



CHICO
PLANNING COMMISSION
ADJOURNED REGULAR MEETING AGENDA
THURSDAY, JULY 21, 2011 - 6:30 P.M.

MUNICIPAL CENTER - 421 MAIN STREET - COUNCIL CHAMBERS

Chico

PLANNING COMMISSION

Dave Kelley, Chair
John Merz, Vice Chair
Dan Allmon
Kathy Barrett
Matt Juhl-Darlington
Mike O'Donnell
Ken Rensink

The Commission appreciates your cooperation in turning off all cell phones during this meeting.

**Copies of this agenda
available from:**

Planning Services Department
411 Main Street, 2nd floor
Chico, CA 95928
Phone: (530) 879-6800
www.ci.chico.ca.us

Posted: 07-14-11
Prior to: 5:00 p.m.

City Staff

Mark Wolfe - Planning Services Director
Karen Masterson - Administrative Assistant

City Staff

Matt Johnson - Senior Development Engineer
Roger Wilson - Assistant City Attorney

Information and Procedures Concerning Planning Commission Meetings

Public Participation:

- All members of the public may address the Planning Commission on any item listed on the agenda.
- Please step up to the podium microphone when addressing the Commission.
- Each speaker will be asked to voluntarily state his/her name before speaking, and after speaking to voluntarily write his/her name on a record to be maintained by the City Staff.
- Persons demonstrating rude, boisterous or profane behavior will be called to order by the Chair. If such conduct continues, the Chair may call a recess, requesting the removal of such person(s) from the Council Chamber, adjourn the meeting or take other appropriate action.

Time Limit:

- Presentations should be limited to a maximum of three (3) minutes, unless otherwise determined by the Chair.
- A speaker may not defer his/her time to other speakers.
- Groups or organizations are encouraged to select a spokesperson to speak on their behalf. Each subsequent speaker is encouraged to submit new information, rather than repeating comments made by prior speakers.

Written Material:

- The Planning Commission may not have sufficient time to fully review written materials presented at the public hearing. Interested parties are encouraged to provide written materials at least eight (8) days prior to the public hearing to allow distribution with the Planning Commission's agenda packet to provide adequate time for review by the Planning Commission. Written materials submitted in advance of the public hearing must be submitted to the City of Chico, Planning Services, 411 Main Street, 2nd Floor, or by mail to: P. O. Box 3420, Chico, CA 95927. Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Planning Services Department at 411 Main Street, 2nd Floor, Chico, CA 95928 during normal business hours.

Hearing Impaired:

- Anyone who has difficulty hearing the proceedings of a meeting may be provided with a portable listening device by requesting one from the City Staff. The device works directly from the public address system, and the listener can hear all speakers who are using a microphone.

Special Presentations:

- Special presentations which include slides, films, etc. during the course of a meeting will only be allowed with prior approval of the Planning Commission.

Business from the floor:

- The Chairperson will invite anyone in the audience wishing to speak to the Planning Commission to identify themselves and the matter they wish to discuss which would involve matters not already on the posted agenda.

- The Commission may also be direct that a matter be placed on a future agenda, provide direction to staff, or request that staff research a particular issue. No action may be taken until a subsequent meeting.

Agenda Copies:

- Available at the meeting.
- May be mailed by subscription, at an annual cost set forth in the City of Chico Fee Schedule.
- May be picked up the Friday prior to the meeting at the Planning Services office without charge.
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- Copies may be obtained after payment of applicable copy fees.

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- Please contact Planning Services at (530) 879-6800 should you require an agenda in an alternative format or if a disability-related modification or accommodation is needed to allow participation in a meeting. In order to accommodate the request, it should be received at least three working days prior to the meeting.

Agenda Items:

- The agenda items will be considered in the order listed unless the Commission requests a change. 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.

Items Not Appearing on Posted Agenda:

This agenda was posted on the Council Chamber bulletin board at least 72 hours in advance of this meeting. For each item not appearing on the posted agenda, upon which the Planning Commission wishes to take action, it must make one of the following determinations:

1. Determine by a majority vote that an emergency exists as defined in Government Code Sec. 54956.5.
2. Determine by a two-thirds vote, or by a unanimous vote if less than two-thirds of the Planning Commission is present, that need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted.
3. Determine that the item appeared on a posted agenda for a meeting occurring not more than five calendar days prior to this meeting, and the item was continued to this meeting.

The Public is encouraged to participate in the hearing process.

The Planning Commission and staff shall strive to preserve appropriate order and decorum during all Planning Commission meetings.

ADJOURNED REGULAR PLANNING COMMISSION MEETING - JULY 21, 2011
Municipal Center, 421 Main Street, Council Chambers, 6:30 p.m.

1. **CALL TO ORDER AND ROLL CALL**

2. **EX PARTE COMMUNICATION**

3. **CONSENT AGENDA**

3.1 **Minutes** - Regular Meeting of June 2, 2011

Requested Action: Approve the minutes, with corrections, if any.

4. **PUBLIC HEARING ITEMS**

- 4.1 **Title 19 Update - Phase I** (*Workshops held 12/16/10; 2/3/11, 3/3/11, 4/7/11; Public Hearing Notice published 6/13/11 (ER) and 6/16/11 (CN&R; Public Hearing 07/07/11 Cancelled due to lack of quorum; Re-Noticed 07/11/11)*) - The Planning Commission will consider forwarding a recommendation to the City Council for the Comprehensive Update of Title 19 (Land Use and Development Regulations) of the Chico Municipal Code. The recommended amendments to Title 19 are in accordance with a Work Plan approved by the City Council which divides the update into two phases: Phase I addresses the components that are necessary to implement the recently adopted 2030 General Plan; Phase II includes General Plan action items, City Council directives, and many other improvements to Title 19. The recommendation is to adopt all items in Phase I, including a new City zoning map which illustrates the rezoning of multiple properties throughout Chico that would result from adoption of the Title 19 amendments. The new zoning map provides direct consistency between zoning and the land use designations for all properties illustrated on the General Plan Land Use Diagram that was adopted in April 2011. **(Staff Report: Senior Planner Bob Summerville)**

Planning staff recommends that the Planning Commission adopt Resolution No. 11-07 recommending that the City Council adopt an ordinance amending Title 19 of the Chico Municipal Code regarding changes necessary to implement the 2030 General Plan, including the rezoning of multiple properties in the City of Chico.

5. **REGULAR AGENDA** - There are no items for the Regular Agenda.

6. **BUSINESS FROM THE FLOOR**

Members of the public may address the Commission at this time on any matter not already listed on the agenda, with comments being limited to three minutes. The Commission cannot take any action at this meeting on requests made under this section of the agenda.

7. **REPORTS & COMMUNICATIONS**

- 7.1 **Planning Update** - Planning Services Director Wolfe will provide an update on department activities and review upcoming meetings and events.

7.2 Communication

7.2.a. - Title 19 Update, Chapter 19.48 Airport Zones, Report Addendum dated July 7, 2011

7.2.b. - Letter from Norman Elarth received July 6, 2011

7.2.c. - Email from Jon Luvaas received July 7, 2011

7.3.d. - Revised Letter from Brian Littrell, Coldwell Banker, received July 7, 2011

8. ADJOURNMENT

Adjourn to the Regular Meeting of Thursday, August 4, 2011 at 6:30 p.m.



**Planning Commission
Agenda Report**

7.2.a.

Meeting Date: July 7, 2011

TO: Planning Commission

FROM: Bob Summerville, Senior Planner (879-6807, bsummerv@ci.chico.ca.us)
Planning Services Department

RE: **Report Addendum**, Title 19 Update, Chapter 19.48 Airport Zones

The attached strikeout amendments of Chapter 19.48 were inadvertently not included in the draft ordinance being reviewed at the Planning Commission's July 7, 2011 meeting. However, these excerpts were reviewed at the public workshop on February 3, 2011 and no changes were recommended. These excerpts will be included in the draft ordinance that will be considered by the City Council for final adoption.

ATTACHMENTS:

- A. Draft Amendments to Chapter 19.48 Airport Zones,
pages: 19.48-5, 19.48-6, and 19.48-7

DISTRIBUTION:

Internal (5)
Mark Wolfe, Planning Services Director
Bob Summerville, Senior Planner
Greg Redeker, Associate Planner
Meredith Williams, Associate Planner
file: P-IMP-32 Title 19 Update

LAND USE (1)	PERMIT REQUIREMENT BY ZONE				Subject to Standards Section/Chapter:
	A(2)	AC(3)	AM(4)	AP	

TRANSPORTATION & COMMUNICATIONS

Airports	P	UP	UP	P	
Heliports	P	UP	UP	P	
Parking facilities/vehicle storage	P	UP	UP	UP	
Pipelines and utility lines	UP	P	P	UP	
Telecommunications facilities	(5)	(5)	(5)	(5)	19.78
Transit stations and terminals	P				
Vehicle and freight terminals	UP(3)	UP	UP		

Notes:

- (1) See Chapter 19.04 for definitions of the listed land uses.
- (2) All land uses in the A zone must be aviation-related.
- (3) All land uses permitted by use permit in the AC zone must be either related to airport activities or serve employees working in the airport zones, or otherwise be compatible with the operational characteristics of the airport and the economic development goals of the airport.
- (4) Permitted uses in the AM zone must be conducted entirely within a building or sight-obscuring fence that has been reviewed by the Airport Architectural Committee.
- (5) See Chapter 19.78 for districts in which telecommunications facilities are permitted.

19.48.060 Airport zone general development standards

The requirements in Table 4-11 shall apply to new land uses and structures, and alterations to existing land uses and structures, in addition to any applicable development standards (such as landscaping, parking and loading) in Division V (Site Planning and General Development Standards).

A. Site Planning Standards.

**TABLE 4-11
AIRPORT ZONE GENERAL DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District			
	A	AC	AM	AP
Minimum Lot Area (1)	As necessary to comply with all applicable requirements of these Regulations.			
Setbacks Required (2)	20 ft., at least 10 ft. of which shall be landscaped. No vehicle parking shall be allowed within any front setback less than 40 ft. in depth, and parking shall be located a minimum of 10 ft. from the street right-of-way. In the case of a corner parcel, the property owner shall have the option of choosing the yard which shall be the front setback, except that all property adjacent to Airpark Boulevard shall have its front setback on Airpark Boulevard.			
Front				
Sides, rear	10 ft.			
Site Coverage (3)	70%			
Height Limits (4)	40 ft.			

Notes:

- (1) Minimum area for lots proposed in new subdivisions.
- (2) Minimum setbacks required for all structures. See Section 19.60.090 (Setback regulations and exceptions) for the measurement of and exceptions to these setback requirements. The Airport Commission may modify or eliminate setback requirements through the use permit process (Chapter 19.24).
- (3) Maximum percentage of site area that may be covered with structures (see the definition of site coverage in Chapter 19.04). The remaining portions of the site that may not be covered with structures shall be permanently maintained as landscaped open space. The Airport Architectural Committee may require less coverage and more landscaped open area to provide visual relief or contrast, or to screen incompatible or obtrusive features.
- (4) Maximum height of structures. See ~~Section~~Sections 19.52.030 (Aircraft operations overlay zones) and 19.60.070 (Height measurement and height limit exceptions). The Airport Commission may approve higher structures, up to a maximum of 387 feet above mean sea level, through the use permit process (Chapter 19.24).

B. Fences and Walls. A fence or wall of 8 feet or less in height may be located within a required side or rear setback except where the Director determines that the fence would be a hazard because of inadequate sight distance (see Section 19.60.060, Fencing and screening).

C. Electronic and Radio Interference. No use shall emit electrical, electronic, or radio emissions that may interfere with, obstruct, or adversely affect the operation of air navigation aids and radio communications or which in any manner violate regulations of the Federal Aviation Administration.

- D. Design Standards. Proposed projects shall comply with all applicable provisions of the Chico Municipal Airport and Industrial Park Development Plan and the City of Chico Design Guidelines Manual.

(Ord. 2185)

19.48.070 Site design and architectural review for airport projects.

- A. Design Review Required. No building permit shall be issued for any structure, addition or exterior remodel in any airport zoning district until the project has first obtained site design and architectural review approval in compliance with Chapter 19.18 (Site Design and Architectural Review), and this section.
- B. Review Authority.
1. Airport Commission or Architectural Committee. Site design and architectural review for projects within the airport zoning districts shall be conducted by the Airport Commission or, if appointed, the Airport Architectural Committee.
 2. Appointment of Architectural Committee. The Airport Commission may appoint any two of its members to serve as the Airport Architectural Committee, which shall have the authority to approve, conditionally approve, modify, or deny the architectural design of any structure within an airport zoning district.
- C. Procedure for Review and Decision. In determining whether to approve or conditionally approve the architectural design of a structure, the Airport Architectural Committee shall meet and consult with the Architectural Review Board at a joint meeting. If the Airport Architectural Committee does not approve the architectural design of the structure, the architectural design of the structure shall be considered by the Airport Commission as a whole, which shall either approve, conditionally approve, modify, or disapprove the architectural design.
- D. Standards and Criteria. The action of the Airport Commission or the Airport Architectural Committee, if appointed, shall comply with the requirements of the Chico Municipal Airport and Industrial Park Development Plan and the City of Chico Design Guidelines Manual, and shall take into consideration the following additional factors:
1. The compatibility of the structure and grounds with adjacent properties or with future development of adjacent properties;
 2. The extent which natural features including trees, shrubs, rocks, and the natural grade of the site are retained;
 3. The accessibility and relationship of off-street parking and loading areas with respect to adjacent street and on-site uses;
 4. The development of landscaping areas and fencing for the purposes of separating or screening service and storage areas from the street and adjoining building sites;
 5. The development of landscaping or mounding to break up large expanses of paved areas, and to separate and screen parking lots from adjoining building sites;
 6. The location of on-site lighting to provide for the on-site safety needs without interfering with adjacent uses or aviation uses in the area, or posing any traffic hazard on adjacent streets; and
 7. Any other factors relating to the project under consideration that the review authority deems necessary.

(Ord. 2185)

Chico Planning Commission and City Council:

Regarding the re-zoning of Orient Street, from O-R to R2, I agree that it will make for a nicer neighborhood, allow more downtown housing, and preclude the unsightliness that sometimes stems from R3 zoning. My question is: Who is planning to pay me for the loss of my commercial right to put three office units on the undeveloped part of my property, how much will I be paid, and when will I be receiving the funds?

The City of Chico seems to have quite a raft of well-paid planners, their education no doubt costing a pretty penny, and yet from what I gather, their education has led them to believe that the best way to balance the City's budget is to steal the property from its senior citizens. As you know, property really has no value without its accompanying rights

I hope you will discuss this matter at the hearing on July 7, 2011. I fear that I will not be able to attend this meeting. As I pointed out ten years ago, when this matter last came up, it is extremely stressful when your government, whose purpose is to protect its citizen's property from the greed of his neighbors, seeks instead to aid them in its theft.

Norman Elarth
469 East 5th St.
Chico, California



7.2.c.

Karen Masterson - Planning Commission Title 19 hearing (Phase I)

From: "Jon Luvaas" <jonluvaas@gmail.com>
To: "Bob Summerville" <bsummerv@ci.chico.ca.us>
Date: 07/06/2011 10:44 PM
Subject: Planning Commission Title 19 hearing (Phase I)
CC: "Karen Masterson" <KMasters@ci.chico.ca.us>



Hi Bob,

Great job on the Title 19 amendments. However, having spent many months of my life working on the General Plan, I'm aware of a few inconsistencies in the proposed Zoning Ordinance amendments that the Planning Commission will need to correct. Please circulate this to the Commission for Thursday's hearing on Title 19. These corrections are in order by page and item number:

1. On page 8, beginning at line 23, Residential Mixed Use (RMU) is discussed. This may be the most important new zone in our General Plan promoting walkable neighborhoods. As the GP and the draft zoning text make clear, RMU is "predominantly" characterized by residential use at higher densities. It allows residential to stand alone or be accompanied by commercial and/or office uses. But the proposed text allows RMU development that's "entirely commercial" (line 26), with no residential. This conflicts with General Plan intent and may reduce Chico's ability to meet future housing needs. I encourage you to drop the "entirely commercial" clause.
2. Table 4-3B on page 15, line 23-24, erroneously uses the old R-1 Residential Density maximum of 6 units per acre, but the General Plan raised the maximum to 7. Page 7 of the draft ordinance, at line 21, correctly uses the new 7 unit maximum in defining R-1 and expressly strikes out the old reference to 6. The table also should be corrected to 7 for consistency.
3. Page 21, at lines 15-23, sets maximum residential density for Downtown North at 22 dwelling units per acre. However, the Commission and City Council agreed to allow up to 60 units per acre downtown for economic vitality, residential needs, and reduced auto dependency. So General Plan Table LU-2 (Land Use Designations and Development Standards) allows up to 60 units per acre for Residential Mixed Use downtown (see Table Note 1), 60 per acre for Commercial Mixed Use (Table Note 3), and 60 for Office Mixed Use (Table Note 4). Line 20 of the proposed new downtown zoning says the DN zone "is primarily intended to implement the Commercial Mixed Use designation of the General Plan." General Plan consistency requires that the 22 unit maximum be changed to 60 units per acre downtown.
4. On page 66, lines 4-8, regarding the planned development permit requirement in Resource Constraint Areas, it is crucial to retain the strikeout to maintain the integrity of this designation. No single family home should be allowed in these highly sensitive areas of protected habitat and highly visible open space viewshed, without at least the careful design review and conditions required by the PDP process. Without requiring a PDP and Planning Commission review, an eyesore can be built as a right, with no City or public review and no legal ability to minimize or prevent its impacts. These lands should be completely off the table for any future development, but a compromise was adopted, applying the "constraint" designation to retain limited potential for development, but only under the most cautious conditions.

Thank you for your careful consideration of these long-term provisions for Chico's growth.

Jon Luvaas

7.2.d.



COLDWELL BANKER COMMERCIAL
DUFOUR REALTY
1350 E. LASSEN AVENUE, SUITE #1
July 6, 2011 CHICO, CA 95973
BUS. (530) 895-1545
FAX (530) 343-8233
DRE LICENSE #00848849

TO: Chico Planning Commission
c/o Mr. Mark Wolfe and/or Mr. Bob Sommerville
401 Main St. second floor
Chico, CA 95928



Supersedes
communication
received
7/5/11

FROM: Mr. Brian Littrell
Coldwell Banker Dufour Commercial
1350 E. Lassen Ave. Suite 1
The Executive Park
Chico, CA 95973

RE: Title 19 Land Use oversight. Proposed modification, to include the "drive thru" requirements set forth in section 19.76.070, as an allowable use for the already permitted restaurant use (under 2500 sq. ft.) within Light Manufacturing zoning (section 19.46-4).

I am a local Commercial Real Estate Agent, with a client, Sonic-America's Drive-in, that is currently looking for suitable locations in Chico, to build a couple new stores. During our search process, I happened to identify an oversight in an area of the Title 19 Land Use Rules and Regulations that I think needs to be clarified, and should be considered for updating, during the upcoming Title 19 modification workshops. The proposed revision I recommend; is to allow an already permitted restaurant use (of 2,500 sq. ft. or less) within a Light Manufacturing Zoning area, the option to have a drive-thru window, as long as it conforms to the pre-existing guidelines set-forth in Section 19.76.070. "Drive-in and drive-through facilities" (Attachment A).

I feel the proposed clarification makes sense, for the following reasons;

1. It is consistent with the goals and policies of the recently revised General Plan, and especially supports the section that pertains to Economic Development Elements.
2. It will help reduce the number and distance of trips/ traffic associated with food choices, by directly catering to the employees/workers within the Light Manufacturing zones.
3. It has the potential to expand sales tax revenues, by making restaurants in this zoning more convenient and accessible.
4. It will help eliminate the need for proposed Zoning Changes or General Plan Amendments, to address this type of use in the future.
5. It has the potential to generate new Building Permit(s) revenue and Development Impact fees, by enticing new construction and remodels in a zoning segment that has experienced very little activity in recent years.

Thank you for your time and consideration regarding this matter. I look forward to working with you on this proposed revision. If you have any questions, comments, or would like to discuss the matter in further detail, please give me a call, I can be reached at (530) 896-3166 direct.

Sincerely,

Brian Littrell

Attachment A.



COLDWELL BANKER COMMERCIAL
DUFOUR REALTY

1350 E. LASSEN AVENUE, SUITE #1
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19.76.070 Drive-in and drive-through facilities.

Any retail trade or service use providing drive-in or drive-through facilities shall be designed and operated to effectively mitigate problems of air pollution, congestion, excessive pavement, litter, noise, and appearance in the following manner:

A. Pedestrian walkways should not intersect the drive-through drive aisles, but where they do, they shall have clear visibility, and be emphasized by enhanced paving or markings.

B. Drive-through aisles shall have a minimum 15-foot interior radius at curves and a minimum 12-foot width. Each drive-through entrance and exit shall be at least 100 feet from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least 25 feet from the curb cut on the adjacent property. Also, each entrance to an aisle and the direction of flow shall be clearly designated by signs and/or pavement markings or raised curbs outside of the public right-of-way.

C. Each drive-through aisle shall provide sufficient stacking area at the minimum of 20 feet per vehicle in advance of the service window or automated teller machine (ATM), to accommodate a minimum of six vehicles. In lieu of this standard, an interior traffic study which models vehicular queuing may be prepared for City staff review. The stacking area shall not interfere with other on-site circulation and parking facilities.

D. The provision of drive-through service facilities shall not justify a reduction in the number of required off-street parking spaces.

E. All service areas, trash storage areas, and ground-mounted and roof-mounted mechanical equipment shall be screened from ground-level view from adjacent properties or public rights-of-way.

F. Menu boards shall not exceed 24 square feet in area, with a maximum height of 6 feet, and shall face away from public rights-of-way. Outdoor speakers shall be located at least 50 feet from any residentially zoned parcel. Noise levels measured at the property line of a drive-in or drive-through facility shall not increase the existing ambient noise levels in the surrounding area.

G. Drive-through restaurants within an integrated shopping center shall have an architectural style and project design consistent with the theme established in the center. The architecture of any drive-through restaurant shall provide compatibility with surrounding uses in terms of form, materials, color, landscaping, and scale.

H. Each drive-through aisle shall be appropriately screened with a combination of landscaping, low walls, and/or berms to prevent headlight glare and direct visibility of vehicles from impacting adjacent streets and parking lots.

I. An 8-foot-high solid decorative wall shall be constructed on each property line that is adjoining a residentially zoned parcel. The design of the wall and the proposed construction materials shall be subject to architectural review.