

**PLANNING COMMISSION
MEETING OF FEBRUARY 2, 1998**

ROLL CALL

The meeting was called to order by Chair Kirk Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, William Hamilton, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Planning Director Kim Seidler, Senior Planner Ed Palmeri and Administrative Secretary Karen Kracht.

SELECTION OF OFFICERS

1. **Selection of a Chairperson.** The Commission will elect a chair.

Planning Director Seidler called for nominations for the position of chair. Commissioner Monfort nominated Commissioner Dietle, Commissioner Hamilton seconded the nomination. There being no other nominations, Planning Director Seidler called for a vote. Commissioner Dietle was unanimously selected to hold the position of chair.

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

Chair Dietle called for nominations for the position of vice-chair.

Commissioner Monfort nominated Commissioner Wright. Commissioner Studebaker nominated Commissioner Belmonte. Commissioner Hamilton nominated Commissioner Wahl. A vote was taken on the three nominations. All three failed to reach a consensus of the majority of the Commission.

After some discussion on the selection procedures, Chair Dietle polled the Commission once again on the nominees. Commissioner Wright was selected on a vote of 4-3 (Commissioners Hamilton, Studebaker and Wahl opposed).

3. **Appointment of Commissioners to Various Committees.** The Commission will appoint members to Planning Commission Subcommittee for Neighborhood Planning and to serve as alternates to the Architectural Review Board.

Commissioners Belmonte and Studebaker volunteered to be on the Neighborhood Subcommittee. Commissioner Wahl volunteered to continue to be the alternate to the Architectural Review Board.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Monfort stated that he spoke with Jim Stevens regarding Item No. 5. They discussed the staff report and the changes which are reflected in the letter received by the Commission at this meeting.

CONSENT AGENDA

4. Minutes of Adjourned Regular Meeting of December 15, 1997.

Requested Action: Approve with any corrections/revisions required.

Commissioner Studebaker moved approval of Item 4. Commissioner Monfort seconded the motion which was unanimously approved.

REGULAR AGENDA

- 5. Administrative Use Permit No. 97-51 (Zink Timmons General Partners)** - At the request of adjacent property owners, the City of Chico Planning Commission will consider a request to allow a minor encroachment into the required front yard setback (not to exceed 25 percent of the required yard areas) for Lots 1, 2, 3, 13, 14, 15, 16, 18, 19, 20, 21, and into the required front and rear yard setback for Lot 10, in the Channel Park Subdivision located on the west side of Baroni Drive and north of Remington Drive. The property is identified as Assessor's Parcel No. 011-050-131 in an R-2 Medium Density Residential zoning district, and designated Medium Density Residential in the General Plan Diagram. This project has been determined to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15305, Minor Alterations In Land Use Limitations.

Sr. Planner Palmeri presented the staff report. He reviewed a letter received at the meeting from the applicant's representative regarding the revision of the application to delete the request for a rear-yard setback for Lot 10. He also reviewed the history of the subdivision. He noted that there has been ongoing discussion relative to drainage, which is being worked out through the subdivision process and is not the focus of this request. He stated that Condition No. 1 would need to be revised to allow encroachment into the front-yard setback for Lot 10.

Commissioner Monfort verified with staff that the subdivision cannot be finalized until the drainage problems are corrected. Planning Director Seidler explained that the drainage problem cannot be resolved until the final grading can be completed when the ground is dry.

The public hearing was opened at 7:50 p.m.

Craig Biasca, 9 Towser Road, expressed concern over drainage caused by elevating the subdivision 18 inches to 2 feet over the adjacent properties. He also expressed a desire for new fencing to be provided rather than the extension on the existing fence as proposed by the applicant.

Commissioner Monfort stated that he did not remember fencing being an issue at previous hearings on the subdivision.

Jim Stevens, NorthStar Engineering, representing the applicants, agreed that there may have been misunderstanding on the fencing as there was no final recommendation regarding fencing on the approval of the subdivision. He agreed that there is a drainage problem, and expressed his and the applicant's regret on the flooding occurring at this time. He explained that the current soil condition will not allow the grading to be completed. In addition to front yard setbacks, he noted that they have requested side yard encroachments of approximately 8 inches to accommodate the architectural changes required by the Building Code on all lots which are 50 feet wide.

Commissioner Monfort discussed the Building Code changes with Mr. Stevens.

Responding to a question from Commissioner Wright, Mr. Stevens explained that the conditions of the project required placing the garages in the rear. He noted that the Department of Public Works is not opposed to the setback encroachment as there is a parkway strip in front of the homes.

Planning Director Seidler noted that the materials provided to the Commission do not indicate a request for a reduced side yard setback, and asked which lots would be subject to this request.

Bruce McCrea, 80 Mimosa Lane, contractor on the project, explained the Building Code requirement on sheer panels on garage walls, which affects the setbacks on only those lots which are 50 feet wide - Lots 5 through 9 and 15.

Michael Cross, 11 Towser Road, stated that the requested setbacks would infringe on his property as the backyard of his property abuts a side-yard in this development. He expressed his belief that it would not be appropriate for the Commission to consider the side-yard setbacks as the item was not noticed for that request.

Assistant City Attorney Barker pointed out that the side-yard setbacks are not on the agenda nor considered in the staff report. Such a request could be considered through the Administrative Use Permit process and may be appealed to the Commission as this item was.

Mr. Biasca again expressed concern regarding fencing.

Planning Director Seidler explained that fencing is not an appropriate mitigation on this request as the house will not be moved into the rear yard setback which would establish a nexus for such a requirement. Assistant City Attorney Barker agreed.

Mr. Biasca expressed the added concern regarding safety, as there will be a gap of 9 inches between the fence and the raised back yard.

Mr. McCrea explained that the current fence is a "good neighbor fence" and suggested that lattice work, or similar effect, be placed on top of the existing fence to bring it up two feet.

The public hearing was closed at 8:10 p.m.

Chair Dietle expressed concern that the Commission is not prepared to act on the applicant's request for side-yard encroachments at this time. Planning Director Seidler explained that the Commission can act only on the issue which has been duly noticed.

COMMISSIONER MONFORT MOVED APPROVAL OF ADMINISTRATIVE USE PERMIT NO. 97-51 (ZINK TIMMONS GENERAL PARTNERS) SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS CONTAINED IN THE STAFF REPORT, WITH THE AMENDMENT TO DELETE THE REFERENCE TO REAR-YARD SETBACK ON LOT 10 FROM CONDITION NO. 1. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

6. **Use Permit UP-97-48 (NEXTEL)** - A request to allow the installation of 12 panel-type telecommunication antennas mounted on the catwalks of two existing water towers and a 30 foot by 50 foot fenced facility yard including an equipment shelter building and emergency generator fueled by a 499 gallon propane tank on property located at 236 Orient Street. The property is identified as Assessor's Parcel No. 004-093-002 in an R-P Residential-Professional zoning district, and designated Medium Density Residential in the General Plan Diagram. This project has been determined to be exempt from environmental review, pursuant to the CEQA, Section 15303, New Construction or Conversion of Small Structures.

Sr. Planner Palmeri presented the staff report. In response to questions from Commissioner Studebaker, Sr. Planner Palmeri stated that staff has not received further comments from the Heritage Association.

Commissioner Studebaker stated that he would like to see a staff report reviewing possible locations of such facilities for future reference as there have been a proliferation of such devices. Discussions continued relating to a suggestion by a previous Commission desiring a workshop on the subject jointly with the County and industry representatives.

The public hearing was opened at 8:20 p.m.

Jim Simpson, Planning Center, 2277 Fair Oaks Blvd, Suite 450, Sacramento, representing the applicant, stated that he was in agreement with staff's recommendations and conditions of approval. For the Commission's information, he listed several companies operating in and around the City which require such devices.

There being no further comment, the public hearing was closed at 8:25 p.m.

COMMISSIONER WRIGHT MOVED APPROVAL OF USE PERMIT UP-97-48 (NEXTEL) BASED ON THE FINDINGS AND CONDITIONS OF APPROVAL AS CONTAINED IN THE STAFF REPORT. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

CORRESPONDENCE

7. **General Plan Annual Report**, copy of report forwarded to City Council and Planning Commission.

BUSINESS FROM THE FLOOR

Commissioner Monfort expressed concern that the Heather Glen proposal was not before the Commission at this meeting as was expected. Planning Director Seidler explained that the current timetable on the project will have it scheduled for Commission hearing in March.

PLANNING UPDATE

Planning Director Seidler informed the Commission that the City Council recently reviewed the Community Design Element, and received much public comment on the item. He stated that the Council will most likely agendaize the item for further discussion, but that date has not been determined at this time.

Commissioner Monfort indicated that General Plan Annual Report noted that the Title 19 (Development Code) update may wait until the Council discussions on General Plan issues reach a conclusion. Planning Director Seidler agreed, stating that there is a need to resolve some of the issues in order to effectively process the update.

ADJOURNMENT

The Commission adjourned at 8:30 p.m. to the Adjourned Regular Meeting of Thursday, February 19, 1998 at 7:30 p.m.

February 19, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
MEETING OF FEBRUARY 19, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Commissioner William Hamilton arrived at 9:45 p.m. Staff present were Assistant City Attorney Lori Barker, Planning Director Kim Seidler, Senior Planner Ed Palmeri and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

None

CONSENT AGENDA

1. Minutes of Regular Meeting of February 2, 1998.

Requested Action: Approve with any corrections/revisions required.

COMMISSIONER STUDEBAKER MOVED APPROVAL OF ITEM 1. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (COMMISSIONER HAMILTON ABSENT).

REGULAR AGENDA

- 2. Use Permit UP-97-50 (Kirkman) - 2674 Ceres Avenue - A request to allow a second single family dwelling unit with a detached garage on a 2.3 acre lot with a 165 foot width. The manufactured home will be sited on the front portion of the lot approximately 50 feet back of Ceres Avenue. The project site is located at 2674 Ceres Avenue. The property is identified as Assessor's Parcel No. 048-670-054, in a rezoned (P) R-1 Single Family Residential zoning district and has been designated on the City of Chico General Plan Diagram Low Density Residential (2.1 to 7 dwelling units per gross acre). The property owner is also processing a separate request for annexation. The use permit and annexation have been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act, Section 15303, New Construction or Conversion of Small Structures and Section 15319, Annexation of Existing Facilities and Lots for Exempt Facilities.**

Sr. Planner Palmeri presented the staff report for the request to install a manufactured home. He reviewed the land use issues, findings and conditions of approval being recommended by staff as listed in the staff report.

Commissioner Monfort commented on the cover page description of the project. Sr. Planner Palmeri explained that the cover page is proposed early in the process; it was determined at a later date that it would not be temporary use.

Commissioner Monfort questioned if a building permit would be required. Sr. Planner Palmeri stated that the construction of manufactured homes is regulated by the State. The site improvements and connection to utilities are subject to City review.

The public hearing was opened at 7:40 p.m.

Bob Kirkman, 2674 Ceres Avenue, the applicant, stated that he would comply with conditions recommended by staff.

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

COMMISSIONER WAHL MOVED TO DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, SECTION 15303, AND APPROVE USE PERMIT 97-50 (KIRKMAN) WITH THE FINDINGS AND CONDITIONS LISTED IN SECTION VII OF THE STAFF MEMO OF FEBRUARY 4, 1998. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (COMMISSIONER HAMILTON ABSENT).

3. **Preliminary Review of Aspen Glen Vesting Tentative Subdivision Map and Planned Development Use Permit S-97-11/UP-97-37 (Aspire Homes)** - Proposed subdivision of 22.03 acres for a residential planned development containing 135 single family detached lots and 12 attached dwelling units on property located on the east side of the Esplanade, south of Commercial Lane. The property is identified as Assessor's Parcel No. 006-200-008 and is located in an R-2 Medium Density Residential zoning district, and is designated Medium Density Residential (7.1 to 14 dwelling units per acre) on the General Plan Diagram. Based on the initial study for environmental review prepared for this project, the Planning Division is recommending that a mitigated negative declaration be adopted for this project pursuant to the California Environmental Quality Act (CEQA). A "negative declaration" is a determination that a project will not have a significant impact on the environment as mitigated. A 30-day public review period is being conducted on the proposed mitigated negative declaration which will end March 4, 1998. If the negative declaration is adopted at the subsequent final review hearing, the Planning Commission will then consider the project for approval, conditional approval, or denial.

Sr. Planner Palmeri presented the staff report for the proposed planned development, vesting tentative subdivision map. He explained that the process for a planned development does include this preliminary review, which will be followed up at a later meeting with a final review of the subdivision and final adoption of the planned development and mitigated negative declaration. He noted that since the staff report and map were distributed to the Commission, the developer has indicated that he will be modifying the map (moving the park site) in response to concerns regarding the relationship of single family homes and

adjacent existing commercial uses on the northerly side. In order to maintain density levels, several lots in the rear of the subdivision will be developed with multi-family residential, such as duplexes. He also reviewed the letters regarding the project which were distributed to the Commission prior to the meeting.

Commissioners expressed concern regarding the conceptual approval recommendation, the use of rolled curbs, the lack of a graphical overview of planned improvements and approved projects in the area, the amount of open space required, maintenance of the landscaping on the side area for those lots fronting both onto Roads 1 and 3 and the length of time the assigned lots are to be reserved for daycare use.

The public hearing was opened at 8:05 p.m.

Tony Symmes, 2187 Bar Triangle Street, the applicant, noted that there are currently 12 trees on the site, 7 of which will be retained. He stressed that this proposal does not request modifying the street standards and will place vertical curbs only in areas where no parking is allowed. Regarding traffic issues, he noted that a full traffic study has been constructed and the development will be required to install an off-site traffic signal on the Esplanade. He proposed that on the corner lots which front on two sides, the second side be included in a maintenance district. He indicated that he would like the property which is to be set aside for daycare be released for other development in a reasonable time frame if a daycare is not found to develop on the property. He discussed his desire for the reduced setback requirements.

Commissioner Monfort asked if the lots set aside for daycare would be actively marketing as a daycare site. Mr Symmes replied that he has been in negotiations with an area daycare provider.

There was extensive discussion on if the project would still meet minimum density requirements consistent with the General Plan. The density must be maintained and could be met through adding more multifamily residential. Commissioner Monfort suggested that the daycare set-aside not be included in the net acreage used to determine density. Planning Director Seidler reviewed General Plan sections discussing housing units and persons per gross acres and added that he will review the figures used to determine density.

Mr. Symmes discussed the use of zero-lot lines, and suggested that there may not be a current market for building in such close proximity. Commissioner Monfort reviewed an example of an area which has worked and been marketable in Chico as well as the advantages to the homeowners, both in space and maintenance costs.

Commissioner Monfort expressed concern with the possibility of parking in the planter strip if rolled curbs are installed.

Mr. Symmes indicated his belief that this project does meet the Housing Element goals. He also reviewed the heights of the masonry wall.

The Commission was in recess from 8:30 p.m. through 8:45 p.m.

N. C. (Cec) Nielsen, 1780 Hooker Oak Avenue, expressed concern for the continued viability of the businesses located on lots 11 and 13 on Commercial Avenue, zoned C-2, which may negatively affect homes in the proposed subdivision.

The public hearing was closed at 8:50 p.m.

At the request of Chair Dietle, Planning Director Seidler reviewed the density concerns, indicating that the staff report does not correctly express the required density. He stressed that staff is asking for a conceptual recommendation and would work with the applicant to meet the minimum density requirements.

Mr. Symmes asked that the public hearing be reopened on the density issues.

COMMISSIONER WRIGHT MOVED TO REOPEN THE PUBLIC HEARING. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

The public hearing was reopened.

Mr. Symmes disagreed with the method suggested by staff to calculate density by not removing the public utilities easements and other such areas before the calculation of density. Planning Director Seidler stated that the General Plan specifies the density ranges. Sr. Planner Palmeri stated that staff would review the law and accepted practices of determining density on a project prior to the final hearing on this item.

Mr. Symmes stressed that he has met with staff several times at which time the project had been determined to meet density requirements.

The public hearing was closed.

In response to a question from Commissioner Monfort, Assistant City Attorney Barker read the uses permitted as a right in a C-2 district.

Planning Director Seidler noted that a large family daycare, which is residential in nature, would count against density; a commercial operation would not be used as a residence and thus, would not be used in density calculations.

Commissioner Monfort stated that he would recommend that there be more attached units and that all lots be at or over 4,000 square feet. He added that Mr. Symmes must make a good faith effort to see that a daycare be marketed and serious attempt to make that happen. Sr. Planner Palmeri suggested that a time limit placed on the requirement would provide an incentive to sell the property for a daycare.

Commissioner Monfort agreed with the necessity of moving the park, but noted his preference to have park areas in the middle of projects. He also stated that there is a need for a minimum 5 foot setback on side yards. Commissioner Wright inquired if the request for reduced side yard setback could be further reduced through an administrative use permit. Sr. Planner Palmeri explained that if the setback is made a condition of the planned development, that condition could not be modified through an administrative use permit.

Assistant City Attorney Barker added that if the setback is specified, then the applicant would have to return to the Commission to modify the planned development use permit.

Commissioner Belmonte expressed concern with area infrastructure, compatibility and transition between commercial and residential, and density issues. He suggested that the item be postponed until these questions can be addressed. Planning Director Seidler stated that issues relating to compatibility can be addressed at this meeting, while information regarding infrastructure can be provided prior to the final hearing on this item. Sr. Planner Palmeri reviewed the surrounding land uses. He noted that toward the west, the applicant has suggested placing the park and installing a masonry wall to provide a buffer between the development and the property on Commercial Avenue. Commissioner Belmonte stressed the desire to maintain the viability of the commercial area and future conflicts between the residential and the commercial properties. He suggested that there be additional setbacks on the border and continue masonry fencing for the length of the adjoining commercial properties. Commissioner Monfort noted not all C-2 uses would be a noise problem, those uses which would require a use permit could be conditioned to build the additional wall by the Commission at that point. Commissioner Belmonte asked staff to provide the generated sound levels and sound mitigations which would correspond to the C-2 zoning.

COMMISSIONER WRIGHT MOVED TO CONCEPTUALLY APPROVE THE VESTING TENTATIVE MAP AND PLANNED DEVELOPMENT FOR ASPEN GLEN SUBDIVISION SUBJECT TO MODIFICATIONS AS FOLLOWS: RECOMMENDATION NO. 4 TO BE MODIFIED SO THAT CLUSTERING ON OTHER PARTS OF THE PARCEL BE CONSIDERED BY THE APPLICANT, RECOMMENDATION NO. 6 BE REWORDED TO HAVE THE SETBACKS BE WHAT IS REQUIRED OF REGULAR SUBDIVISIONS. COMMISSIONER MONFORT SECONDED THE MOTION.

Commissioner Monfort proposed an amendment to the motion that the sideyard setback be specified at 5 feet in order to have a useable sideyard. Commissioner Wright stated that he would not agree to a setback amendment.

Commissioner Wahl inquired about the recommendation to delete the lots which are under 3,900 square feet. Commissioner Wright clarified that the motion was not to eliminate the lots, but to require that they be at least 3900 square feet.

Chair Dietle asked that the motion be restated.

Commissioner Wright restated the motion to conceptually approve the Vesting Tentative Map and Planned Development for Aspen Glen Subdivision, agreeing with the Staff Recommendations 1 through 3 and 5, eliminate Recommendation 4, restate Recommendation 6 to require the minimum side yard setbacks as required other subdivisions and that there be consideration of clustering of other parcels in the development.

Commissioner Belmonte stressed that any recommendation on a condition can be revisited at a future meeting when considering the application for final approval.

THE MOTION WAS APPROVED 4-2-1 (COMMISSIONER MONFORT, COMMISSIONER WAHL OPPOSED, COMMISSIONER HAMILTON ABSENT).

The Commission was in recess from 9:30 p.m. through 9:40 p.m.

4. **Use Permit No. 97-46 (Ardan) Sierra Sunrise Terrace/Sierra Ladera Lane** - Use permit to construct and operate a residential care facility for the elderly with Alzheimer's disease or similar afflictions. The facility will be phased to include two main buildings (10,500 + square feet each) accommodating administrative facilities and 28 residents per building, 56 total residents for the development, with a third phase for the development of a 1,500+ square foot multi-purpose building on property located at the northeast corner of Sierra Sunrise Terrace and Sierra Ladera Lane, identified as Assessor's Parcel No. 011-510-003 in a R-2 Medium Density Residential Zoning District. The site is designated on the City of Chico General Plan Diagram as Medium Density Residential. Based on the initial study for environmental review prepared for this project, the Planning Division is recommending that a mitigated negative declaration be adopted for this project pursuant to the California Environmental Quality Act (CEQA). A "negative declaration" is a determination that a project will not have a significant impact on the environment as mitigated.

Sr. Planner Palmeri presented the staff report for a residential care facility for Alzheimer patients. He reviewed the land use issues, findings, conditions of approval as listed in the staff report and the mitigation measures included as part of the proposed mitigated negative declaration.

Commissioner Hamilton arrived at 9:45 p.m.

The public hearing was opened at 9:45 p.m.

Daniel Ansel, 22 Bayview, Irvine, California, the applicant, stated that he would agree to abide by the conditions and recommendations in the staff report. He noted that his company does have two similar facilities located in southern California.

Commissioner Monfort confirmed that the proposed building will be single story, and stated that he appreciated the rear parking area. Mr. Ansel stated that the single story design was necessary to blend into a residential community.

Brenda McLaughlin, 2750 Sierra Sunrise Terrace, stated that she was representing Walker Commons Community. She stated that she was not opposed to the requested use, although they will be adjacent competing enterprises.

There being no further comment, the public hearing was closed at 9:50 p.m.

COMMISSIONER STUDEBAKER MOVED THAT THE COMMISSION ADOPT THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND APPROVE USE PERMIT 97-46 (ARDAN) WITH THE FINDINGS AND CONDITIONS AS LISTED IN SECTION VI OF STAFF MEMO OF FEBRUARY 4, 1998. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

CORRESPONDENCE

5. Jesus Provides Our Daily Bread, update report from Katy Thoma, Executive Director.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Planning Director Seidler reviewed a memo distributed to the Commission regarding a planning workshop, "Environment in the Planning Process," to be held on March 15, 1998, and encouraged the Commission to attend. He informed the Commission that the Council took action on the M&T Subdivision, which was appealed on concern on alignment of Eaton Road.

Planning Director Seidler reviewed the staff report format changes which have been implemented. Commissioner Studebaker suggested that the findings be bolded. Commissioner Monfort noted that at one time the reports contained a page listing all the conditions and mitigations to be applied to a particular project, and asked that the summary page again be included.

Commissioner Wahl asked if the applicant had a chance to review the conditions of approval prior to the publication of the staff report. Planning Director Seidler explained that the applicant does read and sign the Initial Study for the Mitigated Negative Declaration. For other types of applications, the applicant may not necessarily have them prior to receiving the staff report. In the instance of a planned development application, the conceptual approval by the Commission is part of the process. Sr. Planner Palmeri added that ultimately the conditions are applied by the Commission; the conditions in the staff report are recommendations to the Commission not an agreement with the applicant. The input from the public hearing and discussion by the Commission should be reflected by the conditions.

ADJOURNMENT

The Commission adjourned at 10:10 p.m. to the Regular Meeting of Monday, March 2, 1998.

April 6, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
MEETING OF MARCH 2, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, William Hamilton, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Director of Public Works E.C. Ross, Planning Director Kim Seidler, Senior Planner Stacey Jolliffe and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Studebaker stated that he had a brief meeting with Tom DiGiovanni, regarding Item No. 2, which was general in nature. Mr. DiGiovanni presented maps of the area and inquired of any questions on the project but did not discuss the staff report. He noted that he had inquired of Mr. DiGiovanni if there had been discussion with the neighbors, which had not been done at that time and would be discussed later in the meeting.

Commissioners Monfort, Wahl and Chair Dietle all stated that they had also spoken with Mr. DiGiovanni discussing generalities of the project. Commissioner Morfort stated that he had inquired on the 24 foot wide street request, which was a misprint, results of discussions with neighbors and use of a monument sign, all of which will be discussed later in the meeting. Chair Dietle stated that she had discussed the overall project design, noise study and densities of the project.

CONSENT AGENDA

- 1. Use Permit UP 7-49 (Executive Homes)** - Use permit to allow a second dwelling unit, removing the existing building and replacing it with two manufactured homes on property located at 372 West Lassen Avenue. The property is identified as Assessor's Parcel No. 006-340-015 in an R-1 Single Family Residential Zoning District, designated Low Density Residential (2.1 to 7 dwelling units per gross acre) on the General Plan diagram. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15303, New Construction or Conversion of Small Structures.

Requested Action: Approve this use permit subject to the findings and conditions of approval as listed in the staff report.

Chair Dietle noted that the Commission has received a request for a continuance on this item and it will be continued to March 16, 1998.

REGULAR AGENDA

2. **Heather Glen at Chico Creek Vesting Tentative Subdivision Map S 96-15 (Century-Crowell)**

- A request to subdivide approximately 19.2± acres of a 52± acre project site into 132 single-family lots (approximately 4,525 square foot average per single family lot) on property bounded by Little Chico Creek to the north, State Route 99 to the west, and Springfield Drive to the southeast. The property is identified as Assessor's Parcel Nos. 002-110-020, -021, and -082 and 002-140-002, and is located in an R-2 Medium Density Residential zoning district, designated Medium Density Residential (7.1 to 14 dwelling units per gross acre) in the General Plan diagram. The map would also create a 32.7± acre parcel intended as a storm water detention/wetland resource area within an area zoned OS-1 Primary Open Space and Designated as Open Space for Environmental Conservation and Safety with a Resource Management Area Overlay by the General Plan. An initial study for environmental review has been prepared for this project, based upon which the Planning Division is recommending that a mitigated negative declaration be adopted 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 with incorporation of specific mitigation. A 30-day public review period has been conducted for the Initial Study of Environmental Effect/Mitigated Negative Declaration proposed for the project pursuant to CEQA. If the negative declaration is adopted, the Planning Commission will then consider the project for approval, conditional approval, or denial.

Sr. Planner Jolliffe presented the staff report and reviewed the project location and history. She noted that Commissioner Studebaker had asked her to remind the Commission that there was a field trip to the site after a previous workshop held by the Planning Commission. She noted that the Resource Management Plan (RMP) is not before the Commission at this meeting as it will have to be acted upon by the Council.

Charlie Simpson, Insite Environmental, stated that he had been hired by the City to prepare the initial study of environmental effects of the project. He noted that a mitigated negative declaration was prepared as each of the nine significant effects identified could be reduced to less than significant level. He indicated that the Mitigation Monitoring Plan is attached to the resolution prepared for Commission consideration. He reviewed the identified significant impacts and proposed mitigations.

In response to a question by Commissioner Monfort, Sr. Planner Jolliffe stated that the General Plan does require additional air quality modeling for projects with over 125 housing units, which led to the standard mitigations contained in the Indirect Source Review Guidelines. Staff does recommend additional mitigations during construction as listed in the staff report to avoid nuisance dust.

Sr. Planner Jolliffe reviewed comments on the initial study which were received by staff and responses to those comments, both of which were included in the Commission's packets. She noted that Caltrans has submitted an additional letter which sought further clarification of mitigation measures. The supplemental list of conditions distributed to the Commission provides clarification.

Sr. Planner Jolliffe reviewed the General Plan consistency and analysis included in the staff report. She noted that moving the sound wall closer to the actual development will also protect a sensitive area of the wetlands. She stated that it has been determined that the General Plan policies on entry statements are directed at neighborhoods and not at individual subdivisions, which lead to the modification of the condition that the project provide an entry statement as included in the handouts for this meeting.

Sr. Planner Jolliffe reviewed the action before Commission as stated in the staff report.

Commissioner Studebaker inquired on the status of the negotiations for the City's acquisition of the ponds. Sr. Planner Jolliffe stated that it is still under negotiation as a result of Council's motion of intent to acquire the ponds. If the negotiations fail, the applicant will most likely have to revise the map to resolve storm drainage issues. Commissioners Studebaker and Belmonte expressed concern with approving this proposal without resolution of the acquisition issue.

The public hearing was opened at 8:05 p.m.

Harry Crowell, 1235 S. "D" Street, San Bernardino, the property owner, stated that he was in substantial concurrence with the staff recommendations and would like to continue working toward a conclusion on the negotiations for the ponds.

Tom DiGiovanni, Heritage Partners, representing the applicant, reviewed the history of the ponds and the project. He stated that he discussed the project with the neighbors last week. The neighbors expressed concerns regarding the lot sizes and elevations adjacent to Christopher Alan Lane. He noted that the site was originally 55 acres, of which less than 20 acres will be developed, leaving the ponds for community access.

Commissioner Monfort discussed street widths with Mr. DiGiovanni who indicated that there will be a 28 foot curb to curb street section with parking on one side for all streets except for Street F. The initial request was for parking on two sides with a reduced street width, but the Fire Department had concerns with emergency access.

In response to a question from Commissioner Hamilton, Mr. DiGiovanni stressed his belief that the ponds and the open space should be moved into public hands as the land is in the Storm Drainage Master Plan, as well as performing an essential storm drainage function for the City. He added that the applicant would like this project to be allowed to put its storm drainage into this system.

The Commission questioned the applicant regarding the status and effect of the on-going negotiations with the City regarding the pond and open space area, and Mr. DiGiovanni stated that the Commission action will not affect the negotiations from the applicant's point of view, other than to provide further motivation to reach a successful conclusion.

In response to a question from Commissioner Hamilton regarding the ongoing costs of mosquito abatement on the property, Mr. DiGiovanni stated that the initial costs to clean up the ponds would be paid by the

developer, with the on-going costs to be paid by the City. Sr. Planner Jolliffe reviewed letter from Mosquito Vector Control and listed mitigations to be placed on the project as included in the Commission packet.

Commissioner Monfort suggested providing parking at the end of the streets providing access to the public open space, thus ensuring that the public nature of space behind houses will be retained. Mr. DiGiovanni agreed with the suggestion, adding that it could be further reviewed as the final map was prepared. He further added that the topography and the pre-existence of a trail in the area will help ensure public access.

The Commission was in recess from 8:35 p.m. to 8:45 p.m.

The following people spoke expressing support for the project: Dick Cory, 1765 Oak Way, representing the Little Chico Creek Educators Consortium; Roger Cole, P.O. Box 68 Forest Ranch, representing Streammindes; Maureen Kirk, 396 Brookside Drive.

The following people spoke expressing concerns with the proposal relating to viewshed loss, privacy and traffic concerns: Shawn Jensen, 12 Christopher Alan Lane, Scott Martin, 6 Christopher Alan Lane;

In response to traffic concerns, Sr. Planner Jolliffe noted that the subdivision report does seek to relocate the northern access way to the existing curbcut on Springfield Drive. Director of Public Works Ross also reviewed the sidewalk access to along the main entry to the project from Springfield.

The public hearing was closed at 9:00 p.m.

In response to questions by the Commission, Mr. DiGiovanni explained that there is anexisting 6 foot fence along lots 7 through 13, which will be expanded upon construction as the proposed lots will be 2 to 3 feet lower than the elevation of lots along Christopher Alan Lane. He will not be installing screening landscaping in the rear yards. He stressed that the depth of the proposed lots will reduce the privacy concerns. Sr. Planner Jolliffe noted that the fence is not required by the City at this time.

Commissioner Wahl verified that the applicant had reviewed the recommended conditions.

Commissioner Monfort discussed fire lane requirements and street width with Director of Public Works Ross.

Chair Dietle confirmed that the project will meet the density of at least 7.01 units per acre. She also noted that she had concerns regarding noise reflecting off the ponds which were addressed in the rewritten conditions.

Commissioner Monfort suggested that a condition be added that prior to recordation of the final map, permeable parking spaces for public access shall be provided west of Street F.

COMMISSIONER HAMILTON MOVED TO APPROVE VESTING TENTATIVE SUBDIVISION MAP S-96-15 (HEATHER GLEN AND CHICO CREEK), ADOPT RESOLUTION 98-1 APPROVING THE SUBDIVISION AND ADOPT THE MITIGATED NEGATIVE DECLARATION SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS CONTAINED IN THE STAFF REPORT, AS MODIFIED BY THE CONDITIONS HANDED OUT TO THE COMMISSION, WITH THE ADDITION OF A CONDITION TO PROVIDE AN UNIMPROVED PARKING AREA TO BE DETERMINED BY STAFF. COMMISSIONER STUDEBAKER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

CORRESPONDENCE

5. Jesus Provides Our Daily Bread, update report from Katy Thoma, Executive Director.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Planning Director Seidler asked the Commission to confirm attendance at the upcoming workshop. Commissioners Belmonte, Hamilton, Monfort and Wahl stated that they would be attending. Chair Dietle asked that there be sharing of materials for those who are unable to attend. Assistant City Attorney Barker confirmed that the Commission does not need to adjourn to the workshop as it is an educational seminar, with the proviso that those present do not discuss Commission business.

ADJOURNMENT

The Commission adjourned at 9:20 p.m. to the Adjourned Regular Meeting of Monday, March 16, 1998.

April 6, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
MEETING OF MARCH 16, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, William Hamilton, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Director of Public Works E.C. Ross, Associate Civil Engineer Fritz McKinley, Planning Director Kim Seidler, Senior Planner Ed Palmeri and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Hamilton stated that he had spoken with Mr. DeLuca, manger of In Motion Fitness and toured the facility to be discussed in Item No. 4.

REGULAR AGENDA

1. **Use Permit 97-49 (Executive Homes)** - Use permit to allow a second dwelling unit, removing the existing building and replacing it with two manufactured homes on property located at 372 West Lassen Avenue. The property is identified as Assessor's Parcel No. 006-340-015 in an R-1 Single Family Residential Zoning District, designated Low Density Residential (2.1 to 7 dwelling units per gross acre) on the General Plan diagram. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15303, New Construction or Conversion of Small Structures.

Sr. Planner Palmeri presented the staff report for a request to place two manufactured homes on a vacant lot on West Lassen Avenue. He noted that the use of manufactured homes is regulated by the State. He reviewed the land use issues, findings and conditions of approval being recommended by staff as listed in the staff report. He pointed out that the Commission has received petitions and an individual letter speaking in opposition to the project.

Commissioner Wright confirmed that this request is no different from similar requests for a second unit on an R-1 designated lot.

Commissioner Monfort inquired if Condition No. 3, regarding full urban improvement, would include a parkway strip. Director of Public Works Ross stated that if the area has parkway strips and sidewalk, the applicant would be required to install the sidewalk and parkway strip as well as the curb and gutter.

Commissioner Monfort further reviewed the recommended conditions, including that for architectural review, sewer and twenty-foot wide access-way. Director of Public Works Ross noted that the Fire Dept required the twenty-foot wide access.

The public hearing was opened at 7:45 p.m.

Kathleen Leveroni, Executive Homes, 3040 Esplanade, (the applicant) and Donald and Donna Anderson, 1920 Spruce Avenue (the property owners) spoke in favor of the request, noting that the second, smaller unit will be a new manufactured home, while the other is a 1990 model. In response to a question from Mr. Anderson, Director of Public Works Ross explained the sidewalk requirement.

Marrilee Anzalone, 374 W. Lassen Avenue, provided the Commission a handout detailing her opposition to the project with concerns regarding density, use, and neighborhood character.

The public hearing was closed at 7:58 p.m.

Commissioner Monfort noted that requests for a second unit typically have a house with the second unit being subordinate. He inquired on the possibility of a future lot split. Sr. Planner Palmeri reviewed that the regulations do allow for two full size structures on an R-1 designated lot. Planning Director Seidler stated that a minor land division would be possible on the lot, after which both lots could be developed with a building permit.

COMMISSIONER MONFORT MOVED THAT THE COMMISSION DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15303 AND THAT THE COMMISSION APPROVE USE PERMIT NO. 97-49 WITH THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN SECTION VIII OF THE STAFF MEMORANDUM DATED FEBRUARY 23, 1998. COMMISSIONER STUDEBAKER SECONDED THE MOTION. THE MOTION FAILED BY A VOTE OF 3-4 (COMMISSIONER BELMONTE, HAMILTON, WAHL AND WRIGHT OPPOSED).

- 2. Non-Discretionary Permit AUP 97-50 (Gambone) - 6 Vermillion Circle** - Appeal of a Planning Director approval of a request to allow a large family day care home serving up to 14 children, including those under age 10 residing in the home, on property located at 6 Vermillion Circle. The property has been identified as Assessor's Parcel No. 002-080-014, and is located in an R-1 Single Family Residential zoning district, designated Low Density Residential in the General Plan Diagram. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15286, Ministerial Projects.

Sr. Planner Palmeri presented the staff report for an appeal of a non-discretionary permit. He noted staff did have a concern regarding the use of the garage for parking, which has been cleared. He reviewed the land use issues, findings and conditions of approval being recommended by staff as listed in the staff report.

Chair Dietle verified that the item was brought up on appeal. Assistant City Attorney Barker stated that as a matter of right, a Planning Director approved request can be appealed and heard by the Commission.

The public hearing was opened at 8:00 p.m.

Rhonda Gambone, 6 Vermillion Circle, the applicant, stated that she has met the necessary requirements for the use. In response to an inquiry from Commissioner Monfort, Ms. Gambone stated that the state licencing agency does inspect the facility once every three years.

Commissioner Monfort questioned how often staff verifies that requirements for parking are met. Sr. Planner Palmeri stated that once a permit is signed and initial requirements are met, enforcement would be done in response to complaints.

There being no further comment the hearing was closed at 8:05 p.m.

COMMISSIONER STUDEBAKER MOVED THAT THE COMMISSION UPHOLD THE PLANNING DIRECTOR'S APPROVAL OF NON-DISCRETIONARY PERMIT NO. AUP 97-50 DETERMINING THAT THIS PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15268, MINISTERIAL PROJECTS, AND SUBJECT TO THE CONDITIONS OF APPROVAL AS LISTED IN SECTION VIII OF THE STAFF MEMORANDUM DATED MARCH 2, 1998. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS APPROVED 6-1 (COMMISSIONER WAHL OPPOSED).

3. **Appeal of City of Chico Map Advisory Committee Action Modifying Conditions of Approval for Cardiff Estates Subdivision:** This is a request that the Planning Commission review a modification of the conditions of approval for Cardiff Estates, an approved subdivision of 3.5 acres located on the east side of Marigold Avenue, 790 feet north of East Avenue, to create 17 lots for single family residential development. On February 2, 1998, the City of Chico Map Advisory Committee approved a modification to the Chico Planning Commission approval on May 5, 1997, subject to the findings and conditions set forth in Resolution No. 97-7. The approved modification allows the abandonment of a portion of the existing storm drainage easement crossing the subdivision subject to the dedication of a replacement storm drainage easement, or construction of the storm drainage system, within the revised alignment of Arch Way. The abandonment will occur by note and omission on the final map of this subdivision. All other conditions set forth in Resolution No. 97-7 shall remain in full force and effect. A mitigated negative declaration for the subdivision was adopted by the Chico Planning Commission on May 5, 1997.

Sr. Planner Palmeri presented the staff report for an appeal of a Map Advisory Committee action approving a modification to the approved tentative vesting subdivision map, Cardiff Estates. Director of Public Works Ross added that there is an underlying public easement across three lots which would be removed per that action, resulting in cleanup of property title.

Commissioner Monfort noted that there was public concern to ensure that the swale to the south has free flow. Director of Public Works Ross explained that there have been modifications made to the facilities in the area to address those concerns. The storm drainage system should function appropriately and will be adjusted accordingly if needed.

The public hearing was opened at 8:12 p.m.

Jerry Olio, 2595 Cactus Avenue, expressed concern with flooding in the area and with the actions of the Map Advisory Committee being conducted at closed meetings.

The public hearing was closed at 8:15 p.m.

Commissioner Studebaker verified that the Map Advisory Committee meetings are not open to the public. Director of Public Works Ross explained that the Map Advisory Committee does take minor actions to implement conditions placed on a subdivision. This easement was not identified until title reports and final maps were created. He added that the alignment of the street was an action taken by the Commission, not at the Map Advisory level.

Commissioner Monfort verified that no visible changes were made to the subdivision as approved by the Commission. Director of Public Works Ross noted that the action of the Map Advisory Committee was noticed to the public and then appealed; thus, it was returned to the Commission.

COMMISSIONER WRIGHT MOVED TO DENY THE APPEAL AND UPHOLD THE ACTION OF THE MAP ADVISORY COMMITTEE TO MODIFY THE APPROVED TENTATIVE CARDIFF ESTATES SUBDIVISION MAP BY NOTE AND OMISSION ON THE FINAL MAP OF THE SUBDIVISION OR SEPARATE INSTRUMENT. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

The Commission was in recess from 8:20 p.m. to 8:30 p.m.

4. **Use Permit 97-3 (Sommer) - 1291 and 1293 East First Avenue** - A request to allow a modification of an existing use permit to allow an additional 18,000 square foot expansion of a non-conforming use into the building currently occupied by Holiday Market on property located at 1291 and 1293 East First Avenue. The applicant is also requesting that the rear access drive be closed off and a fire turn around installed. The property is identified as Assessor's Parcel No. 045-712-001 and located in an N-C Neighborhood Commercial Zoning District, designated Mixed Use Neighborhood Core on the General Plan Diagram. An initial study for environmental review has been prepared for this project, upon which the Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that the project will not have a significant impact on the environment with incorporation of specific mitigation. The 20-day public review period on the environmental review ends March 16. If the mitigated negative declaration is adopted, the Planning Commission will then consider the project for approval, conditional approval, or denial.

Sr. Planner Palmeri presented the staff report for an expansion of a non-conforming use. He reviewed the land use issues, findings and conditions of approval being recommended by staff as listed in the staff report. He explained that staff does wish to modify the recommendation for Condition 5 to be an 8-foot sound wall to be landscaped with vines on the interior wall along the perimeter of the outdoor recreating area. He noted that area residents have expressed concerns regarding noise. He added that a letter was received by the Commission in support of the request.

In response to a question from Chair Dietle regarding the hours of operation of the outdoor childcare, Sr. Planner Palmeri explained that the commercial daycare centers typically would not have outdoor activities after 5:00 p.m. These may be restrictive as this request is for a members-only facility.

The public hearing was opened at 8:40 p.m.

Tom Hall, 3015 Monticello, representing the applicant, reviewed the request. He indicated that during summer hours the children in the childcare may wish to use the outdoor facilities during the early evening hours.

Commissioner Belmonte suggested that the outdoor childcare facilities be allowed to operate until 7:00 p.m.

There being no further comment, the public hearing was closed at 8:45 p.m.

COMMISSIONER BELMONTE MOVED FOR THE ADOPTION OF THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND APPROVAL OF THE MODIFICATION OF USE PERMIT 97-3 WITH THE FINDINGS AND CONDITIONS LISTED IN SECTION VI OF THE STAFF MEMORANDUM DATED MARCH 3, 1998 WITH THE MODIFICATION OF CONDITION 5, TO BE AN 8-FOOT HIGH SOUND WALL WITH VINES ON THE INTERIOR WALL ALONG THE PERIMETER OF THE OUTDOOR RECREATION AREA, AND IN CONDITION 6, THE HOURS OF OPERATION BE CHANGED TO 8:00 A.M. TO 7:00 P.M. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

5. **Revision of an approved Vesting Tentative Subdivision Map S-96-9 (Shastan Homes)** - Proposed revised design of an approved subdivision of 5.15 acres for a residential development containing 23 single family detached lots on property located on the south side of West Lindo Avenue, and the east side of Holly Avenue. The property has been identified as Assessor's Parcel No. 043-620-001, as is located in an R-1 Single Family Residential zoning district, designated Low Density Residential on the General Plan Diagram. The revised design includes 5 additional lots and revised interior street layout. The revisions proposed will not require further environmental review to the mitigated negative declaration adopted for this project.

Sr. Planner Palmeri presented the staff report on the request to modify Allan's Glen Vesting Tentative Subdivision Map changing the access from Lindo Avenue to Holly Avenue with the addition of five additional lots.

Commissioner Monfort verified that lots 5 through 7 could be expanded as noted in the staff report.

The public hearing was opened at 8:50 p.m.

Jim Stevens, NorthStar Engineering, representing the applicant, reviewed the history of the project. He presented a sample building footprint to show the developability of the 50 foot wide lots. He requested revisions of three points in the conditions and mitigations on the project: Item J in the Resolution, be modified to reflect the current configuration which does not have rear yard fencing along Holly Avenue and thus, the project will not require a maintenance district be formed, modify Item K in the Resolution to reflect lot 1 as requiring the survey, and removal of the agricultural conservation easement (Mitigation No. 6) as it is no longer required by the City. He noted that he was aware of the petition submitted by concerned neighboring landowners. He added that the revised proposal will result in the addition of 50 average daily trips, or 4.5 trips per hour.

Commissioner Belmonte confirmed that the project was formerly configured as to have all lots serviced internally, and the current proposal would have 6 lots facing exterior to the project. Mr. Stevens added that due to the elevation change to the bridge, the current developer will be required to bring in a substantial amount of fill for drainage and raise some of the elevations to street level. He indicated that they will be proposing a retaining wall along rear of 18, 19, 22 and 23. He added that the driveway for lot 4 will be as far south as possible.

The following people spoke in opposition to the proposed revision expressing concerns regarding traffic, access onto Holly Avenue, property values, neighborhood compatibility and density: Jim Ewen, 650 Black Oak Drive; Rick Neilsen, 540 Black Oak Drive, Howard Danielson, 2249 Holly Avenue, and Maureen Baumgartner, 520 Villa Oak Court.

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

Commissioner Belmonte reviewed Commission discussion on the original project design. He indicated that the current request is not for minor changes, but rather presents a new project which does need to go through the process of a new project.

Commissioner Studebaker inquired if the 80 percent transitional density requirement is met by this project. Sr. Planner Palmeri explained that the subdivision to the east has larger lots (10,000 square feet to 1/3 acre). He indicated that in general the project complied with the compatibility guides expressed by the City Council.

Commissioner Monfort stated that traffic on Holly Avenue, which will become a major arterial, will not be significantly impacted by five additional units. He indicated that the orientation toward the neighborhood would be better for the surrounding neighborhood than under the previous proposal.

Commissioner Hamilton again questioned the adjacent density. Sr. Planner Palmeri compared the lots proposed to the adjacent property sizes.

Commissioner Belmonte expressed concerns regarding traffic, pedestrian and bicycle safety other than that measured by level of service and indicated his belief that the proposal could cause significant changes to safety levels.

Commissioner Belmonte moved to deny the request for revision of subdivision map S 96-9 (Shastan Homes at Holly Avenue). Commissioner Hamilton seconded the motion.

Commissioner Belmonte suggested that findings to deny the project can be made with regard to health concerns. He added that he was not necessarily opposed to the project and felt that further research was needed.

Commissioner Belmonte withdrew the motion.

Commissioner Belmonte moved to continue revision of an approved Vesting Tentative Subdivision Map S-96-9 (Shastan Homes at Holly Avenue) in order to review the changes and find that the environmental study is not sufficient. Commissioner Studebaker seconded the motion.

Planning Director Seidler asked the Commission to specify whether a new initial study would be necessary in general, or that specific areas needed to be analyzed such as density and traffic. Commissioner Belmonte clarified that areas concerning the intersection and the orientation of lots onto Holly Avenue would need to be reviewed.

Commissioner Belmonte rephrased the motion to continue the item to allow staff to provide more information in the Initial Study in areas of concerns including traffic, orientation of lots onto Holly Avenue, line of site and grading. He asked that staff determine the effects and impacts of those changes.

Commissioner Studebaker accepted the clarification to the motion. The motion was denied on a vote of 2 - 5 (Commissioner Dietle, Hamilton, Monfort, Wahl and Wright opposed).

Commissioner Monfort moved that the Commission adopt Resolution 98-2 acknowledging the previously adopted Mitigated Negative Declaration and the Shastan Homes at Holly Avenue Vesting Tentative Subdivision Map to create 23 single family residential lots, with the added condition that Lots 5 and 6 be widened by 5 to 10 feet as suggested in the staff report, modifying Condition J to reflect sideyards, modifying Condition K to reflect Lot 1 as the lot to be surveyed, and Mitigation No. 6 to remove the requirement for a conservation easement. Chair Dietle seconded the motion. The motion was defeated by a vote of 2 - 5 (Commissioners Belmonte, Hamilton, Studebaker Wahl and Wright opposed).

Commissioner Wright moved that the Commission adopt Resolution 98-2 acknowledging the previously adopted Mitigated Negative Declaration and the Shastan Homes at Holly Avenue Vesting Tentative Subdivision Map to create 23 single family residential lots with the amendments of: modifying Condition J to reflect sideyards, modifying Condition K to reflect Lot 1 as the lot to be surveyed, and Mitigation No. 6 to remove the requirement for a conservation easement.

Commissioner Hamilton asked staff to readdress the compatibility of neighborhood density. Sr. Planner Palmeri stated that there are some lots within the proposed project which do not meet the 80 percent transitional density. Commissioner Hamilton suggested that the Commission receive further direction from Council regarding this issue.

Chair Dietle seconded the motion made by Commissioner Wright. The motion was defeated by a vote of 3-3-1 (Commissioners Belmonte, Monfort, and Wright opposed; Commissioner Hamilton abstained).

Commissioner Monfort clarified that the widening of Lots 5 and 6 would create more setback area between homes, ideally 10-foot setbacks.

Commissioner Belmonte confirmed that if the Commission does not reach a consensus, the previously approved project would remain intact. Planning Director Seidler noted that by operation of law if no action is taken on the project within a specific time, it will automatically be approved.

The Commission was in recess from 9:40 p.m. to 9:45 p.m.

Chair Dietle called to the Commission to declare any ex parte communications which occurred during the recess. Commissioner Wahl stated that he discussed the project with Howard Danielson with regard to the change in the number of lots. Commissioner Monfort stated that he discussed the density with Rick Nielsen. Commissioner Hamilton stated that he spoke with many people in attendance regarding density concerns. Commissioner Belmonte stated that he spoke with the project proponent, Jim Stevens.

Commissioner Wahl moved to reopen the public hearing. Commissioner Hamilton seconded the request which was approved 5-2 (Commissioners Dietle and Wright opposed).

The public hearing was re-opened at 9:50 p.m.

Rick Nielsen and Howard Danielson, both previous speakers, spoke in opposition to the project, expressing concerns regarding lot sizes and property values, and asked that there be further review of the proposed revision.

Project proponent Mr. Stevens reviewed the traffic circulation in the area. He indicated his belief that the Council policy regarding neighborhood compatibility applied to transitional infill projects only.

in response to a question from Commissioner Hamilton relating to the retaining walls, Mr. Stevens reviewed the need for the grading to raise those lots to street level and City requirements to provide lots to drain to the street.

Commissioner Monfort inquired if the applicant would volunteer to widen lots 5 and 6. Mr. Stevens replied that he would have to consult with his client, especially if there is an added condition regarding setbacks requirements.

The public hearing was closed 10:00 p.m.

COMMISSIONER MONFORT MOVED THAT THE COMMISSION ADOPT RESOLUTION 98-2 ACKNOWLEDGING THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION AND THE SHASTAN HOMES AT HOLLY AVENUE VESTING TENTATIVE SUBDIVISION MAP TO CREATE 23 SINGLE FAMILY RESIDENTIAL LOTS WITH THE AMENDMENTS OF: MODIFYING CONDITION J TO REFLECT SIDEYARDS, MODIFYING CONDITION K TO REFLECT LOT 1 AS THE LOT TO BE SURVEYED, AND MITIGATION NO. 6 TO REMOVE THE REQUIREMENT FOR A CONSERVATION EASEMENT, AND DELETE LOT 5 AND EXPAND LOT 6 ACCORDINGLY. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS APPROVED 4-3 (COMMISSIONERS BELMONTE, STUDEBAKER AND WAHL OPPOSED).

6. **Amendment to Chapter 19.56 of Title 19 Land Use Regulation, M-1 Limited Manufacturing Zoning District** - A proposal to amend section 19.56.030 entitled "Uses permitted subject to use permit" by adding thereto subparts "L" and "M" to allow "Embalming and cremation facilities" and "Restaurants, delicatessens and sandwich shops intended to serve businesses and employees in the M-1 zoning district, occupying no more than 2,500 square feet of gross floor area" respectively, as uses permitted subject to use permit. This project has been determined to be exempt from environmental review pursuant to section 15061 (b)(3) General Rule of the California Environmental Quality Act (CEQA).

Sr. Planner Palmeri presented the staff report, noting there will be a use permit request coming before the Commission shortly.

The public hearing was opened at 10:03 p.m.

Nanette Sorenson, 1114 Mangrove Avenue, stated that a use permit request has been submitted for a new embalming facility. She reviewed the use permit process with staff.

The public hearing was closed at 10:05 p.m.

COMMISSIONER HAMILTON MOVED THAT THE COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15061 (B)(3) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THAT THE COMMISSION RECOMMEND CITY COUNCIL APPROVAL OF THE PROPOSED ORDINANCE. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

7. **Schedule a public workshop** for presentation and explanation of proposed amendments forwarded by City Council to the Title 19 Land Use Regulations regarding Downtown Signage, proposed Landmark Overlay District and zoning reclassification of the area south of 5th Street to Little Chico Creek encompassing Main, Broadway, and a portion of Oroville Street and Park Avenue.

The Commission concurred to meet at 4:00p.m. on Friday, March 27, 1998 in the City Council Chambers to hold a public workshop on the Title 19 Land Use Regulations regarding Downtown Signage.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

None.

ADJOURNMENT

The Commission adjourned at 10:10 p.m. to the Public Workshop on Friday, March 27, 1998 at 4:00 p.m. and to the Regular Meeting of Monday, April 6, 1998 at 7:30 p.m.

May 4, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
MEETING OF MARCH 27, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 4:05 p.m. in the Conference Room 1 of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Commissioner Hamilton was absent. Staff present were Planning Director Kim Seidler and Senior Planner Pam Figge.

SPECIAL WORKSHOP MEETING

1. **Amendments to Title 19 Land Use Regulations** - Public Workshop for presentation and explanation of proposed amendments forwarded by City Council regarding Downtown Signage, proposed Landmark Overlay District and zoning reclassification of the area south of 5th Street to Little Chico Creek encompassing Main, Broadway, and a portion of Oroville Street and Park Avenue.

Sr. Planner Figge presented staff report and explained that handwritten notes in the draft ordinance were comments made by staff and did not reflect public comment at this time. The Commission questioned staff regarding the proposed sign regulations and Commercial Downtown South (CDS) designation.

Commissioner Wahl asked who was on the ad-hoc downtown committee. Debbie LaPlant, Interim Director of the Downtown Chico Business Association, listed them.

Commissioner Wright verified that there was no current specific definition of a sign and inquired if the existing signs not meeting the new standards for area size would have to be amortized and then removed or would they just be non-conforming. Sr. Planner Figge stated that she would verify it with the City Attorney.

Commissioner Monfort asked why rooming/boarding houses would not allowed in the CD District. Sr. Planner Figge noted that rooming houses generally had a common kitchen. Second and third story residential uses, generally with their own kitchen facilities, would be allowed with a use permit.

Chair Dietle noted that in Exhibit "C," which contains the sign matrix, all signs could have 'indirect' lighting. Sr. Planner Figge agreed, and added that Draft regulations would be revised to reflect this clarification.

The workshop was opened for public comment at 4:45 p.m.

Bud Tracy expressed concern regarding signs on a two-story building with only the first-story in commercial use. He stated that he agreed with the idea of a comprehensive sign package for buildings with multiple tenants which would be reviewed by the Architectural Review Board. He indicated that his other concerns were the amount of neon allowed which he felt should be restricted, and if the property owner would be able to use the second story for other than residential. He indicated that some of the downtown

area property owners may want the option of restricting the amount of signage used by their tenants. He also suggested that the 180-day cooling off period for landmark buildings could be shortened to 90 days.

Jackie Headley stressed that the downtown area is pedestrian oriented. She requested that the Commission recommend that backlit canister lighting not be allowed as it is inconsistent with the character of downtown and is discouraged in the Downtown Master Plan. She added that she also was in opposition to the use of neon in the downtown area.

Rolland Berger expressed concern regarding the relationship of the downtown area to Chico Creek and suggested that this would be an opportunity to emulate San Antonio's river walk. He noted that the creek land in Chico is publicly owned but not readily accessible. He added that the public park areas in the downtown are most often used by transients and not by families and the City should consider opportunities to improve the parks to encourage family use.

Betty Jane Roth noted that she disagreed with the prior speaker as the creek areas have flooding problems. She added that to create a river-walk would be expensive.

Debbie LaPlant, Downtown Chico Business Association (DCBA), stated that the DCBA Executive Committee supports staff recommendations to maintain the character of downtown. She noted that the DCBA would hold a general membership meeting before final decisions are made. She requested that City staff attend that meeting. Commissioner Monfort requested that the DCBA general membership discuss the use of neon signs.

The Commission discussed the length of a cooling-off period for the Certificate of Appropriateness (COA) and if a public notice would be required for a COA. In response to a question, Sr. Planner Figge explained that the COA would be administered by referring to the Historic Properties Inventory List in the City's Planning Division.

COMMISSIONER WRIGHT MOVED TO PROVIDE 30 DAYS ADVANCE NOTICE WITH A 90-DAY 'COOLING-OFF' PERIOD WHEN OBTAINING A CERTIFICATE OF APPROPRIATENESS. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS APPROVED 6-1 (COMMISSIONER STUDEBAKER OPPOSED.)

The Commission discussed the use of neon signs. Commissioner Monfort suggested limiting neon by counting it against the allowed sign square footage, or by allowing a percentage of window space with maximum coverage. Chair Dietle suggested that "open" signs be exempt from the regulations. Commissioner Belmonte stated that the Commission should receive comments from the downtown merchants first. Sr. Planner Figge stated that members of the Commission and/or City staff could discuss this proposal with the DCBA general membership. Commissioner Belmonte and Chair Dietle stated that they would attend the next meeting of the DCBA General Membership.

COMMISSIONER MONFORT MOVED TO NOT REQUIRE A USE PERMIT FOR 2ND AND/OR SUBSEQUENT STORY RESIDENTIAL IN THE DOWNTOWN SOUTH ZONING DISTRICT.

COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

Regarding a date for a public hearing on the amendments to Title 19, the Commission concurred that staff will schedule the hearing for a regularly scheduled Commission meeting in May.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

The Commission adjourned at 5:50 p.m. to the Regular Meeting of Monday, April 6, 1998.

April 20, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
MEETING OF APRIL 6, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, William Hamilton, Kirk Monfort, Jonathan Studebaker, Larry Wahl. Commissioner Michael Wright was absent. Staff present were Assistant City Attorney Lori Barker, Development Engineer Tom Varga, Planning Director Kim Seidler, Senior Planner Ed Palmeri and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

This item was discussed later in the meeting.

CONSENT AGENDA

1. Minutes of Adjourned Regular Meeting of February 19, 1998.

Requested Action: Approve with any corrections/revisions required.

2. Minutes of Regular Meeting of March 2, 1998.

Requested Action: Approve with any corrections/revisions required.

- 3. Use Permit 98-4 (Chuck Patterson) - 1950 E. 20th Street, Chico Mall - A request to allow a temporary off-site auto/truck sale from May 21 through May 25, 1998. The sale will be located on the westerly end of the Chico Mall located at 1950 E. 20th Street. The properties are identified as Assessor's Parcel Nos. 002-140-007, 010, and 002-450-042. The properties are in a C-1 Restricted Commercial Zoning District and are designated on the General Plan Diagram as Community Commercial. The project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act, Section 15323, Normal Operations of Facilities for Public Gatherings.**

Requested Action: Approve this use permit subject to the findings and conditions of approval as listed in the staff report.

COMMISSIONER STUDEBAKER MOVED TO APPROVE THE CONSENT AGENDA.
COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS APPROVED 6-0-1
(COMMISSIONER WRIGHT WAS ABSENT).

REGULAR AGENDA

- 4. Use Permit 97-47 (J. Franklin) - 217 Flume Street** - A request to allow the construction of a two-story office building at 217 Flume Street, identified as Assessor's Parcel No. 004-093-009. The property is in a C-Central Commercial Zoning District and is designated on the General Plan Diagram as Downtown. The project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act, Section 15303, New Construction or Conversion of Small Structures.

Sr. Planner Palmeri presented the staff report for the request to allow the construction of a two-story office building. He reviewed the land use issues, findings and conditions of approval being recommended by staff as listed in the staff report.

Commissioner Monfort inquired if this proposal would comply with the proposed downtown subareas included in the General Plan. Sr. Planner Palmeri reviewed the surrounding uses with which the proposal would be compatible. Planning Director Seidler stated that staff would be eventually proposing a General Plan amendment to clarify where office uses would be compatible in the downtown area.

Commissioner Studebaker verified that state and local building codes would include compliance with the Americans with Disabilities Act.

Planning Director Seidler requested that Condition No. 3 be changed to provide that the architectural elements be reviewed and approved by the Planning Director. Commissioner Monfort asked that the roof line for the porch capture the roof line of the building.

The public hearing was opened at 7:40 p.m.

John Franklin, 885 E. 5th Street, property owner, stated that he was present to address any questions the Commission may have.

There being no further comment, the public hearing was closed at 7:42 p.m.

COMMISSIONER HAMILTON MOVED TO DETERMINE USE PERMIT NO. 97-47 (FRANKLIN) IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT, SECTION 15303, AND APPROVE THE USE PERMIT SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN SECTION VI OF THE STAFF MEMO DATED MARCH 17, 1998, WITH AN AMENDMENT TO CONDITION 3, REPLACING THE REQUIREMENT FOR ARCHITECTURAL REVIEW BOARD APPROVAL WITH ARCHITECTURAL APPROVAL BY THE PLANNING DIRECTOR. COMMISSIONER STUDEBAKER SECONDED THE REQUEST WHICH WAS APPROVED 6-0-1 (COMMISSIONER WRIGHT ABSENT.)

5. **Planned Development Use Permit No. 98-1 (Hughes/PDQ Market)** - Preliminary review of a request to allow a commercial project consisting of gasoline sales, a convenience market, a restaurant/deli, and an automated car wash on a 0.96 acre parcel located at the northwest corner of East and Ceanothus Avenues, in a PD/N-C Planned Development/Neighborhood Commercial zoning district. The property is identified as a portion of Assessor's Parcel No. 048-061-038 and is designated Community Commercial on the General Plan Diagram. An initial study is currently being prepared and the environmental review will be completed prior to final action on the matter which will be scheduled for a subsequent public hearing.

Chair Dietle stated that she would be abstaining from this item as her employer has been discussing financing for the project. As the vice-chair was absent, there was consensus that Commissioner Monfort would act as Chair on this item.

Sr. Planner Palmeri presented the staff report for the preliminary request on a planned development of a commercial center. He reviewed the land use issues, findings and conditions of approval being recommended by staff as listed in the staff report.

Acting Chair Monfort noted project has been redesigned since the preliminary drawings were presented to the Commission during hearings on the General Plan Amendment / Rezone on the property. He verified that the rezone did also include the parcel to the west. The rear of the parcel remains NC Neighborhood Commercial. The western driveway approach, as shown on the plats, would provide access for further development in the area and internal circulation between the project and the East Avenue Marketplace property.

The public hearing was opened at 7:55 p.m.

Orval Hughes, 25 Hughes Drive, the applicant, stated that he was present to answer any questions.

Acting Chair Monfort discussed the site, corner treatment and plot maps with Mr. Hughes. Mr. Hughes explained that he does not own the entire site. The layout of the site has changed over time, most recently by reducing the number of gas pumps to four and squaring them to the building. There will be a three foot high wall along the corner to protect the landscaping. The design of the area would provide access along the sidewalk with limited alternate paths.

Commissioner Belmonte verified that the deceleration zone would be for the two parcels and the East Avenue Marketplace. He also inquired if anything had been proposed for the other parcel. Mr. Hughes stated that he could not answer for the development of the parcel to the west, but would assume it would be developed soon.

There being no further comment, the public hearing was closed at 8:00 p.m.

COMMISSIONER WAHL MOVED TO CONCEPTUALLY APPROVE PLANNED DEVELOPMENT USE PERMIT 98-1. COMMISSIONER HAMILTON SECONDED THE MOTION.

Commissioner Belmonte reviewed the history of the parcel and General Plan policies which apply to this project. He expressed concern regarding pedestrian access to/from the high school. He noted the proximity to the schools and stressed the safety of the students. He requested the motion be amended to eliminate the direct access from the site to East Avenue and allow the existing entrance on East Avenue to be the main access to avoid safety conflicts with multiple egress points onto East Avenue.

Development Engineer Varga reviewed the existing deceleration lane on to the East Avenue Marketplace. Commissioner Belmonte renewed his suggestion to limit access onto East Avenue by not creating an entrance any closer to intersection than currently exists.

Commissioner Wahl declined the amendment and called for a vote on the motion.

THE MOTION WAS APPROVED 3-2-2 (COMMISSIONERS BELMONTE AND STUDEBAKER OPPOSED, CHAIR DIETLE ABSTAINING AND COMMISSIONER WRIGHT ABSENT).

DISCUSSION OF EX PARTE COMMUNICATION

Chair Dietle stated that she had met with Tony Symmes regarding Item No. 6, and discussed side yard setbacks and the overall design of project.

Commissioner Belmonte stated that he had a telephone call from Mr. Hughes regarding Item No. 5 and discussed traffic concerns in the area.

REGULAR AGENDA (CONTINUED)

6. **Final Review of a Vesting Tentative Subdivision Map and Planned Development Use Permit S-97-11/UP-97-37 (Aspire Homes)** - Proposed subdivision of 22.03 acres for a residential planned development containing 116 single family detached lots and 41 attached dwelling units on property located on the east side of the Esplanade south of Commercial Lane in an R-2 Medium Density Residential zoning district, designated Medium Density Residential on the General Plan. The property has been identified as Assessor's Parcel No. 006-200-008. An initial study for environmental review has been prepared for this project. Based upon the information contained within the initial study, the Planning Division is recommending that a "mitigated negative declaration" be adopted pursuant to the California Environmental Quality Act (CEQA). A "mitigated negative declaration" is a determination that a project with incorporation of specific mitigation will not have a significant impact on the environment. Also pursuant to CEQA, a 30 day public review period has been conducted on the proposed mitigated negative declaration. If the mitigated negative declaration is adopted the Planning Commission will then consider the project for approval, conditional approval, or denial.

Sr. Planner Palmeri presented the staff report, and reviewed the preliminary hearing on the proposal. He stressed that the densities are met with this project using the specific code requirements for Planned

Development density calculations. He also examined the requested modifications to the design standards, which staff does find appropriate. He noted that the motion, should the Commission move to approve the request, should include language to adopt Resolution 98-3, making the findings contained therein, adopt the mitigated negative declaration, with the findings and conditions of approval as contained in the resolution.

Commissioner Monfort noted that there have been several changes in the lot numbering since the preliminary hearing and requested that the Subdivision Report be updated. Development Engineer Varga noted that staff would make the necessary changes.

Commissioner Monfort verified that the storm drainage would go into the SUDAD ditch. Development Engineer Varga explained that the project would have two detention basins (located in lots C and D) to remove any additional runoff before entrance into the SUDAD ditch.

Commissioner Belmonte noted that he had previously requested a map of the infrastructure, cumulative effects and planned capital improvements in the area. Planning Director Seidler pointed out a display of the current subdivision activity in the area. Chair Dietle called a recess to review the display.

The Commission was in recess from 8:25 p.m. through 8:30 p.m.

Development Engineer Varga reviewed the pending subdivision development in the area.

Commissioner Monfort inquired what school district boundaries the site is contained in. Development Engineer Varga stated that the site is in the Emma Wilson district, and that the children would attend the Henshaw Avenue school, when it is built. It is anticipated that the children would be bused to school.

Commissioner Monfort verified that much of the area along the east side of the Esplanade to Eaton Road has sidewalk improvements.

The public hearing was opened at 8:35 p.m.

Tony Symmes, 218 Bar Triangle Street, clarified that the lot sizes will be a minimum of 3950 square feet, with a minimum 4 feet on one side and 5 feet on the other, although 70 percent of the lots will have five foot setbacks on both sides. At a request from Commissioner Monfort, Mr. Symmes reviewed the front yard setbacks.

Commissioner Wahl inquired what would be planned for the multi-family lots in the event the City Council does lower the density requirements and if there was a way to approve those changes, if any, at this meeting. Mr. Symmes stated that the lots would be developed with single family homes. Sr. Planner Palmeri explained that the Commission and staff must work within the Municipal Code requirements as they exist at the time of approvals. He added that should the densities be lowered for R-2 districts, the applicant would be able to come back to the Commission with revisions.

There being no further comment, the public hearing was closed at 8:45 p.m.

COMMISSIONER WAHL MOVED THAT THE COMMISSION ADOPT RESOLUTION 98-3, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING ASPEN GLEN TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT USE PERMIT WITH THE FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION. COMMISSIONER HAMILTON SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED (COMMISSIONER WRIGHT ABSENT.)

BUSINESS FROM THE FLOOR

Commissioner Studebaker noted that during Council discussions on the Community Design Element of the General Plan, former councilmember Jim Owens had suggested a point system be established to determine compliance with the Element. He inquired if staff was aware of any other communities which have similar systems, and if not, he asked that staff conduct research. Planning Director Seidler stated that he felt the idea had merit and could be explored. Due to time constraints on staff at this time, he asked no time frames be given should the Commission provide direction to conduct the research. There was no consensus on providing direction.

PLANNING UPDATE

Planning Director Seidler noted that the process of the Council reviewing the Community Design Element continues. Staff is preparing responses to a submittal by the Building Industry Association, which will be given Council for the next meeting on the subject.

Commissioner Monfort verified that the Council would be hearing an appeal on the Shastan Homes on Holly Avenue at the next meeting, April 7, 1998. Sr. Planner Palmeri added that the Executive Homes use permit on West Lassen Avenue has been appealed and scheduled for the Council meeting on April 21, 1998.

ADJOURNMENT

The Commission adjourned at 8:55 p.m. to the Adjourned Regular Meeting of Monday, April 20, 1998.

May 4, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
MEETING OF APRIL 20, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, William Hamilton, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Planning Director Kim Seidler, Senior Planner Tom Hayes, Senior Planner Stacey Jolliffe and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Studebaker stated that he received a telephone call from Gary Simmons regarding Item No. 3, Use Permit 98-3, who expressed concern that the project is adjacent to a historical site and asked that the project go before the Architectural Review Board for its approval.

CONSENT AGENDA

1. Minutes of Adjourned Regular Meeting of March 16, 1998.

Requested Action: Approve with any corrections/revisions required.

Commissioner Wright removed this item from the Consent Agenda.

2. Minutes of Adjourned Regular Meeting of March 27, 1998.

Requested Action: Approve with any corrections/revisions required.

3. Use Permit 98-3 (Nichols, Melburg & Rossetto) - 6th and Main Streets - A request to allow the construction and operation of a two-story office building with a net floor area of 6,700± square feet with remote parking adjacent to the site. The properties are located at the northeast corner of 6th and Main Streets, identified as Assessor's Parcel No. 004-242-011 and a portion of 004-242-010 in a C-1 Restricted Commercial zoning district. The subject property is designated Downtown on the General Plan Diagram. This project has been determined to be Exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15303, New Construction.

Requested Action: Approve this use permit subject to the findings and conditions of approval as listed in the staff report.

Staff requested this item be removed from the Consent Agenda.

4. Use Permit 98-5 (Sorenson/Affordable Mortuary) - 587 Country Drive - A request to allow an embalming and holding facility for the deceased and accessory uses including a mortuary office in an existing 2,880 square foot building located at 587

Country Drive, identified as Assessor's Parcel No. 005-580-008. The subject property is 1.24 acres, located in an M-1 Limited Manufacturing zoning district, and is designated Manufacturing and Warehousing on the General Plan Diagram. This project is categorically exempt from environmental review pursuant to the California Environmental Quality Act, Section 15301, Existing Facilities.

Requested Action: Approve this use permit subject to the findings and conditions of approval as listed in the staff report.

5. **Use Permit 98-7 (Vineyard Christian) - 3880 Morrow Lane** - A request to allow the operation of a church in an existing building located at 3880 Morrow Lane and to allow off-site parking on two adjacent parcels located at 3689 Benetar Way and 3890 Morrow Lane. The properties are identified as Assessor Parcels Nos. 002-200-021, 023, and 024. The properties are in a C-2 General Commercial Zoning District and are designated on the General Plan Diagram as Commercial Services. The project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act, Section 15301, Existing Facilities.

Requested Action: Approve this use permit subject to the findings and conditions of approval as listed in the staff report.

The applicant's representative, Doug Hignell, requested that this item be removed from the Consent Agenda.

COMMISSIONER STUDEBAKER MOVED APPROVAL OF CONSENT AGENDA ITEMS 2 AND 4. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

ITEM REMOVED FROM THE CONSENT AGENDA

1. **Minutes of Adjourned Regular Meeting of March 16, 1998.**

Commissioner Wright noted that the vote on a motion located at the bottom of Page 7 was incorrect. Planning Director Seidler stated that staff would make the correction and return the corrected minutes at a future meeting.

3. **Use Permit 98-3 (Nichols, Melburg & Rossetto) - 6th and Main Streets**

Sr. Planner Hayes presented the staff report for an office building to be located at the northeast corner of 6th and Main. He reviewed the land use issues and recommendations contained in the staff report. He noted that a letter was received by the Commission at this meeting regarding the ability to provide parking on the adjacent parcel owned by United Artists and indicated that the applicant may be able to pay the fee for in-lieu parking. As a result, staff recommended an additional condition stating "If the project relies on off-site parking pursuant to an access and parking easement, the property owner shall be required to execute and record a covenant obligating the property owner to pay in-lieu parking fees for

the number of spaces so provided in the event that the use of the property is changed in whole or in part from business/office to any other use which has regular business hours in addition to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. This covenant is to be recorded prior to the issuance of a building permit." Staff also recommended that Condition 4 be amended to read, "Prior to the issuance of a building permit the permittee shall secure a non-revocable easement for access and parking for off-site parking and/or pay required in-lieu parking fees."

Commissioner Monfort verified that the parking required would be 25 spaces for an office use and that the use permit would remain on the land regardless of property ownership.

The public hearing was opened at 7:40 p.m.

Steve Gonzalves, 434 Broadway, representing the applicant, stated that he was aware of the additional conditions and was not opposed to paying additional parking fees should the building have other uses, although it was not anticipated. He reiterated that it was his intent to continue to secure a reciprocal parking agreement with United Artists, which would improve the United Artists parking lot as it is currently out of compliance with City standards.

There being no further comment, the public hearing was closed at 7:44 p.m.

COMMISSIONER MONFORT MOVED TO DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15303, AND APPROVE USE PERMIT 98-3 SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF MEMORANDUM WITH THE ADDITION OF CONDITION 6 AND MODIFICATION OF CONDITION 4 AS DESCRIBED BY STAFF. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

5. Use Permit 98-7 (Vineyard Christian) - 3880 Morrow Lane

Planning Director Seidler presented the staff report for a church to operate in a C-2 General Commercial zone. He expressed concern regarding parking issues and recommended that the Commission approve the requested permit with the condition that written consent to use the available parking on adjacent parcels.

Doug Hignell, 392 Brookside Drive, the applicant, explained that while the current services are held on Sundays, expansion to provide other services during the week or on weekends may be considered. Parking would only be a problem when activities are taking place in the main assembly hall which seats 150. He requested that the permit hours be restricted to activities in the main assembly area before 6:00 p.m.

Discussion ensued resulting in amending Condition 3 to read "Church activities in the general assembly area shall be limited to those hours specifically designated in agreements to secure off-site parking as approved by the Planning Director."

The public hearing was closed at 7:50 p.m.

COMMISSIONER STUDEBAKER MOVED TO DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15301, AND APPROVE USE PERMIT 98-7 SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED IN THE STAFF MEMORANDUM WITH THE MODIFICATION OF CONDITION 3 AS NOTED. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

6. **Use Permit 98-6 (Rodeghiero) - 1043 West 8th Street** - A request to: 1) allow a liquor license to serve beer and wine within 300 feet of a residential area; and 2) expand an existing restaurant by adding approximately 500 square feet of outside seating on property located at 1043 West 8th Street. The property is identified as Assessor's Parcel No. 004-266-001, located in an C-2 General Commercial Zoning District and is designated Community Commercial on the General Plan diagram. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15301, Existing Facilities.

Planning Director Seidler presented the staff report, and noted staff's recommendation to approve the use permit in terms of the beer/wine alcohol license and to deny the expansion of the dining area.

Commissioner Monfort verified that the permit does not specify closing hours and suggested that the Commission review parking regulations for the area around State Highway Route 32.

The public hearing was opened at 7:55 p.m.

Ron Rodeghiero, 1043 W. 8th Street, the applicant, reviewed the parking regulations. He stated that this would not be an expansion, rather a shifting of seating space and an increase of visibility. He requested a continuance of the section of the use permit regarding expansion to allow time to discuss the issue further with staff.

The Commission discussed whether the use would be considered an expansion and agreed to separate the use permit into two sections. Planning Director Seidler agreed to review the requested use further with the applicant and noted that the seating was specified in the original use permit.

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

COMMISSIONER MONFORT MOVED TO DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15301 AND APPROVE USE PERMIT 98-6 TO ALLOW SERVING OF BEER AND WINE SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED IN THE STAFF MEMORANDUM AND CONTINUE THE REQUEST TO EXPAND THE SEATING AREA TO THE REGULAR MEETING OF MAY 4, 1998. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

7. **General Plan Amendment 96-2 (City of Chico)** - A proposal to amend the land use and zoning designations on 98+ acres generally bordered on the north by Warfield Lane, on the south by the Skyway, on the east by Potter Road, and the City/County municipal boundary, and on the west by the Little Chico Creek Diversion Channel to Butte Creek as follows: 1) Amend the General Plan designation of the majority of the site (that portion of the site that does not lie within 100 feet of the Little Chico Creek Diversion Channel top of bank) to Very Low Density Residential (0.2 to 2 dwelling units per gross acre) and Open Space for Environmental Conservation/ Safety; 2) Amend the General Plan text to require a specific plan for development of the project site to ensure habitat protection and the appropriate extension of infrastructure, utilities, and public services; and 3) Change the zoning of the majority of the site (that portion of the site that does not lie within 100 feet of the Little Chico Creek Diversion Channel top of bank) to RS-20 (Suburban Residential-20,000 square foot minimum lot size). The existing Resource Management Area overlay would be retained for the entire project site. The Creekside Greenway land use designation and OS-1 (Primary Open Space) zoning would be retained for the diversion channel and all land within 100 feet of its top of bank. A Supplemental Environmental Impact Report (SEIR) has been prepared for the project.

Sr. Planner Jolliffe presented the staff report for a General Plan amendment and rezone which was initiated by the City to correct errors in the General Plan designation for the site. She reviewed the history of the zoning in the area and noted that no development proposal has been made at this time. Development of the site would require further environmental surveys and impacts associated for that project to be mitigated appropriately. She noted that the City's objective in correcting this error was to return economic viability to the property in the near term.

In response to Commission concerns, Sr. Planner Jolliffe stated that had the project remained R-1, as it was prior to the adoption of the General Plan, the property would have been subject to the Resource Management Area restrictions. She added that without baseline biological surveys, it is unknown how dense development would have been. Commissioner Monfort noted that historically, the property to the north, with same type of terrain, was developing a specific plan which was discontinued because adoption of the General Plan was imminent.

In addressing Chair Dietle's concerns regarding language in the General Plan Amendment, Sr. Planner Jolliffe explained that the amendment was written to be site specific, by using

references such as 'shall', as opposed to advisory language in the General Plan which was typically used to allow flexibility as applied to numerous sites.

The Commission discussed whether this property is considered foothill and the mitigations contained in the supplemental environmental impact report (SEIR) regarding viewshed to the foothills. Staff noted that while the property may not technically meet foothill definitions as contained in the General Plan, it will be seen from the Skyway and have a particularly visible impact. The General Plan defines foothill as generally where oak woodlands begin. Foothill standards in the Draft Title 19, as directed by General Plan discussions regarding design in foothills, will include provisions to review color of housing and visual impacts of developing in the foothills.

Commissioner Wright expressed concern for the requirement that building footprints be laid out within a specific plan. Sr. Planner Jolliffe explained that the requirement was intended to avoid impacts on the environmental resources by the placement of lots given considerable environmental constraints. It was desired to have a mechanism to minimize biological impacts from grading and permitted uses. When the requirement to avoid resources is made up-front, less confusion occurs during future entitlement and development.

The public hearing was opened at 8:25 p.m.

David Kelly, Rural Consulting, representing the applicant, agreed that this property is outside the foothill viewshed as defined by the General Plan. He noted that under the previous zoning the property would have been allowed to develop 400 to 500 units. He explained that under RS-20 zoning, the City does not have the mechanism to allow clustering which this property would require. He expressed concern regarding the requirement for a specific plan and the language in the SEIR suggesting that development of the property include a defensible urban boundary.

Kelly Meagher, 337 Main Street, stated that the subject property is the urban boundary of the City and stressed the importance to buffer such boundaries with reduced densities and open space.

The Commission was in recess from 8:35 p.m. to 8:45 p.m.-----

Meg Orhms, 130 W. 2nd Street, representing Elizabeth Devereaux, expressed concerns regarding establishing an urban boundary, foothill viewshed and its effect on quality of life, and allowing leapfrog development.

Barbara Vlamis, Butte Environmental Council, reviewed the need for an urban boundary and suggested the property was intentionally zoned to create the strong urban boundary. She explained that different definitions of hillsides and foothills are contained within the General Plan and its associated environmental documents. She suggested the property owner transfer development densities to the adjacent parcel across the diversion channel.

Jim Mann, Rural Consulting, representing the applicant, stated his support for the proposal as the property was zoned R-1 prior to General Plan adoption and the property owner had already paid sewer bonds. He requested that the requirement for a specific plan be eliminated, as the project will have to complete an environmental impact report prior to development to which a specific plan would be an added expense.

John Gillander, Chico Committee for Environmental and Economic Balance, stated his support of the proposal as the prior rezone during General Plan adoption removed value from the property. He noted his belief that a specific plan would not be of value given the amount of environmental study necessary to build a limited number of houses.

Kevin Quinn, 1778 Estates Way, addressed concerns of densities within the General Plan, which were noted by Commissioner Studebaker as being the topic of the next item on the agenda.

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

Sr. Planner Jolliffe explained that currently the RS-20 zoning designation does not have a provision regarding clustering of houses and reviewed the options available for the property owner.

Commissioner Wright noted that when reviewing a previous project before the Commission, it was stated that clustering would be allowed in resource management areas. Sr. Planner Hayes explained that it is allowed in some resource management areas as the General Plan generally speaks to the issue and encourages transfers of densities from sensitive areas to other areas.

Sr. Planner Jolliffe reviewed the difficulties in establishing a road as a defensible urban boundary, which led to the language for the specific plan, land use component. A specific plan would allow review of infrastructure improvements in order to ensure maintenance of the urban boundary. Commissioner Monfort verified that there are ways to ensure that the infrastructure investment would limit growth in the area. Sr. Planner Jolliffe noted that a planned development could also be used for this purpose. A master plan or design plan was also considered, but rejected as it would not include a discretionary permit to review the infrastructure.

Foothill boundaries are currently being defined on a project by project basis.

Chair Dietle asked staff to address how clustering of 20,000 square foot lots could be accomplished. Sr. Planner Jolliffe reviewed options which could be used by the developer including smaller than 20,000 square foot lots with private access to resources or loss of lots due to the environment.

Commissioner Studebaker verified that the proposal is for an error correction to the General Plan. Sr. Planner Jolliffe explained that while the property was consciously designated open space, it was done so under the misconception that the subject site was one parcel with the

land to the west across the diversion channel and under common ownership. This would have meant the City was allowing development on part of a property and denying it on another part. When it was understood that the property was in fact three separate parcels, it became evident that the City had inadvertently taken all development potential from the two subject parcels.

Commissioner Monfort asked for clarification regarding the transfer of development rights, which is addressed in staff report as not economically viable in the near term. Assistant City Attorney Barker explained the concept of transfer of development rights and noted that the current Municipal Code does not have provisions for a transfer of development rights to compensate the property owner, nor do the draft land use regulations at this time.

Commissioner Monfort asked what additional burden a specific plan would be given the necessary environmental review and other project information needed prior to development of the site. Sr. Planner Jolliffe explained that with a subdivision map alone, the Commission would need to approve the map if it met specific mandatory findings for approval on a tentative map. The Commission may be in a position to approve a map which is not desired based on those legal requirements regardless of environmental concerns. Further discretion could be established by a planned development process with additional review of improvements. She noted that a precise design or master plan does not allow Commission the same discretion. She stated that a specific plan would provide more discretion and better planning review with better information for future Commissions.

Commissioner Monfort verified that urban boundaries may not be firmly established without a specific plan. Sr. Planner Jolliffe stated that if the Commission were in a position to review improvements, it will have more ability to maintain the boundary lines.

Commissioner Wahl asked what would prevent the County from allowing development east of Potter Road. Sr. Planner Jolliffe stated that urban development in the area would probably not be economically feasible if the sewer infrastructure would not allow the additional capacity. Sr. Planner Hayes added that as the area is currently zoned 1 unit per acre, the County would have to process a general plan amendment to allow further development on the east side of Potter Road.

COMMISSIONER WAHL MOVED TO RECOMMEND TO THE CITY COUNCIL TO CERTIFY THE SEIR FOR GENERAL PLAN AMENDMENT AND REZONE 96-2 AND APPROVE THE PROPOSED GENERAL PLAN AMENDMENT AND CONCURRENT REZONE, EXCLUDING THE SPECIFIC PLAN REQUIREMENT. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH PASSED ON A VOTE OF 4-3 (COMMISSIONERS BELMONTE, MONFORT AND STUDEBAKER OPPOSED).

The Commission was in recess from 9:35 p.m. through 9:45 p.m.

8. **General Plan Amendment 97-5 and Rezone 97-6 (City of Chico)** - A proposal to lower minimum permitted densities within three General Plan land use designations/ zoning districts in the Chico Urban Area as follows:

- 1.) Adjust the density range for the Medium Density Residential designation/R-2 Medium Density Residential zoning district from 7.1 to 14 dwelling units per gross acre to 2.1 to 14 units per gross acre;
- 2.) Adjust the minimum density for the High Density Residential designation/ RHD Residential High Density zoning district from 22.1 to 35 dwelling units per gross acre to 14.1 to 35 units per gross acre; and
- 3.) Lower the maximum allowed density for the Low Density Residential land use designation and R-1 Single-Family Residential zoning district from 7 to 6 dwelling units per gross acre. Seven dwelling units per acre would still be permitted in the R-1 Single Family Residential zoning district with a planned development use permit.

An initial study for environmental review has been prepared for this project, based upon which the Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that project will not have a significant impact on the environment with incorporation of specific mitigation. The 20-day public review period on the environmental review ends April 20, 1998. If the mitigated negative declaration is adopted, the Planning Commission will then consider the project for approval, conditional approval, or denial.

Planning Director Seidler noted that the staff report refers to four separate items, while the agenda and notice included only the first three items. Thus, the Commission is precluded from taking action on that fourth item. He requested that the item be continued to the May 4, 1998 Regular Meeting to allow all items to be addressed at one hearing. The Commission concurred that the fourth item is necessary if the first three are approved.

Chair Dietle verified that the public people in attendance to address the agenda item would be able to attend the May 4, 1998 meeting.

COMMISSIONER STUDEBAKER MOVED TO CONTINUE GENERAL PLAN AMENDMENT 97-5 AND REZONE 97-6 (CITY OF CHICO) TO THE MAY 4, 1998 REGULAR MEETING. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS APPROVED 5-2 (COMMISSIONERS HAMILTON AND WAHL OPPOSED).

CORRESPONDENCE

9. Jesus Provides Our Daily Bread, update report from Katy Thoma, Executive Director.

No Comment.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Planning Director Seidler reviewed that at the April 21 Council meeting, they will consider the issue of an appeal of Commission action on Use Permit 97-49 (Executive Homes). He added that the Council previously upheld an appeal on S 96-9 (Shastan Homes at Holly Avenue) and directed that it be returned to the Commission. The applicant has prepared a submittal for the Commission, which will be scheduled for an upcoming meeting.

Commissioner Wahl noted that he received notices for upcoming training workshops to be taught by Dr. Shiffman and expressed an interest in attending these workshops. Planning Director Seidler stated that he would look into whether the department has funds remaining for training and would register Commissioner Wahl. He asked that any others who may wish to attend contact staff.

ADJOURNMENT

The Commission adjourned at 10:00 p.m. to the Regular Meeting of Monday, May 4, 1998.

June 1, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
MEETING OF MAY 4, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, William Hamilton, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Development Engineer Fritz McKinley, Planning Director Kim Seidler, Senior Planner Ed Palmeri, Senior Planner Tom Hayes and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

None.

CONSENT AGENDA

1. Minutes of Adjourned Regular Meeting of March 16, 1998.

Requested Action: Approve with any corrections/revisions required.

2. Minutes of Regular Meeting of April 6, 1998.

Requested Action: Approve with any corrections/revisions required.

- 3. Use Permit 98-8 (Forest Glen Investors) - 1650 Humboldt Road - A request to allow the construction and operation of a 22,811 square foot building for use as a residential care facility for the elderly with 41 rooms located at 1650 Humboldt Avenue. The property is identified as Assessor's Parcel No. 002-005-234, and is located within an R-P Residential Professional/Business Office zoning district and is designated Office in the General Plan diagram. This is a re-application for an identical project (Use Permit 96-30) which was approved by the Planning Commission on February 3, 1997, and subsequently expired prior to issuance of a building permit. A mitigated negative declaration was also adopted for this project at that time. A determination has been made by the Planning Staff that the previously adopted "mitigated negative declaration" is appropriate for this project and no subsequent negative declaration is required.**

Requested Action: Approve this use permit subject to the findings and conditions of approval as listed in the staff report.

4. **Subdivision 98-2 (Hyde Park Condominium Tentative Map) - 647 West East Avenue** - A proposal to subdivide 0.86 acres into a 5 condominium lot professional building. The property is identified as Assessor's Parcel No. 042-700-035, located in an R-P Residential-Professional/Business Office zoning district and is designated Office on the General Plan diagram. A mitigated negative declaration was adopted by the Planning Commission on June 3, 1996 for this site, pursuant to the California Environmental Quality Act (CEQA). A determination has been made by the Planning Staff that the previously adopted "mitigated negative declaration" is appropriate for this project and no subsequent negative declaration is required.

Sr. Planner Palmeri noted that the language in subdivision report for Item No. 4 should be amended as per the handout distributed to the Commission.

Chair Dietle noted the Commissioner Wright would be abstaining on Item No. 2 as he was absent from that meeting.

COMMISSIONER WAHL MOVED TO APPROVE THE CONSENT AGENDA. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

5. **Use Permit 98-6 (Rodeghiero) - 1043 West 8th Street** - A request to expand an existing restaurant by adding approximately 500 square feet of outside seating on property located at 1043 West 8th Street. The property is identified as Assessor's Parcel No. 004-266-001, located in an C-2 General Commercial Zoning District and is designated Community Commercial on the General Plan diagram. The Commission approved a request to allow a liquor license to serve beer and wine within 300 feet of a residential area on April, 20, 1998. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15301, Existing Facilities. This item was continued from the April 20, 1998 Adjourned Regular Meeting.

Chair Dietle noted that the Commission received a request from the applicant for a continuance on this item.

COMMISSIONER MONFORT MOVED TO CONTINUE THIS ITEM TO THE MAY 18, 1998 ADJOURNED REGULAR MEETING. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

6. **General Plan Amendment 97-5 and Rezone 97-6 (City of Chico)** - A proposal to lower minimum permitted densities within two General Plan land use designations/zoning districts and reduce the maximum density in a third land use designation/zone in the Chico Urban Area as follows:

- 1.) Adjust the density range for the Medium Density Residential designation/R-2 Medium Density Residential zoning district from 7.1 to 14 dwelling units per gross acre to 2.01 to 14 units per gross acre;
- 2.) Adjust the minimum density for the High Density Residential designation/ RHD Residential High Density zoning district from 22.1 to 35 dwelling units per gross acre to 14.01 to 35 units per gross acre; and
- 3.) Lower the maximum allowed density for the Low Density Residential land use designation and R-1 Single-Family Residential zoning district from 7 to 6 dwelling units per gross acre. Seven dwelling units per acre would still be permitted in the R-1 Single Family Residential zoning district with a planned development use permit.
- 4.) Amend General Plan Policy LU-G-12 as follows: "Encourage and provide incentives for infill development within existing residential areas, ~~at a density not less than surrounding development~~, subject to appropriate standards to ensure compatibility with adjacent uses."

An initial study for environmental review has been prepared for this project, based upon which the Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA). A mitigated negative declaration is a determination that the project will not have a significant impact on the environment with incorporation of specific mitigation. The 20-day public review period on the environmental review was conducted. If the mitigated negative declaration is adopted, the Planning Commission will then consider the project for approval, conditional approval, or denial. This item was continued from the April 20, 1998 Adjourned Regular Meeting.

Sr. Planner Hayes presented the staff report for the General Plan Amendment as described above. He noted that even with the proposed changes, the types of housing development will be largely market-driven.

Commissioner Monfort verified that the proposal would provide a loss of approximately 850 units in the R-2 designation. He noted recent proposals before the Commission in which the lower density requirement would have eliminated problems.

Chair Dietle noted that the Commission has seen conflicts in neighborhoods where proposals were not close to 7 units per acre, and asked why the reduction was proposed. Sr. Planner Hayes explained that 6 units per acre in the R-1 zone had been the standard since 1976 until the adoption of the General Plan in 1994.

In response to questions by Commissioner Studebaker and Belmonte, Sr. Planner Hayes explained that the 5-year review would be held in the fall of 1999. The purpose of the 5-year review is to provide an in-depth review of the development trends and the Plan in general and

provide a broad community discussion. He added that the benefit of 5-year review is to have a longer period to see what is happening in the market. He noted that staff has received two applications for multi-family development in the last few months, similar to the national trend.

Commissioner Belmonte expressed concern that changing the densities does affect the General Plan itself and the General Plan Environmental Impact Report, and should be part of a 5-year review with broader community input.

Commissioner Studebaker noted that currently different zoning area densities are clearly defined, which will overlap with the proposed amendment. Sr. Planner Hayes explained that the General Plan prior to 1994 did contain some overlapping.

Commissioner Monfort asked if any R-4 development has occurred and expressed concern that future development of the R-4 land at the reduced R-3 density may result in a lack of appropriate land along transit corridors when R-4 densities are called for. Sr. Planner Hayes noted that Campbell Commons was built at that the higher R-4 density. He added that residential development along the transit corridors was not calculated in the General Plan.

Commissioner Monfort noted that the Draft Land Use Regulations (Title 19) does allow small lot subdivisions, 4500 sq. foot lots, in the R-1 designation. He suggested that the proposed General Plan amendments may not be necessary once the development code is adopted.

Chair Dietle asked what the public benefit would be for the proposed amendment. Sr. Planner Hayes explained that Council directed staff to proceed with the amendment, and stated that the Commission could recommend changes in the proposal to the Council.

The public hearing was opened at 8:10 p.m.

Jim Mann, Building Industry Association, 70 Declaration Drive, stated that the Building Industry Association (BIA) came forward to the Council and asked them to remove the minimum density requirements in the R-2 zone. He noted that two builders have had problems with meeting R-2 density requirements due to creekside setbacks and open space requirements. He stressed that the request was approved by a 4-3 vote by Council.

Barbara Vlamis, Butte Environmental Council, 116W. 2nd Street, expressed concern with the environmental review's reliance on the exemption provided of Public Resources Code Section 21083.3 to use a previously adopted environmental impact report. She suggested that as this proposal is to alter the General Plan itself, it is inconsistent with the Plan and alters the impacts which are the basis of the environmental impact report. The California Environmental Quality Act requires comprehensive study of the impacts, which should also include the impacts of other General Plan amendments on this proposal.

John Gillander, Chico Committee for Environmental and Economic Balance, 4328 Kathy, spoke in favor of the proposal, noting that neighbors do not request increases in density. He added that the City does not need to make it convenient to provide services, such as mass transit.

There being no further comment, the public hearing was closed at 8:25 p.m.

Commissioner Studebaker verified that a property owner may request a rezone to change density prior to development.

Commissioner Monfort asked for staff response to the public comments on the environmental review, noting that the proposed changes will affect projections used for build-out of the General Plan. Assistant City Attorney Barker requested a short recess to study the situation.

Commissioner Belmonte inquired if a project not reviewed by a previous environmental impact report would be eligible for a negative declaration. Assistant City Attorney Barker explained that not all projects need to be reviewed by an environmental impact report. Many projects may involve mitigated negative declarations with some reliance on the General Plan environmental impact report. Other projects are categorically exempt from such review.

The Commission was in recess from 8:30 p.m. through 8:42 p.m.

Planning Director Seidler stated that the issue raised by Ms. Vlamis regarding the environmental review may have merit. He recommended that the Commission continue this matter and provide direction to staff to revise the initial study. Once the initial study has been amended, a 20-day public review period would need to be conducted; thus, the earliest this item could be returned to the Commission would be in June, 1998.

In response to a question from Commissioner Wright, Assistant City Attorney Barker stated that the conclusion reached by staff is that the initial study will need to be revised.

COMMISSIONER MONFORT MOVED TO CONTINUE THIS ITEM AND DIRECT STAFF TO REVISE THE ENVIRONMENTAL DOCUMENTATION. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS APPROVED 6-1 (COMMISSIONER WAHL OPPOSED).

7. **Use Permit 97-6 Extension (Zepeda) - 1205 Park Avenue** - A request to extend the time period of a previously approved use permit allowing the sale of food from a motorized vehicle (food wagon) located in an existing liquor store parking lot. The property is identified as Assessor's Parcel No. 005-136-014, located in an C-1 Restricted Commercial Zoning District with a TC Transit Corridor overlay and is designated Community Commercial on the General Plan diagram. This project had previously been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15301, Existing Facilities.

Sr. Planner Palmeri reviewed the staff report. He stated that staff received comments from the Police Department noting that they had received some complaints in the area, which are

not necessarily related to this business. He reviewed the land use issues, findings and conditions of approval being recommended by staff as listed in the staff report.

In response to Commissioner Belmonte, Sr. Planner Palmeri stated that the applicant has not been able to secure a permanent site although the applicant has indicated progress has been made with Duke Liquors to occupy a portion of their structure.

The public hearing was opened at 8:50 p.m.

Elis Zepeda, the applicant through his interpreter Maria Shahid, requested approval of extension. He noted that the unusually wet winter has negatively affected his business, and he has been working with a realtor in the search for a permanent location without success. If an extension is granted, he intends to have a permanent location. He presented letters from the realtor and from the owner of Duke's Liquor.

Commissioner Monfort inquired why an extension was requested if a permanent business could be established within Duke's Liquors. Mr. Zepeda explained that he wants to ensure the survival of the business at that location prior to construction of a permanent facility.

Maria Shahid, 4 Roberto Court, stated that the calls to the Police were made from the public phone at the liquor store as there are not many public phones in the area and the complaints were not related to Mr. Zepeda's business.

There being no further comments, the public hearing was closed at 9:00 p.m.

In response to Commissioner Wright, Assistant City Attorney Barker agreed that the longer a use is allowed to continue in a location, the more difficult it is to stop that use and make the findings that the use is inappropriate.

Commissioner Monfort noted that when the use was initially approved the area had been in a state of decline. Commissioner Wright agreed and added that with that approval it was determined that the business would not be a detriment to the neighborhood. Commissioner Hamilton suggested that if the applicant did locate inside the building, the business would be an asset to the area.

COMMISSIONER WRIGHT MOVED TO APPROVE AN EXTENSION OF USE PERMIT 97-6 (ZEPEDA) FOR A PERIOD OF 12 MONTHS. COMMISSIONER MONFORT SECONDED THE MOTION.

Planning Director Seidler suggested that the Commission make the findings that 1) the applicant has not had sufficient time to relocate this business; 2) that a single extension of this use permit for a period of 1 year will not be a detriment to the neighborhood, and; 3) this project is categorically exempt from environmental review pursuant to section 15301 of the California Environmental Quality Act.

The Commission discussed the proposed time period extension for one year or six months. Commissioner Hamilton suggested that the applicant be given 6 months to find a permanent location.

COMMISSIONER WRIGHT RESTATED THE MOTION TO EXTEND THE USE PERMIT FOR A PERIOD OF 12 MONTHS BASED ON THE FINDINGS AS DESCRIBED BY STAFF. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS APPROVED 6-1 (COMMISSIONER HAMILTON OPPOSED).

8. **The Fairways at Canyon Oaks Vesting Tentative Subdivision Map** - A request to subdivide 7.92 acres into 24 lots for single family residential development, and one lot for development with seven multiple family residential units. Approximately 3.66± acres will be retained in open space. The property is located on the south side of Dead Horse Slough within the Canyon Oaks Golf Course, on the west side of Shallow Springs Terrace, identified as Assessor's Parcel No. 011-750-030, in an R-2 Medium Density Residential zoning district which is identified as Medium Density Residential (7.1 to 14 dwelling units per gross acre) in the General Plan diagram. An initial study for environmental review has been prepared for this project. Based upon the information contained within the initial study, the Planning Division is recommending that a "mitigated negative declaration" be adopted pursuant to the California Environmental Quality Act (CEQA). A "mitigated negative declaration" is a determination that a project with incorporation of specific mitigation will not have a significant impact on the environment. Also pursuant to CEQA, a 30 day public review period has been conducted on the proposed mitigated negative declaration. If the mitigated negative declaration is adopted the Planning Commission will then consider the project for approval, conditional approval, or denial.

Sr. Planner Palmeri presented the staff report for development of 7.26 units per acre. He noted that amendments to the staff memorandum and Department of Public Works reports were mailed to the Commission. He reviewed the land use issues, findings and conditions of approval being recommended by staff as listed in the staff memorandum.

Commissioner Monfort verified that the Fire Protection notation will be removed from the map.

In response to a question from Chair Dietle, Sr. Planner Palmeri stated that in this case the 25 foot creekside setback does meet the requirement for open space.

Commissioner Wright questioned if the density is based on developable acres. Sr. Planner Palmeri affirmed that it was, which provides over 3 acres to be dedicated as open space. He noted that Title 19 provides specific requirements for a planned development and open space is calculated in planned development densities.

Commissioner Monfort inquired about on-street parking. Development Engineer McKinley stated that some on-street parking is provided on Street A. He added that this type of development is consistent throughout the Canyon Oaks area.

The public hearing was opened at 9:30 p.m.

Wes Gilbert, Gilbert Engineering, representing applicant, noted that the proposal is for a private street subdivision. He reviewed surrounding development and access routes. He noted that 40 percent of property is in open space.

Kelly Meagher, 337 Main Street, stated that he is opposed to the project and reviewed the history of the Canyon Oaks area.

There being no further comment, the public hearing was closed at 9:40 p.m.

COMMISSIONER MONFORT MOVED TO ADOPT RESOLUTION NO. 98-4, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE FAIRWAYS AT CANYON OAKS VESTING TENTATIVE SUBDIVISION MAP, SUBJECT TO THE FINDINGS AND CONDITIONS DELINEATED THEREIN AND AS AMENDED BY THE DEPARTMENT OF PUBLIC WORKS. COMMISSIONER HAMILTON SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Planning Director Seidler stated that staff has received a memorandum regarding the 1998-99 Budget Calendar. If the Commission desires to meet with the Council to discuss any budget related items, the request for the meeting and agenda items for it need to be submitted by May 12. He inquired if the Commission had any items to agendize. It was determined that a request be submitted to discuss capital improvement items, Commissioner training and the sidewalk retrofit program.

Commissioner Monfort inquired if consultants are needed for work on the draft Title 19. Planning Director Seidler explained that the City does have a consultant under contract at this time for the top priority Title 19. He noted that the last public workshop on the preliminary draft was held last week, and that the draft would be forwarded to the Commission for discussion.

ADJOURNMENT

The Commission adjourned at 9:50 p.m. to the Adjourned Regular Meeting of Monday, May 18, 1998.

June 1, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
MEETING OF MAY 18, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, William Hamilton, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Director of Public Works E.C. Ross, Associate Civil Engineer Rich Burgi, Planning Director Kim Seidler, Senior Planner Ed Palmeri and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

Chair Dietle stated that she had a brief conversation with Jim Stevens, NorthStar Engineering, regarding the measurements shown on the revised map for Item No. 5.

Chair Dietle noted that Item No. 4 has been continued and will not be discussed at this meeting.

CONSENT AGENDA

1. **Use Permit 98-9 (Johnson/Devcor) 571 East 7th Street** - A request to allow the conversion of an existing detached accessory building into a 432 square foot second dwelling unit with tandem parking for four spaces on property located at 571 E. 7th Street. The property is identified as Assessor's Parcel No. 004-395-002, which is located in an RD-1 Low Density Residential zoning district, and is designated as Low Density Residential on the General Plan Diagram. This project has been determined to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15303, New Construction and Conversion of Small Structures.

Requested Action: Approve this use permit subject to the findings and conditions of approval as listed in the staff report.

Chair Dietle abstained on this item as her employer has business with the applicant.

2. **Use Permit 98-12 (Wittmeier) - 2044 Forest Avenue** - A request to allow two temporary off-site auto/truck sales from June 26 to June 28 and from September 11 to September 13, 1998. The sale will be located on the easterly portion of the Wal Mart parking lot located at 2044 Forest Avenue. The property is identified as Assessor's Parcel No. 002-370-057. The site is in a C-1 Restricted Commercial zoning district and is designated on the Chico General Plan Diagram as Community

Commercial. The project has been determined to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15323, Normal Operations of Facilities for Public Gatherings.

Requested Action: Approve this use permit subject to the findings and conditions of approval as listed in the staff report.

Commissioner Belmonte stated that he would abstain on Item No. 2 as he has business interests within 300 feet of the site.

COMMISSIONER STUDEBAKER MOVED TO APPROVE THE CONSENT AGENDA. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED WITH CHAIR DIETLE ABSTAINING ON ITEM NO. 1 AND COMMISSIONER BELMONTE ABSTAINING ON ITEM NO. 2.

REGULAR AGENDA

3. **Use Permit 98-6 (Rodeghiero) - 1043 West 8th Street** - A request to expand an existing restaurant by adding approximately 500 square feet of outside seating on property located at 1043 West 8th Street. The property is identified as Assessor's Parcel No. 004-266-001, located in a C-2 General Commercial Zoning District and is designated Community Commercial on the General Plan diagram. The Commission approved a request to allow a liquor license to serve beer and wine within 300 feet of a residential area on April, 20, 1998. This project has been determined to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15301, Existing Facilities. This item was continued from the April 20, 1998 and May 4, 1998 meetings.

Sr. Planner Palmeri presented the staff report on the issue which was continued from previous meetings by the applicant. He noted that staff determined that the request is consistent with previous allowed seasonal uses; thus, staff is recommending approval of the request with the following findings: (1) The proposed use of approximately 500 square feet of outdoor seating as seasonal dining space will not have a detrimental impact on the adjacent areas or require additional parking. (2) The project is categorically exempt from environmental review under CEQA Section 15301. The following conditions were recommended for approval on the project: (1) The outdoor seating shall be in substantial compliance to the Plat to Accompany Use Permit 98-6 (Rodeghiero). (2) Permanent outdoor lighting or covering shall not be permitted.

Commissioner Wright expressed concern regarding monitoring the site to ensure that the outdoor seating is temporary and not increasing the available seating, and suggested a condition be placed on the site, limiting the total seating amount allowed. Commissioner Monfort verified that the total seating will not be changed, as the applicant will bring tables outside during nice weather. Commissioner Studebaker verified that the conditions go with the property.

The public hearing was opened to which there was no comment.

COMMISSIONER WRIGHT MOVED TO APPROVE USE PERMIT NO. 98-6 SUBJECT TO FINDINGS THAT THE PROPOSED USE OF APPROXIMATELY 500 SQUARE FEET OF OUTDOOR SEATING AS SEASONAL DINING SPACE WILL NOT HAVE A DETRIMENTAL IMPACT ON THE ADJACENT AREAS OR REQUIRE ADDITIONAL PARKING AND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW UNDER CEQA SECTION 15301. THE CONDITIONS PLACED ON THE USE AS FOLLOWS (1) THE OUTDOOR SEATING SHALL BE IN SUBSTANTIAL COMPLIANCE TO THE PLAT TO ACCOMPANY USE PERMIT 98-6 (RODEGHIERO). (2) PERMANENT OUTDOOR LIGHTING OR COVERING SHALL NOT BE PERMITTED. (3) THERE SHALL BE NO NET INCREASE IN SEATING. COMMISSIONER HAMILTON SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

4. **Use Permit 98-10 (Merrill) - 1416 Downing Avenue** - A request to allow the operation of a child day care center with a capacity for 48 children and 4 employees and allow tandem parking at property located at 1416 Downing Avenue, Chico. The property is identified as Assessor's Parcel No. 045-471-010. The site is in an R-1 Single Family Residential zoning district and is designated on the Chico General Plan Diagram as Low Density Residential. The property has been determined to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15303, New Construction or Conversion of Small Structures.

This item was continued indefinitely.

5. **Revised Vesting Tentative Subdivision Map 96-9 (Shastan Homes at Holly Avenue)** - A proposed revised subdivision map of 5.15 acres for a residential development containing 23 single family detached lots on property located on the south side of West Lindo Avenue, and the east side of Holly Avenue. The property is identified as Assessor's Parcel No. 043-620-001, and is located in an R-1 Single Family Residential zoning district, designated Low Density Residential on the General Plan Diagram (2.1 to 7 dwelling units per gross acre). The revised map includes 23 lots and a revised interior street design. The revisions proposed will not require further environmental review of the previously adopted mitigated negative declaration. At the meeting of April 7, 1998, the City Council recommended that the site be developed with 23 lots and that the subdivision be referred back to the Planning Commission.

Sr. Planner Palmeri presented the staff report for a revised vesting tentative subdivision map for 23 single family lots on Holly Avenue. He reviewed the history of the development proposals on the site and the land use issues involved.

Commissioner Monfort questioned how the transition density was calculated. Sr. Planner Palmeri stated that the proposed lot sizes are within 80 percent of the adjacent parcels sizes, thus meeting the required transition ratios.

The public hearing was opened at 7:50 p.m.

Jim Stevens, NorthStar Engineering, representing the applicant, noted that the small map included in the Commission's packet had an error in the lot sizes for lots 20 - 22, which was correct on the actual tentative map proposal. He verified that the previously adopted negative declaration would be incorporated into the project, with the removal of the agricultural mitigation fee as it is no longer required by the Council. Sr. Planner Palmeri noted that the revisions to the negative declaration were incorporated into the draft resolution on this project.

Caryn Jones, 5 Deborah Court, spoke in support of the project.

There being no further comment, the public hearing was closed at 7:50 p.m.

COMMISSIONER WRIGHT MOVED TO ADOPT RESOLUTION 98-6, ACKNOWLEDGING THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION AND APPROVING THE SHASTAN HOMES AT HOLLY AVENUE VESTING TENTATIVE SUBDIVISION MAP S 96-9 (REVISED) SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN THE STAFF REPORT. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

- A. **Walnut Park Vesting Tentative Subdivision Map (Capshaw)** - A request to modify a condition of approval of a previously approved and finalized Vesting Tentative Subdivision Map to allow installation of alternative street lights not in conformance with City design criteria along the exterior of the subdivision. Walnut Park Subdivision is located at the northwest corner of East 8th Street and Centennial Avenue. The Walnut Park Subdivision consists of 31 single-family lots on 14.7 acres. This project has been determined to be consistent with the previously adopted final Environmental Impact Report adopted for the Walnut Park Vesting Tentative Subdivision Map (adopted July 1994), pursuant to Section 15162, Subsequent EIRs and Negative Declarations, of the California Environmental Quality Act.

Director of Public Works Ross reviewed the history of the subdivision regarding the interior street lights, which were modified by the Commission for the interior the subdivision, but not the exterior. He stressed the importance of providing uniformity and lighting on the more traveled roadways. He addressed concerns relating to layers of light, consistency of types of lighting fixture and traffic.

Commissioner Studebaker expressed concern with the timing of the addendum item and inquired if there was ample public notice. Sr. Planner Palmeri stated that the addendum did have a 72-hour public posting, but no noticed mailings were sent on this item.

At Commissioner Monfort's request, Director of Public Works Ross reviewed the recommended ranges for lighting on different types of roads.

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

Bob Capshaw, 191 Chico Canyon Road, the applicant, stated that he recalled that when the Commission approved the lighting for the interior of the subdivision, he was to review the resulting light levels with staff for use on the exterior of the subdivision. He stated that the proposed light fixtures would be beneath the tree canopy, producing more effective light than would be created by standard Cobra-head lights. He expressed concern regarding the number of fixtures required with the reduced wattage used by City staff.

Commissioner Wright verified that the City is responsible for the maintenance of street trees.

In response to a question from Commissioner Hamilton, Director of Public Works Ross explained that by reducing the wattage to 75 watts, the light to dark variances seen by driving down the street were reduced, and when combined with closer fixtures, the shading concern was eliminated. There was also a glare issue with the 100 watt lightbulb.

Caryn Jones, a previous speaker, expressed opposition to a developer requesting modifications of approved subdivisions outside of the standard subdivision approval process.

Jeff Carter, 600 Parkview Drive, expressed support for the proposal noting the surrounding neighborhoods have intermittent lighting in a rural setting, and requested that the Commission consider a plan to designate E. 8th Street as a scenic route.

Planning Director Seidler noted that staff has prioritized the development of scenic street standards for E. 8th Street. Currently a dialog is taking place between the Department of Public Works and the Community Development Department to develop the necessary standards.

Commissioner Monfort expressed concern regarding safety as the area is in the traffic pattern to the new junior high and proposed high school.

At the request of Commissioner Studebaker, Director of Public Works Ross reviewed the four currently approved lighting fixtures. He noted that the proposal before the Commission was to modify the standard by using an alternate fixture. If the same lighting level is to be maintained, more lighting fixtures will be necessary, thus increasing the cost.

The public hearing was closed at 8:45 p.m.

In response to Commissioner Hamilton, Director of Public Works Ross explained that the lighting plan approved for the project was designed for Cobra-head lighting; if the Hanover lighting is to be used, the lighting plan must be modified.

In response to concerns relating to the urgency of the request, Director of Public Works Ross explained that the developer is concerned with completing the subdivision and recording the final map. There is a subdivision improvement agreement which could be extended, but the applicant would incur costs should that be required.

The Commission was in recess from 8:50 p.m. through 9:00 p.m.

Chair Dietle reviewed the minutes from the September 22, 1997 Commission meeting regarding rural lighting standards.

Commissioner Hamilton questioned the lighting level differences between what is proposed and the approved standard. Director of Public Works Ross stated that the analysis based on the interior of the subdivision is .31 lumens, as compared to a .60 minimum standard for a collector roadway. A collector roadway requires a higher amount of lighting as there are more intersections, traffic and traffic speeds.

Chair Dietle reviewed the options available to the Commission, including allowing the alternate fixture with up to double the amount of poles, and not allowing the alternate fixtures or modifying the lighting standard.

At the request of Commissioner Wahl, Director of Public Works Ross reviewed the lighting locations in question and explained that the lighting would be provided in the opposite pattern on the other side of the street by the City. Those fixtures would be cobra-head lights placed on existing wood poles. He noted that Centennial Avenue does function as a collector although it is not declared such in the General Plan.

Commissioner Wright verified that when the E. 8th Street scenic road standards are reviewed, the lighting would be able to be modified to meet that standard.

Commissioner Wahl moved to reopen the public hearing. Commissioner Wright seconded the motion which was unanimously approved.

Mr. Capshaw presented a compromise: That cobra-head fixtures be installed at the intersection of E. 8th Street and Centennial Avenue and along E. 8th Street, but along Centennial Avenue, the alternative decorative lights be allowed.

Commissioner Monfort expressed concern that the number of alternative light fixtures would need to be doubled in order to meeting the lighting requirements. Mr. Capshaw did not share that concern.

There being no further comment, the public hearing was closed.

Director of Public Works Ross stated that although the compromise proposal would not meet the collector lighting standards, Centennial is not an official collector roadway. He stated that he would find the compromise acceptable.

Commissioner Wahl moved to approve the request for Hanover lighting standards as proposed. The motion died for lack of a second.

Commissioner Hamilton moved to require Cobra-head lighting standards be installed along E. 8th Street and at the intersection of Centennial Drive/E. 8th Street, and allow the Hanover lighting standard be installed along Centennial Drive at such intervals as to produce a minimum of .45 lumines from the corner of Centennial to the end of the subdivision. Commissioner Wright seconded the motion.

Commissioner Monfort expressed concern regarding safety and setting a precedent for lighting standards for collectors.

Commissioner Belmonte suggested that the item be continued until such time as the E. 8th Street scenic standards are prepared and the neighborhood has been notified.

Commissioner Studebaker inquired if in-lieu fees would be an option and then allow the final map to be approved while awaiting the outcome of the scenic street standards. Director of Public Works Ross explained that there has been another instance where in-lieu fees were allowed, in where the fees were bonded for five years.

Planning Director Seidler suggested that, should the motion be approved, the finding be made that the compromise proposal suggested by the subdivider is consistent with lighting standards of collector streets.

The motion failed on a 3-4 vote (Commissioners Belmonte, Monfort, Studebaker and Wahl opposed).

Commissioner Monfort moved to deny the request, making the finding that the subdivider's request is inconsistent with established City lighting standards. Commissioner Studebaker seconded the motion which failed by a vote of 3-4 (Commissioners Dietle, Hamilton, Wahl and Wright opposed).

At Commissioner Belmonte's request, Planning Director Seidler reviewed the process to develop scenic street standards which would include neighborhood meetings. He stated that while he could give no firm time frame, the project did have a priority status.

Commissioner Wahl moved to reopen the public hearing to allow the applicant to address the issues. The motion failed for lack of a second.

COMMISSIONER HAMILTON MOVED TO REQUIRE COBRA-HEAD LIGHTING STANDARDS BE INSTALLED ALONG E. 8TH STREET AND AT THE INTERSECTION OF CENTENNIAL DRIVE/E. 8TH STREET, AND ALLOW THE HANOVER LIGHTING STANDARD BE INSTALLED ALONG CENTENNIAL DRIVE AT SUCH INTERVALS AS TO PRODUCE A MINIMUM OF .50 LUMINES FROM THE CORNER OF CENTENNIAL TO THE END OF THE SUBDIVISION, MAKING THE FINDING THAT THE REQUEST IS CONSISTENT WITH LOCAL COLLECTOR STANDARDS. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS APPROVED ON A VOTE OF 4-3 (COMMISSIONERS BELMONTE, STUDEBAKER AND WAHL OPPOSED).

CORRESPONDENCE

- 6. Memorandum regarding General Plan Implementation - Neighborhood Planning/COPPS**, dated May 1, 1998, from Senior Planner Hayes.

Commissioner Studebaker expressed support for the pending proposal.

- 7. Jesus Provides Our Daily Bread**, update report from Katy Thoma, Executive Director.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Planning Director Seidler reviewed a memorandum from the Budget Officer regarding items for the May 28 joint Commission/Council meeting. The Commission would meet with the Council at 7:30 p.m. with one-half hour for discussion. He verified that a quorum of the Commission would attend. The Commission concurred that further clarification on the Capital Improvement Program (CIP) discussion item for that meeting would involve the discussion of priority items. Planning Director Seidler stated that he would provide copies of the draft CIP prior to the meeting. Regarding the sidewalk retrofit program, Commissioner Studebaker stated that he would like to discuss the status and budget for the program.

ADJOURNMENT

The Commission adjourned at 9:50 p.m. to the joint meeting with the City Council on May 28, 1998 at 7:30 p.m. and to the Adjourned Regular Meeting of Monday, June 1, 1998.

June 15, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
MEETING OF JUNE 1, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Commissioner William Hamilton was absent. Staff present were Assistant City Attorney Lori Barker, Director of Public Works E.C. Ross, Development Engineer Tom Varga, Planning Director Kim Seidler, Senior Planner Ed Palmeri, Senior Planner Pam Figge and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Belmonte stated that he had met with Jim Matthews to discuss concerns to be addressed with Item No. 6 on this agenda.

Commissioner Studebaker stated that he had a discussion with Maureen Kirk who expressed concerns regarding the height of the building to be discussed in Item No. 7.

CONSENT AGENDA

1. Minutes of Adjourned Regular Meeting of April 20, 1998.

Requested Action: Approve with any corrections/revisions required.

2. Minutes of Regular Meeting of May 4, 1998.

Requested Action: Approve with any corrections/revisions required.

3. Amendment to Chapter 19.30 of Title 19 Land Use Regulation Entitled "Development Standards - Signs" - A proposal to amend section 19.30.160 I. entitled "Special signs - Exempt signs" to allow use of special promotional signage (balloons, banners, flags, posters, pennants, streamers and similar articles) for up to four events per year (for a maximum of five consecutive days per event), rather than a maximum of two events as currently permitted. The new provisions also allow events to be held consecutively, for a maximum of 10 consecutive days. Non-consecutive events must be separated by a minimum of 30 days. A complete copy of the proposed

ordinance may be reviewed at the Planning Division office. This project has been determined to be Categorically Exempt from environmental review pursuant to section 15311 (a) Accessory Structures of the California Environmental Quality Act (CEQA).

Requested Action: Recommend that the City Council approve the subject amendment to Title 19.

Commissioner Wahl removed this item from the Consent Agenda.

4. **Parcel Map No. 98-1 (Farrar)** - Request to subdivide 5.81 acres located at the northwest corner of East and Ceanothus Avenues, Assessor's Parcel Nos. 048-061-038 and 042, into four parcels consisting of 1.04 acres, 1.17 acres, 1.90 acres and 1.70 acres. The property is designated Community Commercial (south half) and Offices (north half) in the General Plan Diagram and is zoned PD/N-C Planned Development Neighborhood Commercial and R-P Residential/Professional Business Office, respectively. An initial study for environmental review has been prepared for this project, upon which the Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA) to which a 30-day public review period was conducted. A mitigated negative declaration is a determination that project will not have a significant impact on the environment with incorporation of specific mitigation.

Requested Action: Approve this Parcel Map subject to the findings and conditions of approval as listed in the staff memorandum.

Chair Dietle stated that she would abstain on Item No. 4 as her business has entered into discussions regarding construction on the property.

Commissioner Belmonte removed this item from the Consent Agenda.

COMMISSIONER STUDEBAKER MOVED APPROVAL OF CONSENT AGENDA ITEMS 1 AND 2. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED (COMMISSIONER HAMILTON WAS ABSENT).

ITEMS REMOVED FROM CONSENT

3. **Amendment to Chapter 19.30 of Title 19 Land Use Regulation Entitled "Development Standards - Signs"**

Commissioner Wahl stated that he removed this item from the Consent Calendar for a staff report and review of the fee schedule.

Sr. Planner Palmeri reviewed the current regulation which allow special events and signage twice per year with a \$50 fee for each permit. At the request of business in the area, the

revised text is proposed as included in the written staff report. He noted that an additional handout was distributed which revised the proposed ordinance.

In response to questions from Commissioner Wahl, Sr. Planner Palmeri stated that the fee would apply toward up to four events per year, with 72 hours advance notice prior to each event. The applicant would provide a description of the sign and where it would be located. The fee would cover the administrative costs of processing applications and monitoring number of events. Those businesses who choose not to apply for the permit would be subject to a Code violation and those associated costs.

Commissioner Monfort noted that there may be a large number of requests at a certain time of the year and inquired if this would be monitored. Sr. Planner Palmeri replied that there is not a mechanism in place to track the total number of signs allowed at one time.

Commissioner Studebaker verified that this ordinance only affects commercial properties.

Commissioner Wahl moved to forward a recommendation of approval to the City Council for adoption of the proposed ordinance, amending Section 19.30.160 I of the Chico Municipal Code as set forth in the staff memorandum dated May 18, 1998, excluding the fees. There was no second to the motion.

COMMISSIONER MONFORT MOVED TO FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR ADOPTION OF THE PROPOSED ORDINANCE, AMENDING SECTION 19.30.160 I OF THE CHICO MUNICIPAL CODE AS SET FORTH IN THE STAFF MEMORANDUM DATED MAY 18, 1998. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS APPROVED 5-1-1 (COMMISSIONER WAHL OPPOSED, COMMISSIONER HAMILTON ABSENT).

4. Parcel Map No. 98-1 (Farrar)

Chair Dietle again noted that she would be abstaining on this item due to business conflicts; Commissioner Wright will be acting chair.

Commissioner Belmonte stated that he removed the item to review previous discussions on the site concerning access from/to East Avenue. He expressed concerns regarding the proximity to schools, the number of approved homes and traffic problems/pedestrian conflicts in the area. He stressed that the General Plan policies indicate that this area must be reviewed carefully. He suggested that the Commission consider lining up the easement and provide no additional access to East Avenue, with access to the site provided through the East Avenue Marketplace and onto Ceanothus.

Sr. Planner Palmeri explained that the design and orientation of the lots is compatible with the General Plan. The access provided on East Avenue was addressed in the Initial Study, which determined that this project will not create significant traffic problems. He noted that the easement is floating so as not to infringe on the development of Parcel No. 2.

The public hearing was opened at 7:55 p.m.

Jeff Farrar, 391 Brookside Drive, the applicant, explained that the access routes were created partially with regard to safety and turn radii of the fueling trucks. He stated that he was opposed to the elimination of access onto East Avenue. He added that pedestrian safety was addressed throughout the design of the gas station.

Orval Hughes, 156 Eaton Road, project proponent, noted his support for the project and reviewed the results of the traffic study completed for the site.

There being no further comment, the public hearing was closed at 8:10 p.m.

Commissioner Belmonte reviewed the zoning history of the property and the neighboring student uses. He asked that the Commission carefully consider the request in light of that history.

Commission discussion ensued regarding the location of the easement, access onto East Avenue and the safety issues involved in development of the property. Planning Director Seidler noted that any change in the access or alignment of traffic will have an effect on the planned development which the Commission has conceptually approved for the site. The General Plan amendment and rezone on the site considered traffic safety and proximity to schools as well as other land use issues prior to the Council rezoning the property.

Commissioner Belmonte moved to adopt Resolution No. 98-7, adopting the mitigated negative declaration and approving Parcel Map No. 98-1, subject to the findings and conditions of approval as proposed by staff, with the added condition that no additional access points be allowed onto East Avenue. Commissioner Studebaker seconded the motion which failed by a vote of 2-3-1-1 (Commissioners Monfort, Wahl and Commissioner Wright opposed; Chair Dietle abstained; Commissioner Hamilton absent).

COMMISSIONER WAHL MOVED TO ADOPT RESOLUTION NO. 98-7, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING PARCEL MAP NO. 98-1, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS PROPOSED BY STAFF. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 3-2-1-1 (COMMISSIONERS BELMONTE AND STUDEBAKER OPPOSED; CHAIR DIETLE ABSTAINED; COMMISSIONER HAMILTON ABSENT).

REGULAR AGENDA

- 5. Planned Development Use Permit No. 98-1 (Hughes/PDQ Market) - Final review of a planned development to allow a 2,500 square foot convenience market, a 1,725**

square foot delicatessen, a 600 square foot automated car wash, and gasoline sales on a 1.04 acre parcel at the northwest corner of East and Ceanothus Avenues (portion of Parcel Map 98-1), Assessor's Parcel No. 048-061-038 (portion of). The subject site is designated Community Commercial in the General Plan Diagram and zoned PD/N-C Planned Development Neighborhood Commercial. An initial study for environmental review has been prepared for this project, upon which the Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA); a 30-day public review period was conducted. A mitigated negative declaration is a determination that project will not have a significant impact on the environment with incorporation of specific mitigation.

Chair Dietle stated that she would be abstaining on Item No. 5, as her employer has entered into negotiations regarding funding for construction of the project.

Sr. Planner Palmeri presented the staff report for the final development plan on the property previously discussed on this agenda. He reviewed the proposed use, the land use issues surrounding, and the findings and conditions of approval as recommended by staff.

The public hearing was opened at 8:25 p.m.

Orval Hughes, the applicant, reviewed the access for pedestrians, bicycles and delivery points throughout the project. In response to questions from Commissioner Monfort, he explained that the project would have an estimated 10 bicycle racks installed and would follow any City regulations regarding posting for the pedestrian area and school zone.

Commissioner Belmonte reviewed the East Avenue access with Mr. Hughes and Director of Public Works Ross, suggesting a right-turn only access. Mr. Hughes again reviewed the traffic study. Director of Public Works Ross indicated that staff has reviewed the proposal and found the proposed layout appropriate.

Commissioner Monfort reviewed the frontages onto East Avenue with Development Engineer Varga.

There being no further comment, the public hearing was closed at 8:45 p.m.

COMMISSIONER WAHL MOVED THAT THE COMMISSION ADOPT THE MITIGATED NEGATIVE DECLARATION AND APPROVE PLANNED DEVELOPMENT USE PERMIT NO. 98-1, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF REPORT, AND SUBJECT TO THE MITIGATION MEASURES LISTED THEREIN. COMMISSIONER MONFORT SECONDED THE MOTION.

Commissioner Belmonte suggested an amendment to the motion to restrict access to East Avenue through right turns only. Commissioner Wahl declined the amendment.

THE MOTION WAS APPROVED BY A VOTE OF 3-2-1-1 (COMMISSIONERS BELMONTE AND STUDEBAKER OPPOSED; CHAIR DIETLE ABSTAINED; COMMISSIONER HAMILTON ABSENT).

The Commission was in recess from 8:45 p.m. through 9:00 p.m.

6. **Rezone and Text Amendment No. 98-2 (City of Chico)** - Amendments to the Chico Municipal Code Title Land Use Regulation: Amend Chapter 19.04 "Definitions" and 19.30 "Signs" specifically related to the CD Commercial Downtown (C-C Central Commercial) and CDS Commercial Downtown South (currently zoned C-1 Restricted Commercial and C-2 General Commercial) Districts. Amend Chapter 19.76 "Overlay Districts" to add a "-L Landmark" District and adoption of a new chapter to establish a CDS Commercial Downtown South Zoning District which includes amendment of the City of Chico Zoning Map consistent with the Chico General Plan designation of "Downtown" (Subarea).

A change in the title of the C-C Central Commercial Zoning District to CD Commercial Downtown Zoning District throughout the Chico Municipal Code where applicable. The proposed -L Landmark Overlay District would provide for a 90-day "cooling-off" period prior to the issuance of a demolition permit for a locally listed historic structure in the -L Landmark Overlay District. The proposed Commercial Downtown South Zoning District and accompanying rezone includes properties generally located on both sides of Main and Broadway Streets mid-block between 5th and 6th Streets south to Little Chico Creek including Oroville Avenue and a portion of Park Avenue.

These amendments represent implementation of the Chico General Plan and were addressed as part of the previously certified City of Chico General Plan Environmental Impact Report pursuant to California Environmental Quality Act (CEQA) Sections 15168 (a) (c-2) and 15162 (a). The proposed sign amendments are categorically exempt from environmental review pursuant to CEQA Section 15311.

Sr. Planner Figge reviewed the staff report regarding the downtown rezone to Commercial Downtown South, its associated land use issues and noted that there would be a number of non-conforming legal uses. She also reviewed the proposed amendments to the sign ordinance, landmark area and demolition permits.

Chair Dietle verified that a business change does not mean a change of ownership, rather the business itself.

In response to questions from Commissioner Wright, Sr. Planner Figge explained that the landmark overlay district would give the City authority to place an overlay zone where necessary to preserve historical resources. This could include the federally listed historic district south of campus and some of downtown. While the overlay area may not contain

single family homes, it could be possible. She reviewed the process used to place a building on the historical resources listing, which was prepared by Chico Historical Society. Currently commercial buildings do have to go through the Architectural Review Board process, but the Board cannot make findings based on historical context. The proposed ordinance would ensure that the construction would not affect the historical value of the building or adjacent properties.

Commissioner Belmonte inquired why the affected buildings were not listed separately rather than in an overlay zone. Sr. Planner Figge explained that an overlay zone would help protect the character of the area as a whole as opposed to spot zoning. This is a proactive way of recognizing the overall historic character of the area.

The public hearing was opened at 9:20 p.m. Chair Dietle explained that public testimony would be heard on each section separately, landmark overlay district, rezone and signage.

The following people expressed concerns with the proposal for a landmark overlay district: Warren Bruise, 1766 Park Vista Drive, Carl Anderson, Betty Wakefield, 1236 Glenwood, and Randy Valine, 9888 Fimple Road. The concerns expressed were regarding the appointing of the Planning Director to oversee the zone, the language of the ordinance, the affect on property values and requested further public review.

Regarding the proposed signage amendments, Don Kidd, 119 Main Street, expressed concerns regarding the terms of the ordinance, the definition of a window sign, use of menu signs, and requested a continuance for further review by the Downtown Chico Business Association (DCBA).

The following people expressed concerns regarding the proposed rezone: Angelo Volpato, 1279 E. 8th Street, Jim Matthews, 665 Bryant, Warren Bruise, Charlie Pruesser, 1405 W. 2nd Street, Carl Anderson, Rick Meline, 730 Main Street, Katrina Davis, DCBA, 336 Broadway. The concerns expressed were regarding the historical land uses in the area, affect on property values, the number of non-conforming uses, viability of the area under the proposed zoning, existing vehicular orientation and character of the area, complexity of the language in the proposed ordinance, consistency between the General Plan and the proposal, and requested a continuance for further review.

Bob Malowney, 320 Broadway, spoke in support of the project as a means for planning rather than redeveloping the southern downtown area.

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

Sr. Planner Figge reviewed the procedures used by staff for public noticing and dissemination of information on this item. She noted that the proposed rezoning would not prevent existing uses which will become non-conforming from operating, but would prevent new non-conforming uses from establishing in the area.

Chair Dietle reviewed the discussions from the previous workshop on the issues.

The Commission was in recess from 10:05 p.m. through 10:15 p.m.

COMMISSIONER MONFORT MOVED TO CONTINUE THIS ITEM AND HOLD A WORKSHOP ON JUNE 22, 1998. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (COMMISSIONER HAMILTON ABSENT).

7. **Use Permit 98-13 (Nottingham)- 388 Brookside Drive** - A request to exceed the maximum building height by 8 feet on property located at 388 Brookside Drive. The property is identified as Assessor's Parcel No. 011-170-054, located in an R-1 Single Family Residential zoning district, and is designated Low Density Residential in the General Plan Diagram. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15305, Minor Alterations to Existing Land Use.

Planning Director Seidler presented the staff report for a request to exceed maximum building height for single family residence. He noted that staff's recommendation includes findings to deny the request.

The public hearing was opened at 10:25 p.m. to which there was no comment.

COMMISSIONER WRIGHT MOVED TO DENY USE PERMIT 98-13 WITH THE FINDINGS LISTED IN THE STAFF MEMORANDUM DATED JUNE 1, 1998. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED (COMMISSIONER HAMILTON ABSENT).

8. **Use Permit 98-15 (Day) - 3158 Canyon Oaks Terrace** - A request to allow a 25 percent building encroachment into the rear yard setback and to exceed the maximum building height by 2.5 feet more or less on property located at 3158 Canyon Oaks Terrace. The property is identified as Assessor's Parcel No. 011-560-005, located in an RS-20 Suburban Residential (20,000 square foot minimum lot size) zoning district, and is designated Very Low Density Residential in the General Plan Diagram. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15305, Minor Alterations to Existing Land Use.

Commissioner Belmonte stated that he would be abstaining on this issue as he is acquainted with the applicant.

Planning Director Seidler presented the staff report with the addition of the handout provided to the Commission at the meeting. He reviewed the surrounding land uses and staff's revised recommendation for approval.

Commissioner Monfort discussed the site location with staff. Planning Director Seidler indicated that there has been grading work on the property, but no footings have been poured.

The public hearing was opened at 10:28 p.m.

Randy Day, 62 Plumwood Ct, the applicant, noted the proposal has been approved by the Canyon Oaks Homeowners Association.

There being no further comment, the public hearing was closed at 10:30 p.m.

COMMISSIONER WRIGHT MOVED TO FIND THIS PROJECT CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15305, MINOR ALTERATIONS IN LAND USE LIMITATIONS, AND APPROVE USE PERMIT 98-15 BASED ON THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF MEMORANDUM DATED JUNE 1, 1998. COMMISSIONER WAHL SECONDED THE MOTION.

Commissioner Monfort asked for clarification on the revised recommendation. Planning Director Seidler explained that the surrounding subdivision was reviewed for viewshed issues although the particular project site is not in the viewshed area. As the subdivision is largely undeveloped and is without a completely defined character, this project will not impact that character.

THE MOTION WAS APPROVED BY A VOTE OF 5-0-1-1 (COMMISSIONER BELMONTE ABSTAINED, COMMISSIONER HAMILTON ABSENT).

9. **Tentative Subdivision No. 97-5 (Alleghany Properties, Inc.) - Lake Vista Subdivision and Administrative Use Permit 98-14** - A request to (1) subdivide 60 acres into 176 single family lots, including two parcels for use as storm drain detention/neighborhood parks; and (2) Approve Administrative Use Permit 98-14 to allow development of a split-zoned parcel in accordance with provisions of the R-1 District. The property is located east of Yosemite Drive along the eastern city limits of Chico and north of Highway 32 in a R-1 Single Family Residential and R-2 Medium Density Residential zoning district, identified as Assessor's Parcel No. 011-030-056. All lots will be developed in the R-1 zone, except approximately the southern-most 37 lots and the southern detention/park area which are currently proposed in the R-2 Medium Density Residential zoning district. The property is designated Low Density and Medium Density residential in the City of Chico General Plan. An initial study for environmental review has been prepared for the project. Based upon the information contained within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted 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 as mitigated. Also pursuant to CEQA, a 30-day public review period was conducted on the proposed negative declaration. If the mitigated negative declaration is adopted, the Planning Commission will then consider the project for approval, conditional approval, or denial.

Sr. Planner Palmeri presented the staff report for a proposed subdivision east of Yosemite Drive. He noted that Director of Public Works Ross has recommended approval of five requested modifications to the design criteria; that approval does not include a temporary sewer lift station. He reviewed staff's recommendation which were distributed to the Commission at the start of the meeting. He explained that the Administrative Use Permit (AUP) would allow the property to develop under one or the other zone as the property is split zoned.

Commissioner Monfort verified that staff has waived Mitigation E-1 due to the AUP.

The Commission discussed the traffic circulation through the project. Sr. Planner Palmeri noted that the street layout was partially due to grading considerations, the shape of the parcel and the need for increased lot sizes on the north side to accommodate transition. Traffic circles were included at the intersection of Yosemite and Idyllwild in order to slow traffic on Yosemite which was a concern of the California Park Homeowners Association. Development Engineer Varga reviewed the history of this project, which at one time included a proposal to have this area be the other entrance to Canyon Oaks complete with a traffic circle. That plan has not been implemented. Commissioner Monfort suggested placing traffic circles at the intersections of Road L and Idyllwild and at Idyllwild and Yosemite.

Commissioner Monfort discussed bicycle path speed and intersection spacing with Development Engineer Varga.

Chair Dietle expressed concern with traffic on Idyllwild Circle and the possibility of an increased number of lots backing onto it. Development Engineer Varga stated that the conditions of approval do require that all double frontage lots not take access onto Idyllwild.

The public hearing was opened at 10:50 p.m.

Bill Dinsmore, Rolls Anderson and Rolls, 115 Yellowstone Dr, representing the applicant, noted the difficulties of designing this project due to topographic conditions, shape, and drainage (Dead Horse Slough flows through the site) on solid lava cap base. He explained that the temporary sanitary sewer lift station was needed to avoid installing sewer line and fill on an adjoining property. At Commissioner Monfort's request, Mr. Dinsmore explained the storm drainage design for the project.

Commissioner Wright questioned how temporary the lift station would be. Mr. Dinsmore stated that although he believes that the property on the other side of Yosemite will be developed before long, the facility could be in operation for 5 to 10 years. He indicated that he would be willing to stub the sewer piping to Yosemite Drive for future connection to the system.

Chair Dietle inquired if staff is reviewing any proposals for that property. Mr. Dinsmore stated that while he is aware of a project, it has not yet been filed with the City.

Commissioner Wright asked who is responsible for maintenance of the pump station. Development Engineer Varga explained that a sanitary sewer pump station is paid for through sewer fees. The cost and associated difficulty of maintaining a pump station and electricity needed to run it is a concern. He stressed that the ultimate system should be a gravity system and not use a pump station. He noted that the additional fill associated with extending the sewer line is could be afforded by a project of this size. The sewer alignment is established and the adjoining parcel will need fill to develop the site regardless of this project.

In response to a question from Commissioner Wright, Mr. Dinsmore stated that the intent of the applicant is to sell off the sections to be developed by others. The order in which the development will occur would be up to the purchasers of the different phases.

Responding to Commissioner Monfort, Mr. Dinsmore stated that the storm water detention location may have to be modified if Caltrans does the alignment of State Highway Route (SHR) 32. Development Engineer Varga explained that some of the SHR 32 alignment may be changed pending the development of the proposed Fogarty project by Potter Road. This project would be to required to construct or pay fees to improve the Forest/SHR 32 intersection. The Yosemite/SHR 32 intersection has been considered to signalization depending on the future alignment and impacts.

Mike Brumbaugh, Allegany Properties 2150 River Plaza Dr, Ste 155, the applicant, noted that community meetings, including with the California park Homeowners Association have been held on this proposal.

The following members of the public spoke in opposition to this proposal expressing concerns with traffic on Yosemite Drive and Idyllwild and that this project would continue Palisades Drive: David Lundberg, 453 Palisades Drive, and Jennifer Cotes, 454 Palisades Drive.

There being no further comment, the public hearing was closed at 11:20 p.m.

Commissioner Monfort verified that there currently is no transit bus plan for the area. Development Engineer Varga stated that the Transit Coordinator did review the site; this area will be along a future Bruce Road route as it is a higher priority area. Commissioner Studebaker noted that he is on the Transit Advisory Board which has identified the California Park area as an unmet need and is in process of considering the area for a bus route. Commissioner Monfort expressed concern that conditions could not be placed on development for a pad and bus shelter without having a long term transit plan.

Commissioner Wright expressed concern that City residents would be liable for the temporary sewer lift station should that facility fail.

COMMISSIONER WRIGHT MOVED TO ADOPT RESOLUTION 98-8, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING ADMINISTRATIVE USE PERMIT 98-14 AND THE LAKE VISTA VESTING TENTATIVE SUBDIVISION MAP 97-5 SUBJECT TO THE FINDINGS AND CONDITIONS AS WRITTEN IN THE STAFF MEMORANDUMS DATED MAY 20, 1998 AND JUNE 1, 1998. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (COMMISSIONER HAMILTON ABSENT).

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Planning Director Seidler noted that at a recent City Council meeting, the Council denied an appeal on Use Permit 97-49 (Executive Homes).

ADJOURNMENT

The Commission adjourned at 11:35 p.m. to the Adjourned Regular Meeting of June 15, 1998.

July 6, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
MEETING OF JUNE 15, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, William Hamilton, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Senior Development Engineer Tom Varga, Planning Director Kim Seidler, Senior Planner Tom Hayes, Senior Planner Stacey Jolliffe and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Studebaker stated that he had spoken in the past with the applicant for Item 3 regarding card rooms. He indicated that while he approved of the general use of cardrooms, he wouldn't comment further without a specific application. He added that he received materials from applicant that afternoon. Commissioners Belmonte, Monfort, Wright, Hamilton and Wahl indicated that they had similar conversations with the applicant and had also received the additional materials. Chair Dietle indicated that she had a conversation with the applicant six weeks prior when she was provided a history of the use.

Chair Dietle stated that she had met with the Building Industry Association to discuss general information regarding Item No. 4.

Commissioner Wright stated that he had spoken with the applicant on Item No. 2 regarding their purchase of the "Icehouse" building.

CONSENT AGENDA

1. Minutes of Adjourned Regular Meeting of May 18, 1998.

Requested Action: Approve with any corrections/revisions required.

2. Use Permit No. 96-08 (Jesus Provides Our Daily Bread) - 346 Cherry Street - A request for an extension of time for the use permit which allowed operation of a food program for the underprivileged with two meals served daily (7:30-8:30 a.m. and 3:30-4:30 p.m.) at 346 Cherry Street. The property is identified as Assessor's Parcel No. 004-114-003 (The Newman Center), located in an R-3 Medium-High Density Residential zoning district which is designated on the General Plan diagram. The

extension will allow the applicant time to renovate a building (located elsewhere) which will permanently house the operation once remodeling is complete. This project is exempt from environmental review pursuant to section 15301 Existing Facilities of the California Environmental Quality Act (CEQA).

Requested Action: Approve this Use Permit subject to the findings and conditions of approval as listed in the staff memorandum.

Commissioner Studebaker removed this item from the Consent Agenda.

COMMISSIONER MONFORT MOVED TO APPROVE ITEM NO. 1 FROM THE CONSENT AGENDA. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

ITEMS REMOVED FROM CONSENT

2. Use Permit No. 96-08 (Jesus Provides Our Daily Bread) - 346 Cherry Street

Commissioner Studebaker questioned why Condition 10 was recommended for deletion and what the timetable was for the new facility. Planning Director Seidler stated that staff felt that Condition 10 was not necessary as the purchase of the property has been made and diligent pursuit toward occupancy is occurring.

The public hearing was opened at 7:40 p.m.

Katie Thoma, P.O. Box 6786, the applicant, stated that they have hired an architect and contractor with an estimate for occupancy in early fall. She explained that if they were still operating out of the Newman Center in September, she would be willing to hold a public meeting and have the volunteers and staff hand out flyers. These flyers explain the operation and provide contact telephone numbers.

There being no further comment, the public hearing was closed at 7:43 p.m.

COMMISSIONER STUDEBAKER MOVED TO APPROVE A 12-MONTH EXTENSION OF USE PERMIT NO. 96-8, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN SECTION VI OF THE STAFF MEMORANDUM DATED MAY 29, 1998. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

- 3. Use Permit UP-98-2 (Scott) - 319 Main Street** - Use permit to allow cardroom within an existing bar and pool hall (Team Players) at 319 Main Street. The property is identified as Assessor's Parcel No. 004-152-009 and is located in a C-C Central Commercial zoning district, designated Downtown on the General Plan Diagram. The City staff is recommending denial of the request as cardrooms are not allowed in the C-C district zoning district. The California Environmental Quality Act (CEQA) does not require environmental review for project denials.

Planning Director Seidler presented the staff report with an additional history of the issue. He stressed that the Municipal Code does not allow casinos or cardrooms within the downtown zoning district. In addition, as recently as February, 1998, the City Council denied a request to initiate a Code amendment to permit cardrooms as requested by the applicant.

Commissioner Studebaker questioned why the application was before the Commission when it is not an allowed use. Planning Director Seidler explained that the applicant had expressed his conviction that the State would not continue to work toward his license to operate a cardroom without an application for a use permit on file.

The public hearing was opened at 7:50 p.m.

The following people spoke in support of the request: Jeff Hilgert, owner of building at 319 Main Street, Mike Walker, 319 Main Street, Anthony Cassia, 726 W. 2nd Avenue, Di Rensink, 1007 Meier Drive. The reasons cited for support were that it was a needed service, the continued viability of the downtown area, employment and economic opportunities

Richard Scott, P.O. Box 4191, the applicant, stated that cardroom customers represent a cross-section of people throughout the community. He reviewed the material he distributed to the Commission. He indicated that the business would create employment and economic opportunity while providing entertainment. He stressed his belief that the Commission must make the decision on what the Municipal Code does allow.

The following people spoke in opposition to the request: Bud Tracy, 131 Main Street, Barbara Mundy, 152 E. 2nd Street, Angela Harris, 662 E. 8th Street, and Betty Jane Roth, 855 Filbert Avenue. The concerns expressed were consistency with Council direction, lack of perception of cleanliness associated with such a use, persistence of family atmosphere in the downtown, consistency of zoning regulations, mix of uses in the downtown, and safety. Ms. Roth presented a copy of a petition against cardrooms in the downtown which had been submitted to Council.

Katrina Davis, 336 Broadway Suite 12, representing the Downtown Chico Business Association (DCBA), stated that she had spoken to several area business owners and the applicant. She requested that the Commission continue the discussions to allow a more formal poll of the DCBA membership to take place. She noted that those she had spoken with had provided her with a mixed response. Several business owners had expressed concerns

with the perceptions of the use and safety of people in the downtown, while others indicated some interest in the proposal. She added that all the business owners she had spoken with had been aware that the use had been at the location in the past, but were not aware of this request. In response to questions from Commissioner Belmonte, Ms. Davis reviewed the need for cleanup in front of buildings every morning as a result of the bar uses in the area. She explained that the perception of a cardroom by the downtown business owners is negative, although that perception is for the bar uses, not a cardroom specifically. She stressed her belief that the public needs to be educated on the use itself.

Chair Dietle asked for clarification that the property is owned by both Pansy Palmer and Mr. Hilgert.

The Commission was in recess from 8:40 p.m. through 8:50 p.m.

Chair Dietle stated that she will abstain from further discussions on this item as her employer has business with Team Players, whose owner also has an interest in the building; as such the business would benefit from this proposal if approved. She noted that she had specifically inquired with the applicant on this item during their meeting six weeks ago.

Mr. Hilgert readdressed the Commission and indicated his belief that the type of use would proliferate due to supply/demand. He reviewed activities contained within Team Players. In response to a question from Commissioner Belmonte, the hours of operation proposed for cardroom would be 8:30 p.m. to 5:00 a.m. They may also consider daytime hours on weekends.

Mr. Walker, a previous speaker, reviewed that his business is a full restaurant within Team Players.

Commissioner Studebaker noted that the facility had no handicapped access.

Mr. Scott readdressed the Commission and proposed a limited 90 day approval. He indicated that, if approved, handicapped access would be provided within 24 months.

Ms. Harris, a previous speaker, explained that a State cardroom license takes up to 1.5 years to obtain. She indicated that she has already requested a license from the state to move a downtown location if this permit is approved.

Planning Director Seidler noted that the issues of concern to those who spoke are not addressed within the staff report. He stressed cardrooms are not allowed in the C-C zoning district as determined by the City Council. He explained that staff told the applicant at the time the application was submitted that staff does not believe the Commission has the authority to approve the use as it is not allowed within the zoning district. Nevertheless, it is a legal application, wherein the applicant does have a right to have a hearing before the Commission, and that while the Commission could not approve the use permit, it could deny it.

Mr. Scott stated his belief that the Commission is the body that has the right to make the decision and asked for a vote on the application.

There being no further comments, the public hearing was closed at 9:18 p.m.

In response to a question from Commissioner Wright, Assistant City Attorney Barker explained that cardrooms are not a use permitted within the CC Central Commercial zoning district with or without a use permit. She reviewed the history of the issue, and noted that as the use is provided for within the Code, but not within the CC District, it is not a situation where the Commission may make a determination of appropriate use, as noted in Section 19.50.050 of the Municipal Code.

The Commission discussed options for the request and determined that as the Commission does not have the authority to grant the permit, it would be a cleaner process to deny the permit and initiate a Code change to recommend to Council. If Council were to amend the Code, the applicant could reapply.

COMMISSIONER MONFORT MOVED TO DENY USE PERMIT 98-2 WITH THE FINDINGS LISTED IN SECTION V OF THE STAFF MEMORANDUM DATED JUNE 3, 1998. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED 5-1-1 (COMMISSIONER BELMONTE OPPOSED, CHAIR DIETLE ABSTAINED).

Assistant City Attorney Barker advised Chair Dietle to continue to abstain on the following motion as the issues are so intertwined.

COMMISSIONER MONFORT MOVED TO INITIATE A MUNICIPAL CODE AMENDMENT TO PERMIT CARDROOMS IN THE CC CENTRAL COMMERCIAL ZONING DISTRICT, WITH FIVE TO SIX CARDROOMS ALLOWED WITHIN THE ZONING DISTRICT. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (CHAIR DIETLE ABSTAINED).

4. **General Plan Amendment 97-5 and Rezone 97-6 (City of Chico)** - A proposal to lower minimum permitted densities within two General Plan land use designations/zoning districts and reduce the maximum density in one additional land use designations and two zoning districts in the Chico Urban Area as follows:
- 1.) Adjust the density range for the Medium Density Residential designation/R-2 Medium Density Residential zoning district from 7.1 to 14 dwelling units per gross acre to 2.01 to 14 units per gross acre;
 - 2.) Adjust the density range for the High Density Residential designation/RHD Residential High Density zoning district from 22.1 to 35 dwelling units per gross acre to 14.01 to 35 units per gross acre;
 - 3.) Lower the maximum allowed density for the Low Density Residential land use designation, R-1 Single-Family Residential zoning district, and RD-1 Low Density Residential zoning district from 7 to 6 dwelling units per gross acre. Seven dwelling units per acre would still be permitted with a planned development use permit;
 - 4.) Amend General Plan Policy LU-G-12 as follows: "Encourage and provide incentives for infill development within existing residential areas, ~~at a density not less than surrounding development,~~ subject to appropriate standards to ensure compatibility with adjacent uses."

A mitigated negative declaration is a determination that the project will not have a significant impact on the environment with incorporation of specific mitigation. The 20-day public review period on the environmental review ended June 8, 1998. If the mitigated negative declaration is adopted, the Planning Commission will then consider the project for approval, conditional approval, or denial.

Sr. Planner Hayes presented the staff report and reviewed the history of density ranges. He noted that since the previous hearing on the item, a subsequent environmental review was prepared, a mitigated negative declaration has been recommended and a 20-day public review period has been conducted. He stated that in the absence of definite numbers or projects affected by the proposal, anticipating primary or secondary impacts would be only speculative. He reviewed the recommendations made by staff.

In response to a question from Commissioner Wright, Sr. Planner Hayes explained that the numbers used for existing General Plan designations were based on average density.

The Commission was in recess from 9:35 p.m. through 9:45 p.m.

The public hearing was opened at 9:45 p.m.

The following people expressed concerns with the proposal: Barbara Vlamis, Butte Environmental Council, Jon Luvaas, 1980 Wild Oak Lane. The concerns expressed were questioning if adequate environmental review was conducted based on speculative terminology and General Plan urban boundary policies, possible internal inconsistencies between the General Plan Environmental Impact Report (EIR) and the General Plan, cost of growth and urban sprawl, transition and affordable housing. Ms. Vlamis urged that given the number of recent changes to the General Plan, including this proposal, the Schmidbauer rezone, changes to the Community Design Element, the removal of the agricultural mitigation fees and the elimination of the Habitat and Resources Conservation Plan, a comprehensive environmental review may be required.

The following people spoke in support of the proposal: Pete Giampaoli, 1263 Esplanade, Suite C, David Kelley, 70 Declaration Drive, representing the Building Industry Association. Comments regarding the historical development at 5 to 5.5 units per acre, the current inability to develop 7 units per acre with the current Titles 18 and 19 of the Municipal Code without a planned development, that the proposal allows the flexibility of process and development, that R-2 designated land is not in sensitive development areas.

Sr. Planner Jolliffe explained that the General Plan EIR sought to evaluate the proposal of the General Plan. As the General Plan changes, the General Plan EIR analysis needs to change to reflect that project.

In response to a question from Chair Dietle, Assistant City Attorney Barker stated that she would research which document, the General Plan or the General Plan EIR, takes precedence prior to Council action on the item.

Commissioner Monfort reviewed land values between zoning designations and expressed concern that there would be no distinction between R-1 and R-2 designations.

There being no further comment, the public hearing was closed at 10:30 p.m.

Commissioner Belmonte suggested that the item be continued pending research on the legal question. He indicated that a determination must be made if a complete EIR is required. Chair Dietle noted that the requested action is a recommendation to Council and can be addressed at the Council level if it is necessary. Assistant City Attorney Barker stated that if the Commission desires, the item could be continued to address the concern, or the question could be presented to the City Attorney to address before the item reaches the Council.

Commissioner Belmonte moved to continue General Plan Amendment 97-5 until such time as there is a legal council determination. There was no second on the motion.

Commissioner Monfort stated that if the General Plan EIR assumed there was mandatory clustering, different impacts would result than if the clustering were not mandatory. Sr. Planner

Jolliffe summarized the biological section of the General Plan EIR and the impacts indicated therein; those impacts would not change on the basis of specific language.

Commissioner Hamilton moved to recommend City Council approval of General Plan Amendment No. 97-5 and Rezone No. 97-6 and adoption of the mitigated negative declaration. Commissioner Wahl seconded the motion. The motion was denied 2-5 (Commissioners Belmonte, Dietle, Monfort, Studebaker and Wright opposed.)

COMMISSIONER MONFORT MOVED TO RECOMMEND CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT NO. 97-5 AND REZONE NO. 97-6 AND ADOPTION OF THE MITIGATED NEGATIVE DECLARATION WITH THE FOLLOWING CHANGES: ITEM 1 ADJUST THE MINIMUM DENSITIES RANGE TO 7.1 TO 5.5 DWELLING UNITS PER GROSS ACRE, PERMITTING DENSITIES BETWEEN 5.5 AND 14 UNITS PER ACRE, AND REMOVE ITEM 4 AMENDING GENERAL PLAN POLICY LU-G-12. COMMISSIONER STUDEBAKER SECONDED THE MOTION.

Commissioner Belmonte suggested an amendment that further legal clarification between wording in the General Plan and the General Plan EIR and for staff to then determine if an EIR is appropriate. Commissioner Monfort stated that the motion assumes that staff believes that the Initial Study is correct and that the City Attorney will review the question before the item goes before the Council. Chair Dietle confirmed that ultimately whether a full EIR is necessary is a Council decision.

THE MOTION WAS UNANIMOUSLY APPROVED.

5. **General Plan Amendment No. 97-04/Prezone No. 97-06 (City of Chico/Work Training Center)**- A proposal to amend the General Plan designation from Low Density Residential to Commercial Services and change the rezoning from R-1 Single-Family Residential to PD/C-2 Planned Development General Commercial for an unincorporated area located on the east side of Fair Street from the intersection of Mulberry Street south to E. 23rd Street, Assessor's Parcel Nos. 005-461-003, 005-464-001 and 012-016, 005-471-005, 006, 024-025, 028-029, 034-039.

A mitigated negative declaration is a determination that project will not have a significant impact on the environment with incorporation of specific mitigation. The 20-day public review period on the environmental review ended June 8, 1998. If the mitigated negative declaration is adopted, the Planning Commission will then consider the project for approval, conditional approval, or denial.

Planning Director Seidler presented the staff report to have the General Plan designation and rezoning consistent with the current uses on a section of Fair Street. He reviewed the land uses in the area and staff's recommendation.

The public hearing was opened at 10:55 p.m.

Lee Laney, 355 W. Lincoln, representing the Work Training Center, stated that they intend on building new offices on the property where they are currently located on Fair Street. The existing zoning is incompatible with existing use and the proposed expansion.

Commissioner Monfort confirmed that the area is under a planned development overlay to allow for Commission review of the proposed project.

There being no further comment, the public hearing was closed at 10:58 p.m.

COMMISSIONER STUDEBAKER MOVED TO FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR GENERAL PLAN AMENDMENT NO. 97-4 AND PREZONE NO. 97-1 AND ADOPTION OF THE PROPOSED MITIGATED NEGATIVE DECLARATION. COMMISSIONER WRIGHT SECONDED THE MOTION.

Chair Dietle noted that Commissioner Wahl had left meeting.

THE MOTION WAS APPROVED 6-0-1 (COMMISSIONER WAHL ABSENT).

The Commission was in recess from 11:00 p.m. through 11:10 p.m.

6. **Tentative Subdivision No. 97-6 (Pillai)** - A request to subdivide 8.5 acres into 35 single family lots, with all seven existing residences on the site to remain and be incorporated into the development. Currently located in the County of Butte, the property will be required to be annexed to the City of Chico prior to recordation of the final map. The property is located on the East side of Floral Avenue, approximately 2,000 feet north of its intersection with East Avenue, identified as Assessor's Parcel Nos. 048-034-052, 095, 096, 098, 099, 100, and 101, located in a R-1 Single Family Residential City rezoning district and SR Suburban Residential County zoning district. The property is designated Low Density Residential in both the City of Chico and County of Butte General Plans.

A mitigated negative declaration is a determination that project will not have a significant impact on the environment with incorporation of specific mitigation. The 30-day public review period on the environmental review ended December 15, 1997. If the mitigated negative declaration is adopted, the Planning Commission will then consider the project for approval, conditional approval, or denial.

Planning Director Seidler presented the staff report for a subdivision on Floral Avenue. He explained that the flag lots are envisioned as two easements to serve properties contained within an inside of a block. A negative declaration was prepared for a previous version of this

proposal, but as there are no further units, staff does not find that any further review is necessary.

The public hearing was opened at 11:13 p.m.

Ken Lenhart, GDA Engineering, 220 Grand Avenue, representing the applicant, stated that they had reviewed the staff report and had no problems with its recommendations.

Commissioner Belmonte questioned the stubbing of the roads to the east, if any assessment to widen the affected bridge and if a median is proposed in front of the project. Sr. Development Engineer Varga explained that while there is no specific project proposed, it was requested in the interest of maintaining connectivity during future development. When a development is taking access to Mariposa, they may be charged for work on the bridge. This project will install median improvements on Floral, such that the southerly access road will not have median opening, but the northerly one will, resulting in a counter-clockwise circulation pattern.

Brian Baldrige, 11088 Midway, North Valley Pilots Association, inquired if this project has been reviewed by the Butte County Airport Land Use Commission (ALUC), and expressed concern that the residents may be negatively affected by the noise from airplanes.

There being no further comments, the public hearing was closed at 11:30 p.m.

Commissioner Belmonte expressed concern that the project may not have been forwarded to ALUC for review per Commission direction. Assistant City Attorney Barker stated that the City Attorney has opined that the City is not required to send projects to ALUC if it is consistent with the General Plan.

Commissioner Belmonte moved to adopt Resolution No. 98-9, adopting the mitigated negative declaration and approving the Pillai Tentative Subdivision Map (S 97-6), subject to the findings and conditions delineated in the staff memorandum dated June 3, 1998, with the added condition that it be forwarded to ALUC for their review and recommendation. Commissioner Studebaker seconded the motion.

Assistant City Attorney Barker clarified that the Commission does not intend to make overriding findings to ALUC concerns.

The Commission discussed whether or not to solicit recommendations from ALUC and if they intended to act on those mitigation. It was suggested that the ALUC could appeal to Council should they not agree with Commission recommendations, although the ALUC may not meet within that time frame. Commissioner Monfort reviewed the history of development in the area which included noise attenuations for the northerly development. Assistant City Attorney Barker suggested that the Commission could forward the item to the ALUC as informational item without a request for comment.

COMMISSIONER BELMONTE AMENDED THE MOTION TO FORWARD THE MAP TO THE ALUC WITHOUT A REQUEST FOR COMMENTS. COMMISSIONER STUDEBAKER SECONDED THE AMENDMENT. THE MOTION WAS APPROVED 5-1-1 (COMMISSIONER WRIGHT OPPOSED, COMMISSIONER WAHL ABSENT).

PLANNING UPDATE

Planning Director Seidler reviewed that there is a workshop in Arcata on Friday, June 19, 1998, and suggested that any Commission who wished to attend contact staff.

He noted that at the last Council meeting, the Council met to discuss the Community Design Element, at which it largely followed staff recommendations and asked that a glossary of terms be created. Those changes will come before the Commission in August or September. He added that the General Plan Amendment 97-5 (Schmidbauer) is before Council at its meeting of June 16, 1998.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

The Commission adjourned at 11:45 p.m. to the Special Workshop of June 22, 1998 at 6:30 p.m. and the Regular Meeting of July 6, 1998 at 7:30 p.m.

July 6, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
WORKSHOP OF JUNE 22, 1998**

ROLL CALL

The meeting was called to order by Chair Dietle at 6:35 p.m. In attendance were Commissioners Barry Belmonte, Kirk Monfort, Jonathan Studebaker, Larry Wahl, and Michael Wright. Staff members in attendance were Planning Director Kim Seidler and Senior Planner Pam Figge.

WORKSHOP

1. **Amendments to Title 19 Land Use Regulations - Public Workshop** for presentation and explanation of proposed amendments forwarded by City Council regarding Downtown Signage, proposed Landmark Overlay District and zoning reclassification of the area south of 5th Street to Little Chico Creek encompassing Main, Broadway, and a portion of Oroville Street and Park Avenue.

The format for the workshop will be staff presentation on each item listed below, followed by Planning Commission questions, with time allotted for public input questions and discussion.

- A. General Discussion of the Chico General Plan "Downtown" subareas including "Downtown South" and related policies.
- B. Proposed zoning amendments:
 1. Landmark Overlay District
 - a. Applicability of overlay districts
 - b. Current interim ordinance
 - c. Possible buildings which are locally historic in the downtown
 2. Sign Revisions
 - a. Purposes of regulating signs
 - b. Current regulations
 - c. Proposed changes
 3. CDS Commercial Downtown South Proposed Rezoning
 - a. Existing uses
 - b. Current permitted uses
 - c. Proposed permitted uses
 - d. Non-conforming uses

Sr. Planner Figge explained that the workshop would address several amendments to the current zoning regulations which involve the downtown Chico area. The amendments basically address the establishment of a new zoning district - the Commercial Downtown South (CDS), sign regulations for the downtown and the creation of a Landmark Overlay District which could be placed in the downtown area to encourage preservation of historic buildings. Sr. Planner

Figge began by presenting a short slide show which explained the reasoning behind the General Plan's division of the central downtown district into a core retail section, flank area for office, residential and retail uses, and a downtown "south" area.

Sr. Planner Figge stated that the proposed Commercial Downtown South (CDS) district could better reflect the uniqueness of the southerly part of downtown than the current zoning. The CDS district would be located approximately mid block between 5th and 6th Streets on Broadway and Main Street, south to Little Chico Creek which includes Oroville Avenue and a small section of Park Avenue. The area is currently zoned C-1 Limited Commercial and C-2 General Commercial. The CDS district would allow greater uses than what is currently allowed in the downtown area including retail, office, residential and service uses including small repair, art and dance studios, mortuaries, publishing and motels and hotels.

Sr. Planner Figge noted for the record that Glen Geer, owner of Geer Auto Service, wrote a letter in which he stated that changing the current zoning was on the "correct path", but changing the current owners usage on the property is not just. He suggested the rules be phased in as the property changes ownership.

A general discussion took place regarding businesses which would become "non-conforming" if the new zoning district is adopted. Sr. Planner Figge discussed the land use survey completed for the area. Approximately eleven businesses of the 60+ existing businesses could become non-conforming under the proposed zoning. Existing uses which would not be allowed in the new district such as auto repair and sales could remain in operation in perpetuity or be sold to another owner under the non-conforming provisions as long as the business did not cease operating for more than one year. Several business owners expressed their concern about changing the zoning. Sr. Planner Figge stated that the historical uses which are vehicular-related were important components of the area; but for future planning, new uses for automotive service, repairs and sales may be better located in other areas of the City.

Mendel Tochtermann, 341 Broadway stated that he didn't understand why any of the properties should be rezoned and felt that the zoning should not be changed. Angelo Volpato, 1075 San Ramon Drive, noted that his building was constructed for auto sales, service and repairs and although his current tenant probably will not stay at this location when his lease expires, he was opposed to the rezoning. Commissioner Monfort noted that an indoor veterinarian clinic and kennel could be allowed in Mr. Angelo's building under the provisions of the current zoning. Sr. Planner Figge noted that the zoning along Little Chico Creek would also allow lumber storage yards as a permitted use.

Bob Maloney, 320 Broadway, stated that he felt that the policies in the General Plan and the rezoning proposal provided a vision for this area of downtown. He felt that in the past there had been little or no planning for this area and now there was an attempt to put some positive energy into this section of town.

Jim Matthews, address unknown, expressed concern regarding his properties and type of uses which would be allowed. He asked that Sr. Planner Figge guarantee "he would not be hurt" with the rezoning.

Carl Anderson, 211 W. 8th Street, questioned the legality of rezoning the area and noted he was opposed to it.

Bud Tracey, P.O. Box 3069, said he represented a major property owner within the downtown area and he was particularly concerned with property values if the proposed zoning precluded certain uses in buildings which were specifically built for those uses. He noted that he would be happy to work with staff on reviewing the regulations further.

Commissioner Belmonte felt that staff should look into more protection for the existing businesses. Sr. Planner Figge noted that the property and business owners in the proposed CDS district had the ability to help tailor some specific regulations for their area. Planning Director Seidler added that provisions to further protect the current businesses could be drafted.

The workshop portion on the CDS district was closed. Sr. Planner Figge gave a brief introduction to the topic of signage in the downtown. She explained that the current regulations are quite generous in maximum size area and may be inconsistent with most sign regulations for downtown areas. Generally, downtown signs are more pedestrian-oriented which means signs are smaller in size and less obvious in appearance than those you would see on businesses which rely on being seen from busy streets and highways.

Don Kidd, 119 Main Street, noted as a business owner, signage is important. He agreed that the current regulations may be too lenient. He questioned how the allowable sign area is calculated. He stated that allowing corner properties to have signs based on both frontages may be too generous. He questioned how several businesses in one storefront would be accommodated. He had some suggestions for the sign regulations which Sr. Planner Figge noted.

No one spoke on the proposed Landmark Overlay District as the time set aside for the meeting, 6:30 p.m. to 9:00 p.m., had been expended. Chair Dietle asked staff to consider some alternatives for the existing businesses and uses in the proposed CDS district.

ADJOURNMENT

The Commission adjourned at 9:10 p.m. to the Regular Meeting of July 6, 1998.

November 16, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
MEETING OF JULY 6, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, William Hamilton, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Staff present were City Attorney Dave Frank, Development Engineer Tom Varga, Planning Director Kim Seidler, Senior Planner Ed Palmeri and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

None.

CONSENT AGENDA

1. Minutes of Regular Meeting of June 1, 1998.

Requested Action: Approve with any corrections/revisions required.

2. Minutes of Adjourned Regular Meeting of June 22, 1998.

Requested Action: Approve with any corrections/revisions required.

- 3. Parcel Map No. 97-2 (Myers)** - A request to subdivide 0.71 acres located at 2159 Elm Street, Assessor's Parcel No. 005-464-001, into four parcels ranging in size of 7,410 square feet to 8,300 square feet. The property is designated Low Density Residential (2.1 to 7.0 dwelling units per gross acre) on the General Plan Diagram and is zoned R-1 Single Family Residential. An initial study for environmental review has been prepared for this project, upon which the Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA); a 20-day public review period was conducted. A mitigated negative declaration is a determination that project will not have a significant impact on the environment with incorporation of specific mitigation.

Requested Action: Approve this Parcel Map subject to the findings and conditions of approval as listed in the staff memorandum.

This item was removed from the Consent Agenda by the applicant.

- 4. Parcel Map No. 98-2 (Juanarena)** - A request to subdivide 1.0 acres located at 1021 Henshaw Avenue, Assessor's Parcel No. 042-070-187, into three parcels consisting

of 0.32 acres, 0.28 acres, and 0.40 acres. The property is designated Low Density Residential (2.1 to 7.0 dwelling units per gross acre) on the General Plan Diagram and is zoned R-1 Single Family Residential. An initial study for environmental review has been prepared for this project, upon which the Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA); a 20-day public review period was conducted. A mitigated negative declaration is a determination that project will not have a significant impact on the environment with incorporation of specific mitigation.

Requested Action: Approve this Parcel Map subject to the findings and conditions of approval as listed in the staff memorandum.

Sr. Planner Palmeri noted that staff's recommendation for approval includes the changes to the subdivision report as noted in the memorandum distributed at this meeting. This item was removed from the Consent Agenda by Commissioner Monfort.

5. **Modification of Aspen Glen Vesting Tentative Subdivision Map and Planned Development Use Permit S-97-11/UP 97-37 (Aspire Homes):** - Proposed modification of an approved 157 residential dwelling unit subdivision and planned development to eliminate 41 multi-residential units approved by the Planning Commission at their meeting of April 6, 1998, and allow development of 22 single family dwelling units in addition to the previously approved 116 single family units on 22.03 acres located on the east side of the Esplanade south of Commercial Lane, identified as Assessor's Parcel No. 006-200-008. The subject property is designated Medium Density Residential on the General Plan Diagram and is in an R-2 Medium Density Residential zoning district. The proposed project density is 6.26 dwelling units per gross acre, which is consistent with proposed densities for the Medium Density Residential designation. A previous mitigated negative declaration for the Aspen Glen Vesting Tentative Subdivision Map and Planned Development project was adopted by the Planning Commission on April 6, 1998, and has been found to be adequate for the revised map.

Requested Action: Approve this Modification subject to the findings and conditions of approval as listed in the staff memorandum.

Sr. Planner Palmeri noted that staff recommendation includes a modification to the Subdivision Report to reflect the streets serving lots 61-68 be designed to standard street standards, as noted in the memorandum received by the Commission at this meeting.

Commissioner Studebaker moved approval of Consent Items 1, 2, and 5 as amended by staff. Commissioner Wright seconded the motion which was unanimously approved 7-0, with Commissioner Hamilton abstaining on Item 1 as he was absent from that meeting.

ITEMS REMOVED FROM CONSENT

3. Parcel Map No. 97-2 (Myers)

Sr. Planner Palmeri described the land use issues involved in the proposal and concerns regarding emergency vehicle access. He described the options to provide emergency access and noted that access to the fire hydrant to the south must be provided or that the units must have a sprinkler system installed.

In response to a question from Commissioner Monfort, Sr. Development Engineer Varga stated that Butte County created and adopted the Chapman/Mulberry Development Standards, which the City has agreed to follow within the area. Those standards do not require sidewalks.

The public hearing was opened at 7:40 p.m.

Linda Myers, 554 Honeyrun Road, the applicant, requested a continuance on this item. She noted that she had met with Fire Department and other City representatives to discuss the emergency access.

The following people expressed concerns with the project relating to flood control, emergency access across private property, fencing, placing residences next door to the Migrant Head Start program and economic responsibility for the improvements. Ken Wright, 2153 Elm Street and Joan Kostove, 410 Jones Street, Ukiah, representing Migrant Head Start.

Planning Director Seidler suggested the Commission keep the public hearing open and continue it to a date certain.

At Commissioner Monfort's request, Sr. Planner Palmeri explained that the emergency access required would not be for vehicles, but rather a 6 foot wide gate to hand-carry equipment and link to the fire hydrant, which is close to the proposed gate. The vehicles would go through the Migrant Head Start property to the gate.

There was a consensus of the Commission to continue to August 17, 1998 Adjourned Regular meeting.

4. Parcel Map No. 98-2 (Juanarena)

Commissioner Monfort stated that he removed this item from the Consent Agenda to question the garage which is currently located on the line between Lots 1 and 3. Sr. Planner Palmeri explained that the engineers have indicated that the applicant will remove the garage prior to the completion of the map.

The public hearing was opened at 7:55 p.m.

Russ Croninger, RFC Surveyors 331 Wall Street, representing the applicant, stated that the applicant will remove the garage in order to complete the project.

There being no further comment, the public hearing was closed at 7:58 p.m.

COMMISSIONER MONFORT MOVED TO ADOPT RESOLUTION NO. 98-11, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING PARCEL MAP NO. 98-2 (JUANARENA). COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

6. **Use Permit No. 98-10 (Merrill)** - A request to allow operation of a child day care center with a capacity for 48 children and 4 employees and allow tandem parking on property located at 1416 Downing Avenue, Assessor's Parcel No. 045-471-010. The property is designated Low Density Residential on the General Plan Diagram and is zoned R-1 Single Family Residential. An initial study for environmental review has been prepared for this project, upon which the Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA); a 20-day public review period was conducted. A mitigated negative declaration is a determination that project will not have a significant impact on the environment with incorporation of specific mitigation.

This request has been withdrawn by the applicant.

7. **Use Permit 98-19 (Carter) 900 Cherry Street** - A request to allow a non-conforming restaurant with less than the minimum required on-site parking spaces at 900 Cherry Street, identified as Assessor's Parcel No. 004-461-003. The subject property is designated Manufacturing and Warehousing on the General Plan Diagram and is in an M-1 Limited Manufacturing zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15301, Existing Facilities.

Sr. Planner Palmeri presented the staff report for a non-conforming use, a restaurant. He reviewed the land use issues for the property and the recommendations from staff.

Commissioner Wahl questioned the need for a condition to limit the number of employees, as recommended by staff. Sr. Planner Palmeri explained that the applicant indicated a maximum of employees to be on-site at any one time, which would limit the impact of employees on the available parking.

Commissioner Studebaker verified that the applicant had applied for a license to serve alcohol.

The public hearing was opened at 8:00 p.m.

Bill Carter, 2437 Honey Run Road, the property owner, stated that he had spoken with neighbors who had expressed concern regarding vandalism in the late hours, which are addressed by closing the facility at 9 p.m. He questioned the amount of parking required for the facility.

Ramona Espinosa, 3526 Highway 32, owner of the proposed restaurant, stated that she was present to answer any questions.

There being no further comment, the public hearing was closed at 8:05 p.m.

COMMISSIONER MONFORT MOVED TO DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15301 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVE USE PERMIT 98-19 WITH THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF MEMORANDUM DATED JUNE 15, 1998. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

8. **Tentative Subdivision No. 97-12 (Bostrom)** - A request to subdivide 1.36 acres into 7 single family lots, with the existing residence on the property to remain and be incorporated into the development. Designed with private street standards, gross lot sizes would range from 6,900 to 10,530 square feet, creating a density for the project at 5.1 units per acre. The property is located on the east side of Floral Avenue, north of East Avenue, identified as Assessor's Parcel No. 048-680-042 in a R-1 Single Family Residential zoning district. The property is designated Low Density Residential in the City of Chico General Plan. An initial study for environmental review has been prepared for this project, upon which the Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA); a 20-day public review period was conducted. A mitigated negative declaration is a determination that project will not have a significant impact on the environment with incorporation of specific mitigation.

Sr. Planner Palmeri presented the staff report for a 7 lot single family residential subdivision on Floral Avenue. He explained that the street layout would meet the Fire Department needs. He reviewed the land use issues and the recommendations from staff. He noted that comments were received from staff for the Butte County Airport Land Use Commission (ALUC) who requested that an avigation easement be placed on the subdivision, as noted in the Staff Memorandum distributed at the start of this meeting.

The public hearing was opened at 8:10 p.m.

Dan Hays, 10 Seville Court, representing the applicant, explained that the pool located on the property is in good condition and will remain with one of the newly created parcels as shown on the plat.

There being no further comment, the public hearing was closed at 8:11 p.m.

COMMISSIONER WRIGHT MOVED TO ADOPT RESOLUTION NO 98-12, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE BOSTROM TENTATIVE SUBDIVISION MAP (S97-12), SUBJECT TO FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF MEMORANDUM, WITH THE ADDITION OF A REQUIREMENT FOR AN AVIGATION EASEMENT. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Planning Director Seidler noted that an appeal has been filed on the denial of cardroom use permit, which will be heard by Council on August 4, 1998. Regarding that item, Commissioner Studebaker noted that the Commission had directed staff to prepare report to amend Code section regarding cardrooms in the Downtown, and inquired on its status. Planning Director Seidler explained that there is a Council policy regarding rehearing of an issue decided within the past year, which may not apply to this situation. Once a determination has been made on that policy, staff will proceed.

ADJOURNMENT

The Commission adjourned at 8:15 p.m. to the Adjourned Regular Meeting of July 20, 1998.

July 20, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
MEETING OF JULY 20, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, William Hamilton, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Staff present were City Attorney Dave Frank, Police Chief Jim Massie, Planning Director Kim Seidler, Senior Planner Tom Hayes, Senior Planner Ed Palmeri and Administrative Secretary Janine Schlichting.

DISCUSSION OF EX PARTE COMMUNICATION

None.

CONSENT AGENDA

1. Minutes of Regular Meeting of June 6, 1998.

Recommended Action: Approve with any corrections/revisions required.

- 2. General Plan Amendment (GPA) No. 97-6 - Amend the General Plan deleting Implementing Policies OS-I-46 (establishment of an impact fee to off-set conversion of agricultural land by acquiring development rights for a greenbelt to further protect agricultural land outside of the urban area) and OS-I-47 (preparation of nexus study necessary to establish the fee). This project is intended to amend the General Plan in response to the on-going implementation of Plan policies. Specific development projects are not proposed for the affected lands at this time. This project involves long-term policies affecting how the General Plan will be implemented and future development on agricultural lands within the Urban Area. A Supplemental Environmental Impact Report to the Chico General Plan Environmental Impact Report has been prepared pursuant to the provisions of the California Environmental Quality Act (CEQA). A forty-five (45) day public review period was conducted from May 22, 1998 to July 6, 1998.**

Recommended Action: Continue this item to the August 17, 1998 meeting.

COMMISSIONER STUDEBAKER MOVED APPROVAL OF THE CONSENT ITEMS.
COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

Sr. Planner Palmeri explained that due to concerns regarding state and local regulations for noticed public hearings, items previously considered non-controversial and placed on the Consent Agenda are now being placed on the Regular Agenda. Planning Director Seidler listed possible solutions, which are now being considered, and explained that until a solution is found, lengthy Regular Agendas may occur.

REGULAR AGENDA

3. **Rezone No. 98-3 (Hazelton)** - Request to rezone a one acre parcel located at 853 Manzanita Court, identified as Assessor's Parcel No. 006-240-034, from C-1 Restricted Commercial to R-P Residential-Professional/Business Office. The subject site is designated Offices in the General Plan Diagram. An initial study for environmental review has been prepared for this project, upon which the Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA); a 20-day public review period was conducted. A mitigated negative declaration is a determination that project will not have a significant impact on the environment with incorporation of specific mitigation.

Sr. Planner Palmeri presented the staff report for a rezone to accommodate a future use, and reviewed the land use issues involved.

The public hearing was opened at 7:40 p.m., to which there was no comment.

In response to a question from Commissioner Monfort, Sr. Planner Palmeri noted that although the property could not be returned to a restaurant facility once it had been rezoned, it was applicant's intention to establish a residential care facility on the site.

COMMISSIONER WRIGHT MOVED TO ADOPT THE PROPOSED MITIGATED NEGATIVE DECLARATION AND MOVE FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR REZONE NO. 98-3. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS APPROVED 6-1 (COMMISSIONER MONFORT OPPOSED).

4. **Use Permit 98-26 (Chico Nissan) - 2044 Forest Avenue** - A request to allow a temporary off-site auto/truck sales from August 27 through 30, 1998. The sale will be located on the easterly portion of the WalMart parking lot. The property is located at 2044 Forest Avenue and is identified as Assessor's Parcel No. 002-370-057. The site is designated on the Chico General Plan Diagram as Community Commercial and is in a C-1 Restricted Commercial zoning district. The project has been determined to be exempt from environmental review, pursuant to Section 15323 of the California Environmental Quality Act.

Chair Dietle suggested that the verbal staff report was not necessary given the content of the item.

The public hearing was opened at 7:45 p.m. to which there was no comment.

COMMISSIONER WAHL MOVED TO DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CEQA SECTION 15323, AND APPROVE USE PERMIT 98-6 (CHICO NISSAN) SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF MEMORANDUM. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

5. **Use Permit 98-16 (Aguilera) - 851 Main Street** - A request to allow a pet store with related retail sales within an existing building located at 851 Main Street, which identified as Assessor's Parcel No. 004-421-005. The site is designated Downtown on the General Plan Diagram and is located within a C-1 Restricted Commercial zoning district. This project has been determined to be Categorically Exempt from environmental review, pursuant to Section 15301 of the California Environmental Quality Act (CEQA).

Sr. Planner Palmeri presented the staff report for a request to operate a pet store in the C-1 Restricted Commercial zoning district. He reviewed the land use issues involved and noted that Animal Control had expressed concerns relating to the care of the animals. He added that staff requested the conditions of approval be amended to include, as Condition 4, review of signage by the Architectural Review Board (ARB). Further, the applicant be made aware that all merchandise on the sidewalk must be moved indoors.

The Commission discussed concerns regarding when the store began operation and the dates proper permits were acquired. Also discussed were concerns regarding the applicant's prior business operation resulting in comments from Animal Control. It was noted that one finding the Commission must make is that issuance of the permit would not be detrimental to the health and welfare of the City. Sr. Planner Palmeri explained that staff had worked with applicant and encouraged him to comply with the regulations and apply for a use permit. He stressed that the issues before the Commission are focused on land use issues. Planning Director Seidler stated the Commission had wide discretion and suggested a condition could be placed on the permit to address these concerns, although the City Attorney had been consulted and determined care of animals was not relevant.

In response to a question from Chair Dietle, City Attorney Frank stated that the Commission could place a condition on the permit requiring periodic review to address concerns if a number of complaints were received. Commissioner Hamilton indicated his position as having the Animal Control Division review any complaints received.

Answering a question from Commissioner Belmonte, Sr. Planner Palmeri explained that pet stores are allowed in the downtown area with a use permit.

The public hearing was opened at 8:05 p.m.

George Acosta, P.O. Box 143, Chico, representing the applicant, explained that a use permit was not applied for when the business opened as it was limited to aquarium supplies and fish. He expressed concern regarding the degree of enforcement by Animal Control.

Planning Director Seidler noted that a Notice of Violation was sent to the applicant on January 20, 1998, which resulted in an application received by staff in May, which began the process leading to this meeting.

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

Chair Dietle was concerned with approving a use permit after the business is already functioning.

At the request of the applicant's representative, Commissioner Wahl moved to reopen public hearing. Commissioner Belmonte seconded the motion which carried by a vote of 5-2 (Commissioners Studebaker and Wright opposed).

The public hearing was reopened at 8:14 p.m.

Mr. Acosta reviewed the timing on the citation and this application, stressing that the business was to open only as an aquarium shop although ultimately, the plan was to expand to full-scale pet store. Planning Director Seidler reviewed correspondence from the applicant, Mr. Aguilera, and the date on which the application was received for processing by the Planning Division. Commissioner Wahl requested Mr. Acosta to supply specific dates as to when the shop opened, the citation was received and the use permit application submitted. The differences between full-scale pet stores and aquariums and how those differences have been treated in the past were discussed among the Commissioners and staff.

Commissioner Wright questioned when the stocking and sale of animals began and why permits had not been obtained once the animals were in the store. Mr. Acosta explained that while they did have animals on the premises as early as January, animals were not available for sale until March. In January, individuals had brought a variety of animals into the store, and sometimes they were in a very unhealthy state and needed care prior to being placed for sale.

The public hearing closed at 8:30 p.m.

Commissioner Belmonte suggested that if a particular use is permitted with a use permit, the Commission should approve the use. Chair Dietle noted that the Commission should not approve a use which may have detrimental affects on surrounding businesses.

Commissioner Belmonte moved that the Commission determine that the project is categorically exempt pursuant to the California Environmental Quality Act Section 15302 and approve Use Permit 98-16 with the findings and conditions of approval listed in Section 7 of the staff memorandum dated July 7, 1998, with Condition 4 modified as recommended by staff to include architectural review of signage. Commissioner Hamilton seconded the motion.

Commissioner Studebaker asked to amend the motion to accept the suggestions made in a memorandum from Animal Control. Commissioner Belmonte did not agree to the

amendment, expressing that those suggestions should apply to all like businesses and did not feel it would be appropriate at this time.

Commissioner Monfort suggested amending the motion by placing a condition on this project and all future pet stores for staff or Commission review of the permit one year following approval relative to complaints from Animal Control. Commissioner Belmonte suggested that such a issue should be discussed at a separate time and should not apply to this permit.

The motion failed on a vote of 3-4 (Commissioners Dietle, Monfort, Studebaker and Wright opposed).

Commissioner Monfort inquired whether the same motion would be acceptable if a condition were included which provided for project review after six months to determine whether applicant was meeting the conditions of its use permit. Planning Director Seidler was asked to fashion appropriate language for the motion.

The Commission was in recess from 8:35 p.m. through 8:48 p.m.

Planning Director Seidler suggested the following be added as Condition 5 to the permit, "This permit shall be effective for a period of six months from the date of issuance unless extended prior to that time by the Commission."

COMMISSIONER MONFORT MOVED TO DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15301 AND APPROVE USE PERMIT 98-16 WITH THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN SECTION VII OF THE STAFF MEMORANDUM WITH MODIFICATION TO CONDITION 5 TO READ "THIS PERMIT SHALL BE EFFECTIVE FOR A PERIOD OF SIX MONTHS FROM THE DATE OF ISSUANCE UNLESS EXTENDED PRIOR TO THAT TIME BY THE COMMISSION."

In response to various questions from the Commission Wahl, Police Chief Massie explained that an Animal Control officer may issue citations, but cannot restrict the business. He also discussed the differences between state criminal code violations and Chico Municipal Code violations. City Attorney Frank reviewed the enforcement steps which would be taken should state of municipal violations occur.

At Commissioner Belmonte's request, Planning Director Seidler verified that lack of compliance with Condition 2, requiring compliance with State and local code provisions, is grounds for revocation of the use permit.

The Commission discussed, at length, the use of review periods in determining whether negative impacts had resulted within the neighborhood.

Commissioner Wahl was of the opinion that Condition 2 provided sufficient review of the project to discover any possible violations. Commissioner Monfort suggested that if Condition 5 were included, compliance with Condition 2 would be more certain. Commissioner Studebaker confirmed that if a project were reviewed in six months and no violations were apparent, the project would not return to Commission.

COMMISSIONER WRIGHT SECONDED THE MOTION WHICH PASSED BY A 6-1 VOTE WITH COMMISSIONER WAHL BEING OPPOSED.

6. **Use Permit 98-14 (Studio 3 Architects/Grand Auto Supply) - 1366 East Avenue** - A request to allow a 6,000 square foot auto supply retail store at the East Avenue Marketplace. The property is located at 1366 East Avenue, which is identified as Assessor's Parcel No. 048-061-048. The site is designated Community Commercial on the General Plan Diagram and is located in a PD/N-C Planned Development/Neighborhood Commercial zoning district. This project has been determined to be consistent with the previously adopted Mitigated Negative Declaration for General Plan Amendment and Prezone No. 157, including Planned Development Use Permit No. 2194, pursuant to Section 15162 of the CEQA Guidelines. No substantial changes or new information about the project is expected to impact the shopping center, or require changes to the existing negative declaration.

Larry Wahl stated that he would be abstaining on this item as his business is located within 300 feet of the site.

Sr. Planner Palmeri presented the staff report for an auto supply retail store. He reviewed the land use issues. He noted that the design will be reviewed by the Architectural Review Board.

The public hearing was opened at 9:02 p.m., to which there was no comment.

COMMISSIONER WRIGHT MOVED TO DETERMINE THAT THE PROJECT IS CONSISTENT WITH THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT AND PREZONE NO. 157, INCLUDING PLANNING DEVELOPMENT USE PERMIT 2194, AND APPROVE USE PERMIT 98-14 SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF MEMORANDUM. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS APPROVED 5-1-1 (COMMISSIONER BELMONTE OPPOSED AND COMMISSIONER WAHL ABSTAINED).

The Commission was in recess from 9:05 p.m. through 9:15 p.m.

7. **General Plan Implementation - Neighborhood-Building Partnership** - Planning Division and Police Department staff and the Neighborhood Planning Subcommittee

of the Planning Commission submit a recommendation for full Commission consideration regarding establishing a neighborhood planning strategy. The recommended Neighborhood-Building Partnership (NBP) resulted from a lengthy study to determine a feasible approach for the City of Chico. Objectives and operational characteristics of the NBP are outlined in the staff report.

Sr. Planner Hayes presented the staff report and reviewed the process taken by staff and the Neighborhood Subcommittee to this point. He described the proposal for liaisons for community areas (4 districts) throughout the urban area, with each area further subdivided into smaller areas characteristic some unifying feature (i.e., school, existing neighborhood group, etc.) . The program would assign two staff members to each one of the subareas, made up of either Planning and/or Police. The assigned staff would be to organize neighbors into teams available to address specific concerns and issues of that particular area, working with neighbors themselves to empower them to assume responsibility for their own issues.

Chair Dietle discussed the estimated budget costs to implement the proposal. Sr. Planner Hayes explained that while the costs for initial setup is estimated to be \$10,000 for the first year, the program may ultimately reduce costs to the City.

Sr. Planner Hayes explained that once the liaison teams are established, the teams will meet with the neighborhoods to determine their needs. He noted that some areas may need more staff time to determine the issues of concern for that particular neighborhood, while other neighborhood groups are more established. This proposal will allow both Planning and Police Department staff to become more proactive with the community.

Commissioners Belmonte and Studebaker reviewed the process the subcommittee went through. Commissioner Belmonte expressed that such a program may help tie the various governmental agencies and departments together in an effort to help the citizens of Chico.

Commissioner Wright expressed concern with the size of the neighborhoods and the variety of concerns which can arise out of different sections of the entire area.

Chair Dietle expressed concern regarding the costs of such a program, the number of staff needed from various agencies, including the County and the school district, and if such a program could become another layer of government that an applicant would have to work with.

Commissioner Hamilton stated that the purpose of this plan is not for neighborhood planning, but for neighborhood communication.

Commissioner Monfort noted that situations have occurred in the past where people living in the same general area have one perception of a problem, while others may see things differently, and neither achieve satisfaction from city officials or agencies. The proposal may allow for problem solving and not land use planning, as well as keep items from coming before Commission or Council for resolution.

The public hearing was opened at 9:50 p.m.

Caroline Minto, P.O. Box 167, Chico, representing the Ranchero area, expressed support for the proposal noting the success of the neighborhood group in her area.

Jack Ehrman, Durham, expressed support for the proposal stating that the current methods of problem solving by occurrence rather than by prevention was not efficient. He added that residents define community by houses, schools and natural boundaries.

Ned Kirkham, 58 Northwood Commons, member of Cussick Area Neighborhood Council, expressed support for the program. He noted that each neighborhood has different levels of concern, unique to that neighborhood. He pointed out that traffic and safety are a concern to his neighborhood. He, personally, has been working with City staff regarding the Eaton Road extension and traffic on both East Avenue and The Esplanade.

Phil Smith, 884 Husa Lane, South Bidwell Neighborhood Association, stated that his neighborhood is self-taxed to represent their area in a variety of functions. He expressed support for the proposal.

Richard Elsom, P.O. Box 5624, Chico, expressed concern with proposed makeup of the advisory panel and questioned where similar programs are operated. Sr. Planner Hayes noted that similar programs were already in place and functioning in San Diego and San Francisco.

Charlie Pruesser, 1405 W. 3rd Street, South Campus Neighborhood, expressed support for the proposal and questioned the project in terms of communication or planning purposes. Commissioner Hamilton stressed that the proposal is both for encouraging communication and neighborhood planning, not land use planning.

There being no further comment, the public hearing closed at 10:25 p.m.

Commissioner Monfort stated that the proposed program may help the City departments communicate both with each other and with citizens. In addition, such programs help the neighborhood pull together to express their concerns.

Commissioner Studebaker reviewed the objectives of the proposal, some of which are quantifiable and/or measurable.

Chair Dietle noted that two people have spoken expressing concern with the limited scope of the proposal. Although she generally supported the idea, Chair Dietle expressed concern that a cost analysis was not prepared for the proposal to compare the cost of the program with quantifiable success of the objectives listed. Commissioner Belmonte stated that the Commission's action at this meeting would be a recommendation to Council, who will not only look at the proposal, but also the fiscal impacts.

At Commissioner Monfort's request, Police Chief Massie noted that calls to the North Campus area have gone down since the group was established. The future impacts will depend on the involvement of the neighborhood.

COMMISSIONER STUDEBAKER MOVED TO FIND THAT THE NEIGHBORHOOD-BUILDING PARTNERSHIP STRATEGY WOULD IMPLEMENT GENERAL PLAN POLICIES H-I-35, S-G-6 AND S-I-17 AND RECOMMEND THAT THE CITY COUNCIL DIRECT STAFF TO IMPLEMENT THE NEIGHBORHOOD-BUILDING PARTNERSHIP.

At Commissioner Hamilton's request, Sr. Planner Hayes stated that \$10,000 for implementation was an estimate as management's time would probably bear a great deal of the burden, and Police staff time was already being used in a similar manner. Planning Director Seidler added that the Commission does have the option of amending the motion to recommend a proposal to Council noting fiscal responsibility concerns and requesting that Council address the fiscal impacts of the program and means of measuring or quantifying achievement of goals and expenses incurred.

COMMISSIONER BELMONTE REQUESTED THE MOTION BE AMENDED TO RECOMMEND THE PROPOSAL TO COUNCIL NOTING CONCERNS REGARDING FISCAL RESPONSIBILITY AND REQUEST THAT COUNCIL ADDRESS THE FISCAL IMPACTS OF THE PROGRAM AND MEANS OF MEASURING OR QUANTIFYING THE ACHIEVEMENT OF THE GOALS AND EXPENSES INCURRED. COMMISSIONER STUDEBAKER ACCEPTED THE AMENDMENT.

Commissioner Wright requested a definition of a neighborhood planning process be included in the proposal. Commissioner Hamilton stated that the proposal is not to present a neighborhood planning process, but to provide for communication with/for neighborhoods.

THE MOTION WAS APPROVED 5-2 (COMMISSIONER HAMILTON AND WRIGHT OPPOSED).

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

None.

ADJOURNMENT

The Commission adjourned at 10:45 p.m. to the Regular Meeting of August 3, 1998.

September 14, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
MEETING OF AUGUST 3, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, William Hamilton, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Staff present were Assistant City Attorney Brad Fuller, Director of Public Works E.C. Ross, Community Development Director Tony Baptiste, Planning Director Kim Seidler, Senior Planner Ed Palmeri and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Wright stated that he had conversations with Phil Smith, Greg Steel and Kristina Demaree, all of whom expressed concern regarding neighborhood compatibility, need for an environmental impact report (EIR) and traffic impacts. He noted that he directed these people to address their concerns to the Commission.

Commissioner Wahl stated that he had spoken with Greg Steel, Phil Smith, Jim Stevens and Bob Best regarding the project.

Commissioner Studebaker stated that he had spoken with Jeff Carter a number of months ago regarding the need for an EIR. He noted that he had been asked to address the neighborhood council in the area, which he had responded that he was not in the position to address. He added that Phil Smith had expressed concern that there may be a change in the map for this proposal. Planning Director Seidler explained that the only change in the map is the location of the 16 foot wide easement within the 60 foot wide private easement which makes up Husa Lane.

Commissioner Belmonte stated that he had spoken with Mr. Smith subsequent to a recent neighborhood workshop on the E. 8th Street scenic route.

Commissioner Monfort stated that he had spoken with both Phil Smith and Greg Steel. Mr. Smith expressed concerns with the process and drainage issues which will be brought forward at this meeting. Mr. Steel offered arguments for a targeted EIR to address traffic mitigations which may be difficult to meet given financial and political considerations. He added that he had also spoken with Christina Togenhagen regarding density and EIR considerations.

REGULAR AGENDA

1. **Vesting Tentative Subdivision Map 95-4 Benedict Ranch Subdivision (Leen Bros. Enterprises)**: A request to subdivide 32.6± acres into 102 single family residential lots on property located on the southwest corner of the intersection of East Eighth Street and Bruce Road and identified as Assessor's Parcel No. 002-160-060. The site is designated in the City of Chico General Plan Diagram as Low Density Residential (2.1 to 7.0 dwelling units per gross acre) and rezoned (P)R-1, Prezone Single-Family Residential zoning district. The single family lots will range in size of approximately 6,500 to 19,654 square feet with an average lot size of 9,000 square feet. In addition to subdivision of the land the applicant is also requesting annexation of the property into the City of Chico. The Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA), for which a 30-day public review period was conducted.

Chair Dietle stated that she will be abstaining on this item as one of the property owners does business with her employer; Vice Chair Wright will continue with the meeting.

Sr. Planner Palmeri presented the staff report and reviewed the surrounding land uses and described the project. He noted that the project is designed to allow for some transition from the neighboring properties with smaller lots in the interior and larger lots adjacent to Husa Lane and E. 8th Street. He added that there is a 1.9 acre storm water detention facility which will be landscaped to also function as a recreation area. He reviewed the history of the project which evolved significantly since the original proposal made in July, 1995; these changes include a reduction in the number of units, elimination of alleys, roundabouts and a commercial area, as well as an increase in the average lot size. He noted that the project, if approved, would contain seven phases, beginning with development of the first phases in the southeast. Prior to development of lot 46, access for the project would be provided would through Lakeside and Bruce Roads, with the additional access point to E. 8th Street to be installed following development of lot 46.

Sr. Planner Palmeri stated that although the project, due to its age, is not subject to, nor does it meet, the Council policy regarding transition, it does specifically meet a number of General Plan policies.

Regarding the adjacent Husa Lane, Sr. Planner Palmeri explained that the road is a private access easement, and although an offer of dedication as a public street was initially requested by the Department of Public Works, that request has been withdrawn. He noted that there are several easements over Husa Lane, including a 16 foot wide easement to the south and a 60 foot wide easement benefitting all properties fronting those properties. He clarified that staff is not requiring alteration to the entrance of Husa Lane. Staff is recommending that a 6-foot wall be built along the easterly side of Husa Lane easement, as well as conveyance of abutter's rights to the City. This will ensure that lots within the Benedict Ranch subdivision will have no access to Husa Lane. Staff is requesting that Condition G.1.c (page 13) of Exhibit II Subdivision Report be deleted.

Sr. Planner Palmeri explained that a traffic report was prepared for the project which indicated that with build-out of Bruce Road, the project would not reduce levels of service (LOS) below what is acceptable according to the General Plan. It is anticipated that the traffic will be distributed between E. 8th Street (60 percent of the traffic) and Bruce Road (40 percent). He reviewed that the improvements to be required by the project will include curbs along E. 8th Street, a 7 foot landscaped strip separating the proposed walls along E. 8th Street and Bruce Road, and a Class 2 bicycle lane along Bruce Road and E. 8th Street, providing access to the middle school and Parkview Elementary. He noted that staff has received comments from Caltrans, which focused on potential impacts to Bruce Road and SHR 32, given that the project would add 40 vehicles per peak hour, or one automobile per minute to the intersection of Bruce Road and SHR 32.

Sr. Planner Palmeri described the storm water detention facilities to be located in the southeast corner of the project, which will also serve as a recreation area. He noted that Caltrans had expressed concern regarding the calculations used to determine the size of the facility. The figures were again reviewed by Caltrans, and were determined to be conservative; Caltrans is now satisfied that the facility is larger than necessary. He stressed that the project is required to provide that there be no net increase in peak flows into Dead Horse Slough.

He reviewed the comments received from other agencies including the school district, Butte County Environmental Health Department and Butte County Air Quality Maintenance District and Caltrans.

Sr. Planner Palmeri noted that staff had received extensive comments regarding the project and its environmental review. Many of these comments related to General Plan issues including densities, compatibility with the existing neighborhood and lot sizes. He stated that the project is consistent with the densities anticipated by the General Plan. He reviewed the surrounding lot sizes and noted that this project was submitted and deemed complete prior to the adoption of density transition policies. He reiterated the changes made to the project since the original submittal, many of which were in response to neighborhood concerns expressed relating to General Plan issues. He noted that the project provides larger lots along the external boundaries to allow for better transition.

In response to concerns regarding Husa Lane, he reviewed staff recommendations for the private easement, the maintenance of the easement, and the improvements to be required along E. 8th Street. He noted that maintenance of Husa Lane is a private matter between the property owners and users of Husa Lane.

Regarding drainage concerns, Sr. Planner Palmeri stressed that the project is required to meet the condition that the project create no net increase in peak flows into Dead Horse Slough. This project is not responsible for existing conditions, but is responsible that it will not create any additional problems. A study by Metcalf & Eddy illustrated concerns with storm drainage running onto the property, not that existing the property. He added that the proposed detention pond will be designed to meet the needs of the project and Caltrans has agreed with this assessment.

Sr. Planner Palmeri noted that there have been concerns expressed regarding on-site springs. He explained that when plans are submitted for the improvements, the applicant will have to submit documentation on the springs and what impact they have on the area. He indicated that there may be concentrations of heavy metals that build up in the detention area; the maintenance area will be responsible to maintain the detention area. He added that the aquatic plants will have a positive effect on the improvements.

He indicated that there have been many concerns expressed regarding traffic. He reviewed the traffic analysis with the affects on Bruce Road and E. 8th Street. He noted that while E. 8th Street is designated a scenic route, the alternative design standards for the street have yet to be established. With construction of the proposal to begin in the southeast section, it is anticipated that the development of the E. 8th Street improvements could be done in compliance/conjunction with the final adopted proposal for E. 8th Street scenic design. He stressed that this project will not impact the speed limits on E. 8th Street. Concerning traffic onto State highways, he reiterated that 40 percent of traffic from the project is projected to go onto Bruce Road, or 40 vehicles per peak hour of traffic, which is not a significant impact in itself on State Highway Route (SHR) 32. He stated that the City is not in the position to make improvements onto State highways and does not charge for them in City street fees as per Council policy. He added that the school district has been in discussions with Caltrans toward installation of stoplights and crossings at El Monte, providing an access to the new junior high school.

Sr. Planner Palmeri stated that the proponent is not responsible for developing a specific plan for the parcels to the south as the property is under different ownership and will be developed with zoning and density regulations placed on that parcel.

He explained that the school district estimates that the development will result in 0.43 students per unit, and will generate 44 students (25 student K-6, 7 students for 7-8th grade, 12 students for high school). The project will pay standard school impact fees. He noted that the school district has not established attendance boundaries for the new junior high school and high school.

Regarding wetlands, Sr. Planner Palmeri indicated that a rare plant and wetland survey was conducted in 1995, after which the Army Corps of Engineers gave clearance to the project. A second survey was conducted by Mary Ann Griggs which indicated a potential for wetlands, after which the Corps reviewed the site in January 1998, and maintained the clearance for the site.

He acknowledged that there may be displacement of common species of wildlife, such as possum, deer, wolf and a variety of birds. But, due to the size of the site and the potential for raptor nesting, the project is subject to review by the Department of Fish and Game and their associated fees.

In addressing archeological concerns, Jensen & Associates conducted a survey of the site which displayed a variety of culturally sensitive areas throughout the site. The mitigated

negative declaration contains a condition that an archeologist be consulted should any cultural materials be found during development.

Sr. Planner Palmeri noted that while the property has a hill in the southwest quadrant, the 10 foot elevation of the hill does not provide unique vistas and is not uncharacteristic of land in Chico.

In light of the proximity of the site to Bidwell Park, concern has been expressed regarding access routes to the Park as well as lighting. Staff is recommending that no additional access points to the Park be made to serve this particular subdivision. Although there is an on-site area for recreation (the detention facility) there are no park credits being given for that area and the applicant will be subject to park fees.

The street lighting is anticipated to be similar to that found in other residential subdivisions and will not be unique to the area. The lighting itself is subject to Municipal Code and will not be able to shine on other parcels or into the Park.

Sr. Planner Palmeri explained that the project will be served by City sewer and any existing septic systems on the site will be removed under permits from Butte County Environmental Health.

Sr. Planner Palmeri reviewed the staff recommendations. He noted a correction to the mitigated negative declaration: within the General Plan section there are comments regarding fronting onto E. 8th Street, which is inaccurate as the lots will be fronting onto the interior street.

Planning Director Seidler indicated that concerns have been expressed in correspondence to the Commission and anticipated to be given during the public hearing regarding the appropriate level of environmental review for the project. He summarized state law requirements for determining the level of environmental review and noted that if there is substantial evidence supporting a fair argument that the project will result in a significant environmental effect, an EIR must be prepared. He added that the initial study prepared for the project identified a number of issues that are potentially significant, but that each of those impacts can be reduced to insignificance through mitigations. Substantial evidence consists of facts, reasonable assumptions based on facts and expert opinions based on facts. The Commission must make the determination on if the testimony or information constitutes substantial evidence in order to establish whether an EIR is required or not. He stressed that public controversy by itself does not trigger the need for an EIR.

Planning Director Seidler noted that a member of the public had requested that he provide the Commission with CEQA's definition of cumulative impacts, which has been provided at this meeting. A cumulative impact is the change in the environment resulting from the incremental impact of the project when added to other closely-related past, present, and reasonably foreseeable future projects.

At Commissioner Hamilton's request, Sr. Planner Palmeri explained that the landscaped easement is 7 feet from back of the sidewalk to the wall and is not shown on the map.

Commissioner Wahl inquired if the existing olive and walnut trees would remain. Director of Public Works Ross explained that on the east side of the site, to develop the road to a full roadway width and install a bicycle lane will require the trees be removed or relocated (the olive trees may be relocated, while the walnut trees cannot be).

In response to a question from Commissioner Monfort, Director of Public Works Ross reviewed that there have been two neighborhood meetings for scenic road standards for E. 8th Street. Staff is currently working on plans for public improvements to be installed.

Commissioner Studebaker requested that staff address the July 28, 1998 letter from the Department of Transportation concerning cumulative impacts on SHR 32, in light of the new schools in the area. Sr. Planner Palmeri restated that Caltrans has been in discussions with the school district regarding installing a traffic signal at the intersection of El Monte and SHR 32.

Commissioner Belmonte expressed concerns regarding the correspondence with Caltrans regarding cumulative traffic impacts and storm drainage calculations. Planning Director Seidler explained that Caltrans policy is that local jurisdictions need to pay for those improvements on state highways necessary due to growth of the community, although it has been the policy of the City Council to not fund those improvements as the state highways are used as state transit routes and are not limited to local traffic. While this is an unresolved issue, it is a statewide concern not limited to this subdivision. While traffic studies for this and other area projects do assume a certain level of improvements to the state highway system (an anticipated 4 lanes on SHR 32 and 6 lanes on SHR 99), the General Plan assumptions are based on these improvements and to change the assumptions will affect all future projects throughout the City. These improvements are contingent on agreements between the City and the State. Director of Public Works Ross noted that while the funding, or lack thereof, is a Council policy issue, there have been discussions as Caltrans has reviewed the needs for SHR 32.

The Commission was in recess from 8:53 p.m. through 9:05 p.m.

Jim Stevens, NorthStar Engineering, representing the applicant, reviewed the history of the project. He noted that at a neighborhood meeting held in 1997, there were many concerns expressed by the neighborhood and it was agreed to postpone the scheduled public hearing to attempt a compromise. As a result of those meetings, the alleys were removed, as well as other changes. On December 3, 1997, the day before a rescheduled public hearing, the applicant received a letter from the Army Corps of Engineers which indicated that there may have been some wetlands areas overlooked. The hearing was continued to allow for further Corps review, which ultimately resulted in the Corps confirming the clearance on the site.

Mr. Stevens reviewed the results of the traffic study conducted on the project. He stressed that Council will determine the priorities for the Capital Improvement Program (CIP), and that this project alone does not reduce the level of service on Bruce Road. He explained that the City has a nexus study which established the amount development fees used to pay for the necessary improvements, including the expansion of Bruce Road to four lanes. The project will also pay school impact fees as required by the school district.

Regarding flooding and drainage, Mr. Stevens stressed that it is not this project's obligation to cure existing flooding problems, but it does have to prohibit any further flooding in the area caused by runoff of this project. He described the proposed landscaped detention facility. He indicated that a member of NorthStar's staff, Mike McEnespy, discussed the traffic and drainage concerns and calculations with Caltrans; Caltrans has subsequently issued a faxed letter stating that the drainage calculations err on the side of conservatism.

Mr. Stevens reviewed the history and studies evaluating the possibility of wetlands and endangered species onsite. He stressed that the Army Corps of Engineers have maintained the clearance on the site. He also reviewed the air quality studies and compliance mitigations.

Mr. Stevens reviewed the General Plan compliance for through access for bicycle/pedestrian, lot sizes, traffic access routes. He stated that the applicant does agree to a condition to provide additional rear yard setbacks along E. 8th Street and Husa Lane, although he requested that the condition prohibiting any structures within 20 feet of the rear of the property line, including mechanical equipment, be modified to read "excluding mechanical equipment to allow for swimming pool filters, sprinkler systems, etc." He noted that state code prohibits any structures greater than 6 feet in height within the first 20 feet of the rear yard. He added that the applicant does also agree, in the interest of neighborhood compatibility, to the condition for an additional 7 feet from the standard street road width for a landscaped buffer. He requested that the proposed wall along Husa Lane be reduced to providing fencing as it is a private access route.

With regard to the scenic standards for E. 8th Street, Mr. Stevens stated that the project will start development from Lakewest Drive, with project improvements to E. 8th Street to occur at some point in the future. This will allow for adoption of the scenic street standards, which the project will meet at the time of development.

Mr. Stevens stated his belief that as studies have been conducted regarding drainage, traffic, botanical, archeological and air quality, an EIR may not require further documentation. He noted that the neighborhood compatibility issue is subjective, depending on the size of the neighborhood used to for consideration. He suggested that this proposed project provides transition from rural areas west of the site to the multifamily project east of the site.

Commissioner Belmonte noted that it is often difficult to determine the cumulative impacts and reviewed recent additional projects and impacts throughout the general area. Mr. Stevens agreed that the City cannot ignore the cumulative impacts of any project and pointed out that the City Council does an annual review of the CIP to establish priorities.

Commissioner Belmonte questioned if this project meets the requirement that there be 2 access points for every 10 acres. Community Development Director Baptiste stated that there is no code requirement and the Fire Department establishes requirements based on type of construction and access routes, although the Department has reviewed this proposal and found it acceptable.

Commissioner Hamilton expressed concern that a fence along Husa Lane may not be prohibitive to allowing access from the project. Mr. Stevens replied that a fence can establish a delineation between this proposal and the existing easement.

Commissioner Studebaker requested further clarification on communications with Caltrans. Mr. Stevens restated that when determining the size of the detention facility, they used a different formula than Caltrans in an attempt to be conservative. These figures have been discussed with a Caltrans representative who was satisfied with the formulas and calculations used for this planning study.

Commissioner Monfort stated that while he would have preferred a specific plan for this project and the property to the south, more access options to the south should be provided. Mr. Stevens stated that as the lot at the end of Street 7 is on the hill, the applicant desires to build on that lot as it is a higher quality of building site and noted that there are two stubbed streets planned to provide access to the south. Commissioner Monfort also suggested extending Street 5 to meet with Lakewest Drive. Vice Chair Wright suggested that lots 40 and 50 be removed to provide an access between Streets 7 and 5 to Street D, allowing better access to Lakewest Drive. Mr. Stevens stated that he would discuss these suggestions with the applicant.

Nora Togenhagen, 2298 E. 8th Street, South Bidwell Park Neighborhood, stated that she was opposed to the proposal. She described the diversity of the neighborhood with large lots and a semi-rural lifestyle. She expressed concern regarding the size of lots in the project, neighborhood compatibility and General Plan compliance. She noted that there are other new subdivisions in the area that were approved at approximately 2.1 units per acre.

Neil McCabe, 2255 E. 8th Street, addressed concerns regarding CEQA and General Plan requirements for neighborhood compatibility. He noted that neither the Initial Study nor staff report describes the neighborhood. He suggested that the neighborhood must be described in the resolution approving the project to be legal and suggested that a focused EIR should be required on the project. He read sections of his letter to the Commission of July 20, 1998 describing concerns with the Initial Study. Mr. McCabe stated that preservation and enhancement of neighborhoods is a fundamental concern of General Plan. He suggested that the questions in the Initial Study dealing with the General Plan compliance were answered incorrectly, as potentially significant impacts could be found, triggering an EIR. He stated that he found the mitigations dealing with compatibility to be inadequate. He expressed concern that the project does not meet Council's transitional density policies. He suggested that a focused EIR would allow alternatives, redesign, and review of compatibility and cumulative impacts.

Warren Locke, 5 Stoney Point Way, presented the Commission with a letter opposing the proposed project. He expressed concerns regarding the drainage facility and its use for recreation. He suggested that the Commission require any project over 100 units have an internal park. He noted that the detention facility will have a large flat area, which may have standing or flowing water and may need to be fenced, rendering this area unusable for at least a portion of the year. He requested that the Commission require a separate area for recreation within this development.

The Commission was in recess from 10:15 p.m. to 10:25 p.m.

Commissioner Monfort disclosed that during the recess he discussed the proposed roadway change to have Street 5 extended to Lakewest Drive with Mr. Stevens.

Bob Best, 1740 Estates Way, expressed opposition to the proposal, and addressed the traffic circulation and its cumulative effect, noting that the Initial Study states that the cumulative effect is less than significant. He noted that the traffic impact analysis prepared for the project indicates that Bruce Road will be 4 lanes, although the current CIP does not have that development scheduled. He suggested that a focused EIR - paid for by the Council - be conducted to reprioritize the CIP and have Bruce Road scheduled for widening, to review the implementation of the traffic circulation system from planning, need and funding aspects.

Greg Steel, 603 Parkwood Drive, noted that he had made a recommendation to staff to change the staff recommendation to read "hold public hearing then, if appropriate, make recommendations.." He also expressed concern regarding the cumulative impacts of the project, the density of the project, and safety of children going to school. He requested that the entire record for the project be included for the Commission information, including comments from residents, Caltrans and other agencies, in order to make a determination if an EIR is required. He stressed that an EIR must be required if there is one impact deemed significant. He questioned the assumption made in the traffic analysis and the Initial Study traffic section, relating to cumulative impacts with pedestrian aspects and the levels of service required in the General Plan. He indicated that the assumptions for transportation fees may be distorted by the City assuming that the State will improve the highways, as well as other budget concerns relating to RDA funding and traffic impact fees. He asked the Commission to consider a motion to find that there is a fair argument that there may be a significant impact and require that a focused EIR on traffic, neighborhood compatibility and flooding be prepared. He also suggested that the Commission consider asking the Council to help finance the preparation of a focused EIR for this one instance.

Commissioner Studebaker inquired if there is information in the record that the Commission does not have. Sr. Planner Palmeri stated that the letter from Caltrans is reflective of the contents of other communications over the history of the project. Mr. Steel stressed that the Commission consider legally the entire record.

John Schaller, 819 El Monte Avenue, expressed concern with the accuracy of two points within the Initial Study; the description and use of Husa Lane and storm drainage. He described Husa Lane as 16 foot and 60 foot easements for the use of property to the south and other properties to the west. He expressed concern for landscaping or other maintenance of the proposed wall or fence along Husa Lane as the proposed project residents would not have access to the Husa Lane frontage. He suggested placing larger than 0.5 acre lots to face onto Husa Lane and improve Husa Lane. He expressed concern that much of the storm water from the subject site flows down El Monte and stressed that all storm drainage in the area should be detained.

Gail Boswell, 2175 E. 8th Street, stated that E. 8th Street functions as a collector street. She expressed concern that are there no monies budgeted to implement the scenic route or improve E. 8th Street and its access to Parkview Elementary or the new junior high school and high school. She stressed that the intersection of El Monte and E. 8th Street is a blind corner creating safety concerns for access to the junior high school. She expressed concern with the traffic figures used as the amount of traffic will increase during school peak hours. She noted that the proposed project and the two new schools in the area will have a cumulative impact on Bruce Road. She added that as much of the surrounding areas are zoned for large animals, equestrian safety is an important factor. She stated that a focused EIR should be conducted to assess these effects.

Phil Smith, 884 Husa Lane, expressed concern regarding the storm water analysis. He noted that the storm water accumulates at the western boundary of this property and flows into the backyards along Husa Lane, proceeds across El Monte Avenue and perks into the fields between Forest and El Monte. He stated that it appears that multiple detention ponds have been necessary to reduce flows in Little Chico Creek because to the cost of fixing Little Chico Creek is prohibitive. He suggested that a condition be placed on the project, if approved, so that there is a bond by the developers to mitigate the cost of flood damage. He requested that an independent analysis of the drainage be conducted and provided for with an EIR.

Jeff Carter, 600 Parkwood Drive, expressed concern with the late hour for the public hearing, limiting public input. He corrected that the project began in 1994, not in 1995, with no communications with neighbors for almost 3 years into the project. He expressed concern with General Plan consistency, stressing the neighborhood planning aspects of the General Plan. He questioned why neither of his prior letters had been included in the Commission's packet and distributed two letters previously submitted to staff during prior editions of the proposal which listed his concerns relating to cumulative impacts and neighborhood compatibility. He questioned staff's assertion that the project is not subject to the Council interpretation of the General Plan density guidelines as it was filed prior to that determination. He stressed that Council interpreted the neighborhood compatibility, but did not amend the General Plan. He stated that as there are questions regarding neighborhood compatibility and hydrology, there is a question that there may be a significant effect on the environment and an EIR must therefore be required.

Myra Lerch, 311 Chico Canyon Road, questioned the figures used to determine school impacts. She noted that a recently built subdivision aimed at first-time homebuyers found that

there are 1.5 students per household, not the 0.43 students per household projected by the school district. She indicated her belief that this project in and of itself does not consider the big picture.

Tim Murphy, 881 Forest Avenue, expressed concern with the conclusions found in the Geophysical Factors section of the Initial Study. He noted that the General Plan expansive soils map includes this property. Expansive soils effects development, streets and building construction. If this property does not have expansive soils, then it may be that the General Plan would need to be amended.

Carol Switzer, 866 Husa Lane, stated that she chose her property on Husa Lane because of its rural atmosphere. She reviewed the history of the project, problems she has had with communication with staff, the staff report on a previous version of the project and the Initial Study. She expressed concern regarding the storm drainage calculations. She expressed concern that City staff had appeared at a community meeting attempting to defend the developer. She expressed concern with the proposed bike lane and its linkage to Forest Avenue, and with the liability of Husa Lane property owners should an accident occur on the road right of way. She requested that an EIR be required as the formality of an EIR will require more specific responses to the neighborhood concerns.

The Commission was in recess from 11:15 p.m. - 11:25 p.m.

Commissioner Belmonte disclosed that during the break he talked with Mr. Stevens, but not specific to the project. Commissioner Hamilton stated that he spoke with residents regarding pictures they displayed. Vice Chair Wright stated that he spoke with Mr. Steel and Mr. Smith regarding the conduct of the hearing and the possibility of continuing the hearing, and noted that he requested that they address the Commission after the other speakers are finished.

Bob Ott, 1771 Estates Way, stated his opposition to the project and his opinion that the neighborhood deserved better. He questioned the ethics of the applicant and staff. He displayed pictures of the proposed site.

Mike Smith, 1970 Wild Oak Lane, reviewed the process being used for the scenic route designation on E. 8th Street, and noted that it may be some time before the scenic street standards are adopted. He noted that if the scenic standards are not in place at the time of development, this project may not be developed to those standards. He suggested that a condition be placed that the public interface onto E. 8th Street be in accordance with the scenic road plan in place at that time.

Jeff Hall, 2381 Pamela Way, noted problems which occurred with the Walnut Park subdivision relating to the drainage system and maintenance district and expressed concern that similar problems may occur with this proposal.

John Luvaas, 1980 Wild Oak Lane, expressed concern that the Initial Study does not address the cumulative impact of growth. He indicated his belief that if Chico is to grow, this project is where it ought to go as it is surrounded by development. He stated that the impacts need to be dealt with, not negatively mitigated. He noted that any moderately sized project does not by itself cause impacts, but together with other similar projects, they do have cumulative impacts. He pointed out other undeveloped property in the area, 90 acres to the south, 25 acres near the Forest and E. 8th Street intersection and additional acreage on El Monte, development of which he felt should be included with the cumulative impacts of this project.

Mr. Luvaas questioned the completeness of the Initial Study as there have been changes in the project since publication, including the houses facing the interior of the project, new walls proposed, and a different traffic circulation pattern. He questioned the need for a bike lane to be built through this project as it will not go further than this property. He indicated that there are no developer fees budgeted by the City to further extend the bike lane to the grade school. He pointed out that neither the nexus study for developer fees nor the CIP reference improvements for E. 8th Street or the widening of the Manzanita Bridge and its impact on Bidwell Park.

Mr. Luvaas listed concerns with General Plan inconsistencies, including the lack of two access points to every 10 acres as required in the Transportation Element, and no guarantee of adequate circulation to the south. He noted that many of the lots in the project are over 3,000 feet to the nearest access point, with 73 percent of lots without access within 500 feet. He questioned the circulation within the project and to the surrounding neighborhood as it is walled in on three sides and requested that the design be modified. He verified that the project would be using the standard 38 foot wide street width although the General Plan calls for narrower street widths to allow for more housing. He stated that the project should have the required environmental analysis.

Evelyn Smith, 1731 Estates Way, agreed with the prior speakers, and expressed concern with the cumulative impacts on Parkview School as it cannot accommodate more children. She also noted concerns regarding the lot sizes allowing storage units, off-street parking of recreation vehicles and installation of swimming pools.

Phil Smith, a previous speaker, noted that many members of the public had left the meeting due to the hour and were not able to speak. He requested a continuance to the next meeting to allow further public comment and have the legal issues reviewed.

Carol Switzer, a previous speaker, stated that in July 1997, she was told that while the map was being circulated for comments, it was not available for public review as it was conceptual in nature. She expressed concern that the Commission has not received copies of all the correspondence received by staff, and that previous public hearings on the proposal had been continued, some without notice, proving frustrating for neighbors. She questioned the calculations used to determine the necessary lot sizes.

Mike McEnespy, NorthStar Engineering, addressed flooding and drainage concerns, noting that the figures presented are a preliminary study to verify that the project can detain the storm water on site, and have no net increase in peak flows. He indicated that these preliminary figures have indicated that due to the direction of the storm water flows, detention on this project will solve problems for those properties on Husa Lane and to the west. He noted that City staff will review the final storm drainage plan in detail prior to recording the final map. He agreed that Caltrans was correct in that there was an error, resulting in a larger detention facility, although a different set of calculations were used based on the needs of this area, which Caltrans has concurred with. He stressed that a more detailed study is normally not conducted until there is an approved project and the City requires that this project take care of itself and not adversely affect the flows downstream. In response to a question from a member of the public, Mr. McEnespy stated that in a report for another project it was determined that Dead Horse Slough and Little Chico Creek are at capacity. Those problems will not be solved by this project, but will not be made worse.

Greg Steele, a previous speaker, requested a continuance on this item in fairness for those who were not able to comment due to the lateness of the hour.

John Shaller, a previous speaker, reviewed current storm drainage patterns and noted that grading will need to be such that the water from the western boundary of the project will go into the detention pond.

Jim Stevens, a previous speaker, stated that the applicant would agreed to a condition to drain storm water to the detention facility and to a continuance.

Commissioner Hamilton expressed concern regarding the traffic flow, proximity of new schools, and bicycle routes to the detention facility. He suggested that a bus turnout be installed at the detention facility to provide a transfer point for school children. Sr. Planner Palmeri stated that the school district busses children of elementary grades if they reside two miles from the school, and for children attending junior high and high schools, if the residency is over three miles from the school. Mr. Stevens stated that the applicant would agree to a transit turnout. Assistant City Attorney Fuller pointed out that in the Subdivision Report, under Transportation Facilities, there is a requirement to provide a bus shelter on Bruce Road. Commissioner Hamilton stated that he would find that inadequate and would discuss it during Commission discussion on the project.

Christina Demaree, 2280 E. 8th Street, expressed concerns with the project relating to traffic speeds on E. 8th Street, scenic route implementation and the overuse of Bidwell Park. She stated that approval of this project would be premature and EIR should be considered.

Commissioner Belmonte stated that as there are some questions which have been raised, he would like the opportunity to further ask questions of those who were in the audience earlier in the meeting. He suggested that staff respond to questions and allow the public hearing to continue to a subsequent hearing. He requested to see the full record of correspondence with Caltrans and have staff address the assumptions made for the traffic study, expansive soils, hydrology, access points and the General Plan interpretations made by Mr. Carter.

Commissioner Belmonte moved to continue the public hearing. Commissioner Studebaker seconded the motion.

Commissioner Monfort stated that he would not want another public hearing repeating the comments received at this meeting, and suggested that only new information be received. Commissioner Belmonte stated that he would accept that as an amendment to the motion, provided questions could be directed to specific individuals.

Vice Chair Wright inquired if the Commission can limit discussions at a public hearing. Assistant City Attorney Fuller replied that the Commission can ask questions of specific individuals with the public hearing closed, and they can move to reopen the public hearing. With regard to documents excluded from the record, he explained that as the project is a historical project with no negative declaration presented until this hearing, those comments received during the comment period on this Initial Study, not previous versions, were included for the Commission's information. The historical documents can be prepared, with the specific documents referenced, as well as other documents, making the record even more complete.

Commissioner Belmonte stated that he would specifically want copies of correspondence with Caltrans and would also provide public opportunity in reviewing those materials.

Commissioner Hamilton stated that he would like to close the public hearing for Commission debate to determine what direction to proceed on the project before there is more public input. He asked that the issue of the expansion of Bruce Road be on a separate motion for Council to address.

Commissioner Studebaker pointed out that as the full public hearing did not begin until 10:00 p.m., a number of people left early and did not address the Commission. He suggested that a time limit be placed on a continued hearing.

The motion failed on a vote of 3-3-1 (Commissioners Hamilton, Monfort and Wright opposed, Commissioner Dietle abstained).

Commissioner Hamilton moved to close the public hearing for Commission discussion at this meeting. The motion failed for lack of a second.

Commissioner Monfort moved to close the public hearing and continue to a subsequent meeting that would entertain motion for reopening in light of new evidence or respond to answers to questions.

Vice Chair Wright verified that the motion allows for questioning of both proponents and opponents by the Commission. Assistant City Attorney Fuller advised that the Commission leave the written record open to augment with the historical file as well as any additional information which would be of value.

Commissioner Monfort reworded the motion to move to close the public hearing, leaving the written record open and continue to a subsequent meeting.

Commissioner Belmonte requested an amendment to have staff provide the information requested. Commissioner Monfort amended the motion to included the request that the historical record be provided.

There was no second to the motion by Commission Monfort.

Planning Director Seidler advised the Commission to leave the public hearing open and continue the item as there may be further comment from those who left earlier that may be of value when making a decision on this proposal.

COMMISSIONER WAHL MOVED TO CONTINUE THE PUBLIC HEARING TO AUGUST 24, 1998. COMMISSIONER MONFORT SECONDED THE MOTION.

Commissioner Hamilton expressed concern with continuing the public hearing as the Commission had received repetitive information at this hearing. Commissioner Studebaker noted that he would like to allow previous speakers to finish their comments.

Vice Chair Wright suggested an earlier meeting time. Commissioner Studebaker suggested 7:00 p.m. The Commission concurred, with the exception of Commissioner Hamilton, who suggested a 3:00 p.m. start time.

THE MOTION WAS APPROVED ON A VOTE OF 5-1-1 (COMMISSIONER HAMILTON OPPOSED, COMMISSIONER DIETLE ABSTAINED).

The hearing is continued to August 24, 1998 at 7:00 p.m.

BUSINESS FROM THE FLOOR

Planning Director Seidler noted that Commissioner Belmonte had presented him with a letter regarding the agricultural mitigation fees and expressing concern that he (Commissioner Belmonte) will not be able to attend the meeting of August 17, at which time the General Plan Amendment regarding those fees is scheduled. Commissioner Belmonte requested that the Commission continue the item to September 21, 1998. Commissioner Studebaker pointed out that as Commissioner Belmonte was on the subcommittee researching the item, he would like to see that Commissioner Belmonte be available at the hearing. The Commission concurred.

PLANNING UPDATE

None.

ADJOURNMENT

The Commission adjourned at 12:20 a.m. to the Adjourned Regular Meeting of August 17, 1998.

August 24, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
MEETING OF AUGUST 17, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, William Hamilton, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Staff present were Assistant City Attorney Brad Fuller, Senior Development Engineer Tom Varga, Planning Director Kim Seidler, Senior Planner Ed Palmeri and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Studebaker stated that regarding Item No. 8, he had received a telephone call from Mike McGinnis, the applicant, informing him that the item was coming before the Commission and no further discussion on the project occurred.

CONSENT AGENDA

1. Minutes of Adjourned Regular Meeting of June 15, 1998.

Recommended Action: Approve with any corrections/revisions required.

Commissioner Studebaker removed this item from the Consent Agenda.

2. General Plan Amendment (GPA) No. 97-6 - Amend the General Plan deleting Implementing Policies OS-I-46 (establishment of an impact fee to off-set conversion of agricultural land by acquiring development rights for a greenbelt to further protect agricultural land outside of the urban area) and OS-I-47 (preparation of nexus study necessary to establish the fee). This project is intended to amend the General Plan in response to the on-going implementation of Plan policies. Specific development projects are not proposed for the affected lands at this time. This project involves long-term policies affecting how the General Plan will be implemented and future development on agricultural lands within the Urban Area. A Supplemental Environmental Impact Report to the Chico General Plan Environmental Impact Report

has been prepared pursuant to the provisions of the California Environmental Quality Act (CEQA). A forty-five (45) day public review period was conducted from May 22, 1998 to July 6, 1998.

Recommended Action: Continue this item to the September 21, 1998 meeting.
COMMISSIONER STUDEBAKER MOVED APPROVAL OF CONSENT ITEM NO. 2.
COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

Chair Dietle stated that she would be abstaining on Item Nos. 5 and 9 as both applicants do business with her employer.

Planning Director Seidler explained that some of the staff presentations may be brief as in the past many of the items would have been placed on the Consent Calendar. There has been some concern with the content of Consent Calendar and until that can be resolved, all public hearing items will be on the Regular Agenda.

- 3. Use Permit No. 98-11 (Work Training Center)** - A pre-annexation use permit request to expand a nonconforming use, consisting of offices, light manufacturing and production uses located on property rezoned R-1 Single Family Residential, to allow property at 2222-2224 Mulberry Street and 2229-2233 and 2261-2267 Fair Street, Assessor's Parcel Nos. 005-471-005, 006, 029, 034, 036, & 037 (a.k.a. the Work Training Center) to be redeveloped as follows: construction of a new 6,375 square foot building and 45-space off-street parking lot, including removal of an existing mobile home and two older residences (currently used as offices), as well as construction of the aforementioned one-story office building on the rear of the southernmost two parcels. The subject site is presently designated Low Density Residential in the Chico General Plan, but is pending General Plan amendment to Commercial Services. An initial study for environmental review has been prepared for this project, upon which the Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA); a 20-day public review period was conducted.

Sr. Planner Palmeri presented the staff report to expand a non-conforming use. He reviewed land use issues involved and the staff recommendations made in the report.

Commissioner Monfort noted that the site plan does not include bicycle parking. Sr. Planner Palmeri stated that Municipal Code does require bicycle parking and he would speak with the applicant on location preferences.

The public hearing was opened at 7:35 p.m. to which there was no comment.

COMMISSIONER HAMILTON MOVED TO ADOPT THE PROPOSED MITIGATED NEGATIVE DECLARATION AND APPROVE USE PERMIT NO. 98-11, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED WITHIN THE STAFF MEMORANDUM DATED JULY 31, 1998. COMMISSIONER STUDEBAKER SECONDED THE MOTION.

In response to a question by Commissioner Monfort, Sr. Development Engineer Varga stated that the Code requires 1 bicycle parking space for every 10 vehicle parking space; the requirement is reviewed during the building permit/construction process.

THE MOTION WAS UNANIMOUSLY APPROVED.

4. **Use Permit No. 98-20 (Hazelton) - 853 Manzanita Court** - A request to allow a 12-room, 15-bed assisted living facility for the elderly and a 4,000 square foot future addition to the existing building, at 853 Manzanita Court, Assessor's Parcel No. 006-240-034, on property pending rezone from C-1 Restricted Commercial to R-P Residential-Professional/Business Office. The subject site is designated Offices on the General Plan diagram. If approved, the use permit would be contingent upon approval of the rezone request which is scheduled for public hearing before the City Council on August 18, 1998. An initial study for environmental review has been prepared for this project, upon which the Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA); a 20-day public review period was conducted.

Sr. Planner Palmeri presented the staff report and noted that the Commission had recently recommended approval of a rezone for the site which is scheduled to be before the Council on August 18. He explained that staff is recommending the deletion of Condition 5, as the applicant has requested an encroachment into the rear yard setback for which a separate Administrative Use Permit (AUP) will be processed. He noted that the Commission has received a letter from Mr. and Mrs. Jones regarding an existing fence, which is currently in the Lindo Channel right of way, put up by a prior property owner. The removal of that fence will be handled by the Parks Department.

In response to a question from Commissioner Monfort, Sr. Planner Palmeri explained that the requested encroachment was not addressed for this use permit and will have a separate AUP.

The public hearing was opened at 7:45 p.m.

Caryn Jones, 5 Deborah Terrace, reviewed history of the Lindo Channel mapping process which found 30 encroachments into the Channel. She expressed concern for a wire fence which was installed by a prior property owner within the creekside setback, while a new fence

has been built on the property line. She volunteered to remove the fence within the right of way.

There being no further comment, the public hearing was closed.

COMMISSIONER WRIGHT MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION AND APPROVE USE PERMIT 98-20, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED IN THE STAFF MEMORANDUM, WITH THE DELETION OF CONDITION 5. COMMISSIONER MONFORT SECONDED THE MOTION.

Commissioner Wahl questioned the City's liability for non-city employees removing the fence. Planning Director Seidler stated that the liability will have to be addressed prior to the removal, but pointed out that there are volunteer programs which can accommodate such a function.

THE MOTION WAS UNANIMOUSLY APPROVED.

5. **Use Permit 98-21 (Jeffries) - 2401 The Esplanade** - A request to allow auto sales from an existing auto repair shop on property located at 2401 The Esplanade. The property is identified as Assessor's Parcel No. 006-150-042. The site is designated Community Commercial in the General Plan and is located in a C-1 Restricted Commercial zoning district. This project has been determined to be categorically exempt from environmental review pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).

Chair Dietle restated that she would be abstaining on this item. Vice Chair Wright presided over this item.

Sr. Planner Palmeri presented the staff report for an expansion of an existing auto sales and repair use. He reviewed the land use issues and staff recommendations. He added that staff is also recommending a Condition 7, that within 30 days of Use Permit approval, the permittee will remove two existing pole signs which were installed on the property prior to annexation to the City.

In response to a question by Vice Chair Wright, Sr. Planner Palmeri explained that the amortization period for the pole signs has concluded. Requiring removal of the pole signs as part of this Use Permit is simpler and more effective than citing the property owner. He pointed out that there is no copy on the signs at this time.

Commissioner Monfort verified that no landscape enhancements were anticipated. Sr. Planner Palmeri explained that as there are no building permit requirements, landscaping cannot be required. If in the future other development requiring a building permit occurs, that building permits will trigger some landscaping requirements.

The public hearing was opened at 7:50 p.m.

Robert Jeffries, 2401 Esplanade, the applicant, stated that he would like to keep one pole for lighting purposes. Sr. Planner Palmeri suggested the Commission consider allowing the applicant to retain one pole for lighting, with the removal of the sign frame from that pole.

There being no further comment, the public hearing was closed at 7:52 p.m.

COMMISSIONER MONFORT MOVED TO DETERMINE THAT THE PROJECT, USE PERMIT 98-21, IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15301, EXISTING FACILITIES, AND APPROVE THE USE PERMIT SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF MEMORANDUM ADDING CONDITION 7 REMOVING ONE POLE SIGN, AND ALTER ANOTHER POLE SIGN SO THAT THE SIGN CAPABILITY BE REMOVED AND THE POLE RETAINED FOR LIGHTING. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (CHAIR DIETLE ABSTAINED).

6. **Use Permit No. 98-22 (Community Housing Improvement Program)** - A request to allow the new construction of a 7,500 square foot office facility to accommodate the administrative needs of the Community Housing Improvement Program (CHIP) on property located at 2180 Humboldt Road, Assessors Parcel No. 002-050-212. The property is designated Community Commercial in the City of Chico General Plan and located in a C-1 Restricted Commercial zoning district. An initial study for environmental review has been prepared for this project, upon which the Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA); a 20-day public review period was conducted.

Assistant City Attorney Fuller stated that he has in the last 6 months represented the Community Housing Improvement Program (CHIP) on another matter and will remove himself from this item.

Sr. Planner Palmeri presented the staff report for an office building. He reviewed the land use issues and recommendations by staff.

The public hearing was opened at 7:55 p.m.

Dave Farrier, Community Housing Improvement Program, 1001 Willow Street, the applicant, stated that the bicycle parking will be toward the rear of the building.

Commissioner Monfort verified that the bicycle parking will be under the overhang.

There being no further comment, the public hearing was closed.

COMMISSIONER STUDEBAKER MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION FOR USE PERMIT NO. 98-22, AND APPROVE THE USE PERMIT SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF MEMORANDUM. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

7. **Use Permit 98-23 (Stahl) - 905 Dayton Road** - A request to allow 4.5 feet additional building height for construction of a single family residence located at 905 Dayton Road, identified as Assessor's Parcel No. 039-400-041. The site is designated as Medium-High Density Residential on the General Plan Diagram, located in an R-3 Medium-High Density Residential zoning district. This project has been determined to be categorically exempt from environmental review, pursuant to Section 15305, Minor Alterations in Land Use Limitations, of the California Environmental Quality Act (CEQA).

Sr. Planner Palmeri presented the staff report and reviewed the recent Boundary Line Modification to the property. He stated that the proposed dwelling is consistent with other neighborhood structures and staff has determined that it will not detract from the character of the neighborhood. As such, he recommended the deletion of Condition 3 as the project is consistent with the adjoining property and neighborhood.

Commissioner Monfort expressed concern with the density of the site as it is zoned R-3. Sr. Planner Palmeri stated that it is policy that when there is an R-3 lot such as this, a single family residential house would be acceptable as long as it is placed so that future development can be made on the remainder of that site. The proposed single family home will not preclude greater density development on the site.

The public hearing was opened at 8:00 p.m.

David Stahl, 905 Dayton Road, the applicant, requested the deletion of Condition 3. In response to a question from Commissioner Monfort, Mr. Stahl stated that he was not considering building additional units at this time, but may consider it in the future.

The public hearing was closed at 8:04 p.m.

COMMISSIONER HAMILTON MOVED TO DETERMINE THAT USE PERMIT 98-23 IS CATEGORICALLY EXEMPT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15305 AND APPROVE THE USE PERMIT SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF MEMORANDUM WITH THE DELETION OF CONDITION 3. COMMISSIONER WRIGHT SECONDED THE MOTION.

Commissioner Monfort expressed concern with allowing development at a lower density based on the idea that the property could be further development in the future. Assistant City Attorney Fuller suggested that by not allowing the development of a single family home, the Commission might be precluding development on the site. Planning Director Seidler added

R-3 zoning does allow the building of a single family home as long as there is sufficient land available on the site to build the densities required by the General Plan at a future time.

THE MOTION WAS UNANIMOUSLY APPROVED.

The Commission was in recess from 8:05 through 8:10 p.m.

8. **Use Permit No. 98-24 (The ARC of Butte County, Inc.)** - A request to allow a mixed-use development establishing a central "ARC Complex" to house administrative offices, adult day care programs, a work activity center/thrift store, and a child care center. The project will utilize the two existing buildings of the former Park Avenue Pavilion and include the phased construction of a new 7,800 square foot thrift store and 3,000 square foot child day care building. The property is located at 2020 Park Avenue, Assessors Parcel No. 005-264-041. The property is designated Mixed-Use Transportation Corridor (Community Commercial/High Density Residential) in the City of Chico General Plan and located in a C-1 MUTC Restricted Commercial Mixed-Use Transportation Corridor zoning district. An initial study for environmental review has been prepared for this project, upon which the Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA); a 20-day public review period was conducted.

Sr. Planner Palmeri presented the staff report for an adult daycare, offices and a thrift store. He noted that plans do include a child daycare center which cannot be approved with this request as child daycare centers are currently not allowed in a commercial zone. However, staff is currently working on a code amendment to allow child daycare centers in the commercial zone. He recommended that Condition 5 be modified so the solid fencing be 6 feet high to screen the parking area from adjacent residents. He reviewed the land use issues and staff recommendations.

Commissioner Monfort questioned the ability of the Commission to make findings for determination of appropriate use for an adult daycare, and compared it to a recent request before the Commission to make a similar finding. Planning Director Seidler explained that adult daycare is not specifically allowed in any zoning district, while the other request, a cardroom, was specifically allowed in another zoning district. Where a use is not listed at all in the zoning regulations, the Commission may determine that the use is appropriate for the proposed zone.

Commissioner Monfort noted that there are similar uses, such as a charter school, in the C-1 zoning district. Sr. Planner Palmeri explained that a charter school is considered a public facility.

Planning Director Seidler suggested that if the Commission finds that it is difficult to make a finding of appropriate use, this application can be continued until the proposed Code amendment to allow childcare centers is before the Commission.

The public hearing was opened at 8:20 p.m.

Michael McGinnis, 555 Vallombrosa Avenue ARC of Butte County, stated that the childcare program is in the future goal, and not an issue with this request. He requested clarification for the fencing requirement as opposed to landscaping. Sr. Planner Palmeri explained that the fencing is to provide for some separation between the adjacent residential uses and the parking area, which is usually accomplished through solid fencing.

Mr. McGinnis stated that there are bicycle racks in the redesign as it is required by the Architectural Review Board.

Woody Sjostrom, 2010 #59 Park Avenue, stated that he owns an adjacent business. He inquired if there is a required setback, so as to not have the new building on the property line adjacent to his business. He also asked if the existing palm tree on the property line would be retained. He expressed concern with placing a child day care adjacent to his business, an alcohol serving establishment. Sr. Planner Palmeri explained that while there are setback requirements for commercial uses next to residential property, there are no requirements for a setback between two businesses (although there are fire code regulations). Commissioner Wright noted that this request is only addressing adult daycare, not child daycare.

Mr. McGinnis stated that they have contracted with NorthStar Engineering to establish the property line. If the palm tree is on ARC property, it will be removed. He added that the wall on the new building to be built on the property line will meet the Fire Code requirement.

Sr. Development Engineer Varga stated that if the palm tree is straddling the property line, both the property owners must reach a solution.

The public hearing was closed at 8:30 p.m.

COMMISSIONER MONFORT MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION FOR USE PERMIT NO. 98-24, AND APPROVE THE USE PERMIT SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF MEMORANDUM, AMENDING CONDITION 5 TO PROVIDE THAT THE FENCE OF EITHER TYPE BE 6-FEET TALL. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

9. **Use Permit 98-25 (Acquistapace) - 1110 West 6th Street** - A request to allow the modification of an existing car wash facility to add an automatic "roll over" system on property located at 1110 West 6th Street, identified as Assessor's Parcel No. 004-201-009. The property is designated Community Commercial on the General Plan diagram, located in C-1 Restricted Commercial zoning district. The project has been determined to be categorically exempt from environmental review, pursuant to Section 15301, Minor Alterations to Existing Structures, of the California Environmental Quality Act (CEQA).

Chair Dietle restated that she would be abstaining on this item. Vice Chair Wright presided over this item.

Sr. Planner Palmeri presented the staff report to expand an existing car wash. He noted that prior to the start of this meeting, a revised plot plan to increase the turning radius off of West 5th Street was distributed to the Commission. He reviewed the land use issues and recommendations by staff.

In response to a question from Vice Chair Wright, Sr. Planner Palmeri explained that this request is not a 24 hour service, and as such, the hours should be limited to some extent.

The public hearing was opened at 8:35 p.m.

Joe Acquistapace, 32 Quista Drive, the applicant, stated that he was present to answer any questions.

Commissioner Monfort verified that this expansion is a change in type of apparatus used and inquired if it would be louder than what had been there. Mr. Acquistapace replied that there will be a blower on the Walnut Street side, which should minimize the noise impact on the adjacent uses.

In response to a question by Commissioner Monfort, Sr. Planner Palmeri explained that a use permit is required as it is an expansion of the car wash.

The public hearing was closed at 8:38 p.m.

COMMISSIONER STUDEBAKER MOVED TO DETERMINE THAT USE PERMIT 98-25 IS CATEGORICALLY EXEMPT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15301, AND APPROVE THE USE PERMIT SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF MEMORANDUM. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (CHAIR DIETLE ABSTAINED).

10. **Use Permit 98-27 (Chuck Patterson) - 1950 East 20th Street** - A request to allow a temporary off-site auto/truck sales from September 3 through September 7, 1998. The sale will be located on the southerly portion of the Chico Mall parking lot located at 1950 East 20th Street. The property is identified as Assessor's Parcel No. 002-140-007, 010 and 002-450-042. The site is designated on the Chico General Plan Diagram as Community Commercial, located in a C-1 Restricted Commercial zoning district. The project has been determined to be categorically exempt from environmental review, pursuant to Section 15323, Normal Operations of Facilities for Public Gatherings, of the California Environmental Quality Act (CEQA).

Sr. Planner Palmeri presented the staff report and reviewed the land use issues involved.

Commissioner Wahl noted that the Commission had previously discussed making this an administrative approval process. Sr. Planner Palmeri stated that the item is being worked on and will be before the Commission at some time in the future. Planning Director Seidler indicated that the revision will be included in the revised Title 19, which may be before the Commission this fall.

The public hearing was opened at 8:40 p.m. to which there was no comment.

COMMISSIONER STUDEBAKER MOVED TO DETERMINE THAT USE PERMIT 98-27 IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15323, AND APPROVE THE USE PERMIT SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF MEMORANDUM. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

11. **Use Permit 98-29 (Grossman) - 630 The Esplanade** - A request to allow the development of two duplex studio apartment units with reduced rear yard setback, open space and shared parking on property located at 630/630 ½ The Esplanade. The property is identified as Assessor's Parcel Nos. 003-180-018 & 008. The subject property is designated Medium-High Density Residential on the General Plan diagram, located in an R-3 Medium-High Density Residential zoning district. This project has been determined to be categorically exempt from environmental review, pursuant to Section 15305, Minor Alterations in Land Use Limitations of the California Environmental Quality Act (CEQA).

Sr. Planner Palmeri presented the staff report for a final planned development project. He reviewed the difficulties with development on this parcel. He also reviewed the project's compliance with the General Plan and recommended conditions of approval. He stressed that access to adjacent parcels will not be impeded by this proposal.

Commissioner Monfort verified that two additional parking spaces will be acquired by the development of this project.

The public hearing was opened at 8:45 p.m.

Gene McFarren, 1063 Woodland Avenue, architect on the project and representing the applicant, stated that he was present to address any questions. In response to Commissioner Monfort, Mr. McFarren stated that there will be 12 units total on the site following development of this proposal.

The public hearing was closed at 8:47 p.m.

COMMISSIONER STUDEBAKER MOVED TO DETERMINE THAT USE PERMIT 98-29 IS CATEGORICALLY EXEMPT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15303 AND 15305 AND APPROVE THE USE PERMIT SUBJECT TO THE FINDINGS AND CONDITION OF APPROVAL AS LISTED IN THE STAFF MEMORANDUM. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

The Commission was in recess from 8:50 - 8:55 p.m.

12. **Parcel Map No. 97-2 (Myers)** - A request to subdivide 0.71 acres located at 2159 Elm Street, Assessor's Parcel No. 005-464-001, into four parcels ranging in size of 7,410 square feet to 8,300 square feet. The property is designated Low Density Residential (2.1 to 7.0 dwelling units per gross acre) on the General Plan Diagram and is zoned R-1 Single Family Residential. An initial study for environmental review has been prepared for this project, upon which the Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA); a 20-day public review period was conducted.

Sr. Planner Palmeri reviewed the issues discussed at the public hearing on this item on July 6, 1998 and continued at the request of the applicant. He also reviewed the conditions and mitigations contained in the initial study, subdivision report and staff report. He stated that staff does recommend a modification to Condition 7 of Exhibit 1 and the subdivision as indicated on the memorandums distributed to the Commission prior to the hearing.

In response to a question from Commissioner Monfort, Sr. Development Engineer Varga stated that the Chapman-Mulberry standards are designed to maintain the rural nature of the neighborhood. Those standards do not include sidewalks.

Commissioner Monfort suggested that sidewalks be a condition placed on this project. Sr. Planner Palmeri stated that while the Commission can make such a recommendation, the improvements and standards are reflective of discussions which were conducted in the neighborhood. Assistant City Attorney Fuller suggested that as the issue is not limited to this project alone, the sidewalks not be required on this project and the Commission could make a separate recommendation to Council regarding the street improvements for that area.

The public hearing was opened at 9:00 p.m.

Tom Wrinkle, Sierra West Surveying, representing the applicant, stated that the applicant does agree with recommendations as amended by staff. He added that while the applicant is not opposed to installing a sidewalk, there is no mechanism to have any sidewalks in the area to connect it with as the community wide plan does not call for them. He noted that much of the Chapman-Mulberry District is already built out.

Linda Myers, 554 Honey Run Road, the applicant, pointed out that the Commission did not require sidewalks for the adjacent project.

Cindy Rice, 2153 Elm Street, expressed concern as to when the improvements, particularly drainage improvements, would be required to be installed, the height of the mobile homes to be placed on the site, the rear yard setback and the planned driveway entrance. She noted that as the applicant had verbally agreed to install 6 foot high wood fencing, she would like fencing to be required as a condition. She also expressed concern with the development of Elm Street.

Sr. Development Engineer Varga explained that the project must have certain improvements installed in order to create legal lots to put the homes on; the remainder of the conditions must be met prior to the first house being moved onto the properties. Sr. Planner Palmeri added that the standard rear yard setback of 15 feet will be required. As for the driveway entrance, Sr. Planner Palmeri reviewed that there are some trees which the applicant wishes to be retained which will affect the driveway, it is unknown at this time if that can happen.

There being no further comment, the public hearing was closed at 9:10 p.m.

In response to a question from Commissioner Monfort, Sr. Development Engineer Varga explained that the Subdivision Map Act does not require full improvement at the time of final recorded parcel map, but the improvements must be in place prior to occupancy.

COMMISSIONER WRIGHT MOVED TO ADOPT RESOLUTION NO. 98-12, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING PARCEL MAP NO. 97-2 (MYERS), SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF MEMORANDUM. COMMISSIONER STUDEBAKER SECONDED THE MOTION.

Commissioner Monfort verified that a recommendation regarding sidewalks in the Chapman-Mulberry District would require a separate noticed agenda discussion and asked that it be scheduled. Sr. Planner Palmeri suggested that a neighborhood meeting may be warranted. Commissioner Monfort agreed and clarified that the suggested recommendation would be to install sidewalks but keep the street rural.

THE MOTION WAS UNANIMOUSLY APPROVED.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Planning Director Seidler stated that staff will be making an effort to improve the quality of the site plans used in the Commission packets.

Commissioner Wahl questioned the cost of the administrative record for Benedict Ranch Subdivision which was provided to the Commission. Planning Director Seidler stated that the copying cost alone was \$20.94, not including the binding and staff time involved.

At Commissioner Wahl's request, Planning Director Seidler reviewed Council action on the appeal of Use Permit 98-2 (Scott). The Council denied the appeal and voted against initiating a Code amendment to allow cardrooms. He noted that he is reviewing if the Commission is superseded by the Council's action in their determination to not change the Code.

Planning Director Seidler also noted that the Council will be addressing the Hazelton Rezone at their meeting of August 18th.

ADJOURNMENT

The Commission adjourned at 9:20 p.m. to the Adjourned Regular Meeting of August 24, 1998 at 7:00 p.m.

September 14, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
MEETING OF AUGUST 24, 1998**

ROLL CALL

The meeting was called to order by Vice Chair Michael Wright at 7:08 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were William Hamilton, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Commissioner Barry Belmonte arrived at a later time. Chair Jolene Dietle was absent. Staff present were Assistant City Attorney Brad Fuller, Senior Development Engineer Tom Varga, Director of Public Works E.C. Ross, Community Development Director Tony Baptiste, Planning Director Kim Seidler, Senior Planner Ed Palmeri and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

Vice Chair Wright noted that Chair Dietle was absent as she is disqualified on the item to be discussed due to a conflict of interest since the applicant does business with her employer.

Commissioner Hamilton stated that he had spoken with the proponent regarding the last meeting on this item.

Commissioner Wahl stated that he had a conversation with Scott Hamm this afternoon and a telephone call from Jim Stevens regarding the need for an environmental impact report (EIR). Commissioners Monfort, Studebaker and Vice Chair Wright also indicated that they had telephone conversations with Jim Stevens who expressed concerns with the need for an EIR and reimbursement for the bicycle path. Commissioner Studebaker added that Mr. Stevens encouraged the Commission to take action at this meeting.

Commissioner Studebaker stated that he had spoken to John Merz regarding a recent candidates forum at which there was a general attitude that there should be a focused EIR on this project.

CONSENT AGENDA

1. **Minutes of Regular Meeting of August 3, 1998.**

Requested Action: Approve with any corrections/revisions required.

COMMISSIONER STUDEBAKER MOVED APPROVAL OF CONSENT ITEM NO. 2. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS APPROVED 5-0-2 (COMMISSIONER BELMONTE AND DIETLE ABSENT).

REGULAR AGENDA

2. **Vesting Tentative Subdivision Map 95-4 Benedict Ranch Subdivision (Leen Bros. Enterprises)**: A request to subdivide 32.6± acres into 102 single family residential lots on property located on the southwest corner of the intersection of East Eighth Street and Bruce Road and identified as Assessor's Parcel No. 002-160-060. The site is designated in the City of Chico General Plan Diagram as Low Density Residential (2.1 to 7.0 dwelling units per gross acre) and prezoned (P)R-1, Prezone Single-Family Residential zoning district. The single family lots will range in size of approximately 6,500 to 19,654 square feet with an average lot size of 9,000 square feet. In addition to subdivision of the land the applicant is also requesting annexation of the property into the City of Chico. The Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA), for which a 30-day public review period was conducted. The public hearing was opened and continued from the Regular Meeting of August 3, 1998.

Commissioner Belmonte arrived 7:15 p.m.

Sr. Planner Palmeri reviewed the comments received at the previous public hearing and the letters which were distributed to the Commission prior to the start of this meeting. He noted that a two-volume Administrative Record was provided to the Commission which covers the history of the project (although a few of the letters were inadvertently not included in the Administrative Record but were provided to the Commission for the August 3, 1998 meeting). He noted that concerns have been expressed regarding the lack of inclusion of a mitigated negative declaration first produced in March, but noted that it was revised and was not circulated. A second initial study was circulated to the State Clearinghouse and was included in the packets.

Sr. Planner Palmeri reviewed the letters received by the Commission at this meeting which included concerns regarding transition, school impact fees, County policies regarding storm drain runoff and funding for roadway improvements. He stated that staff is recommending that Husa Lane not be dedicated and noted that larger lots were proposed along Husa Lane. Chico Unified School District has confirmed that the figure used to determine student generation on a District-wide basis is .43 students per household. Butte County Supervisor Mary Ann Houx has explained that County policy on storm drainage is that there be no net

increase in runoff and a reduction of 10 percent after development; City policy is no net increase. Regarding funding the roadway system, Sr. Planner Palmeri noted that while this project does not impact the roadway system along the local roads or have a significant impact on State Highway Route 32, the project will make required improvements and pay traffic impact fees which the City uses to fund roadway projects. Also included in the packet was a flyer entitled "The Ranch, The Dump, The Park"; the dump and Park are outside of this project. He added that a letter has been received from Michael Jones indicating support of the project.

Planning Director Seidler explained that the proposed Resolution does include adoption of a mitigated negative declaration. The administrative record is still open and will not close until the public hearing is closed. He reminded the Commission that if it does find that substantial evidence is presented that the project may result in significant environmental impact, an environmental impact report (EIR) must be required. If that substantial evidence does not exist, there is no legal basis for the Commission to require it.

Sue McCabe, 2225 E. 8th Street, submitted photographs of homes in the area for Commission review. She expressed concerns regarding neighborhood compatibility and defined the neighborhood boundaries as from Bidwell Park to State Highway Route (SHR) 32 and Bruce Road to Forest Ave. She clarified that she does not include California Park, Forest Creek Circle or Walnut Park, as the latter two are fenced in. She described the neighborhood as being semi-rural, with large lots, no sidewalks and houses facing onto E. 8th Street. She then described the proposal as being urban, with small, uniform lots, sidewalks, walls, and houses on the outer edges face away from the main streets.

Arthur Stoschlk, 3 Christopher Alan Lane, expressed concerns with widening Bruce Road across the creeks and the need to maintain the rural atmosphere in the area.

Richard McClesse, 7 Merle Court, expressed concern regarding safety at the SHR 99/SHR 32 intersection as the development of schools and homes in the area will increase the existing problems with the state highway infrastructure.

Brad Boswell, 2175 E. 8th Street, expressed concerns regarding traffic and maintaining safety levels. He noted that new schools being built in the area, as well as other new development, there will be more vehicles on the roads. The increased number of vehicles will cumulatively affect the levels of service (LOS) at the intersections of E. 8th Street and Bruce Road and at SHR 32 and Bruce Road. He also expressed concern with the average speed of vehicles on E. 8th Street as there has been no police enforcement of the speed limits. He cautioned that the City will need to have more police officers in the area as Chico expands. He stressed that roads throughout the area need improving as there are no sidewalks or bicycle lanes.

JoAnn Wells, 2297 E. 8th Street, reviewed the flooding and zoning history of the subject property. She expressed concerns regarding the cost of street improvements to the taxpayers of Chico and the lack of police enforcement on Husa Lane as it is a private road. She requested that Husa Lane be moved away from her fence line in order to avoid a future eminent domain action against her property to install improvements to Husa Lane. She noted

that she has been "turned in" and told that if there is an accident at the corner, she can be sued.

In response to Commissioner Studebaker, Director of Public Works Ross explained that Husa Lane consists of private ownership of two easements; as such, the City can not proceed with an eminent domain without specific findings. He confirmed that the intersection does not comply with City design standards, which the City is not looking at altering as it is a private roadway. Sr. Planner Palmeri stressed that staff is not recommending any change to the E. 8th Street/Husa Lane intersection.

Commissioner Hamilton confirmed with Director of Public Works Ross that there will not be any improvements made to Husa Lane.

Asst. City Attorney Fuller stated that while the City cannot protect private property owners against a lawsuit, Husa Lane is not within the jurisdiction of the City. He confirmed that there was a proposal to have Husa Lane become a dedicated road, although the City will not accept it. He advised that if Ms. Wells desires to move the road, she must deal with the other property owners. He added that when the project does go before the Local Annexation Formation Committee (LAFCo) for annexation, she could request that her property be included in the annexation to the City of Chico.

Anna Farrell, 747 Madrone Avenue, expressed concern with the compatibility of this proposed development with the rest of Chico, its affect on the overall quality of life, vehicle and bicycle traffic throughout the City.

Margaret Douglas, 1460 E. 8th Street, expressed concern with flooding all along E. 8th Street and the possible effect of the proposed development compounding the problem. She indicated the need for improvements throughout the area, such as bicycle lanes and storm drains, prior to additional development.

The Commission was in recess from 8:07 p.m. through 8:20 p.m.

Commissioner Hamilton disclosed that during the recess he spoke with a few people regarding the project.

Erin McCabe, 1836 Laburnum Avenue, expressed concern regarding the affect of additional traffic in the area on the equestrian community. She noted that the intersection of El Monte and E. 8th Street has low visibility under the best of circumstances. The high traffic speeds and amount of traffic along the road can be a safety hazard for the horses. She agreed with previous speakers regarding traffic safety concerns for school children.

Carol Switzer, 866 Husa Lane, reviewed a draft initial study which was not included in the Administrative Record.

Bill Bliss, 2660 La Quinta, reviewed a map showing the zoning throughout the area, and suggested that an EIR should cover a much larger area than the project itself, including most of southeast Chico.

Nora Todenhagen, 2298 E. 8th Street, stressed the importance of each comment to the environmental review process, and that the neighborhood wants a well designed project which is consistent with the neighborhood, with an EIR. She questioned future maintenance of the detention pond/recreation facility as there have been problems with maintaining similar facilities in the southeast Chico area. She asked that the Commission require the developer to post a bond to ensure that a maintenance district will be established or the City will take over the facility if it is not maintained.

Director of Public Works Ross reviewed the recommended condition that there be a maintenance district formed which will maintain the facility and noted that the City Attorney has developed a covenant with the land to ensure that the developer maintain the property should that maintenance district not be created.

Ms. Todenhagen asked that these issues be included in an EIR to clear up any confusion.

Neil McCabe, 2255 E. 8th Street, stated his belief that staff responses to General Plan issues are inadequate. He added that larger lots along Husa Lane does not provide transition or compatibility as the size of the lots will be greatly diminished if the rear yard easement along Husa Lane is omitted from the lot calculations. The character of the neighborhood will be impacted and thus the project is inconsistent with the General Plan. He stressed that the Commission cannot approve the proposal as it is inconsistent with the General Plan and requested that the Commission require a focused EIR or disapprove the map.

In response to questions from Commission and staff, Mr. McCabe stated that his concerns were regarding overall neighborhood compatibility. He stressed that the neighbors and the Commission could not consider alternative designs as there has not been an EIR prepared. He noted his preference for densities in the lower end of the allowed range, 2.1 units per acre, and the removal of the walls. He added that a focused EIR should include issues of drainage, traffic, cumulative impacts and neighborhood compatibility. The cumulative impacts would include the widening of Bruce Road through Bidwell Park, the development of adjacent areas and school development in the area.

Jeff Carter, 600 Parkwood Dr., reviewed a letter he presented to the Commission at this meeting. He stated that there is substantial evidence of potential impact found through responses from Caltrans and Butte County which would require an EIR. He indicated that to assure compatibility with the surrounding neighborhood, the project should provide larger lots on the periphery of the subdivision. He noted that the project does not comply with Council directives regarding transition, that lots on edges be at least 80 percent of the adjacent lots sizes or at least 20,000 square feet. He suggested that the project should be revised to incorporate more of the General Plan polices relating to new residential neighborhoods. These policies may result in the inclusion of Husa Lane as part of this project, the deletion of the walls along Husa Lane and E. 8th Street, larger lots facing onto Husa Lane and E. 8th

Street, and the creation of a central focus. He noted that a previous subdivision approved by the Commission had a similar storm water detention/ recreation facility. The facility now has water in it year round, is too steep for use and is fenced in, limiting its use as a recreation facility. He questioned the continuity of the streets with the site's limited connectivity to the south. He noted that with Bidwell Ranch, the Commission determined that certain offsite improvements were necessary to be installed prior to development for safety or infrastructure reasons and suggested that the same be required for this proposal, including installation of a stoplight at Lakewest and Bruce Road. He suggested that the City adopt a policy of zero tolerance for safety concerns. He requested that any improvements to E. 8th Street be deferred until the City agrees on the safe and scenic street plan for E. 8th Street.

In response to Commissioner Studebaker, Mr. Carter stated that he felt there was promise with an earlier submission of the proposal. He reviewed the history of the zoning and project design since adoption of the General Plan. He expressed concern that there should have been more public involvement throughout the process, including dialog prior to Commission action.

Commissioner Belmonte reviewed General Plan guidelines regarding two entrances for every 10 acres. Mr. Carter stated that thoroughfares do require minimized access. He expressed concern with the limited access to the southern parcels. He noted that there may be plans to develop those parcels, but no specific applications have been made. Commissioner Belmonte verified Mr. Carter's opinion that the overall view and circulation in the area could be better addressed if the Commission knew what will happen to the south. Mr. Carter added that drainage, flooding and cumulative effects must be addressed.

Jon Luvaas, 1980 Wild Oak Lane, expressed concern with the staff analysis of current flooding situations and traffic, how both will be dealt with in the future and requested further analysis through an EIR. He noted that he submitted a letter on August 12 listing specific General Plan concerns. He requested that the Commission make a determination of development approval that adequate public facilities will be available at the time of occupancy, or that funding for maintaining the required facilities be known. He reviewed traffic patterns through the project and questioned if they met General Plan requirements for adequate traffic circulation. In the interest of integration into the neighborhood, Mr. Luvaas suggested that the walls be removed and larger lots face outward along the periphery. He added that with a decrease in the size of roads through the subdivision, and with more routes through the project, the project would better meet General Plan policies.

Commissioner Studebaker verified that with Mr. Luvaas' suggestions, the same number of units could be developed. Commissioner Hamilton verified that Mr. Luvaas felt that a wall along E. 8th Street is unacceptable. Mr. Luvaas suggested that Lot 81 become an ingress/egress, Lot 82 face into the project, Lots 83-97 face outward on E. 8th Street and have some sort of increase in lot sizes.

The Commission was in recess from 9:18 p.m. through 9:30 p.m.

Commissioner Hamilton disclosed that during the recess he spoke with Mr. Bliss regarding E. 8th Street traffic flow and adjacent lots. Commissioner Belmonte stated that he had discussions with members of the audience whom he encouraged to speak at the podium to address the Commission.

Elizabeth Boswell, 2175 E. 8th Street, reviewed the "Cartwell Holdings" letter received by the Commission at the start of the meeting, regarding an EIR in the City of Elk Grove. She stated that the developer had explained to her that Sacramento requires an EIR for any development of more than 10 acres in an effort to avoid lawsuits. The proposal and EIR must be submitted to a Community Planning Advisory Council prior to consideration by the Planning Department. She stated that the City of Chico is in financial trouble and must avoid wasting money. She requested that the Commission consider requiring the project to be redesigned, and demand an EIR on this and future projects affecting the City of Chico.

Ethel Breyfogle, 1887 Modoc Drive, stated that she is in agreement with previous speakers regarding concerns with neighborhood compatibility, flooding issues, traffic and that an EIR should be required.

Bob Best, 1740 Estates Way, stated that the Initial Study was based on false assumptions, including the development of Bruce Road to a 4-lane facility, and the lack of cumulative impacts of the proposal, and thus has an incorrect finding of significance. He requested that a map be prepared displaying the proposal and all proposed and projected development in the area. He listed several proposed and projected developments in the southeast quadrant of the City. He read the priority items in the area within the next 5 years as listed in the City's Capital Improvement Program (CIP). He recommended that a focused EIR be prepared on traffic circulation.

Jane Bradley, 7 Sierra Lakeside Lane, expressed concern on the effect of this proposed development on the senior complex across Bruce Road with increased traffic, people and congestion.

Greg Steel, 603 Parkwood Drive, stated that this is the third mitigated negative declaration variation on the proposal. He expressed concern with the cumulative impacts along the Bruce Road corridor and the funding of traffic improvements. He questioned the CIP, its funding, and the traffic assumptions used by the City in its traffic model. He suggested that the Commission consider the CIP, RDA fund projections, the City budget and Caltrans budget for the area, as fair argument that there may be a significant effect on the environment. He stated that a focused EIR is appropriate when considering the cumulative impacts for all projects along Bruce Road. He suggested that a cost sharing arrangement be made with Council to fund a portion of the EIR, focusing the EIR on traffic, hydrology and neighborhood compatibility.

Commissioner Monfort asked what would be learned from an EIR regarding traffic which is not already known. Mr. Steel responded that the Commission could then require specific improvements at certain stages of development. He stressed that the Commission can not adopt findings of overriding consideration without an EIR. The mitigation measures in an EIR can require payment for a percentage of fees for certain improvements.

Bob Ott, 1771 Estates Way, questioned the traffic counts used for E. 8th Street, Bruce Road and SHR 32, and suggested that any additional traffic will have a tremendous impact on SHR 32. He expressed concern for neighborhood compatibility, storm drainage, and the environmental impacts and dangers of a detention pond.

Glen Staub, 940 Bruce Road, stated that he is one of the property owners of the three parcels to the south. He stated that they do plan on developing those parcels at some point. He suggested that if there is a redesign of the project adequate access be provided to the properties to the south to allow for future development, including Husa Lane dedication. He questioned the size of the detention facility. He added that the 20 acres of their property at Dead Horse Slough is environmentally sensitive and cannot be developed. Access to Bruce Road from their property be impossible and thus, they must have access through this proposed project.

Jon Luvaas, a previous speaker, stated that a redesign of project could not be done until the traffic impacts and drainage were evaluated.

Jim Stevens, NorthStar Engineering, representing the applicant, stated that the applicant would like to reconsider walls along Husa Lane and E. 8th Street, but that they remain along Bruce Road. In response to Vice Chair Wright, Mr. Stevens stated that there have been arguments for facing the lots onto either inside the subdivision or onto E. 8th Street. Commissioner Monfort suggested accessing the lots through Street 6 with houses facing onto E. 8th Street.

Mr. Stevens stated that the applicant would agree to extend the bicycle facilities along Bruce Road and from the project westerly along E. 8th Street beyond what is required, although he would like to see some reimbursement provisions for the contribution along Bruce Road. He reviewed the projected student totals based on the School District figures of .43 students per household. He also agreed to make a street connection easterly from the middle cul-de-sac to tie into the access road (removing Lots 55 and 35).

Commissioner Hamilton asked if the lots along E. 8th Street were to face the street and increase in size, would Street 6 be necessary? This could increase the size of those lots facing onto E. 8th Street. Mr. Stevens expressed concern with that proposal as a bank of lots would be lost.

Regarding storm drainage, Mr. Stevens explained that a drainage analysis was prepared, establishing that the project will have the ability to detain the runoff to the satisfaction of the City, at last one downstream neighbor and, with some additional information, Caltrans. The City requires that the project provide capacity for the exceptional storm as to not create

increased runoff at peak flows. He stressed that the Commission has not heard expert opinion or substantiated fact to question the studies presented with this proposal.

Mr. Stevens stated that the project did conduct a traffic study, using the City's 2001 traffic projections. The need for widening Bruce Road is not generated solely by this project; rather, it is an area concern to be addressed through developer fees paid for the CIP. While the CIP today does not include the widening within the next 5 years, the document is revised annually by the Council based on changing needs. The increasing development in the area is an example of a changing need.

Mr. Stevens pointed out that the Commission recently approved the Lake Vista Subdivision, under a mitigated negative declaration in the same general area of the City, with the same general amount of traffic at the same place, based on the studies the applicant generated and with the same conclusions as those prepared for this proposed project. The City currently has the policy that SHR 32/SHR 99 improvements are the State's responsibility. In the event that this does not occur, then the traffic fees will have to be reappraised and the improvement monies will be generated by the City. These improvements along SHR 32 and SHR 99 must be considered and the fees established within the Nexus Study.

Regarding neighborhood compatibility concerns, Mr. Stevens noted that the boundaries of the neighborhood vary based on the individual describing the boundary. For planning purposes, the neighborhood is not line of sight, but larger with more tangible boundaries. He stated that the project does provide the transition from the semi-rural to the higher densities across Bruce Road.

Mr. Stevens stated that the applicant has no objection to modifying conditions established or postponing construction along E. 8th Street until the safe and scenic street design has been adopted. He noted that while any reduction of street widths are beneficial to a developer, the streets proposed are at the City's adopted minimum street widths. As for establishing a central focus, he explained that the focus was considered as if it included development of the property to the south, resulting in the detention/recreation facility being in the center.

In response to questions from Commissioner Belmonte, Mr. Stevens explained that the property owners to the south were not interested in participating in the proposal. He stated that in light of the fact that a similar subdivision in the area was approved based on similar studies and that several studies have been conducted on this project, an EIR is not appropriate.

Commissioner Hamilton questioned the exclusion of Husa Lane. Mr. Stevens explained that they had originally included Husa Lane into this project, which was removed when the neighbors expressed that they did not want it to be included. It is an existing private rural lane which is very close to Ms. Wells' house. The project will not include access onto it and will not do any construction on it.

In response to a question from Commissioner Belmonte, Mr. Stevens stressed that this project cannot be specifically conditioned to construct mitigations that benefit the neighborhood as

a whole, such as building Bruce Road to four-lanes beyond this property. The development fees required by the City will be paid to contribute to further development.

Carol Switzer, previous speaker, referred to an inaccuracy in determining lot sizes in a letter from Mr. Stevens as an example to question the facts contained in the studies prepared for this project.

Greg Steel, a previous speaker, stated that the Nexus Study for the CIP does include development fees but does not include RDA funds, which are also used for transportation. He added that the Council has not adopted a position on where RDA funds are to be spent. He noted that the impacts on the state highways have also not been addressed by the City. Mr. Steel stated that he is not requesting that the developer widen Bruce Road from Wildwood to SHR 32, but that the City itself has the authority to make the improvements.

Dorothy Boswell, 69 Plumwood Court, stressed that photographs displaying flooding in the area are facts, as well as personal experiences with area traffic.

There being no further comment, the public hearing was closed at 10:48 p.m.

The Commission was in recess from 10:48 through 11:00 p.m.

Vice Chair Wright stated that the key issue is whether or not to require an EIR.

Commissioner Belmonte stated that General Plan implementing policy T-I-45 provides an example of requiring 2 access points for every 10 acres of development. Based on that example, this project does not comply with the General Plan. Planning Director Seidler stated that the policy is intended to provide guidance in ultimately amending the City's standards, rather than as a standard itself. Commissioner Monfort added that the policy has to recognize project-specific constraints, which affects this project as it is constrained to the west and it is not known what will happen to the south.

Commissioner Wahl cautioned that the project must be moved forward in some form. He stated that he finds it disingenuous to have large lots backing onto Husa Lane, with a large section of that lot being unusable to the occupants. He pointed out that there is a wall across the street from this project, and that he would like to remove as many walls as possible from this project. He stressed that the E. 8th Street corridor must be left alone until some resolution to the scenic corridor design is approved. He stated that traffic problems do merit some clarification; developing Bruce Road to a 4-lane road and cumulative effects are not addressed. Regarding flooding, Commissioner Wahl indicated that there is reasonable disagreement as to whether the detention pond will work, thus an independent view is important. He stated that while the added cost of an EIR is unfortunate, it may be necessary.

Commissioner Wahl moved to not adopt Planning Commission Resolution 98-14 and to require a focused EIR to cover traffic, flooding and neighborhood compatibility, making the

finding that there has been substantial evidence presented that there is a fair argument that the project may have a significant effect on the environment and that the City should absorb the cost of the focused EIR due to the length of the project.

Commissioner Studebaker inquired if a focused EIR can address those three issues. Planning Director Seidler explained every EIR is focused to some degree - the scope of work directs preparation of analysis on particular impacts. Alternatives can be developed to that may assist in mitigating impacts.

Commissioner Wahl explained that the three items suggested for further review were meant to limit the focus of the EIR as the flora/fauna and archeological issues have been addressed.

Commissioner Hamilton stated that throughout the public testimony, the Commission has heard many opinions, but must take facts into consideration. He indicated that the applicant has conducted studies which have satisfied the City staff and himself. He added that traffic impacts are very emotional as every development will have some traffic impact.

Asst. City Attorney Fuller asked that the motion be a motion of intent in order to allow preparation of the findings to be made. Staff will bring back a revised resolution at the next meeting for adoption.

Commissioner Wahl revised his motion to be a motion of intent.

Commissioner Belmonte stated that as concerns have been expressed regarding the City's ability to fund traffic improvements/mitigations and with the City's budget itself, he would like to see the traffic portions of a focused EIR done to show the impact of the project without CIP assumptions and without mitigations. Commissioner Wahl stated that as a focused EIR covering traffic with and without the CIP is an issue with this project, he found the amendment acceptable.

Planning Director Seidler stated that he would not recommend that the Commission stipulate that an EIR disallow the present assumptions, but to explore how those assumptions relate to this project.

Commissioner Belmonte stated that at a recent meeting with Council on areas of Commission concern, the CIP was discussed with the Commission expressing the concern that if the assumptions are not correct then the environmental documents will not correctly address impacts. He requested that traffic studies include existing conditions to allow the Commission to look at a project and to make recommendations to Council.

Director of Public Works Ross explained that the traffic study does depict the current situation with the project. The Council has a CIP based on certain conditions and reviews it annually. The Nexus Study can be redone and fees changed if additional funding is necessary.

Commissioner Belmonte stressed that the Commission must have a good standard to determine impacts of a project; dealing with assumptions to draw a conclusion may be detrimental when the assumptions prove incorrect. The needed improvements must be documented in making recommendations to Council.

Commissioner Belmonte seconded the motion of intent made by Commissioner Wahl.

Commissioner Monfort stated that he would not support the motion. He stated that the same questions will come up with development of the southern parcels, and other future development in the City. He stressed that the General Plan makes certain assumptions regarding traffic improvements, including the widening of Bruce Road to 4-lanes through Bidwell Park. Every potential development cites the General Plan assumptions and pay their nexus fees to mitigate these effects. What is not clear is that residents can have confidence that the funds will be there and who will pay for improvements to the State highways. These problems are not specific to this project and have been brought up to Council. The Council has chosen to keep re-evaluating the CIP and the funding for it. An EIR with respect to traffic will not solve these problems, but will repeat the questions for Council. If the Commission finds that these problems must be addressed by this project with an EIR, an EIR must be required for every project on the east side of the City.

Vice Chair Wright stated that he agreed with many of Commissioner Monfort's comments. He noted that it would be interesting to see what boundaries and definition of the neighborhood an EIR would use to discuss neighborhood compatibility. Regarding flooding issues, he stated that he has not seen convincing evidence that the project and City engineers cannot mitigate storm drainage concerns with proper engineering. The existing storm drainage study is not a final and complete study, the final study will have to be done prior to recording the map. He noted that cumulative impacts of traffic are addressed in the General Plan and the roadway systems are approved and required by the General Plan. Those improvements are a requirement of the General Plan and thus are law. A focused EIR will not give any additional information regarding the need for those improvements.

Planning Director Seidler stated that he would strongly recommend that this be a two-part motion, 1) require a focused EIR and 2) recommend to Council that the City absorb the costs of the EIR. Asst. City Attorney Fuller agreed, as it would prevent ambiguity in the event that Council declined to have the City pay for the EIR. Commissioner Wahl agreed, stating that if the Council does not desire to pay for a share of the EIR, then the project proponent would be responsible for it. Commissioner Belmonte concurred.

At Asst. City Attorney Fuller's request, the motion was restated.

Commissioner Wahl moved to not adopt Planning Commission Resolution 98-14 and to adopt a motion of intent to require a focused EIR to cover traffic with and without the Capital Improvement Program, flooding and neighborhood compatibility, making the finding that there has been substantial evidence presented that there is a fair argument that the project may have a significant effect on the environment and that the City absorb the cost of the focused EIR due to length of the project. Commissioner Belmonte seconded the motion.

The motion failed on a 3-3-1 vote (Commissioners Hamilton, Monfort and Wright opposed, Chair Dietle absent).

Asst. City Attorney Fuller urged the Commission to take some action on the environmental document and the project.

Vice Chair Wright inquired if a majority vote was required to accept a negative declaration, and if that failed, then would an EIR would be necessary? Planning Director Seidler stated that had a vote for a negative declaration occurred first, then an EIR would have been required. With a vote to require an EIR not being approved, the status is unclear. Asst. City Attorney Fuller stressed that the Commission must make specific findings with specific direction.

Commissioner Hamilton moved to adopt Resolution No. 98-4, adopting the mitigated negative declaration and approving the Benedict Ranch Vesting Tentative Subdivision Map (S 95-4), subject to the findings and conditions delineated therein, with amendments as follows: 1) that lots 55 and 35 be removed to provide access through the project, 2) that there be no walls along E. 8th or Husa Lane and 3) access be on E. 8th Street for the abutting properties.

Commissioner Monfort suggested stubbing Street 7 to south. Commissioner Wahl noted that the applicant had indicated that lots 72/71 are on the hill and thus are prime lots.

Commissioner Monfort suggested additional amendments that: 1) the density be reduced along E. 8th Street and Husa Lane frontages to be compatible with Council directives (80 percent/20,000 sq. feet) with the understanding that the density can be redistributed to the east and; 2) that improvements not be installed along E. 8th Street until the scenic roadway standards have been adopted.

Asst. City Attorney Fuller cautioned that any subsequent regulations adopted after a map has vested are not valid and must have developer approval to the condition.

Vice Chair Wright verified with the applicants representative that they would be agreeable to meeting the roadway condition. Mr. Stevens stated that they would build E. 8th Street improvements to the scenic standards once they are adopted; in the event that the standards have not been adopted when development in the area is to begin, he suggested that they would pay an in-lieu fee.

Commissioner Hamilton questioned Mr. Stevens regarding the proposal to stub the street at lots 72 and 71 to provide another access to the south. Mr. Stevens explained that as those are the premium lots, they would like to retain those lots but would not be opposed to extending Road 5.

Commissioner Monfort suggested an additional condition to extend the bikeway to Humboldt Road, with the applicant to be reimbursed as development occurs. Commissioner Wahl asked for a cost estimate for running that trail to Humboldt Road. Sr. Development Engineer

Varga explained that the cost would be modest as the pavement is there; striping to delineate the bike lane is needed.

Commissioner Monfort added that another condition is to remove the mention of dedication of Husa Lane from the Subdivision Report.

Commissioner Hamilton inquired if either Street 5 or 7 would be extended to the south. Commissioner Monfort stated that as the hill is there, and the applicant would like to develop on that hill, other extensions to the south must be sought as Husa Lane is not being accepted by the City.

Asst. City Attorney Fuller asked that the amendments be framed in terms of what impacts the condition is to mitigate. He added that he would also advise that any motion be made as a motion of intent to allow staff time to research findings and/or to determine if recirculation of a mitigated negative declaration would be necessary.

Commissioner Hamilton stated that he would modify his motion to be a motion of intent, and accepting Commissioner Monfort's modifications.

Vice Chair Wright verified that in the suggested condition affecting lots along Husa Lane, the easement will not be included in that 20,000 square foot calculation. He stated that while he understood the developers' hesitation in punching Road 7 through the prime lots, doing so would best serve the connectivity to the south.

Commissioner Wahl noted that there are already two roads being stubbed to the south, which are the same number of access points going out of the project. Vice Chair Wright noted that at some point, the property to the south will have to have a mechanism to get the traffic flow to the south. Commissioner Hamilton stated that the need of the traffic flow can be adequately solved by taking Road 5 through.

Commissioner Monfort seconded the motion with the deletion of the amendment to stub Road 7 to the south.

Commissioner Wahl questioned whether enlarging the lots along the western boundary to 20,000 sq. feet or 80 percent would result in a taking issue. Asst. City Attorney Fuller explained that the easement is already there. Sr. Development Engineer Varga explained that the easement provides access to the west side of Husa Lane and parcels to the south.

Commissioner Wahl asked who the owner is for the land on which the 60 foot easement is over. Asst. City Attorney Fuller stated that the property is owned by Benedict Ranch, but the right to pass over that land is owned by those along Husa Lane and to the south. Director of Public Works Ross added that the City is not interested in it as a public roadway, but could deed the easement to the property owners. At the time the parcels were developed, the 60 foot easement was required. The maintenance clause in the deed on the easement says that the benefitting properties maintain the easement. The 16 foot easement specifically benefits the properties to the west, and the 60 foot easement benefits the properties to the south and

Benedict Ranch. Benedict Ranch will create a series of lots increasing the number of participants in that equation.

Commissioner Wahl questioned what will happen if development occurs to the south and uses Husa Lane. Sr. Development Engineer Varga stated that use of Husa Lane will be addressed at the time of the proposal for development to the south.

Commissioner Belmonte questioned the complexity of the motion and stressed that it is not the Commission's job to redesign a project. Commissioner Hamilton stated that they were not redesigning the project, but rather were mitigating traffic, density and neighborhood compatibility.

The motion was restated at the direction of the Commission. Commissioner Hamilton moved to adopt a motion of intent to adopt Resolution No. 98-4, adopting the mitigated negative declaration and approving the Benedict Ranch Vesting Tentative Subdivision Map (S 95-4), subject to the findings and conditions delineated therein, with amendments as follows: 1) that lots 55 and 35 be removed to provide access through the project; 2) that there be no walls along E. 8th or Husa Lane; 3) that access be on E. 8th Street for the abutting properties; 4) that the density be reduced along E. 8th Street and Husa Lane frontages to be compatible with Council directives (80 percent/20,000 sq. feet) with the understanding that the density can be redistributed to the east; 5) that improvements not be installed along E. 8th Street until the scenic roadway standards have been adopted; 6) that the bikeway be extended to Humboldt Road, and for the applicant to be reimbursed as development occurs; and 7) that the mention of a dedication of Husa Lane be removed from the Subdivision Report. Commissioner Monfort seconded the motion.

The motion failed on a vote of 3-3-1 (Commissioners Belmonte, Studebaker and Wahl opposed, Chair Dielte absent).

The Commission was in recess from 12:20 a.m. through 12:35 a.m.

Commissioner Hamilton stated that he had a discussion with Mr. Stevens regarding lots 71 and 72, who indicated while losing the lots would be a hardship, the applicants would be willing to accept it. Commissioner Studebaker stated that he spoke with John Merz regarding the 3-3 tie votes and asked for a City Attorney opinion should that happen again. Commissioner Belmonte stated that he spoke to Planning Director Seidler regarding the amount of changes proposed for the project during this meeting.

Asst. City Attorney Fuller stated that the "no action" by the Commission alternative has to be examined, and stated that to do so would stand as a denial of the project, which is an appealable action. He suggested that the Commission attempt to reach a decision based on sound findings rather than have no action.

Commissioner Wahl disclosed that he spoke with Gerry Leen regarding a Focused EIR. He inquired how much it would be estimated to cost, how long it would take to do and who would prepare the report. Planning Director Seidler responded that while the City has a list of consultants, the project scope and a Request for Proposals would have to be processed. Once a consultant has been selected, it could take an six months or more to process. While the cost of an EIR can vary, he would estimate that it would cost \$30,000-\$50,000.

Commissioner Wahl stated that he had been lead to believe it would take two to three months to prepare. Community Development Director Baptiste stated that given the nature of the public controversy involved in this particular project, it would take at least six months to respond to comments and proceed through the hearing process. Sr. Planner Palmeri added that given the issue of compatibility with the neighborhood, the proposed EIR would also have to deal with alternative designs, which may be time-consuming.

Commissioner Wahl moved to reopen the public hearing to work on a compromise. The motion died for lack of a second.

Commissioner Monfort reviewed the possible solutions. By approving a resolution, the Commission would provide a recommendation to the Council. If a resolution is not approved, the project will be denied. If the Commission does recommend that an EIR be conducted, the EIR process would bring it back to the Commission for another round of hearings both for Commission and Council. The proposal to modify the project would require a recirculation of the Initial Study, which would also require another Commission hearing.

Commissioner Monfort inquired what the consequences would be if an EIR on traffic were conducted and it was agreed that problems may occur with the CIP at build out. Planning Director Seidler stated that such a problem would be a policy issue related to development throughout the entire city. To tie this development cumulatively to other developments would require findings that the effects of this project are cumulatively considerable.

Vice Chair Wright stated that if an EIR is required for this project based on potential cumulative impacts and funding assumptions for if or when CIP improvements are to be installed, such a requirement would apply to other projects in the area as well, and potentially for any project, no matter what size, based on those same assumptions. Planning Director Seidler agreed that such a situation could evolve, or a certain threshold at which it applies could be established.

Commissioner Monfort stated that the argument regarding traffic improvements is not necessarily related to this project, but rather how Council is going to fund improvements and charge developer fees or whether Council needs to come up with better funding mechanisms for funding improvements.

Commissioner Studebaker stressed that the Commission cannot approve a project when it does not know what will happen to the needed improvements for the project. Vice Chair Wright stated that such an argument may be advanced for any project. Sr. Planner Palmeri stated that when reviewing individual projects, the Initial Study will be weighed and the

Commission can determine if these arguments are applicable. He suggested that the Commission weigh the merits of the project first and come to a determination based on that information.

Commissioner Belmonte stated that if no substantial evidence of significant impact on the environment is raised, then a mitigated negative declaration is applicable. Conversely, if such a question has been raised, an EIR should be required. In this instance, there has been enough substantial evidence to question the Initial Study; thus, an EIR should be required.

Commissioner Hamilton reviewed the mitigation for access, density and connectivity as proposed by the previous motion.

Asst. City Attorney Fuller reviewed the findings as listed in the Resolution. If there is substantial evidence that there is fair argument that there be significant impact, the Commission cannot adopt a negative declaration.

Commissioner Belmonte stated that the number of amendments proposed for the project point to where there are impacts. Commissioner Hamilton stated that the amendments mitigated potential impacts.

Commissioner Wahl suggested the Commission forward the proposal to Council with no recommendation.

Asst. City Attorney Fuller stated that no action is tantamount to disapproval of the project without findings. If the Commission cannot take action on the environmental documentation, then the Commission should disapprove the project.

Commissioner Wahl clarified that the motion would recommend that Council consider the project.

Commissioner Monfort stated that he ~~would~~ *was considering* supporting an EIR, ~~as those arguments can be used with any project which may impact the Bruce Road corridor, in an effort to get this project to Council.~~ *But*, he expressed concern that if he were to support the earlier motion to require an EIR, then he would be endorsing the thought that any project on the east side has to assume a four-lane road through Bidwell Park, and Caltrans would improve the State highways.

Vice Chair Wright stated that several weeks ago the Commission adopted a mitigated negative declaration on a project in the area, and suggested that these same arguments could have been applied to that project.

Commissioner Belmonte stated his opinion that there was enough evidence presented to indicate a good likelihood that there are significant impacts which cannot be mitigated. More information on those impacts may be necessary, through an EIR.

Vice Chair Wright stated his belief that the Commission is deadlocked. He questioned if a motion of no action is necessary or if the Commission could let the past votes stand. Asst. City Attorney Fuller stated that while the Commission can let the past votes stand, by not adopting a mitigated negative declaration or requiring an EIR, the Commission would be effectively denying the project.

Commissioner Belmonte moved to require a focused EIR on the cumulative impacts, traffic and hydrology. Commissioner Studebaker seconded the motion.

The Commission was in recess from 1:05 a.m. through 1:10 a.m.

Commissioner Belmonte restated the motion to require a focused EIR on the cumulative impacts, traffic and hydrology. The motion failed 3-3-1 (Commissioners Hamilton, Monfort and Wright opposed, Chair Dietle absent).

Commissioner Hamilton moved to adopt Resolution No. 98-4, adopting the mitigated negative declaration and approving the Benedict Ranch Vesting Tentative Subdivision Map (S 95-4), subject to the findings and conditions delineated therein, with amendments as follows: 1) that lots 55 and 35 be removed to provide access through the project; 2) that there be no walls along E. 8th or Husa Lane; 3) that access be on E. 8th Street for the abutting properties; 4) that the density be reduced along E. 8th Street and Husa Lane frontages to be compatible with Council directives (80 percent/20,000 sq. feet) with the understanding that the density can be redistributed to the east; 5) that improvements not be installed along E. 8th Street until the scenic plan has been adopted; 6) that the bikeway be extended to Humboldt Road, and for the applicant to be reimbursed as development occurs; and 7) that the mention of a dedication of Husa Lane from the Subdivision Report. Commissioner Monfort seconded the motion which failed 3-3-1 (Commissioners Belmonte, Studebaker and Wahl opposed, Chair Dietle absent).

Commissioner Wahl moved to forward the proposal to Council with no action or recommendation. Commissioner Monfort seconded the motion.

Commissioner Studebaker asked whether there would be appeal money involved, and whether such a recommendation would ensure a hearing by the Council. Asst. City Attorney Fuller stated that no action is an effective denial. The alternative is to deny the project without prejudice to allow an appeal to Council. Sr. Planner Palmeri stated that an appeal will get to Council within 30 days.

Commissioner Wahl withdrew the motion at Asst. City Attorney Fuller's request.

Asst. City Attorney Fuller stated that the Commission would need a majority vote to deny the project without prejudice. A denial of a project without prejudice would allow the project to come back for a public hearing within one year. Vice Chair Wright inquired if specific findings would be needed in that instance. Planning Director Seidler recommended that a

finding be made that 'the Commission was unable to arrive at a determination on the environmental review on the project.'

Vice Chair Wright stated that he would prefer to forward the proposal to Council with no recommendation.

COMMISSIONER WAHL MOVED TO FORWARD VESTING TENTATIVE SUBDIVISION MAP 95-4 BENEDICT RANCH SUBDIVISION TO COUNCIL WITH NO RECOMMENDATION. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS APPROVED 4-2-1 (COMMISSIONER BELMONTE AND HAMILTON OPPOSED, CHAIR DIETLE ABSENT).

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

None.

ADJOURNMENT

The Commission adjourned at 1:20 a.m. to the Regular Meeting of September 14, 1998 at 7:30 p.m.

September 21, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
MEETING OF SEPTEMBER 14, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, William Hamilton, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Staff present were City Attorney David Frank, Planning Director Kim Seidler and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

None.

CONSENT AGENDA

1. Minutes of Adjourned Regular Meeting of July 20, 1998.

Recommended Action: Approve with any corrections/revisions required.

2. Minutes of Adjourned Regular Meeting of August 17, 1998.

Recommended Action: Approve with any corrections/revisions required.

COMMISSIONER STUDEBAKER MOVED APPROVAL OF THE CONSENT CALENDAR. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

- 3. Use Permit 98-30 (Chico Auto and Truck Recycling) - 2535 Fair Street - A request to allow the expansion of an existing auto and truck recycling business (auto wrecking yard) with barbed wire on top of the existing perimeter walls in excess of 6 feet tall, and including additional parking. The property located at 2535 Fair Street and 275 East Park Avenue, is identified as Assessor's Parcel Nos. 005-520-014, 019 and 020. The subject property is designated Manufacturing and Warehousing on the General Plan diagram and is in an M-1 Limited Manufacturing zoning district. This project has been determined to be exempt from environmental review, pursuant to the**

California Environmental Quality Act (CEQA), Section 15301, Minor Expansion of Existing Facilities.

Planning Director Seidler presented the staff report to legitimate an existing use. He described the land use and environmental issues involved and reviewed the conditions of approval as recommended by staff. He noted that he is recommending the proposed addition, a new Condition 4 (renumbering the conditions following) that within six months of issuance of this use permit, the permittee shall complete construction of a perimeter sound wall around the expansion area consistent with Chico Municipal Code requirements.

Commissioner Monfort asked if the Butte County Department of Environmental Health was involved with the site to monitor battery or other fluid leakage and if bonding procedures were in place in the event of groundwater contamination. Planning Director Seidler stated that the applicant may be able to address those concerns. He noted that such facilities have impermeable surfaces in a confined dismantling area with the largest part of the facility being used for storage.

The public hearing was opened at 7:40 p.m.

Jerome Johnson, 2535 Fair Street, the applicant, stated that there is no dismantling of vehicles on this property as all dismantling is done within the building on the adjacent property. He noted that the facility is permitted through Butte County Health, Water Resources and has a HazMat plan. He expressed concern regarding the sound wall as the property is rented, and as such, they would choose to build a metal fence.

Planning Director Seidler stated that the way the condition is written, a site obscuring masonry wall would be required. Staff would be willing to alter the condition to allow any site obscuring fence as approved by the Architectural Review Board.

There being no further comment, the public hearing was closed at 7:43 p.m.

COMMISSIONER STUDEBAKER MOVED TO DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15301 AND APPROVE USE PERMIT 98-30 WITH THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN SECTION VII OF THE STAFF MEMORANDUM DATED SEPTEMBER 1, 1998, WITH AMENDMENTS INCLUDING ADDING A NEW CONDITION 4, "WITHIN SIX MONTHS OF ISSUANCE OF THIS USE PERMIT, THE PERMITTEE SHALL COMPLETE CONSTRUCTION OF A PERIMETER SOUND WALL AROUND THE EXPANSION AREA CONSISTENT WITH CHICO MUNICIPAL CODE REQUIREMENTS," RENUMBERING THE FOLLOWING CONDITIONS, AND AMENDING CONDITION 5 TO INCLUDING CINDER BLOCK OR OTHER SITE OBSCURING AS APPROVED BY THE ARCHITECTURAL REVIEW BOARD. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

4. **Amendment to Title 19 Land Use Regulation** - The following changes are proposed to Title 19 Land Use Regulation of the Chico Municipal Code:
- 1.) Add public and private schools and day care centers as uses permitted subject to a use permit in the C-O Commercial Office, C-1 Restricted Commercial, C-2 General Commercial, and M-1 Limited Manufacturing zoning districts; and
 - 2.) Alter the provisions relating to the sale of used items by:
 - a. Amending the C-C Central Commercial zoning district to allow antique stores as a permitted use;
 - b. Establishing definitions for secondhand stores and thrift shops;
 - c. Adding second hand stores into the C-C Central Commercial and C-1 Restricted Commercial districts as a permitted use; and
 - d. Adding thrift shops and pawn shops into the C-1 Restricted Commercial and C-2 General Commercial zoning districts as permitted uses.

It has been determined that this amendment is exempt from environmental review pursuant to Section 15061(b)(3), of the California Environmental Quality Act (CEQA).

Planning Director Seidler commented that staff is currently preparing a draft Title 19 for a series of workshops and hearings for recommendation to Council. With that process, staff has been reviewing land use trends and has brought this forward in response to existing non-conforming uses and inquiries received by staff. He reviewed the components of the proposed changes and stated that the Commission is being asked to make a recommendation to Council. He noted that there is a correction to the environmental review section of the report; the proposal does constitute a project but is still exempt from environmental review. He reviewed a letter from Butte County Air Quality Management District (AQMD) which expressed concern regarding emissions and pollutants in proximity to young children.

Commissioner Monfort expressed concern that even though there may be no incompatibility, it may be perceived as such. He suggested directing staff to evaluate the impacts on proposed sites prior to specific project reviews by the Commission. Planning Director Seidler agreed, stressing that use permits are discretionary approvals and that AQMD can respond to complaints and can take action to ensure that emission standards are not exceeded.

Commissioner Monfort suggested that the list of uses which may impact air quality as given by AQMD, be included in the ordinance to ensure that review of the possible hazardous exposures be reviewed prior to use permit approvals. Chair Dietle reviewed uses listed.

In response to a question from Commissioner Studebaker, Planning Director Seidler stressed that administrative use permits are subject to the same requirements for environmental review as use permits that require Commission approval.

The public hearing was opened at 7:55 p.m.

Evan O'Donnell, 2128 Zuni Avenue, expressed concern with allowing schools in industrial use/commercial use zones, citing a situation with Wittmeier Collision Center, which has a use permit, adjacent to Chapman School. She indicated AQMD stated that they are constrained by the allowed uses in the area zoning.

Commissioner Monfort noted that one advantage of the proposal would be to have a daycare/school near the parents work locations, equating to less miles traveled, less chance of accidents and less pollutants. He pointed to a use permit for a daycare facility located on Otterson Drive, which at the time of approval, concerns arose regarding paint fumes and the KV lines. Ms. O'Donnell stated that paint fumes can be deadly and are more concentrated than most emissions. She stressed that she is concerned with air quality near children, particularly in industrial areas.

Mave O'Donnell, 1962 Wild Oak Lane, stated that at a recent meeting on air quality in the Chapman area, the chairperson suggested that the problem of industrial zones along 20th street should be addressed to the Planning Commission. She noted her opposition to the proposal.

There being no further comment, the public hearing was closed at 8:10 p.m.

At Commissioner Monfort's suggestion, the Commission agreed to address the issue of daycare and schools separate from the remaining proposed amendments.

At Commissioner Studebaker's request, Planning Director Seidler read the definitions for secondhand and thrift stores as proposed in the draft ordinance.

COMMISSIONER MONFORT MOVED TO RECOMMEND COUNCIL APPROVAL FOR ADOPTION OF THE PROPOSED ORDINANCE, AMENDING PROVISIONS OF TITLE 19 LAND USE REGULATIONS PERTAINING TO 1) CHANGE THE C-C ZONING DISTRICT TO ALLOW ANTIQUE STORES AS A PERMITTED USE; 2) ESTABLISHES DEFINITIONS FOR SECONDHAND STORES AND THRIFT SHOPS; 3) ADD SECONDHAND STORES INTO THE C-C AND C-1 DISTRICTS AS PERMITTED USES; AND 4) ADD PAWN SHOPS AND THRIFT SHOPS AS PERMITTED USES IN THE C-1 AND C-2 ZONING DISTRICTS. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS APPROVED 6-1 (COMMISSIONER HAMILTON OPPOSED).

In response to a question from Commissioner Monfort, Planning Director Seidler stated that while he was unsure if AQMD does have differing standards based on zoning district, it would make sense to have higher standards in higher density areas. While the City may have

jurisdiction through the California Environmental Quality Act to raise standards in certain areas, staff generally lacks the expertise to make such evaluations.

Commissioner Hamilton expressed concern with any additional traffic impacts in areas where there are children. Commissioner Monfort noted that many schools in Chico are exposed to extremely high traffic volumes, particularly those on East Avenue, while many industrial areas have only peak hour traffic. Planning Director Seidler stated that while he believes in a greater mix of uses, but with controls in place that rely on the sensitivity of staff, decision makers and the community at large.

Chair Dietle quoted the letter from AQMD which notes that the Health and Safety Code requires that AQMD send notices to parents of children attending schools within 1/4 mile radius and to all addresses up to 1000 feet of the issuance of a permit which has the potential to emit specified hazardous air contaminants. She stressed that the Commission would not be allowing children to be in schools close to hazardous air contaminants without some noticing procedures in place.

At the request of Commissioner Wright, Planning Director Seidler reviewed that when any application is processed, comments are solicited from several agencies. This does not, of course, guarantee that the request will come to the right person's attention or that the agency receiving the request will have enough information or expertise.

Commissioner Hamilton verified that currently no daycares or schools are allowed in the M-1 district.

In response to a concern from Commissioner Monfort, Planning Director Seidler stressed that the Commission does need to compare the risk factors with each. While the mixed uses can work, discretionary approvals would allow the Commission to view both current and projected uses in the area.

Commissioner Hamilton moved to not forward a recommendation of approval to amend Title 19 to allow public and private schools and daycare centers as uses permitted subject to use permit in the C-O, C-1, C-2 and M-1 zoning districts. Commissioner Monfort seconded the motion which failed 1-6 (Commissioners Belmonte, Dietle, Monfort, Studebaker, Wahl and Wright).

Commissioner Monfort suggested adopting AQMD recommendation into staff procedures in order to ensure consideration of the issues prior to Commission review of a use permit. Planning Director Seidler stated that such review is currently in place. Commissioner Monfort asked that staff be made aware of the issues and the uses which are involved. Planning Director Seidler stated that prior to this propose going to Council, staff will review current procedures and request AQMD presence at the Council meeting.

Commissioner Hamilton expressed concern that a project dealing with hazardous substances may develop in the area following Commission approval of a school or daycare in the area. Planning Director Seidler stressed that the discretionary permit process does

allow the Commission to review each request on its own merits based on the request and the area which it is in.

In response to a question from Commissioner Hamilton, Chair Dietle noted that with any use permit requests, all property owners within 300 feet are noticed of the request and public hearing.

COMMISSIONER MONFORT MOVED TO FORWARD A RECOMMENDATION OF APPROVAL TO COUNCIL TO AMEND TITLE 19 TO ALLOW PUBLIC AND PRIVATE SCHOOLS AND DAYCARE CENTERS AS USES PERMITTED SUBJECT TO USE PERMIT IN THE C-O, C-1, C-2 AND M-1 ZONING DISTRICTS. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED 6-1 (COMMISSIONER HAMILTON OPPOSED).

CORRESPONDENCE

5. **Memorandum from City Attorney Dave Frank**, dated August 28, 1998, regarding Planning Commission Tie Votes and Referral Motion Re: Benedict Ranch Subdivision.
6. **Memorandum from Transportation Coordinator**, dated August 27, 1998, regarding City of Chico Capital Improvement Program, 1999-2000 to 2003-2004.

Chair Dietle noted that the Council will be holding a workshop on the Capital Improvement Program on Friday, September 18th at 2:00 p.m.

BUSINESS FROM THE FLOOR

John Gillander, 4328 Kathy Lane, stated that the Commission is in violation of Section 1005 of the Charter regarding conviction of moral turpitude and asked that Commissioner Belmonte be removed from the Commission. Chair Dietle stated that such a decision is within the jurisdiction of the Council rather than the Commission itself. She added that the issue was previously discussed by Council and it upheld the appointment.

Chair Dietle discussed the use of the consent calendar with City Attorney Frank. He explained that the use of a consent calendar is for item of non-controversial nature. If the Commission does see several of one type of these, a Code amendment to make such decisions administrative should be considered. When the agenda can be ordered in such a way that findings that were referenced and the public hearing opened enough to solicit public comments, then a consent calendar can be used. Planning Director Seidler stated that he intended to construct such an agenda for the first Commission meeting in October.

PLANNING UPDATE

Planning Director Seidler proposed that the Commission begin their meetings at an earlier meeting time and stated that he would be recommending an amendment to the Code to hold the meeting on Thursday nights. Commissioner Studebaker stated that he would support a

7:00 p.m. start time, giving the public time for dinner prior to the meeting. The Commission consensus was to begin meetings at 7:00 p.m. on Thursday beginning at the first meeting in October.

ADJOURNMENT

The Commission adjourned at 8:55 p.m. to the Adjourned Regular Meeting of September 21, 1998 at 7:30 p.m.

October 5, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
MEETING OF SEPTEMBER 21, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Commissioner William Hamilton was absent. Staff present were Senior Development Engineer Tom Varga, Planning Director Kim Seidler, Senior Planner Tom Hayes and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

Later in the meeting Commissioner Studebaker disclosed that he received a telephone call from John Merz regarding Agenda Item 6.

CONSENT CALENDAR

1. Minutes of Adjourned Regular Meeting of August 24, 1998.

Recommended Action: Approve with any corrections/revisions required.

Chair Dietle stated that she was abstaining from the item as she was not present at the meeting. Commissioner Belmonte stated that he was also abstaining on the item.

ITEMS REMOVED FROM THE CONSENT CALENDAR

1. Minutes of Adjourned Regular Meeting of August 24, 1998.

Recommended Action: Approve with any corrections/revisions required.

Commissioner Monfort stated that he would like to correct the sentence at top of Page 18 - to read "Commissioner Monfort stated that he ~~would~~ *was considering* supporting an EIR, ~~as those arguments can be used with any project which may impact the Bruce Road corridor, in an effort to get this project to Council.~~ *But,* he expressed concern that if he were to support the earlier motion to require an EIR, then he would be endorsing the thought that any project on the east side has to assume a four-lane road through Bidwell Park, and Caltrans would improve the State highways. "

COMMISSIONER MONFORT MOVED APPROVAL OF THE MINUTES OF AUGUST 24, 1998, AS AMENDED. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED 4-0-1-2 (COMMISSIONER HAMILTON ABSENT, COMMISSIONER BELMONTE AND CHAIR DIETLE ABSTAINED).

REGULAR AGENDA

- 2. Use Permit No. 98-31 (Glende Inc.)- 2827 Esplanade** - A request to allow the use of an existing building for the sales and service of used cars and personal recreation vehicles (snowmobiles, all terrain vehicles and watercraft). The property is located at 2827 Esplanade, and is identified as Assessor's Parcel No. 006-350-021. The subject property is designated Community Commercial on the General Plan diagram, and is in a C-1 Restricted Commercial zoning district. This project has been determined to be exempt from environmental review, pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).

Planning Director Seidler presented the staff report for the request to allow sales of used cars and recreational vehicles. He reviewed the land use issues and the recommendations from staff. He noted that a recent site review has caused the following recommended changes to the conditions of approval: 1) all references to the dumpster be deleted from Condition 4, 2) Condition 1 that the "Plat to Accompany Use Permit UP-98-31" be modified to be "Plat to Accompany use Permit UP-98-31 with the display layout marked as Attachment C". He explained that Condition 1 was recommended to be modified to delete the two parking spaces parallel to the southeast property boundary. In response to a question from Commissioner Wright regarding Condition 3, Planning Director Seidler explained that the Fire Department has preliminarily reviewed the site plan, but has not yet approved the plan. At Commissioner Monfort's suggestion, Planning Director Seidler proposed language for a condition of approval regarding hours of operation to read; Service and maintenance of vehicles shall be conducted indoors between the hours of 9:00 a.m. to 6:00 p.m. Monday through Saturday, and shall be incidental to the primary sales function of the site.

The public hearing was opened at 7:45 p.m.

Greg Glende, 2827 Esplanade, the applicant, agreed to the condition regarding hours of operation and reviewed that any outside automotive work will be done on the south side of the building.

There being no further comment, the public hearing was closed at 7:47 p.m.

COMMISSIONER BELMONTE MOVED TO DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15301, AND THAT THE COMMISSION APPROVE USE PERMIT 98-31 WITH THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN SECTION VII OF THE STAFF MEMORANDUM DATED SEPTEMBER 9, 1998, AS AMENDED : 1)

CONDITION 1 THAT THE "PLAT TO ACCOMPANY USE PERMIT UP-98-31" BE MODIFIED TO BE "PLAT TO ACCOMPANY USE PERMIT UP-98-31 WITH THE DISPLAY LAYOUT MARKED AS ATTACHMENT C"; 2) ALL REFERENCES TO THE DUMPSTER BE DELETED FROM CONDITION 4, AND; 3) SERVICE AND MAINTENANCE OF VEHICLES SHALL BE CONDUCTED INDOORS BETWEEN THE HOURS OF 9:00 A.M. TO 6:00 P.M. MONDAY THROUGH SATURDAY, AND SHALL BE INCIDENTAL TO THE PRIMARY SALES FUNCTION OF THE SITE. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED (COMMISSIONER HAMILTON ABSENT).

3. **Use Permit 98-34 (Associated Students, Inc.) - 418 Ivy Street** - A request to allow a mixed use facility to include administrative offices, a rental center for an outdoor recreational program, storage and a recycling collection center. The property is located at 418 Ivy Street (formerly the Rainbow Bread Bakery) and is identified as Assessor's Parcel No. 004-125-001. The property is designated Medium-High Density Residential on the General Plan diagram and is located in a M-1 Limited Manufacturing zoning district. This project has been determined to be exempt from environmental review, pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).

Sr. Planner Hayes presented the staff report to use an existing building for a mix of uses. He reviewed the land use issues and recommendations from staff.

At Commissioner Monfort's request, Sr. Development Engineer Varga reviewed the public improvements which could be required and noted that certain improvements would be necessary in order to provide handicapped access, including concrete work along Cherry Street to the corner of 4th Street with a handicapped ramp.

Chair Dietle expressed concern that the storage of recycling goods inside, as indicated in the proposal from the applicant, was not addressed as a condition.

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

Sally Parenti, representing the applicant, and Barbara Kipicki, Recycling Coordinator for Associated Students, addressed the Commission. Ms. Kipicki stated that the intent of the recycling program is to sort the recycled goods indoors, to be dumped into bins in gated areas. Once a baler has been purchased, some of these items will be baled and stored inside.

There being no further comment, the public hearing was closed at 7:58 p.m.

COMMISSIONER STUDEBAKER MOVED TO DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15301 AND APPROVE USE PERMIT 98-34 (ASSOCIATED STUDENTS, INC.) SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN SECTION VI OF THE STAFF MEMORANDUM DATED SEPTEMBER 10, 1998, ADDING A CONDITION 6, ALL

5. **General Plan Amendment No. 98-2 (City of Chico)** - This project proposes an amendment to the Community Design Element (CDE) of the Chico General Plan. The project proposes to remove the implementation policies from the CDE and distribute them among other Plan elements such as the Land Use Element; Parks, Public Facilities and Services Element; Housing Element; and Transportation Element. Guiding policies within the CDE will remain with some minor modifications. The proposed changes will effectively retain the CDE as a guiding element. A glossary of terms is also proposed to provide clarity of meaning to language within the CDE. No physical changes to the environment are associated with this project.

An initial study for environmental review has been prepared for this project, upon which the Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA); a 20-day public review period was conducted. A mitigated negative declaration is a determination that project will not have a significant impact on the environment with incorporation of specific mitigation.

Planning Director Seidler presented the staff report for the City Council initiated General Plan amendment. He noted that the amendment would result in the relocation of all implementing policies and retaining the guiding policies with some modifications. He stressed that the proposal is a compromise and is a way to resolve some major issues of the General Plan to allow for full implementation of the Plan. He added that the Council also directed that an expansion of the General Plan glossary.

The public hearing was opened at 8:35 p.m., to which there were no comments.

COMMISSIONER MONFORT MOVED TO FORWARD A RECOMMENDATION OF APPROVAL TO COUNCIL TO APPROVE GENERAL PLAN AMENDMENT NO. 98-2, AMENDING THE COMMUNITY DESIGN ELEMENT (NOT INCLUDING THE PROPOSED GLOSSARY). COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS APPROVED 5-1-1 (COMMISSIONER STUDEBAKER OPPOSED, COMMISSIONER HAMILTON ABSENT).

The Commission discussed the meaning of neighborhood or district and how detailed such a definition should be.

The public hearing was opened at 8:50 p.m.

The following people addressed the Commission, John Gillander, 4328 Kathy Lane, John Luvaas, 1980 Wild Oak Lane, and Jim Mann, 70 Declaration Drive, representing the Building Industry Association (BIA). Concerns were expressed regarding the inclusion of ethnicity or economics in the definition for neighborhood, the need for interpretation of what a neighborhood is. Mr. Luvaas also suggested further amendments to the glossary, including: 1) The definition for "livability" be modified, replacing the word citizens with residents and other people. 2) The definition for "continuity and connection" be modified to include

pedestrian paths and sidewalks as part of the means of defining a geographical area. Mr. Mann stated that the BIA would be presenting further concerns to the Council.

There being no further comment, the public hearing was closed at 9:00 p.m.

Commissioner Studebaker moved to omit term "neighborhood or district" from the proposed addition to the General Plan Glossary. Commissioner Wright seconded the motion.

Commissioner Monfort suggested that the Commission submit alternative definitions.

Commissioner Wahl suggested the motion be amended to define a neighborhood as "an area of the City." Commissioner Studebaker did not accept the amendment.

Commissioner Belmonte suggested that a workshop be held to provide further input from the BIA and other community members.

The motion to remove "neighborhood or district" from the proposed was defeated 3-3 (Commissioners Belmonte, Monfort and Wahl opposed, Commissioner Hamilton absent.)

Commissioner Monfort suggested that the Commission consider including a negative definition of a neighborhood to read "An area of the community, not just a subdivision." Commissioner Wahl stated that he would not accept such a definition.

CHAIR DIETLE MOVED TO FORWARD THE PROPOSED ADDITIONS TO THE GENERAL PLAN AS WRITTEN WITH AMENDMENTS TO THE DEFINITIONS AS FOLLOWS: 1) AMEND THE DEFINITION FOR "CONTINUITY AND CONNECTION" TO INCLUDE PEDESTRIAN AND BICYCLE PATH; 2) AMEND THE DEFINITION FOR "LIVABILITY" CHANGING THE WORD CITIZENS TO RESIDENTS; 3) AMEND "NEIGHBORHOOD OR DISTRICT" TO READ, "AN AREA OF A COMMUNITY THAT DISTINGUISHES IT FROM OTHER AREAS AND THAT GENERALLY INCLUDES CHARACTERISTICS, HOUSING TYPES, SCHOOLS, OR BOUNDARIES DEFINED BY PHYSICAL BARRIERS, SUCH AS MAJOR ROADWAYS, RAILROADS, OR NATURAL FEATURES SUCH AS CREEKS. THIS DEFINITION INCLUDES A MIX OF LAND USES." COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS APPROVED 5-1-1 (COMMISSIONER WAHL OPPOSED, COMMISSIONER HAMILTON ABSENT).

6. **General Plan Amendment No. 97-6 (City of Chico)** - This project would amend the General Plan Open Space Element deleting Implementing Policies OS-I-46 and OS-I-47. The policies to be deleted would establish an impact fee on development resulting in the conversion of agricultural land, earmarking such revenue toward acquiring a greenbelt to further protect agricultural land and to prepare the necessary nexus study to establish such a fee. The City Council initiated this amendment after receiving a recommendation from an appointed task force and the Planning Commission. A Supplemental Environmental Impact Report (SEIR) to the Chico General Plan Environmental Impact Report was prepared and distributed for public and agency review and comment for at least a 45-day period.

Sr. Planner Hayes presented the staff report for a General Plan amendment initiated by the Council to delete Implementation Policies OS-I-46 and OS-I-47 from the General Plan. He reviewed the environmental review process, which resulted in a Draft Supplemental Environmental Impact Report, and Addendum Response to Comments which together comprise the Final Supplemental Environmental Impact Report.

At Chair Dietle's request Commissioner Belmonte, as a member of Agricultural Land Review Committee, stated that he now questions if whether or not this will protect those agricultural lands outside of the urban area, although he was initially in favor of the proposal. He explained his concern that without an established definition of the urban boundary, the lack of a mitigation measure will not promote agricultural use outside of the urban boundary. He suggested that the Committee be reconvened to verify its consensus.

Commissioner Studebaker disclosed that he received a telephone call from John Merz prior to this meeting, expressing concerns that one of his comments, Comment 3.3, was not addressed in the response.

The public hearing was opened at 9:25 p.m.

The following people addressed the Commission: Jim Mann, 70 Declaration Drive, speaking as a private land use consultant, Keith McKinley, 717 Edwards #3, Paradise, John Gillander, a previous speaker, and John Luvaas, a previous speaker. The speakers expressed concern with the stability of the greenline, the confusion of the CalFed process and the effect of reduced densities on the greenline at General Plan build out. These speakers made several suggestions, including an agricultural mitigation fee to be placed on agricultural land and paid should it be rezoned to another use, and study of the land values inside and outside the greenline in order to determine how well the greenline is working.

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

Commissioner Belmonte expressed concern with the relationship between the City and County and their combined understanding and enforcement of the greenline and suggested that a Memorandum of Understanding would be helpful in dealing with development as it reaches the greenline.

COMMISSIONER MONFORT MOVED TO FORWARD A RECOMMENDATION THAT THE COUNCIL CERTIFY THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT AND ADOPT GENERAL PLAN AMENDMENT 97-6 DELETING GENERAL PLAN IMPLEMENTING POLICIES OS-I-46 AND OS-I-47 AND RECOMMEND THAT THE COUNCIL RECONVENE THE AGRICULTURAL LAND REVIEW COMMITTEE TO FIND WAYS TO REINFORCE THE GREENLINE AND MAKE IT PERMANENT.

Commissioner Belmonte suggested that OS-I-47 remain in place with modified wording so that an appropriate mitigation mechanism be established. Commissioner Monfort expressed

concern with that proposal. Chair Dietle stressed that lands currently within the General Plan development area are already designated for development.

COMMISSIONER WRIGHT SECONDED THE MOTION, WHICH WAS APPROVED 5-1-1 (COMMISSIONER BELMONTE OPPOSED, COMMISSIONER HAMILTON ABSENT).

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

None.

ADJOURNMENT

The Commission adjourned at 10:10 p.m. to the Regular Meeting of October 5, 1998.

October 19, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
OCTOBER 5, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, William Hamilton, Kirk Monfort, Jonathan Studebaker and Larry Wahl. Chair Dietle explained that Commissioner Michael Wright was unable to attend the meeting. Staff present was Senior Planner Ed Palmeri.

DISCUSSION OF EX PARTE COMMUNICATION

None.

CONSENT AGENDA

1. Minutes of Regular Meeting of September 14, 1998.

Recommended Action: Approve with any corrections/revisions required.

COMMISSIONER STUDEBAKER MOVED TO APPROVE THE CONSENT AGENDA, WHICH COMMISSIONER MONFORT SECONDED. THE MOTION WAS APPROVED 6-0-1 (COMMISSIONER WRIGHT ABSENT).

REGULAR AGENDA

- 2. Use Permit 98-37 (Jorth) - 3023-B The Esplanade** - A request to allow the manufacturing of small part molds at 3023-B The Esplanade. An existing food processing operation will be replaced by the mold production business, which is a less intensive non-conforming use than the food processing operation. The property is identified as Assessor's Parcel No. 006-270-014, which is designated as Community Commercial on the General Plan Diagram and located in a C-1 Restricted Commercial zoning district. The project has been determined to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15303, New Construction and Conversion of Small Structures.

Sr. Planner Palmeri presented the staff report, reviewed the land use issues and conditions of approval.

The public hearing was opened at which the applicant, Steve Jorth, 1819 Citrus Avenue stated that he agreed with the recommended conditions. There were no further comments.

COMMISSIONER STUDEBAKER MOVED TO DETERMINE FIND THE PROPOSAL CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, SECTION 15303, AND APPROVE USE PERMIT 98-37 (JORTH), SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE SECTION VI OF THE STAFF MEMORANDUM DATED SEPTEMBER 22, 1998. COMMISSIONER HAMILTON SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (COMMISSIONER WRIGHT ABSENT).

BUSINESS FROM THE FLOOR

The Commission expressed a consensus in favor of the proposed meeting times.

In response to Commissioner Monfort, Sr. Planner Palmeri indicated that hearings on the pending Title 19 changes would begin by the end of the year, but no time frame has been set at this time. He also indicated that there will be changes to the noise ordinance that may come to the Commission also affecting Title 19.

PLANNING UPDATE

Sr. Planner Palmeri noted that at their last meeting, the City Council discussed the Benedict Ranch proposal.

ADJOURNMENT

The Commission adjourned at 7:35 p.m. to the Adjourned Regular Meeting of October 19, 1998.

November 16, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
OCTOBER 19, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, William Hamilton, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Staff present were City Attorney David Frank, Senior Planner Ed Palmeri and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

None.

ADMINISTRATIVE AGENDA

1. Minutes of Adjourned Regular Meeting of September 21, 1998.

Recommended Action: Approve with any corrections/revisions required.

COMMISSIONER STUDEBAKER MOVED TO APPROVE THE ADMINISTRATIVE AGENDA, WHICH COMMISSIONER HAMILTON SECONDED, AND WAS UNANIMOUSLY APPROVED.

CONSENT AGENDA

- 2. Use Permit No. 98-38 (Allread)** - A request to allow a second residential unit and additional height to an accessory structure in excess of the 15 foot height maximum on property located at 1430 Bidwell Avenue, Assessor's Parcel No. 043-253-006. The property is designated Low Density Residential in the City of Chico General Plan and located in a R-1 Single Family Residential zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15303 (New Construction of Small Structures) and 15301 (Existing Facilities).

The public hearing on the Consent Agenda was opened at 7:35 p.m.

Jessie Allread, the applicant, stated that he was opposed to Condition 4, requiring the installation of urban improvements, Condition 6 limiting windows along the west elevation of the second story, and Condition 7, requiring a Home Occupation Permit.

Sr. Planner Palmeri explained the conditions and recommended that Condition 7 be removed as the applicant will not be conducting business on the site. He reviewed a revised Condition 4 as distributed to the Commission prior to the hearing.

There being no further comment, the public hearing was closed at 7:45 p.m.

COMMISSIONER STUDEBAKER MOVED TO DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA SECTIONS 15303 (NEW CONSTRUCTION OF SMALL STRUCTURES) AND 15301 (EXISTING FACILITIES) AND APPROVE USE PERMIT NO. 98-38 SUBJECT TO THE FINDINGS AND CONDITION OF APPROVAL AS LISTED IN THE STAFF MEMORANDUM DATED OCTOBER 7, 1998, AMENDING CONDITION 4 AS NOTED IN THE ADDITIONAL STAFF MEMORANDUM DATED OCTOBER 19, 1998 AND ELIMINATING CONDITION 7. COMMISSIONER MONFORT SECONDED THE MOTION.

Commissioner Wahl requested the deletion of Condition 4. Commissioner Studebaker did not accept the amendment.

THE MOTION WAS APPROVED ON A VOTE OF 6-1 (COMMISSIONER WAHL OPPOSED).

REGULAR AGENDA

- 3. Use Permit UP-98-35 (West Valley Construction)** - A request to allow development and operation of a construction contracting office and storage yard on a 7.7± acre portion of property located at the southwest corner of East 23rd Street and Whitman Avenue, Assessor's Parcel No. 005-560-005. The property is designated Manufacturing and Warehousing on the General Plan Diagram and is zoned M-1 Limited Manufacturing. A mitigated negative declaration is recommended for this project under the California Environmental Quality Act.

Sr. Planner Palmeri presented the staff report, reviewed the land use issues and the conditions of approval.

Chair Dietle verified that the site obscuring fence did not necessarily mean a masonry wall.

At Commissioner Monfort's request, Sr. Planner Palmeri reviewed the alternate alignment of 23rd Street which is currently being proposed.

The public hearing was opened at 7:55 p.m.

Miles Pustejovski, NorthStar Engineering, representing the applicant, stated that he was present to answer any questions the Commission may have.

There being no further comments, the public hearing was closed.

COMMISSIONER MONFORT MOVED TO ADOPT THE PROPOSED MITIGATED NEGATIVE DECLARATION AND APPROVE USE PERMIT 98-35 WITH THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF MEMORANDUM DATED OCTOBER 6, 1998. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

4. **Rezone No. RZ 98-6 (Northern Valley Indian Health)** - A request to rezone two contiguous parcels totaling 1.58 acres, located at 845 West East Avenue, identified as Assessor's Parcel Nos. 042-070-162 and 163, from R-2 Medium Density Residential to R-P Residential-Professional/Business Offices, to facilitate conversion of the existing building and vacant parcel for medical offices. The subject area is designated Medium Density Residential by the Chico General Plan.

Sr. Planner Palmeri presented the staff report, and reviewed the land use issues and staff recommendations. At Commissioner Monfort's request, he reviewed the extent of RP Residential Professional zoning designated in the area.

The public hearing was opened at 8:03 p.m. to which there was no comment.

Commissioner Monfort inquired why the proposal was not considered with other General Plan corrections. Sr. Planner Palmeri explained that an application came forward which provided the impetus to begin the process.

COMMISSIONER STUDEBAKER MOVED TO RECOMMEND CITY COUNCIL ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND APPROVAL OF THE PROPOSED REZONE FROM R-2 MEDIUM DENSITY RESIDENTIAL TO R-P RESIDENTIAL PROFESSIONAL/BUSINESS OFFICE FOR 1.58 ACRES LOCATED AT 845 W. EAST AVENUE. COMMISSIONER WRIGHT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Sr. Planner Palmeri reviewed that a neighborhood meeting would be held on October 21, 1998 regarding the proposed noise ordinance revision and commercial party permits.

ADJOURNMENT

The Commission adjourned at 8:05 p.m. to the Regular Meeting of November 2, 1998.

November 16, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 2, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jolene Dietle, William Hamilton, Kirk Monfort, Larry Wahl and Michael Wright. Commissioner Studebaker was absent. Staff present were City Attorney David Frank, Planning Director Kim Seidler, Senior Planner Ed Palmeri and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

None.

CONSENT AGENDA

1. **Use Permit No. 98-42 (Tennant)** - A request to allow operation of a private K-8 school with a maximum of 24 students at 2400 Notre Dame Blvd, Assessor's Parcel No. 002-260-016, pending approval of a code amendment to allow schools in commercial districts. The subject property is designated Community Commercial on the City of Chico General Plan Diagram and located in a C-1 Restricted Commercial zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act, Section 15303 New Construction or Conversion of Small Structures.

The public hearing was opened to which there were no comments.

COMMISSIONER WRIGHT MOVED TO DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15303 AND APPROVE USE PERMIT 98-42 (TENNANT) SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF MEMORANDUM. COMMISSIONER MONFORT SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (COMMISSIONER STUDEBAKER ABSENT).

REGULAR AGENDA

2. **Use Permit UP-98-39 (Campos)** - A request to allow the continued operation of a temporary food vending truck on property located at 1295 E. 8th Street, identified as Assessor's Parcel No. 004-331-026. The subject property is designated Community Commercial on the City of Chico General Plan diagram and is in a C-1 Restricted Commercial zoning district. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act, Section

15311, Accessory Facilities.

Sr. Planner Palmeri presented the staff report, reviewing the land use issues and the recommended conditions for the temporary use permit.

The public hearing was opened at 7:40 p.m. at which time Angelo Volpato Jr., 1279 E. 8th Street, spoke in favor of a 12 month use rather than the 6 month proposed by staff. There being no further comments, the public hearing was closed.

The Commission expressed concerns regarding the impact of proposed Title 19 revisions on this use, impacts caused by possible use of a generator and other power supply issues, the length of the temporary permit, and the purpose of a temporary permit in order to build up equity to invest in a structure.

COMMISSIONER WAHL MOVED TO DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15311 AND APPROVE USE PERMIT 98-39 WITH THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN SECTION VIII OF THE STAFF MEMORANDUM WITH THE FOLLOWING MODIFICATIONS: 1) CONDITION 3, THE TEMPORARY USE TO BE ALLOWED UP TO 12 MONTHS; 2) CONDITION 6 TO READ "...WATER, UNLESS SUCH CONNECTION CAN BE CONSISTENT WITH ALL BUILDING CODE REQUIREMENTS." COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS APPROVED 5-1-1 (COMMISSIONER HAMILTON OPPOSED, COMMISSIONER STUDEBAKER ABSENT).

3. **Rezone No. 98-8 and Use Permit 98-41 (The Windchime Group)** - Request to rezone 2.49 acres located at the southeast corner of Lakeside Village Commons and Bruce Road, Assessor's Parcel No. 011-160-014, from C-O Commercial Office to R-P Residential-Professional/Business Office as a request to approve a use permit to allow an 83-unit senior assisted living facility. The site is designated Offices by the Chico General Plan. An initial study for environmental review has been prepared for the rezone and use permit, upon which the Planning Division is recommending that a mitigated negative declaration be adopted pursuant to the California Environmental Quality Act (CEQA); a 20-day public review period was conducted. A mitigated negative declaration is a determination that the project will not have a significant impact on the environment with incorporation of specific mitigation.

Chair Dietle stated that she would be abstaining from this item due to conflict of interest as Superior CA Enterprises does business with her employer. Vice Chair Wright took over the meeting.

Sr. Planner Palmeri presented the staff report, reviewing the land use issues involved and the recommended actions for a recommended approval of the rezone by Council and the conditions of approval on the use permit.

The Commission expressed concerns relating to potential impacts to the project caused by

a pending parcel map split on the property and verified that this proposal does not include a General Plan amendment.

The public hearing was opened at 8:00 p.m., at which the applicant, Steve Melema, stated that he was aware of the concerns regarding noise and traffic relating to the California Park Pavilion, although the typical resident of this project will not be negatively impacted by elevated noise levels. At Commissioner Belmonte's request he reviewed the safety and security measures the project will incorporate for the Alzheimers patient area. Jack Whitter, also representing the applicant, described the security measures used in the Alzheimers wing. Carl Campos, project architect, reviewed the building design factors relating to noise attenuation.

Commissioner Monfort verified that the building will meet Code requirements relating to noise on arterial roadways.

Moe West expressed concerns relating to noise and traffic levels generated by the California Park Pavilion and requested that the applicants provide an acknowledgment relating to noise levels.

There being no further comments, the public hearing was closed at 8:30 p.m.

COMMISSIONER HAMILTON MOVED TO RECOMMEND COUNCIL APPROVAL ON THE REZONE 98-8. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS APPROVED 5-0-1-1 (CHAIR DIETLE ABSTAINED, COMMISSIONER STUDEBAKER ABSENT).

COMMISSIONER HAMILTON MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION AND APPROVE USE PERMIT 98-41 SUBJECT TO THE ENVIRONMENTAL FINDINGS AND CONDITIONS OF APPROVAL AS CONTAINED IN THE STAFF REPORT. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS APPROVED 5-0-1-1 (CHAIR DIETLE ABSTAINED, COMMISSIONER STUDEBAKER ABSENT).

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Planning Director Seidler reviewed upcoming Council discussions on items previously heard by the Commission: General Plan Amendment - Community Design Element amendments to be heard on December 1; General Plan Amendment - Agricultural Mitigation to be heard November 3; Lake Vista Subdivision appeal also on November 3, although a request for continuance may be submitted; and final action on the Benedict Ranch subdivision appeal on November 17.

Planning Director Seidler indicated that staff would be preparing action minutes for this meeting and future televised meetings.

The Commission scheduled two workshops; November 30 at 6:00 p.m. to discuss proposed Downtown South Rezoning and December 7 at 6:30 p.m. to discuss the Arterial Noise Study. Should either of these workshops be held in Conference Room 1, the Commission requested the meetings be videotaped for reference by future Commissioners. Notification of all affected businesses and property owners was also requested for the Downtown South Rezoning workshop.

Planning Director Seidler also noted that staff is taking to Internal Affairs a request to allow flexibility in determining Board and Commission meeting schedules, eliminating the codified meeting times and dates.

ADJOURNMENT

The meeting was adjourned at 8:45 p.m. to the Adjourned Regular Meeting of November 16, 1998.

November 16, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
NOVEMBER 16, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Jolene Dietle, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Commissioner William Hamilton arrived later in the meeting. Commissioner Barry Belmonte was absent. Staff present were City Attorney David Frank, Planning Director Kim Seidler and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

None.

ADMINISTRATIVE AGENDA

1. **Minutes**
 - a. **Minutes of Adjourned Regular Meeting - Workshop of June 22, 1998**
 - b. **Minutes of Regular Meeting of October 5, 1998**
 - c. **Minutes of Adjourned Regular Meeting of October 19, 1998.**
 - d. **Minutes of Regular Meeting of November 2, 1998**

Recommended Action: Approve with any corrections/revisions required.

Commissioner Wright stated that he would abstain from Item C as he was absent from that meeting. Commissioner Studebaker stated that he would abstain from Item D.

COMMISSIONER MONFORT MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED (COMMISSIONERS BELMONTE AND HAMILTON ABSENT).

CONSENT AGENDA

2. **Use Permit No. 98-40 (Deluxe Inn/Thurman)- 2507 The Esplanade** - To allow a motel and its minor expansion on property located at 2507 The Esplanade, which is identified as Assessor's Parcel No. 006-150-061. The property is designated Community Commercial on the General Plan Diagram and is located in a C-1 Restricted Commercial zoning district. This project has been determined to be exempt from environmental review, pursuant to Section 15303, New Construction of Small Structures, and Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).

Recommended Action: Approve the use permit based on the findings and conditions of approval as listed in the staff report.

The public hearing was opened to which there were no comments.

Planning Director Seidler noted that an additional memorandum was distributed to the Commission prior to this meeting, adding Condition 6 "The permittee shall pay all applicable sewer fees prior to connection of any units to the city sewer system." This condition was requested by the Department of Public Works.

COMMISSIONER STUDEBAKER MOVED TO DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA SECTIONS 15303 (NEW CONSTRUCTION OF SMALL STRUCTURES) AND 15301 (EXISTING FACILITIES) AND APPROVE USE PERMIT 98-40 (DELUXE INN/THURMAN) AUTHORIZING AN EXISTING MOTEL AND ALLOWING ITS MINOR EXPANSION SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN SECTION VI OF THE STAFF REPORT DATED NOVEMBER 4, 1998, WITH THE ADDITION OF CONDITION 6 AS LISTED IN THE STAFF REPORT DATED NOVEMBER 16, 1998. COMMISSIONER WRIGHT SECONDED THE MOTION.

Commissioner Wahl stated his objections to adding conditions after distribution of the staff reports to the Commission and the applicant.

The motion was approved 5-0-2 (Commissioner Belmonte and Commissioner Hamilton absent).

REGULAR AGENDA

3. **Nondiscretionary Permit AUP - 98-28 (Wright)** - Appeal of a Planning Director approval of a request to allow a large family day care home serving up to 14 children, including those under age 10 residing in the home. The property is located at 2226 Danbury Way which is identified as Assessor's Parcel No. 048-282-018. The site is designated Low Density Residential on the General Plan Diagram and is located in an R-1 Single Family Residential zoning district. This project has been determined to be exempt from environmental review, pursuant to Section 15286, Ministerial Projects, of the California Environmental Quality Act (CEQA).

At Chair Dietle's suggestion, City Attorney Frank reviewed that the request is a non-discretionary permit, limited by State regulations as the proposed use falls under the definition of a large family day care as determined by State law.

Planning Director Seidler presented the staff report, reviewing State regulations regarding large family day care and the limitations of City regulations over such a use. He noted that in order to deny the appeal of the Planning Director determination, the Commission should adopt findings, which were included in a handout to the Commission prior to this meeting.

Commissioner Hamilton arrived at 7:45 p.m.

Commissioner Studebaker suggested that many concerns listed in letters to the Commission could be addressed through the State licensing procedures. He inquired about the process between the State and the City regarding the permit and the family day care licensing. Planning Director Seidler stated that it was unclear if the State would issue a license prior to the local entitlement. He verified that the nondiscretionary permit had not been issued and the facility was not currently operating.

The public hearing was opened at 7:50 p.m.

The following people spoke in opposition to the permit expressing concerns relating to home businesses, building size, duration of the permit, size of the facility, upkeep of the residence and noticing boundaries: Jay Young, 55 White Avenue, Helen Stephans, 13 Marydith Lane, and Maureen Olsen, 24 Marydith Lane.

The applicants, Anthony and Angie Wright, 2226 Danbury Way, stated that they would maintain the yard and reviewed the State licensing process.

There being no further comments, the public hearing was closed at 8:15 p.m.

Chair Dietle verified that the State license is for the care provider, not the property itself. COMMISSIONER STUDEBAKER MOVED DENIAL OF THE APPEAL, THEREBY UPHOLDING THE PLANNING DIRECTOR'S APPROVAL OF THE NONDISCRETIONARY LARGE FAMILY DAY CARE PERMIT AUP 98-28 (WRIGHT) BASED ON THE FINDINGS LISTED ON THE STAFF MEMORANDUM DATED NOVEMBER 16, 1998. COMMISSIONER WRIGHT SECONDED THE MOTION.

Commissioner Wahl requested that staff research the amount of square feet per child is necessary for a large family day care and which agency enforces such a requirement.

The Commission expressed concern regarding expiration of such permits. Chair Dietle requested that large family day care and its expiration issues be addressed in the upcoming revision of Title 19. Commissioner Hamilton suggested that better communication among neighbors could be of assistance to this issue.

THE MOTION WAS APPROVED 5-1-1 (COMMISSIONER WAHL OPPOSED, COMMISSIONER BELMONTE ABSENT).

COMMISSIONER HAMILTON MOVED TO REOPEN THE ISSUE TO ADD A CONDITION REGARDING EXPIRATION OF THE PERMIT. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS DENIED 2-4 (COMMISSIONERS DIETLE, MONFORT, STUDEBAKER AND WRIGHT OPPOSED).

4. **Amendment to Title 19 Land Use Regulation to amend Chapter 19.26 Development Standards** - Amendment to the Chico Municipal Code to allow temporary emergency shelter in churches and public buildings for a maximum of 27 days. The use would be permitted subject to meeting standards approved by the Fire Chief and Building Official. The project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act, Section 15323, Normal Operations of Facilities for Public Gatherings.

Planning Director Seidler presented the staff report and reviewed the proposed amendment. In response to a question from Commissioner Wahl, he explained that the 27 day restriction was in response to Council direction.

Commissioner Wright suggested geographical restrictions, such as within 300 feet, to avoid overburdening a single neighborhood which happens to have more than one church or public facility.

Commissioner Wahl expressed concern with the proposed 12 month period, which Planning Director Seidler explained was a staff addition to allay concerns that one facility might close for one day, then reopen for another 27 day period.

The public hearing was opened at 8:30 p.m. to which there were no comments.

COMMISSIONER STUDEBAKER MOVED TO FORWARD A RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OF THE PROPOSED CODE AMENDMENT TO TITLE 19, ESTABLISHING A DEFINITION FOR "EMERGENCY SHELTER" AND ALLOWING SUCH SHELTERS TO BE OPERATED FOR A MAXIMUM OF 27 DAYS IN ANY ZONING DISTRICT. COMMISSIONER MONFORT SECONDED THE MOTION.

Commissioner Wright suggested an amendment to the motion to add a geographical limitation which would provide that no other such facility would be in operation within 500 feet of each facility within the same 12 month period. Commissioner Studebaker accepted the amendment.

Commissioner Wahl suggested a further amendment to the motion to change the maximum from 27 days use to 45 days and the 12 month period to a 90 day period. Following Commission discussion, Commissioner Studebaker accepted the change to a 90 day period.

THE MOTION, AMENDED TO ALLOW SUCH SHELTERS TO OPERATE FOR A MAXIMUM OF 27 DAYS IN ANY ZONING DISTRICT, EVERY 90 DAYS, PROVIDED NO SIMILAR SHELTER IS LOCATED WITHIN 500 FEET OF THE FACILITY WITHIN THE SAME 90 DAY PERIOD, WAS APPROVED 6-0-1 (COMMISSIONER BELMONTE ABSENT).

The Commission was in recess from 8:35 p.m. through 8:45 p.m.

5. **Use Permit No. 98-32 (Escue) - 926 W. 2nd Street** - A request to allow a temporary food vending truck on property located at 926 West 2nd Street, which is identified as Assessor's Parcel No. 004-033-002. The site is designated Manufacturing and Warehousing on the General Plan Diagram and is located in an M-1 Limited Manufacturing zoning district. This project has been determined to be Exempt from environmental review, pursuant to Section 15311, Accessory Facilities, of the California Environmental Quality Act (CEQA).

Planning Director Seidler presented the staff report, reviewing the land use issues and recommendations by staff. He noted that he was recommending amending Condition 5 from "...in compliance with..." to "...subject to the approval of..." and Condition 7, in the first line, "must" be changed to read "shall".

The public hearing was opened at 8:50 p.m.

Bertha Escue, P.O. Box 665, the applicant, requested that the hours of operation be modified to allow for breakfast service, 6:00 a.m. through 2:00 a.m. She responded to Commission concerns regarding the desire to establish a permanent facility in the future as well as security issues.

Ralph Prusse, 455 Redwood Way, verified that health and sanitary issues will be reviewed through a different licencing process.

There being no further comment, public hearing was closed at 9:00 p.m.

Commissioner Studebaker verified that mobile food service will be reviewed within the revisions Title 19, and expressed the desire for a workshop to develop standards.

Commissioner Hamilton expressed concerns regarding duration of the permit, given the upcoming Title 19 discussions.

COMMISSIONER WRIGHT MOVED TO DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA SECTION 15311 AND APPROVE USE PERMIT 98-32 WITH THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN SECTION VII OF THE STAFF REPORT DATED NOVEMBER, 5, 1998, AS MODIFIED BY STAFF, AND FURTHER MODIFY CONDITION 4 TO ALLOW HOURS OF OPERATION 6:00 A.M. THROUGH 2:00 A.M. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS APPROVED 5-1-1 (COMMISSIONER HAMILTON OPPOSED, COMMISSIONER BELMONTE ABSENT).

6. **General Plan Amendment and Rezone 98-1 and Stonegate Vesting Tentative Subdivision Map 98-3 (Drake)** - A request to amend the City of Chico General Plan

Diagram from Office to Low Density Residential (2.1 to 7 dwelling units per gross acre) and to rezone from RP Residential Professional/Business to R-1 Single-Family Residential and to subdivide 18 acres into 87 single family lots. The project site is generally located 200 to 300 feet north of Lassen Avenue, east of Ceres Avenue, directly south of the Airport Clear Zone of the Chico Municipal Airport, and west of Eaton Road and is identified as Assessor's Parcel Nos. 048-043-012,014, and 015.

An initial study for environmental review was prepared for the above project. The initial study concludes that an environmental impact report must be prepared before this project can be approved. Staff is recommending that the Planning Commission deny the proposed subdivision and recommend denial of the general plan amendment and rezone to the City Council.

This item was continued indefinitely at the request of the applicant.

BUSINESS FROM THE FLOOR

Ralph Prusse, 455 Redwood Way, reviewed the history of airport zoning and recommended that any development in the area described in Item 6 have an aviation easement over the properties.

PLANNING UPDATE

Planning Director Seidler reviewed upcoming scheduled workshops and Council hearings on items previously heard by the Commission. Commissioner Monfort reviewed the proposed schedule for the revision of Title 19. Chair Dietle noted that the all-day Saturday workshop included on that schedule falls on a three-day weekend.

ADJOURNMENT

The meeting was adjourned at 9:10 p.m. to an Adjourned Regular Meeting of November 30, 1998 at 6:00 p.m. in Conference Room 1 for a workshop meeting.

December 7, 1998
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
DECEMBER 7, 1998**

ROLL CALL

The meeting was called to order by Chair Jolene Dietle at 6:30 p.m. in Conference Room 1 of the Chico Municipal Center. Commissioners present were Jolene Dietle, Kirk Monfort, Jonathan Studebaker, Larry Wahl and Michael Wright. Commissioner Barry Belmonte arrived at a later time. Commissioner William Hamilton was absent. Staff present were Planning Director Kim Seidler, Senior Planner Tom Hayes and Administrative Secretary Karen Kracht.

Chair Dietle noted that the adjournment of this meeting has been changed to January 4, 1999, at which time there will be a new Commission seated. She invited any departing Commissioners to that meeting.

SPECIAL WORKSHOP

A. Arterial Noise Study - Review information and recommendations of a recently completed Arterial Noise Study. This Study was undertaken to assess noise levels along existing and planned arterial roadways where future residential development would be located. The draft Study was prepared by Brown-Buntin Associates, acoustical consultants, along with City planning staff. Planning staff and the consultant will review the findings of the study and discuss recommended amendments to the Noise Element of the Chico General Plan and consideration of an acoustical design manual, that provides alternatives for reducing highway noise on adjacent sites.

Sr. Planner Hayes reviewed the staff report and introduced Jim Brennan, Brown - Buntin Associates, the acoustical consultant for the draft Arterial Noise Study. He explained that the Noise Element of the General Plan had indicated that there are significant noise issues on arterial and collector streets. The Arterial Noise Study consisted of noise measurements, traffic modeling and design alternatives. He reviewed a slide presentation showing potential mitigation measures, including transitioning, setbacks and sound walls.

Commissioner Belmonte arrived. -----

Jim Brennan, Brown-Buntin Associates, described the acronyms used throughout the study, emphasizing CNEL, Ldn.

Commissioner Wahl questioned the effect of noise level during the evenings in relation to average noise levels and the mathematic calculations used to determine noise impacts. Sr. Planner Hayes explained the average noise levels determine the necessary mitigation. Planning Director Seidler stressed that the numbers relate to sensitivity, which varies throughout the day; while the decibel levels may be the same over 24 hours, the impact of the same level is more significant during nighttime hours.

Mr. Brennan explained that all the terms and their logarithms are recommended by State Office of Noise Control. He noted that CNEL was developed for airport evaluation in California and has become more prevalent throughout the industry.

ADJOURNMENT

The workshop was adjourned at 7:25 p.m. to Regular Meeting.

REGULAR MEETING

DISCUSSION OF EX PARTE COMMUNICATION

None.

ADMINISTRATIVE AGENDA

1. Minutes of Adjourned Regular Meeting of November 16, 1998

Recommended Action: Approve with any corrections/revisions required.

Commissioner Studebaker noted that the minutes for the meeting of November 16, 1998, which were incorrectly noted on the agenda, failed to note his attendance on the Roll Call.

COMMISSIONER STUDEBAKER MOVED TO APPROVE THE MINUTES OF NOVEMBER 16, 1998 AS AMENDED. COMMISSIONER WAHL SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED (COMMISSIONER HAMILTON ABSENT).

REGULAR AGENDA

- 2. Rezone No. 98-07 (Schuman)** - A request to rezone a lot with an existing single family residence and second unit from R-1 Single Family Residential to RD-1 Low Density Residential on property located at 524 W. 2nd Avenue, identified as Assessor's Parcel No. 003-051-013. The property is designated Low Density Residential on the City of Chico General Plan Diagram and located in a R-1 Single Family Residential zoning district. Planning Staff is recommending that this project be determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 21083.3 which provides a limited CEQA exemption for projects consistent with the City's General Plan.

Chair Dietle stated that she would abstain on this item due to a conflict of interest as her employer has business with the applicant. Vice Chair Wright introduced the item.

Planning Director Seidler reviewed the staff report, noting land use issues and the recommendation by staff.

The public hearing was opened at 7:35 p.m., to which there were no comments.

Commissioner Monfort verified that such uses would be included in the revisions to Title 19 and then would not require such a rezone.

COMMISSIONER WAHL MOVED TO MAKE THE FINDINGS THAT THE PROPOSED REZONE IS CONSISTENT WITH THE GENERAL PLAN POLICIES, STANDARDS AND SURROUNDING USES, AND FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR REZONE 98-7, AND FIND THE PROJECT EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CEQA SECTION 21083.3. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED 5-0-1-1 (CHAIR DIETLE ABSTAINED, COMMISSIONER HAMILTON ABSENT).

3. Workshop Continuation - Arterial Noise Study.

Sr. Planner Hayes explained that the Arterial Noise Study was initiated at the direction of Council and Commission to attempt to develop more latitude and flexibility with noise regulations.

In response to a question from Commissioner Studebaker, Sr. Planner Hayes has noted that the workshop was scheduled in order to begin discussions on the study, and staff is not recommending any action be taken by the Commission at this meeting. He added that the results of this Study are not related to the South Campus noise issues currently being discussed by Council.

At Commissioner Monfort's request, Mr. Brennan described the formulas used to establish sensitivity which are quantified for duration and level.

Mr. Brennan explained that in order to successfully mitigate vehicular noise with a barrier or berm, a change in the line of site is necessary. The line of site for vehicles vary based on the size and height of the vehicle. He added that landscaping, itself, does not generally provide noise attenuation. He reviewed the suggested revisions to the Noise Element of the General Plan, which strive for clear standards. The design manual is intended as a handout to project applicants, offering guidance for noise sensitive design.

In response to Planning Director Seidler's concern regarding sound reflection off a sound wall, Mr. Brennan explained that Caltrans is currently studying that issue, although reflection from a wall has been found to increase the level of sound by 3dB, while refraction of sound, which is more usual, increases sound by less than 3dB.

At Commissioner Monfort's request, Mr. Brennan described suggested materials for sound walls, including masonry at 4 lbs/sq. foot density. He explained that wood warps and shrinks, and is not recommended as a barrier because once gaps occur it is not effective (a 2 percent opening compromises 90 percent of efficiency of the wall). He noted, though, that there are companies making barriers out of wood which are effective. He stressed that a berm/wall combination does absorb more sound than a masonry wall.

Commissioner Wright verified that both current and future traffic volumes were considered for the draft Study and questioned if commercial land uses were taken into account. Mr. Brennan explained that noise mitigation is applied in order to provide protection for future residents. He noted that the Department of Public Works provided truck counts for some areas, which were used to determine truck mix percentages with the type of street and the surrounding zoning.

The Commission requested further information on alternative materials for walls, which Mr. Brennan explained would require 7 lbs/sq. foot for effective noise attenuation.

Al Silva, Valley Contractors Exchange, expressed concern with new projects bearing the costs of increased transportation noise and airport noise. Mr. Brennan explained that the proposed revisions were intended to provide more flexibility with development mitigations than is currently allowed, while taking into account the existing neighborhood character in the surrounding area. Sr. Planner Hayes noted that revisions are currently being proposed for the Airport Environs Plan and that aviation easements are required in affected areas.

Commissioner Wahl requested a listing of effective sound absorbing materials. Mr. Brennan explained that a variety of materials could be used which are soft in nature or perforated with some type of material inside it, such as concrete block with fibrous material in channels within it.

John Gillander noted that the General Plan focuses R-3 population centers on arterials and questioned the need for this Study. Sr. Planner Hayes noted that R-3 development can be designed in such a way that the facilities themselves become noise attenuating structures. He added that State law requires a Noise Element, establishing acceptable noise level and attenuation to that level.

Commissioner Wright verified that in the long term, annual maintenance of a sound wall is generally achieved through maintenance districts or home owners associations, and recent State initiatives may affect that process. Sr. Planner Hayes noted that maintenance districts are now created as subdivisions are approved. Mr. Brennan added that while low maintenance costs are needed to maintain the wall itself, the expense generally is for the landscaping upkeep.

There was Commission consensus to move forward with public hearings on the draft Study. Chair Dietle instructed staff to provide notice of the pending hearings to the Valley Contractors Exchange, the Building Industry Association and other interested parties. Sr. Planner Hayes estimated that a public hearing would be scheduled for late January or February.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Planning Director Seidler invited any departing Commissioners to attend the meeting of January 4, 1999.

ADJOURNMENT

The meeting was adjourned at 9:00 p.m. to the Regular Meeting of January 4, 1999.

January 4, 1999
Date Approved

/s/
Kim Seidler
Planning Director