

ITY OF CHICO PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING OF

October 5, 2017

Municipal Center
421 Main Street
Council Chambers

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

Commissioners Absent: Evan Tuchinsky

Staff Members Present: Leo DePaola, Community Development Director
 Brendan Vieg, Deputy Director, Community Development
 Mike Sawley, AICP, Senior Planner
 David Young, Senior Planner
 Andrew Jared, Assistant City Attorney
 Matt Johnson, Senior Development Engineer
 Stina Cooley, Administrative Assistant
 Robyn Ryan, Administrative Assistant

1. CALL TO ORDER

Chair Scott called the meeting to order at 6:30 pm.

1.1 Chair Scott led the Pledge of Allegiance.

1.2 Commission members and staff were present as noted.

2. EX PARTE COMMUNICATION

Several Commissioners stated they visited the project sites.

Commissioners Arregui and Bennett stated they will recuse themselves from item 4.2.

Commissioner Arregui spoke with Andrew Jared regarding item 4.3.

3. CONSENT AGENDA

None.

4. PUBLIC HEARING ITEMS

- 4.1 Burnap Avenue Subdivision 2996 and 3000 Burnap Avenue; APNs 007-150-045, -053 and 061 (S 17-02)** -The proposed project is an infill, small-lot subdivision to divide a 3.4-acre site into 23 new residential lots and one remaining residential lot.

Senior Planner David Young provided the staff report and answered questions from the Commission.

Chair Scott opened the public hearing at 6:48 PM.

Applicant, Chuck Tatreau addressed the Commission to answer any questions regarding the project.

With no other members of the public wishing to address the Commission, Chair Scott closed the public hearing at 6:49 PM.

Commissioner Evans moved that the Planning Commission adopt Resolution No. 17-15, approving the tentative subdivision map S 17-02, subject to the conditions as set forth therein.

Commissioner Howlett seconded the motion which passed 6-0-1 (Tuchinsky absent).

- 4.2 Salvation Army Use Permit UP 17-06 (Salvation Army); 567 E. 16th Street, APNs 005-217-002, -003, 005, 005-251-002 and -021** – A request for a use permit to allow for a community center land use in a R1 zoning district; a parking reduction; and an 8-foot wall along adjacent neighboring properties.

Commissioner Bennett recused himself due to a conflict, his wife works for the architect on this project and Commissioner Arregui recused herself for this item due to conflict of interest.

Senior Planner David Young provided the staff report and answered questions from the Commission.

Chair Scott granted a recess at 7:03 PM before opening the public hearing.

Chair Scott opened the public hearing at 7:11 PM.

Applicant representative and architect Matt Gallaway addressed the Commission to answer any questions or concerns regarding the project.

Salvation Army staff member Arwyn Rodriguera, addressed the Commission to discuss the Salvation Army activities, and general functions provided at the location.

Members of the community addressed the Commission in support of the Salvation Army project, including staff and volunteers, current and former clients, and neighbors. Individuals who supported the project and spoke in favor were: Sandree Sidney, Lori Synder, Sam Wood, Hillary Holt, Robert Ebert, Pedro Castro, Harmony Tobisch, Sharon Chambers, Catherine Burns, Betty Warnock, Ray Block, Julie Treanor, and Renee Michel.

Other members of the community spoke against the project regarding safety and congestion issues in the neighborhood. These residents included Rick Garnett, Pam Garnett, and Bob Klang. Woody Elliott expressed concerns with the City's entitlement process.

Community Development Director DePaola addressed the Commission regarding landscape and planting concerns that were addressed at the Architectural Review and Historic Preservation Board meeting on September 6, 2017.

When asked by Chair Scott if the Planning Commission can vote on this project without the minutes from the ARHPB meeting on September 6, 2017, Assistant City Attorney Jared responded that they could make a decision.

Landscape architect Brian Firth addressed the Commission to explain planting changes that were discussed at the ARHPB meeting as well as to answer the Commission questions.

With no other members of the public wishing to address the Commission, Chair Scott closed the public hearing at 8:21 PM.

Chair Scott moved that the Planning Commission adopt Resolution No. 17-16, approving Use Permit 17-06 and AR 17-12 subject to the conditions as set forth therein.

Commissioner Evans seconded the motion which passed 3-0-2-1-1 (Arregui and Bennett recused, Howlett abstained, Tuchinsky absent).

Chair Scott granted a recess at 8:30 PM.

The meeting reconvened at 8:41 PM.

4.3 Amendments to Title 19 Land Use and Development Regulations of the Chico Municipal Code Regarding Cannabis Regulations (CA 17-03) –

Planning Commission review, consideration, and recommendation to Council of a draft ordinance to streamline all marijuana and cannabis related City laws into one City ordinance.

City Attorney Andrew Jared provided the staff report and answered any questions from the Commission.

Chair Scott opened the public hearing at 9:35 PM and invited the public to address the Commission.

Jessica MacKenzie addressed the Commission as a proponent of adopting some level of commercial regulations.

Jared Geiser addressed the Commission as a concerned citizen against only allowing the indoor grow of marijuana for personal use based on the negative impact it will have on the environment as well an increase in the use of energy.

Dr. Mark Stemen, chair of the Chico Sustainability Task Force, addressed the Commission regarding cannabis and climate change and energy impacts of cannabis production.

Tim Taylor addressed the Commission and stated banning cannabis is not the answer. Instead, it needs to be regulated.

With no other members of the public wishing to address the Commission, Chair Scott closed the public hearing at 9:47 PM.

Discussion continued between the Commission and staff.

Commissioner Evans moved that the Planning Commission adopt Resolution No. 17-17, recommending City Council adoption of an ordinance to repeal Chapter 19.77 (Cultivation of Medical Marijuana) and add Chapter 19.75 (Cannabis Regulations) to Title 19 of the Chico Municipal Code as set forth therein.

Commissioner Bennett seconded the motion which failed 3-3-1 (Tuchinsky absent).

Discussion continued between the Commission and staff.

The Planning Commission made a motion to *approve in modified form* of the proposed Ordinance. Specifically, the Planning Commission's motion that carried is as follows:

Chair Scott moved to that the Planning Commission adopt Resolution No. 17-17, recommending that the City Council approve in modified form the proposed Ordinance as amended by the Planning Commission, including

1. Add Chapter 19.75 (Cannabis Regulations) to Title 19 of the Chico Municipal Code, but without Section 19.75.040 (Indoor Personal Cannabis Cultivation) of the proposed Ordinance;
2. That Section 2 of the proposed Ordinance regarding the repeal of existing Chapter 19.77 (Cultivation of Medical Marijuana) be eliminated so that the existing Chapter 19.77 to the Chico Municipal Code be left intact;
3. That Section 3 of the proposed Ordinance regarding the amendment to the Table of Contents of Division V of Title 19 of the Chico Municipal Code be amended to not strikethrough "19.77 Cultivation of Medical Marijuana" but to include the text change of adding "19.75 Cannabis Regulations";
4. Delete Section 19.75.040 (Indoor Personal Cannabis Cultivation) from the proposed Ordinance (as also discussed in #2 above);
5. Direct staff to bring back Section 19.75.040 to the Planning Commission to further discuss comments raised as to the California Environmental Quality Act (CEQA), 72-hr. notice to inspect a subject property, and the Police Department's basis for recommending indoor grows.

Commissioner Evan seconded the motion, which passed 6-0-1 (Commissioner Tuchinsky absent).

5. **REGULAR AGENDA**

None.

6. **BUSINESS FROM THE FLOOR**

None.

7. **REPORTS & COMMUNICATIONS**

7.1 Planning Update

Deputy Director Vieg provided a staffing update, including 1) welcoming new Administrative Assistant Robyn Ryan, 2) congratulating Stina Cooley on her work and support of The Commission and her new position with the City Clerk, and 3) an offer for

Principal Planner position, which was accepted and is expected to start at the end of October.

8. ADJOURNMENT

There being no further business from the Commission, the meeting was adjourned at 10:54 PM to the Regular Meeting of Thursday, October 19, 2017.

12/21/17
Date Approved



Brendan Vieg, Deputy Director
Community Development Department /
Planning Commission Secretary