explained that there are other properties with second dwelling units on the same block. There is adequate outdoor area for the main unit and second dwelling unit and both structures are single-story. He reviewed the conditions of approval in the staff report, as

well as a supplemental memorandum dated August 4, 2005, distributed to the Commission just prior to the meeting that has two additional conditions. He also explained that there are no findings that need to be made for owner-occupancy, but the owner does live in town which will help in maintaining the property, in response to a question by Commissioner Schiffman.

Planning Director Seidler explained that currently owner-occupancy is required unless a use permit is obtained. He stated that it is difficult to recommend disapproval of a use permit based only on the fact that there will not be owner-occupancy, and that is why staff is recommending approval at this time.

Commissioner Luvaas stated that Council has discretion to make findings and assumes that the Planning Commission does as well.

Mr. Seidler explained that the Commission does have discretion to make findings and that there are positive findings that can be made for a use permit. Alternatively, the Commission can decide not to approve a use permit, but there should be compelling reasons as to why you are denying it. As much as we may agree there are problems associated with absentee landlords renting units, we have no statistics to show us that renters are going to behave any differently than owners.

Commissioner Brownell expressed that the SD-4 (West Avenue Neighborhood Area) Overlay Zone was created because of the owner-occupancy issue and that the abundance of illegal second dwelling units has created a problem.

Vice Chair Brownell opened the public hearing.

Darhl Whitlock, applicant, stated that she bought her home on West 4th Avenue before she got married and she loves the neighborhood. She has always been very careful to find renters that love the house as much as she does and has had very good renters. She is aware of how the neighbors feel and has always introduced the renters to the neighbors. She understands that one of the biggest concerns is keeping the integrity of the neighborhood and she wanted to make the rear unit as attractive as the front unit. She hired an architect to help keep the integrity. She no longer occupies the property but she does live in Chico and works at the university. She makes sure there is no noise or garbage on the property and the rental agreement addresses issues such as no inoperable cars in the driveway and no couches on the front porch.

Commissioner Monfort asked if the applicant is willing, can the conditions in the rental agreement be added to the use permit. Mr. Seidler advised that it could be done.

Marvin Davidson, neighbor, advised that he owns the 100 year old home next door. He does not have any current problems with the neighbors that are renting the existing home. The neighborhood, however, can not absorb one more unit. The alley has 40 units with parking for about 20. The alley has 8 inches of water in the winter due to potholes. The block is close to Enloe Hospital and across from Citrus Elementary School. Recently, due to an argument over a parking space, the police were called to mediate. The area is

overbuilt with multiple units that have absentee landlords.

Kasey Merrill, resident in the Avenues, advised that she did respond to the use permit notice. She explained that the previous neighbor who lived on the lot has now moved and is requesting a second dwelling unit. There are ads in the newspaper reading, “two houses on a lot”. It is an investor’s market. There is an erosion of the fabric of the neighborhood when the owner-occupancy level hits below a certain percentage. The intent of the SD-4 overlay zone was to address this issue and said that she understood it would prohibit non-owner-occupied second dwelling units. She stated the use permit should be denied because of the mix and density of housing on the block, the school across the street, the problems associated with 4th Avenue, and the site not being suitable for a second dwelling unit. She expressed she can’t see allowing this kind of development in the Avenues. She also explained that 4th Avenue is a major passageway through the area and requested the Commission to walk the entire alley and the neighborhood. She said there was one home that only has access on the alley, and questioned whether this was even allowed. The proposed second dwelling unit is next to a 100 year old, beautifully restored historic home. It is one of the more remarkable homes in the neighborhood.

In response to a question from Commissioner Kelley, Ms. Merrill said she would accept something less than full compliance and that every place we live needs to be looked at in relationship to the whole. She said maybe a single-dwelling unit designed for one person or a couple in this location could work if they were willing to decrease impact of the vehicles. She added that the impacts of adding a second dwelling unit need to be weighed out individually and that when there is an owner on the site, it helps to dispel disaster for the neighbors.

Ken Fleming, resident in the Avenues, stated that he was against any second dwelling units in the SD-4 overlay area. He said the proposed second dwelling unit is a prime example of the reason for the SD-4 overlay. He stated that the property was close to Enloe Hospital and that the intersection of 4th Avenue and the Esplanade was operating at Service Level F. He said it was unfortunate that someone proposed such a nice second dwelling unit, but it needs to be denied because of the location.

Chair Alvistur closed the public hearing.

In response to a question from Commissioner Monfort, Senior Development Engineer stated that the only public improvement required for second dwellings was repair of the sidewalk. The applicant did not need to pay to improve the alley.

Commissioner Schiffman asked what criteria the City used to evaluate whether a neighborhood was overburdened. In response, Mr. Seidler stated that there are no specific criteria, and that the Commission could look at the issue of whether the second dwelling unit would overload the neighborhood and draw its own conclusions. He explained that the requirement for a use permit for second dwelling units in the SD-4 overlay requires an examination of each situation.

Commissioner Schiffman asked why the second dwelling unit would not impact traffic in the area and whether the City would look at the cumulative impact. Ms. Bishow responded, explaining that the second dwelling unit would have a minor, insignificant impact on the overall traffic in the area. She added that when staff prepares a recommendation to the Planning Commission, they do not have the advantage of being able to consider public testimony provided at the public hearing.

Commissioner Monfort stated that he recalled the reason a second dwelling unit was turned down on Hobart Street was due to both the street and alley being unimproved.

Mr. Redeker stated that all public street improvements for the second dwelling unit are in place and that the alley is paved from Arcadian Avenue up to the subject property.

In response to a question by Commissioner Kelley, Ms. Bishow stated that the Planning Commission needed to evaluate the use permit for compliance with the General Plan, and that there are no policies specifically adopted for the neighborhood.

Commissioner Brownell expressed concern that the second dwelling unit contained two bedrooms and was not owner-occupied. She added that although this unit would likely not “tip the scale”, it could cause problems. She explained that the location itself was not suitable for a second dwelling unit, in response to Commissioner Kelley requesting she explain where the link was to the General Plan.

Commissioner Luvaas stated his concern was not with the actual location, but with the proposed unit not being owner-occupied. He suggested an amendment to the motion to add a condition of approval requiring owner-occupancy.

Commissioner Monfort disagreed with the amendment because it would require the owner to either sell the property or move back onto the property before being able to establish the second dwelling unit.

Commissioner Schiffman stated his concern was whether the second dwelling unit would be detrimental to the neighborhood. He stated he would support the motion. He added that unless a neighborhood plan shows impacts of second dwelling units as a problem, he would defer to the staff recommendation.

Commissioner Alvistur stated he is going to support the use permit as he does not think this second dwelling unit should be precluded or that it is detrimental to the neighborhood.

Commissioner Monfort moved, seconded by Commissioner Alvistur, that the Planning Commission find that the project is categorically exempt from environmental review and approve Use Permit 05-19 (Whitlock), based on the findings and subject to the conditions listed

in the staff memos dated July 26, 2005 and August 4, 2005, with an amendment to condition #10 as follows:

- 10. The permittee shall maintain the property in good condition. The maintenance shall include, but not be limited to: landscaping (including lawn care), perimeter fencing, housing conditions, trash collection/storage, prohibiting couches on the front porch and inoperable vehicles on the property, and similar property issues.*
- 11. Use of the property shall comply with the Chico Municipal Code, including but not limited to, the provisions of Chapter 9.38 (Noise).*

Motion passed 4-3. Commissioners Brownell, Luvaas and O'Bryan opposed.

- 4.4. Jewett Vesting Tentative Parcel Map (PM 05-06) - 1149 W. 3rd Street - A request to create two parcels by subdividing an existing 0.23 acre parcel located at the southeast corner of Oak and W. 3rd Streets. An existing home on the property is proposed to be demolished. The site is identified as Assessor's Parcel No. 004-111-001, is designated Medium-High Density Residential on the City of Chico General Plan Diagram, and is located in an R3-FS Medium-High Density Residential/Fraternity-Sorority Overlay zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15315 (Minor Land Divisions).**

Assistant Planner Redeker presented a brief summary of the staff report and advised that staff is recommending approval.

Commissioner Monfort stated that with the zoning of R3, approving this parcel map makes it more difficult to develop at the required density. If we approved this parcel map, we could be faced with parking problems.

Mr. Redeker explained that the site is in the impacted parking area, which would likely cause any future development of the properties to have fewer bedrooms, since parking requirements in the impacted parking area are based in part upon the number of bedrooms per unit.

Senior Development Engineer Johnson stated if abandonment of a street right-of-way is requested and the City has more than enough to achieve their requirements, than the City is more than happy to give it back to help achieve goals such as higher density and on site parking, in response to a question by Commissioner Brownell.

Principal Planner Bishow explained that the Architectural Review Board does not have the authority to reduce parking or approve a planned development permit, in response to

a question by Chair Alvistur.

Commissioner Luvaas stated that as much as 28 feet of right-of-way can be abandoned. Mr. Johnson reviewed the amount of right-of-way that is needed for utilities and a sidewalk.

Chair Alvistur opened the public hearing.

Jay Hanson, representing the applicant, stated that he agrees with the findings and conditions of approval in the staff report. He advised that they are looking at plans that will bring in 16 units per acre. An architect has designed a plan that has addressed the issues of parking and landscaping. He explained that the applicant owns this property as well as the property to the east and south and that the existing apartment complex has an abundance of parking. He also explained how the location of where the two lots would be divided was chosen.

Commissioner Brownell stated that this area needs more parking.

Chair Alvistur closed the public hearing.

Commissioner Luvaas stated he keeps looking at the width of the streets around the whole south campus area and this area and rather than trying to retrofit neighborhoods, would like to start seeing street widths being made as narrow as possible now.

Mr. Johnson addressed questions by the Commission regarding the design of Oak Way and the public utilities easement.

The Commission wanted the record to show that all future projects for this property should comply with parking, setback, and density requirements.

As suggested by Commissioner Luvaas, the Commission agreed to add a condition concerning street lighting requirements.

Commissioner Monfort moved, seconded by Commissioner O'Bryan, that the Planning Commission adopt Resolution No. 05-35, finding that the project is exempt from environmental review and approving Vesting Tentative Parcel Map 05-06 (Jewett), based on the required findings and subject to the conditions of approval contained therein and the additional condition as follows:

- 7. Additional street lighting shall be the lowest intensity to meet minimum safety requirements as determined by the Director of Public Works and shall be shielded downward to avoid glare on adjacent properties in compliance with City standards.***

Motion passed 7-0.

- 4.5. Woodbrook Vesting Tentative Subdivision Map (S 04-20) (Provost) - west of Mariposa Avenue** - Proposal to create 26 lots on approximately 5 acres in two development phases, at an overall density of 5.6 units per acre. Two of the proposed parcels could be developed with duplex units. The property is located on the west side of Mariposa Avenue, approximately 1,000 feet north of Terra Rosa Lane, and at the east end of Whitewood Way, at 2855 Mariposa Avenue. The site is identified as Assessor's Parcel Number 016-010-028, is designated Low Density Residential on the City of Chico General Plan Land Use Diagram, and is located in a R1 Low Density Residential zoning district.

An initial study for environmental review has been prepared for the project. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that a project will not have a significant impact on the environment, after the incorporation of specific mitigation measures.

Associate Planner Betts presented an overview of the staff report. He reviewed the number and sizes of lots, 4 of which are flag lots; with 5.2 units per acre consistent with R1 zoning. He advised that the applicant does not propose to construct Whitewood Way through to Mariposa Avenue until such time as Mariposa Avenue is improved to City standards. Whitewood Way would temporarily be ended on the project site and the applicant has requested a modification to the design standards to allow a non-standard section for Whitewood Way to match the existing road section of Whitewood Way in the adjacent subdivision, which would consist of a 60-foot wide right-of-way with a 28-foot wide paved roadway. He informed the Commission of a letter received from the property owner adjacent to the project expressing concerns with loss of privacy and requesting that no second-story home be placed on Parcel #19. He advised that mitigation measures are recommended to reduce environmental impacts and that staff is recommending approval of the project.

Commissioner Schiffman stated that the Commission spent time at a recent Planning Commission meeting trying to make a development on Floral Avenue that is on flag lots have more of a neighborhood feel, and now we are being asked to approve another development with 4 flag lots. Mr. Betts explained that the existing size of the site and surrounding street pattern do not allow alternatives to the use of flag lots to achieve the desired density.

Planning Director Seidler stated that flag lots have been a challenging issue for staff and the City Council as well. He said that staff is intending to go back to the City Council to discuss infill and resolve a lack of clarity with regard to flag lots and infill. Due to the configuration of the land, a flag lot is created to achieve density. He explained that flag

lots can work fine with appropriate standards and have been very effective in other communities, such as Ashland, Oregon. In order to achieve density, compromises such as restrictions on design options and limiting homes to single-story might need to be made.

Commissioner Schiffman stated that in our attempt to achieve density, we've given up the concept of a "neighborhood"; no green and a sea of houses.

Commissioner O'Bryan noted that the initial study did not address cross traffic from Mariposa Avenue. He asked if traffic impacts were considered when Whitewood Way is extended to Mariposa Avenue. In response, Senior Development Engineer Johnson reviewed the traffic analysis for the area and advised that every home will pay impact fees.

Mr. Johnson reviewed the street width and design of Whitewood Way and explained that even if the street was made narrower, people will still speed, in response to questions by the Commission.

Chair Alvistur opened the public hearing.

Mike Byrd, Project Engineer from Rolls, Anderson & Rolls, stated that the applicant, Tom Provost, is here and in agreement with the staff report. He advised he was here to address any engineering questions concerning the project.

Chair Alvistur stated he agreed with Mr. Johnson that the width of Whitewood Way is adequate due to having more traffic and kids playing and potentially going into the street.

Commissioner Brownell expressed she disliked the flag lots because someone's backyard becomes adjacent to a side yard and suggested increasing the setbacks to 10 feet which could be used for RV parking or more open space.

Tom Provost, applicant, explained that when you have smaller lots, there is a limit to what you can do, and if the setbacks of the flag lots are increased, he would not be able to build larger homes which he had hoped to do. He addressed questions from the Commission concerning the width of Whitewood Way, access to the flag lots, and if a two-story home was planned for Lot 19.

Commissioner Schiffman said that the Commission should address the issue now as to whether to allow a two-story to be built on Lot 19. Mr. Provost responded by explaining that he is not planning to build a two-story home at this time, but should have the right to do so.

Mr. Provost explained he will have to grade the property due to drainage and he is unsure if he can save the trees near the lot lines but would be inclined to save them if feasible, in response to a question by Commissioner Luvaas.

Dan Brooks, neighbor, expressed concerns with a two-story home being built on Lot 19 causing him to lose privacy. He requested that the home be limited to single-story.

Chair Alvistur closed the public hearing.

The Commission discussed requiring landscaping and an alternative surface for the access easements for the flag lots. Mr. Johnson advised the Commission that they could require landscaping but pavement is required by the fire department.

Commissioner Schiffman proposed requiring any home that is built on Lot 19 be limited to single-story as he feels the Commission has an obligation to protect the privacy of existing developments.

Commissioner Luvaas said he has read studies that indicate narrower streets are safer. He stated that he can not support this project unless Whitewood Way is made narrower.

Commissioner Kelley stated that he could support this project if there are 10-foot setbacks for the flag lots.

Commissioner Brownell stated that she was opposing this project due to the street width not being consistent with the existing street width.

Commissioner Kelley moved, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 05-38 adopting the negative declaration and approve the Woodbrook Vesting Tentative Subdivision Map (S 04-20), based on the findings and conditions contained therein and the additional conditions as follows:

- 1. Whitewood Way shall be constructed with a 32-foot width face to face, keeping the curb on the north side of the street.***
- 2. The final map shall show a 10-foot building setback along the north property line of the flag lots (Lots 12, 13, 18, and 19).***
- 3. The permittee shall make every effort to preserve the maple tree and the 18" tree marked with a "T" on Lot 11.***
- 4. The permittee shall landscape along both sides of the access easements for the flag lots.***
- 5. A note shall be placed on the final map limiting the home on Lot 19 to single story.***
- 6. Where feasible, the roofs of all homes shall be oriented to a south exposure to enable the installation of solar equipment.***

Motion passed 6-1. Commissioner Brownell opposed.

- 4.6. Briana Woods Tentative Subdivision Map (S 04-22)** - A request to subdivide a 1.2 acre site comprised of two adjacent parcels to create seven lots for development of single family residential uses. One existing single-family residence and an accessory structure will be removed. The project creates a gross density of 5.1 dwelling units per gross acre. The site is located at 2439 Cactus Avenue and is identified as Assessor's Parcel No.015-500-008 and 019. The site is located on land designated Low Density Residential on the General Plan Diagram and in the R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Infill Development Projects).

Principal Planner Bishow presented a summary of the staff report. She advised that an acoustical analysis conducted for the project determined that a sound wall will be necessary along the site's East Avenue frontage. Also, an analysis concluded that a six-foot high masonry wall along the project's East Avenue frontage would reduce noise levels and will be constructed as per conditions of approval 8 and 9. She reviewed the request for modifications which are: 1) A request to allow a flag lot (Lot 3) with less than the minimum area of 6,000 square feet; and 2) A request to allow the installation of 5-foot wide sidewalks. She advised that City staff does support both modifications and that this is considered an infill development project.

Ms. Bishow explained that the location of the sound wall would be behind the 10-foot public utilities easement along East Avenue which will provide an attractive landscaped area between the wall and sidewalk, in response to questions by the Commission.

Chair Alvistur opened the public hearing.

Alan Chambers, property owner, advised that he supports the staff report and the 6-foot high sound wall. He explained that they tried to eliminate the sound wall, but was very surprised by the noise level along East Avenue. He also explained that the setback area between the wall and East Avenue will be heavily landscaped and will be maintained by an irrigation system.

Mr. Chambers reviewed the different options they considered for the driveway to the flag lot which included two concrete lanes with grass but that Public Works had concerns. Senior Development Engineer Johnson explained it is a water quality issue.

Russ Erickson, Robertson and Dominick, agreed with Mr. Johnson and said there is room to do landscaping on both sides of the driveway.

The Commission and staff discussed setbacks and options for the driveway to the flag lot.

Chair Alvistur closed the public hearing.

Commissioner Monfort moved, seconded by Commissioner Schiffman, that the Planning Commission adopt Resolution No. 05-36 finding that the project is exempt from environmental review and approving

the Briana Woods Tentative Subdivision Map (S 04-22), based on the required findings and subject to the conditions of approval with amendments to Conditions 7 and 8 and the additional condition as follows:

- 7. The driveway serving Lots 3, 4, and 5, shall be landscaped and constructed of paver block (allowing a pervious surface) or textured surface such as stamped concrete.*

- 8. A six-foot high masonry sound wall shall be constructed behind the 10-foot wide public service easement (PSE) along the north side and is flush in line with the house on Lot 1 and behind the 3-foot PSE along the west side of Lot 1, including six-foot high wing walls that extend to the south from the east and west ends of the wall. A masonry cap stone shall be constructed along the top of the wall that protrudes at least two-inches on the north side. The wall shall be constructed of earhttone split-face block (or alternate design approved by the Planning Commission or delegated to staff for administrative approval). The setback area between the wall and East Avenue shall be landscaped with lawn and hearty shrubs and/or creeping vines shall be planted adjacent to north elevation of the wall to soften its appearance and dissuade graffiti vandalism. The applicant shall submit building plans for the wall, and a landscape and irrigation plan for the setback area, in conjunction with subdivision improvement plans or with the house plans for Lot 1 for review and approval by Planning staff prior to the issuance of building permits or approval of improvement plans.*

- 10. Additional street lighting shall be the lowest intensity to meet minimum safety requirements as determined by the Director of Public Works and shall be shielded downward to avoid glare on adjacent properties in compliance with City standards.*

Motion passed 7-0.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Planning Director Seidler advised the Commission that the comment period for the Enloe Medical Center Master Plan Draft Environmental Impact Report has ended and all comments have been sent to the consultant to address. He also informed the Commission on the status of Oak Valley.

Ms. Bishow informed the Commission that there was no appeal on the LVV Enterprises second dwelling unit.

8. **ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 9:20 p.m. to the Adjourned Regular Meeting of August 18, 2005, at 6:30 p.m.

September 15, 2005
Date Approved

/s/

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
AUGUST 18, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Mary Brownell, Vice Chair
Dave Kelley
Jon Luvaas
Kirk Monfort
Steve O'Bryan
Irv Schiffman

Commissioners Absent: Vic Alvistur, Chair

Staff Members Present: Kim Seidler, Planning Director
Teresa Bishow, Principal Planner
Steve Betts, Associate Planner
Greg Redeker, Assistant Planner
Matt Johnson, Senior Development Engineer
Lori Barker, Assistant City Attorney
Renee Schreindl, Administrative Secretary

1. ROLL CALL

Vice Chair Brownell called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

*Commissioner Schiffman moved, seconded by Commissioner Monfort,
approval of the minutes of October 7, 2004, and July 21, 2005.
Motion passed 6-0-1. Chair Alvistur absent.*

3. DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Monfort reported that he had spoken with a workman regarding Hutchinson Green and that he received a voice mail message from Tracy McDonald concerning Hutchinson Green. Commissioner Kelley reported that he received a voice mail message from Tracy McDonald concerning Hutchinson Green. Vice Chair Brownell reported that she spoke to Tracy McDonald and John Anderson regarding Hutchinson Green. Commissioner Luvaas reported that he received a message from Tom DiGiovanni regarding Hutchinson Green.

4. NOTICED PUBLIC HEARING ITEMS - The following items will be considered in the order listed unless the Commission requests a change. Any person may speak on items listed below. In order that all items may be considered, any item may be continued to another meeting if it appears there will be insufficient time for full consideration of the item.

4.1. Rezone 05-01/Use Permit 05-18/ARB 05-09 (Cunan/ARC, Inc.)- A request to change the zoning district for a 0.27 acre portion of a 0.66 acre site located at the northeast intersection of Lassen and Godman Avenues and addressed as 710 E. Lassen Avenue. The zoning classification change is from prezone R2 (Medium Density Residential) to CN (Neighborhood Commercial). The use permit and architectural review is to allow a 1,700 square-foot (sf) expansion and relocation of an existing 3,200 sf convenience/gas store and review the site plan and architecture for the proposed expansion. The applicant will also merge two lots. An annexation request is currently being processed for the site. The site is identified as Assessor's Parcel Numbers 007-200-076 and 007-200-092. The site is designated Medium Density Residential in the General Plan. The project site is split zoned R2 (Medium Density Residential) and CN (Neighborhood Commercial).

An initial study for environmental review has been prepared for the project. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that a project will not have a significant impact on the environment, after the incorporation of specific mitigation measures.

*Commissioner Monfort moved, seconded by Commissioner O'Bryan, that the Planning Commission recommends that this item be continued to a future Planning Commission meeting.
Motion passed 6-0-1. Chair Alvistur absent.*

4.2. Lamb/Carlson Tentative Subdivision Map (S 05-11) (Lamb/Carlson) - A request to create two industrial lots on a 0.22 acre parcel located on the north side of Nord Avenue (State Route Highway 32) at 1824 Nord Avenue. The property is identified as Assessor's Parcel Number 042-140-160. Proposed lot sizes are 0.14 and 0.08 acres. The site is designated in the General Plan as Community Commercial and is zoned ML (Light Manufacturing/Industrial). Staff recommends a determination be made that the project is categorically exempt pursuant to the Guidelines for California Environmental Quality Act California Code of Regulations, Title 14, Chapter 3, Section 15315 (Minor Land Divisions).

Associate Planner Palmeri presented a summary of the staff report. He reviewed the zoning for the project site. He advised that the applicant is requesting creation of 2 lots which are developed with commercial structures that will remain, on site improvements include paving the access easement and parking area, and Caltrans has commented that

an additional one-half-foot of dedication is required for the ultimate State Highway 32 four-lane conventional highway design. He also advised that this project is categorically exempt and that staff is recommending approval.

Mr. Palmeri explained that the zoning for this project differs from the General Plan designation as it happens to be in one of the isolated pockets in the City and that staff recommend addressing the difference in a future “clean-up” or during the update of the General Plan, in response to a question by Commissioner Monfort.

Senior Development Engineer Johnson addressed questions from the Commission concerning the future design of State Highway 32 which will be a four-lane highway, and that the City is not recommending replacing the trees and sidewalk at this time and securing additional dedication for the future expansion of State Highway 32.

Vice Chair Brownell opened the public hearing.

Mark Carlson, applicant, advised that they have been making improvements to the property since they have been there. He explained that they eventually are going to move to a different location and the intent of this project is to make it more affordable for future smaller businesses.

Vice Chair Brownell closed the public hearing.

Commissioner Schiffman moved, seconded by Commissioner Kelley, that the Planning Commission adopt Resolution No. 05-34 making a determination that the project is categorically exempt pursuant to the Guidelines for California Environmental Quality Act California Code of Regulations, Title 14, Chapter 3, section 15315 (Minor Land Divisions) and approving the Lamb/Carlson Tentative Subdivision Map with the additional condition as follows:

7. The applicant shall provide on Parcel 2 one additional parking space to be paved and stripped, for a total of three parking spaces.

Motion passed 6-0-1. Chair Alvistur absent.

4.3. East 20th Street Senior Housing General Plan Amendment, Rezone, Land Division, and Architectural Review (GPA/RZ 04-06 & ARB 05-25)- The project involves a Land Division, General Plan Amendment, Rezone, and Architectural Review to facilitate a proposed Senior Housing facility and a future neighborhood park on land owned by the City of Chico. The proposed land division by the City would divide the approximately 10.78-acre parcel into two parcels, a western lot (Parcel A) and an eastern lot (Parcel B). Parcel A, approximately 3.02 acres, is proposed for development of a 39,000 square foot, 55-unit senior housing facility. The City of Chico intends to sell Parcel A to

North Valley Catholic Social Services, a non-profit organization who would then develop the senior housing facility. The eastern parcel (Parcel B), approximately 7.76 acres in size, is intended for development as a future City neighborhood park. A General Plan Amendment (GPA) and rezone will be necessary to facilitate the proposed land division as well as the planned Senior Housing Facility and neighborhood park on the project site. The GPA would change the land use designation for proposed Parcel A from Parks to Medium Density Residential, while the rezone would change the zoning classification for proposed Parcel A from OS2 (Secondary Open Space) to R3 (Medium High Density Residential). The land use designation for proposed Parcel B would be changed from Open Space for Environmental Conservation/Safety to Parks. The existing OS-1 zoning for proposed Parcel B would be retained; however, an -RM (Resource Management) overlay would be added.

The subject property is identified as Assessor's Parcel No. 002-220-005 and is located at the southeastern corner of the intersection of East 20th Street and Notre Dame Boulevard.

An initial study for environmental review has been prepared for the project. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that a project will not have a significant impact on the environment, after the incorporation of specific mitigation measures.

Senior Planner Murphy presented a summary of the staff report. He explained that the project involves an amendment to the General Plan land use designation and change in zoning classification. He also advised that the Planning Commission is being asked to recommend to the City Council approval of the General Plan amendment and rezone involving a 10.78 acre parcel owned by the City which would facilitate the construction of a proposed senior housing facility and a future neighborhood park in southeast Chico. He said the City will sell the western parcel to the Chico Redevelopment Agency who will then sell the parcel to Northern Valley Catholic Social Services for senior housing. He also explained that this project is an opportunity to provide affordable housing while being sensitive to the wetlands and natural resources on the site, to the extent practicable. He also noted that the General Plan does allow for development within a Resource Management Area (RMA), if resources can be adequately protected. If it is determined that it is not feasible to retain all wetlands on the site, the RMA does allow for off-site mitigation of wetland impacts. He noted that the project is consistent with other General Plan policies pertaining to providing affordable housing, and that staff recommends approval.

Mr. Murphy also pointed out that the eastern portion of the site is still subject to the terms of a Development Agreement entered into between the City and Enloe Medical Center in 1996 which stipulates that Enloe has the option of utilizing five acres of the eastern portion of the property as part of the mitigation plan for wetlands for the overall

Enloe project. As such, prior to the development of the eastern portion of the site as a park, Enloe (or a successor in interest) would need to “release” the City from this option and agree to mitigate potential impacts elsewhere, as approved by the U.S. Army Corp of Engineers and U.S. Fish & Wildlife Service.

Assistant City Attorney Barker explained that the land that Enloe Medical Center was going to originally build on is what would be used for mitigation, in response to a question by Commissioner Monfort.

Principal Planner Bishow said it is unknown at this time if Meriam Park (which is now being proposed on the former Enloe project site) will need the land to mitigate environmental impacts, in response to a question by Commissioner Schiffman.

Ms. Barker clarified that the City does own the property that is being proposed to be rezoned.

Mr. Murphy addressed concerns from the Commission concerning mitigating the wetlands on the property and advised that the Commission can offer suggestions to the Architectural Review Board concerning the design of the proposed senior housing facility.

Mr. Seidler advised that final design approval will be made by the City Council. He clarified that the applicant is Northern Valley Catholic Social Services.

Vice Chair Brownell opened the public hearing.

Ken Donnell, neighbor, spoke in support of the project and expressed interest in the details of the project. He proposed ideas which included the park being a neighborhood park and not a park just for seniors.

Mr. Murphy explained the idea of a passive park is to recognize and be sensitive to the existing wetlands by having less improvements and less hard scape surfaces.

John Merz reviewed the City of Chico Initial Study/Mitigated Negative Declaration and expressed that he continues to be disappointed with the analysis of projects. He also said that this project is premature due to not having enough information concerning the environmental impacts, including the possibility that there may be high groundwater in the area.

Vice Chair Brownell closed the public hearing.

Ms. Barker explained that the Commission is being asked to recommend a rezone to allow housing and that there is the possibility of another party choosing to use the site for something other than a park, in response to questions by the Commission.

Staff addressed questions from the Commission concerning zoning, hydrology, the sewer

system, storm drainage, and standard construction techniques for addressing any groundwater that might be encountered during construction activities.

Commissioner Schiffman moved, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 05-39 recommending that the City Council (1) adopt a mitigated negative declaration and mitigation monitoring program and (2) approve GPA/Rezone 04-06.

Motion passed 5-1-1. Commissioner O'Bryan opposed. Chair Alvistur absent.

After further discussion, the Commission agreed to forward as individual Commissioners design recommendations to the Architectural Review Board.

Commissioner Luvaas said that there is a lot of land available on site that is being designated for residential but not being used very efficiently and that it can sustain a considerably larger amount of senior housing units. He suggested underground parking to save land and allow additional units. He said the southern portion of the property is not a viable wetland and can be used as a park or for additional residential. He also expressed interest in having the City Council look at using a more permeable surface for parking.

Commissioner Kelley suggested keeping the units single-story for seniors.

Vice Chair Brownell suggested more of an open flow design. She also stated that the suggestion of a more permeable surface for parking could be analyzed, but you have to think of it in terms of affordability.

4.4. Hutchinson Green Vesting Tentative Subdivision Map and Planned Development Permit (S/PDP 05-10) (New Urban Builders) North of East 20th Street at Hutchinson Street - Review of a request to divide seven undeveloped parcels totaling 1.46 acres into 38 lots ranging in size from 880 square feet to 2,722 square feet for single-family residential development. The project also proposes an amendment to the existing Doe Mill Neighborhood Planned Development Permit (PDP/UP 00-30) to allow a change in the architectural style of the proposed residential structures and to allow modifications of the R3 zoning district development standards. The project parcels are located on the north side of East 20th Street, east and west of Hutchinson Street. The project is a part of the approved Doe Mill Neighborhood Phase 1 and Phase 2 Subdivisions and the approved Doe Mill Neighborhood Planned Development, for which an environmental impact report was previously certified (Warfield Lane-Doe Mill Road Environmental Impact Report, July 28, 1992). The project site is identified as Assessor's Parcel Nos. 018-490-011, 012, 013, 014, 047, 077, & 078. The properties are designated Medium-High Density Residential on the City of Chico General Plan Diagram and are zoned R3 (Medium-High Density Residential).

Associate Planner Betts presented a brief history of the project area and site. He advised that the environmental review was accomplished through the Carriage Park Subdivision. He reviewed the lot sizes, setbacks, parking, and the amount, size, and design of the units. He informed the Commission of several letters received regarding the project expressing concerns which include opposition to the design and increased noise and traffic. He advised that the applicant has agreed to modify the end units to set back 5 feet from the property line, that on-street parking is a concern, and that staff does recommend approval.

Mr. Betts reviewed parking requirements for the project, in response to questions by Commissioner Kelley. He said that 70 to 80 apartments were approved in the original Doe Mill development plan, in response to a question by Commissioner O'Bryan.

Vice Chair Brownell opened the public hearing.

John Anderson, New Urban Builders, presented an overview of the project design which included a visual presentation of examples of Chico area architecture, explaining that what is compatible is not always uniform. He addressed the loss of privacy concern from the neighbors due to the proposed 3-story structures. Mr. Anderson referred to the revised drawings he distributed immediately before the public hearing and addressed questions from the Commission concerning CC&Rs, parking, and the design of the project.

Tom DiGiovanni, New Urban Builders, said that originally there were going to be single family homes along East 20th Street with backyard fencing. To help preserve the view of the foothills, the former project had a 20-foot height restriction adjacent to East 20th Street. The new proposed design mitigates the view of the foothills by having the buildings face East 20th Street creating a more attractive view along the street.

Tracy McDonald, neighbor, stated she is conflicted because she is thankful to Tom DiGiovanni and John Anderson for designing her neighborhood but concerned with losing privacy due to the rowhouses being 3-story. She said this will cause more crowding and noise and that all of the neighbors are concerned about traffic and parking.

John Whitmore, neighbor, stated he loves the neighborhood. He expressed concerns with the architectural style of the project, traffic, parking, and the high percentage of rentals in the neighborhood.

Jim Horn, neighbor, stated he shares the concerns of the neighbors but supports the new design for rowhouses because it will allow potential buyers of individual homes..

Laura Hazzard, neighbor, spoke in support of the project.

Jeff Wilfong, neighbor, stated he doesn't believe the design of the project is compatible

with the existing neighborhood. He expressed concerns with the high percentage of rentals and parking. He also said that he has a two-car garage but he can't fit both of his cars in the garage since it is not large enough, in response to a question by Commissioner Monfort.

Steve Gallo, neighbor, expressed concerns about parking, but said there is an opportunity on Matson Street to accommodate parking.

Fred Lemmo, neighbor, expressed concerns about parking.

In response to the concerns by neighbors regarding parking, Mr. DiGiovanni explained that people are choosing to use their garages for storage and then park their vehicles on the street which is not a problem as it helps to slow traffic on the street. He addressed questions from the Commission concerning rentals and available on-street parking. He said that the thought of this project is to promote home ownership rather than have more apartments.

Mr. Anderson explained how the color palette was determined, in response to concerns by the Commission of having all of the rowhouses the same color. He said that he reviewed the size of the garages and they do accommodate two cars.

Chuck Hazzard, neighbor, expressed support for the project and its design as it adds diversity.

Joshua Pierce, neighbor, stated he was conflicted with the issue of parking.

Vice Chair Brownell closed the public hearing.

Commissioner Monfort said he is not bothered by the architectural design of the project and that people were aware of the parking situation in the area when they bought their home.

Vice Chair Brownell commented that on planned developments, she expects to see different exterior design options. Ms. Bishow explained that the elevation shown in the packet provided by New Urban Builders is a prototype and that buildings could be built with minor deviations.

Commissioner Schiffman requested that there be variation of color.

Commissioner Luvaas said he was sympathetic to the neighbors' concerns about parking. He stated he has no concerns with the narrow streets or the design, but would like to see the height of the structures limited to the height of the adjacent structures. He also stated he wants to make sure the view on East 20th Street is an outstanding and prominent view.

Commissioner Kelley stated that he was opposing this project due to the problem of

parking. He said that the builders can provide other alternatives for storage other than garages.

Commissioner Monfort moved, seconded by Commissioner Schiffman, that the Planning Commission adopt Resolution No. 05-40 finding that an environmental impact report was previously certified on the project site and approve the Hutchinson Green Vesting Tentative Subdivision Map and Planned Development Permit with the additional conditions as follows:

9. Prior to or concurrent with a building permit, the applicant shall submit revised elevations that incorporate subtle architectural variations into the exterior design of the rowhouses for review and approval by the Planning Division.

10. Prior to issuance of a building permit for each rowhouse, the applicant shall submit color elevations of all sides of the building to the Planning Division for review and approval. (Upon request by the applicant, the Planning Division may review and approve the final color template following construction of the building and prior to issuance of a final occupancy permit.)

*Motion passed 5-1-1. Commissioner Kelley opposed.
Chair Alvistur absent.*

- 4.5. Conceptual Review of Creekside Apartments Planned Development Permit 03-06 and Parcel Map 01-18 (D.E.S. Partners)** - Conceptual review of a proposal to develop a 224-unit apartment complex and neighborhood commercial uses on a vacant 20.27 acre parcel. The proposal would create a density of approximately 21 dwelling units per acre. A parcel map is proposed to divide the site into three parcels that define a residential component, commercial component, and a private access road with portions to be dedicated to the City of Chico for open space purposes. The site is located at the northwest corner of State Highway Route 32 and Bruce Road and is adjacent to the south side of Dead Horse Slough, Assessor's Parcel No. 002-160-076. The site is located on land designated High Density Residential, Medium-High Density Residential, and Community Commercial on the General Plan diagram with a mixed-land use designation of Open Space for Environmental Conservation and Safety applied to the residentially designated land. The site is split zoned R4 High Density Residential, R3 Medium- High Density Residential, and CN Neighborhood Commercial with the RM Resource Management overlay zoning district applied to the residentially zoned land. The Planning Commission is being requested to provide only design direction to the applicant; no action to approve or deny the project will be taken. Environmental Review has not been prepared, but is required prior to Planning Commission action which will be scheduled for a

subsequent noticed public hearing.

Associate Planner Summerville presented a summary of the staff report. He explained that a planned development permit is required due to the residential portion of the site being located in a Resource Management overlay zone and to allow requested modifications to parking standards. He reviewed zoning, access, the architectural and site design, and the environmental review. He advised the Commission of two comments received, one in support of commercial development, and the other from Robert Purvis, a resident of the El Monte neighborhood, expressing concerns about flooding. He explained that the hydrological study, which will be part of the initial study, demonstrated no increase in flooding in the area and that there is adequate capacity within the channel (Dead Horse Slough) to displace the water. He also advised that the site will be required to provide detention with larger underground pipes.

Senior Development Engineer Johnson explained that once the information is obtained and an analysis is completed, then the appropriate conditions can be made concerning drainage, in response to a question by the Commission.

Mr. Summerville reviewed setback requirements, access to Bruce Road, and landscaping requirements along State Highway 32, in response to questions by the Commission.

Planning Director Seidler explained the circulation and access for the project, in response to questions by the Commission.

Vice Chair Brownell opened the public hearing.

George Eshoo, property owner, presented an overview of the site design and the history of the property. He reviewed the access for the project, explaining that they had approached Caltrans for access onto State Highway 32, but they would not allow it.

Commissioner O'Bryan expressed his appreciation for the bicycle/pedestrian path and requested the width be increased from 8 feet to 10 feet.

Commissioner Schiffman suggested that all of the carports have hip roofs.

Vice Chair Brownell suggested planting climbing vines along the masonry screen wall along State Highway 32 to prevent graffiti.

Commissioner Monfort suggested using native plants to landscape the green space and an improved access from the residential area to the commercial area with an entry feature.

Commissioner Luvaas questioned the absence of compact parking spaces and why the developer is not required to pay for the pedestrian/bike bridge over Dead Horse Slough.

Mr. Seidler explained that the property to the north will benefit more from the pedestrian/bike bridge and does not believe it is equitable to require this developer to pay

for it.

Mr. Eshoo stated that the bike path will benefit all neighborhoods. He explained the bridge will have no impact on the creek, in response to Commissioner Luvaas' concern regarding the wetland.

Mr. Summerville reviewed the height and design of the masonry screen wall.

Commissioner Luvaas proposed fluorescent lights throughout the parking lot, replacing the proposed Ponderosa Pines to screen the parking area along State Highway 32 with Pistachio trees which are more native to the area, and solar panels on the roofs.

Vice Chair Brownell closed the public hearing.

Commissioner Monfort moved, seconded by Commissioner O'Bryan, that the Planning Commission conceptually approve the project with the conditions recommended in the staff report and the following added conditions:

- 1. Increase the width of the bicycle/pedestrian path from 8 feet to 10 feet of pavement.*
- 2. Construct all of the carports with hip roofs.*
- 3. Install fluorescent lighting throughout the parking lot.*
- 4. Strive for the maximum amount of compact parking spaces.*
- 5. Improve the pedestrian access from the residential area to the commercial area, including an entry feature.*
- 6. Install only natural landscaping on the setback to Dead Horse Slough.*
- 7. Consider the use of solar panels on the roofs.*
- 8. Replace the Ponderosa Pines proposed for screening the parking lot along State Highway 32, with Pistachio or other native trees.*
- 9. Plant climbing vines and install irrigation along the masonry screen wall to prevent graffiti.*

Motion passed 6-0-1. Chair Alvistur absent.

5. BUSINESS FROM THE FLOOR

None.

6. PLANNING UPDATE

Planning Director Seidler updated the Commission on recent actions by the City Council which included adopting the resolution to approve the Bruce Road Subdivision, and the approval of the second dwelling unit ordinance.

Principal Planner Bishow advised that the City Council affirmed the decision by the Planning Commission and denied the appeal on River Glen, thus approving the project.

7. **ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 11:20 p.m. to the Regular Meeting of September 1, 2005, at 6:30 p.m.

October 6, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
SEPTEMBER 1, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Kirk Monfort
 Steve O'Bryan
 Irv Schiffman

Commissioners Absent: Jon Luvaas

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Bob Summerville, Associate Planner
 Greg Redeker, Assistant Planner
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. DISCUSSION OF EX PARTE COMMUNICATION

None.

3. NOTICED PUBLIC HEARING ITEMS - The following items will be considered in the order listed unless the Commission requests a change. Any person may speak on items listed below. In order that all items may be considered, any item may be continued to another meeting if it appears there will be insufficient time for full consideration of the item.

3.1. Sierra Gardens Senior Homes Tentative Subdivision Map and Planned Development Permit (S/PDP 03-24) (Mogavero Notestine Associates) - Conceptual review of a proposal to subdivide a vacant 5.76 acre parcel to create 55 single family residential lots and 36 attached condominium units located in a proposed three-story condominium building. A planned development permit is proposed to authorize modifications to development standards (including reduced lot sizes and building setbacks) and to authorize architectural concepts. The proposal creates a gross density of 14.02 dwelling units per gross acre and is designed exclusively for use by senior citizens. The site is located at the

southeast corner of Sierra Sunrise Terrace and Idyllwild Circle and is identified as Assessor's Parcel No. 018-360-002. The site is located on land designated Medium-High Density Residential on the General Plan diagram and in the R3 Medium-High Density Residential zoning district. The Planning Commission is being requested to provide design direction to the applicant; no action to approve or deny the project will be taken. Environmental Review has not been completed but is required prior to final Planning Commission action which will be scheduled for a subsequent noticed public hearing.

An initial study for environmental review is being prepared for the project. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that a project will not have a significant impact on the environment, after the incorporation of specific mitigation measures.

Associate Planner Summerville presented the staff report which included reviewing the initial proposal, staff recommendations and discussion items, zoning, map design, access, parking, landscaping, architectural style of the units, and storm drainage. He advised that the project site is located within the boundaries of the Sierra Sunrise and California Park Homeowners Associations. He also advised that staff believes that this proposal is an improvement from the initial proposal. He explained that this is a conceptual review only and that following completion of the required environmental review, receipt of revised design drawings, and information that incorporates the comments from the Planning Commission, staff will schedule the project for another public hearing and final action.

Mr. Summerville addressed questions from the Commission concerning replacing the proposed ornamental trees along Street A with bigger trees, the height of the ornamental trees, whether there is a bus stop in the area, the height of the single-story homes, and if rowhouses were considered. He also advised that the Commission does have the discretion to forward this project to the Architectural Review Board.

Commissioner Brownell expressed concerns with the lack of compatibility of the buildings and requested alternative designs.

Mr. Summerville explained that a detailed hydrology study is typically not done at the tentative map stage, in response to a question by Commissioner O'Bryan. Senior Development Engineer Johnson advised that a hydrology study will be done during the improvement plan review.

Commissioner Brownell inquired how the profile of a 3-story structure compared to a single-story structure would look and how it will stair step down. She also questioned how the mass of the condominium building will fit into the surroundings. Mr. Summerville responded by reviewing the grading of the project site.

Chair Alvistur opened the public hearing.

Cherene Sandidge, Project Manager, presented a brief history of the project which was brought to the City in 2001. She reviewed the zoning and density, and corrected the staff report by explaining that the applicant will be leaving open space along Dead Horse Slough for a pedestrian path to be constructed, but the applicant will not be constructing a pedestrian path. She also reviewed some changes in the project design, explaining that the design changes address the concerns by the two homeowners associations and neighbors.

Mr. Summerville reviewed the recommended discussion item in the staff report for the Commission which is to discuss whether the architectural style of the condominium should be softened with more residential elements that are consistent with the surrounding neighborhood.

Mr. Seidler reiterated what Ms. Sandidge had stated regarding zoning, explaining that the desire of staff to address the neighbors' concerns regarding zoning has prolonged this project.

David Mogavero, Applicant, reiterated what was said by Mr. Summerville, Mr. Seidler, and Ms. Sandidge. He said that the site plan has been redesigned at least seven times and that it has been a "balancing act" to achieve the City's density requirement and the neighbors' goals of lower density. He reviewed the street design, architectural design, landscaping, setbacks, and drainage.

Mr. Mogavero addressed questions from Commissioner Monfort concerning the softening of the architectural style of the condominium building, the hydrology in relation to the underground parking, and whether there are drawings that illustrate how the condominium building relates in height to other buildings in the area.

Commissioner Brownell stated that the condominium building is not in the right location.

Commissioner Kelley questioned having a 3-story building and presented suggestions for the roof and enclosing the balconies. He also expressed the need for providing more storage space other than garages. Mr. Mogavero responded by explaining that meeting density requirements limits the ability to add storage space.

Mr. Seidler said that the issue of storage is not as great due to this being senior housing and there would be no teenagers living there that would have additional items to store and seniors might be less likely to store things in the garage.

Mr. Mogavero addressed a suggestion by Commissioner Brownell to increase the space in between the homes to allow a better view of the landscape. He also reviewed the landscape plan in response to a question by Chair Alvistur concerning the type of trees along Sierra Sunrise Terrace.

Josephine McProud, Landscape Architect, addressed questions by the Commission concerning the proposed street trees.

B.T. Chapman, resident on Kestrel Court, advised that there is an existing bus stop at Sierra Sunrise Terrace. He said that the setback from his property line is not acceptable and that the condominium building is a poor design that is not compatible with the neighborhood. He also advised that the neighbors agree that this design is not acceptable and that no official proposal was reached by Sierra Sunrise or Canyon Oaks Homeowners Associations.

Tom Patton, resident on Kestrel Court, said that he had spoken at the previous public hearing for this project and appreciates the fact that staff and the Commission listened to the neighbors' concerns. He expressed his desire to preserve the character of the built environment and expressed concerns about the grading of the site. He said he does look over this site and would like to preserve some view of the mountains. He encouraged development of a pedestrian path along the creek area.

Steve Schaefer, neighbor, expressed concerns with the design of the condominium building and the construction of the underground parking. He also explained where the bus stops on Sierra Sunrise Terrace are and questioned where the trash receptacles would be located.

Mary Jensen, neighbor, expressed her appreciation for the emphasis on the hydrology study. She also expressed concerns with the condominium building design, density, traffic, and the project not meeting the CC&Rs of the homeowners associations.

Assistant City Attorney Barker said that the guidelines from both homeowners associations would have to be followed.

Larry Armstrong, neighbor, said that the project can not be built as presented as it is in violation of the CC&Rs and that the homeowners pay dues for those restricted covenants.

He stated that R2 zoning would be more compatible than R3.

Larry Meyer, Executive Director of The Terraces Retirement Community, reiterated what was said by the neighbors and submitted written comments to the Commission.

Sharon Nichols, neighbor, expressed concerns regarding the design and setbacks. She also said that this is not affordable housing.

Kurt Burmeister, resident on Kestrel Court, expressed concerns with there being only 3 feet between the homes.

Sue Wolfe, neighbor, expressed concerns with the design of the condominium building and parking.

Max Dyer, resident on Kestrel Court, requested the backyards of the homes adjacent to Kestrel Court be landscaped with mature trees for privacy.

Vicki Ridino, resident on Kestrel Court, stated that she has the same concerns as the previous speakers.

Mrs. Nichols stated that she has lived in Chico for 47 years and that this project is not compatible with any neighborhood in Chico.

Mr. Mogavero addressed the neighbors concerns which included the design of the condominium building, the location of trash receptacles, the three and a half foot distance between homes, and planting trees in the backyards. He said he could not address the issue of density. He reviewed the plans for parking and a transit system for the site.

Chair Alvistur closed the public hearing.

Commissioner Schiffman questioned if the R3 zoning is appropriate.

Mr. Seidler explained that the R3 zoning has been in effect for a long time and that there are no provisions in the code for varying from the density. He said that the density is prescribed by the General Plan. He also said that this project is a different product than a multi-family residential product, but there is no ability through this process to require the applicant to do something that is different from the General Plan. He explained that the Commission can require a different design that meets density.

Commissioner Brownell expressed concerns with the profiling of the project and the massing of the condominium building. She said she liked the idea of single ownership and the separate units, but an alternative design may be needed to fit better in this small area. She stated she would like to see a better design on Lots 15 through 28, that would allow increased separation between the homes.

Commissioner Monfort stated that he would like to see a bus stop closer to the project site.

Commissioner Monfort moved, seconded by Commissioner O'Bryan, that the Planning Commission conceptually approve Sierra Gardens Homes Tentative Subdivision Map and Planned Development Permit (S/PDP 03-24) with the recommended conditions contained in the staff report and the additional conditions as follows:

- 5. Soften the architecture of the condominium building with elements that are more compatible with surrounding residential styles.***
- 6. Replace ornamental street trees with larger (shade) trees where possible, primarily along Loop B and Drive C.***
- 7. Provide a bus stop where feasible and appropriate. City staff will verify***

feasibility with the Butte County Association of Governments.

8. *Lower the rooflines of the single-family dwelling units as much as possible.*
9. *Hydrology will be carefully reviewed as a part of environmental review so as to not overburden Dead Horse Slough with storm water runoff. (As was discussed at the Commission meeting, the City's Development Engineering staff will require a peer review of the storm drainage design as part of the improvement plan review.)*
10. *Prepare an east-west cross-section profile from the condominium building to a representative house on Kestrel Court to show how the site steps down and how visible the condominium building will be. In addition, prepare an analysis (in text, not a drawing) that compares the height/massing of the condominium building with the existing 3-story Sierra Sunrise Apartment building (located at the southeast corner of Sierra Sunrise Terrace and Sierra Ladera Lane).*
11. *Increase the side separation between homes on Lots 15 to 28 to a minimum of 5 feet, either by coupling homes (without raising rooflines), moving one house to the western side of Lot 11 to create more space, or some other technique.*

*Motion passed 6-1-1. Commissioner Schiffman opposed.
Commissioner Luvaas absent.*

- 3.2 Reconsideration of Use Permit (UP 05-19) (Whitlock) 310 W. 4th Avenue -**
Reconsideration of a proposal to allow a 743 square foot, two-bedroom, non-owner occupied second dwelling unit on a 7,500 square foot parcel. The property is identified as Assessor's Parcel Number 003-013-020. This project was previously approved by the Planning Commission at its August 4, 2005 meeting; additional written public comments that were not provided to the Planning Commission at that meeting will be included for the Planning Commission's consideration. The project is located on land designated Low Density Residential on the General Plan diagram and located in the R1-SD-4 Low Density Residential-Special Design Considerations-4 (West Avenue Neighborhood Area) overlay zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures).

Chair Alvistur advised that there will not be a public hearing on this item and that an appeal to the City Council has been filed.

- 3.3. Use Permit (UP 04-71) (Carter) 1243 Hobart Street -** A request to construct an owner-occupied, 916 square foot two-bedroom second dwelling unit above a

detached three-car garage located toward the rear of the subject property. The site is identified as Assessor's Parcel No. 003-051-009, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1/SD-4 Low Density Residential/Special Design Considerations Area #4 overlay zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303(a) (New Construction of Small Structures).

Assistant Planner Redeker presented an overview of the staff report which included a review of the size, height, and design of the second dwelling unit which will be located above a detached garage, adjacent structures, and the modifications/improvements recommended by staff. He advised that the project site is located in an R1/SD-4 Low Density Residential/Special Design Considerations Area #4 overlay zoning district and that the use permit has to be processed under the current regulations. He requested the Commission to conduct an architectural review of the garage and advised that staff is recommending approval of the use permit.

Mr. Redeker reviewed the parking requirements, in response to a question by Commissioner Kelley.

Commissioner Brownell stated that she would like to see the windows on the north elevation obscured to give the adjacent neighbors privacy.

Chair Alvistur opened the public hearing.

Brian Carter, applicant, agreed with the staff report and agreed to install obscured windows on the north elevation, in response to a question by Commissioner Brownell. He also advised he would not be opposed to reducing the size of the second dwelling unit slightly as long as there is enough living space, in response to a question by Commissioner Monfort.

Chair Alvistur closed the public hearing.

Mr. Redeker advised that the existing studio is attached to the main house and will be re-integrated into the main dwelling, in response to a question by Commissioner Brownell. He reviewed the pedestrian access and addressing of the second dwelling unit, in response to questions by Commissioner Schiffman.

Commissioner Kelley moved, seconded by Commissioner Brownell, that the Planning Commission find that the project is categorically exempt from environmental review and approve Use Permit 04-71 (Carter), based on the findings and subject to the conditions of approval contained in the agenda report and the additional conditions as follows:

16. All glazing on the north elevation of the second story

shall be translucent, to reduce privacy impacts to adjoining properties.

17. *Additional articulation shall be provided on the west (alley) elevation by offsetting the second floor slightly, and creating a roof area demarcating the first and second floor. The additional articulation shall be accomplished in a manner to slightly reduce the floor area of the second dwelling unit.*
18. *The permittee shall retain the oleander in the southwest corner of the property. The permittee shall also retain the ash tree in the parking area for the second dwelling unit, if feasible, by placing it in a planter island or similar configuration. If the applicant and staff agree that it is infeasible to save the tree, it may be removed.*

Motion passed 6-0-1. Commissioner Luvaas absent.

4. **BUSINESS FROM THE FLOOR**

None.

5. **PLANNING UPDATE**

Planning Director Seidler advised the Commission of a proposed joint meeting with the Planning Commission and the City Council, tentatively scheduled for October 11, 2005, regarding the Northwest Chico Specific Plan. He said that the meeting could possibly include a workshop on infill development and information on flag lots.

Mr. Seidler updated the Commission on the Whitlock (UP 05-19) second dwelling unit, advising that an appeal has been filed.

Commissioner Brownell said that the weeds along West 8th Avenue have still not been taken care of. Mr. Seidler advised that he would follow up with Public Works.

6. **ADJOURNMENT** - There being no further business before the Commission, the meeting was adjourned at 9:34 p.m. to the Adjourned Regular Meeting of September 15, 2005, at 6:30 p.m.

October 20, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
SEPTEMBER 15, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Kirk Monfort
 Steve O'Bryan
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Claudia Stuart, Senior Planner
 Steve Betts, Associate Planner
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

Commissioner Monfort moved, seconded by Commissioner Brownell, approval of the minutes of August 4, 2005.

Motion passed 7-0.

3. DISCUSSION OF EX PARTE COMMUNICATION

None.

4. NOTICED PUBLIC HEARING ITEMS - The following items will be considered in the order listed unless the Commission requests a change. Any person may speak on items listed below. In order that all items may be considered, any item may be continued to another meeting if it appears there will be insufficient time for full consideration of the item.

4.1. Modification of Mariposa Vista Subdivision, Unit 2 (S 02-17)(Agasy, Inc.)

The Planning Commission continued the public hearing on the modification of Mariposa Vista Subdivision, Unit 2 to the Planning Commission meeting of

October 6, 2005.

4.2. Keystone Manor Tentative Subdivision Map (S 05-05) (Michaels et al)

The Planning Commission continued the public hearing on the Keystone Manor Tentative Subdivision Map to the Planning Commission meeting of October 6, 2005.

4.3. Rezone 05-01/Use Permit 05-18/ARB 05-09 (Cunan/ARC, Inc.)

The Planning Commission continued the public hearing on Cunan Rezone, Use Permit, and Architectural Review (RZ 05-01, UP 05-18, and ARB 05-09) to a future Planning Commission meeting.

4.4. Use Permit (UP 05-51) (Norton)

A request to allow an owner-occupied, 608-square foot, 1-bedroom second dwelling unit above a proposed detached garage at the rear portion of the property. Access to the second dwelling unit would be from the alley behind the project parcel. The undeveloped project site is located on the northeast side of Mulberry Street, between East 17th and East 18th Streets, at 1711 Mulberry Street, and is identified as Assessor's Parcel No. 005-241-026. The project site is zoned R1 Low Density Residential and is designated on the General Plan Land Use Diagram as Low Density Residential. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to the Guidelines for California Environmental Quality Act California Code of Regulations, Title 14, Chapter 3, Section 15303 New Construction or Conversion of Small Structures.

Associate Planner Steve Betts presented the staff report. He reviewed the design, access, parking, and zoning for the project. He advised that the applicant is requesting a reduction in the distance between dwellings on the parcel. He also advised that the project does not conform to the height and maximum site coverage standards of the R1 zoning district, and that the applicant has agreed to lower the height to the maximum limit of 25 feet. He presented pictures of the neighborhood and different views of the alley. He advised that staff is recommending denial due to architectural inconsistency and loss of privacy for the neighbors.

Mr. Betts explained that even though the applicant has agreed to lower the height of the second dwelling unit, staff is still recommending denial due to the architectural inconsistency and loss of privacy for the neighbors, and that there will be no alley improvements, in response to questions by Commissioner Schiffman. He explained that staff determined that there will be no problem with circulation due to the width of the alley, and that the applicant is requesting modifications due to his desire to build the plan he submitted, in response to questions by Commissioner Brownell. He advised that the reduction in the distance between the dwellings is not a significant factor, in response to a question by Commissioner Luvaas.

Chair Alvistur opened the public hearing.

Laurie Norton, applicant, explained that he deliberately designed the whole project to preserve the tree on the site and that they want to build an energy efficient unit that will conform with the main house. He advised that there is a walkway down the south side of the property which will allow access from the second dwelling unit to Mulberry Street, and that they have not shown the plans to neighbors, but that he has introduced himself to the neighbors and explained the project and that no one has expressed opposition to the project. He said that he did not think there were concerns with the design of the second dwelling unit and that they have met all of the requirements except for architectural compatibility and the setback, but will be happy to address the concerns regarding the requirements, in response to questions by the Commission.

Mr. Betts said that he has received no public testimony from the neighbors concerning the project.

Nan Jones, architect, said that most of the issues raised by Mr. Betts are technicalities that they can address. She said that none of the neighbors have opposed this project and that the second dwelling unit will not be visible from Mulberry Street. She questioned what the Commission is wanting and stated that the main house is not required to be compatible with the neighborhood.

Commissioner Monfort said that the second dwelling unit is compatible with the main unit, but neither units are compatible with the neighborhood as they are a modern design being placed in an older neighborhood.

Commissioner Luvaas said that both units need to be compatible with the neighborhood and requested that the heating/air conditioning unit be hidden by some type of architectural feature. He said that he is not too concerned with the height or separation of the units, but compatibility is a serious issue.

Chair Alvistur stated that the Commission is not looking for a “cookie cutter” design, but something that is compatible with the neighborhood. He said the fact that the neighbors have not objected to the project is irrelevant.

Marty Smith, contractor, said that the second dwelling unit was approved before the original main house was removed and that they designed the second dwelling unit to be compatible with the main house. He said that the new main house was designed to be compatible with the second dwelling unit and now they have to make the second dwelling unit compatible with the main house. He requested the Commission to clarify what changes they want made.

Chair Alvistur closed the public hearing.

Commissioner Kelley noted the use of vinyl windows and metal roof and siding for the second dwelling unit. He said that the house to the east and other homes in the area also have metal roofs, and that the house to the north has a fairly modern design. He stated that the second dwelling unit is compatible with the main unit and that he is not concerned with the separation between the two units.

Commissioner Monfort said that he is not concerned with the separation between the units and noted that the applicant is willing to conceal the heating/air conditioning unit.

Planning Director Seidler said that the applicant is correct in stating that the primary unit does not need to meet any requirements concerning compatibility, but that the second dwelling unit is required to be compatible with both the primary unit and the neighborhood.

Commissioner Brownell said that she would like the second dwelling unit to have more of a bungalow cottage style roof like the primary unit. She also stated she would like to see the 30-foot required separation between the second dwelling unit and the primary house achieved.

Commissioner Monfort moved, seconded by Commissioner Kelley, that the project is categorically exempt from environmental review and approve Use Permit 05-51 (Norton), based on the findings contained in the agenda report and the additional conditions as follows:

- 1. The roof pitch of the second dwelling unit shall be changed to match the roof of the primary unit.***
- 2. The heating/air conditioning unit shall be relocated to the garage or screened.***
- 3. The bathroom window on the north elevation shall be made translucent.***
- 4. The architectural design of the units shall be compatible with the surrounding units, with the second unit having a gable roof.***

Motion denied 3-4. Commissioners Alvistur, Brownell, Luvaas, and Schiffman opposed.

In response to a question by Commissioner Brownell, Mr. Seidler advised that the Commission can give direction to staff to bring this project back for further review. The Commission had further discussions concerning the design of the project, and whether the applicant should be asked to redesign the project to be more compatible with the primary unit and neighborhood.

Mr. Seidler advised the Commission that the applicant may not be interested in redesigning the project and may prefer to appeal the Commission's decision to the City Council. He recommended reopening the public hearing in order to ask the applicant this question.

Chair Alvistur reopened the public hearing.

Mr. Norton requested the Commission to provide more guidelines and said that he does not want to build something different from the primary unit. He stated he would rather have the opportunity to provide revisions to the design of the second dwelling unit rather than have to appeal the matter to the City Council.

The Commission suggested a gable roof and more architectural elements to add more interest and be more compatible with the primary unit.

The Commission voted 7-0 to continue the public hearing to allow the applicant to work with staff to prepare a different design and come back to the Commission at a future meeting.

4.5. Sierra Nevada General Plan Amendment/Rezone (GPA/RZ 05-02)

A request to amend the land use designation of 0.66 acres of land adjoining Franklin Street on the Sierra Nevada Brewery site from Medium-High Density Residential to Manufacturing and Warehousing, and to rezone the subject parcels from R3 Medium-High Density Residential to ML Light Manufacturing/Industrial. The project site consists of two vacant parcels which are located west of the Franklin Street cul-de-sac, south of East 20th Street between Whitman Avenue and Fair Street. The brewery master plan calls for the subject parcels to be fenced, paved, and curbed, and to provide access to the western portion of the facility for employee parking, vehicular circulation, and truck deliveries. The subject parcels are identified as Assessor's Parcel Nos. 005-450-020 and 005-450-031.

An Initial Study for environmental review has been prepared for the project. Based upon the information within the Initial Study, the Planning Division is recommending that a Mitigated Negative Declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A Mitigated Negative Declaration is a determination that a project will not have a significant impact on the environment, after the incorporation of specific mitigation measures.

Senior Planner Stuart presented the staff report. She advised that the applicant proposes a change in General Plan land use designation from Medium-High Density Residential to Manufacturing and Warehousing, and a change in the zoning classification from R3 Medium-High Density Residential to ML Light Manufacturing/Industrial (the "Project"). This would allow development of the subject parcels for vehicular circulation, truck deliveries, and employee parking, consistent with the Sierra Nevada Brewery site master plan, and would allow merger of the parcels into the brewery site.

Ms. Stuart addressed questions from Commissioner Brownell concerning noise impacts due to traffic circulation, the proposed future construction shown on the site plan, and the hours of truck operations. She advised that the Mitigated Negative Declaration proposes

a time limit for truck operations.

Ms. Stuart advised that R3 zoning does not guarantee that this land would be used for low income housing, in response to a question by Commissioner Schiffman.

Commissioner Luvaas stated his primary concern is with the City not meeting the policy of the General Plan of striving to provide a housing surplus, and questioned if there have been efforts to evaluate under-utilized industrial land to meet those requirements.

Planning Director Seidler explained that the City has been looking at areas around town that will provide additional R3 and R4 zoning for low income housing, but at this moment, these areas do not include industrial sites. He cited opportunities for affordable housing with Meriam Park and in northwest Chico. He stated that there is nothing more important than the issue of affordable housing, but that there is no guarantee that if we provide R3 zoning that it will be used for affordable housing. He stated that until the State changes its approach on affordable housing, he does not believe the City's needs for affordable housing will be met.

Chair Alvistur opened the public hearing.

Matt Gallaway, Project Architect, expressed his appreciation for the discussion concerning the need for housing. He respectfully requested that the mitigation measure concerning truck operation hours be removed. He explained that Franklin Street was designed to serve manufacturing, referring to the diagram on Page 7 of Attachment C, in the Initial Study. He said it illustrated that the street was foreshortened and enlarged, clearly indicating it was to be used for trucks and manufacturing. He explained that they do not want to limit their hours of use for future operations. He also explained that they would be constructing an eight-foot decorative concrete wall to mitigate any potential noise impacts and that there were originally six homes which have now diminished down to three homes on Franklin Street not under Sierra Nevada Brewery ownership, in response to a question by Commissioner Brownell.

Ken Grossman, owner of Sierra Nevada Brewery, said that their development on the east side of Franklin Street is an improvement to what was there previously, which was a paint and sandblasting business. He explained that they will reconfigure the brewery facility to keep Sierra Nevada Court as the primary access for the trucks, and that Franklin Street would be primarily used for UPS deliveries. He addressed questions from the Commission concerning the hours of operation and noise, advising that an eight-foot decorative concrete wall will be constructed to the north and west of the subject parcels in order to screen the area from adjacent residential parcels, and to mitigate any potential noise impacts.

Chair Alvistur closed the public hearing.

Commissioner O'Bryan spoke in favor of the Project stating it would provide

employment and economic opportunity that could allow people to purchase affordable housing.

Principal Planner Bishow referred to page 21 of the Initial Study, advising the Commission that if they determine the Project causes a significant environmental impact regarding noise, the Commission should then evaluate whether the cement wall will sufficiently mitigate noise or whether additional measures, such as regulating truck operations is warranted. She also advised that the homes on Franklin Street would be the only homes directly affected, in response to a question by Commissioner Schiffman. She stated that Franklin Street was a public street designed to serve both the adjacent property and the industrial area.

The Commission determined that the number of homes on Franklin Street was declining as the industrial area used by Sierra Nevada Brewery was expanding. The Commission determined that the potential noise impacts from activity within the brewery site could be sufficiently mitigated with the solid wall and landscaping. The Commission did not concur with the suggested mitigation measure in the Initial Study to restrict the hours of truck access on Franklin Street.

Commissioner Monfort moved, seconded by Commissioner Luvaas, that the Planning Commission adopt Resolution No. 05-41 recommending that the City Council adopt the Mitigated Negative Declaration as revised to remove the restriction on truck operations, and approve General Plan Amendment/Rezone 05-02.

Motion passed 7-0.

5. BUSINESS FROM THE FLOOR

Administrative Secretary Schreindl provided the Commission with phone numbers for Senior Planner Claudia Stuart and Associate Planner Steve Betts, per Commissioner Monfort's request.

6. PLANNING UPDATE

Principal Planner Bishow informed the Commission of a Tour of Built Projects scheduled on September 28, 2005, at 4:00 p.m. for the Architectural Review Board. After determining that four members of the Commission were interested in the tour, Ms. Bishow said that the tour would be designed as a joint ARB/Planning Commission event.

Planning Director Seidler updated the Commission on the actions by City Council concerning Cactus Avenue (GPA/RZ 04-01), East 20th Street Senior Housing/Future Neighborhood Park (GPA/RZ 04-06), and Oak Valley (S 99-12/PDP 02-01).

Mr. Seidler advised the Commission that the proposed joint workshop with the City

Council concerning the Northwest Chico Specific Plan has been tentatively rescheduled to Tuesday, October 25, 2005, and requested that the Commission let staff know if they can attend.

Mr. Seidler informed the Commission that he and Principal Planner Bishow met with Chair Alvistur and Vice Chair Brownell to review meeting management.

7. **ADJOURNMENT** - There being no further business before the Commission, the meeting adjourned at 8:32 p.m. to the joint ARB/Planning Commission tour of September 28, 2005 at 4:00 p.m., and then to the Regular Meeting of October 6, 2005.

October 20, 2005
Date Approved

/s/

Kim Seidler
Planning Director

**CITY OF CHICO ARCHITECTURAL REVIEW BOARD AND
PLANNING COMMISSION
SEPTEMBER 28, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Board Members Present: Nicholas Ambrosia, Chair
Philip LaGrow, Vice Chair
Ellen Clifford Ertle
Marci Goulart

Board Members Absent: Lorrin Ward

Commissioners Present: Mary Brownell, Vice Chair
Dave Kelley
Jon Luvaas

Commissioners Absent: Vic Alvistur, Chair
Kirk Monfort
Steve O'Bryan
Irv Schiffman

Staff Members Present: Teresa Bishow, Principal Planner
Claudia Stuart, Senior Planner
Claudia Sigona, Senior Planner
Steve Betts, Associate Planner
Bob Summerville, Associate Planner
Greg Redeker, Assistant Planner
Matt Kelley, Planning Intern
Robert Peters, Planning Intern

Community Members Present: John Anderson
Chad Finch
Rose Lagler
Karen Laslo
Paul Lieberum
Ed McLaughlin
Pam Stoesser
Melinda Vasquez

1.0 CALL TO ORDER

The meeting was called to order at 4:00 p.m. at the front of the Municipal Center, near the "Dancing Trout" fountain.

2.0 TOUR OF APPROVED PROJECTS

The Planning Commission joined the Architectural Review Board on a trolley tour of various completed projects. Project-specific information materials were distributed during the tour.

3.0 ADJOURNMENT - At 7:00 p.m., there being no further business, the Planning Commission meeting adjourned to the Regular Meeting of October 6, 2005, and the Architectural Review Board meeting adjourned to the Adjourned Regular Meeting of October 19, 2005.

October 20, 2005 _____
Date Approved

/s/ _____
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
OCTOBER 6, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Kirk Monfort
 Steve O’Bryan

Commissioners Absent: Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Claudia Sigona, Senior Planner
 Ed Palmeri, Associate Planner
 Greg Redeker, Assistant Planner
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

Commissioner Monfort moved, seconded by Commissioner Kelley, approval of the minutes of August 18, 2005.

Motion passed 5-0-2. Chair Alvistur abstained due to being absent and Commissioner Schiffman absent.

3. DISCUSSION OF EX PARTE COMMUNICATION

Commissioners O’Bryan, Luvaas, and Monfort reported that they had spoken with Darcy Johnson regarding Seppanen and that they had spoken to City Council Member Holcombe regarding Catalpa Tree Trailer Park. Commissioner Monfort also reported that he had a conversation with a homeowner regarding Mariposa Vista Unit 2 Subdivision. Commissioner Brownell reported that she had spoken with and received a letter from Darcy Johnson regarding Seppanen. Commissioner Kelley and Chair Alvistur reported that they received voice mail messages and letters from Darcy Johnson

regarding Seppanen and had spoken to City Council Member Holcombe regarding Catalpa Tree Trailer Park.

4. **NOTICED PUBLIC HEARING ITEMS** - The following items will be considered in the order listed unless the Commission requests a change. Any person may speak on items listed below. In order that all items may be considered, any item may be continued to another meeting if it appears there will be insufficient time for full consideration of the item.

- 4.1. **Use Permit (UP 05-56) (Seppanen) 777 Sierra View Way** - A request to authorize the construction of a six-foot tall wall in the front yard setback of an existing single-family residence located at 777 Sierra View Way. The site is identified as Assessor's Parcel No. 003-532-007, 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 is categorically exempt from environmental review under the California Environmental Quality Act, Section 15303 New Construction or Conversion of Small Structures.

Assistant Planner Redeker presented the staff report which included reviewing the findings, conditions of approval, and photos of the wall and neighborhood. He informed the Commission of written materials received supporting and opposing the project which were distributed before the meeting and that staff recommends approval of the use permit, with conditions.

Mr. Redeker said that the applicant is wanting privacy and that he is not sure if the contractor is liable for building a wall that does not meet City codes, in response to questions by the Commission.

Chair Alvistur opened the public hearing.

Keith Seppanen, applicant, explained that their idea is to have a courtyard to be able to live in the front yard and have privacy, as most of the living area is in the front of the house and it is like living in a fish bowl. He said that the neighbors did not know how to characterize the neighborhood when he asked them and that the inspiration for the wall was based on a wall at 824 Toyon Way.

The following neighbors spoke in favor of the project:

Neil Andrew
Darrell Deter
Phil Peters
Claire Fields

Darcy Johnson, neighbor, spoke in opposition to the project, stating that the wall is taller than the maximum 3-foot height allowed, it is inconsistent with the General Plan, and that it does not fit into the neighborhood.

Chair Alvistur closed the public hearing.

Mr. Redeker explained that the same height restriction applies to the use of hedges and that one of the main reasons for the height restriction is to prevent someone from backing out and hitting a child due to poor visibility. He also reviewed the street design, in response to a question by the Commission.

Commissioner Kelley suggested allowing 5 foot sections of the wall to be 6 feet in height as shown by the applicant in a revised drawing.

Commissioner Luvaas expressed that he has a problem with the wall being over 3 feet in height and that he has no sympathy for the applicants as they violated the code.

Commissioner Brownell said that the wall does not promote a friendly neighborhood.

Chair Alvistur said that he views use permits for walls with trepidation, but agrees with Project Option 2 in the staff report.

Commissioner Monfort moved, seconded by Commissioner Brownell, that the Planning Commission find that the project is categorically exempt from environmental review and approve Use Permit 05-56 (Seppanen) with Project Option 2 in the staff report, based on the findings and subject to the conditions of approval contained in the agenda report.

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

- 4.2. Use Permit (UP 05-52) (Cook) 179 East Lincoln Avenue** - A request to allow a 655 square-foot non-owner occupied second dwelling unit at 179 East Lincoln Avenue. The second dwelling unit is in a structure that has no rear yard setback and a 3.5-foot side yard setback. The property is identified as Assessor's Parcel No. 003-176-003. The site is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project is categorically exempt from environmental review under the California Environmental Quality Act, Section 15303 New Construction or Conversion of Small Structures.

Associate Planner Palmeri presented the staff report which included reviewing the project location and surrounding area. He noted an inaccuracy in the staff report, advising that there is no second dwelling unit on the northeast corner of East Francis Willard Avenue and Esplanade. He informed the Commission of the written materials submitted before the meeting, 4 letters in support and 4 letters opposing the project. He reviewed the standards that the second dwelling unit does not comply with and noted concerns regarding parking. He advised that staff is recommending approval with conditions.

Mr. Palmeri explained that the final building permit issued for the 655 square-foot

building was for a guest house after a fire destroyed what was described as a garage/shed and that there is a hard surface path from the second dwelling unit to the street, in response to questions by the Commission.

Chair Alvistur opened the public hearing.

Dale Bennett, representing the applicant, presented a background of the property which included when the structures were built. He explained that the applicant, Wayne Cook, is proposing to transfer the use permit for the 150 square-foot building to the larger structure and remove the smaller structure to put in the required parking spaces. He advised that Mr. Cook will obtain a use permit for the kitchen in the 655 square-foot unit which currently has a sink, refrigerator, and stove, in response to a question by the Commission. He also advised that the "For Rent" flyer that was posted by the tenant, was done without Mr. Cook's knowledge.

Mr. Palmeri explained that the 150 square-foot unit has been there since the 1940's and has been recognized as a second dwelling unit, and that the 655 square-foot unit was originally a garage/shed which was converted to a guest house after a fire, in response to questions by the Commission.

Suzie Anderson, General Manager of AAA Properties, said that they do enforce the rules and regulations to the tenants and that the neighbors are happy with how they enforce the rules. She advised that the improvements they have made to the property have improved the value of the neighborhood and that they will comply with all of the conditions of approval recommended by staff except #3.

Tony Symmes, who owns neighboring properties, spoke in favor of the project.

Dave Purvis clarified that the guest house did exist prior to Mr. Cook purchasing the property and that when it was inspected by the Building Division, it was inspected as liveable space not a garage. He said Mr. Cook has a legal right to keep a second dwelling unit because it has been established since the 1930's, 40's prior to 1958-1960. That was before permit requirements for construction and was therefore, a pre-existing condition.

Mr. Purvis said that it would take at least 30 days to prepare plans for the conversion of the garage to a second dwelling unit and that an inspection is needed to deem the kitchen safe, in response to a question by Planning Director Seidler.

Mr. Palmeri noted that an additional limitation for a guest house besides not having a kitchen is that it can not exceed 250 square feet.

Pat Orr spoke in support of the project.

Karen Swartz, who has lived in the neighborhood for 30 years, said that an elderly lady used to live in the main house with the 655 square-foot building used as a garage/shed. She noted that the fence is 6 feet 6 inches in height, that the plot map is incorrect, and that the building does overhang into the alley. She questioned if this use permit is

approved, will the structure remain 655 square-feet and whether it meets the required setbacks. She said that in the 1990's, it was a garage.

Marci Goulart, neighbor, referred to her letter that was submitted to the Commission just before the start of the meeting and reviewed the requirements that are not being met. She requested that the Commission deny the use permit.

Ms. Goulart reviewed which streets in the area require parking permits, in response to a question by the Commission.

Ken Fleming, neighbor, stated that the staff report clearly is written in favor of the use permit. He said that the information given regarding the history and the building is wrong. He expressed concerns with parking and said that the alley will not support this project. He requested the Commission deny the use permit.

Chair Alvistur closed the public hearing.

Commissioner Brownell expressed her concerns with second dwelling units being approved and not collecting impact fees, in particular, alley impact fees.

Mr. Seidler explained that the City does have impact fees for alleys but that they do not apply to second dwelling units as the City Council decided that because of the additional cost of improvements, no improvement right-of-ways would be required with the exception of sidewalks. He advised that the code was amended to exempt second dwelling units from alley impact fees and reviewed when the second dwelling unit provisions and amendments came into effect.

Chair Alvistur expressed concerns regarding alley access.

Mr. Palmeri advised that there will be no fencing constructed along the alley that would block access to alley parking, in response to a question by Commissioner Brownell.

Commissioner Luvaas said that the two units have been occupied for some time, that the smaller unit is being removed to provide additional parking, and that the units have not caused any problems.

Chair Alvistur said that this project will be an improvement.

Commissioner Brownell stated that she agrees that this project will be an improvement, but there is a lot more improvement needed. She stated she was going to vote to deny the project as this is not the proper approach.

Commissioner O'Bryan stated that he agrees with Commissioner Brownell and that code enforcement needs to inspect second dwelling units to make sure that they are in compliance. He said he is not pleased with the separation between the main dwelling and the proposed second dwelling unit and that he has a problem with being inconsistent in

the approval of second dwelling units.

Commissioner Kelley stated that he is supporting this project due to it being an improvement.

Commissioner Monfort moved, seconded by Commissioner Luvaas, that the Planning Commission find the project is categorically exempt pursuant to the Guidelines for California Environmental Quality Act Section 15303(a), and approve Use Permit 05-52 (Cook) based on the findings and subject to the conditions of approval contained in the agenda report with a modification to condition #3 and the additional condition as follows:

3. Within 60 days of the effective date of this use permit the permittee shall apply for building permits for the conversion of the garage to a second dwelling unit.

15. The permittee shall relocate the water heater to the other side of the house so it does not encroach into the side yard setback.

16. No fencing shall be constructed along the alley that would block access to alley parking.

Motion passed 4-2-1. Commissioners Brownell and O'Bryan opposed. Commissioner Schiffman absent.

- 4.3. Keystone Manor Tentative Subdivision Map (S 05-05) (Michaels et al) - A request to subdivide approximately 1.8 acres located at 334 and 360 Henshaw Avenue to create 11 lots for development with single-family homes. The lots range in size from 4,500 to 8,034 square feet. The site is approximately 1,300 feet east of Cussick Avenue. The project site is identified as Assessor's Parcel Numbers 006-360-005 and 006-360-006. The site is designated Low Density Residential in the General Plan and is located in an R1 (Low Density Residential) zoning district.**

An initial study for environmental review has been prepared for the project. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that a project will not have a significant impact on the environment, after the incorporation of specific mitigation measures.

Associate Planner Palmeri presented the staff report which included reviewing the request for modifications of City design criteria and improvement standards and site design. He advised that staff recommends approval.

Mr. Palmeri explained that the standard width for parkway strips are 7 feet and that no building articulation can be requested due to this not being a planned development permit, in response to questions by the Commission.

Chair Alvistur opened the public hearing.

Sean Michaels, applicant, said he has created a subdivision that encourages infill. He reviewed the design of the existing home and noted that there will be more parking than what is required.

Commissioner Brownell asked the applicant whether the homes on Lots 1 and 11 could face Henshaw Avenue with garage access on Street "A" and no 6-foot fencing be allowed within the setback along Henshaw Avenue.

Mr. Michaels said that Public Works has asked that they not have driveways on Henshaw Avenue and that he is not opposed to having the garages on Street "A".

James Renfo, Project Engineer, said that the negative declaration was very well done and was there to answer any questions. Commissioner Brownell thanked him for increasing the width of the sidewalks.

Chair Alvistur closed the public hearing.

Senior Development Engineer Johnson reviewed the street lighting on Henshaw Avenue, in response to a question by Commissioner Luvaas.

Commissioner Brownell moved, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 05-44, adopting the mitigated negative declaration and approving Keystone Manor Tentative Subdivision Map (S 05-05), subject to the required findings and conditions of approval contained therein (Attachment A) and the additional conditions as follows:

- 12. The front of homes on Lots 1 and 11 shall face onto Henshaw Avenue with parking accessed from Street "A."*
- 13. Fencing for Lots 1 and 11 shall be limited to the side and rear yard areas and shall not extend past the front of the house along Henshaw Avenue.*
- 14. All street lighting shall be shielded downward.*

Motion passed 6-0-1. Commissioner Schiffman absent.

4.4. Modification of Mariposa Vista Subdivision, Unit 2 (S 02-17) and Approval of Planned Development Permit (PDP 05-04) (Agasy, Inc.) Between Mariposa

and Ceanothus Avenues, North of East Avenue - A request to modify a previously approved map to subdivide 32.93 acres located between Mariposa and Ceanothus Avenues, north of East Avenue, Assessor's Parcel Nos. 048-061-002, 003, 021, 043, and 052, to create 209 lots for single family residential and duplex development (224 units total) with an average lot size of approximately 4,456 square feet. The proposed overall density is approximately 6.8 units per acre. The subject area is designated Low Density Residential by the Chico General Plan Diagram and is zoned R1 Low Density Residential. The map is being processed under the City's small-lot subdivision standards (section 19.76.150 of the Chico Municipal Code) which allow lot sizes generally between 3,500 square feet and 4,500 square feet and up to seven units per acre. Proposed modifications include elimination of 15' wide alleys; two additional duplex units; re-orientation of corner lots on the east side toward Ceanothus Avenue; and various minor lot dimension modifications, including addition of a Planned Development Permit overlay (PDP 05-04) to allow a 2' reduction in the minimum lot width for some lots. The original approval included 218 lots for single family residential and duplex development with an average lot size of approximately 4,573 square feet and an overall density of approximately 6.92 units per acre.

A mitigated negative declaration was previously adopted for the approval of Mariposa Vista Subdivision, Unit 2. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA), no subsequent environmental analysis is needed because the modifications proposed are minor in nature and would not result in any new environmental impacts.

Senior Planner Claudia Sigona presented the staff report which included reviewing a request for modifications of City design criteria and improvement standards. She advised that the applicant has submitted a new planned development permit application for the sole purpose of authorizing a two foot reduction in the required minimum lot width for 13 lots that have frontage along Ceanothus Avenue. She also advised that staff is recommending approval of the project.

Commissioner Brownell expressed concerns with parking issues in relation to small-lot subdivisions and that when a single-family development is created, we assume there are two on site parking spaces and two on street parking spaces.

Ms. Sigona explained that there is typically one on-street parking space for a single-family development given a standard 45 feet minimum lot width, and that there is parking allowed on Ceanothus and Parnassian Avenues.

Senior Development Engineer Johnson reviewed available parking along Ceanothus and Parnassian Avenues.

Chair Alvistur opened the public hearing.

Tony Symmes, applicant, said that this project has evolved to become a better plan and that parking has not been an issue in other small-lot subdivisions. He also said he would like to see the standard street width reduced to 36 feet.

Mr. Symmes explained that the rear-loaded access design is more expensive than an interior-loaded design and that he is willing to reduce the pavement width of the private driveway cross sections to 20 feet so that the remaining width can be used for landscaping on either side, in response to questions by the Commission.

Ms. Sigona explained that the duplex design was previously approved and apologized for not providing copies of the duplex elevations, in response to a question by Commissioner Luvaas.

Commissioner Brownell expressed that she appreciates the better designs.

Chair Alvistur closed the public hearing.

Assistant City Attorney Barker explained that the resolution does state that the applicant shall comply with the conditions of approval, in response to a question by Commissioner Luvaas.

Commissioner Luvaas moved, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 05-45, approving Planned Development Permit 05-04 and modifications to the Mariposa Vista Unit 2 Vesting Tentative Subdivision Map (S 02-17), based on the required findings contained therein and subject to the attached conditions of approval (Attachment A) and the modification and additional condition as follows:

Modification to Item B5, Street Lights, in the subdivision report as follows:

The Subdivider shall install City standard street lights, that are baffled and deflect downward to prevent glare, on steel poles with concrete bases on all streets that they are required herein to construct.

24. The applicant shall reduce the pavement width of the private driveway cross sections to 20 feet so that the remaining width can be used for landscaping on either side.

Motion passed 6-0-1. Commissioner Schiffman absent.

5. REGULAR AGENDA

5.1. Review of Impact Report Prepared for Closure of Catalpa Tree Trailer

Park.

Planning Director Seidler explained that the State Government Code requires that the person closing a mobile home park file a report with the City on the impact of the closure on displaced residents of the mobile home park, and that the report be prepared and distributed to residences prior to closure. He provided the Planning Commission with 3 sample motions to assist in making a determination as to whether the measures undertaken by the owner, Dan Ostrander, to provide assistance to the residents who were displaced by the closure was sufficient, and if not, what additional mitigation would be appropriate and equitable.

Dan Ostrander, owner, presented a background of what has occurred since he bought the trailer park approximately 3 years ago. He explained that he had owned the park for less than a year when a State code enforcement officer informed him that he would have to enforce the codes on the tenants or they would turn him in and close the park. He notified the tenants that they would have to comply or be evicted. He explained that the park was closed down as a result of the State doing what they told him to do. He advised that he completed a survey and provided relocation information to the tenants. He also advised that he paid to have some of the trailers relocated and that other people just left the park without informing him where they relocated.

Emily Fisher expressed concerns with code violations and the fact that the tenants were not given notice of possible relocation assistance. She said that the relocation that was paid was not sufficient due to moving costs being substantially more. She suggested requiring the owner to provide more detailed information as to the actual relocation costs, to publish a notice in the newspaper to try and contact the tenants that did not receive relocation assistance, and to contribute to an affordable housing program.

After a lengthy discussion by staff and the Planning Commission and the review of the impact report prepared for closure of Catalpa Tree Trailer Park, the Planning Commission determined the following:

Commissioner Luvaas moved, seconded by Commissioner Monfort, that the Planning Commission direct that the impact report be modified by the property owner to include the following additional information, and returned to the Commission for review and possible future action:

- 1. Proof of amount of security deposit received from tenants and amount refunded;***
- 2. Proof of amount of relocation costs;***
- 3. Hand-delivery to each previous tenant, to the extent possible, of the amount of relocation costs which would have been available to them, unless there is proof of hand-delivery prior to the tenant relocating, and provide copies of responses received;***
- 4. Publish notice in the paper once a week for three weeks to attempt to locate tenants that did not receive proper notice or relocation costs available, allowing one week after the last ad runs for a response, and***

provide copies of responses received to notices. Notices to be published in English and Spanish;

5. *Determine what additional costs, if any, would be needed to compensate tenants.*

Motion passed 6-0-1. Commissioner Schiffman absent.

6. **BUSINESS FROM THE FLOOR**

None.

7. **PLANNING UPDATE**

Planning Director Seidler updated the Commission on the actions by City Council concerning Whitlock (UP 05-19), Hutchinson Green (S/PDP 05-10), and Sierra Nevada (GPA/RZ 05-02). He advised the Commission that a joint CC/PC workshop regarding infill will be scheduled after the first of the year and reminded the Commission of the joint CC/PC meeting regarding the Northwest Chico Specific Plan on October 25, 2005 at 6:00 p.m.

8. **ADJOURNMENT** - There being no further business before the Commission, the meeting adjourned at 10:42 p.m. to the Adjourned Regular Meeting of October 20, 2005.

November 17, 2005

Date Approved

/s/

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
OCTOBER 20, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Kirk Monfort
 Steve O'Bryan
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Bob Summerville, Associate Planner
 Greg Redeker, Assistant Planner
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

Commissioner Brownell moved, seconded by Commissioner Kelley, approval of the minutes of September 1, 2005, September 15, 2005, and tour summary of September 28, 2005.

Motion passed 7-0 for the minutes of September 1, 2005 and September 15, 2005. The Commission approved tour summary of September 28, 2005.

3. DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Kelley reported that he spoke to Paul Lieberum concerning Barham.

4. NOTICED PUBLIC HEARING ITEMS - The following items will be considered in the order listed unless the Commission requests a change. Any person may speak on items listed below. In order that all items may be considered, any item may be continued to another meeting if it appears there will be insufficient time for full consideration of the item.

- 4.1. Incaudo Tentative Condominium Parcel Map (PM 05-08) 145 Mission Ranch Boulevard, APN 006-150-110** - A request to divide a 0.97 acre parcel currently developed with one existing office building and parking lot, and a pad site where a future office building is under construction into four condominium parcels. Parcel 1 includes the office building under construction, the existing office building is divided into Parcels 2 and 3, and Parcel 4 includes common area parking, courtyard, and landscaping. The project site is located at 145 Mission Ranch Boulevard on land designated Community Commercial on the General Plan diagram and in the CC Community Commercial zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 Existing Facilities and 15315 Minor Land Divisions.

Associate Planner Summerville presented a brief overview of the project. He explained that the applicant is proposing to divide a 0.97 acre parcel, currently developed with two office buildings (the second under construction and nearing completion) and related parking, into four condominium units for purpose of sale or finance. He advised that office development on the site was approved by the Architectural Review Board.

Mr. Summerville explained that the code requires maps be approved by the Planning Commission, in response to a question by Commissioner Schiffman.

Assistant City Attorney Barker reiterated what Mr. Summerville said that City ordinance requires that the Planning Commission approve parcel maps and subdivision maps and hopes that an amendment will be made to change this requirement to allow an alternate approval process for relatively simple maps.

Chair Alvistur opened the public hearing.

Gary Incaudo, applicant, stated that this is an office project and that he plans to sell or finance each unit.

Commissioner Brownell expressed that she likes the building design.

Chair Alvistur closed the public hearing.

Commissioner Monfort moved, seconded by Commissioner Luvaas, that the Planning Commission adopt Resolution No. 05-33 finding that the project is categorically exempt from environmental review and approve Tentative Condominium Parcel Map 05-08 (Incaudo).

Motion passed 7-0.

- 4.2. Use Permit (UP 05-65) and Architectural Review (ARB 05-26) (Barham) 1455 Chestnut Street, APN 005-166-008** - Conceptual review of a request to convert and add additional stories to an existing convenience store to create 8

studio and 1 two-bedroom apartments, while retaining the existing laundromat. The use permit is required to authorize ground floor apartments, allow expansion and modification of nonconforming structures (additional stories with the same setback which currently exists, modified nonconforming parking lot with a reduced landscape buffer width), and allow certain other requested modifications (reduced off-street parking, increased height for a gable roof). The site is designated Mixed Use Neighborhood Core on the City of Chico General Plan Diagram, and is located in a CN Neighborhood Commercial zoning district. Environmental review has not yet been conducted, but will likely consist of a categorical exemption pursuant to the California Environmental Quality Act (CEQA).

Assistant Planner Redeker presented the staff report requesting the Commission to conduct a conceptual review. He reviewed a number of General Plan policies which apply to the project, the original and revised design, site plan, parking, requested modifications to standards, and items for Commission discussion.

Mr. Redeker reviewed CN zoning from Title 19 and advised that a use permit is required for this project in order to reduce setbacks, reduce a landscape buffer depth, reduce on-site parking, and exceed the 35-foot maximum height requirement, in response to questions by Commissioner Luvaas. He explained that this project is too small to function as the neighborhood core. He reviewed parking and proposed uses, in response to questions by the Commission.

Chair Alvistur opened the public hearing.

Paul Jones, property owner, reviewed the project and explained that the owner of the market is retiring at the end of the year. He addressed questions by the Commission concerning the laundromat, height limitation, and why he did not request a rezone. He explained that doing a commercial project instead of an apartment on the ground floor would cost more due to state requirements for handicap access, which would include installing an elevator.

The following people spoke in opposition of the project, citing concerns with: lack of compatibility, loss of privacy, noise, parking, density, height, and being inconsistent with the vision of the neighborhood:

Susan Kirk
Vita Sigala
Bill Carter
Paul Lieberum
Sarah Salisbury
John Larkin
Nancy Laymon
Robert Speer
Debbie Villasenor

Mr. Jones explained that the owner of the market's lease is ending at the end of the year and that he has worked to try and find someone to renew the lease. He addressed the

issue of traffic and said that the apartments will have a professional design which will not be priced for students, but for young professionals.

Chair Alvistur closed the public hearing.

Mr. Redeker addressed questions from Commissioner Luvaas concerning the building height, air conditioning on the roof, and whether action can be delayed until the neighborhood association has developed a neighborhood plan.

Planning Director Seidler explained that action cannot be delayed indefinitely but if the design is something that the Commission does not support, they can direct the applicant to come back with a more compatible design.

Commissioner Monfort stated that the project proposed is not compatible with the neighborhood and suggested it be redesigned to meet all of the requirements.

Commissioner Kelley suggested making the structure two and a half stories to reduce the height and massing.

Commissioner Brownell stated that the setback should remain 20 feet and that a site design should be created that is more dense and compatible with the neighborhood. She also expressed she has a problem with the exterior stairways.

Mr. Redeker advised that 22 units per acre can be built in a CN zone, in response to a question by Commissioner Brownell.

Commissioner Luvaas expressed that the height of the structure is a serious problem and that he cannot support a rezone to R1 that will allow a 25-foot two-story. He stated that it is important to retain retail and that the market is one of five or six neighborhood stores remaining in Chico. He said he would like to see the building expand toward the front setback.

Commissioner Monfort stated he would normally agree with Commissioner Luvaas that the zoning should remain CN but in the Preliminary Barber Yard plan that he has seen, there will be commercial.

Chair Alvistur stated that he is not in favor of rezones and that the project can be made more compatible by eliminating the third story.

Commissioner Schiffman stated that he supports Commissioner Monfort's idea except for rezoning, as he likes neighborhood commercial; he would also like to see the third story eliminated.

Commissioner Luvaas expressed concerns with parking and suggested providing diagonal parking on Chestnut Street as there is ample enough room and it would alleviate on-site parking.

Senior Development Engineer Johnson explained that the idea of diagonal parking along

Chestnut Street would have to go before Internal Affairs and then be approved by the City Council but he would be happy to look into it and advise Mr. Redeker.

Mr. Seidler explained that if the applicant comes back with a neighborhood commercial project that meets all of the codes, than it would go to the Architectural Review Board (ARB) for review and not the Planning Commission. He explained how the ARB reviews projects and that they would be more concerned with design and massing than with the issue of number of stories, and that a 35-foot height is allowed in a CN zone.

After considering the project, the staff report, and testimony from interested parties, the Commission provided the following direction:

- 1. The applicant should revise his proposal to be consistent with the vision of the CN zone by retaining a neighborhood-serving retail element on the ground floor. This could be a market such as what currently exists, or some other use allowed by right in the CN zone, such as a small restaurant.*
- 2. The applicant should ensure that all applicable development standards are met with the revised proposal (such as setbacks, height, and parking) so that no use permit is needed, with the exception of a use permit to allow a single ground-floor residential unit to meet ADA requirements.*

Although not formally a part of the Commission's overall direction, individual Commissioners also provided the following comments:

- A. Strive for a two-story project which is sensitive to the privacy concerns of the neighbors. If a third story is proposed, it should be pulled as close to the intersection of W. 15th and Chestnut Streets as possible. Consider a two and a half story structure that would reduce overall height and massing.*
- B. Consider removing the exterior stairs and walkways, if possible, or otherwise attempt to integrate them into the architecture of the structure.*
- C. Consider placing all the parking at the rear of the site, accessed from the alley.*
- D. Consider approaching City staff to explore the concept of diagonal parking along Chestnut Street.*
- E. If it is infeasible to design a Neighborhood Commercial development, consider requesting a rezone to a residential designation for the property.*

6. **BUSINESS FROM THE FLOOR**

None.

7. **PLANNING UPDATE**

Planning Director Seidler reminded the Commission of the City Council/Planning Commission joint meeting on Tuesday, October 25, 2005 at 6:00 p.m. regarding the Northwest Chico Specific Plan (NWCSP). He advised that the NWCSP staff reports will be delivered tomorrow and that dinner will be provided before the meeting at 5:30 p.m.

Principal Planner Bishow addressed questions by the Commission concerning architectural review in regard to Barham and that every effort would be made to notify everyone who testified this evening when the project is scheduled for ARB or Planning Commission.

8. **ADJOURNMENT** - There being no further business before the Commission, the meeting adjourned at 7:54 p.m. to the Regular Meeting of November 3, 2005.

December 1, 2005

Date Approved

/s/

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
NOVEMBER 3, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Kirk Monfort
 Steve O'Bryan
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Claudia Sigona, Senior Planner
 Greg Redeker, Assistant Planner
 Dennis McLaughlin, Housing Officer
 Matt Johnson, Senior Development Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. DISCUSSION OF EX PARTE COMMUNICATION

3. NOTICED PUBLIC HEARING ITEMS - The following items will be considered in the order listed unless the Commission requests a change. Any person may speak on items listed below. In order that all items may be considered, any item may be continued to another meeting if it appears there will be insufficient time for full consideration of the item.

3.1. Use Permit (UP 05-63) (Verizon Wireless) 375 E. Park Avenue - A request to authorize co-location of an additional antenna array on an existing 160 foot telecommunications tower, including installation of associated ground-mounted equipment, on property located at 375 E. Park Avenue. The site is identified as Assessor's Parcel No. 005-500-019, 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 from environmental review pursuant to Section 15303 of the California Environmental Quality Act Guidelines (New Construction or Conversion of Small Structures).

Assistant Planner Redeker presented the staff report which included an overview of the

power and noise levels of the telecommunications tower. He explained that a use permit is required due to this being the fourth set of antennas which would be located on the tower.

Chair Alvistur opened the public hearing.

Kevin Brennan, Complete Wireless Consulting, advised that he has nothing to add to what Mr. Redeker presented and that they are happy to be locating on the existing structure.

Chair Alvistur closed the public hearing.

Commissioner Brownell moved, seconded by Commissioner O'Bryan, that the Planning commission adopt Resolution No. 05-50, finding that the project is categorically exempt from environmental review and approving Use Permit 05-63 (Verizon Wireless), based on the findings and subject to the conditions of approval contained therein.

Motion passed 7-0.

- 3.2. Use Permit (UP 05-69) (VECTORS) 171 Rio Lindo Avenue** - A request to allow operation of a residential care home (a transitional shelter for homeless veterans) for up to 15 residents on a fully-developed site formerly used as a guesthome for the elderly. No changes are proposed to existing structures or facilities. The site is identified as Assessor's Parcel No. 006-100-039, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an OR Office Residential zoning district. This project has been determined to be categorically exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act Guidelines (Existing Facilities).

Assistant Planner Redeker presented the staff report which included reviewing the parking, zoning, surrounding uses, fencing, bike racks, and public transit in the area. He also reviewed policy from the Housing Element in the General Plan that encourages this type of use and Attachment D of the staff report which is the contract required for those who live at the facility. He requested the Commission to provide direction as to whether a new fence should be required and noted that Vicki Patterson, adjacent property owner, called to request that a wall be constructed along her property and the subject property.

Planning Director Seidler explained that if there is a clear pattern of mismanagement of the site, then there could be grounds to revoke the use permit, in response to a question by Commissioner Schiffman.

Mr. Redeker advised that the parking space closest to the entrance of the building is a disabled parking space, in response to a question by Commissioner Kelley. He also advised that the Commission can recommend more than the two proposed bike racks if

they do not feel that is sufficient, in response to a question by Commissioner Monfort.

Commissioner Brownell questioned if there was a rear entrance or a designated area for smoking.

Mr. Redeker advised that since the current facility was established in 1996, there have been no documented police calls, in response to a question by Chair Alvistur. He also advised the Commission that Housing Officer McLaughlin is here to answer any questions.

Chair Alvistur opened the public hearing.

Steve Longoria, Director of VECTORS, clarified that the current facility is not a duplex, but a house. He explained that the police have been called to the facility by them, but not by the neighbors. He also advised that there is a rear entrance off of the kitchen that opens to a patio which they would probably designate as a smoking area. He advised that there is an existing fence that separates the project from the adjacent property and does not believe that there is an issue with noise. He explained that there are rules for the new facility and that currently there is no 24-hour supervision, but they are proposing it for the new facility. He said that VECTORS has been successful from its inception, this is a good program with a good record of success, and that they have helped many veterans transition into the community.

Mr. Longoria advised that there is no smoking allowed in the rooms, the veterans use public transportation more than riding bikes, and that he would be willing to construct a new fence, in response to questions by the Commission.

Susan Gregory, property owner at 193 Rio Lindo Avenue, expressed her opposition to the transitional shelter. She said that she has read articles that show these facilities have lots of problems. She also said that her property was annexed into the City six years ago and it cost her six thousand dollars and that Rio Lindo is gradually being renovated and properties are well cared for. She expressed concerns with public urination, strange behaviors, and loitering. She distributed information that show positive and negative aspects of shelters.

Shawneen Felix, neighbor, expressed that she is heart-broken, upset, and disappointed about this facility as she has two children. She said the Butte County Health Center and the Regent Hotel are in the area which already bring crime to the neighborhood.

Patrick O'Shaughnessy, neighbor, said that he also has children. He expressed concerns with there being previous sex offenders and the value of his home depreciating. He said that this project should have been proposed to the neighborhood and recommended that there be a better process for determining the location of shelters.

Don Heeter, neighbor, expressed concerns with an increase in crime, property values

depreciating, and parking.

Vicki Patterson, adjacent property owner, expressed concerns with the value of her property depreciating and requested the Commission deny the project. She said that if it is approved, she would like a wall constructed between her property and the subject property.

Susie Stephens, realtor representing VECTORS, explained that this is transitional housing.

Betty Wakefield, property owner on Rio Lindo Avenue, said that she has donated to VECTORS and supports them. She requested that the occupancy of the facility be reduced from 15 to 12 and that there be restrictions. She questioned what the difference is between a homeless shelter and transitional housing.

Mr. Longoria assured the neighbors that this is a safe facility and that sex offenders cannot live in the facility. He explained that they receive discharge papers for all occupants that gives them a social security number and they can do background checks. He explained they will have one person who will be volunteering as the resident manager until they receive a grant. He explained that VECTORS purchased the facility with a loan that they received from the City, in response to a question by Commissioner Schiffman.

Dennis McLaughlin, Housing Officer, explained that the Redevelopment Agency provided the funding to VECTORS which is conditional upon VECTORS receiving a use permit. He also explained that VECTORS is required to provide transitional housing and that the property has to be maintained in a manner which respects the neighbors.

Mr. Longoria explained that the staff person at the facility is trained to deal with crisis by calling the police or him and he reviewed the guidelines for the facility, in response to questions by Commissioner Brownell. He explained the difference between a homeless shelter and transitional housing, in response to a question by Commissioner Monfort. He also advised that he would not mind that a condition be made that a staff person be at the facility 24 hours a day, in response to a question by Commissioner Schiffman.

Joseph D'Amico, veteran and VECTORS volunteer, clarified that the people who will work at the facility are not volunteers as he and Mr. Longoria choose the people who are qualified to do the job.

Chair Alvistur closed the public hearing.

Assistant City Attorney Barker explained that this use permit is treated like any other use permit and that she is not aware of any other protections or legal obstacles, in response to a question by Commissioner Schiffman.

Mr. McLaughlin explained that the State reduced the discretion of local governments in granting group homes with 6 or more occupants to allow any use and requiring the local

governments to enforce more guidelines on group homes.

Commissioner Luvaas assured the neighbors by explaining that if the conditions of the use permit are being violated, than the facility can be shut down. Ms. Barker clarified that the Planning Director can bring it back to the Planning Commission to make that determination.

Staff informed the Commission of other similar facilities in the City that have not had any problems.

Commissioner Monfort moved, seconded by Commissioner Luvaas, that the Planning Commission find that the project is categorically exempt from environmental review and approve Use Permit 05-69 (VECTORS), based on the findings and subject to the conditions of approval contained in the agenda report with an amendment to condition #3 and the additional conditions as follows:

- 3. The permittee shall install four hoop-style bicycle racks in a location which permits eight bicycles to be secured. The location of the bicycle rack shall be subject to review and approval by Planning staff.*
- 8. The permittee shall install a solid wood fence six feet in height along the east side property line, adjacent to the adjoining single-family residential property.*
- 9. The permittee shall restrict all smoking to the patio area at the southwest corner of the site.*
- 10. The permittee shall install a trash enclosure to screen the appearance of the trash and recycling containers for the site. The trash enclosure shall be located on the west side of the property, and shall consist of a wood screening wall and a permanent all-weather surface.*

Motion passed 7-0.

- 3.3. Rezone 05-01/Use Permit 05-18/ARB 05-09 (Cunan/ARC, Inc.)** - A request to change the zoning classification for a 0.27 acre portion of a 0.66 acre site located at the northeast corner of E. Lassen and Godman Avenues and addressed as 710 E. Lassen Avenue. The zoning classification change is from R2 (Medium Density Residential) to CN (Neighborhood Commercial). The use permit and architectural review is to allow an expansion of an existing convenience/gas store to approximately 6,600 square feet with 23 parking spaces and review the site plan and architecture for the proposed project. The applicant will also merge two lots. The site is identified as Assessor's Parcel Numbers 007-220-076 and 007-

200-092. The site is designated Medium High Density Residential in the General Plan. The project site is split zoned R2 (Medium Density Residential) and CN (Neighborhood Commercial). A mitigated negative declaration is proposed for the project.

Principal Planner Bishow presented the staff report. She explained that the project requires approval of a rezone, use permit, architectural review, and merger of two lots. She advised that the applicant is asking the Commission to interpret the site as mixed use, and establish the required number of off-street parking spaces.

Commissioner Brownell stated that at the Tower Mart on East Avenue and State Highway 32, parking spaces are never filled due to people getting gas and staying parked by the tanks while they run into the store to purchase something.

Ms. Bishow explained that condition #9 in the staff report states that the applicant shall submit a detailed landscape plan that complies with all of the landscape standards in the code, in response to a question by Commissioner Kelley. She recommended an additional condition to remove the northern driveway along Godman Avenue and construct a sidewalk and landscape planting strip. She informed the Commission that there is public transportation nearby and that the applicant will provide bike racks. She addressed additional questions by the Commission regarding parking requirements and zoning.

Planning Director Seidler explained that staff supports this project including the rezone as the neighborhood market will have a wider variety of products and provides an opportunity for residents to shop in the neighborhood.

Chair Alvistur opened the public hearing.

Chris Cunan, architect representing the applicant, said that they are making a larger neighborhood market, approximately 1/4 size of an Albertsons or Safeway, which will have bread, milk, and produce. She explained that the fuel pumps will not be altered or changed, that they are adding additional parking in the front of the store and moving the store back for better circulation. She advised that the proposed location for the trash enclosure is in the front corner and takes up two parking spaces, but can be moved. She also advised that there is a 20-foot landscape buffer, all the existing landscaping will be retained, and that they will be adding more landscaping.

Mr. Cunan addressed additional questions from the Commission concerning parking requirements, bicycle parking, pedestrian access, and the width of the sidewalk in front of the store.

Principal Planner Bishow reviewed parking requirements, in response to a question by the Commission.

Linda Myers spoke in support of the project.

Commissioner Schiffman stated that he would like to see some parking removed in the northeast corner and more articulation on the rear elevation of the building.

Mr. Cunan explained that they are trying to meet parking requirements and that they have put trellises up on other stores, in response to Commissioner Schiffman's suggestions.

Mr. Seidler reminded the Commission of condition #7 which requires the applicant to submit revised east and north side elevations to provide some visual relief for review and approval by Planning staff prior to submittal of building plans for Plan Check.

Chair Alvistur closed the public hearing.

Ms. Bishow reviewed the zoning for the subject property and surrounding properties in response to a question by Commissioner Luvaas.

Mr. Seidler explained that it would be difficult to move the fuel tanks to be able to move the building forward in order to accommodate more parking on the north side of the building, in response to Commissioner Luvaas' concerns about having parking in front of commercial buildings.

Mr. Johnson advised that the intersection of Godman and Lassen Avenues has not been evaluated for a traffic signal, in response to a question by Commissioner Luvaas.

Commissioner Schiffman moved, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 05-37 recommending City Council approval of Rezone 05-01 and adopt a Mitigated Negative Declaration, approve Use Permit 05-18, and approve Architectural Review 05-09 (Cunan) based on the findings and subject to the conditions of approval contained in the agenda report, with the following modifications to conditions #5 and #9, and the additional conditions as follows:

- 5. The permittee shall submit detailed lighting plans for all exterior lighting for review and approval by Planning staff prior to submittal of building plans for Plan Check. All exterior lighting shall be a maximum of 18 feet in height with full cut-off lights baffled to prevent glare on adjacent properties.***

- 9. The permittee shall submit a detailed landscape plan, in accordance with Chico Municipal Code Section 19.70.060.E, for review and approval by Planning staff prior to submittal of building plans for Plan Check.***

- 10. The permittee shall remove the northern driveway along Godman Avenue and construct a sidewalk and landscape planting strip.***

11. The permittee shall eliminate parking space #15 and move spaces 5-14 westward to accommodate a pedestrian sidewalk connecting East Lassen Avenue to the building entrance.

12. The permittee shall remove a parking space to create an outdoor sitting area.

13. The permittee shall provide a minimum of eight bicycle parking spaces split between the east and west sides of the store.

14. The permittee shall relocate the trash enclosure to a less prominent location.

Motion passed 7-0.

- 3.4. Cameo Tentative Parcel Map (PM 05-07) (Cameo Community) 54 Cameo Drive** - A proposed subdivision of 1.4 acres located at the terminus of Cameo Drive, Assessor's Parcel No. 007-290-031, to create four parcels for multi-family residential development. The subject site presently contains two four-plex buildings (to be located on Parcels 2 and 3). Development of 13 additional units was recently approved by the Architectural Review Board and are now proposed to be located on Parcels 1 and 4 as follows: 9 units on Parcel 1 and 4 units on Parcel 4. Proposed lot sizes are: Parcel 1 - 26,951 square feet; Parcel 2 - 11,386 square feet; Parcel 3 - 14,530 square feet; and Parcel 4 - 8,230 square feet. Overall density with the new development would be 15 units per acre, consistent with the General Plan designation of Medium-High Density Residential (14.01 to 22 units per acre) and the R3 Medium-High Density Residential zoning which applies to the site. This project has been found to be Categorically Exempt from environmental review pursuant to Section 15332 In-Fill Development Projects of the California Environmental Quality Act (CEQA).

Senior Planner Sigona presented the staff report which included a request by the applicant to subdivide 1.4 acres to create four parcels for multi-family residential development. She reviewed zoning and advised that there are no modifications.

Ms. Sigona addressed questions from the Commission regarding the perimeter fencing, access to the bike path, parking, and landscape maintenance.

Alan Chambers, representing the applicant, Cameo Community LLC, advised that he was there to answer any questions. He said that the landscape architect was unable to attend the meeting. He explained that there is irrigation on each parcel and that the Architectural Review Board had already reviewed the project. He advised that they have worked with staff to save as many oak trees as possible and that PG&E had removed oak trees along the back of the property prior to their purchase of the property.

Commissioner Monfort expressed concerns that without a common landscape plan, if one property owner doesn't maintain the landscaping, then the entire landscaping would look bad. He stated that the landscaping looks bad now and questioned if CC&Rs can be established so that the landscaping is commonly maintained.

Russ Erickson, Robertson and Dominick, explained that there will be grading on the site and that they are trying to keep the detention pond as shallow as possible, in response to a question by Commissioner Brownell.

Mr. Chambers explained that creating on site parking was a challenge due to constraints because of density requirements, and the PG&E easement. He said that they were concerned about not having a play area for kids.

Chair Alvistur closed the public hearing.

Commissioner Brownell moved, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 05-48, approving the Cameo Tentative Parcel Map (PM 05-07), based on the required findings contained therein and subject to the attached conditions of approval and the additional conditions as follows:

16. Prior to recordation of the final map, the applicant shall provide for the permanent maintenance of all common areas within the development. To meet this requirement, the applicant shall submit the following information to the Planning Division: 1) a plan showing all common areas and areas to be designated for shared use; and 2) covenants, conditions and restrictions (CC&Rs) or other agreement in a form approved by the City Attorney providing for the permanent maintenance of all common areas. The CC&Rs or other agreement shall be prepared by an attorney licensed to practice in the state.

17. The access gate to the bike path shall be kept unlocked at all times.

Motion passed 7-0.

- 3.5. Symm City Subdivision and Planned Development Permit (S/PDP 05-08) (Wildwood Investors, Inc)** - Conceptual review of a request to subdivide 4.76 acres (net) into 28 lots for development with single-family residences and one duplex, with an average lot size of approximately 5,338 square feet. The subject site is located on the west side of Cactus Avenue, east of the terminus of Arch Way, identified as Assessor's Parcel Nos. 016-120-016, 017 & 018. The proposed overall density is approximately 5.6 units per acre. Access to the site is via the extension of Arch Way from the west, and Cactus Avenue from the east. Lots along Cactus Avenue are over 10,000 square feet in size in compliance with

pending General Plan Amendment/Rezone 04-01 which would take the General Plan land use designation for the area from Very Low Density Residential (0.2-2 units per acre) to Low Density Residential (2.01-6 units per acre) and would rezone the area from RS-1 Suburban Residential (one-acre minimum lot size) to R1 Low Density Residential with a special design consideration overlay (SD-7). Environmental review is currently pending on this project.

Senior Planner Sigona presented the staff report which included reviewing the issues for discussion and recommended changes prior to final review. She requested that the Commission conduct a conceptual review of the project. She noted the key points of the Cactus Avenue Neighborhood Meeting which was held on October 26, 2005, and different design options for Cactus Avenue created by Senior Development Engineer Johnson which were distributed to the Commission immediately before the meeting for their consideration.

Senior Development Engineer Johnson reviewed the rights-of-way and cross sections on Cactus Avenue and addressed questions by the Commission concerning the street design options.

Chair Alvistur opened the public hearing.

Tony Symmes, representing the applicant, Wildwood Investors, reviewed the plan for the street section of Cactus Avenue connecting the project to East Avenue.

Commissioner Luvaas stated that there is a strong desire in the neighborhood to keep a rural feel and what looks most rural is having the houses set back. He suggested using a swale along Cactus Avenue instead of curb and gutter which has an urban look.

Mr. Johnson responded by explaining that the City would not support a swale due to maintenance issues.

Mr. Symmes said that meandering sidewalks and bulbs along Cactus Avenue will give it a different feel.

Commissioner Brownell said that we are developing a section of Cactus Avenue that is rather high density for R1 and will create additional traffic which would lose the rural feeling. She suggested limiting the number of homes along Cactus Avenue. She expressed that she likes the idea of meandering sidewalks to keep the rural feel.

Assistant City Attorney Barker addressed a question regarding impact fees from Commissioner Brownell.

Ms. Sigona advised that what Mr. Symmes is proposing for the Cactus Avenue street section is an improvement. She reviewed connectivity of the project, in response to a question by Commissioner O'Bryan.

Mr. Symmes proposed constructing a duplex on one of the corner lots. He also reviewed

setbacks along Cactus Avenue, in response to a question by Commissioner Kelley.

Ms. Sigona advised that any future development to the north of this project would also be a planned development and that with a planned development, the developer can be required to connect to a bike path, in response to questions by Commissioner Schiffman.

Cecilia Davenport, neighbor, stated that connectivity is needed for future development to the north.

Linda Myers, neighbor, expressed interest in connectivity to her property.

Jerry Olio, neighbor, said that some of the neighbors attended the neighborhood meetings but they think that the area is becoming too dense and they have given up.

Commissioner Schiffman questioned how much time should be spent on trying to maintain the rural feel in the area when the area is no longer rural.

Commissioner Brownell stated that if the area will be an SD-7 overlay zone then the lots along Cactus Avenue should remain 1 acre lots and that the roadway needs to be the standard width because of the amount of traffic.

Commissioner Kelley suggested a different farm-like design for the duplexes, staggering the street trees, open-rail fencing, and cactuses along Cactus Avenue to help maintain the rural feel and historic elements of the street.

After reviewing the items for discussion in the staff report, the Commission recommended the following changes:

1. The Commission determined that it is appropriate to construct duplexes on lots 10 and 11 that are oriented toward Cactus Avenue, so long as the design maintains the rural atmosphere. The applicant was requested to provide more information on the design of the proposed duplexes.
2. Remove Lot 3 to allow Street "A" to go through to provide adequate connectivity for future development to the north.
3. For the unconstrained segments of Cactus Avenue, the Commission preferred the option of a 30 foot right-of-way which includes a 5-foot sidewalk, 7-foot planter strip, and where feasible, a bike lane. They gave direction to staff to determine why the Urban Forester is requiring an 8-foot planter strip, provide a report from Engineering regarding the use of a vegetative swale instead of curb and gutter, and recommended lantern style street lighting.
4. Consider having the homes on Lots 2,4,16,17,24, & 25 face Arch Way and where feasible, have the garage oriented towards another street.

4. BUSINESS FROM THE FLOOR

None.

5. PLANNING UPDATE

Planning Director Seidler updated the Commission on City Council final actions regarding 20th Street Senior Housing, Hutchinson Green Subdivision, and Whitlock Use Permit. He advised that the City Council denied the appeal on Mariposa Vista Unit 2 Subdivision and affirmed the Planning Commission's decision to grant approval of the project. He reminded the Commission of the special meeting on Tuesday, November 22, 2005 at 6:30 p.m. to further consider recommendations to City Council regarding the adoption of the Northwest Chico Specific Plan.

6. ADJOURNMENT - There being no further business before the Commission, the meeting adjourned at 11:05 p.m. to the Adjourned Regular Meeting of November 17, 2005.

January 5, 2006

Date Approved

/s/

Kim Seidler

Planning Director

**CITY OF CHICO PLANNING COMMISSION
NOVEMBER 17, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Kirk Monfort
 Steve O'Bryan
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Steve Betts, Associate Planner
 Matt Thompson, Senior Civil Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

*Commissioner Monfort moved, seconded by Commissioner Brownell,
approval of the minutes of October 6, 2005.
Motion passed 7-0.*

3. DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Brownell and Commissioner O'Bryan reported that they had a conversation with Laurie Norton regarding Norton Use Permit. Commissioner Monfort reported that he spoke to Nan Jones regarding Norton Use Permit.

4. NOTICED PUBLIC HEARING ITEMS - The following items will be considered in the order listed unless the Commission requests a change. Any person may speak on items listed below. In order that all items may be considered, any item may be continued to another meeting if it appears there will be insufficient time for full consideration of the item.

4.1. Rehearing of Use Permit (UP 05-52) (Cook) 179 East Lincoln Avenue - A request to allow a 655 square-foot non-owner occupied second dwelling unit at 179 East Lincoln Avenue. The second dwelling unit is in a structure that has no rear yard setback and a 3.5-foot side yard setback. The property is identified as

Assessor's Parcel No. 003-176-003. The site is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project is found categorically exempt from environmental review under the California Environmental Quality Act, California Code of Regulations, Title 14, Chapter 3, Section 15303 (New Construction or Conversion of Small Structures).

As recommended by staff, the Commission continued this item to the Planning Commission Meeting of December 1, 2005.

- 4.2. Coastal View Construction Parcel Map (PM 05-10)** - A request to divide a one-acre parcel into four lots, two of which would be flag lots, and a remainder parcel, for single-family residential development at a density of five units per acre. Access to the new parcels would be from Henshaw Avenue. The property is located on the southwest corner of Henshaw Avenue and Alamo Avenue, at 815 Henshaw Avenue, and is identified as Assessor's Parcel Number 042-070-166. The parcel is designated on the City of Chico General Plan Diagram as Low Density Residential and is zoned R1 Low Density Residential. The site is currently developed with a single-family dwelling and accessory structures. This project has been determined to be categorically exempt from environmental review pursuant to the California Environmental Quality Act, California Code of Regulations, Title 14, Chapter 3, Section 15332 (In-Fill Development Projects).

Associate Planner Betts presented the staff report. He advised that the applicant is requesting a modification to the City's subdivision design criteria and improvement standards for the development to allow a lot depth of 78.5 feet for Parcels 1 and 2. Pursuant to Chico Municipal Code Section 18R.08.010.C.1, a lot depth of 80 feet is required. He explained that the size of the parcels are smaller than other lots in the area and that staff is recommending approval of the parcel map.

Mr. Betts explained that the well can be used, but the septic tank will be abandoned on the remaining parcel, in response to a question by Commissioner Brownell. He explained that the Subdivision Map Act allows property to be divided into 4 parcels with a remainder parcel to allow the property owner to retain a piece of his property, in response to Commissioner Luvaas indicating that property can only be split into 4 parcels with a parcel map.

Commissioner Brownell noted that the applicant has provided site plans to show how the homes will fit on the lots, but no house plans and that the plans indicate that if the cars park in the driveway, there would not be the required 24 feet of backup space.

Chair Alvistur opened the public hearing.

Mike Byrd, of Rolls, Anderson, and Rolls, advised that the applicant agrees with the staff report and that conceptual plans were submitted to show how the homes will fit on the lots.

Planning Director Seidler reminded the Commission that the applicant is required to meet all building permit standards.

Mr. Byrd explained that there are various ways to address the issue of on site parking including reducing the size of homes, in response to questions by the Commission.

Mr. Betts advised that four on site parking spaces are required for flag lots.

Beth Heberle, neighbor, advised that she is opposed to this project. She expressed concerns with the density and traffic and said that the neighborhood should have been given more notice. She distributed a petition signed by neighbors to the Commission.

Jim Heberle, neighbor, said that this project is higher density than what is allowed by the General Plan and does not fit into the neighborhood. He expressed concerns with increased traffic and the parcels being too small.

Mr. Betts noted that the project is on the high end of the density.

Mr. Seidler reviewed the density and advised that the remainder land can be included in the parcel map.

Commissioner Brownell questioned what the width of the adjacent property is to the west and noted that the General Plan helps keep the property size similar to surrounding properties.

Senior Civil Engineer Thompson advised that there is an elementary school proposed for across the street from the project and reviewed the street standards with regard to parkway strips and sidewalks, in response to questions by Commissioner Monfort.

Principal Planner Bishow advised that the applicant is not requesting any modifications to street standards.

Mr. Heberle clarified that the property across the street from the project is proposing to build a school, but it is questionable whether it will occur due to issues with lack of density and a decreasing child population.

Doug Starr, applicant, said that the parcel directly to the west is a duplex, across the street is a subdivision developed by Ricci that is high density, and that there are subdivisions in both directions on Henshaw Avenue. He explained that the street paving of Henshaw Avenue was done by Public Works and that per the City's request, they have agreed to do street improvements along the Alamo Avenue side of the property.

Mr. Starr advised that he did not know the size of the lots in the Ricci subdivision, but that it is fairly dense, in response to a question by Commissioner Luvaas.

Chair Alvistur closed the public hearing.

Commissioner Brownell stated that she is in agreement with the neighbors that this project is higher density than the surrounding lots and therefore, she will be opposing the project.

Commissioner Luvaas disagreed with Commissioner Brownell due to the Ricci subdivision having narrower lots.

Commissioner Schiffman stated that he is sympathetic with the neighbors and Commissioner Brownell, however, believes infill should be more dense. He said he would like more information regarding parking. He also questioned if there has been consistency with regard to parking strips and asking for paving that allows permeability.

Commissioner Luvaas said that he is in agreement with Commissioner Schiffman concerning the paved surface as there is too much access for two houses.

Mr. Seidler reminded the Commission that this access is going to be a shared facility and there could be maintenance disputes.

Mr. Thompson advised that the width of Alamo Avenue is 40 feet curb to curb and that bulbing is an excellent pedestrian amenity, in response to questions by Commissioner Luvaas. He suggested sloping the driveways to allow drainage into the landscaping.

Commissioner Kelley suggested two handicapped accesses to bulbing on the corner of Alamo and Henshaw Avenues.

Commissioner Monfort moved, seconded by Commissioner O'Bryan, that the Planning Commission adopt Resolution No. 05-42 finding that the project is categorically exempt from environmental review and approving the Coastal View Construction Tentative Parcel Map PM (05-10), based on the required findings contained therein subject to the attached conditions of approval and the additional conditions as follows:

9. The southwest corner of Alamo Avenue and Henshaw Avenue shall be bulbed and two pedestrian ramps installed, one for each street crossing.

10. The flag lot access driveway shall be sloped to drain into the adjacent landscaped area(s).

Motion passed 6-1. Commissioner Brownell opposed.

- 4.3. Use Permit (UP 05-51) (Norton) 1711 Mulberry Street** - This project was previously reviewed by the Planning Commission on September 15, 2005, and continued to a date uncertain to allow the applicant time to consider revisions to the project. This project is a request to allow an owner-occupied, 608-square foot,

1-bedroom second dwelling unit above a proposed detached garage at the rear portion of the property. Access to the second dwelling unit would be from the alley behind the project parcel. The undeveloped project site is located on the northeast side of Mulberry Street, between East 17th and East 18th Streets, at 1711 Mulberry Street, and is identified as Assessor's Parcel No. 005-241-026. The project site is zoned R1 Low Density Residential and is designated on the General Plan Land Use Diagram as Low Density Residential. This project has been determined to be categorically exempt from the California Environmental Quality Act, California Code of Regulations, Title 14, Chapter 3, Section 15303 (New Construction or Conversion of Small Structures).

Associate Planner Betts reminded the Commission of their review of the project at the September 15, 2005, Planning Commission meeting which included recommending denial due to architectural compatibility, loss of privacy, and lack of 30 foot separation. He noted that no comments have been received concerning privacy. He advised that the applicant submitted a revised site plan that repositions the primary dwelling two feet to the west and 1-foot to the south and that there were no changes made to the architectural design. He reviewed photos that were taken of other dwelling units in the neighborhood; noting that there are several in the area that have metal roofs. He advised that staff is still recommending denial of the use permit, but have also provided a motion for the Commission if they recommend approval.

Planning Director Seidler explained that this is a very subjective issue and that staff has taken a conservative approach based on previous second dwelling unit issues. He reviewed the second dwelling unit ordinance that addresses neighborhood compatibility.

Mr. Betts clarified that the project is being processed under the previous second dwelling unit ordinance and that the only reason it has come to the Planning Commission is because of the lack of 30-foot separation between the primary dwelling and the second dwelling unit, in response to questions by the Commission.

Commissioner Monfort stated that the 30-foot separation requirement is inconsistent with what the Planning Commission and the City Council acted on to try to save the neighborhood. He explained that the Avenues are the only lots that are deep enough to get that distance between the primary unit and second dwelling unit.

Chair Alvistur opened the public hearing.

Laurie Norton, applicant, explained that he has come back with the same proposal with modified setbacks. He said that they have reconfigured the primary unit and took photos to show several other units in the neighborhood that have shed roofs.

Commissioner Luvaas stated that he has a difference of opinion from Mr. Norton as there is no consistency with the neighborhood.

Chair Alvistur stated that the conditions noted in the minutes of the meeting of

September 15, 2005, clearly state the desires by the Commission.

Mr. Norton said that they have addressed the privacy issue, met all of the guidelines, and can put on a gable roof.

Murray Smith said that they have reviewed the City's guidelines, the second dwelling unit is compatible with the primary unit, and it is compatible to what is in the alley. He said the definition of beauty is subjective and that the neighbors are happy with the design.

Dave Schleiger stated that he is familiar with the work of the architect, Nan Jones, and the builder, Laurie Norton, and believes this project will be very nice and an asset to the neighborhood. He said he has a problem with the idea that everything has to look the same and that the opportunity is being missed to embrace innovative designs of second dwelling units.

Nan Jones said that she thought the Planning Commission should be concerned with making sure the requirements are being met and not designing our buildings.

Mr. Seidler explained that there is no design review for single family dwellings and that second dwelling units are different because of the specific requirement implemented by the City Council that requires compatibility. He said the purpose of this requirement is to ensure this standard is met and that there is no intention to design a second dwelling unit. He reminded the applicant that the Commission has given them design direction which included constructing a gable roof.

Chair Alvistur closed the public hearing.

Commissioner Monfort said that the second dwelling unit has to be compatible with the primary unit and the primary unit is not compatible with the neighborhood. He said he would like to see a good design and referred to the different designs of the homes along the Esplanade.

Commissioner O'Bryan said that he walked through the neighborhood and saw an extraordinary array of housing elements which look similar to the north campus area as far as the various designs. He said he is aware of other nice projects that have been done by the applicant and architect and believes this will be a good quality product.

Commissioner Kelley stated he is supporting this project as he is in favor of diversity and design.

Commissioner Luvaas stated that the compatibility requirement might as well be eliminated and he is opposing this project. He said he does like Mr. Schleiger's idea.

Chair Alvistur stated that he agrees with Commissioner Luvaas and that the applicant did not meet the conditions.

Commissioner Schiffman said that his primary concern was the 30-foot distance separation and the applicant has addressed his concern. He also said that it is an interesting, intelligent design and is going to change his vote.

Mr. Seidler noted that the findings are specified in Chico Municipal Code 19.76.

Commissioner Monfort moved, seconded by Commissioner O'Bryan, that the Planning Commission find that the project is categorically exempt from environmental review and approve Use Permit 05-51 (Norton), based on the Planning Commission's determination that the design is compatible with the primary dwelling unit and the surrounding neighborhood and subject to the conditions contained therein and the additional condition as follows:

- 6. All second story windows on the north side of the second dwelling unit that are less than six feet above the floor shall contain glass that obscures the view to the outside.*

Motion passed 5-2. Chair Alvistur and Commissioner Luvaas opposed.

5. BUSINESS FROM THE FLOOR

None.

6. PLANNING UPDATE

Principal Planner Bishow requested the Planning Commission consider two special Planning Commission meetings dedicated to review of the Enloe Master Plan. After much discussion, two meetings were scheduled for January 24 and January 26, 2006, with the possibility of cancelling the regularly scheduled Planning Commission meeting of January 19, 2006.

Planning Director Seidler said that the Enloe Master Plan is one of the most significant projects in the City and that it is very important to Enloe and to the neighborhood. He said it is possible that the Commission's review of the project could be completed in one meeting, but not likely based on the number of speakers that have shown up at previous meetings.

Commissioner Kelley requested more information on permeable surfaces.

- 7. ADJOURNMENT** - There being no further business before the Commission, the meeting adjourned at 8:25 p.m. to the Adjourned Regular Meeting of November 22, 2005.

January 5, 2006
Date Approved

/s/
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
NOVEMBER 22, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Kirk Monfort
 Steve O'Bryan
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Brendan Vieg, Senior Planner
 Matt Thompson, Senior Civil Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Monfort reported that he spoke with someone on the Bike Advisory Committee regarding the NWCSP.

Commissioner Brownell explained that based on her employment with the County as Jane Dolan's executive assistant, and because both Supervisor Dolan and the County in general have expressed opinions and concerns as to the project, she is recusing herself.

**3. FURTHER CONSIDER RECOMMENDATIONS TO CITY COUNCIL
REGARDING ADOPTION OF THE NORTHWEST CHICO SPECIFIC PLAN
(GPA/RZ 04-07)**

On October 25, 2005, a public hearing was held during a joint City Council/Planning Commission meeting to consider adoption of the Northwest Chico Specific Plan (NWCSP). The NWCSP provides parameters for future development in the 700-acre Plan Area, including approximately 2,445 new housing units and up to 442,994 square feet of community-serving retail, a network of open space including parks and trails, and necessary infrastructure, and includes a General Plan amendment/rezone of various properties consistent with the NWCSP. It also provides for a future amendment to the

City of Chico sphere of influence (SOI) and annexation of land within the Plan Area into the City. The NWCSP provides specific land use development standards and patterns, guides master planning of infrastructure facilities, and establishes a financing strategy for infrastructure needs in the Plan Area. An environmental impact report has been prepared to address the full range of potential environmental impacts that are anticipated through implementation of the NWCSP, amendment of the SOI boundary, and annexation of the Plan Area to the City.

The Planning Commission met to conclude its deliberations regarding recommendations to the City Council regarding the NWCSP. These recommendations are provided below.

PLANNING COMMISSION RECOMMENDATIONS

The following are recommendations of the Planning Commission regarding the NWCSP based on issues that arose during the 10/25/05 meeting.

Issue 1: Agricultural Buffers

Issue Description: Consistent with the Chico General Plan, as well as site-specific research conducted by staff regarding wind patterns, crop types, and the efficiency of landscape buffers in reducing pesticide drift, the NWCSP provides for a 100-foot buffer along the southern boundary of the Plan Area to include the 85-foot SUDAD ditch, as well as a 15-foot easement on properties within the Plan Area with a 8-foot solid fence and a double row of evergreen trees. Staff believes that this buffer is appropriate and adequate.

The County has requested that this buffer be increased to 300 feet. A meeting of the Ad Hoc City/County Cooperative Planning Committee (Board members Dolan and Houx and Council members Kirk and Wahl) was held on November 17, 2005, and at that time the County clarified that this increased buffer distance was meant to apply to a portion of the south property line of the project area (west of Jones Avenue), where the adjacent parcels are commercially farmed and more intensive agricultural practices are employed. The following agreement was reached:

1. The buffer to the north as provided in the NWCSP is acceptable.
2. There is no need for an increased buffer to the west.
3. While in the City's opinion the buffer to the south is adequate as provided for in the NWCSP (100 feet), the City would attempt to secure sufficient additional property south of the Plan Area and west of Jones Avenue, either in fee or by easement, to provide for a buffer of 300 feet at this location, on property either within or south of the Plan Area.

This agreement would be contingent on the County providing the City with the right of eminent domain to employ for the purpose of acquiring the rights across the

adjacent property to the south. (The property would be acquired by the City through a fee assessed against the Plan Area property owners or by other arrangement with the Plan Area owners, and development of the adjoining property would not be permitted until this condition was fulfilled.) If the power to use eminent domain is not granted (or is determined not to be legal), then this requirement would not become effective, and the 100-foot buffer would apply.

In addition, staff has learned that the 85-foot SUDAD ditch does not have a consistent width along the entire southern stretch of the Plan Area, and that the ditch west of the PG&E powerlines is instead approximately 60 feet wide. To remain consistent with the 100-foot buffer proposed in the NWCSPP, a 40-foot easement will be required on the properties within the Plan Area along this portion of the southern boundary of the Plan Area.

Planning Commission Recommendation: Provide for a 300-foot buffer along the southern boundary of the Plan Area west of Jones Avenue consistent with the agreement reached at the 11/17/05 meeting of the Ad Hoc City/County Cooperative Planning Committee.

Issue 2: Commercial Uses at Eaton and the Esplanade

Issue Description: A request was made at the 10/25/05 meeting to retain the existing Community Commercial designation and zoning at the northwest corner of Eaton Road and the Esplanade, rather than converting it to Neighborhood Commercial as shown in the Specific Plan.

These two parcels lie on the southern edge of the Plan Area at the intersection of two major arterials, with commercial uses to the west and at other corners of the intersection that are not necessarily neighborhood-serving. Because of their relatively small size, they will not accommodate big-box retail development. There are other commercial nodes within the Plan Area that are closer to future multi-family residential uses and will provide for walkable neighborhood-serving retail services.

Planning Commission Recommendation: Retain the existing Community Commercial designation and zoning.

Issue 3: Commercial Uses at Nord Highway and the Esplanade

Issue Description: A request was made at the 10/25/05 meeting to retain the existing Community Commercial designation and zoning at the northwest corner of Nord Highway and the Esplanade, and roughly double the amount of commercial property at this location. Several months ago the owner requested (and obtained) a separate change in the draft Specific Plan to enlarge the Medium Density Residential designation on his property.

This property is located in the heart of the Plan Area across from Shasta School and adjacent to land that will be zoned for multi-family residential development, where there is a real need for neighborhood-serving commercial uses that promote walking (particularly with a request for additional R3 development; see Issue 20 below). The property is already large enough that regional commercial development could occur under Community Commercial (which would also allow drive-throughs, auto sales, etc). This new request to double the size of the commercial land area at this location could result in approximately 39,000 to 65,300 square feet of new commercial uses, depending on the zoning, and increasing the size of the commercial area to this degree would almost certainly trigger the need for additional trip generation modeling and recirculation of the EIR. The property owner's representative has explained to staff that the requested Community Commercial designation is specifically intended to accommodate the development of at least one drive-through business.

Planning Commission Recommendation: Deny the request and designate and zone this property to Neighborhood Commercial as proposed in the Specific Plan. Maintain the commercial property at its current size.

Issue 4: Industrial Uses in Northern Area

Issue Description: At the 10/25/05 meeting, the owners of the parcels near Valley Court and the Esplanade requested that their existing light industrial designation be retained instead of redesignating it to Low Density Residential as proposed in the Specific Plan. The property owners wish to construct new light industrial uses on three vacant pads for which they have invested considerable up-front costs for infrastructure. Staff considered three different approaches, including (1) maintaining the proposed Low Density Residential designation, which would result in the existing uses becoming legally nonconforming; (2) creating some form of flexible zoning which would allow both industrial and residential uses into the future; and (3) leaving the properties as light industrial. The subject area is surrounded by Mud Creek, SHR 99 and the Esplanade, which helps to significantly minimize land use conflicts with proposed housing.

Retaining light industrial zoning within the Plan Area requires consideration of potential land use conflicts with adjacent uses. The Planning Commission and staff determined that light industrial and residential or commercial use adjacencies could be addressed through design guidelines to be included in the Specific Plan, specifically setbacks, landscaping, and walls.

Planning Commission Recommendation: Retain the existing light industrial zoning and have staff develop design guidelines which address light industrial and residential/commercial use adjacencies.

Issue 5: One- and Two-Story Residences

Issue Description: At the 10/25/05 meeting, a resident on Lakota Court expressed concerns about privacy issues connected with the possible development of multi-story apartments on land proposed for Medium Density Residential (R2 zoning) near her property.

Planning Commission Recommendation: Add design guidance to maximize privacy where new multi-family buildings of more than one story in height are proposed adjacent to existing or new single-family residences, through landscaping, setbacks, parking, and window design and location.

Issue 6: Raised Porches and Visitability

Issue Description: The Specific Plan calls for a design treatment for homes constructed along Center Street that will result in a safer and more attractive streetscape. Specifically, raised front porches are identified, which will provide more oversight by residents of activities occurring on the street and in the median (a raised porch is more likely to be used than a porch built at the level of the sidewalk). A concern has been raised that if implemented, this measure will decrease the “visitability” of these homes to people with disabilities.

The Housing Element of the General Plan includes the following policy:

H-I-21 Encourage “visitability” in new residential construction to enable disabled persons to visit non-disabled persons.

Homebuilders who wish to construct residences accessible to disabled persons have a variety of options to do so; addressing this issue does not necessarily depend on a main entrance built at the level of the sidewalk in front of the house.

Planning Commission Recommendation: Require front porches on homes along Center Street to be raised, or at least appear to be raised through the use of grading.

Issue 7: Garage Frontages

Issue Description:

Proposed design guidance provided in the NWCSP relating to garage placement states “[g]arages should be set back from the main facade and comprise a lesser percentage of the street frontage than the residence.” The guidance is intended to make the streetscape more attractive, reduce the visibility and dominance of the automobile, and provide a pedestrian orientation. As discussed later in this staff report, use of the word “should” throughout the design guidance section is intended to provide flexibility during the development consideration process. The Planning Commission, however, expressed a concern that using flexible language may result in undesirable outcomes. With respect to reducing the presence of garages on single family residences, the Planning Commission was unified in its opinion that the language needed to be stronger and that “should” be replaced with “shall” so that there was no uncertainty as to the intention of the NWCSP.

This requirement may substantially restrict development on lots with narrow frontages, although there would be other options for developers to meet this design guidance, including but not limited to placing garages elsewhere on lots by using long driveways or alley access, providing wider lots, and making garages narrower. These options, of

course, may not be consistent with desires of property developers.

Planning Commission Recommendation: Through incorporation of the word “shall” into the design guidance, require that garages be set back from the main facade and comprise a lesser percentage of the street frontage for single-family residences.

Issue 8: Mix of Housing Types

Issue Description: The Specific Plan includes properties currently designated and rezoned Medium Density Residential (R2 rezoning) that would be redesignated and rezoned to Low Density Residential (R1 zoning) upon Plan adoption. MDR allows densities of 5.5 to 14 units per acre, and LDR allows densities of 2.01 to 6 (7 with a planned development) units per acre. Concern was raised that the Specific Plan does not provide for a sufficient mix of housing types, and it was suggested that keeping the existing MDR designations may be more appropriate than allowing lower residential densities.

The NWCSF provides for 360 acres of Low Density Residential (reflecting existing as well as proposed uses), 98 acres of Medium Density Residential, 63 acres of Medium-High Density Residential (R3 zoning), and 24 acres of Mixed-Use Neighborhood Core (primarily neighborhood commercial zoning, which allows higher-density residential development above the first floor). Densities increase closer to the Esplanade and the commercial cores, consistent with the General Plan’s conception of a mixed-use core.

There is substantially less land rezoned R2 in the Plan Area than was earlier thought because of an inadvertent rezoning of 37 acres outside of the City’s sphere of influence at the time the 1994 General Plan was adopted (rezonings must occur within a sphere of influence). Even though this land is currently shown as R2, what was intended at the time of General Plan adoption was to restrict the R2 to that portion of this property within the SOI and close to the Esplanade.

Planning Commission Recommendation: Because it allows for development that is potentially more affordable than the Low Density Residential (R1 zoning) designation, the Council should address the issue of whether there is sufficient land designated for Medium Density Residential in the western portions of the Plan Area, and determine whether the existing MDR designations should be retained in the Specific Plan.

Issue 9: “Require” vs. “Encourage”

Issue Description: The design guidance chapter of the NWCSF is intended to provide a flexible framework for the design of neighborhoods, streets and storm water detention facilities in the Plan Area. After adoption of the NWCSF, staff will review development proposals within the Plan Area for consistency with the policies described and illustrated in the Specific Plan. The NWCSF requires that new single-family development along Center street “must” be consistent with the design guidance, but use of the word “should” throughout the remainder of the design guidance chapter provides more flexibility. The Planning Commission believes that reliance on the word “should” throughout the design

guidance section is too ambiguous and may well result in interpretation conflicts between developers and City staff. As an example, the Planning Commission pointed to numerous discussions at both the Council and Planning Commission level regarding the weight given to the words “encourage” and “require” in City General Plan policies.

One major purpose of a specific plan is to provide more certainty and expedience in the development review process for both developers and City planners. In order to reduce the ambiguity associated with use of the word “should,” and to reduce potential conflicts in interpreting the NWCSP, the Planning Commission has recommended specific instances where “should” should be changed to “shall” within the design guidance chapter. These instances are detailed below using ~~strikeout~~ to represent deletions and ***bold italics*** to represent additions:

Page 89: This chapter provides more specific policies for the design of neighborhoods, streets and storm water detention infrastructure in the Plan Area. All new development in the Plan Area ~~should~~ ***shall*** be consistent with the policies described and illustrated below.

Page 93: Storm water detention facilities ~~should~~ ***shall*** be developed as attractive open space amenities that produce greater value in adjacent properties.

Page 93: All detention facilities in the Plan Area ~~should~~ ***shall*** serve multiple property owners. Combining the detention requirements of multiple developments creates the opportunity for a larger and more efficient facility; therefore, less total area is required to meet the aggregate detention needs.

Page 96: In order to create active streets and vibrant neighborhoods in the Plan Area, new single-family residential development ~~should~~ ***shall*** be consistent with the following design guidance to the extent feasible. New single-family development along Center Street must be consistent with the following design guidance.

Page 98: In order to create appropriately-scaled residential neighborhoods, all multi-family residential development in the Plan Area ~~should~~ ***shall*** be consistent with the following policies.

The changes outlined above clarify that in certain instances the design guidance represents a requirement, while still leaving flexibility in other instances.

Planning Commission Recommendation: Make specific changes in design guidance section of NWCSP, specifically changing “should” to “shall” as detailed above in order to clarify City expectations for proposed new development.

Issue 10: Width of Nord Highway

Issue Description: The Specific Plan proposes to narrow the width of travel lanes on

Nord Highway from 12 to 11 feet within the Plan Area. Concern has been expressed that this will be unsafe, and that trucks and large vehicles will not be able to fit into 11-foot lanes.

Despite its name, Nord Highway within the Plan Area will be an urban street, serving new residential and neighborhood-serving commercial uses. Narrower lanes will slow traffic and make the street safer, and a narrowing of the lanes at the edge of the Plan Area will strongly signal to drivers arriving from the west that they are transitioning from a rural highway to an urban street. Larger vehicles are readily accommodated in 11-foot lanes elsewhere in Chico. Lane widths will be controlled by striping, and Nord will continue to have a significant shoulder. The City's Engineering Division supports the 11-foot lanes.

Planning Commission Recommendation: Retain the proposed 11-foot travel lanes for Nord Highway within the Plan Area.

Issue 11: Eaton Road Cross-Section

Issue Description: This issue involved discussion of a proposal to change the character of that portion of Eaton Road between its improved section and the edge of the Plan Area by eliminating the sound wall and requiring new development to face Eaton Road.

This issue was specifically discussed by the City Council in February 2004, and at that time Council provided the direction that is currently reflected in the Specific Plan (to continue with the same street section as has already been developed adjacent to the Brentwood Subdivision and the Eaton Village apartments (or condominiums)).

Planning Commission Recommendation: Generally retain the street section included in the Specific Plan, but increase the width of sidewalks on both sides by 2 feet (within the same right-of-way), keeping the proposed bike lanes. Make sure that the ultimate design will provide for a safe crossing of Eaton Road by pedestrians and bicyclists. Be open to a different approach to Eaton Road to the west between the edge of the Plan Area and Highway 32 in connection with detailed urban planning for the proposed Growth Area 1.

Issue 12: Esplanade Sidewalk Width/Commercial Setback

Issue Description: The NWCSF proposes 4-foot sidewalks along the Esplanade. At the 10/25/05 meeting, the Council directed that 5-foot sidewalks be considered. The Engineering Division has determined that 5-foot sidewalks can be readily accommodated within the proposed 96-foot right-of-way by making reductions in the curb-to-curb width of the street. The Council's original direction included a 20 to 28-foot landscaped setback along the length of the Esplanade, but the Planning Commission has recommended that commercial uses in the three commercial nodes be built to the sidewalk consistent with good urban design. In addition, sidewalks fronting commercial uses could be wider than 5 feet, but not to affect the overall right-of-way.

Planning Commission Recommendation: Provide sidewalks of 5 feet in width along the Esplanade. Build commercial buildings at the edge of the right-of-way (continuing to require the greater setback for multi-family and other uses).

Issue 13: Parking Lane Width on Residential Streets

Issue Description: The residential street sections in the Specific Plan show 6-foot parking lanes. Concern was expressed that these parking lanes are too narrow to safely accommodate larger vehicles and SUVs, and that 8-foot parking lanes would be more appropriate.

The 6-foot parking lanes are consistent with adopted City standards, and along with relatively narrow travel lanes, effectively serve to slow traffic in residential areas and promote safety. 8-foot parking lanes would increase the width of the street and increase travel speeds through these neighborhoods.

Planning Commission Recommendation: Retain the proposed 6-foot parking lanes.

Issue 14: Bike Lanes on Center Street

Issue Description: Concern has been expressed that the bicycle path in the Center Street median will be unsafe. Furthermore, the Bicycle Advisory Committee has recommended that the path be eliminated in favor of bike lanes on the street itself.

At its meeting of June 14, 2004, the City Council directed staff to “design the connecting street [Center Street] through the panhandle of the cold storage (Adams) property to connect with the main entrance to DeGarmo Park, with a 30 foot landscaped median (may be expanded up to 70 feet as needed, but with direction to keep it as close to 30 feet as possible) and include a two-way bike path within the median...” This is exactly what has been included in the Specific Plan.

The Center Street section (shown below) shows a 30-foot median with two-way bike path, with a 10-foot travel lane and 6-foot parking lane on either side of it. The design speed of this street is intended to be relatively low. Staff believes that the path can be designed to be safe at intersections, including at the Esplanade, using a combination of Y-shaped paths, bollards and signage, low landscaping, clearly marked crosswalks with distinct paving, and (at the Esplanade) a traffic obstructor. There was disagreement among the three Commissioners who described themselves as avid bicyclists on the issue of whether the median path should be replaced with bike lanes on the street, and ultimately the Commission recommended that the median path be retained.

Planning Commission Recommendation: Retain the median path, and revise Figure 5-4 in the Specific Plan to clarify crossing design.

Issue 15: Bike Connections

Issue Description: The NWCSP does not adequately reflect bicycle route connectivity from the Plan Area to the south. The City's Bicycle Plan identifies a future north-south bike route from Cussick Avenue/Bay Avenue across SUDAD ditch to Mud Creek. The NWCSP proposes a north-south bike route along Powerline Drive, but does not reflect the necessary connection to the SUDAD. The Planning Commission recommended amending the NWCSP to show a continuation of the proposed Powerline Drive bicycle route across Eaton Avenue and to the SUDAD in order to create a future connection opportunity. In addition, the Planning Commission believes that a bicycle route should be identified in the NWCSP along the cul-de-sac that runs through the Eaton Village Condominiums (across from the Rosewood and Willoughby Glen subdivisions) to provide for a future connection.

Planning Commission Recommendation: Revise Figure 5-13 in the NWCSP to better reflect bicycle route connectivity between the Plan Area and destinations to the south as detailed in the discussion above.

Issue 16: Levee Trail

Issue Description: Butte County expressed significant concern about the Specific Plan's proposal to construct a trail on top of the Sycamore and Mud Creek levees. On 11/17/05, the Ad Hoc City/County Cooperative Planning Committee met and discussed this issue. The issue appears to have been resolved through a City commitment to maintain the path.

This levee trail, anticipated in the Countywide Bike Plan, will be a significant recreational amenity for this community, and will benefit residents of both City and County living inside of the Plan Area and elsewhere as well.

Planning Commission Recommendation: Retain the levee trail and provide for its maintenance by the City once it is constructed.

Issue 17: 100-year Flooding

Issue Description: At the 10/25/05 meeting, Council directed the Planning Commission to consider whether the NWCSP and the EIR adequately address 100-year storm events within the Plan Area. Consistent with the City's Municipal Code and accepted state standards, new detention facilities within the City must be sized for 10-year storm events, and additionally require engineering design to allow for controlled overflow in the event of larger storm events. The City also requires integration of water quality best management practices and assurances that post-project runoff levels are the same or less than pre-project levels. The standards result in important flooding and water-quality controls. The EIR concludes that under both proposed drainage alternatives, the City's thresholds will be met.

Planning Commission Recommendation: No change necessary to the NWCSP or the EIR.

Issue 18: Off-site Detention

Issue Description: At the 10/25/05 meeting, Council directed the Planning Commission to consider whether the proposed off-site detention/wetland facility associated with Drainage Alternative 1 (Preferred Drainage Solution) is sufficient to meet the flood control needs of the Plan Area. The NWCSP originally showed two parcels serving as the off-site detention/wetland facility, but based on refined hydrological and hydraulic modeling it was determined that only one parcel would be required to meet detention requirements.

Planning Commission Recommendation: No change necessary to the NWCSP as revised.

Issue 19: Detention Basin Design

Issue Description: As provided for in the NWCSP, storm water detention facilities will be developed comprehensively to serve multiple property owners and provide attractive open space amenities. Larger facilities are proposed as a public park and a wetland area. Smaller facilities will provide well-landscaped open space areas that provide a visual buffer. The NWCSP calls for more gently sloping sides for the detention facilities, generally at a ratio of 5:1. The design guidance chapter states that “[l]arge holes in the ground surrounded by fencing is not an appropriate design option.” Staff believes that a 2:1-sloped detention facility is not much more than a hole in the ground, and that drainage facilities already constructed in the City with similar slopes are far from attractive.

At the 10/25/05 meeting, staff provided for Council consideration some revised text to the NWCSP which would allow one of the detention facilities adjacent to SHR 99 to be sloped at a 2:1 ratio. It was believed that the facility would generally not be accessible to the public and only partially viewable from SHR 99. Upon closer review with the Planning Commission it was determined that this facility would in fact be internally accessible and viewable from the Plan Area, and that it too should be subject to the 5:1 slope, multi-use requirements provided for in the NWCSP.

Planning Commission Recommendation: Consistently require 5:1 slopes for all detention facilities throughout Plan Area.

Additional Planning Commission Recommendations

The Planning Commission also provided the following recommendations:

Issue 20: Additional Ashby Request

Issue Description: As discussed under Issue 3 above, the Planning Commission recommends Council denial of a request to roughly double the amount of a commercially-zoned property located on the northwest corner of Nord Highway and the Esplanade and allow the property to retain the existing Community Commercial designation and zoning. If the Council concurs with the Planning Commission’s

recommendation, the property owner has requested that the parcel located directly adjacent to the west be rezoned to R3 (Medium-High Density Residential) instead of the R2 (Medium Density Residential) that is currently identified in the NWCSP.

As discussed in the 10/25/05 Council staff report, the owner had previously requested (and obtained) a zoning change for this parcel from R1 (Low Density Residential) to R2 (Medium Density Residential). The Planning Commission supports this latest rezone request, noting that the NWCSP identifies R3 zoning for a majority of the properties either directly adjacent to the Esplanade or behind the commercial nodes located along the Esplanade. The Planning Commission also recommends that a cul-de-sac be identified in the NWCSP for this property which stubs into the existing trailer park located directly to the north. This would ensure future access in the event the trailer park redevelops consistent with Specific Plan.

Planning Commission Recommendation: As requested by property owner, rezone property from R2 (Medium Density Residential) to R3 (Medium-High Density Residential), and identify a cul-de-sac stub out to the adjacent trailer park to the north for future connectivity.

Issue 21: Small Neighborhood Park East of Highway 99

Issue Description: The NWCSP identifies a small park in the Plan Area on the east side of SHR 99. The Planning Commission has recommended that there to be no uncertainty as to the importance of providing and planning for this important amenity in the eastern portion of the Plan Area.

Planning Commission Recommendation: Add language to the NWCSP requiring that the location of the park be determined in connection with the first phase of development of the large Webb Homes parcel on the east side of SHR 99.

Issue 22: Solar Orientation

Issue Description: The City's General Plan includes the following policy:

OS-I-55 *Require consideration of passive solar energy techniques in subdivision design, including house orientation, street and lot layout, vegetation and protection of solar access."*

The Planning Commission recommends that these principles be directly incorporated in the NWCSP. Staff supports solar orientation, but not necessarily at the expense of other aspects of good urban design, and

Planning Commission Recommendation: Add the following language to the design guidance chapter of the NWCSP:

"Buildings and landscaping will be oriented and designed to maximize the potential for natural cooling and passive solar principles. Residential buildings will provide adequate southerly roof orientation to accommodate active solar energy systems, except where

building officials determine this is not feasible due to unique lot configuration.”

Issue 23: Widening/Lengthening of Center Street Median

Issue Description: Early in the NWCSF planning process, three alternative concepts were prepared for the Plan Area: two different approaches derived from a public charrette process, and one alternative that represented the concept favored by developers. Ultimately the Council selected Alternative C, the developers’ alternative, with the incorporation of a number of important components from the charrette-driven concepts, and directed staff to prepare the Specific Plan based on that concept. Based on the clear direction provided by the City Council, and at substantial cost and time, this has been done.

One of the original alternatives, Alternative A, proposed a wide linear park extending from DeGarmo Park at the Esplanade westward through much of the Plan Area to a commercial node to be located at Eaton Road near the southwestern edge of the Plan Area. The linear park, with 150 feet in width and almost a mile in length, was intended to be a major aesthetic and recreational feature for the northwest part of the City that would also provide substantial storm drainage capacity. Both the Planning Commission and staff supported the linear park concept; again, however, a different alternative was ultimately selected by the Council, and the Specific Plan has been prepared pursuant to this Council direction.

The Planning Commission recommended that the linear park concept essentially be incorporated into the Specific Plan.

Planning Commission Recommendation: Widen the Center Street median to at least 80 feet and extend it all the way to the Mud Creek levee (see **Attachment C** as prepared by Commissioner Luvaas). Ensure that it be designed to carry, clean, and detain storm drainage.

Commissioner Kelley moved, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 05-49 recommending that the City Council: 1) certify the Final EIR and its associated Mitigation Monitoring Program prepared for the Northwest Chico Specific Plan; 2) adopt the specific plan; and 3) approve GPA/Rezone 04-07, which includes amending the land use designation and rezoning various properties within the Plan Area consistent with the specific plan.

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

4. BUSINESS FROM THE FLOOR
None.

5. **ADJOURNMENT** - There being no further business before the Commission, the meeting adjourned at 10:37 p.m. to the Regular Meeting of December 1, 2005.

February 16, 2006 _____
Date Approved

_____/s/_____
Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
DECEMBER 1, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Kirk Monfort
 Steve O'Bryan
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Ed Palmeri, Associate Planner
 Bob Summerville, Associate Planner
 Greg Redeker, Assistant Planner
 Matt Thompson, Senior Civil Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. APPROVAL OF MINUTES

*Commissioner Monfort moved, seconded by Commissioner Brownell,
approval of the minutes of October 20, 2005.
Motion passed 7-0.*

3. DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Luvaas reported that he had spoken to Greg Steele regarding Sierra Gardens.

4. NOTICED PUBLIC HEARING ITEMS - The following items will be considered in the order listed unless the Commission requests a change. Any person may speak on items listed below. In order that all items may be considered, any item may be continued to another meeting if it appears there will be insufficient time for full consideration of the item.

4.1. Sierra Gardens Senior Homes Tentative Subdivision Map and Planned Development Permit S/PDP 03-24 (Mogavero Notestine Associates) - A proposal to subdivide a vacant 5.76 acre parcel to create 55 single family

residential lots and 36 attached condominium units located in a proposed three-story condominium building. A planned development permit is proposed to authorize modifications to development standards (including reduced lot sizes and building setbacks) and to authorize architectural concepts. The proposal creates a gross density of 14.02 dwelling units per gross acre and is designed exclusively for use by senior citizens. The site is located at the southeast corner of Sierra Sunrise Terrace and Idyllwild Circle and is identified as Assessor's Parcel No. 018-360-002. The site is located on land designated Medium-High Density Residential on the General Plan diagram and in the R3 Medium-High Density Residential zoning district. Staff recommend that the Planning Commission approve, with conditions, Sierra Gardens Senior Homes Tentative Subdivision Map and Planned Development Permit.

A mitigated negative declaration is recommended for adoption for the project pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that a project will not have a significant impact on the environment, after the incorporation of specific mitigation measures.

Associate Planner Summerville reminded the Commission of the conceptual review conducted at the September 1, 2005 Planning Commission meeting and reviewed the eight directives given by the Commission from that meeting. He advised the Commission that the Giant Garter Snake, which is an endangered species, was sighted at the DES site on Dead Horse Slough and that this was not documented in the mitigated negative declaration that was prepared. He explained that this will require recirculation of the revised mitigated negative declaration to address the Giant Garter Snake. He advised that staff recommends that the Commission open and close the public hearing and adopt a motion of intent to approve the project in 30 days, which is when the environmental review is anticipated to be completed and come back to the Commission for final approval at the January 5, 2006 Planning Commission meeting.

Planning Director Seidler reiterated that the Commission can recommend a motion of intent to approve the project and when the environmental document has been recirculated, staff will bring it back for final formal action. He also explained that there is no requirement for an additional public hearing, in response to a question by Commissioner Brownell.

Commissioner Brownell noted that the parking requirements have been exceeded, but expressed concerns with the homes along Drives E and F not having the 24 feet back up space required.

Mr. Summerville explained that there are two parking spaces, one in the driveway and one in the garage. He said the criteria can be modified and the applicant is requesting a modification to the 24 feet back up requirement.

Mr. Seidler reviewed the zoning and density of the site for the last 20 years, in response

to a question by Commissioner Luvaas.

Mr. Summerville noted that there have been at least two apartment complexes in the last 10 years that have been approved for this property, but did not get built. He reviewed the locations for house plans B and C. He explained that there are inconsistencies between the City's requirements and the CC&R's of the homeowners associations, but the City does not get involved with enforcing private CC&R's and therefore, the Commission can approve a project when it is inconsistent with CC&R's, in response to a question by Commissioner Luvaas.

Chair Alvistur opened the public hearing.

Cherene Sandidge, Project Manager, noted Mr. Summerville's review of the changes that have been made to the project as requested by the Commission. She advised that the property owners and the project engineer, Jerry Aplant, are here and addressed the written comments received by neighbors.

David Mogavero, Applicant, said that he took all of the comments that were received from the last meeting to heart and has done his best to address them accurately and thoroughly. He said that this project has not been rushed and that this is the eighth site plan that has been completed.

Mr. Mogavero addressed questions by the Commission regarding the architectural features and height of the condominium building, parking requirements, density, landscaping, permeable surfaces, separation of the units, and the cost of the homes.

Josephine McProud, Landscape Architect, reviewed the landscape plan which included the types of street trees that will be planted, in response to a question by Chair Alvistur.

Jerry Aplant, Project Engineer, advised that he has prepared a preliminary drainage analysis and that the project is designed so no drainage will go into Dead Horse Slough directly, but will drain to Street 'A' into a detention system. He answered additional questions by the Commission regarding storm drainage.

Sharon Nichols, neighbor, expressed concerns with density, the lack of compatibility and height of the condominium building, and parking.

BT Chapman, resident on Kestrel Court, said that the residents on Kestrel Court are not against development of the property, but there must be a compromise. He said that the density could be reduced and still meet the State mandated quota for affordable housing, stay consistent with the General Plan Housing Element, and be compatible with the neighborhood. He requested that the builder provide landscaping along the eastern property line to provide screening for the Kestrel Court residents.

Tom Patton, resident on Kestrel Court, said that he would not want trees directly behind

his house so he could retain the view. He said this is the third time he has been before the Commission regarding this project and thanked the Commission and the developer for addressing a lot of the issues. He said that the project is still too dense for the neighborhood and questioned the setback from Kestrel Court.

Mary Jensen, neighbor, expressed concerns with the time lines given to provide feedback, the mitigated negative declaration, and density.

Barbara Copeland, representing the Sierra Sunrise Homeowners Association, said that Sierra Sunrise Terrace was carefully planned by seniors for seniors and that a lot of care was taken to establish a neighborhood that meets the needs of seniors and make it attractive through the careful use of open space and landscaping. She expressed concerns with the lack of parking, density, and maintenance of the private roads. She questioned whether seniors really need or demand more housing and suggested the plan be revised to provide more open space.

Judy DeMarois, President of the California Park Homeowners Association, stated that there are a lot of multi-family units in California Park. She said that most of her concerns have already been mentioned by the previous speakers, but did express concerns with homeowners disturbing the swales which can collect water and be breeding grounds for mosquitos. She addressed the issue of zoning and noted the discovery of the endangered species which she said is going to greatly alter the plan. She noted that the California Park Homeowners Association has not approved this project.

Ms. DeMarois explained the role of the California Park Homeowners Association board and advised that their CC&R's do take precedence over the City's zoning, in response to questions by Commissioner Schiffman. She noted that there have been several R3 zoned projects in California Park that have been approved.

Assistant City Attorney Barker clarified that CC&Rs are enforceable civilly, but not by the City.

Mr. Mogavero clarified the setbacks along Kestrel Court and addressed questions from the Commission concerning swales and parking.

Ms. Sandidge explained that there will be separate CC&Rs established that require purchasers to be over the age of 55, in response to a question by Commissioner Kelley.

Chair Alvistur closed the public hearing.

Ms. Barker gave direction to the Commission on making the motion to approve the mitigated negative declaration.

Commissioner Brownell stated that she understands the developer has made the changes the Commission requested and appreciates their willingness to build single-story units, but were not able to due to density requirements. She said that the condominium building is out of character and the combination of the two uses do not work in her

opinion, therefore, she is not supporting the project.

Commissioner Luvaas stated that he agrees with Commissioner Brownell. He said he does not feel this is the proper design and expressed concerns with the height of the condominium building, referring to the Foothill Development Standards in Title 19. He said he also agrees with Greg Steel's interpretation of the General Plan and can not support this project.

Mr. Summerville clarified that the Foothill Development Standards can be modified through the planned development process.

Commissioner Kelley stated that he is in favor of the project and would like to see conditions added that provides shade trees in the rear yards of Lots 16 through 28, as desired by the property owners on Kestrel Court, with irrigation and to change the color of the metal sun shades to match the softer stucco color on the condominium building.

Mr. Seidler noted that condition #8 already addresses shade trees, but does not address the individual desires of the owners on Kestrel Court.

Commissioner Schiffman stated that he supports the project due to the changes made by the applicant.

Commissioner Monfort moved, seconded by Commissioner O'Bryan, that the Planning Commission conceptually approve and adopt a motion of intent to approve Sierra Gardens Senior Homes Tentative Subdivision Map and Planned Development Permit (S/PDP 03-24), contingent upon the recirculation of a revised mitigated negative declaration and initial study and a determination by the Planning Commission to adopt the recirculated mitigated negative declaration with the following modification to condition #8 and the additional condition as follows:

- 8. Evergreen shade trees shall be planted in the rear yards of Lots 16 through 28 to mitigate privacy concerns for existing residents adjacent to the east of the project and for new residents of these lots. Tree species shall be indicated on all landscape plans submitted in conjunction with building permits and shall be subject to review and approval of Planning Division staff and the Urban Forester. Prior to the issuance of building permits, the permittee shall demonstrate to the satisfaction of the Planning Director that consultation with individual owners of the properties adjacent to the eastern boundary of the project site has occurred regarding back yard landscaping of the lots located along that boundary, and that reasonable attempts to accommodate the desires of these adjacent owners with regard to issues of privacy and viewshed have been integrated into the project design. All landscaping planted to accomplish this condition shall be***

permanently irrigated and maintained.

15. The metal sun shade trellis structures over the balconies of the condominium building shall match the softer stucco color of the condominium building, but shall not be white or a color that is overly reflective.

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

- 4.2. Modification of Use Permit 05-43 (Riley) 152 E. Frances Willard Avenue** - A request to modify a previously-issued use permit which authorized a five foot tall fence and six foot tall wall within the front yard setback of property located at the northeast corner of E. Frances Willard Avenue and The Esplanade. The modification involves the wall on the eastern portion of the front property line, which was originally approved as a six foot tall wall located seven feet behind the back of sidewalk. The requested modification would authorize a five foot tall wall/fence combination (three feet of block wall topped by two feet of spindle fence) located 2 feet behind the back of sidewalk. The site is identified as Assessor's Parcel No. 003-176-010, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. The project is categorically exempt from environmental review pursuant to Section 15303(e) of the California Environmental Quality Act Guidelines (New Construction or Conversion of Small Structures).

Assistant Planner Redeker presented an overview of the staff report. He informed the Commission that the revised conditions of approval have been provided in legislative format. He reviewed the Commission's approval of the use permit at the June 16, 2005 meeting and that all findings from that use permit approval remain the same. He reviewed the modification request, and noted the concerns by neighbors regarding the potential negative impact to the neighborhood character.

Mr. Redeker clarified the requested modification and explained that the applicant built a wall that was not in conformance with what the Commission approved.

Commissioner Brownell stated that the Commission should not approve this use permit due to the applicant disregarding what they originally approved.

Mr. Redeker advised that staff does make minor changes to conditions of approval made by the Commission, although Title 19 specifies that major changes require consideration at a public hearing. He explained what the applicant could do if the Commission decided to deny the modified use permit.

Commissioner O'Bryan said that it was his recollection that the applicant's biggest desire was to have privacy and protection.

Chair Alvistur opened the public hearing.

Rovane Younger, neighbor, stated that he was shocked to see the fence that did go up and that if you look at the fence at a certain angle, it gives the appearance of driving down a tunnel. He said that it is a rare event when a child it at the applicant's house and does not buy into the safety concern.

Andrea Solari, neighbor, said that she questioned the idea that the fence is to protect the child as the fence is in the front yard and not the back yard. She said that she looks to the Commission to be consistent and expects the rules to be enforced.

Chair Alvistur closed the public hearing.

Commissioner Schiffman said that he hopes the spindle fence and imitation wood does not become common as they are very unattractive.

Chair Alvistur said that there is no choice but to deny this use permit and that he is very reluctant to have it come back to the Commission.

Commissioner Luvaas said that he agrees with Chair Alvistur. He said that the design is clearly not what the Commission originally approved and questioned if staff is billing the applicant appropriately.

Mr. Redeker explained that staff would work with code enforcement to have the applicant follow the use permit, then bring it back to the Commission to begin revocation proceedings if the applicant does not comply, in response to a question by the Commission.

Commissioner Schiffman moved, seconded by Commissioner Luvaas, that the Planning Commission deny Use Permit 05-43 Modification (Riley).

Motion passed 7-0.

- 4.3. Rehearing of Use Permit (UP 05-52) (Cook) 179 East Lincoln Avenue - A request to allow a 655 square-foot non-owner occupied second dwelling unit at 179 East Lincoln Avenue. The second dwelling unit is in a structure that has no rear yard setback and a 3.5-foot side yard setback. The property is identified as Assessor's Parcel No. 003-176-003. The site is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project is found categorically exempt from environmental review under the California Environmental Quality Act, California Code of Regulations, Title 14, Chapter 3, Section 15303 (New Construction or Conversion of Small Structures).**

Planning Director Seidler presented an overview of the staff report which included a recommendation by staff that the Planning Commission rehear this use permit to allow correction of the public record upon which the Commission's October 6, 2005 decision to

approve may at least in part have been based. He advised that subsequent to the last meeting, staff went into the building file and determined that there was not a legal second dwelling unit on the property and that corrections needed to be made with regard to distance measurements. He said that it was determined that staff would bring this project back to the Commission to rehear. He advised that staff still believes that this use permit is supportable and that staff recommends the Commission rehear, consider the corrections, and approve the use permit with conditions.

Chair Alvistur opened the public hearing.

Carl Leverenz, representing the applicant, referred to his letter dated November 15, 2005, that states that they reject this reconsideration. He said that the small house that is on the property was a legal unit at the time it was constructed and that the other larger unit is clearly nonconforming, but can be resolved by removing the kitchen. He said that Mr. Cook is prepared to tear down the smaller unit and put in two parking spaces. He stated that all of Mr. Cook's projects are very well done and that he plans to pave and improve the sidewalks which will be an improvement to the neighborhood.

Mr. Seidler stated that no evidence could be found that the larger, 655 square-foot unit was ever established as a legal dwelling unit.

Mr. Leverenz explained that if the kitchen were removed in the larger unit, then the unit would be allowed to stay and that the smaller unit was constructed legally, but if it was not, Mr. Cook would be allowed to bring it to conformance, in response to questions by the Commission.

Mr. Seidler addressed questions from the Commission regarding second dwelling unit standards.

Dave Purvis reviewed a letter that he distributed to the Commission which included a review of the building code. He stated that the 150 square-foot unit was built in conformance of the code.

Mr. Palmeri said that he is not aware of a loft or second story in the 655 square-foot unit, in response to a question by Commissioner Brownell.

Mr. Seidler stated that the main reason this item was brought back to the Commission was the contention was made that there was already a second dwelling unit on the property. He advised that in terms of land use, staff believes this use permit is still supportable recognizing that it does not meet all of the standards.

Karen Swartz, neighbor, questioned if the Commission had received her letter with attachments that came from the building file. She expressed her concerns regarding this project and requested the Commission the help maintain the quality of the neighborhood and deny the use permit.

Ken Fleming, neighbor, said that he looked through the building file which was very clear and that he agrees that it is appropriate to rehear this project. He said that every effort has been made to allow these units to continue to function and that he is not clear on what is being asked to be approved.

Mr. Fleming said that this new proposal is an improvement and that if the applicant wants to reapply for a second dwelling unit that meets all of the standards, he would be in favor, in response to a question by Commissioner Kelley.

Tony Symmes, owner of adjacent property, spoke in support of the project.

Stephen Matoian, neighbor, said that the larger unit was a garage/workshop. He read statements from himself and the neighbors expressing concerns with off-street parking, density, setbacks, and questioned the property line. He said that these illegal units have been rented out for five years.

Michael Spirally, neighbor, said that he has the same concerns as the previous speaker.

Mr. Leverenz clarified that Mr. Purvis' involvement is only with the smaller unit.

Chair Alvistur closed the public hearing.

Commissioner Kelley stated that he agrees with Mr. Purvis in that the smaller unit is legal and should go by the previous standards.

Chair Alvistur stated that he has not changed his mind regarding his decision he made at the October 6, 2005 meeting to approve this use permit.

Commissioner Brownell requested that the City go inside the larger unit to see what is inside. She also noted that she thinks this project falls in the permitted parking area.

Commissioner Luvaas stated that this will be an improvement and that the applicant is ready to meet all of the requirements.

Commissioner Monfort said that he appreciates the fact that Mr. Cook does good projects, but the front house looks like it is ready to fall down so this will be an improvement.

Commissioner O'Bryan noted that it appears other work has been done without a building permit.

Commissioner Luvaas moved, seconded by Commissioner Kelley, that the Planning Commission find the project is categorically exempt pursuant to the Guidelines for California Environmental Quality Act Section 15303(a), and approve Use Permit 05-52 (Cook) based on the findings and subject to the conditions of approval

contained in the agenda report.

Motion passed 4-3. Commissioners Brownell, O'Bryan, and Schiffman opposed.

5. DISCUSSION OF PUBLIC HEARING PROCEDURES

Principal Planner Bishow presented the staff report which included a recommendation by staff that the Planning Commission discuss the procedures for quasi-judicial public hearing items and request staff to include additional information on the Commission's agenda.

After a discussion of the public hearing items, the Commission determined the following:

Commissioner Luvaas moved, seconded by Commissioner Kelley, that the Planning Commission direct staff to clarify the procedures for quasi-judicial public hearing items on the Commission's agenda as outlined in the agenda report with the exception of ex parte communications which will remain as is.

Motion passed 7-0.

6. BUSINESS FROM THE FLOOR

Ken Fleming spoke about the Planning Commission audience not being aware of what is going on during the meetings. He also stated that the public hearing procedures weigh more towards the applicant and that there is not enough time to respond to projects that are noticed.

7. PLANNING UPDATE

Planning Director Seidler distributed the Northwest Chico Specific Plan staff reports for the December 6, 2005 City Council meeting and reviewed the Commission's recommendations for the NWCSP from their November 22, 2005 meeting.

Principal Planner Bishow distributed the Planning Commission schedule and advised the Commission that as of this date, there are 19 pending subdivision applications and 6 pending General Plan amendments.

8. ADJOURNMENT - There being no further business before the Commission, the meeting adjourned at 10:35 p.m. to the Adjourned Regular Meeting of December 15, 2005.

February 16, 2006
Date Approved

/s/

Kim Seidler
Planning Director

**CITY OF CHICO PLANNING COMMISSION
DECEMBER 15, 2005 MINUTES**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Vic Alvistur, Chair
 Mary Brownell, Vice Chair
 Dave Kelley
 Jon Luvaas
 Kirk Monfort
 Steve O'Bryan
 Irv Schiffman

Staff Members Present: Kim Seidler, Planning Director
 Teresa Bishow, Principal Planner
 Patrick Murphy, Senior Planner
 Ed Palmeri, Associate Planner
 Greg Redeker, Assistant Planner
 Matt Thompson, Senior Civil Engineer
 Lori Barker, Assistant City Attorney
 Renee Schreindl, Administrative Secretary

1. ROLL CALL

Chair Alvistur called the meeting to order at 6:30 p.m. Commission members and staff were present as noted.

2. DISCUSSION OF EX PARTE COMMUNICATION

None.

3. PUBLIC HEARING ITEMS

3.1. 1645 Esplanade Tentative Condominium Subdivision Map (S 05-12) (Hart Diversified, LLC) - A request to approve creation of two condominium units and one common area for existing offices located at 1645 Esplanade. The project site is identified as Assessor's Parcel No. 003-022-010. The property is designated Office on the City of Chico General Plan Diagram and is in an OR-SD-4 Office Residential-Special design considerations overlay zone - West Avenue Neighborhood Area zoning district. The project is categorically exempt from environmental review pursuant to Section 15301 (k) of the California Environmental Quality Act Guidelines (Existing Facilities).

As recommended by staff, the Planning Commission continued this item to the Planning Commission meeting of January 5, 2006.

3.2. Review of Impact Report Prepared for Closure of Catalpa Tree Trailer Park

As recommended by staff, the Planning Commission continued this item to the Planning Commission meeting of January 19, 2006.

- 3.3. Rezone 05-02 (Larson)** - A request to change the zoning classification for a 0.22 acre portion of a 6.69 acre site located at 340 West East Avenue. The zoning classification change is from OR Office Residential to R1 Low Density Residential. The rezone will allow for the shifting of the northerly property line, adding to the open space square footage of lots developed with single-family homes fronting onto Autumn Gold Drive. The site is identified as Assessor's Parcel No. 006-530-024. The property is designated Office on the General Plan Diagram. This project is categorically exempt from environmental review pursuant to Section 15061 of the California Environmental Act Guidelines (Review for exemption).

Associate Planner Palmeri presented a brief summary of the staff report. He advised that the applicant is requesting to rezone approximately 0.22 acres of the 6.69 acre Enloe Rehabilitation Center at 340 West East Avenue. He explained that the 0.22 acres is an undeveloped portion of the medical property located on the northerly portion of the site, adjacent to the rear yards of seven lots developed with single-family homes fronting onto Autumn Gold Drive.

Mr. Palmeri advised that there is 50 to 60 feet from the houses to their fences in the rear yards and that there is more than sufficient enough area for Enloe to develop, in response to questions by the Commission. He also explained that Enloe does own the property and that a future Boundary Line Modification will be completed by the homeowners who will be purchasing the property from Enloe.

Chair Alvistur opened the public hearing.

Chris Reyes and Pam Larson, residents on Autumn Gold Drive, said that they are purchasing the property from Enloe to be able to have more room in their back yards for enjoyment. They said that they are not building any second dwelling units, in response to a question by the Commission.

Chair Alvistur closed the public hearing.

Commissioner Monfort moved, seconded by Commissioner O'Bryan, that the Planning Commission adopt Resolution No. 05-54 recommending City Council approval of Rezone 05-02.

Motion passed 7-0.

- 3.4. Hawes Vesting Tentative Parcel Map (PM 05-11) 1581 Mountain View Avenue** - A request to create two lots by subdividing an existing 0.62 acre parcel

located at 1581 Mountain View Avenue. Proposed lot 1 is a flag lot intended for future single-family residential development, taking access via a 12-foot paved driveway within a 20-foot wide private right-of-way strip. Lot 2 will take access directly from Mountain View Avenue, and will retain an existing home on the property. This site is the same property which was proposed to be split into three lots via Parcel Map 05-02 (Hawes), which was denied by the Chico City Council on appeal earlier this year. The site is identified as Assessor's Parcel No. 045-322-009, 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 is categorically exempt from environmental review pursuant to Sections 15315 and 15332 of the California Environmental Quality Act Guidelines (Minor Land Divisions and Infill Development Projects).

Assistant Planner Redeker presented an overview of the staff report which included a request to create two lots by subdividing an existing 0.62 acre parcel. He reviewed the lot sizes and zoning. He reminded the Commission of their review of this same property which was proposed to be split into three lots via Parcel Map 05-02 (Hawes) at the May 5, 2005 meeting which they approved, but was then denied by the Chico City Council on appeal. He informed the Commission that the neighbors have submitted a letter to the City Council requesting a Special Design Considerations overlay zone for the Mountain View Avenue area, which would prohibit flag lot subdivisions in a two-block area.

Mr. Redeker reviewed applicable General Plan policies, advising that this project is consistent with the General Plan. He advised that the only requested modification to design criteria is a request for a contiguous sidewalk, similar to what already exists on the block. He reviewed the site, setbacks, conditions, and an aerial photograph of the neighborhood which shows other flag lots in the area. He advised that staff does not recommend a single story restriction and that staff does recommend approval of the project. He also reviewed public testimony received regarding this project.

Mr. Redeker advised that regarding the prior proposed parcel map for the site, some council members expressed concerns with the proposed lot sizes and multiple lots using a single access, in response to a question by Commissioner Kelley.

Senior Development Engineer Johnson reviewed the street design of Mountain View Avenue and the drainage system for the project, in response to questions by the Commission.

Chair Alvistur opened the public hearing.

James Renfro, representing the applicant, thanked staff for the excellent staff report and said that it is difficult to come back before the Commission with another project for this site. He reviewed General Plan policies with regard to infill development. He advised that these larger lots were created by the County to hold leach lines and septic tanks and he urged the Commission to approve the project.

Mr. Renfro reviewed the landscape plan and setbacks and advised that this project is consistent with the neighborhood, in response to questions by the Commission.

Mr. Redeker clarified that 850 square feet is the standard maximum size for a second dwelling unit, but up to 1,200 square feet can be authorized with a use permit, in response to a question by Commissioner Brownell.

Dan Katz, neighbor, advised that a letter was submitted to the City Council requesting a Special Designs Consideration overlay rezone to prohibit flag lots. He urged the Commission to deny the project; he also requested a single-story restriction if the Commission does approve the project.

Mr. Katz reviewed the boundary for the rezone request and explained that building on flag lots would destroy the character of the neighborhood, in response to questions by the Commission.

Commissioner Schiffman stated that the Commission is being asked to make a policy against flag lots for just this neighborhood and that the applicant will have to get the overlay zone passed by the City Council.

Planning Director Seidler said that a letter from neighborhood residents has gone to the City Council requesting the special overlay zone. He explained that staff has intended to conduct a workshop on infill development, including a discussion regarding flag lot development, to figure out whether new standards can be created to make infill projects more acceptable to the community. He explained that it is a Council priority, but staff have not been able to devote the necessary resources to put a proposal together. He explained that the City is mandated to make a decision on this application unless the City Council adopts a citywide moratorium on flag lots.

Commissioner Monfort observed that a decision cannot be made based on a policy that doesn't exist.

Mr. Seidler suggested that the Commission could make a recommendation to the City Council.

Commissioner Luvaas said he understands that 40 to 50 flag lots being put in the neighborhood would be a problem, but the proposed project is for only one flag lot on one of the biggest lots in the neighborhood. He questioned how this would negatively affect the neighborhood.

Mr. Katz responded by explaining that it would affect the character of the neighborhood.

Dave Cornett, neighbor, said that he supports Mr. Katz. He requested staff to consider a moratorium on flag lots until some criteria is set for how many flag lots are allowed in a certain area and requested a postponement of this project.

Mr. Seidler reiterated that the issue of flag lots should be addressed in the workshop.

Christina Hoover, neighbor, said that she does not consider homes that are one or two miles away that have flag lots, part of our neighborhood. She would like to preserve the character of the neighborhood and noted that there was no mention of the four mature trees that were cut down to make the driveway.

Craig Hawes, applicant, said that his mother and father bought the property in 1951, his sister lives in the front house, and another family member wants to live in the new house. He explained that he wants to preserve the character and maintain the quality of the neighborhood, that he does not plan to build a two-story home, and that he would have no objection to a single-story restriction.

Paul Watters, neighbor, said that he purchased the property across the street approximately 15 years ago and that his home was very small, but they bought it for the lot and the character of the neighborhood. He said that we are talking about one flag lot, but whenever an agency makes a decision, they look back at past decisions. He noted that we are all busy, but standards need to be in place before more decisions are made.

Kevin Atkin, neighbor, said that he was born on Mountain View Avenue and has lived there for 36 years. He waited a long time for a house to go up for sale on Mountain View Avenue to purchase. He said he thought about splitting the lot, but decided not to as it gives his kids more room to play.

Myrl Hull, neighbor, stated that he has lived on Mountain View Avenue since 1963. He expressed concerns with parking and explained that the City Council not only denied the project the first time because of flag lots, but because of the passion of the neighborhood. He said that the neighbors should have the right over government policies to preserve the quality of their neighborhood.

Kathie Watson, neighbor, stated that she has lived on Mountain View Avenue since 1976. She said they have done all they can to upgrade their home and preserve their property and is opposed to this project.

Teri Woods, a neighbor who moved to the area recently from Sacramento, asked how can you allow for one flag lot to be approved and not approve others. She suggested that Mr. Hawes can buy a home somewhere else and expressed concerns with him selling the property and someone else building a second story.

Commissioner Brownell clarified that a restriction could be put on the deed limiting the home to a single-story.

Tracy Lopez, resident on Mountain View Avenue, said she moved back from Elk Grove as she does not want to live in a place where you can touch your neighbor. She said the neighborhood should be preserved and that there should be responsible infill.

Kelly Williams, resident of 1581 Mountain View Avenue, said that she has no intention of doing any kind of damage to the neighborhood and plans to enhance the lots with

landscaping.

Joe Walser, resident on Mountain View Avenue, advised that not all the homes are on sewer and expressed concerns with flooding and traffic.

Mr. Renfro again advised that this project is consistent with the General Plan and the Subdivision Map Act. He said this project would enhance the infrastructure in the neighborhood and strongly urged the Commission to view the map and how it adheres to the standards.

Mr. Redeker reviewed zoning for the area and advised that he is not aware of any other applications to build on flag lots or to build second dwelling units in this two block area, in response to questions by the Commission.

Chair Alvistur closed the public hearing.

Commissioner Schiffman stated that he supports the single-story restriction, adding that if the Commission approves this project and the City Council overturns that approval, then the Commission should meet with the City Council for direction.

Commissioner Luvaas said that he supports this project. He asserted that people can't afford to buy homes, and the other alternative to infill development is sprawl either into our farmland, which is our food, or into the foothills, which is our water supply.

Chair Alvistur said that he does support infill when it is merited.

Commissioner Monfort stated that it is better to have the family close together as it helps prevent an increase in traffic through the neighborhood.

Commissioner Brownell stated that this project meets density, there is no additional offsite drainage, and will improve some of the existing conditions.

Commissioner Kelley said that he does not feel this approval sets a precedent, and urged interested parties to attend the infill workshop.

Commissioner Monfort moved, seconded by Commissioner Schiffman, that the Planning Commission adopt Resolution No. 05-56, finding that the project is categorically exempt from environmental review and conditionally approving Tentative Parcel Map 05-11 (Hawes) with the additional condition as follows:

11. The applicant shall place a note on the final map stating that the new home constructed on Lot 1 shall be limited to single-story construction.

Motion passed 7-0.

3.5. Planned Development Permit (PDP 05-03) and Second Dwelling Units (SDU

05-10 & SDU 05-11) Associated With the Previously-Approved Parkwood Estates Subdivision Located off Riviera Court (APNs 045-280-054 & 055)- A request for a planned development permit (PDP) and two second dwelling units (SDU) associated with a previously approved seven-lot subdivision. Through the PDP, the applicant is requesting reduced front and rear yard setbacks for the individual residences, allowance of two of the residences to exceed the City's 40 percent lot coverage limitations, and allowance for fences/walls to exceed three feet in height within the required front yard setback to provide front courtyards on some of the lots. The applicant has also applied for an SDU on two of the lots (Lots 2 and 3). Each of the SDU studio units would be located above a detached garage and each will be required to be owner-occupied. The Planning Commission will be asked to take action on both the PDP and SDU applications. The site is designated Low Density Residential by the Chico General Plan Diagram and is zoned R1 Low Density Residential.

The project is categorically exempt from environmental review pursuant to Sections 15303, 15305, and 15332 of the California Environmental Quality Act Guidelines (New Construction of Small Structures; Minor Alterations in Land Use Limitations; and Infill Development Projects).

Senior Planner Murphy presented the staff report which included a review of lot sizes, building elevations, setbacks, the floor plans for Lots 2 and 6, and the recommended conditions of approval.

In response to questions by the Commission, Mr. Murphy explained that there is not a street tree plan in the subdivision report, that he has spoken to the applicant regarding staff's recommended modifications to the design of the house on Lot 5, and that the subdivision map has been recorded.

Chair Alvistur opened the public hearing.

Karen Van Ness, applicant, explained that they want to build a project that would enhance the neighborhood as well as maintain the character and value of the neighborhood. She recognized that density is the main concern of the neighbors. She noted that they are requesting two second dwelling units along with the planned development permit and reviewed the modification request to Lot 5.

Ms. Van Ness explained that there was not enough time to have drawings rendered that shows more architectural interest to the rear elevation of Lot 5, but recommended adding a condition to do so. In response to questions by the Commission, Ms. Van Ness reviewed setbacks, landscaping, and the sizes of the homes.

Senior Development Engineer Johnson explained that a 10 foot setback is needed for street improvements.

The following people spoke in opposition to the project, citing concerns with: lack of compatibility with the neighborhood, parking, density, traffic, and the second dwelling

units.

Tony O'Hanlon
Juanita Sumner
Phil Herald
Louseana Knox
David Wilson
Leann Powell
Jane Turney
Michael Wrightson

Kevin Atkin, neighbor, said that decisions that are made on projects should be consistent.

Commissioner Luvaas stated that he agrees with most of what has been said, but questioned where are families going to live.

J.D. Zink, property owner, reviewed the history of the project. He explained that Ms. Van Ness has worked very hard to make a beautiful project that is a good example of infill development. He said that this project could have been vanilla track homes for his profit.

Ms. Van Ness said that the planned development gives citizens and the Commission an opportunity to look at the design and that they want to enhance the neighborhood. She addressed questions regarding the second dwelling units.

Mr. Murphy advised that the second dwelling units do meet all of the City standards, in response to a question by the Commission.

Commissioner Luvaas said that this project is an attractive design, but that these are big, expensive houses that we don't need and are out of character with the neighborhood. He said he does not have a problem with the fences between the houses and garages, but does not like the fences on the street or on Lot 5.

Commissioner Monfort said that he does not have any problem with making a motion to approve this project because unlike standard subdivisions, the City has control over locations of windows on the second story homes since it is a planned development permit. He said that he does not understand the opposition to this project.

Commissioner Schiffman said that he initially was concerned about the second dwelling units, but now that he knows that they are only studio units, he is not concerned and will support the motion.

Commissioner Brownell said that she is pleased the Commission is able to see the designs and that she appreciates the designs, but that she is not going to support the project due to the setbacks.

Commissioner O'Bryan said that he was pleased to be able to see the designs and that he does not have opposition to the designs, but that he is going to support the neighborhood and oppose the motion.

Chair Alvistur said that he is voting against the project.

Commissioner Monfort proposed that the designs be modified so that the rear yard setbacks on Lots 5, 6, and 7 be made 12 feet off of the back fence.

Commissioner Monfort moved, seconded by Commissioner Schiffman, that the Planning Commission find that the project is categorically exempt from environmental review pursuant to Sections 15303, 15305, and 15332 of the California Environmental Quality Act and approve Planned Development Permit 05-03 and Second Dwelling Units SDU 05-10 and SDU 05-11, subject to the conditions of approval.

Motion passed 4-3. Commissioners Alvistur, Brownell and O'Bryan opposed.

4. BUSINESS FROM THE FLOOR

None.

5. PLANNING UPDATE

Planning Director Seidler updated the Commission regarding the Southwest Chico Neighborhood Plan, the Avenues Neighborhood Plan, and the Northwest Chico Specific Plan.

Principal Planner Bishow reminded the Commission of the increase in development fees effective December 19, 2005, and that the City has received a very high volume of applications during the last week.

6. ADJOURNMENT - There being no further business before the Commission, the meeting adjourned at 9:45 p.m. to the Regular Meeting of January 5, 2006.

March 16, 2006
Date Approved

/s/
Kim Seidler
Planning Director