

**CITY OF CHICO PLANNING COMMISSION
MINUTES OF THE SPECIAL MEETING OF
August 30, 2018**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Toni Scott, Chair
 Bob Evans, Vice Chair
 Lupita Arim-Law
 Cynthia Arregui
 Dale Bennett
 John Howlett
 Evan Tuchinsky

Commissioners Absent: None

Staff Members Present: Brendan Vieg, Deputy Director, CDD
 Bruce Ambo, AICP, Principal Planner
 Mike Sawley, Senior Planner
 Matt Johnson, Senior Development Engineer
 Robyn Ryan, Administrative Assistant

1. CALL TO ORDER

Chair Scott called the meeting to order at 6:03 pm.

1.1 Chair Scott led the Pledge of Allegiance.

1.2 Commission members and staff were present as noted.

2. EX PARTE COMMUNICATION

Commissioners Bennett, Arregui, Scott, and Evans all met with the applicant (separately). Commissioner Bennett also spoke with Deputy Director Vieg and Senior Planner Sawley. Commissioner Howlett had email correspondence with Senior Planner Sawley. Chair Scott also received additional correspondence from attorneys which was provided to all Commissioners. Commissioner Evans spoke with Senior Planner Sawley and Deputy Director Vieg. Commissioner Arim-Law met with the applicant and drove by the project site. Commissioner Tuchinsky attended a meeting with applicant, walked the project site, spoke with Senior Planner Sawley and spoke with former Chico Unified Trustee Steve O'Brien.

3. CONSENT AGENDA

3.1 *Commissioner Evans moved to approve the revised minutes for the August 2, 2018, meeting. Commissioner Tuchinsky seconded the motion which passed 7-0.*

4. PUBLIC HEARING ITEMS

Commissioner Tuchinsky announced that he had to recuse himself from participating in Item 4.1 due to a potential conflict of interest. He serves on the Board of Inspire School which has been allotted acreage to build a new school from CUSD on the adjacent Canyon View property.

- 4.1 Stonegate Vesting Tentative Subdivision Map, General Plan Amendment, Rezone and Use Permit (S 15-05, GPA/RZ 15-02 and UP 18-14), located on the east and west sides of Bruce Road between E. 20th Street and Skyway in southeast Chico, AP Nos. 002-190-041, 018-510-007, -008, and -009** - The project proposes to subdivide the 313-acre project site into a combination of open space (137 acres), public right-of-way, parks (3.5 acres), single-family residential standard lots (423 units), multi-family residential (13.4 acres), and commercial uses (36.6 acres). A use permit is also requested to allow ground-floor residential uses in a Community Commercial (CC) zoning district. The proposal includes a General Plan Amendment and rezone to reconfigure the Residential, Commercial and Open Space designations throughout the site. The site is currently designated/(zoned) a mixture of Low Density Residential (R1), Medium-High Density Residential (R3), Office Mixed Use (OR), Very-Low Density Residential (RS-20), Primary Open Space (OS1), Secondary Open Space (OS2) and Resource Constraint Overlay (-RC).

Senior Planner Mike Sawley began the staff report and PowerPoint presentation to the Commission.

Amanda McCarthy, Principal Biologist with WRA Consultants, worked on the EIR. She addressed the Commission to go over and explain the EIR.

Senior Planner Mike Sawley then finished giving the staff report and presentation and answered questions from the Commission.

Chair Scott opened the public hearing at 6:55 pm.

The applicant, Chris Giampaoli, with Epick Homes, gave a presentation to the Commission and answered the Commissioners' questions.

Chair Scott call a recess after applicant's presentation at 7:16 pm.

Chair Scott recalled the meeting to order at 7:25 pm.

Concerned citizens and neighbors of the proposed project: Bob Mullholland, Geoff Fricker, Natalie Carter, Maggie Scarpa, Jared Geiser, Elizabeth Devereaux, Caroline Burkett, John Merz, Richard Harriman, Dawn Garcia, Kathy Faith, and Bonnie Persons all spoke in opposition to the project. The issues and concerns were related to environmental concerns, water issues, loss of Butte County Meadowfoam, loss of vernal pool habitat, the negative effects this project will have on the area, as well as traffic concerns and carbon emissions related to the increased traffic.

Rudy Cortez, Ally Gibson, Julia Kistle, Brent Silberbauer, Keith Doglio, Pete Giampaoli,

and Mike Zaslow, all spoke in favor of the project. Citing the need for more housing in Chico and jobs this project will create. This is a good project for the city.

Dr. Mark Stemen spoke to the climate impact issues related to this project. This project needs to fully address greenhouse gas emissions before it gets approval. Chico needs housing but not at the cost of the climate.

Mike Trolinder commented that Epick Homes is a good builder, but this is a bad plan. The backs of houses face the street and the sidewalk. This is a potential safety issue.

Scott Birkey, the applicant's attorney, stated they are proud of this project and that the team has done their homework. This project strikes the right balance for Chico. The entire property could be developed, it is zoned for it, but that's not being done. Almost half will be set aside to be preserved in perpetuity. No development will take place in this open space.

Assistant City Attorney Andrew Jared stated that now would be the time for rebuttal by applicant or applicant's representative.

Chair Scott called for a short recess at 8:24 pm.

Chair Scott called the meeting to order at 8:37 pm.

The rebuttal time by the applicant would be limited to 10 minutes.

The applicant's attorney, Scott Birkey, addressed the Commission on behalf of the applicant. He addressed some of the concerns that were raised by earlier speakers. He covered two legal issues:

1. The concern about the availability of Butte County Meadowfoam credits and currently only one bank in process. The Final EIR clarifies two possible back up plans if they cannot create BCM on the preserve: 1) buying BCM credits, and 2) acquiring BCM habitat land elsewhere.
2. Greenhouse gas emissions and climate change and the significant and unavoidable impact this project will have in the EIR. Under CEQA, Epick has a responsibility to mitigate to the extent feasible even if the impact is significant and unavoidable.

Biologist for the applicant, David Bise, with Foothill Associates addressed the Commission to also speak to the biological impact concerns of the earlier speakers. He noted that one year of rare plant surveys took place during a non-drought year.

With no other members of the public wishing to address the Commission, Chair Scott closed the public hearing at 8:41 pm.

Senior Planner Sawley addressed the concerns of the speakers regarding groundwater supply, hydrology concerns and went over Figure IV. I-2 regarding water flows. He also discussed air quality mitigation and answered questions from the Commission.

Discussion continued among the Commissioners.

Motion #1: Vice-Chair Evans moved that the Planning Commission adopt Resolution No. 18-10, recommending the City Council certify the adequacy of the Final EIR.

Commissioner Arregui seconded the motion which passed 4-2-1 (Arim-Law and Howlett opposed; Tuchinsky recused).

Motion #2: Vice-Chair Evans moved that the Planning Commission adopt Resolution No. 18-11, recommending the City Council make certain findings regarding environmental effects and mitigation measures, adopt a Statement of Overriding Considerations, and adopt the Mitigation Monitoring and Reporting Program.

Commissioner Arregui seconded the motion which passed 4-2-1 (Arim-Law and Howlett opposed; Tuchinsky recused).

Motion #3: Commissioner Bennett moved that the Planning Commission adopt Resolution No. 18-12, recommending that the City Council approve General Plan Amendment/Rezone 15-02, Vesting Tentative Subdivision Map 15-05 and Use Permit 18-14.

Chair Scott seconded the motion which passed 5-1-1 (Howlett opposed; Tuchinsky recused).

5. REGULAR AGENDA

None.

6. BUSINESS FROM THE FLOOR

Mike Trolinder had a comment regarding the 8 days prior to meeting date to get information to the Planning Commission, however, the staff report was not out 8 days prior to the meeting date.

7. REPORTS & COMMUNICATIONS

Principal Planner Ambo let the Commissioners know that the Agenda packet for the September 6, 2018 meeting would be distributed to them at the end of this meeting.

Deputy Director Vieg shared that the RECO Ordinance would be presented and discussed at the September 4, 2018 City Council meeting.

Senior Development Engineer Matt Johnson introduced Associate Engineer Chris Duffey to the Planning Commission.

8. ADJOURNMENT

There being no further business from the Commission, the meeting was adjourned at 9:31 pm to the Regular meeting of Thursday, September 6, 2018 at 6:00 pm.

Date Approved

Bruce Ambo, Principal Planner
Community Development Department /
Planning Commission Secretary

**CITY OF CHICO PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING OF
September 6, 2018**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Toni Scott, Chair
Bob Evans, Vice Chair
Cynthia Arregui
Dale Bennett
John Howlett
Evan Tuchinsky

Commissioners Absent: Lupita Arim-Law

Staff Members Present: Brendan Vieg, Deputy Director, CDD
Bruce Ambo, AICP, Principal Planner
Mike Sawley, Senior Planner
Shannon Costa, Assistant Planner
Matt Johnson, Senior Development Engineer
Robyn Ryan, Administrative Assistant

1. CALL TO ORDER

Chair Scott called the meeting to order at 6:02 pm.

- 1.1 Chair Scott led the Pledge of Allegiance.
- 1.2 Commission members and staff were present as noted.

2. EX PARTE COMMUNICATION

Commissioners Tuchinsky and Howlett both drove by project site associated with Item 4.1 and had email correspondence with Richard Harriman regarding Item 4.2. Commissioner Tuchinsky also spoke with Assistant Planner Shannon Costa regarding Item 4.1 and spoke with Deputy Director Vieg regarding Item 4.2.

3. CONSENT AGENDA

None.

4. PUBLIC HEARING ITEMS

- 4.1 **West 11th Avenue Vesting Tentative Subdivision Map (S 17-09); APNs 043-800-013, -015, and -017:** A proposal to subdivide an approximately 3.0-acre site into 21 lots for residential development. The site is located on the south side of West 11th Avenue, between Holly Avenue and Sun Circle Court. The site is designated Low Density Residential on the General Plan Land Use Diagram and is zoned R1 (Low Density Residential). The proposal involves a new public street taking access from West 11th Avenue, turning to the east and terminating in a cul-de-sac bulb. This project is categorically exempt from further environmental review pursuant to Section 15332 of the California Environmental Quality Act Guidelines (Infill Development Projects).

Assistant Planner Shannon Costa provided the staff report and answered questions from the Commission.

Chair Scott opened the public hearing at 6:10 pm.

Nicole Ledford with NorthStar Engineering, and the engineer for the applicant, explained the project and traffic design and answered questions from the Commission.

Pat Willhoit, a neighbor of this proposed project, spoke in opposition to the project. He shared the project's lot sizes are not compatible with the neighborhood and the subdivision is directly adjacent to an agricultural operation.

Applicant, Zach Plottel, addressed the Commission to answer any questions and respond to concerns brought up by one of the neighbors.

Jim Stevens, also representing the applicant, addressed the Commission to answer any questions.

With no other members of the public wishing to address the Commission, Chair Scott closed the public hearing at 6:31 pm.

Vice-Chair Evans moved that the Planning Commission adopt Resolution No. 18-20, approving the West 11th Avenue Tentative Subdivision Map (S 17-09) based on the required findings subject to the conditions as set forth therein.

Commissioner Arregui seconded the motion which passed 5-1-1 (Scott opposed; Arim-Law absent).

- 4.2 Chico General Plan Annual Review: Land Absorption Study, Sustainability Indicators Report, and Title 19 Amendments** - The City's General Plan directs that an annual report be prepared on the status of the General Plan and progress on its implementation. In 2017, the City Council and Planning Commission considered a more robust Five-Year General Plan Review, which also included an evaluation of development trends, current land supply, market conditions, and the ability of available land to meet future development needs. The Review concluded that there is an adequate supply of vacant land to meet the community's needs through the General Plan's 2030 planning horizon. Council directed staff to prepare a more detailed land absorption analysis to gain greater insight into residential and commercial land use demand and supply, issues affecting affordability, and impediments to opening up land planned to accommodate growth. The City retained BAE Urban Economics to assist in the preparation of a Land Absorption Study. In addition, a Sustainability Indicators Report has been prepared to gauge progress in advancing the General Plan's sustainability-related goals and policies.

Deputy Director Brendan Vieg provided the staff report and answered questions from the Commission.

Aaron Nousaine, Vice-President with BAE Urban Economics, presented the Land Absorption Study to the Commission and answered questions.

Chair Scott opened the public hearing at 7:27 pm.

Kate Leyden with the Chico Builders' Association spoke regarding the Land Absorption Study and shared that while in theory there is available land, they believe the risks, challenges and costs make building unaffordable on many of the sites. However, they are looking forward to looking more deeply into this study and its recommendations.

Mike Trolinder questioned what the density would have to look like before it can begin to pay for adequate City infrastructure. He stated the City currently can't pay for roads (to maintain and repair), because there isn't enough tax revenue. He questioned: what does the number need to be for us to be sustainable?

Developer Chris Giampaoli thought BAE did a great job with the study; however, the vacant land is not really there, he doesn't see it. It is not available for many reasons. He would like to see the proposed project list updated to 2018.

With no other members of the public wishing to address the Commission, Chair Scott closed the public hearing at 7:39 pm.

The Planning Commission considered the Land Absorption Study and the Sustainability Indicators Report and then directed questions to staff, and provided comments below:

1. Land Absorption Study – Questions/Comments from the Commission:
 - Vice-Chair Evans asked about the density question brought up by Mike Trolinder.
 - Aaron Nousaine said this study did not look at the relationship of what density would be necessary to provide adequate revenue for the City. This type of study can be done but was not a part of the Land Absorption Study. This would be a nexus study.
2. Sustainability Indicators Report – Questions/Comments from the Commission:
 - Chair Scott had one question regarding climate change. Wasn't there a climate change vulnerability assessment? Is this something to review at a Planning Commission meeting?
 - Deputy Director Vieg said this was the Climate Action Plan and Vulnerability Assessment (VA). It was shared with both the Planning Commission and the City Council for review. This is the Sustainability Task Force's focus. The VA will be brought to the Commission when the STF shares its annual report with the Commission.
3. Title 19 Amendments – Comments/Suggested Edits from the Commission:
 - Commissioner Tuchinsky: page 2 Item M: change the language to "including but not limited to the following..."
 - Senior Planner Mike Sawley said that in ***Chapter 19.02.020 Rules of Interpretation under B. Language: 1. Terminology "Includes" and "Including" mean "including but not limited to..."***
 - Principal Planner Ambo stated with Chair Scott that due to the questions regarding Chapter 19.08 Non-Conforming Structures, Uses and Parcels, that chapter can be pulled from the amendments until further research and study has been completed.
 - Chair Scott: page 14 regarding the Administrative Use Permit: Under Public Notice –

- “public notice shall be provided...to all tenants and owners of real property...directly abutting or adjacent to the subject parcel.” Why not 300 feet?
- Principal Planner Ambo explained that under the existing Code the requirement is 500 feet, however with an Administrative Use Permit, we are trying to keep noticing costs down.
 - Senior Planner Mike Sawley, the reason for the change, the Administrative Use Permit, all the types that would fall under this permit are very localized in effect and do not have ramifications beyond the adjacent property owners. Permits would include things like increasing the height of a fence or reducing a setback.
 - Assistant City Attorney Jared stated that he’d like to review the changes made regarding non-conforming uses and he would like to meet with staff more about the intent and the effect they will have.
 - Commissioner Bennett would like to see some adjustments regarding the allowed lighting and lighting requirements in in-fill subdivisions. Shorter height light standards so as to not affect the surrounding neighborhoods.
 - Senior Planner Mike Sawley stated this may be best suited for Title 18R – under Subdivisions (Public Works Department – updates are being worked on now.)
 - Senior Engineer Johnson stated there are lighting standards requirements.

Commissioner Tuchinsky moved that the Planning Commission adopt Resolution No. 18-18, recommending the City Council adoption of an ordinance to amend Title 19 of the Chico Municipal Code with exceptions for Chapters 19.08 – Non-Conforming Structures, Uses and Parcels and 19.78 – Wireless Telecommunications Facilities subject to review by the City Attorney’s Office and the conditions as set forth therein.

Chair Scott seconded the motion which passed 6-0-1 (Arim-Law absent).

5. REGULAR AGENDA

None.

6. BUSINESS FROM THE FLOOR

None.

7. REPORTS & COMMUNICATIONS

Deputy Director Vieg communicated to the Commission that Butte LAFCO voted to approve a Sphere of Influence amendment for Chico.

8. ADJOURNMENT

There being no further business from the Commission, the meeting was adjourned at 8:20 pm to the Regular meeting of Thursday, September 20, 2018 at 6:00 pm.

Date Approved

Bruce Ambo, Principal Planner
Community Development Department /
Planning Commission Secretary