

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
JANUARY 16, 2003**

ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, and Kirk Monfort. Commissioner Irv Schiffman was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Patrick Murphy, Senior Development Engineer Tom Alexander, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

SELECTION OF OFFICERS

1. **Election of a Chairperson.** The Commission will elect a chairperson.

Commissioner Francis was elected 6-0-1 (Commissioner Schiffman absent) to be chairperson.

2. **Election of a Vice-Chairperson.** The Commission will elect a vice-chairperson.

Commissioner Alvistur was elected 6-0-1 (Commissioner Schiffman absent) to be vice-chairperson.

RECOGNITION OF CRAIG SANDERS' SERVICE ON THE COMMISSION

RECOGNITION OF NANCY WOLFE'S SERVICE ON THE COMMISSION

Commissioner Francis explained that Craig Sanders and Nancy Wolfe couldn't attend tonight's meeting due to a scheduling conflict, and indicated that their service would be recognized at a future meeting.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Hughes reported that he had spoken to Jessica Walters and Georgie Bellin concerning The Views (item 9). Commissioners Luvaas and Monfort both reported that they had spoken to Jim Stevens regarding the items he has on the agenda (items 5, 8 and 9). Commissioner Francis reported that she had spoken to Jim Stevens concerning item 9. Commissioner Brownell reported that she had spoken to Jessica Walters regarding item 9 concerning drainage issues.

ADMINISTRATIVE AGENDA

3. **Minutes of the Adjourned Regular Meeting of November 21, 2002**
Staff recommends approval with any corrections/revisions required.

COMMISSIONER ALVISTUR MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 3-0-3-1 (COMMISSIONERS BROWNELL, FRANCIS AND LUVAAS ABSTAINING, COMMISSIONER SCHIFFMAN ABSENT).

CONSENT AGENDA

4. **Rezone 02-05 (Moran) Northwest corner of East and Marigold Avenues** - A request to delete conditions of approval for two rezone ordinances by revoking agreements between the City of Chico and the property owner(s) of a 2.5 acre parcel located at the northwest corner of East and Marigold Avenues. Elimination of the zoning conditions would allow access to the site from East Avenue, and remove special height and setback restrictions; future development of the site would then be subject to the standard setback and height regulations of the CN zoning district, as well as required architectural review. The site is identified as Assessor's Parcel No. 048-740-023, is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CN Neighborhood Commercial zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends that the Planning Commission recommend City Council adoption of the mitigated negative declaration and approval of the rezone.*

Commissioner Luvaas pulled this item from the consent agenda.

ITEMS REMOVED FROM CONSENT AGENDA

4. **Rezone 02-05 (Moran) Northwest corner of East and Marigold Avenues**

Mr. Murphy presented the staff report, reviewing the details and purposes of the rezone. He explained that the rezone will remove certain restrictions for the site, including building height and restrictions on access to East Avenue, which staff believes are no longer warranted. He noted that the site would be subject to the zoning regulations for the CN zoning district.

In response to Commissioner Francis, Mr. Alexander explained proposed road improvements for East Avenue adjacent to the site.

Ms. Figge pointed out that the City no longer allows conditional zoning, and that their use was halted due to the adoption of the 1994 General Plan. She explained that additional rezones for other properties with conditional zoning imposed prior to adoption of the current General Plan may be coming to the Commission in the near future.

In response to Commissioner Francis, Mr. Alexander indicated that it is very likely that any access to East Avenue from the site would be limited to right-in, right-out.

In response to Commissioner Monfort, Ms. Figge reviewed the history of the zoning for the site. She noted that CN is the City's most restrictive commercial zoning, and doesn't allow for drive-throughs.

The public hearing was opened at 6:43 p.m. Seeing no comment, the public hearing was closed.

Commissioner Luvaas expressed concern that this portion of East Avenue is turning into a commercial strip, in possible conflict with a policy in the General Plan. He suggested that the Commission may need to hold a workshop and do some master planning in this area.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-01 (REVISED), RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION AND APPROVE REZONE 02-05 (MORAN), REVOKING TWO ZONING AGREEMENTS FOR THE PROPERTY. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER SCHIFFMAN ABSENT).

REGULAR AGENDA

5. **Hidden Oaks Vesting Tentative Subdivision Map S 02-11 (Galli/Deromedi) 1665 E. 8th Street** - A request to subdivide 2.9 acres located at 1665 E. 8th Street to create fifteen lots for single-family residential development. The proposed single-family lots vary in size from 5,281 to 8,208 square feet, with an average lot size of 6,570 square feet; project density will be 5.17 dwelling units per acre. The site is identified as Assessor's Parcel No. 002-030-033, is designated Medium Density Residential on the City of Chico General Plan Diagram, and is located in an R2 Medium Density Residential pre-zoning district. Annexation of the property to the City of Chico will be required prior to recordation of the subdivision map. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends adoption of the mitigated negative declaration and approval of the vesting tentative subdivision map.*

Ms. Figge presented the staff report, reviewing details of the project, surrounding land uses, and the infill nature of the project. She noted that the project is very similar to the recently approved Park Vista subdivision, with a narrow panhandle entrance, a boundary adjacent to a remnant of Dead Horse Slough, and a no development zone to protect existing trees. She explained that sidewalk is proposed to be omitted on one side of the panhandle, and confirmed that this project is above the minimum density for the R2 zoning district, which is 4.01 units per acre.

There was discussion about street improvements for the project; Mr. Alexander pointed out that the applicant will be required to pay an in-lieu fee to offset the cost of improvements to 8th Street which the City will construct at a later date.

In response to Commissioner Luvaas, Mr. Alexander stated that no improvements are currently planned for the intersection of 8th Street and SR 32.

In response to Commissioner Brownell, Mr. Alexander explained that there will be a temporary paved connection for access to 8th Street until full improvements are installed by the City.

The public hearing was opened at 7:00 p.m.

Jim Stevens, Northstar Engineering, 20 Declaration Drive, discussed parking on the panhandle portion of the street. It was agreed that on-street parking would be retained on the east side of the panhandle portion of the street.

Mr. Stevens explained various aspects of the design, noting that input from the neighbors aided in the decision to do a single-family project.

Commissioner Monfort discussed various possibilities for saving more trees while increasing the project density.

Mr. Stevens clarified various minor points in the staff report, including the extent of improvements covered by the in-lieu fee, and the necessity of providing landscaping inside a fenced detention basin.

In response to Commissioner Brownell, Mr. Stevens stated that the planter strips in the panhandle could be switched (7 foot strip on the west side, 6 foot strip on the east side) to potentially save a few more trees.

In response to Commissioner Luvaas, Mr. Stevens indicated that there were no plans to incorporate the adjacent parcel to the east into the project, as that parcel wasn't for sale.

The Commission discussed the parcel to the east, noting that the undeveloped rear portion would be easier to access via some sort of lane through this project; however, it was realized that the parcel to the east is not part of the project before the Commission.

Michael Galli, 3171 Sandstone Lane, applicant, stated that he has spoken with the owner of the property to the east; that owner had indicated that the existing home is being remodeled, that there is a second unit behind the primary dwelling, and that he has no intention to develop the rest of the property.

In response to Commissioner Monfort, Mr. Galli explained that higher density resulted in the removal of more trees, and that the neighbors didn't want additional multi-family units in the area. He added that he wanted the lot sizes to be able to support reasonably-sized homes of 1500 to 1800 square feet, that the adjacent multi-family is actually 150 to 200 feet away, and that additional trees will be planted in yards and parkway strips.

Bob Cowan, 1655 E. 8th Street, expressed concerns with traffic, lack of sidewalks on 8th Street for children walking to Parkview Elementary, problems with traffic from the 8th Street/SR 32 intersection backing up almost to his driveway, and speeding on 8th Street.

Bill Kurnizski, 1690 Carol Avenue, voiced agreement with the previous speaker. He opined that a police officer should be present on 8th Street at mid-day to enforce the speed limit.

Harry May, 1651 E. 8th Street, discussed traffic problems in the area. He asserted that SR 32 needed to be addressed.

Charles Clark, 1682 Carol Avenue, noted the irony that he has more sympathy for Mr. Galli than his other neighbors. He stressed that some members of the Planning Commission don't understand the dynamics of the neighborhood, and that it is irritating to hear certain Commissioners recommending more density instead of less. He expressed support for a less-dense project.

There being no further comment, the public hearing was closed at 7:29 p.m.

In response to Commissioner Monfort, Ms. Figge explained the history and timeline of various iterations of the map, as well as various legal and procedural deadlines.

Commissioner Monfort suggested that the Commission defer action on this application until the minimum density of the R2 zoning district is restored to 7 units per acre. Ms. Figge countered that changing the rules mid-project isn't acting in good faith with the developer, and that staff has been working with the developer for many months.

Mr. Seidler added that with a vesting tentative subdivision map, the Commission has to abide by the rules of the Subdivision Map Act and City regulations currently in place.

Commissioner Francis agreed, noting that it took six months for the R2 minimum density to be reduced, and that it might take just as long to increase it.

Commissioner Luvaas pontificated on various issues related to infill, density, sprawl, R2 densities, narrower streets, and adequate infrastructure. He lamented the lack of better options to make use of the R2 zoning on this parcel.

Commissioner Hughes expressed general support of the project, but suggested that the parkway strips be widened on the panhandle and on-street parking eliminated for that portion.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-48, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE HIDDEN OAKS TENTATIVE SUBDIVISION MAP 02-11, SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL. COMMISSIONER HUGHES SECONDED THE MOTION.

Commissioner Brownell offered an amendment to reverse the widths of the parkway strips as she described, and that if the detention pond needs to be steeper and fencing is required, that no landscaping be required inside the fencing. Commissioner Alvistur accepted the amendment.

There was consensus to retain the on-street parking on the panhandle portion of the street.

Commissioner Monfort stated that he will support the motion because the developer acted in good faith. Commissioner Francis noted that the applicant has spent a lot of time and money pursuing this particular option, and is probably anxious to proceed.

THE MOTION, AS AMENDED, PASSED 5-0-1-1 (COMMISSIONER LUYVAAS ABSTAINING, COMMISSIONER SCHIFFMAN ABSENT).

The Commission was in recess from 7:43 to 7:52 p.m.

6. **Text Amendments to Title 19 of the Chico Municipal Code (City of Chico)** - Proposed amendments to Title 19, Land Use and Development Regulations, of the Chico Municipal Code, to include following revisions:

1. Section 19.02.020C. 1 and 2, Rules of interpretation, Calculations - Rounding. The proposed amendment brings the zoning regulations into conformity with the Chico General Plan Land Use Element for determining allowable residential density. The amendment clarifies that density is determined by the number of proposed residential units divided by the gross acreage of the property. Proposed density must fall within the allowable density limits established by the General Plan

2. Section 19.76.150 B. 1. Small-lot subdivisions - Standards. Reduced Lot Area. The proposed amendment would allow 15% of the total lots proposed for a small-lot subdivision to exceed the maximum size of 4,499 square feet.

It has been determined that pursuant to Section 15162 of the California Environmental Quality Act (CEQA), no subsequent environmental review is required for the proposed text amendment. *Staff recommends that the Planning Commission recommend City Council adoption of the text amendments to Title 19.*

Ms. Figge reviewed the comprehensive update to Title 19 in 1999, noting that after three years of using the regulations, staff has observed where modifications are needed. She reviewed the small-lot subdivision regulations, noting that staff is recommending that somewhere between 15 and 25% of lots in such projects be larger than the maximum allowed small-lot size. She noted the presence of Tony Symmes, who has used the regulations in designing projects and may have suggestions as to how the regulations could be modified.

Commissioner Monfort noted the value in having different lot sizes for design purposes.

The public hearing was opened at 8:01 p.m.

Tony Symmes, P.O. Box 617, reviewed his use of the small-lot subdivision regulations in several projects. He noted that larger lots are needed to work around existing houses, allow new roads to line up with existing roads, and provide buffers for existing neighbors. He reviewed several of his projects, noting that the percentage of lots larger than the maximum small-lot size ranges from 26 to 31%. He noted that a number of lots are just a few hundred square feet over the maximum, and that if the maximum was moved up slightly, then an 18 or 20% oversize allowance would work. Without such a modification, he would request a 30% oversize allowance.

Commissioners Monfort and Luvaas discussed the possibility of a lower allowance, but allowing duplexes and triplexes; Mr. Symmes replied that duplexes on corners would be factored in over time. He noted that the Mariposa Vista project, which is almost seven units per acre, includes alleys and rear garages.

In response to Commissioner Brownell, Ms. Figge suggested that the Commission should feel comfortable with whatever figure it recommends, so no additional variances or modifications are required in the future. Mr. Symmes added that if the percentage was too low, he would simply do the map as two projects, breaking out the small-lot portion from the regular portion.

Ms. Figge explained the inherent conflict in desiring a compact urban form while being sensitive to the needs of the existing neighborhood. She emphasized that in order to get seven units per acre, lots need to be smaller than 4500 square feet, and noted that subdivision map approvals are discretionary acts.

There was additional discussing concerning the merits of various changes. Ms. Figge pointed out that use of small-lot regulations triggers the installation of front porches and other amenities.

There being no further comment, the public hearing was closed at 8:18 p.m.

The Commission discussed the possibility of lowering the minimum lot size below 3500 square feet.

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

Tony Symmes, a previous speaker, stated that he can make lots work that are down to 3200 square feet, and re-emphasized that the oversize allowance percentage could also be reduced to 20% if the maximum small lot size is increased by 200 square feet.

Commissioner Luvaas clarified that Mr. Symmes' idea is for small-lot sizes from 3200 to 4700 square feet.

Jim Stevens, a previous speaker, spoke in support of widening the small-lot range as described. He noted instances where his firm has been asked to create a smaller lot when the prospective buyer didn't want a garage.

Ms. Figge reviewed the advantages of the present lot size limits, adding that developers can go smaller than 3500 square feet with a planned development permit. She also noted that if the maximum small-lot size is increased, then the minimum R1 standard lot size would also have to be increased.

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

After discussion, the Commission agreed to leave the minimum and maximum small-lot sizes unchanged, and that setting the oversize allowance at 30% seemed to be the best solution.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-02, RECOMMENDING CITY COUNCIL ADOPTION OF AMENDMENTS TO TITLE 19 LAND USE AND DEVELOPMENT REGULATIONS (CITY OF CHICO) MODIFIED TO ALLOW UP TO 30% OF THE LOTS IN A SMALL-LOT SUBDIVISION TO BE GREATER THAN THE MAXIMUM ALLOWED LOT SIZE. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER SCHIFFMAN ABSENT).

7. **Parcel Map 02-08 and Planned Development Permit 02-12 (Silacci) rear of 1140 Palm Avenue** - A request to subdivide a 0.3 acre property to create two parcels, 6,250 square feet and 4,500 square feet, with a planned development permit to regulate the site's development, on property located at 1140 Palm Avenue. The larger parcel will be accessed from Palm Avenue, and currently contains a single-family residence; the smaller parcel will be developed with a single-family residence accessed from the rear public alley. The site is identified as Assessor's Parcel No. 003-111-006, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15315 (Minor Land Divisions). *Staff recommends approval of the parcel map and planned development permit.*

Ms. Figge presented the staff report, reviewing details of the proposal and the land use issues involved. She noted that there is a larger policy decision to be made concerning whether primary access should be allowed from alleys. She explained that while the applicant for this project has acted in good faith and the project is supported by staff, subsequent applicants with similar requests have been told not to proceed until the larger policy question is answered.

In response to Commissioner Alvistur, Ms. Figge indicated that if the Commission has concerns about the availability of onsite parking, it can limit the size of the unit through the planned development permit. She noted that currently, four onsite parking spaces are required.

Commissioner Francis expressed concern about the overall concept of houses fronting alleys; Ms. Figge agreed, reiterating staff's direction that other applicants wait at this time.

Commissioner Monfort suggested that the situation isn't as bad when the alley is paved; Commissioner Luvaas stated that he shares in others concerns, but noted that creating alley-fronting second parcels is one way to increase home ownership.

Commissioner Brownell pointed out the potential for site distance problems due to the lack of setbacks, six foot fences on property lines, and speeding in the alley. She suggested that some guidelines may be needed, and pointed out that fire hydrants are placed on streets, not alleys.

Ms. Figge indicated that the fire department would require that any structure more than 150 feet away from the street have fire sprinklers installed.

Mr. Seidler pointed out that Planning's concern is mainly with an accumulation of this sort of development in a single area.

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

Steve Silacci, 2249 La Quinta Street, noted that four onsite parking spaces will be provided (two in the garage, two in the driveway) and suggested that any front yard fence be a small picket fence to prevent any site distance problems.

Commissioner Monfort confirmed that Mr. Silacci wouldn't be opposed to constructing a two-story house, and that a light will be installed on the front of the house.

Commissioner Hughes confirmed that Mr. Silacci would need to pave the alley from his property to E. 1st Avenue.

There being no further comment, the public hearing was closed at 8:53 p.m.

Commissioner Francis noted the lack of amenities such as sidewalks and street trees. She expressed support for either second units or flag lots in preference to what is proposed for this project.

Commissioner Brownell inquired about holding a workshop to determine the policy parcels with alley access prior to acting on this proposal. Ms. Figge replied that this project is under the 50 day procedural timeline, so the applicant would have to agree to such a delay.

Mr. Seidler urged the Commission to take action on this project, then hold a workshop at a later date. Commissioner Luvaas agreed, noting that the same good faith issue applies to this project as it did to the Galli subdivision.

COMMISSIONER LUYAAS MOVED THAT THE PLANNING COMMISSION FIND THE PROJECT CATEGORICALLY EXEMPT AND ADOPT RESOLUTION NO. 02-43, APPROVING TENTATIVE PARCEL MAP PM 02-08 AND PLANNED DEVELOPMENT PERMIT PDP 02-12, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED

THEREIN, AMENDED TO REQUIRE THAT ANY SIX-FOOT FRONT YARD FENCING BE VIEW PERMEABLE, AND THAT THE GARAGE FACE BE EITHER AT THE SAME DEPTH OR RECESSED FROM THE FRONT OF THE HOUSE. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 4-2-1 (COMMISSIONERS BROWNELL AND FRANCIS OPPOSED, COMMISSIONER SCHIFFMAN ABSENT).

The Commission was in recess from 9:01 to 9:07 p.m.

8. Vesting Tentative Subdivision Map (S 02-14) & Planned Development Permit (PDP 02-09) for the Orchard Commons Subdivision

(Marshall/Conroy) - 1320 & 1340 West Sacramento Avenue - A request to divide a 5.88 acre parcel located at 1320 & 1340 West Sacramento Avenue into 28 single-family residential lots ranging in size from 4,548 square feet to 11,979 square feet. As part of the planned development permit, the applicant is requesting to vary from the City's 40% site coverage requirement to allow up to 60% site coverage on the residential lots. The applicant is also requesting modifications to City subdivision design criteria and improvement standards to allow non-separated sidewalks along the site's W. Sacramento Avenue frontage, allow storm water runoff to be retained and disposed of on site, and allow a private alley to be maintained through a road maintenance agreement. Access to the subject site would be via a new public road off W. Sacramento Avenue. The site is identified as Assessor's Parcel Nos. 043-280-002 and 013, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends adoption of the mitigated negative declaration, approval of the planned development permit, and approval of the vesting tentative subdivision map.*

Commissioner Francis stated that she is disqualified from hearing this item, as her employer does business with Mr. Marshall.

Commissioner Francis left the room.

Mr. Murphy presented the staff report, reviewing the land use issues involved, surrounding property uses, and details of the project. He reviewed requested modifications to the City's subdivision standards, including contiguous sidewalks and onsite disposal of stormwater. He reviewed that the planned development permit in this case is driven by the applicant's desire for lot coverage of greater than 40% on some lots, but that the overall project design is higher as a

result; provided amenities will include porches, recessed garages, windows on the street, and trellises over some driveways.

In response to Commissioner Hughes, Mr. Murphy clarified that the applicant is requesting approval of two onsite stormwater disposal options; underground disposal on lot "A", or an above-ground basin on lots "A" and 8.

In response to Commissioner Luvaas, Mr. Alexander stated that the basin could potentially be relocated, but that the current location is the most logical place.

Mr. Murphy reviewed the design of those houses proposed to include a second unit above the garage, noting that the Commission may want to identify either a percentage of lots on which these plans would be allowed, and/or designate particular lots for those houses with a second unit (which are also two stories).

The public hearing was opened at 9:25 p.m.

Mark Adams, Northstar Engineering, 20 Declaration Drive, representing the applicant, reviewed details of the project, site constraints, and various solutions to the storm drainage issue, including onsite detention either underground or in a detention basin. He reviewed the plans for two-story designs with second units over the garages, and requested that a certain percentage of lots be allowed with the two-story design; he also stated that his client would like to limit the ban on two-story units only to those lots on the western project boundary.

In response to Commissioner Brownell, Mr. Adams stated that his client prefers to retain some flexibility in plans and configurations, noting that there may be as few as five or as many as sixteen lots which could potentially exceed the normal lot coverage percentage.

Commissioner Brownell expressed a desire to review the house plans; Mr. Adams replied that they will be very similar to what is being built in the Esplanade Village subdivision.

Commissioner Luvaas suggested that the developer include some two-bedroom floor plans, as the City is deficient in small units for seniors. He also voiced a desire for additional open space in the project.

Mr. Adams noted that Oak Way park is very close to the project, and that the shared access driveways resemble small lanes with landscaping on each side.

Commissioner Monfort wondered aloud why zero lot lines weren't considered to increase the amount of usable space; Mr. Adams replied that his client didn't want to limit the flexibility of home placement.

Commissioner Luvaas inquired how best to offer input without the applicant being put into the role of defending his project; Mr. Adams suggested that the Commission give direction to staff

when evaluating future projects, and acknowledged the shift that had taken place on the Planning Commission recently.

Commissioner Alvistur suggested that a workshop may be appropriate; Mr. Adams indicated that his firm would be happy to participate in any workshop.

Ms. Figge pointed out that the planned development permit is only required because of lot coverage requirements, and cautioned the Commission against performing too much architectural review for single-family development.

Pat Conroy, 1295 Woodland Avenue, applicant, stated that his intent is to build the same type of homes that he's currently building in the Esplanade Village subdivision, which aren't suited for zero lot lines. He stated his preference to build three-bedroom units, but that he could certainly build a few two-bedroom units if desired.

Commissioner Luvaas indicated that he'd like Mr. Conroy to at least offer a two-bedroom option, and that he'd like to structure the approval so as to allow, but not require, zero lot line development.

In response to Commissioner Hughes, Mr. Conroy described the varied uses of the second unit on the two-story plan.

Steve Frediani, 1024 Gateway Lane, expressed a desire to restrict the area behind his home (the west edge of the project) to single-story construction. He also expressed concerns with provision of adequate parking.

Pat Conroy, a previous speaker, pointed out that the only rear-facing window on the two-story unit is a small bathroom window.

Steve Frediani, a previous speaker, expressed concerns with viewshed issues due to the amount of development adjacent to his property.

Mark Adams, a previous speaker, reviewed proposed development in the area, noting various design aspects intended to minimize viewshed impacts.

There being no further comment, the public hearing was closed at 10:08 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-04, ADOPTING THE PROPOSED NEGATIVE DECLARATION AND APPROVING VESTING TENTATIVE SUBDIVISION MAP S 02-14 AND PLANNED DEVELOPMENT PERMIT 02-09 FOR THE ORCHARD COMMONS SUBDIVISION (MARSHALL/CONROY) SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL, AMENDED TO REQUIRE THAT ANY TWO-STORY HOMES ON THE WESTERN PROJECT BOUNDARY BE ADJACENT TO EXISTING TWO-STORY HOMES,

AND THAT TWO-STORY CONSTRUCTION SHALL BE ALLOWED THROUGHOUT THE REST OF THE PROJECT. COMMISSIONER HUGHES SECONDED THE MOTION.

Commissioner Luvaas offered an amendment to state that up to half of the lots on the west side may be built two-story, provided that the plan has no significant windows to the rear of the second story. Commissioner Monfort accepted the amendment.

Commissioner Luvaas offered an amendment that the developer be required to at least provide a two-bedroom plan as an option, and that zero-lot line construction is to be allowed, if desired. Commissioner Monfort accepted the amendment.

THE MOTION PASSED 4-1-1-1 (COMMISSIONER BROWNELL OPPOSED, COMMISSIONER FRANCIS DISQUALIFIED, AND COMMISSIONER SCHIFFMAN ABSENT).

Commissioner Brownell clarified that she was only opposed to requiring a two-bedroom plan.

Commissioner Francis returned to the room.

9. **Conceptual Review of The Views at Canyon Oaks Vesting Tentative Subdivision Map (S 02-12) and Planned Development Permit (PDP 02-05) (Walters and Tucker) South of Shallow Springs Terrace** - A request for conceptual review of a vesting tentative subdivision map and planned development permit to divide an 8.25 acre site into 20 single-family lots ranging in size from 9,516 to 15,085 square feet. Through the planned development permit process and modifications of the subdivision design criteria and improvement standards, the applicant is requesting to reduce parcel sizes below the minimum 20,000 sq. ft. (while remaining within the density limits of the General Plan land use designation), allow a hammerhead turnaround, eliminate the separate pedestrian path and allow roadway slopes greater than 8% (slopes range from 6%-11.5%). The site is identified as a portion of Assessor's Parcel No. 011-030-103, is designated Very Low Density Residential on the City of Chico General Plan Diagram, and is located within an RS-20 Suburban Residential (20,000 sq. ft. minimum parcel size) zoning district. Environmental review of the project is pending; an initial study will be finalized and the required notice and public review period will be conducted prior to final action on the tentative map and planned development permit by the Planning Commission. *Staff recommends that the Planning Commission conceptually review the project, and provide any needed direction to the applicant for final review.*

Mr. Murphy presented the staff report, emphasizing that this is just a conceptual review of the project. He noted that, if considered in conjunction with the project to the east, the total density of the combined project is 2 units per acre.

In response to Commissioner Monfort, Mr. Murphy explained that a planned development permit allows a transfer of density, pointing out that the Canyon Oaks development has been built at a lower density than what was originally envisioned. He explained that this total project was originally 8 lots, and is now proposed to be 20 lots in two phases; the original 8 lots would be Phase 1, the 12 new lots Phase 2. He noted that the key question is whether this is an appropriate site for increased density, as this site contains slopes and oak trees. He stated that staff would need additional information on grading plans and foundations proposed, adding that staff believes that lot 20 may not be buildable. Staff would also suggest a larger easement between Parcel C and the open space west of Lot 11. He reviewed the proposed home designs, adding that the project is within Upper Park Homeowners Association, which allows homes as small as 1400 square feet. He stated that staff is working with the applicant's engineer on exact home locations, and suggested that Commissioners may want to attend a site visit in the near future.

In response to Commissioner Luvaas, Mr. Murphy stated that visual simulations could be done to look at night-time lighting visibility issues.

The public hearing was opened at 10:31 p.m.

Jim Stevens, a previous speaker, representing the applicant, stated that he doesn't think that the property is visible from SR 32. He voiced agreement with the enlarged wildlife corridor idea, thanked staff for bringing this project to the Commission for feedback, and stated his client's intention to use stem wall construction, pinning the foundations to the slope. He stated that they'd like to leave the topography "as is" as much as possible, which is also why he's requesting a hammerhead turnaround; a standard cul-de-sac would have an 8 foot elevation difference from one side to the other.

In response to Commissioner Hughes, Mr. Stevens discussed storm drainage, explaining that pre- and post-development runoff levels are largely the same due to the lava cap on the site.

In response to Commissioner Brownell, Mr. Stevens and Mr. Alexander discussed specifics about drainage, including maintaining the existing natural flow and dispersing concentrated flow into sheet flow.

Mr. Stevens discussed the design of the house, explaining that his client doesn't intend to put a lot of money into design until it's determined that the concept is viable.

Commissioner Luvaas expressed concern that the proposed street section is too wide.

Mr. Stevens pointed out that 24 feet is the Canyon Oaks standard, and that the Fire Department has the final say. He suggested that 20 feet might be acceptable to the Fire Department.

Michael Wedow, 3199 Shallow Springs Terrace, President of the Canyon Oaks Home Owners Association, reviewed the letter the HOA submitted to the Commission. He expressed concern for tree preservation and the provision of a wildlife corridor, due to the number of wild turkeys in the vicinity.

Nancy Dooly, 3170 Woodcreek Drive, Boardmember of the Canyon Oaks HOA, reviewed drainage issues discussed in the letter. She asserted that development has negatively impacted existing drainage patterns, and questioned whether the existing sewer system has the capacity to serve additional homes.

Kirk Leavy, 3169 Canyon Oaks Terrace, Boardmember of the Canyon Oaks HOA, expressed concerns with higher density development, inadequate access to Canyon Oaks due to only two entrances, and increased emergency response time.

Commissioner Francis confirmed with staff that there is no possibility of building more than 456 units without an Environmental Impact Report.

Nancy Dooly, a previous speaker, encouraged the Commission to visit the site.

Ernie Matlock, 3179 Woodcreek Drive, Boardmember of the Canyon Oaks HOA, asserted that all drainage from the site will go into Dead Horse Slough, potentially making flooding problems worse. He urged the Commission to stick with the densities originally approved in 1986.

Michael Galli, 3171 Sandstone Lane, Boardmember of the Canyon Oaks HOA, suggested that the level of concern of area residents is related to the LVV subdivision currently being processed. He suggested that any increase in density be limited to 25% over what was envisioned for that particular area in 1986.

Commissioner Monfort pointed out that some areas of Canyon Oaks have lost significant numbers of lots due to environmental constraints.

There being no further comment, the public hearing was closed at 11:12 p.m.

The Commission discussed the project. There was general agreement that issues relating to drainage, wildlife movement, and grading need to be addressed, even if it means that some of the lots aren't buildable. The Commission also agreed to visit the site to develop a clearer understanding of the issues involved.

The public hearing was reopened at 11:23 p.m.

Jessica Walters, 748 Serrano Court, applicant, stated that it would be no problem to limit fencing to provide wildlife access. She emphasized that there are also strict architectural guidelines in place for both HOAs.

Commissioner Luvaas discussed lighting for the project; both Ms. Walters and Ms. Figge stated that the street lighting is very low intensity, much less than what is required on public City streets.

In response to Commissioner Brownell, Mr. Alexander stated that Public Works would prefer a cul-de-sac. He noted that City code includes language that dead end streets shall end in cul-de-sacs.

There being no further comment, the public hearing was reclosed at 11:28 p.m.

The Commission discussed additional issues, including grading, the cul-de-sac, and whether some lots, including lots 11 and 20, should be eliminated.

COMMISSIONER MONFORT MOVED THAT THE COMMISSION CONCEPTUALLY APPROVE THE PLAN, ELIMINATING LOT 11 FOR WILDLIFE AND OPEN SPACE CONTINUITY REASONS, AND ELIMINATING LOT 20 UNLESS IT CAN BE PROVEN THAT IT'S BUILDABLE, AND ENGINEERING CALCULATIONS SHOWING THAT THE DRAINAGE CAN BE HANDLED.

Commissioner Luvaas offered an amendment that no fences be allowed in the project, and that the road width be reduced to 20 feet. Commissioner Monfort accepted the amendment.

COMMISSIONER ALVISTUR SECONDED THE AMENDED MOTION, WHICH PASSED 6-0-1 (COMMISSIONER SCHIFFMAN ABSENT).

GENERAL BUSINESS

- 10. Workshop** - Planning Division staff requests the scheduling of a workshop to discuss primary alley access for parcel divisions.

After discussion, the Commission agreed to hold a workshop on February 27th at 4 p.m. Commissioner Francis confirmed with staff that there would be a new commissioner orientation at the next meeting.

PLANNING UPDATE

None.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 11:38 p.m. to the Regular Meeting of February 6, 2003, at 6:30 p.m. in the Council Chamber, 421 Main Street.

November 20, 2003

-

Date Approved

Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 6, 2003**

ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort, and Irv Schiffman. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Tom Hayes, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

ADMINISTRATIVE AGENDA

1. **Minutes of the Regular Meeting of December 5, 2002**
Staff recommends approval with any corrections/revisions required.

COMMISSIONER ALVISTUR MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 7-0.

CONSENT AGENDA

No items.

ITEMS REMOVED FROM CONSENT AGENDA

No items.

REGULAR AGENDA

2. **Planning Commission Orientation** - Planning Director Kim Seidler, Principal Planner Pam Figge and Assistant City Attorney Lori Barker will review the role of the Commission. Questions and discussion with both the Commission and members of the public will be invited.

Mr. Seidler, Ms. Figge and Ms. Barker made their presentation to the Commission.

Commissioner Francis suggested that a quarterly workshop might be valuable; there was general agreement.

Commissioners Francis and Schiffman thanked staff for the excellent orientation.

3. **General Plan Amendment No. 03-01 (City of Chico) Bidwell Park** - This amendment to the Park, Public Facilities and Services (P, PF and S) Element of the General Plan is a follow-up to the Five-Year Review of the General Plan. At the time of the Five-Year Review, a proposal was received to construct an Annie

Bidwell Trail from Bidwell Mansion to Ten-Mile Road in Upper Bidwell Park along Big Chico Creek. The proposed amendment to Section 5.1 of the P, PF and S Element would introduce a new implementing policy to read: "The City shall allow and encourage development of an Annie Bidwell Trail within sight and sound of Big Chico Creek, where practicable, on the city lands from Bidwell Mansion to Ten-Mile Road. The trail should be constructed or upgraded to a minimum of (Bidwell Park Trails Manual) Class B standards as soon as possible, but ideally done in time for the 100-year anniversary of Annie Bidwell's July 11, 1905 deed of Bidwell Park." A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends that the Commission recommend City Council adoption of the mitigated negative declaration and approval of the general plan amendment.***

Mr. Hayes presented the staff report, reviewing the history and intent of the proposed General Plan amendment, along with associated environmental concerns. He reviewed the mitigated negative declaration for the amendment, which further defines what "within sight and sound of Big Chico Creek, where practicable" means in several areas. He noted that preservation of environmental resources may result in portions of the project being moved further from the creek. He reviewed letters received about the project, which raise concerns about impacts of trail construction. He explained staff's position that this general plan amendment is simply for a policy, and that additional environmental review will be required once a specific alignment is settled upon. He emphasized that the actual construction of the trail is not necessarily tied to a policy of the General Plan, and that the trail could be included in the capital improvement program without a specific General Plan policy.

In response to Commissioner Monfort, Mr. Hayes clarified that the main purpose of the mitigated negative declaration for this General Plan amendment is to clarify that "where practicable" means "if resources can be avoided or otherwise mitigated."

Commissioner Francis pointed out that the idea behind making this policy an amendment to the General Plan was to give it some weight, although she noted that the project has proceeded far enough along that a policy is no longer strictly necessary.

The Commission discussed whether it was necessary to reference the Class B standard; it was agreed to wait until the project advocate could elaborate on exactly what the standard is.

In response to Commissioner Brownell, Mr. Hayes clarified that the mitigated negative declaration is solely for the policy, not for any particular alignment. He asserted that any alignment decided upon would be subject to further environmental review.

In response to Commissioner Luvaas, Mr. Seidler indicated that if the Commission harbors unaddressed environmental concerns about the project, it could either recommend that the Council not adopt the negative declaration, or it could alter the language of the policy.

In response to Commissioner Schiffman, Mr. Seidler stated that the EIR for the final trail alignment would not be considered by the Commission.

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

Michael Jones, 2411 Notre Dame Blvd., project advocate, summarized the portion of the five-year general plan review which resulted in the exact policy wording before the Commission. He stressed that the Annie Bidwell Trail (ABT) is an implementing policy designed to help open creek corridors to public view and access. He noted that any time pressure was solely intended so that the trail would be ready in time for the 100-year anniversary of Bidwell Park. He also explained details of a Class B trail, noting that it is a two to four-foot wide natural surface trail for use by hikers, bikers and equestrians.

Randy Abbott, 1151 E. 10th Street, spoke in opposition to the project, citing concerns with soil erosion, damage to otter and turtle habitat, and impacts to the natural qualities of Upper Bidwell Park. He noted the lack of a management plan for the south acquisition of the park, and the absence of any onsite noticing for the Planning Commission's meeting. He recommended that the Commission not recommend adoption of the General Plan amendment.

In response to Commissioner Hughes, Mr. Abbott stated that the ABT won't reduce the use of bootleg trails or the erosion caused by them.

In response to Commissioner Monfort, Mr. Abbott acknowledged that while the Commission isn't taking a position on any particular alignment, he stressed that the policy will be given greater weight in future years if it is part of the General Plan.

In response to Commissioner Alvistur, Mr. Abbott clarified that he is only concerned about trail development in Upper Park.

After additional discussion, Mr. Abbott suggested that the Commission could look at modifying the language to address resources that could be avoided and/or mitigated.

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

The Commission discussed whether to alter the language. Mr. Seidler proposed replacing "where practicable" with "where this can occur without affecting sensitive resources to any significant degree" in the policy.

After additional discussion, it was agreed to accept the new language as proposed.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-01, RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE GENERAL PLAN AMENDMENT 03-01, MODIFIED TO REPLACE THE LANGUAGE "WHERE

PRACTICABLE” WITH “WHERE THIS CAN OCCUR WITHOUT AFFECTING SENSITIVE RESOURCES TO ANY SIGNIFICANT DEGREE.” COMMISSIONER LUVVAAS SECONDED THE MOTION, WHICH PASSED 7-0.

GENERAL BUSINESS

Commissioner Francis discussed her idea for quarterly workshops. After Ms. Figge pointed out that the Commission already has two upcoming workshops scheduled concerning second units and alley access, it was agreed to start the workshops in the second quarter of the year.

Commissioner Luvaas expressed support for additional training and information on smart growth and neo-traditional development; Ms. Figge replied that baby steps are happening in the development community, and that New Urbanist projects are getting financed. Mr. Seidler agreed, noting that staff believes in Smart Growth and that Planning has asked for money in the budget to prepare a parallel TND ordinance.

In response to Commissioner Schiffman, Ms. Figge explained that upcoming revisions to Title 18 should help the City’s implementation of the General Plan.

In response to Commissioner Alvistur, Mr. Hayes explained that some growth areas will have specific plans, and that zoning would be established for all growth areas.

There was general agreement to raise the minimum density of the R2 zoning district; the Commission directed staff to agendize it for a future meeting.

Commissioner Luvaas voiced support for some way of informing the Commission of projects “in the pipeline”. After discussion, there was general agreement that any such process should be minimal, both to avoid ex parte communication and not increase staff’s workload.

Michael Jones, a previous speaker, stated that the Annie Bidwell Trail has been “nibbled at” so much that there’s hardly anything left. He lamented the City’s lack of conviction in implementing General Plan policies dealing with trails.

PLANNING UPDATE

Mr. Seidler reviewed recent Council actions concerning the LVV rezone and the Abouzeid Use Permit appeal.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:36 p.m. to the Adjourned Regular Meeting of February 20, 2003, at 6:30 p.m. in the Council Chamber, 421 Main Street.

November 20, 2003

-

Date Approved

Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
FEBRUARY 20, 2003**

ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Mary Brownell, Jolene Francis, Jon Luvaas, Kirk Monfort, and Irv Schiffman. Commissioners Vic Alvistur and Orval Hughes were absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Tom Hayes, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

ADMINISTRATIVE AGENDA

No items.

CONSENT AGENDA

1. **Planned Development Permit 02-13 (Slater & Son/Butte Community Bank) 231 W. East Avenue** - A request to construct a 6,055 square foot commercial building that will accommodate a 4,555 square foot bank with a drive-through service window and a 1,500 square foot suite that is anticipated to be utilized by a coffee-shop tenant. A planned development permit is required because the site is located within a PD Planned Development Overlay zoning district. Final architectural review and approval of the project is also requested. The project is proposed on a building pad site located in the front parking area of the Orchard Supply and Hardware store located at 231 W. East Avenue, Assessor's Parcel No. 006-150-121 on land designated Community Commercial on the City of Chico General Plan Diagram and located in a CC-PD Community Commercial-Planned Development Overlay 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 or Conversion of Small Structures. *Staff recommends approval of the architectural and site design and planned development permit.*

Commissioner Monfort pulled this item from the Consent Agenda.

Commissioner Francis stated that she is disqualified from hearing this item, as the applicant is a client of her employer. She left the room.

ITEMS REMOVED FROM CONSENT AGENDA

1. **Planned Development Permit 02-13 (Slater & Son/Butte Community Bank)**

231 W. East Avenue

Commissioner Monfort inquired if the applicant had entertained the idea of including residential above the first floor.

The public hearing was opened at 6:36 p.m.

Bud Tracy, P.O. Box 3069, project coordinator for Butte Community Bank, stated that upstairs residential wasn't considered due to both security considerations and a lease that limits the height of the building to 22 feet.

Commissioner Luvaas confirmed with Mr. Tracy that the bank parking will be an extension of the existing parking lot.

There being no further comment, the public hearing was closed at 6:40 p.m.

COMMISSIONER LUYAAS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-06, APPROVING PLANNED DEVELOPMENT PERMIT 02-13 (SLATER AND SON/BUTTE COMMUNITY BANK), INCLUDING THE PROJECT'S ARCHITECTURAL DESIGN, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED THEREIN. COMMISSIONER SCHIFFMAN SECONDED THE MOTION, WHICH PASSED 4-0-1-2 (COMMISSIONER FRANCIS DISQUALIFIED, COMMISSIONERS ALVISTUR AND HUGHES ABSENT).

Commissioner Francis returned to the room.

REGULAR AGENDA

2. **Planned Development Permit 02-11 (Deromedi/Granicher) 323 W. 2nd Avenue** - A planned development permit is requested to exceed a maximum density of 6 units per acre with a proposed density of 6.21 units per acre (allowed up to 7 units per acre with a planned development permit) and a request for a second-dwelling unit attached to a new single-family residence. Final architectural review and approval of the project is also requested. This project is in conjunction with a proposed minor land division of a 9,000 square foot lot (0.21 acre) with an existing single-family residence. The project site is identified as Assessor's Parcel No. 003-091-004 on land designated Medium Density Residential (4.01 to 14 units per acre) on the City of Chico General Plan Diagram and located in a R1 Low Density Residential zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332 (Infill Development Projects). *Staff recommends approval of architectural and site design and the planned development permit.*

Associate Planner Summerville presented the staff report, reviewing the land use issues involved and details of the proposal. He noted that the surrounding neighborhood has developed with a

mix of housing types due to being alternately zoned R3, then R1. He explained that the Planned Development Permit is required in this case because the requested land division results in 6.21 units per acre, greater than the 6 units which is normally allowed in the R1 district. He explained that a new house with a second unit will be constructed on the newly created lot, and that full frontage and alley improvements will be required. He noted that staff is recommending that four onsite parking spaces be required, and that the main residence be limited to four bedrooms. He reviewed letters submitted by area residents, expressing concerns with traffic, parking, and potential disruptions to the neighborhood caused by unruly behavior.

The Commission discussed how the storage space would be prevented from being turned into another bedroom; Principal Planner Figge indicated that no building permit would be issued to convert the space to a bedroom.

The Commission inconclusively discussed the interior floorplan.

In response to Commissioner Luvaas, Ms. Figge explained that the Medium Density Residential general plan designation reflects the use of the area, while the R1 zoning reflects the single family nature of the neighborhood.

In response to Commissioner Monfort, Senior Development Engineer Alexander explained what public improvements would be required, and under what circumstances in-lieu fees would be collected instead.

The public hearing was opened at 7:05 p.m.

Dennis Deromedi, 600 Main Street, applicant, assured the Commission that the storage area will not be heated or cooled, stating that it was intended for bicycle storage. He stated that a garage door opener will be installed to encourage vehicles to park in the garage.

In response to Commissioner Monfort, Mr. Deromedi explained that the new home would be a rental, and that the existing home would be retrofitted with new windows, a new roof, new paint, and new landscaping. He added that a concrete parking space would be constructed for the existing home at the same time the alley is improved.

In response to Commissioner Schiffman, Mr. Deromedi noted that he plans for only four people to live in the new home, and that he already has tenants lined up.

Commissioner Francis restated her concern that the storage area could be turned into another bedroom; Mr. Deromedi assured her that he has no intention of converting that space illegally.

Ms. Figge cautioned the Commission against micro-designing the project, pointing out that there is no limitation on the number of bedrooms for single-family residences for any of the homes in this neighborhood.

There was additional discussion concerning the interior floor plan.

Barbara Reed, 1144 Citrus Avenue, reviewed the letter and photographs she submitted to the Commission. She spoke in opposition to the project, citing concerns with inadequate parking, inadequate drainage, and the size of the new home.

Commissioner Monfort opined that the problems with the neighborhood are bigger than any individual project. Commissioner Schiffman suggested that areas suitable for infill development should receive priority when determining capital improvement projects.

David Nopel, 517 W. 1st Avenue, expressed concern with the overall effect of student renters on the neighborhood. He cited concerns with traffic, noise, parking, and a deterioration of the neighborhood caused by absentee landlords.

Ken Fleming, 269 E. Sacramento Avenue, expressed concern with the effect of student rentals on the neighborhood.

Betty Nopel, 517 W. 1st Avenue, spoke in opposition to the project, citing concerns with traffic, parking, pedestrian safety, landscaping, and the lack of public improvements in the area.

Kasey Merrill, 1627 Arcadian Avenue, spoke in opposition to the project, citing concerns with traffic and student behavior.

Cindy Reed, 327 W. 2nd Avenue, stated that she lives next door to the project. She expressed concern with the size of the home, stressing her opposition to another college rental.

There being no further comment, the public hearing was closed at 8:04 p.m.

The Commission discussed the issues affecting the overall neighborhood. Commissioner Monfort expressed support for conditions to bring the existing house up to code and to require a short wall to prevent tenants from parking on the front lawn.

Ms. Figge pointed out that 75% of the comments concern behavior, which is outside the scope of land use regulation. She noted that the City is considering requiring owner-occupancy for second units.

COMMISSIONER LUYVAAS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-05, APPROVING PLANNED DEVELOPMENT PERMIT 02-11 (DEROMEDI/GRANICHER), INCLUDING A SECOND DWELLING UNIT AND THE PROJECT'S ARCHITECTURAL DESIGN, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED THEREIN, WITH ADDED CONDITIONS REQUIRING REMOVAL OF THE WALL BETWEEN THE GARAGE AND STORAGE AREA, WIDENING THE OUTSIDE DOOR TO THE GARAGE TO 3.5 FEET WIDE,

MOVING THE WASHER AND DRYER TO THE REAR OF THE STORAGE AREA, AND BRINGING THE EXISTING HOUSE UP TO CODE.

Commissioner Brownell suggested that the laundry be in the home itself.

Commissioner Francis announced that she would vote against the motion, noting real neighborhood concerns about traffic and drainage. She opined that the home will never become a true single-family residence, as it's too big for both the lot and the surrounding neighborhood.

COMMISSIONER MONFORT SECONDED COMMISSIONER LUYAAS' MOTION.

Commissioner Luyaa stated that he wouldn't mind a smaller house on the property; Commissioner Francis stated that she could support a three bedroom home with no access between the second unit and the main unit.

COMMISSIONER MONFORT MOVED THAT THE PUBLIC HEARING BE REOPENED. COMMISSIONER LUYAAS SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS ALVISTUR AND HUGHES ABSENT).

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

Commissioner Francis asked Mr. Deromedi if he would be agreeable restricting the home to three bedrooms with a one-bedroom second unit.

Mr. Deromedi, a previous speaker, replied that he would be agreeable, noting that they could reduce the main unit to approximately 1700 square feet, with the laundry inside the main unit. He requested that the Commission delegate final approval to staff so that he can move forward with the project.

There was general agreement to delegate final approval to staff.

Kasey Merrill, a previous speaker, requested the landlord's phone number.

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

COMMISSIONER MONFORT OFFERED AN AMENDMENT THAT THE MAIN UNIT BE LIMITED TO THREE BEDROOMS, THAT THE SECOND UNIT BE LIMITED TO ONE BEDROOM, AND THAT THERE BE NO DIRECT ACCESS BETWEEN THE SECOND UNIT AND THE MAIN UNIT. COMMISSIONER LUYAAS ACCEPTED THE AMENDMENT.

After discussion, the Commission agreed that a front yard fence would be desirable, but not required.

Commissioner Schiffman observed that the amended motion is a good compromise, but that the larger social problem of the students remains.

THE MOTION, AS AMENDED, PASSED 5-0-2 (COMMISSIONERS ALVISTUR AND HUGHES ABSENT).

The Commission was in recess from 8:29 to 8:41 p.m.

3. Text Amendment to Title 19 of the Chico Municipal Code (City of Chico):

This proposed amendment to Section 19.74.115 Portable signs of Title 19 Land Use and Development Regulations of the Chico Municipal Code will reinstate the use of portable freestanding signs, under certain provisions, in all commercial and industrial zoning districts, excepting the CD Downtown Commercial zoning district. The code amendment contains a one-year “sunset clause.” The effect of the sunset clause is to automatically repeal these provisions one year from its effective date. It has been determined that, pursuant to Section 15162 of the California Environmental Quality Act, no subsequent environmental review is required. *Staff recommends that the Commission discuss the amendment and, if deemed appropriate, recommend City Council approval of the text amendment to the Chico Municipal Code.*

Principal Planner Figge reviewed the history of portable signs in the City. She noted that most cities prohibit them, and that the American Planning Association recommends banning them on aesthetic grounds.

In response to Commissioner Luvaas, Ms. Figge related that the number of portable signs has been increasing, but that they have all been illegal since June, when the regulation allowing them expired.

Commissioner Schiffman confirmed with Ms. Figge that it is easier to have a complete prohibition on this signs, instead of allow them only in certain zones.

Commissioner Brownell confirmed that enforcement is minimal, particularly on weekends. Ms. Figge noted that there are only two code enforcement officers for the entire City.

In response to Commissioner Luvaas, Ms. Figge noted that the only input received on portable signs was from four or five business owners.

Commissioner Francis suggested that all portable signs should be brought in at night, due to problems with graffiti.

The Commission discussed prohibiting portable signs completely. Commissioner Francis remained opposed to prohibiting them altogether; Commissioner Monfort noted that if they're all taken away, it's still a level playing field for businesses.

The public hearing was opened at 8:58 p.m. There being no input, the hearing was closed.

COMMISSIONER SCHIFFMAN MOVED THAT THE PORTABLE SIGN ORDINANCE NOT BE REINSTATED, THEREBY PROHIBITING PORTABLE SIGNS ALTOGETHER. COMMISSIONER LUYAAS SECONDED THE MOTION, WHICH PASSED 4-1-2 (COMMISSIONER FRANCIS OPPOSED, COMMISSIONERS ALVISTUR AND HUGHES ABSENT).

4. **Initiation of General Plan and Zoning Text Amendments Following a Discussion of Minimum Density in the R2 Medium Density Residential Zoning District and Medium Density Residential General Plan Designation:**
At the conclusion of its February 6 meeting, the Commission directed staff to begin the process to restore the minimum density to 7.01 residential units per acre (an increase from the current 4.01 units per acre) in the R2 Medium Density Residential zoning district. Staff is requesting a discussion of the Commission's desired course of action, particularly to ascertain the Commission's direction regarding the densities of other residential zoning districts. *Staff recommends that the Commission provide detailed direction to staff, initiating preparation of appropriate documents, noticing, and environmental review.*

Commissioner Francis stated that her main motivation was to reverse the change made a couple of years ago, to restore the R2 district to its previous density.

Principal Planner Figge pointed out that since the maximum density in R1 is now 6 units per acre, it may be sensible to set the minimum density of R2 at 6.01 units per acre to avoid any gap in allowed densities; Commissioner Francis agreed.

Commissioner Luyvaas expressed support for returning to the original density ranges in the General Plan (R1 2.01 to 7 units per acre, R2 7.01 to 14 units per acre, and R4 22.01 to 35 units per acre).

The public hearing was opened at 9:05 p.m. There being no input, the hearing was closed.

Commissioner Luyvaas noted that there may be future amendments in density ranges, but stressed that the priority at the moment is to restore the density ranges to their original designations.

COMMISSIONER LUYAAS MOVED THAT THE CITY INITIATE A GENERAL PLAN AMENDMENT/REZONE TO RESTORE THE ORIGINAL DENSITY RANGES (R1 2.01 TO 7 UNITS PER ACRE, R2 7.01 TO 14 UNITS PER ACRE, AND R4 22.01 TO 35 UNITS PER ACRE). COMMISSIONER MONFORT SECONDED THE MOTION.

Commissioner Monfort stressed that he doesn't want to create a lot of work for staff; he noted that there wasn't any big EIR when the density ranges were reduced.

After discussion, it was agreed that greater consideration is needed for higher density residential development.

COMMISSIONER LUYAAS AMENDED HIS MOTION TO ADD THE PHRASE "SUBJECT TO APPROPRIATE DEVELOPMENT STANDARDS". THE MOTION, AS AMENDED, PASSED 5-0-2 (COMMISSIONER ALVISTUR AND HUGHES ABSENT).

GENERAL BUSINESS

Commissioner Monfort suggested that some sort of traffic planning be performed for the Avenues, possibly including a preferred parking district similar to Mansion Park.

Planning Director Seidler suggested that the Commission may want to prioritize the issues it wishes to discuss with Council, then request a joint meeting to discuss the items of greatest concern. Commissioner Francis suggested that the Commission could discuss such prioritization at its next workshop; Principal Planner Figge suggested that the Commission may want to discuss an overlay district that prohibits second units until adequate infrastructure is in place.

The Commission discussed various issues; Mr. Seidler suggested that each Commissioner bring a list of items to the workshop.

The Commission confirmed that there would be a quorum at the March 20 meeting, as several Commissioners will be at the League of California Cities Conference.

PLANNING UPDATE

Planning Director Seidler reviewed recent Council actions, including the Moran and Karasinski rezones.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:05 p.m. to the Planning Commission Workshop of February 27, 2003, at 4:30 p.m. in Conference Room 1, 421 Main Street.

January 22, 2004

-
Date Approved

Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
MARCH 6, 2003**

ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, and Irv Schiffman. Commissioner Kirk Monfort was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Patrick Murphy, Associate Planner Bob Summerville, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioners Francis, Luvaas, Brownell, Schiffman, and Hughes each reported that they had spoken to Jim Stevens concerning items 3 and 4, clarifying items in the staff report.

Commissioner Brownell reported that she had also spoken with Jose Luis Gonzales about item 6.

Commissioner Hughes reported that he had also spoken to Don Marshall concerning item 4.

ADMINISTRATIVE AGENDA

- 1. Minutes of the Regular Meeting of December 19, 2002**
Staff recommends approval with any corrections/revisions required.

COMMISSIONER ALVISTUR MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER MONFORT ABSENT).

CONSENT AGENDA

No items.

ITEMS REMOVED FROM CONSENT AGENDA

None.

Chair Francis announced that she'd like to hear the Planning Update at this point, since she is disqualified from hearing the final two items on the agenda and will have to leave during those hearings.

PLANNING UPDATE

Mr. Seidler reviewed an upcoming audio conference about context-driven street design, as well as Council action on the LVV and Moran rezones.

Ms. Figge noted that staff is proposing a site visit to The View, to occur after the meeting on the

20th. She also stated that staff would like to hold a workshop for second dwelling units in first part of April.

REGULAR AGENDA

2. **Modification of Use Permit 01-60 (McDonald's/Grayson) - 2542 Connors Avenue** - The project involves the modification of a previously-approved use permit for a drive-through service window to allow the demolition of an existing restaurant and the construction of a new restaurant with a revised design that includes a single-lane drive-through service window and a 1,200 square foot "Play Place". Also requested is a modification of a condition of approval to allow the continued use of a pre-existing, nonconforming freeway-oriented pole sign. The site is identified as Assessor's Parcel No. 006-290-013, is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CC Community Commercial rezoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15302 (b) (Replacement or Reconstruction). *Staff recommends approval of the use permit modification.*

Mr. Summerville presented the staff report, reviewing surrounding land uses, details of the proposal, and changes from the previously issued use permit. He noted that the new design will have a single-lane drive-through, double windows, and an indoor play structure; he also noted that no changes are proposed to the existing pole sign.

In response to Commissioner Luvaas, Ms. Barker explained that the status of the sign is unclear in the City's code. She stated that Planning is considering the sign a structure which isn't being touched, and it is unclear whether a change in the building can require a change in the sign. She noted that the Commission does have the authority to reduce the size of the sign as part of the use permit, if desired.

The public hearing was opened at 6:45 p.m.

Terry Grayson, 1143 Sibley Court, Suite 100, Folsom, applicant, stated that the most recent elevations are not in the staff report due to minor changes. He confirmed that a trellis will be built, agreed with the conditions of approval, and requested that the sign be allowed to remain as-is. He indicated that lowering the sign would be detrimental to the site, explaining that 35% of their traffic is due to the sign.

In response to Commissioner Luvaas, Mr. Grayson explained that the parking lot lighting is proposed to be 16 feet tall, and that nobody expressed any concerns over the final destination of the material from the demolition of the old restaurant.

Mr. Summerville interjected that the manager of the Neal Road landfill wrote a memo explaining that the material from the demolition would be welcome as road base within the landfill.

Commissioner Luvaas inquired if Mr. Grayson had considered placing housing on top of the McDonald's; Mr. Grayson replied that he had not.

Commissioner Hughes confirmed with Mr. Grayson that the drive-through won't affect the parking area, and that two windows are proposed.

John Nock, 1060 Mildred Avenue, stated that he owns a building on Connors Court. He urged the Commission to require a protected left-turn lane from East Avenue if this store will generate any additional traffic.

In response to Commissioner Francis, Mr. Johnson explained that Caltrans hasn't been interested in a left-turn pocket at that intersection; he noted that Caltrans has jurisdiction due to the proximity to Highway 99.

Terry Grayson, a previous speaker, pointed out that he has submitted an application to Caltrans for a left-turn pocket at the intersection, and that Caltrans is now interested.

There being no further comment, the public hearing was closed at 6:55 p.m.

Mr. Summerville suggested that the Commission add condition 12, confirming the ARB's approval of the project.

Commissioner Luvaas confirmed with Mr. Summerville that covered bicycle parking will be installed, and that some landscaping trees will be replaced.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION APPROVE THE MODIFICATION OF USE PERMIT 01-60 (GRAYSON/MCDONALD'S) TO ALLOW THE DEMOLITION OF AN EXISTING RESTAURANT AND THE CONSTRUCTION OF A NEW RESTAURANT WITH A REVISED DESIGN THAT INCLUDES A SINGLE-LANE DRIVE-THROUGH SERVICE WINDOW AND A 1,200 SQUARE FOOT "PLAY PLACE," AND THE MODIFY CONDITION #8 OF USE PERMIT 01-60 TO ALLOW THE CONTINUED USE OF A LEGAL NONCONFORMING FREEWAY-ORIENTED SIGN WHICH EXCEEDS THE CITY'S HEIGHT AND SIGN AREA STANDARDS, WITHOUT ANY CHANGES TO THE SIGN, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED THEREIN, WITH THE ADDITION OF CONDITION #12, CONFIRMING THE ARB'S REVIEW AND APPROVAL OF THE PROJECT DESIGN. COMMISSIONER HUGHES SECONDED THE MOTION.

Commissioner Hughes offered an amendment that the motion reference "service windows" due to the fact that there are two windows used by the drive-through; Commissioner Alvistur accepted the amendment.

Commissioner Luvaas and Schiffman announced that they would vote against the motion, as they wished to reduce the size of the freeway-oriented sign.

Commissioner Luvaas offered an amendment to reduce the size of the free-way oriented sign to what was originally agreed to in Use Permit 01-60; Commissioner Alvistur rejected the amendment.

THE MOTION, AS AMENDED, PASSED 4-2-1 (COMMISSIONERS LUYAAS AND SCHIFFMAN OPPOSED, COMMISSIONER MONFORT ABSENT).

3. **Conceptual Review of Vesting Tentative Subdivision Map (S 02-20) and Planned Development Permit (PDP 03-01) for the Yosemite at 32 Subdivision located at the northeast corner of the State Route 32/Yosemite Drive intersection (Sunset Development, LLC.)** - Conceptual review of a planned development permit (PDP) and accompanying subdivision map which would divide a 5.27 acre parcel into 34 single-family residential lots, at a density of 6.5 units per acre. Proposed lots range in size from 4,000 square feet (s.f.) to 7,657 s.f. with an average lot size of 4,470 s.f. Approval would be contingent on the Planning Commission's review and approval of the final development plan at a subsequent Planning Commission meeting. The site is identified as Assessor's Parcel No. 011-030-141 (portion), is designated Medium Density Residential on the City of Chico General Plan Diagram, and is located in an R2 Medium Density Residential zoning district. The subject property is Parcel 2 of the Alleghany Parcel Map (PM 01-16). *Staff recommends that the Commission conceptually review the project, and provide any needed direction to the applicant.*

Mr. Murphy presented the staff report, reviewing the land use issues involved, surrounding land uses, site constraints, and details of the proposal. He noted that the home designs will have front porches, detached garages, and other new urbanist features, including provisions for second units above garages. He explained that parking may be an issue, since no parking is allowed on Yosemite Drive at this location, and parking is also prohibited in the alleys which are planned for the site; a limited amount of on-street parking will be available on one side of interior roadways. He reviewed that landscaping will be installed adjacent to the rock wall to soften its appearance, with the final landscaping plan to be reviewed and approved by both the City and Caltrans. He also noted that drainage issues need to be resolved downstream, and that the applicant's engineer is investigating the issue.

In response to Commissioner Francis, Mr. Murphy explained that there is 30 feet of elevation difference between the east and west property boundaries on the southern portion of the property. Commissioner Francis opined that apartments probably wouldn't work on the site.

In response to Commissioner Francis, Mr. Alexander noted that parking is prohibited on this portion of Yosemite Drive due to the center left turn lane required for the Yosemite Terrace project.

In response to Commissioner Alvistur, Mr. Murphy explained that subdivisions without on-street parking are required to have four on-site parking spaces per lot, but that small lot subdivisions can reduce this requirement by one space per lot.

In response to Commissioner Luvaas, Mr. Murphy explained that while it may be possible to create some usable open space and a pedestrian link to the project to the north, the main consideration is provision of unimpeded drainage.

The public hearing was opened at 7:24 p.m.

Jim Stevens, NorthStar Engineering, 20 Declaration Drive, representing the applicant, noted that it is a problematic site. He noted that there are twin 48 inch pipes under Yosemite drive, with a capacity of 170 cfs, and that the lots were placed so they wouldn't impact any storm water flow. He cautioned against any use of the open space for recreation purposes which might impact storm drainage.

Commissioners Schiffman and Luvaas opined that the open area is a great opportunity for pedestrian connectivity, which is encouraged in the General Plan.

Mr. Stevens explained that he'd like to allow parking on Yosemite, but that the street width is insufficient. He also explained the proposed grading for the project, noting that the existing grade difference is 40 feet from north to south and 15 feet from east to west. He noted that smaller pads for individual homes are proposed in part due to the grading issues, as opposed to larger pads for apartments, which are also experiencing higher vacancy rates. He reviewed the rock wall, noting that they plan to leave it on two of the lots to avoid creating a homeowner's association (HOA).

In response to Commissioner Schiffman, Mr. Stevens confirmed that they had conferred with staff before creating the wall, and that the wall would be included as part of the landscaping along SR 32.

Mr. Stevens reviewed several development alternatives to increase density, including second units above garages, zero lot line construction on lots 6 through 15, and the substitution of duplexes and triplexes for some of the lots; the density would be over 9 units per acre with the modifications, an increase from the 6.5 units per acre as presented.

Pam Giuliano, resident of Shearwater Court, spoke in opposition to the project, citing concerns about drainage and flooding in Dead Horse Slough. She urged the Commission to require a HOA to take care of joint maintenance issues.

In response to Commissioner Francis, Mr. Alexander discussed drainage in Dead Horse Slough and the problems that led to flooding in the past. He emphasized that the City is committed to reducing the flooding risk, but acknowledged that jurisdictional issues with Fish and Game and the Army Corps of Engineers complicate matters.

In response to Commissioner Schiffman, Mr. Alexander explained that in most cases, the property owners adjacent to the slough are responsible for maintenance.

Jim Stevens, a previous speaker, stated that an exhaustive drainage analysis has been completed in the area, and that recommendations for a solution are forthcoming. He noted that all engineers for projects in this part of town have made the case that the difference between a paved project with landscaping is substantially the same as the existing lava cap. He stressed that he wishes to avoid a HOA, but that he would agree to a maintenance district.

There was additional discussion concerning the use of a maintenance district. Ms. Barker pointed out that such a district can only be used for public facilities; Mr. Stevens replied that the developer wishes to deed the slough property to the City.

Commissioner Luvaas discussed the proposed alleys, expressing his wish that there be trees to shade the alleys. Ms. Figge stated the City's opposition to putting trees in an alley, stating that the City wants to encourage alleys and not defeat their purpose.

Commissioners Francis and Brownell expressed support for a more dense project, including duplexes and second units.

In response to Commissioner Alvistur, Mr. Stevens indicated that he could certainly attempt to reach a minimum of nine units per acre with the project.

Pam Giuliano, a previous speaker, stated that she bought her house with the understanding that the City is responsible for maintaining the drainage ditch.

Gary Salberg, California Park resident and member of the California Park Board of Directors, address unknown, stated that the drainage in this area has been a "boondoggle", noting that a waiver for streambed alteration was previously granted for heavy equipment to improve the drainage course. He stated that the issues are sediment, trash, and debris blocking the water flow, and fill is going into the lake. He urged the Commission to postpone any decision until the drainage issue is resolved. He also expressed concern with the noticing for the meeting.

Mr. Murphy stated that the California Park Association will be notified for the final hearing on the project.

The Commission was in recess from 8:19 to 8:30 p.m.

There being no further comment, the public hearing was closed at 8:31 p.m.

The Commission discussed the project. There was general consensus to require some duplexes, some zero lot line homes, and second units to attain a higher density; it was also agreed that Public Works and the applicant need to resolve the drainage issue before the Commission considers the project again.

The Commission discussed the rock wall, agreeing that some sort of landscaping would be required to soften the wall's appearance.

Commissioner Luvaas stated his general approval of the project, but voiced support for clustering, one-story apartments, and a minimum density of 10 units per acre.

In response to Commissioner Francis, Mr. Murphy explained that clustering in the foothills is intended to concentrate development at lower elevations to protect slopes and natural resources at higher elevations.

Commissioner Schiffman confirmed with staff that the on-street parking within the project will be sufficient for visitors.

In response to Commissioner Luvaas, Mr. Johnson reviewed the differences between this portion of Yosemite Drive, which has higher speeds and limited access, and the portion north of Idyllwild Circle, which has slower speeds and many access points.

Mr. Seidler confirmed the Commission's direction, including: duplexes or triplexes on lots 16 and 17 and some of the southern lots; density of at least 9, preferably 10 units per acre; landscaping or removal of the rock wall; incorporation of second dwelling units; incorporation of some zero lot line construction; and a solution for the drainage issue.

COMMISSIONER SCHIFFMAN MOVED THAT THE PLANNING COMMISSION CONCEPTUALLY APPROVE THE IDEA OF DEVELOPMENT ON THE PROPERTY, INCORPORATING THE COMMISSION'S SUGGESTIONS AND CONDITIONS AS DISCUSSED. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER MONFORT ABSENT).

4. **Conceptual Review of Vesting Tentative Subdivision Map (S 02-19) and Planned Development Permit (PDP 03-02) for the Yosemite Commons subdivision located at the southeast corner of the Yosemite Drive/Idyllwild Circle intersection (Sunset Development, LLC.)** - Conceptual review of a planned development permit (PDP) and accompanying subdivision map to divide a 1.9 acre parcel into 12 single-family residential lots, at a density of 6.3 units per acre. Proposed lots range in size from 4,006 square feet (s.f.) to 5,312 s.f., with an average lot size of 4,898 s.f. Approval would be contingent on the Planning Commission's review and approval of the final development plan at a subsequent Planning Commission meeting. The site is identified as Assessor's Parcel No. 011-030-141(portion), is designated Low Density Residential on the City of Chico

General Plan Diagram, and is located in an R1 Low Density Residential zoning district. The subject property is Parcel 3 of the Alleghany Parcel Map (PM 01-16). ***Staff recommends that the Commission conceptually review the project, and provide any needed direction to the applicant.***

Mr. Murphy presented the staff report, noting that this project shares many of the same issues and constraints as the previous project. He reviewed that rear-loaded garages are proposed, although on-street parking will be allowed on this portion of Yosemite Drive. He also suggested that the Commission may want to increase the width of the alley to provide additional parking on one side adjacent to lots 4 through 12.

Commissioner Francis confirmed with Mr. Murphy that all of the drainage issues also apply to this project.

The public hearing was opened at 9:07 p.m.

Jim Stevens, a previous speaker, stated that it's feasible to put parking on Yosemite Drive in front of the project, as there's no turn lane in this location. He also indicated that the dashed line on the map is the building setback line, so parking is certainly feasible east of that line.

In response to Commissioners Brownell and Schiffman, Mr. Stevens clarified that there will be parking in the driveways leading to the rear-loaded garages, and that zero lot lines are proposed. He stated that the developer will form a maintenance district to maintain drainage facilities, and that all designs will include porches and rear-loaded garages.

In response to Commissioner Hughes, Mr. Stevens explained that the fronts of the houses will be up to five feet higher than the sidewalk, and that lots 8 through 12 will have garages at a slightly higher elevation than the home.

In response to Commissioner Francis, Mr. Stevens stated that he'd prefer to just have parking on Yosemite Drive, and leave the rear alley as proposed.

In response to Commissioner Schiffman, Mr. Alexander stated that approximately 15 parking spaces can be provided on Yosemite Drive in front of the project.

In response to Commissioner Schiffman, Mr. Stevens clarified that second units over garages aren't feasible for this design, as the master suite is already above the garage, similar to homes in Ashby Park.

In response to Commissioner Luvaas, Mr. Stevens stated that the homes will be approximately 1500 to 1850 square feet; Commissioner Luvaas suggested that some smaller, more affordable homes should be provided.

There being no further comment, the public hearing was closed at 9:16 p.m.

COMMISSIONER SCHIFFMAN MOVED THAT THE PLANNING COMMISSION APPROVE THE CONCEPTUAL PLAN FOR THE YOSEMITE COMMONS PLANNED DEVELOPMENT PERMIT 03-02 (SUNSET DEVELOPMENT, LLC), SUBJECT TO INCORPORATING THE RECOMMENDED CHANGES INTO THE FINAL PLANS, WITH FINAL APPROVAL CONTINGENT ON THE COMMISSION'S REVIEW AT A SUBSEQUENT MEETING. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER MONFORT ABSENT).

Vice-Chair Alvistur announced that item 6, Herlax Place Subdivision, would be heard next due to the late hour and the number of people present wishing to comment on that project.

6. **Herlax Place Vesting Tentative Subdivision Map S 02-18 (Agasy, Inc.) Between W. 11th and W. 12th Avenues** - A request to subdivide 7.2 acres to create 37 lots for single-family residential development on property located between 1200 W. 11th Avenue and 1135 W. 12th Avenue. The proposed density is 4.89 units per acre, with an average lot size of 7,122 square feet. The project site is identified as Assessor's Parcel Nos. 043-040-008, 009 and 108, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential rezoning district. The property is pending annexation to the City of Chico. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends adoption of the mitigated negative declaration and approval of the vesting tentative subdivision map.*

Chair Francis stated that she is disqualified from hearing this item and the next one, because the applicant for both is a client of her employer; she then left the room.

Ms. Figge presented the staff report, reviewing the zoning in the area, the variety of housing types in the immediate vicinity, details of the project, and letters received expressing various concerns, particularly traffic and neighborhood compatibility. She stated that staff is recommending approval.

In response to Commissioner Alvistur, Ms. Figge indicated that surrounding development ranges from 7 units per acre for Richmond Park, up to half acre and one acre lots developed in the county.

Commissioner Brownell asserted that a link should be provided to 12th Avenue through this project, demolishing the existing house fronting 12th Avenue if needed. She stated that the entire neighborhood would benefit from better street connectivity. Ms. Figge replied that although staff supports traffic dispersal, staff is generally not in a position to talk about demolishing existing houses, and that it may not be feasible for a project with only 37 lots.

In response to Commissioner Alvistur, Mr. Johnson explained the City's acceptable LOS (Level Of Service) for various streets, the fee structure for traffic impact fees, and the capital improvements planned in the vicinity.

Commissioner Luvaas confirmed that this project will be required to install sidewalks on 11th Avenue, which should improve pedestrian safety.

The public hearing was opened at 9:32 p.m.

Tony Symmes, P.O. Box 617, applicant, stated that this subdivision is an infill project that acts as a transition from the smaller lots of Richmond Park to larger existing lots. He pointed out that he put the smallest lots in the center of the project, noted that the project density is 4.8 units per acre, and explained that the homes planned will be 1450 to 2200 square feet.

In response to Commissioner Brownell, Mr. Symmes stated that demolition of the existing home on 12th Avenue is not an option. He noted that it is a very nice house, and is the home of one of the property owners for this project.

Commissioner Luvaas inquired about the possibility of aligning Street A to match up with Greenwich Drive; Mr. Symmes pointed out that such a realignment was infeasible due to the two existing homes on 11th Avenue. He stressed that this is an infill project, with design constraints due to existing development.

Commissioner Brownell and Mr. Symmes discussed the feasibility of connecting a road to the Webb development immediately to the west of this project; Mr. Symmes pointed out that the Webb development has received final approval from the county, and that the design precludes any access to this project. Ms. Figge added that in speaking to County staff, City staff was informed that a connection to the Webb development couldn't be negotiated.

Commissioner Luvaas suggested that this incident be considered a "heads-up", or the City will do more master planning. He confirmed with Mr. Symmes that there will be bicycle/pedestrian connectivity to the Webb development.

In response to Commissioner Luvaas, Mr. Symmes stated that he would save the existing trees on 11th Avenue if feasible. Ms. Figge added that the Urban Forester doesn't want walnut trees as street trees, due to potential liability concerns; Mr. Alexander pointed out that some of the trees are located in the future street, and would need to be removed.

In response to Commissioner Luvaas, Mr. Symmes stated that the paved width on 11th Avenue will be 40 feet. In response to Commissioner Luvaas, Mr. Symmes explained that he does not know what the traffic count is on 11th Avenue, but asserted that this project won't make it unacceptable.

Don Jones, 2108 Fern Avenue, spoke in opposition to the project. He summarized a letter he submitted to the Commission, citing concerns with traffic, modifications to City standards, neighborhood incompatibility, and lack of street connectivity to the west. He asked who at the City met with the County regarding the Webb project.

Ms. Figge replied that the Webb project was appealed, and that she spoke to Dan Breedon at Butte County Planning. She stated that Mr. Breedon had told her that none of the neighbors wanted the street connection.

Commissioner Schiffman discussed the number of ways this project is consistent with the General Plan.

David Wilkinson, 3 Sun Circle Court, spoke in opposition to the project. He summarized a letter he submitted to the Commission.

David Barta, 2200 Fern Avenue, spoke in opposition to the project. He lamented the lack of a street connection to the Webb development, pointed out that a large portion of Richmond Park is rental housing, and cited problems with traffic, density and neighborhood incompatibility.

Jose Luis Gonzales, 2111 Fern Avenue, spoke in opposition to the project, agreeing with previous speakers. He urged the Commission to require 10,000 square foot lots and a connection to the Webb development.

David Odabashian, 1155 W. 12th Avenue, spoke in opposition to the project, citing concerns with traffic, bicycle and pedestrian safety, and the potential loss of birds and other wildlife.

Linda Jones, 2108 Fern Avenue, agreed with previous speakers. She suggested that it needs to be determined exactly who said what regarding a potential connection between this project and the Webb development. She requested that no sidewalk be installed, in keeping with the rural nature of the area.

Steve Klein, 2106 Fern Avenue, agreed with previous speakers. He requested a less dense project, and took issue with the City's method for measuring traffic problems.

In response to Commissioner Hughes, Ms. Figge explained that the City estimates ten vehicle trips per day per house when projecting traffic, but noted that only 10% of those trips are projected to occur during the peak hour.

Lisa Catterall, 1201 W. 11th Avenue, spoke in support of the project. She noted that she now has sidewalks, streetlights, City sewer and water, and a fully improved street in front of her house. She suggested that some stop signs may be needed on 11th Avenue to allow for greater pedestrian safety, and asserted that the area is no longer rural in character.

There being no further comment, the public hearing was closed at 10:40 p.m.

The Commission discussed various aspects of the project and the surrounding neighborhood, including the increasingly urban nature of the area and the need for circulation to 12th Avenue.

Mr. Seidler cautioned the Commission that Webb Homes has secured final approval of a tentative map for the property to the west, and that the developer now has an entitlement, provided that he meets the standards and conditions of approval. He added that while he understands the Commission's desire for more street connections, he's not sure how much benefit would be gained by another connection from 11th to 12th Avenue so close to Fern Avenue. Commissioner Brownell pointed out that Fern Avenue is not fully improved, and that she'd like to get pedestrians and bicyclists onto sidewalks and/or pavement.

The Commission discussed street widths for 11th Avenue; Mr. Alexander stated that 40 feet should be the standard in this area.

In response to Commissioner Luvaas, Mr. Alexander stated that storm drainage into Lindo Channel is based on "no net increase in peak flow" and asserted that FEMA studies have shown that there will be no flooding problems within City limits.

The public hearing was reopened at 10:54 p.m.

Tony Symmes, a previous speaker, stated that he would be happy to dedicate a 60 foot right-of-way heading west in the vicinity of lot 8, to facilitate any future connection to the west.

There being no further comment, the public hearing was reclosed at 10:56 p.m.

Commissioner Luvaas inquired whether the City had any legal authority to put restrictions on first time home ownership or purchase. Ms. Barker replied that the City can only place such a restriction if the City is loaning part of the money for the project.

Commissioner Schiffman confirmed with staff that this is not a planned development, so the Commission can't require building elevations for review. He inquired if the Commission could require recessed garages; Mr. Seidler replied that the Commission could not.

Commissioner Schiffman opined that while the City doesn't want to discourage infill development, the project should give something back to the neighborhood.

The public hearing was reopened at 11:00 p.m.

Tony Symmes, a previous speaker, stated that the house plans range from 1450 to 2200 square feet, and that three of the plans are at the larger end of the range. He explained that one plan has a garage turned sideways, one has a three-car garage, and one is face-on to the street. He added that the designs will be a different product line than Richmond Park, including traditional elements like columns and porches.

Mr. Seidler pointed out that the map could be sold tomorrow to a developer with different house plans, and that the Commission doesn't have the ability to control the design of the single-family homes that may be built on the new lots.

There being no further comment, the public hearing was reclosed at 11:04 p.m.

Commissioner Schiffman opined that the Commission needs better tools, and suggested requiring a planned development permit for all infill projects. Ms. Figge noted the eclectic nature of existing development in the area; she also pointed out that the setback regulations are designed to encourage a recessed garage, with a lesser setback required for the front of the house than the face of the garage.

The Commission discussed reducing the paved width of 11th Avenue to 36 feet. After discussion, it was agreed to leave the width at 40 feet to allow sufficient room for vehicular traffic, on-street parking, and bicyclists (although no dedicated bike lane will be marked).

COMMISSIONER BROWNELL MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-08, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE HERLAX PLACE VESTING TENTATIVE SUBDIVISION MAP (S 02-18), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED TO REQUIRE A STREET CONNECTION FROM THIS PROJECT TO 12TH AVENUE, EITHER DIRECTLY TO THE NORTH, OR INDIRECTLY THROUGH THE SUBDIVISION TO THE WEST.

COMMISSIONER LUYAAS OFFERED AN AMENDMENT TO REQUIRE BULBING AT THE INTERSECTION OF 11TH AVENUE AND STREET "A"; COMMISSIONER BROWNELL ACCEPTED THE AMENDMENT. COMMISSIONER SCHIFFMAN SECONDED THE MOTION, WHICH PASSED 5-0-1-1 (COMMISSIONER MONFORT ABSENT, COMMISSIONER FRANCIS DISQUALIFIED).

The Commission was in recess from 11:18 to 11:24 p.m.

5. **Mariposa Vista Subdivision, Unit 2 S 02-17 (Agasy, Inc.) between Mariposa and Ceanothus Avenues, north of East Avenue** - Conceptual review of a request to subdivide 32.65 acres located between Mariposa and Ceanothus Avenues, north of East Avenue, to create 215 lots for single family residential development. The proposed overall density is approximately 6.58 units per acre, with an average lot size of approximately 4569 square feet. The site is identified as Assessor's Parcel Nos. 048-061-002, 003, 004, 021, 043, and 052, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. Environmental review and the completion of an Initial Study is pending receipt of required botanical

surveys which are needed to determine if special status species are present on site. Following the completion of environmental review, the project will return to the Planning Commission for final consideration. ***Staff recommends that the Commission conceptually review the project, and provide any needed direction to the applicant.***

Ms. Figge presented the staff report, reviewing the land use issues involved and the details of the project. She stated that staff likes this subdivision, as it incorporates alleys in a modified grid layout, with rear-loaded garages for those houses fronting Ceanothus Avenue.

In response to Commissioner Brownell, Ms. Figge explained that the proposed 15 foot wide alley would be one-way.

The public hearing was opened at 11:30 p.m.

Tony Symmes, project applicant and previous speaker, reviewed various details of the project. He stated his preference to not re-orient the corner lots as described in recommendation #2, explaining that doing so would force him to use specific plans on those lots. He also requested that he be allowed to retain the flexibility to install some front-loaded garages on interior streets, if desired by a particular buyer; however, most of the interior lots would be rear-loaded.

In response to Commissioner Brownell, Mr. Symmes stated that there would be three feet of landscaped area between the back of the sidewalk and the side yard fences along Ceanothus Avenue.

There being no further comment, the public hearing was closed at 11:34 p.m.

Commissioner Monfort stated that he would support the design, although not enthusiastically.

Commissioner Luvaas stated that he also likes the project, but suggested that there is still room for improvement. He recommended that the applicant look at the possibility of putting duplexes on corner lots, adding some two-story designs to the housing mix, and extending Street "H" the north for greater connectivity to future development. He also expressed concerns about the width of Viceroy Drive, suggesting that it be narrowed to 36 feet.

After a suggestion by Commissioner Brownell, the Commission agreed that Street "H" should be extended to the west, so as to intersect Swallowtail Way in a future development.

COMMISSIONER LUVAAS MOVED THAT THE PLANNING COMMISSION CONCEPTUALLY APPROVE THE MARIPOSA VISTA UNIT 2 VESTING TENTATIVE SUBDIVISION MAP, SUBJECT TO FURTHER REVIEW AND COMPLETION OF THE ENVIRONMENTAL REVIEW, AND INCORPORATION OF THE CHANGES RECOMMENDED BY THE COMMISSION, INCLUDING STUBBING STREET "H" TO

THE WEST AND REDUCING VICEROY DRIVE TO 36 FEET IN WIDTH.
COMMISSIONER SCHIFFMAN SECONDED THE MOTION.

Commissioners Brownell and Hughes suggested that Viceroy Drive remain 40 feet in width, the same as the previously approved section to the west; Commissioner Luvaas restated his desire to narrow Viceroy Drive to a 36 foot width.

In response to Commissioner Hughes, Mr. Alexander stated that Public Works would prefer the street to remain 40 feet wide, although 36 feet is feasible.

THE MOTION FAILED 2-3-1-1 (COMMISSIONERS BROWNELL, HUGHES AND SCHIFFMAN OPPOSED, COMMISSIONER MONFORT ABSENT, AND COMMISSIONER FRANCIS DISQUALIFIED).

COMMISSIONER LUVAAS RESTATED HIS PREVIOUS MOTION, DROPPING THE REQUEST TO REDUCE VICEROY DRIVE'S WIDTH TO 36 FEET (THEREBY KEEPING THE WIDTH AT 40 FEET). COMMISSIONER SCHIFFMAN SECONDED THE MOTION, WHICH PASSED 5-0-1-1 (COMMISSIONER MONFORT ABSENT, COMMISSIONER FRANCIS DISQUALIFIED).

GENERAL BUSINESS

The Commission discussed workshop dates. Mr. Redeker stated that he would contact Commissioners by e-mail to confirm the presence of a quorum for each date.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 11:56 p.m. to the Adjourned Regular Meeting of March 20, 2003, at 6:30 p.m. in the Council Chamber, 421 Main Street.

December 18, 2003

-
Date Approved

Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
MARCH 20, 2003**

ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, and Kirk Monfort. Commissioners Jon Luvaas and Irv Schiffman were absent. Staff present were Planning Director Kim Seidler, Senior Planner Patrick Murphy, Associate Planner Jay Hanson, Associate Planner Bob Summerville, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, Park Director Dennis Beardsley, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

ADMINISTRATIVE AGENDA

No items.

CONSENT AGENDA

No items.

ITEMS REMOVED FROM CONSENT AGENDA

None.

REGULAR AGENDA

1. **Use Permit 03-09 and Architectural Review (Gonsalves) northeast corner of E. 6th and Main Streets** - A request to allow office use in a proposed four-story mixed-use building on property located at the northeast corner of E. 6th and Main Streets. Architectural review and approval of the building and site design is also being requested. The site is identified as Assessor's Parcel No. 004-242-012, is designated Downtown on the City of Chico General Plan Diagram, and is located in a C-1 Restricted Commercial zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332 (In-fill Development Projects). *Staff recommends approval of the use permit, site design and architectural review for the project.*

Commissioner Francis announced that she is disqualifying herself from hearing this item due to a future conflict of interest, and left the room.

Associate Planner Hanson presented the staff report, reviewing the land use issues involved and details of the project. He noted that the four-story mixed-use building is consistent with the General Plan, and will be an asset to downtown. He explained that staff does not support the proposed palm trees in the public right-of-way, and suggested that the Planning Commission recommend an alternative tree.

The public hearing was opened at 6:40 p.m.

Steve Gonsalves, 14-A Greenview Circle, representing Sixth and Main investors, stated his partners' intent to be pioneers and jump-start redevelopment of downtown; he also noted that he will be the tenant of one of the residences. He asserted that the only point of contention is the palm trees in the right-of-way, and asked the Commission to approve the palm trees, subject to the approval of the Park Commission. He noted that the palm trees are not replacing any of the required street trees, but are in addition to the street trees.

Commissioners Monfort and Brownell expressed their appreciation for the project design.

In response to Commissioner Brownell, Mr. Gonsalves indicated that he gladly explore both a reciprocal parking agreement with the Senator Theater and some simple architectural detailing on the north wall. He expressed his willingness to bear the maintenance burden for the proposed palm trees, noting that there are five mature palm trees in the right-of-way two blocks to the west, on the north side of 6th Street.

Planning Director Seidler noted the presence of Park Director Dennis Beardsley to answer any questions concerning palm trees in the public right-of-way.

Mr. Beardsley explained that approval of the palm trees would take action on the part of the Park Commission, as they aren't on the list of approved trees. He noted the greater expense to maintain and replace palm trees, and stated that the City is trying to discourage them as a street tree.

There was additional discussion concerning the palm trees. It was agreed that condition 6 as written offers sufficient flexibility for the applicant to pursue approval for the palm trees through the Park Commission.

There being no further comment, the public hearing was closed at 7:00 p.m.

COMMISSIONER MONFORT MOVED THAT THE COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE USE PERMIT 03-09, INCLUDING THE SITE DESIGN AND ARCHITECTURAL REVIEW, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED WITHIN THE STAFF MEMORANDUM. COMMISSIONER HUGHES SECONDED THE MOTION. COMMISSIONER BROWNELL OFFERED AN AMENDMENT TO REQUIRE SOME SORT OF SIMPLE ARCHITECTURAL TREATMENT ON THE NORTH WALL, SUBJECT TO STAFF-LEVEL ARCHITECTURAL REVIEW; COMMISSIONER MONFORT ACCEPTED THE AMENDMENT. THE MOTION, AS AMENDED, PASSED 4-0-1-2 (COMMISSIONER FRANCIS DISQUALIFIED, COMMISSIONERS LUVAAAS AND SCHIFFMAN ABSENT).

Commissioner Francis returned to the room.

2. **Planned Development Permit 02-10 (Favor/RGA) - Lakeside Village Commons** - A proposal to construct a three-story office building with modifications to development standards, including exceeding the maximum 35 foot building height by seven feet and encroaching six to nine feet into a 10-foot side yard setback, on a 0.97 acre parcel located on the east side of Lakeside Village Commons, adjacent to the west side of the California Park Lakes. Final site and architectural review and approval of the project is also being requested. The site is identified as Assessors Parcel No. 011-160-018, is designated Office on the City of Chico General Plan Diagram, and is located in an OR Office Residential zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332 (In-fill Development Projects). *Staff recommends approval of the planned development permit, site design and architectural review for the project.*

Associate Planner Summerville presented the staff report, reviewing the land use issues involved and details of the project. He explained that the main issues are building height, architectural compatibility, parking, and tree preservation. He noted that the increased building height is due in part to tree preservation, as a three-story structure was decided to provide the required office space while avoiding the large oak trees and still meeting parking requirements. He suggested that additional trees could be preserved by increasing the number of compact parking spaces in the project. He reviewed staff's recommendation that the parking lot light fixtures be reduced to 14 feet, and that high-pressure sodium (HPS) fixtures be used, which are preferred by the ARB both in the foothills and adjacent to residences. He added that staff is also recommending a covered bicycle parking area, and that the design of the monument signs, which will be no taller than five feet and indirectly lit, be approved by staff.

Commissioner Brownell expressed concern about the height of the project compared to the WindChime development; Mr. Summerville replied that while the project is 17 feet taller than WindChime, it is only 3 feet taller than the California Park Pavilion.

Commissioner Monfort confirmed with staff that the conifers will be removed from the site.

The public hearing was opened at 7:15 p.m.

Matt Gallaway, 7 Sierra Nevada Court, project architect, reviewed the design for the site. He noted that due to neighbors' concerns about parking, they are proposing 45 parking spaces, as recommended by the California Park Association. He added that the two biggest oak trees are being preserved in the turnaround, and that it may be possible to save the additional 32 inch oak tree with additional encroachment.

Mr. Gallaway reviewed the building design, explaining how terracing was used to break up the mass of the building, and how reflective glass should also help offset concerns over the size of the building. He noted that the height of his building is within three feet of the Enloe and California Park Pavilion structures, and that Mr. Giampaoli's new building is higher.

In response to Commissioner Alvistur, Mr. Gallaway explained that the parkway strip would need to be reduced to save the additional trees.

The Commission discussed the landscape buffer; there was general agreement that it wasn't practical to save the 12 inch tree.

In response to Commissioners Monfort and Brownell, Mr. Gallaway explained that the mansard does continue around the southwest elevation, and that the color rendering is the correct depiction.

Greg Melton, Land Image Landscape Architects, 627 Broadway, reviewed the parking, landscaping, and trees. He proposed to remove the 12 inch tree, save the 32 inch tree, and turn three more of the parking spaces into compact spaces. He described how aeration tubes will be installed under the asphalt to maintain the root health of the existing trees. He noted he should be able to keep an eight foot landscape buffer between the street and the parking lot, and that he didn't wish to place a tree on the corner.

In response to Commissioner Brownell, Mr. Melton explained that the shaded area near the trash enclosure is a raised planting bed for use by the adjacent WindChime residents, with an accompanying crushed rock path.

There being no further comment, the public hearing was closed at 7:40 p.m.

Planning Director Seidler suggested that condition three be reworded to read "The parking strip along the northeast property line shall be redesigned to retain the 32 inch oak tree, subject to the approval of the Planning Division." After discussion, it was agreed to change the condition as suggested, and that the developer should also plant one additional shade tree in the general vicinity of the 12 inch oak tree to be removed.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-09, APPROVING PLANNED DEVELOPMENT PERMIT 02-10 (FAVOR/RGA), INCLUDING THE PROJECT'S SITE, LANDSCAPE, AND ARCHITECTURAL DESIGN, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED THEREIN, WITH CONDITION THREE MODIFIED AS DISCUSSED. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS LUVAAS AND SCHIFFMAN ABSENT).

3. **Vesting Tentative Parcel Map (PM 02-09) for Union Pacific Railroad - East side of Cedar Street between 6th and 7th Streets** - A vesting tentative parcel map which will divide a 1.01+/- acre parcel into two parcels. Proposed Parcel 1 comprises 0.50 acres, and proposed Parcel 2 comprises 0.52 acres. There are no immediate plans to develop either of the proposed parcels. The site is identified as Assessor's Parcel No. 004-207-003, is designated Manufacturing & Warehousing on the City of Chico General Plan Diagram, and is located in an ML Light

Industrial zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration and approval of the vesting tentative parcel map.***

Senior Planner Murphy presented the staff report, reviewing the land use issues involved and details about the project. He noted that the parcel is bisected by the UPRR railroad tracks, and that parcel 2 would retain the tracks; parcel 1 is intended to be sold to the University Foundation. He noted that large oak trees are on the site, and staff is recommending that any development of parcel 2 take place under the guidance of an arborist or biologist to minimize oak tree loss. He reviewed the applicant's request for deferral of frontage improvements until the properties are developed, explaining that staff only supports the request for parcel 1.

Commissioner Monfort expressed concern over possible state exemption from complying with conditions of approval, suggesting that it might be worthwhile to seize the trees through eminent domain. Mr. Murphy replied that the University Foundation would be bound by the conditions, as they are not a state agency; he also pointed out that there is nothing preventing anyone from cutting down the trees at any time unless the map is approved.

In response to Commissioner Monfort, Senior Development Engineer Alexander explained Engineering is requesting that frontage improvements for both parcels will be triggered by the development of parcel 1.

Commissioner Hughes confirmed with Mr. Murphy that the City will gain greater control over preservation of the trees by approving the parcel map.

The public hearing was opened at 7:52 p.m.

Bill McGinnis, representing the University Foundation, confirmed that the Foundation is treated as a private party and is bound by City regulations. He noted that there are no plans for a building on parcel 2, and that he has no objection to the conditions. He voiced support for Mr. Alexander's suggestion that improvements be triggered by development on parcel 1.

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

Planning Director Seidler clarified that the Commission's direction would be effected by removing section A.b. and adding "Parcel 1 *or* Parcel 2" to section A.a. in Exhibit II of the resolution.

COMMISSIONER HUGHES MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-10, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND APPROVING VESTING TENTATIVE PARCEL MAP 02-09 (UNION PACIFIC RAILROAD) SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL, MODIFIED TO ALTER EXHIBIT II AS

DISCUSSED. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS LUVAAS AND SCHIFFMAN ABSENT).

GENERAL BUSINESS

None.

PLANNING UPDATE

Planning Director Seidler reviewed recent and upcoming Council items, including the appeal of the Herlax subdivision, the decision to table the Annie Bidwell Trail, and progress on the Northwest Chico Development Area.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:06 p.m. to the Regular meeting of April 3, 2003, at 6:30 p.m.

February 5, 2004

-
Date Approved

Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
APRIL 17, 2003**

ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 6:31 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort, and Irv Schiffman. Commissioner Vic Alvistur was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Associate Planner Ed Palmeri, Associate Planner Bob Summerville, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

EX PARTE COMMUNICATION

None.

REGULAR AGENDA

1. **Parcel Map 03-8 (Channel Lumber Company) south of Eaton Road and Penzance Avenue** - A request to divide a 16.03 acre parcel (Lot 4 of Parcel Map 02-1) to create two lots of 8.79 acres and 7.24 acres. The subject parcel is located on the south side of the intersection of Eaton Road and Penzance Avenue, north of the Shasta Union Drainage Assessment District (S.U.D.A.D.) drainage channel, and is identified as Assessor's Parcel No. 006-690-033. The property is designated Low Density Residential on the City of Chico General Plan Diagram, is located in a PMU Planned Multiple Use zoning district, and was designated for multi-family residential use by Planned Development Permit 01-09, approved on May 21, 2002. Planning staff recommends that a determination be made that the project is consistent with the Mitigated Negative Declaration prepared for the Brentwood Subdivision (S 01-8) and Planned Development Permit 01-09 adopted on May 21, 2002, and that, pursuant to the California Environmental Quality Act (Section 15162), no subsequent environmental review is required. *Staff recommends that the Planning Commission find the project is consistent with the previous Mitigated Negative Declaration and approve the Parcel Map.*

Associate Planner Palmeri presented the staff report, reviewing the land use issues involved. He explained that the parcel map is to subdivide parcel 4 of the previous Brentwood parcel map, and that staff will return at a later date with a GPA/RZ to R3, Medium-High Density Residential. He noted that the subdivision is for financial purposes only, and that it will have no effect on the development planned for the property.

In response to Commissioner Francis, Principal Planner Figge indicated that the rezone for this property would be brought forward at a future date, as the City wishes to "bundle" some general plan amendments together.

Commissioner Brownell confirmed that the ARB has already approved plans for the entire site.

The public hearing was opened at 6:41 p.m.

Wes Gilbert, Gilbert Engineering, 70 Declaration Drive, Suite 101, project engineer, stated that he has no objection to any of the conditions, and offered to answer any questions.

There being no further comment, the public hearing was closed at 6:42 p.m.

Commissioner Luvaas expressed dismay at the lack of connectivity in the area, and suggested that a bike path be required to connect this site to Royal Glen Lane, over the SUDAD ditch, either now or some time in the future.

Commissioner Francis pointed out that the SUDAD ditch is county property and is fenced off.

The public hearing was re-opened at 6:43 p.m.

Wes Gilbert, a previous speaker, noted that the detention basin will be owned by the City of Chico, and that the SUDAD ditch is owned by the County of Butte; therefore, the necessary public property is already in place, should the City and County decide to install a bike path over the ditch at a later date.

Commissioner Hughes confirmed that the cul-de-sac will have street trees.

Jan Condon, 3652 Bay Avenue, expressed concern with the safety implications of allowing unsupervised access to the ditch.

Commissioner Luvaas clarified that he's satisfied to keep the option open for a future bike path.

There being no further comment, the public hearing was re-closed at 6:46 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION FIND THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED FOR THE PROPOSED PARCEL MAP AND ADOPT RESOLUTION NO. 03-13, APPROVING TENTATIVE PARCEL MAP 03-8, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER SCHIFFMAN SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER ALVISTUR ABSENT).

2. **Park Wood Estates Tentative Subdivision Map (S 03-1) 1192 Filbert Avenue**
- A proposal to subdivide a 1.77 acre site located at 1192 Filbert Avenue into 10 lots for the construction of single-family residences. The project density is 5.4 dwelling units per acre, with a proposed average lot size of 5,600 square feet. The site is identified as Assessor's Parcel Nos. 045-280-047, 048, and 052 (portion), is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential rezoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332 (In-fill Development Projects).
Staff recommends approval of the Subdivision Map.

Associate Planner Summerville presented the staff report, reviewing the land use issues involved, details of the project, and concerns raised by neighbors. He reviewed applicable General Plan policies supporting infill development to prevent sprawl, noting that this property meets the intent of the General Plan.

Commissioner Brownell confirmed that some sort of handicapped ramp could be installed on the southern portion of lot 10, if desired.

In response to Commissioner Luvaas, Senior Development Engineer Alexander explained the City's eventual plan for sidewalks, street widths and other improvements on Filbert Avenue.

In response to Commissioner Schiffman, Development Engineer Johnson reviewed traffic counts collected in March of 2001, explaining that the traffic impact of this project would be negligible.

There was additional discussion concerning the lack of improvements in the neighborhood.

The public hearing was opened at 7:13 p.m.

Bob Feeney, 1250 East Avenue, Suite 10, project engineer, reviewed the changes made to the map in order to accommodate staff's recommendations. He noted that there are larger lots at the end of the cul-de-sac, stated that there is no objection to installing the storm drain in the existing street, and explained problems with re-utilizing the existing curb due to its non-functional nature and the large street cross-slope involved.

Commissioner Francis inquired why this project was proposed at the upper range of the allowed density, given the site constraints; Mr. Feeney replied that the intent was to meet General Plan goals of greater density and compact urban form. He noted that the infrastructure costs are the same, regardless of the number of lots.

In response to Commissioner Luvaas, Mr. Feeney explained that lot 1 will be required to take vehicle access from the cul-de-sac, that the new street section will only allow parking on one side, and that the proposed cul-de-sac is of a standard size and configuration.

Commissioner Brownell inquired about access to the PG&E easement in the backyards of lots 1, 2 and 3.

Mr. Johnson stated that this property has no legal right to the access easement on the adjoining properties to the east.

Commissioner Brownell confirmed that Mr. Feeney had no objection to installing a handicapped access ramp in front of lot 10.

The Commission discussed the difficulties with infill projects, including not being able to meet minimum lot depths and the need for modifications to the design criteria; Commissioner Francis opined that this project is too dense given the site constraints.

Kirk Powell, 1285 Filbert Avenue, spoke in opposition to the project, citing concerns with density, neighborhood compatibility, traffic, and the need for modifications to the design criteria.

Norm Atkin, 1277 Filbert Avenue, stated that he is just here to observe, as his project (a parcel map also on Filbert) will be heard by the Commission on May 15th.

Byron Wolfe, 788 Downing Avenue, spoke in opposition to the project, citing concerns with density and traffic in the neighborhood.

Andy Bruckman, 1258 D Filbert Avenue, spoke in opposition to the project, citing concerns with annexation being forced upon neighboring property owners, the deletion of a greenway strip from the project, and other problems with infill projects.

Mr. Summerville listed other infill projects where the parkway strip had been deleted due to site constraints. Ms. Figge reviewed the City's annexation policies, noting that Butte County LAFCo may request that other adjacent properties be added to a particular annexation.

Kay Pulliam, 1191 Hillview Way, spoke in opposition to the project, citing concerns with density, lack of sidewalks and curbs throughout the entire project, and traffic. She suggested that a project half the density might be acceptable.

David Wilson, 648 Bryant Avenue, expressed concerns with the project, including density and the suddenness with which the neighborhood became aware of this. He also expressed support for five lots.

Leann Powell, 1285 Filbert Avenue, spoke in opposition to the project, citing concerns with insufficient yards, density, traffic, and the narrowness of the proposed cul-de-sac.

The Commission was in recess from 7:50 to 8:02 p.m.

Louisiana Knox, 636 Bryant Avenue, submitted a map showing the size of surrounding properties. She spoke in opposition to the project, citing concerns with density and neighborhood incompatibility.

Joanne Hunt, 758 Downing, spoke in opposition to the project, citing concerns with density, neighborhood compatibility, emergency vehicle access, the cumulative effect on the neighborhood by multiple infill projects, and the loss of privacy due to the potential for two-story homes.

Mr. Johnson stated that the design had been reviewed by both the police and fire departments, and that no concerns were expressed regarding emergency vehicle access.

Cathie Royston, 802 Bryant Avenue, spoke in opposition to the project, citing concerns with traffic, density, and neighborhood compatibility. She noted that there are only 3 existing two-

story homes in the neighborhood.

Tony O'Hanlan, 758 Downing Avenue, agreed with the concerns of previous speakers. He expressed additional concern about shallow lot depths, two-story homes, and the "heat island" effect.

Jennifer Limberg, 1169 Hillview Way, agreed with the concerns of previous speakers, and suggested that the project be limited to 5 lots.

Jane Turney, 1262 Filbert Avenue, spoke in opposition to the project, citing concerns with traffic, lot sizes, the potential for two-story homes, and the removal of existing trees.

Dana Koziz, 723 Moss Avenue, voiced agreement with previous speakers, and expressed support for four lots.

Michael Wrightson, 635 Bryant Avenue, agreed with previous speakers. He opined that no modifications to design criteria should be granted, and that the site should be left empty.

Juanita Sumner, 1258 D Filbert Avenue, spoke in opposition to the project, citing concerns with above-ground power lines, poor drainage in the area, and problems with garbage collection for those houses on the adjoining property with an access easement.

Valerie Milleron, 1186 Filbert Avenue, agreed with previous speakers. She urged the Commission to prohibit two-story development in the project.

Joan Kriz, 723 Moss Avenue, agreed with previous speakers. She read a letter outlining her concerns with the project, including potential annexation impacts.

Andy Bruckman, a previous speaker, asserted that it is LAFCo's policy to require entire pockets of the City to be annexed. Commissioner Francis pointed out that annexation is a separate issue, and that the Planning Commission has no control over the annexation process.

Tony O'Hanlan, a previous speaker, sought more information concerning possible use of the adjacent access easement instead of building a new road. Mr. Summerville replied that the neighbors were not interested in sharing access with this project.

The Commission discussed constraints of infill projects with "panhandle" access, noting other projects where staff has supported elimination of parking and/or a parkway strip to facilitate more usable lot depth.

Jim Lamb, 1878 Nord Avenue, applicant, stated that he lives at 2 Vintage Court, the recent project on Filbert. He reviewed the history of the project, noted his commitment to improving the urban forest, stated that he intends to build single-story homes, that his proposed house plans range from 1350 to 1600 square feet, and that home prices would likely start around \$239,000.

The Commission discussed the home orientation for lot 1, and agreed that the home should face Filbert Avenue but take vehicle access from the cul-de-sac, with a front setback of approximately 20 feet or similar to the adjacent two houses on Filbert Avenue.

In response to Commissioner Hughes, Mr. Lamb explained that the Modesto Ash is a diseased tree and will be removed. He also stated that he would be happy to relocate the proposed on-street parking to the east side of the street.

Mr. Summerville observed that each infill project is unique, and that staff works within the guidelines of the General Plan, including such issues as increasing density.

Mr. Lamb reviewed his unsuccessful efforts to gain access to the easement to the east.

Planning Director Seidler thanked the public for the comments and handouts, noted that their concerns are similar to those expressed in regard to other infill projects, and reviewed staff's role in finding a balance between the neighbors' concerns and the larger community's concerns.

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

The Commission was in recess from 9:18 to 9:24 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION FIND THE PROJECT CATEGORICALLY EXEMPT AND ADOPT RESOLUTION NO. 03-11, APPROVING THE PARK WOOD ESTATES TENTATIVE SUBDIVISION MAP 03-01 (LAMB), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED TO REQUIRE: THAT THE HOME ON LOT 1 BE ORIENTED TOWARD FILBERT AVENUE WITH A DRIVEWAY OFF OF STREET A, WITH A FRONT YARD SETBACK TO BE THE SAME OR THE AVERAGE OF THE TWO ADJOINING LOTS ON FILBERT AVENUE; RELOCATION OF THE ON-STREET PARKING FROM THE WEST SIDE TO THE EAST SIDE OF STREET A; AND THAT HOMES BE LIMITED TO SINGLE-STORY CONSTRUCTION. COMMISSIONER HUGHES SECONDED THE MOTION.

COMMISSIONER LUYAAS OFFERED AN AMENDMENT TO REQUIRE THAT THE FILBERT AVENUE FRONTAGE IMPROVEMENTS BE CONSTRUCTED FOR AN EVENTUAL 36-FOOT WIDE CURB-TO-CURB WIDTH, WITH BULBING AT THE INTERSECTION CORNERS TO A 32-FOOT WIDTH, AND REQUIRE A PARKWAY STRIP ON THE FILBERT AVENUE FRONTAGE. COMMISSIONER MONFORT ACCEPTED THE AMENDMENT, WITH THE PROVISIO THAT PUBLIC WORKS DEEM THE IMPROVEMENTS FEASIBLE.

Commissioner Brownell expressed support for somehow meandering the sidewalk adjacent to street A to accommodate at least some trees to partially shade the roadway, but that overall she would not support the project due to the number of modifications to design criteria.

Commissioner Francis stated that her inclination is to deny the project, as she believes that she can make the mandatory finding of disapproval on page 8 of the staff report that “the site is not physically suitable for the proposed density of development.” She stated that she would also support a motion to table the project to allow staff and the applicant time to redesign the project.

After discussion with staff, Commissioner Monfort agreed to set the front yard setback for lot 1 at the average setback of the two adjacent lots, capped at a maximum of 30 feet.

Commissioner Luvaas stated that he’s torn on this project, weighing the needs of the neighborhood vs. the needs of the community. He spoke about the affordable housing crisis in Chico, noting that compact development is part of the solution; however, it shouldn’t be at the expense of the neighbors, and the City shouldn’t “lower the bar” for infill projects. He stated that he would also support a motion to table the project in hopes of getting a better design.

THE MOTION, AS AMENDED, FAILED 3-3-1 (COMMISSIONERS BROWNELL, FRANCIS AND LUVAAS OPPOSED, COMMISSIONER ALVISTUR ABSENT).

Commissioner Schiffman discussed the density of the project.

COMMISSIONER SCHIFFMAN MOVED THAT STAFF SEEK TO RECONFIGURE THE PROJECT AND SEE HOW MANY LOTS CAN BE CREATED WITHOUT REQUIRING ANY CONCESSIONS REGARDING THE ROAD.

AFTER ADDITIONAL DISCUSSION, COMMISSIONER SCHIFFMAN’S MOTION DIED FOR LACK OF A SECOND.

Ms. Figge pointed out that this project is considered categorically exempt pursuant to CEQA, and therefore requires action within 50 days, unless the applicant agrees to an extension.

Commissioner Luvaas suggested that the applicant may need to do a small lot subdivision or a planned development.

The public hearing was reopened at 9:58 p.m.

Bob Feeney, a previous speaker, stated that he could partially address the concern of the omitted parkway strip by meandering the sidewalk within the public service easement (PSE), so that some trees could be planted closer to the pavement. He noted the difficulty in creating buildable lots on the site, and stated that omitting the parkway strip seemed the best solution, and was supported by staff; he also requested that the setback for lot 1 be capped at a maximum of 25 feet.

Commissioner Monfort verified with Mr. Alexander that it’s feasible to plant trees in the PSE.

Jim Lamb, applicant, stated that he would be willing to extend the 50-day deadline for action and work with staff.

There being no further comment, the public hearing was reclosed at 10:05 p.m.

COMMISSIONER MONFORT MADE THE SAME MOTION AS PREVIOUSLY AMENDED, MODIFIED TO REQUIRE THAT THE SIDEWALK ON STREET A MEANDER TO ALLOW TREES TO BE PLANTED IN BETWEEN THE SIDEWALK AND STREET A, SPECIFY THAT THE FRONT YARD SETBACK ON LOT 1 BE CAPPED AT 25 FEET, AND THAT A HANDICAPPED RAMP BE REQUIRED AT THE SOUTHERLY END OF LOT 10. COMMISSIONER SCHIFFMAN SECONDED THE MOTION, WHICH PASSED 4-2-1 (COMMISSIONERS BROWNELL AND FRANCIS OPPOSED, COMMISSIONER ALVISTUR ABSENT).

Commissioner Francis stated that the Commission's decision can be appealed to the City Council within 10 calendar days.

COMMUNICATIONS

- 3. Correspondence** - Letter dated April 8, 2003, from Francis Farley concerning preservation of Humboldt Road.

Principal Planner Figge reviewed the letter, noting that the comment applies to the Oak Valley subdivision. She indicated that she wanted to let the Commission know about community concern regarding the preservation of Humboldt Road.

GENERAL BUSINESS

Commissioner Francis thanked staff for the spectacular work they do.

PLANNING UPDATE

Planning Director Seidler reminded the Commission that the class on the Subdivision Map Act takes place tomorrow.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:12 p.m. to the Regular Meeting of May 1, 2003, at 6:30 p.m. in the Council Chamber, 421 Main Street.

February 19, 2004

-
Date Approved

Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
MAY 1, 2003**

ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 6:31 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort, and Irv Schiffman. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Associate Planner Bob Summerville, Planning Intern Steve Troester, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

EX PARTE COMMUNICATION

Commissioner Monfort reported that he had spoken with Ed McLaughlin about item 4, and that he had directed Mr. McLaughlin to read the staff report.

Commissioner Schiffman reported that he spoke with Ken Fleming about item 4.

Commissioner Francis reviewed that item 5 will be continued to the meeting on May 15th.

ADMINISTRATIVE AGENDA

No items.

CONSENT AGENDA

1. **Parcel Map 03-1 (Souza) 1099 Columbus Avenue** - A request to subdivide a 0.34 acre parcel into two lots to facilitate development of five multi-family residential units on property located at 1099 Columbus Avenue. The two proposed lots would utilize shared access and parking. The site is identified as Assessor's Parcel No. 043-210-011, is designated Medium-High Density Residential on the City of Chico General Plan Diagram, and is located in an R3 Medium-High Density Residential zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15315 (Minor Land Divisions). *Staff recommends approval of the parcel map.*

2. **Parcel Map 03-7 (Hardin) 1628 Neal Dow Avenue** - A request to divide a 0.66 acre parcel to create two lots of 7,405 square feet and 21,344 square feet for multi-family residential development on property located at 1628 Neal Dow Avenue. The site is identified as Assessor's Parcel No. 045-142-009, is designated Medium Density Residential on the City of Chico General Plan Diagram, and is located in an R2 Medium Density Residential zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332 (In-fill Development Projects). *Staff recommends approval of the parcel map.*

COMMISSIONER ALVISTUR MOVED APPROVAL OF THE CONSENT AGENDA.
COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 7-0.

ITEMS REMOVED FROM CONSENT AGENDA

None.

REGULAR AGENDA

3. **General Plan Amendment/Rezone 03-1 (Gonzales)** - A request to amend the General Plan land use designation and rezone various parcels located within the block bounded by Cherry, Orange, W. Fifth, and W. Sixth Streets. The proposed amendments are as follows:

Amend the General Plan land use designation from Manufacturing and Warehousing to Medium-high Density Residential for the following parcels:

530 Cherry Street, APN: 004-204-004,
820 W. Sixth Street, APN: 004-204-005,
533 Orange Street, APN: 004-204-006.

Rezone the following parcels from ML-L-FS Light Manufacturing/Industrial District-Landmark-Fraternity and Sorority overlay zones to R3-L-FS Medium-High Density Residential-Landmark-Fraternity and Sorority overlay zones:

831 W. 5th Street, APN: 004-204-002,
847 W. 5th Street, APN: 004-204-001,
533 Orange Street, APN: 004-204-006.

A negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends that the Commission recommend Council adoption of the negative declaration and approval of the general plan amendment/rezone.*

Associate Planner Summerville presented the staff report, reviewing the land use issues involved and details of the proposal. He stated that this general plan amendment/rezone will make this entire block R3, consistent with the neighborhoods to the north and east; however, two sites currently developed with light industrial uses will be made non-conforming by the rezone.

The public hearing was opened at 6:40 p.m.

Rick Rodriguez, Northstar Engineering, 20 Declaration Drive, project engineer, offered to answer any questions.

In response to Commissioner Monfort, Mr. Rodriguez stated that his client's intention is to build two four-plexes, which can't be done under the current zoning.

Commissioner Luvaas inquired why a higher-density project isn't being proposed; Ms. Figge replied that it's impossible to get to maximum R3 density on a small infill lot with on-site parking unless the project is three stories tall. Mr. Summerville added that the specific project design will go to the ARB, and that the Planning Commission is only being asked to look at the general plan amendment/rezone.

Bill Priel, 666 Esplanade, stated that he owns the property across the street, and is opposed to the rezone. He cited problems with parking (including cars blocking doors of industrial properties), incompatibility of use, graffiti and vandalism, and the impact of deliveries by large trucks on future area residents.

Ray Murdoch, 520 W. 7th Street, stated that he owns property east of the project, and that he supports the rezone. He stated that additional residential land would be better for his tenants.

There being no further comment, the public hearing was closed at 6:47 p.m.

The Commission discussed parking adjacent to the site's Orange Street frontage, inquiring whether it would be feasible to change it to diagonal parking.

Principal Planner Figge pointed out that altering the parking on Orange Street isn't on the agenda. She suggested that the Commission make a separate recommendation to the Internal Affairs Committee, which has jurisdiction over parking issues.

In response to Commissioner Schiffman, Ms. Figge explained that street trees will be installed when the property is developed, and that the specific landscaping design for the site would be reviewed by the ARB.

In response to Commissioner Schiffman, Mr. Summerville explained that the block in question is already partially developed with R3 uses.

COMMISSIONER HUGHES MOVED THAT THE PLANNING COMMISSION ADOPT PLANNING COMMISSION RESOLUTION NO. 03-16, RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION AND APPROVE GENERAL PLAN AMENDMENT/REZONE 03-1 (GONZALES/FIFTH SUN LLC). COMMISSIONER LUVAAS SECONDED THE MOTION, WHICH PASSED 7-0.

Commissioner Francis requested that Internal Affairs examine whether diagonal parking is feasible on the Orange Street frontage.

4. **Text Amendment to Title 19 of the Chico Municipal Code and Zoning Map Revision (City of Chico)**: A proposed text amendment to Title 19 Land Use and Development Regulations of the Chico Municipal Code, which will provide for an administrative permit process and establish development standards to allow second dwelling units in RR Rural Residential, RS Suburban Residential, R1 Low Density Residential and R2 Medium Density Residential zoning districts, in compliance with recent state legislation. The proposed amendments include provisions for an administrative permit process for second dwelling units which comply with specified development standards including, but not limited to: minimum parcels sizes, maximum square foot for second dwelling units (650 square feet for parcels from 4500 square feet up to 6000 square feet in size, and 850 square feet for parcel sizes larger than 6000 square feet); architectural compatibility and administrative review; criteria for vehicular access from alleyways and street frontages; minimum usable open space; and provisions for alley lighting and trash storage. Second dwelling unit applications which do not comply with the administrative permit standards may be considered through the use permit process.

Additionally, the Planning Commission will consider combining a Special design considerations (-SD) overlay zoning district with existing zoning districts (currently zoned R1 Low Density Residential, R2 Medium Density Residential and R3 Medium-High Density Residential zoning districts) in an area roughly defined as west of the Esplanade, north of West Sacramento Avenue, east of Warner Street and south of West 11th Avenue. This -SD overlay district would require use permit approval for all second dwelling units and defines an area for a future Neighborhood Plan (see proposed boundaries diagram below). This project has been determined to be statutorily exempt pursuant to the California Environmental Quality Act (CEQA), Section 15182(i) (Adoption of an Ordinance Regarding Second Units, et seq.) ***Staff recommends that the Commission recommend Council approval of the Title 19 text amendment and zoning map revision.***

Commissioner Brownell announced that she would disqualify herself from hearing this item, as she intends to build a second unit on her property sometime in the near future.

Planning Director Seidler explained that one of the speakers will give a Powerpoint presentation in lieu of having everyone speak.

Principal Planner Figge reviewed the Commission's previous workshop on this topic, held on April 8, and introduced Planning Intern Steve Troester.

Ms. Figge responded to various questions put forth in an e-mail by concerned citizens in the proposed overlay area, explaining current City policies, the new State law, and proposed new City regulations and processes. She pointed out that if the City does nothing, then the State's standards would apply, which allow a second unit up to 1200 square feet in size.

Mr. Troester gave his Powerpoint presentation, reviewing pertinent issues, pictures and diagrams of various types of second units, and the various aspects of the proposed second unit regulations. He noted that the majority of lots suitable for second units with rear alley access are located within 1.25 miles of the intersection of First and Main Streets.

Ms. Figge noted that 40 use permits for second units have been approved since the new Title 19 regulations went into effect in 1999; 12 of those have been in the proposed overlay zone. She explained that there is no way of knowing how many second dwelling applications there will be, and that generally the development impact fees have kept people from building them. She reviewed the reasons for the overlay district, including large traffic-generating uses and inadequate infrastructure.

There was discussion concerning the provision of the name and phone number of the property owner on the second unit application form. Commissioner Francis noted the impossibility of tracking new ownership after a particular property is sold; Commissioner Schiffman expressed support for specifically putting the requirement into the language of the ordinance; and Commissioner Luvaas opined that a requirement wouldn't be overly burdensome.

The Commission discussed whether owner occupancy should be required for properties with second units; it was agreed to delay any decision until after the public hearing.

Ms. Figge reviewed fees for second units, explaining that staff is not recommending that any of them be reduced. She answered questions posed in an e-mail from Susan Mason, dealing with various aspects of the proposed regulations. She concluded by stating that the regulations are statutorily exempt pursuant to CEQA, and that staff recommends approval.

The Commission was in recess from 7:45 to 7:55 p.m.

The public hearing was opened at 7:56 p.m.

Barbara Reed, 1144 Citrus Avenue, gave a Powerpoint presentation on behalf of many Avenue residents. She emphasized the lack of infrastructure in the area, parking and traffic issues, a high concentration of second units (many of them illegal conversions), the future Enloe expansion, safety and nuisance issues caused by renters and absentee landlords, and neighbors' desire to avoid becoming a student ghetto. She urged the Commission to require owner occupancy for second units, to prohibit any reduction in the 60% required open space on each lot, to restrict second units to 650 square feet, to require more improvements in the alleys, to require adequate off-street parking, to increase the level of code enforcement, and to increase the size of the overlay zone (to be bounded by the railroad tracks, Lindo Channel, Mangrove Avenue, and the north edge of the Chico State campus).

In response to Commissioner Schiffman, Ms. Reed stated that some members of her group are opposed to any second units, but that the compromise was requesting a limit on second unit size.

The Commission discussed the size and function of the overlay, and whether it would be feasible to prohibit second units entirely within the overlay district. Ms. Barker pointed out that the burden is on the City to have objective criteria for limiting or prohibiting second units in a particular area, without being so onerous as to effectively preclude the construction of second units; if the size of the overlay and/or the requirements are too onerous, the overlay wouldn't be supportable.

Ms. Figge clarified that use permits for second units would go straight to the Planning Commission, not the Zoning Administrator.

Michael Lydon, 9 Capshaw Court, urged the Commission to require at least ten feet of separation between second units and the rear property line where there is no alley, suggested that the overlay be expanded slightly in the vicinity of W. Sixth Avenue, and stated that more consideration should be given to current property owners.

Barbi Boeger, 1531 ½ Arcadian Avenue, stressed the need for a rational City-wide addressing system for second units and units with alley access.

Ed Holohan, 1636 Laburnum Avenue, expressed anger toward the State usurping local land use, noting that he doesn't want to live in L.A. again.

Molly Amick, 1065 Citrus Avenue, described problems in her neighborhoods with absentee owners, including traffic, parking, noise, and litter. She urged the Commission to require owner occupancy.

Robert Dilts, 1535 Hobart Street, urged the Commission to require owner occupancy, and either prohibit or severely curtail second units in the proposed overlay area. He expressed a desire for better infrastructure in the neighborhood, including curbs, gutters, sidewalks, and speed bumps in alleys.

Mike Pickering, 1727 Laburnum, stated that he also owns property at 1445 Citrus Avenue, and is in the process of purchasing property at 1469 Arcadian Avenue and 1460 Citrus Avenue. He suggested that the code differentiate between absentee property owners and those that live in the general vicinity and take care of their properties. He opined that code enforcement is more important than a ban on second units.

Nick Ambrosia, 2581 California Park Drive, suggested that the Commission limit the size of second units to 650 square feet, and require two on-site parking spaces for a one-bedroom second unit.

Melinda Vasquez, 260 E. Sacramento Avenue, stressed the need for better code enforcement. There was general discussion of code enforcement. Ms. Barker stated that response times are usually prompt; Mr. Seidler elaborated that the goal is to bring about code compliance, and pointed out that Code Enforcement Officers don't have police powers to fine offenders.

Ken Fleming, 260 E. Sacramento Avenue, stressed the need for better code enforcement, and urged the Commission to limit second units to one bedroom and require owner occupancy.

Kasey Merrill, 1627 Arcadian Avenue, agreed with the previous speaker. She also asked that fees on second units not be reduced, and that the City institute an alley maintenance program that isn't driven by complaints.

Dave Nopel, 517 W. 1st Avenue, urged the Commission to require owner occupancy and consider the cumulative effect of multiple second units on a neighborhood.

Mary Brownell, 1942 Roseleaf Court, urged the Commission to retain the ability to allow a larger second unit through the use permit process, citing her own difficulties in creating a wheelchair-accessible two-bedroom second unit smaller than 850 square feet. She also noted that her property is owned by a family trust.

Heidi Lydon, 9 Capshaw Court, asked Commissioners how they would like to have a second unit built behind their property.

Marni Merrill, 1627 Arcadian Avenue, urged the Commission to require owner occupancy instead of banning second units outright in the overlay zone.

Betty Nopel, 517 W. 1st Avenue, urged the Commission to consider pedestrian safety when considering the new regulations. She described several auto accidents at alley/street intersections.

Robert Dilts, a previous speaker, urged the Commission to require owner occupancy. He opined that any loss in property value is more than made up by the value of living in an old Chico neighborhood.

Bruce Ertle, 1552 Citrus Avenue, agreed with the previous speaker.

Molly Amick, a previous speaker, agreed with the two previous speakers.

Linda Fure, 1307 Arcadian Avenue, spoke on non-monetary values related to property.

There being no further comment, the public hearing was closed at 9:20 p.m.

The Commission was in recess from 9:20 to 9:27 p.m.

Ms. Figge clarified that a detached second unit that isn't above a garage would be limited to 15 feet in height, unless additional height is granted via a use permit.

Commissioner Monfort suggested that the Commission deal with the City-wide regulations first, then tackle the fee issue, then deal with the overlay district.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-15, RECOMMENDING CITY COUNCIL ADOPTION OF THE TEXT AMENDMENTS TO SECTION 19.76.130 (SECOND DWELLING UNITS) OF TITLE 19 LAND USE AND DEVELOPMENT REGULATIONS. COMMISSIONER SCHIFFMAN SECONDED THE MOTION.

AFTER DISCUSSION, COMMISSIONER MONFORT AMENDED THE MOTION TO SPECIFY THAT A TEN-FOOT SETBACK WOULD BE REQUIRED WHEN A SECOND UNIT ABUTS A NEIGHBOR'S REAR YARD, BUT THAT FIVE FEET IS SUFFICIENT FOR A "KEY LOT" WHERE A SECOND UNIT ABUTS THE NEIGHBOR'S SIDE YARD.

AFTER SUBSTANTIAL ADDITIONAL DISCUSSION, COMMISSIONER MONFORT AMENDED THE MOTION TO REQUIRE OWNER OCCUPANCY IN THE OVERLAY ZONING DISTRICT.

COMMISSIONER FRANCIS OFFERED AN AMENDMENT REQUIRING THAT ALL "BY RIGHT" SECOND UNITS BE LIMITED TO 650 SQUARE FEET AND ONE BEDROOM. THE AMENDMENT WAS REJECTED.

Commissioner Francis and stated that owner occupancy should either be required City-wide or not at all, and that keeping track of owners of second units is impractical; Commissioner Hughes agreed.

THE MOTION, AS AMENDED, PASSED 4-2-1 (COMMISSIONERS FRANCIS AND HUGHES OPPOSED, COMMISSIONER BROWNELL DISQUALIFIED).

COMMISSIONER MONFORT MOVED THAT ALLEY IN-LIEU FEES BE SEGREGATED INTO A SEPARATE FUND USED SOLELY FOR ALLEY IMPROVEMENTS. COMMISSIONER LUYAAS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER BROWNELL DISQUALIFIED).

The Commission discussed some sort of criteria for classifying the condition of alleys.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-20, RECOMMENDING CITY COUNCIL ADOPTION FO THE REVISION TO THE CITY ZONING MAP (REZONE 03-02, CITY OF CHICO)TO ESTABLISH A SD-4 SPECIAL DESIGN CONSIDERATIONS OVERLAY ZONE (WEST AVENUES NEIGHBORHOOD AREA). COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER BROWNELL DISQUALIFIED).

COMMISSIONER MONFORT MOVED THAT THE COMMISSION SUGGEST THAT THE CITY WORK TOGETHER WITH NEIGHBORHOOD ORGANIZATIONS TO DEVELOP AN INFRASTRUCTURE PLAN. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER BROWNELL DISQUALIFIED).

COMMISSIONER MONFORT MOVED THAT THE COMMISSION RECOMMEND THAT THE CITY INVESTIGATE THE FEASIBILITY OF USING FUNDS FROM THE MORTGAGE SUBSIDY PROGRAM TO HELP UNDERWRITE THE COST OF SECOND UNITS FOR QUALIFIED LOW INCOME RENTERS. COMMISSIONER LUYVAAS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER BROWNELL DISQUALIFIED).

There was additional discussion concerning how to increase the level of code enforcement in the avenues, particularly with respect to parking. It was agreed that the Commission would discuss the issue at its joint meeting with Council on May 6th.

5. General Plan Amendment 03-05/Title 19 Text Amendment (City of Chico) -
A proposal to increase the minimum density within three land use designations and corresponding zoning districts in the Chico Urban Area as follows:

1. Adjust the minimum density for the Medium Density Residential General Plan designation and R-2 zoning district from 4.01 to 7.01 dwelling units per gross acre, thereby permitting densities between 7.01 and 14 units per gross acre with this designation and zoning;
2. Adjust the minimum density for the High Density Residential designation/RHD Residential High Density zoning district from 14.01 to 22.01 dwelling units per gross acre, thereby permitting densities between 22.01 and 35 dwelling units per gross acre within this designation and zoning;
3. Increase the maximum allowed density for the Low Density Residential General Plan designation and the R-1 zoning district from 6 to 7 dwelling units per gross acre.

The proposed amendment, if subsequently approved by the City Council at a future meeting, would reverse GPA 97-5 and return General Plan designation and zoning district densities for the Medium Density Residential, High Density Residential and Low Density Residential designations/districts to those included in the General Plan when it was adopted in November 1994. The proposed amendment will use a previously certified Final Environmental Impact Report - General Plan EIR, pursuant to section 15162 of the California Environmental Quality Act (CEQA). *Staff recommends that the Commission recommend Council approval of the general plan amendment and Title 19 text amendment.*

This item was continued to the meeting of May 15, 2003.

GENERAL BUSINESS

Commissioner Luvaas suggested that W. 3rd Avenue near the campus is most heavily impacted, and that diagonal parking may be feasible on one side of the street.

Planning Director Seidler suggested that Commissioner Luvaas raise the issue at next Tuesday's meeting.

6. **Discussion of Workshop Topics:** Staff requests that the Commission determine what topics it wishes to discuss at the workshop on May 22nd so that an agenda can be prepared.

The Commission discussed various topics for the workshop, including Planning staff workload, the NW Planning Area, the residential zoning density amendment, TND design standards, and determining Planning priorities.

Chair Francis stated that she is postponing the workshop until there is a project-specific item to be discussed, as staff is over-burdened and has better things to do.

PLANNING UPDATE

Planning Director Seidler reviewed the upcoming RFP to choose a consultant for the NW Chico Specific Plan and EIR.

In response to Commissioner Schiffman, Principal Planner Figge suggested that any effort made to do neighborhood-level planning would need to be done with Commissioners working with a task force.

Mr. Seidler reviewed the tree ordinance meeting, the Herlax appeal, the Parkwood Estates appeal, the upcoming audio conference on transect zoning, and the CEQA workshop on June 13.

Commissioner Alvistur asked for a report on the responsiveness of code enforcement staff.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:51 p.m. to the joint meeting with City Council on May 6, at 6:00 p.m. in the Conference Room 1 of the Chico Municipal Center, 421 Main Street.

February 19, 2004

-
Date Approved

Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
MAY 15, 2003**

ROLL CALL

The meeting was called to order by Vice-Chairperson Vic Alvistur at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Mary Brownell, Orval Hughes, Jon Luvaas, Kirk Monfort, and Irv Schiffman. Commissioner Jolene Francis was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Associate Planner Ed Palmeri, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

ADMINISTRATIVE AGENDA

No items.

CONSENT AGENDA

1. **Parcel Map 03-05 (Deromedi/Granicher) 453 E. 3rd Avenue** - A request to divide two adjacent parcels with a cumulative site area of 0.41 acre (17,800 square feet) located at 453 E. 3rd Avenue into three single-family residential lots with an average lot size of 5,930 square feet. The site is identified as Assessor's Parcel Nos. 003-112-019 and 020, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines, Sections 15315 (Minor Land Divisions) and 15332 (Infill Development Projects). *Staff recommends approval of the parcel map.*

Commissioner Brownell pulled this item from the consent agenda.

2. **Parcel Map 03-9 (Austin) 40-70 Jillian Lane** - A request to divide a 0.86 acre parcel to create four multi-residential parcels consisting of two 7,301 square-foot parcels (Parcels 1 and 2) and two 11,547 square-foot parcels (Parcels 3 and 4). Each lot is developed with an existing duplex. The subject property is located at 40, 50, 60, and 70 Jillian Lane, a private street on the west side of Burnap Avenue, approximately 150 feet north of the intersection of Burnap Avenue and Tara Terrace. The site is identified as Assessor's Parcel No. 007-570-037, is designated Medium Density Residential on the City of Chico General Plan Diagram, and is located in an R2 Medium Density Residential zoning district. This project has been determined to be categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15061 (Review for Exemption). *Staff recommends approval of the parcel map.*

COMMISSIONER MONFORT MOVED APPROVAL OF ITEM 2 ON THE CONSENT AGENDA. COMMISSIONER LUVAAS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS ABSENT).

ITEMS REMOVED FROM CONSENT AGENDA

1. Parcel Map 03-05 (Deromedi/Granicher) 453 E. 3rd Avenue

Commissioner Brownell confirmed with staff that onsite parking will be provided for the new lot, and that the street will be moved to preserve a tree.

The public hearing was opened at 6:40 p.m.

Brad West spoke in opposition to the project, stating concerns with density.

The public hearing was closed at 6:42 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION FIND THE PROJECT CATEGORICALLY EXEMPT AND ADOPT RESOLUTION NO. 03-24, APPROVING PARCEL MAP 03-05 (DEROMEDI/GRANICHER), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS ABSENT).

REGULAR AGENDA

- 3. Parcel Map 03-2 (Atkin/Sands) 1271 and 1277 Filbert Avenue** - A request to divide a total of 1.3 acres to create four single-family lots that are 12,485 square feet (Parcel 1); 8,742 square feet (Parcel 2); 18,467 square feet (Parcel 3); and 15,246 square feet (Parcel 4). Both Parcel 1 and Parcel two are developed with existing single-family homes. The subject property is located at 1271 and 1277 Filbert Avenue, on the south side of Filbert Avenue, approximately 350 feet west of the intersection of Filbert and Moss Avenues. The site is identified as Assessor's Parcel Nos. 045-292-004 and 005, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15332 (Infill Development Projects). *Staff recommends approval of the parcel map.*

Associate Planner Ed Palmeri presented the staff report, reviewing details of the project and the land use issues involved.

The public hearing was opened.

Bill Sands, co-applicant, requested that he be able to use exposed aggregate concrete instead of asphalt for the driveway, that curb, gutter and sidewalk not be required, and that the City either waive the requirement for a street light or allow him to put a light on the existing utility pole across the street.

Phil Harrold expressed concern with new lighting and existing flooding problems.

Norman Atkins, co-applicant, re-iterated the request that the City waive the requirement for curb, gutter, and sidewalk.

The public hearing was closed.

After discussion, the Commission agreed to require curb, gutter, and sidewalk, but waive the requirement for a street light.

COMMISSIONER LUYVAAS MOVED MOVE THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-21, MAKING A DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT AND APPROVING TENTATIVE PARCEL MAP 03-2 (ATKIN/SANDS), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED TO REMOVE THE REQUIREMENT FOR A STREET LIGHT. COMMISSIONER SCHIFFMAN SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS ABSENT).

4. **General Plan Amendment 03-05/Title 19 Text Amendment (City of Chico)** - A proposal to increase the minimum density within three land use designations and corresponding zoning districts in the Chico Urban Area as follows:
1. Adjust the minimum density for the Medium Density Residential General Plan designation and R-2 zoning district from 4.01 to 7.01 dwelling units per gross acre, thereby permitting densities between 7.01 and 14 units per gross acre with this designation and zoning;
 2. Adjust the minimum density for the High Density Residential designation/RHD Residential High Density zoning district from 14.01 to 22.01 dwelling units per gross acre, thereby permitting densities between 22.01 and 35 dwelling units per gross acre within this designation and zoning;
 3. Increase the maximum allowed density for the Low Density Residential General Plan designation and the R-1 zoning district from 6 to 7 dwelling units per gross acre.

The proposed amendment, if subsequently approved by the City Council at a future meeting, would reverse GPA 97-5 and return General Plan designation and zoning district densities for the Medium Density Residential, High Density Residential and Low Density Residential

designations/districts to those included in the General Plan when it was adopted in November 1994. The proposed amendment will use a previously certified Final Environmental Impact Report - General Plan EIR, pursuant to section 15162 of the California Environmental Quality Act (CEQA). *Staff recommends that this item be continued and noticed for a future meeting.*

This item was continued off-calendar.

GENERAL BUSINESS

- 5. Discussion of Workshop Schedule** - In light of the cancellation of the May 22 workshop, staff requests discussion and direction regarding the workshops scheduled for July 24 and October 23.

After discussion, the Commission agreed to have a workshop on June 19, and to visit Shastan at Chico Canyon Road on Saturday, June 14th.

PLANNING UPDATE

Planning Director Kim Seidler reviewed the Parkwood Appeal, the Herlax appeal, recent Council actions, and an upcoming TND audio conference.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:14 p.m. to the Regular meeting of June 5, 2003 at 6:30 p.m.

January 6, 2005
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
JUNE 5, 2003**

ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort, and Irv Schiffman. Staff present were Principal Planner Pam Figge, Associate Planner Ed Palmeri, Senior Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

Commissioner Francis read a statement reminding those present that the request being heard tonight as item 2 is approval of a parcel map, not expansion of the Wal-Mart. She elaborated that the Wal-Mart expansion is a use allowed by right, and that all comments tonight should solely address the subdivision of property.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

ADMINISTRATIVE AGENDA

No items.

CONSENT AGENDA

1. **Tentative Parcel Map (PM 02-07) Hensley - 2275 E. 8th Street** - A tentative parcel map which will divide a 2.07- acre parcel into two parcels. Proposed Parcel 1 comprises 22,946 square feet, (0.53 acre) and proposed Parcel 2 comprises 67,058 square feet (1.54 acres). Both parcels will be utilizing septic systems, on-site storm water retention and on-site water wells. The site is identified as Assessor's Parcel No. 002-150-100, is designated Very Low Density Residential on the City of Chico General Plan Diagram, and is rezoned RS-20 (20,000 square feet minimum lot size). A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends that this item be re-noticed and heard at the meeting of June 19, 2003.*

COMMISSIONER MONFORT MOVED THAT THIS ITEM BE RENOTICED AND HEARD ON THE MEETING OF JUNE 19. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 7-0.

ITEMS REMOVED FROM CONSENT AGENDA

None.

REGULAR AGENDA

2. **Vesting Tentative Parcel Map (PM 03-06) Wal-Mart/PacLand - 2044 Forest Avenue, between Wittmeier Drive and Baney Lane** - Proposed parcel map for a 10.34 acre parcel to create two parcels: 2.4 acres and 7.94 acres, south of the existing Wal-Mart store. The site is identified as Assessor's Parcel No. 002-170-004, is designated Commercial Services on the City of Chico General Plan Diagram, and is located in a CC Community Commercial zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends adoption of the mitigated negative declaration and approval of the tentative parcel map.*

Mr. Palmeri presented the staff report, reviewing the land use issues involved and details of the parcel map. He noted that the project before the Commission is just the parcel map, and that the mitigation measures deal solely with impacts from the parcel map. He explained that the applicant will construct certain improvements, and that no modifications to design criteria are being requested. He stated that staff recommends adoption of the mitigated negative declaration and approval of the parcel map.

Commissioner Francis confirmed that there will be another environmental review for the Wal-Mart expansion. Mr. Palmeri agreed, noting that there are two separate issues: the expansion of Wal-Mart, which is permitted by right; and the parcel map, which is discretionary.

Commissioner Alvistur inquired if the Baney Lane diverter could be removed as a condition of the parcel map; staff indicated that it could not be a condition of this parcel map.

There was general discussion concerning the Commission's ability to control how a big box retail store is constructed, and the roles that the ARB and Title 19 play in the process.

Commissioner Schiffman inquired whether wetlands are present on the site. Mr. Palmeri replied that there are some areas which could be wetlands, and that any wetland fill would be allowed or disallowed by the Army Corps of Engineers. Ms. Figge pointed out that the City doesn't have jurisdiction over wetlands; Commissioner Francis pointed out that condition #11 seems fully adequate.

Commissioner Luvaas asked if any of the mitigation measures for air quality could be modified. Ms. Figge replied that some of those conditions were from the original subdivision map in 1991, and are just being "carried over" to the new parcel map.

The public hearing was opened at 6:50 p.m.

Mike Neer, 606 Columbia Street NW, Olympia, WA, project engineer, offered to answer any questions. He clarified that a wetland delineation was prepared, which showed 0.269 acres of wetlands on the site, and explained that the wetlands will be mitigated.

Brett Jolley, 2291 West Marsh Lane, Suite B100, Stockton, representing John Shannan, spoke in opposition to the project. He disagreed with staff's analysis, stated that the whole project, including the Wal-Mart expansion, should be considered under CEQA.

Commissioner Monfort related that the City has done things this way several times previously, and that often the major debate occurs after the parcels are created.

In response to Commissioner Francis, Ms. Figge stated that the Planning Director would review and approve the mitigated negative declaration for the Wal-Mart expansion. Ms. Figge also pointed out that no use permit or other discretionary approval is required for the Wal-Mart expansion, and that the City Attorney's office has advised Planning staff to proceed with just the parcel map at this hearing.

Commissioner Brownell noted that it's unfortunate that the notice was published the way it was.

Mr. Jolley asserted that what is being approved is a project, and that under CEQA a project must include all development which is reasonably foreseeable. He noted that the application trail indicates a Wal-Mart expansion, and that both the notice and original mitigated negative declaration were for a Wal-Mart expansion. He suggested that the environmental documents are inadequate because they do not address urban decay impacts, and that the project is being piecemealed.

In response to Commissioner Schiffman, Mr. Jolley, cited Citizens For Quality Growth vs. Mount Shasta, which concluded that loss of patronage and potential store closures must be studied in an EIR.

Ms. Figge pointed out the differences between discretionary and non-discretionary permits, noting that the public is not being denied its right to comment on any environmental review.

In response to Commissioner Monfort, Ms. Barker pointed out that there is no new information in either the mitigated negative declaration or the initial study, just less information; therefore, it is not necessary to recirculate the initial study. She pointed out that the bike path easement, which is in conflict with the future expansion of Wal-Mart, will need to be modified by City Council prior to construction, regardless of whether the small portion near Forest Avenue is carved off or not.

Mr. Jolley asserted that the Planning Commission has to approve the entire mitigated negative declaration as a whole, stating that breaking it up would be piecemealing the project.

There was additional, inconclusive debate concerning the adequacy of the environmental review.

Commissioner Brownell suggested recirculating the initial study.

Mike Neer, a previous speaker, stated that the initial study was prepared for the whole project, but that under the advice of Planning staff and the City Attorney's office, has been split into two separate phases. He opined that recirculation would be unnecessary, as all issues were covered in the original notice and initial study.

There being no further comment, the public hearing was closed at 7:23 p.m.

In response to Commissioner Francis, Ms. Barker stated that CEQA applies to physical changes in the environment, and that she hadn't read the Mt. Shasta decision for a long time. She reviewed that an economic impact is not covered by CEQA, because it is not a physical change to the environment.

In response to Commissioner Monfort, Ms. Barker stated that it is unfortunate that environmental review was conducted the way it was on this project. She noted that the lot split does not facilitate the store expansion, as the store expansion could occur on existing property.

Commissioner Alvistur urged the Commission to not stray from its authority, and to heed the advice of the City's counsel.

Commissioner Francis pointed out that the Commission is considering only a parcel map, that the expansion is an allowed use, that the City Attorney says there is no issue, and that there is no new information as a result of the alteration of the mitigated negative declaration to apply to just the parcel map.

In response to Commissioner Schiffman, Ms. Figge explained that CEQA provides for disclosure about whether there will be a physical change to the environment. She stated that the level at which a categorical exemption or mitigated negative declaration is adopted depends upon the level of the project; since the expansion of the store is an administrative (building) permit, the Planning Director would make the determination.

In response to Commissioner Schiffman, Ms. Figge explained that a hypothetical new big box retail store on the north side of Baney Lane would only be reviewed by the ARB, not the Planning Commission.

Commissioner Francis confirmed with Ms. Barker that the Planning Director's determination concerning the environmental review for the Wal-Mart expansion could be appealed.

Commissioner Monfort noted that while there's nothing in the Municipal Code prohibiting big box retail, he'd like the Commission to look at the initial study.

Commissioner Luvaas stressed the need to prepare a legally adequate mitigated negative declaration, and to not invite litigation. He stated that he can't vote to approve what he believes is not a legally valid mitigated negative declaration.

Commissioner Francis countered that she doesn't see enough evidence to deny the parcel map. She noted that the property could be sold to someone else, then split using the exact same environmental documentation; conversely, Wal-Mart can walk away from the parcel map and still proceed with the expansion.

Commissioner Brownell suggested that the initial study be recirculated with just the information pertinent to a parcel map; Ms. Figge replied that the City would then be guilty of piecemealing the project.

Commissioner Monfort opined that the only real issue is traffic, and that the mitigated negative declaration will involve a traffic study.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-26, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND APPROVING VESTING TENTATIVE PARCEL MAP 03-6 (PACLAND), SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL. COMMISSIONER HUGHES SECONDED THE MOTION.

Commissioner Luvaas stated that if he could vote just for the parcel map, he would vote yes; however, because he feels that he can't approve what he believes is a legally inadequate mitigated negative declaration, he will be voting against the motion.

THE MOTION PASSED 4-3 (COMMISSIONERS BROWNELL, LUVAAS AND SCHIFFMAN OPPOSED).

Commissioner Francis stated that the Commission's decision can be appealed to the City Council within 10 days.

GENERAL BUSINESS

3. **Discussion of Mountain View Site Visit** - The Commission previously agreed to visit the Mountain View project site on Saturday, June 14th at 9:00 a.m. It now appears that the chosen time may not be ideal for full participation by the Commission and staff. *Staff requests direction from the Commission about whether to keep the site visit on the 14th or reschedule the visit for another date.*

The Commission agreed to visit the site at 9 a.m. on Saturday, July 12.

Mr. Redeker noted that the July 3 meeting will likely be canceled.

Commissioner Brownell informed staff that she will not be at the July 17 meeting.

PLANNING UPDATE

Ms. Figge reviewed the status of the second unit ordinance, noting that it may come back to the Planning Commission for modification; she reviewed other details of the Council meeting on the second unit ordinance, explaining that the people who attended the Council hearing on the issue were different from those who attended the Planning Commission hearing.

Commissioner Schiffman inquired if the City could separately regulate wetlands and their removal. Ms. Figge noted that all wetland removal is fully mitigated, even when not required by the Army Corps of Engineers. Ms. Barker pointed out that the City had to be careful to avoid any takings issues when regulating wetlands.

In response to Commission Alvistur, Ms. Figge reviewed code enforcement timeframes, noting that the initial response is usually within a day. She noted that it may take some time for the person to either voluntarily clean up the property or go to court, but stressed that the initial step is taken very shortly after complaints are received.

In response to Commissioner Monfort, Ms. Barker reviewed the City's efforts towards an administrative lien on property to enforce greater compliance.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 7:58 p.m. to the Adjourned Regular Meeting of June 19, 2003, at 6:30 p.m. in the Council Chamber, 421 Main Street.

July 3, 2003

-
Date Approved

Pam Figge
Principal Planner

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
JUNE 19, 2003**

ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort, and Irv Schiffman. Commissioner Vic Alvistur was absent. Staff present were Planning Director Kim Seidler, Senior Planner Patrick Murphy, Associate Planner Bob Summerville, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

CONSENT AGENDA

1. **Vesting Tentative Parcel Map 02-10 (Graves) 1704 Oak Way** - A request to divide a 0.93 acre parcel located at 1704 Oak Way into four single-family residential lots with an average lot size of 8,046 square feet. The site is identified as Assessors Parcel No. 042-750-012, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (Infill Development Projects). *Staff recommends approval of the vesting tentative parcel map.*

Senior Planner Patrick Murphy stated that staff wished to pull this item from the Consent Agenda to make a slight change.

2. **Tentative Parcel Map (PM 02-07) Hensley - 2275 E. 8th Street** - A tentative parcel map which will divide a 2.07- acre parcel into two parcels. Proposed Parcel 1 comprises 22,946 square feet, (0.53 acre) and proposed Parcel 2 comprises 67,058 square feet (1.54 acres). The site is identified as Assessor's Parcel No. 002-150-100, is designated Very Low Density Residential on the City of Chico General Plan Diagram, and is rezoned RS-20 (20,000 square feet minimum lot size). A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends adoption of the mitigated negative declaration and approval of the tentative parcel map.*

Commissioner Luvaas pulled this item from the Consent Agenda.

ITEMS REMOVED FROM CONSENT AGENDA

1. **Vesting Tentative Parcel Map 02-10 (Graves) 1704 Oak Way**

Commissioner Brownell announced that she is disqualified from hearing this item, as her residence is

within 500 feet of the project site. She left the room.

Associate Planner Bob Summerville reviewed a letter of opposition and a proposed change to condition 6; the change would require an 8 foot side yard setback on Parcel 2.

The public hearing was opened. There being no comment, the public hearing was closed.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION FIND THE PROJECT CATEGORICALLY EXEMPT AND ADOPT RESOLUTION NO. 03-29, APPROVING PARCEL MAP 02-10 (GRAVES), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED TO REQUIRE THAT THE NORTHWEST SIDEYARD SETBACK ON PARCEL 2 BE 8 FEET. COMMISSIONER LUYAAS SECONDED THE MOTION, WHICH PASSED 5-0-1-1 (ALVISTUR ABSENT, BROWNELL DISQUALIFIED).

Commissioner Brownell returned to the room.

2. Tentative Parcel Map (PM 02-07) Hensley - 2275 E. 8th Street

Commissioner Francis announced that she is disqualified from hearing this item, as the property is adjacent to her residence. She left the room.

Commissioner Luyaaas expressed concern with temporarily waiving sewer hookups and allowing a new private well and septic system on an infill parcel.

The public hearing was opened.

James Renfro, project engineer, explained that water, sewer, and storm drain are some distance away.

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

COMMISSIONER SCHIFFMAN MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-25, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING TENTATIVE PARCEL MAP 02-07 (HENSLEY), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 4-1-1-1 (LUVAAS OPPOSED, FRANCIS DISQUALIFIED, ALVISTUR ABSENT).

Commissioner Francis returned to the room.

REGULAR AGENDA

3. Parcel Map 03-10 & Planned Development Permit 03-04 (Edwards) 1172 E. 9th Street -

A request to divide a 13,530 square foot (s.f.) parcel into two parcels, both of which would be 6,765 s.f. (5,400 s.f. net). The gross density for the project is 6.45 units/acre. A planned development permit has been included with the parcel map application to allow a density greater than six units per acre. The site is identified as Assessor's Parcel No. 004-331-018, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (Infill Development Projects). ***Staff recommends approval of the parcel map and planned development permit.***

Senior Planner Patrick Murphy presented the staff report, reviewing the land use issues involved and details of the project.

Commissioner Brownell expressed support for narrowing the driveway to create a larger landscape buffer.

The public hearing was opened.

James Renfro, project engineer, noted that the driveway approach has to be 18 feet per Caltrans, but that the interior could be narrowed. He requested that the requirement to install a streetlight be removed, as there are no other street lights in the area.

Randy Abbott requested that a large shade tree be required and that light-colored roof shingles be installed to reduce the heatsink effect of new development.

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

The Commission discussed whether a street light could be required.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-28 FINDING THAT THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVING TENTATIVE PARCEL MAP 03-10 AND PDP 03-04 (EDWARDS), SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL. COMMISSIONER HUGHES SECONDED THE MOTION.

The Commission discussed narrowing the driveway.

Commissioner Monfort suggested that there be a separate recommendation to the City Council concerning street lights.

The public hearing was reopened.

James Renfro, project engineer, stated that he would be agreeable to a 12 or 14 foot driveway width, but cautioned against tire strips due to additional engineering concerns.

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

Commissioner Schiffman offered an amendment to narrow the driveway to 12 feet; Commissioner Monfort accepted the amendment.

THE MOTION, AS AMENDED, PASSED 6-0-1 (ALVISTUR ABSENT).

4. **Vesting Tentative Subdivision Map 03-05 (Lands End Real Estate) - Northwest corner of the Esplanade/Yellowstone Drive intersection** - A request to divide a 2.17 acre parcel into six office commercial lots at the northwest corner of the Esplanade/ Yellowstone Drive intersection. Proposed lots range in size from 10,403 square feet (s.f.) to 19,826 s.f. with an average lot size of 15,754 s.f. The site is identified as Assessor's Parcel No. 006-500-022, is designated Office on the City of Chico General Plan Diagram, and is located in an OC Office Commercial zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (Infill Development Projects). *Staff recommends approval of the vesting tentative subdivision map.*

Commissioner Francis announced that she is disqualified from hearing this item, as the property owner and developer are clients of her employer. She left the room.

Senior Planner Patrick Murphy presented the staff report, reviewing the land use issues involved and details of the project.

Commissioner Schiffman confirmed that the buildings and site plan were already reviewed by the ARB, and that this subdivision will now split the property to allow separate building ownership.

Commissioners Luvaas and Schiffman expressed concern about the proximity of parking to the Esplanade frontage.

The public hearing was opened. There being no comment, the public hearing was closed.

After discussion, the Commission agreed that additional berming and landscaping should be provided to screen the parking area.

COMMISSIONER LUYAAS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-27, FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVING THE YELLOWSTONE BUSINESS PARK VESTING TENTATIVE SUBDIVISION MAP (S 03-05), SUBJECT TO THE FINDINGS

AND CONDITIONS CONTAINED THEREIN, MODIFIED TO REQUIRE A BERM OR WALL TO SCREEN THE PARKING ADJACENT TO THE ESPLANADE. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 5-0-1-1 (FRANCIS DISQUALIFIED, ALVISTUR ABSENT).

GENERAL BUSINESS

The Commission discussed the requirement for street lights, and whether there was a more equitable method for distributing the cost. It was agreed to leave the current system in place.

PLANNING UPDATE

Staff reviewed recent appeals, Council actions, and the upcoming meeting schedule.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:03 p.m. to the Regular meeting of July 3, 2003 at 6:30 p.m.

January 6, 2005

Date Approved

Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
JULY 3, 2003**

1. ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort, and Irv Schiffman. Commissioner Vic Alvistur was absent. Staff present were Planning Director Kim Seidler, Associate Planner Bob Summerville, Senior Development Engineer Matt Johnson, City Attorney Dave Frank, and Administrative Secretary Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

3. CONSENT AGENDA

3.1 Minutes of the Regular Meeting of June 5, 2003

Staff recommends approval with any corrections/revisions required.

COMMISSIONER MONFORT MOVED APPROVAL OF THE CONSENT AGENDA.
COMMISSIONER SCHIFFMAN SECONDED THE MOTION, WHICH PASSED 6-0-1
(COMMISSIONER ALVISTUR ABSENT).

4. ITEMS REMOVED FROM CONSENT AGENDA

None.

5. REGULAR AGENDA

- 5.1. Text Amendment to Title 19 of the Chico Municipal Code (City of Chico/Tehama Bank/Slater & Son):** A proposed amendment to Section 19.44.020, Table 4-6 of Title 19 Land Use and Development Regulations of the Chico Municipal Code to allow in the OR Office Residential zoning district Banks and Financial Services without drive-through facilities 2,500 square feet or less as a permitted use, and more than 2,500 square feet to be allowed with a use permit. The proposed amendment has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061 (a)(3) (General Rule Exemption). *Staff recommends that the Commission recommend Council approval of the text amendment to Title 19.*

Commissioner Francis announced that she is disqualified from considering this item, as her employer is one of the applicants.

Commissioner Francis left the room.

Commissioner Summerville presented the staff report, reviewing the land use issues involved and the details of the proposed change to Title 19. He noted that the code change is being requested due to Tehama Bank's desire to occupy the old Cal Water building on The Esplanade. He stated that the proposal would allow banks less than 2500 square feet as a permitted use in the OR district, with larger banks allowed with a use permit; walk-up ATMS would also be allowed.

In response to Commissioner Schiffman, Mr. Summerville stated that the Cal Water building is less than 2500 square feet, and that parking isn't a concern, as drive-throughs would not be allowed.

In response to Commissioner Luvaas, Mr. Summerville indicated that a bank without a drive-through has similar traffic impact as other allowed OR uses.

Commissioner Brownell confirmed with staff that the parking requirements are the same for banks and offices.

The public hearing was opened at 6:36 p.m.

Howard Slater, 3753 Morehead Avenue, applicant, stated that this use will be a good fit for other businesses in the area. He noted that there are no banks in that part of town, and that the project's limited size should mostly serve adjacent residents and businesses.

In response to Commissioner Schiffman, Mr. Slater related that the building would be spruced up, but without taking away any of its existing character.

There was additional discussion concerning the design of this particular project; it was generally agreed that a small bank with a walk-up ATM would complement the neighborhood.

There being no further comment, the public hearing was closed at 6:41 p.m.

COMMISSIONER SCHIFFMAN MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-31, RECOMMENDING CITY COUNCIL ADOPTION OF AMENDMENTS TO TITLE 19 LAND USE AND DEVELOPMENT REGULATIONS. COMMISSIONER MONFORT SECONDED THE MOTION.

The Commission discussed whether to prohibit banks larger than 2500 square feet outright (i.e., eliminate the use permit provision for larger banks); there was general agreement for such a restriction.

COMMISSIONER LUYAAS OFFERED AN AMENDMENT THAT THE SIZE OF BANKS ALLOWED IN THE OR ZONING DISTRICT BE CAPPED AT 2500 SQUARE FEET, WITH NO POSSIBILITY OF GOING LARGER VIA USE PERMIT; COMMISSIONER SCHIFFMAN ACCEPTED THE AMENDMENT. THE MOTION, AS AMENDED, PASSED

5-0-1-1 (COMMISSIONER ALVISTUR ABSENT, COMMISSIONER FRANCIS DISQUALIFIED).

Commissioner Luvaas lamented the dearth of residential uses in the OR zoning district, and inquired what the City could do to foster more mixed uses.

Commissioner Francis returned.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Mr. Seidler reviewed the upcoming Housing Element Workshop, discussed the schedule of future meetings, and related recent Council actions concerning the Herlax Place appeal.

In response to Commissioner Luvaas, Mr. Seidler indicated that the R2 density amendments should come back to the Commission in August or September.

8. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 6:55 p.m. to the Housing Element Workshop of July 10, 2003, at 6:30 p.m. in the Council Chamber, 421 Main Street.

August 21, 2003

Date Approved

Kim Seidler
Planning Director

**PLANNING COMMISSION
WORKSHOP
JULY 10, 2003**

1. ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort, and Irv Schiffman. Commissioner Vic Alvistur was absent. Staff present were Planning Director Kim Seidler, Housing Officer Dennis McLaughlin, Senior Planner Tom Hayes, Senior Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

3. REGULAR AGENDA

3.1. Workshop on Updated Housing Element: A Housing Technical Advisory Committee (TAC) has met for several months with Housing and Planning staff to prepare an update to the Housing Element of the General Plan, as required by State law. The Commission will consider and discuss the TAC's recommendations at this workshop, and provide any needed direction to staff. The Commission will make a formal recommendation to the City Council following a public hearing at a subsequent meeting.

Commissioner Francis announced that the workshop would end at a time certain of 8 p.m., and that the meeting is not a public hearing; the main purpose is to allow staff to educate the Commission and respond to any questions Commissioners may have.

Mr. Hayes reviewed the effort that had gone into the revised Housing Element, including the establishment of the Technical Advisory Committee (TAC) and its work with staff. He made a Powerpoint presentation, explaining the proposed changes to the City's housing policies and programs, deadlines and housing allocations established by the state office of Housing and Community Development (HCD), strategies to meet those allocations, and future meetings required by the Planning Commission and City Council concerning this topic.

Commissioner Francis requested that a list of TAC members be made available to the Commission before the public hearing on this item.

Mr. McLaughlin reviewed the contents of the updated Housing Element, including various statistical and demographic data, which is in a format specified by HCD. He reviewed projected housing needs for seniors, retiring baby-boomers, students, and other portions of Chico's population. He reviewed home ownership rates, affordability issues in both the ownership and rental markets, and the increasing costs to the City for affordable housing programs.

In response to Commissioner Luvaas, Mr. McLaughlin discussed funding sources for housing

programs, noting that most sources are not increasing in step with the increased need for affordable housing. He noted that many of the City's applications for various grant monies have been turned down recently, as most funding is now heading to major urban centers.

Mr. Hayes continued his review of the Housing Element, including constraints to the development of housing and land vacancy factors.

In response to Commissioner Francis, Mr. Hayes acknowledged that the inventory of vacant developable land does include the Bidwell Ranch property, and that it will remain in the inventory until a political decision is made to take it off the table.

In response to Commissioner Monfort, Mr. Hayes noted that the rezoning and development of the Enloe property would partially offset the loss of Bidwell Ranch. He added that the Diamond Match property is also included in the inventory of developable land.

Mr. Hayes reviewed various new programs, including details of the proposed inclusionary zoning program (H-I-11).

Mr. McLaughlin reviewed the methodology involved in an inclusionary zoning ordinance, adding that staff estimates an additional cost of \$8,000 to \$12,000 per market rate home if inclusionary zoning is adopted. He also discussed various strategies for keeping units affordable, through equity sharing agreements, deed restrictions, and other methods.

In response to Commissioner Hughes, Mr. McLaughlin reviewed the different philosophies concerning equity sharing in affordable housing projects.

Mr. Hayes clarified that staff would like to refine the inclusionary zoning concept via input from the Commission and the public before sending it to the City council for consideration. He also reviewed other programs to encourage infill, provide a parallel development code, consider the concept of handicapped "visitability," and the provision of on-site day care in multi-family housing projects.

In response to Commissioner Schiffman, Mr. McLaughlin reviewed the TAC's issues and concerns with various methods to keep owner-occupied housing affordable to subsequent buyers.

In response to Commissioner Brownell, Mr. McLaughlin reviewed various financing techniques for affordable housing.

Commissioner Francis requested that a strike-through/underline version of the Housing Element be provided, to aid the Commission in comparing the updated version with the previous version.

There was general consensus to have another workshop in a less formal, non-televised setting. After discussion, it was tentatively agreed to have another workshop on August 7th, starting at 3:00 p.m. in Conference Room 1.

4. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:10 p.m. to the Mountain View site visit of July 12, 2003 at 9:00 a.m., at the intersection of Chicory Road and Sparrow Hawk Lane.

September 4, 2003

-
Date Approved

Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
JULY 17, 2003**

1. ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Jolene Francis, Orval Hughes, and Kirk Monfort. Commissioners Mary Brownell, Jon Luvaas and Irv Schiffman were absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Claudia Sigona, Senior Planner Patrick Murphy, Assistant Director of Public Works Tom Alexander, Senior Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

3. CONSENT AGENDA

None.

4. ITEMS REMOVED FROM CONSENT AGENDA

None.

5. REGULAR AGENDA

- 5.1. Mariposa Vista Unit 2 Vesting Tentative Subdivision Map S 02-17 (Agasy, Inc.) Between Mariposa and Ceanothus Avenues** - A request to subdivide 32.65 acres located between Mariposa and Ceanothus Avenues, north of East Avenue, to create 218 lots. Lots will be developed with single family residences, except for 10 interior corner lots which will be developed with duplexes. The site is identified as Assessor's Parcel Nos. 048-061-002, 003, 004, 021, 043, and 052, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends adoption of the mitigated negative declaration and approval of the vesting tentative subdivision map.*

Commissioner Francis explained that the Commission doesn't have a quorum present to consider this item, due to the absence of three Commissioners and her being unable to vote due to a conflict of interest. She stated that it will be continued to the meeting of August 7.

- 5.2. Mountain View Estates Vesting Tentative Subdivision Map S 03-08 (Coastal View Construction/Starr) South side of Chico Canyon Road, bisected by Sparrow Hawk Lane** - A request to subdivide 5.97 acres to create 9 lots for single family residential development on property located on the south side of Chico Canyon Road, approximately 1,300 feet west of Falcons Pointe Drive. The site is identified as Assessor's Parcel No.

011-020-109, is designated Very Low Density Residential on the City of Chico General Plan Diagram, and is located in an RS-20 Suburban Residential (20,000 square foot minimum lot size) zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration and approval of the vesting tentative subdivision map.***

Ms. Sigona presented the staff report, reviewing the details of the project and the land use issues involved. She reviewed height restrictions on adjacent projects, noting that the Bidwell Ridge subdivision is 11 to 14 feet higher than this site; therefore, staff is not recommending any additional height limitation beyond the 35 feet allowed in the RS zoning district, except for lot 8.

Ms. Sigona reviewed requested modifications to City design criteria, for which the City is recommending approval. She noted that the City is recommending a height limitation of 27 feet for the home on Lot 8, to mitigate any potential viewshed impacts; the home on Lot 8 would also have to be constructed with darker earth-tone materials, so as to blend in more with the surrounding landscape.

Commissioner Francis confirmed with Ms. Sigona that the 27 foot restriction on Lot 8 is not contained in the written conditions of approval and would need to be added by the Commission.

Commissioner Monfort confirmed that no fencing will be placed in the no development area of Lot 8.

The public hearing was opened at 6:45 p.m.

Mike Byrd, Rolls, Anderson & Rolls, 115 Yellowstone Drive, project engineer, stated that the applicant is in agreement with the conditions. He described the layout of the home proposed for Lot 8, noting that the rear yard would be toward the east side of the lot.

Doug Starr, Coastal View Construction, applicant, stated that he did not bring the a copy of the plans for the house on Lot 8 to the meeting, but he'd be happy to bring them to staff. He also noted that the house setback from the no development area is at least 15 feet.

There being no further comment, the public hearing was closed at 6:49 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-32, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE MOUNTAIN VIEW ESTATES VESTING TENTATIVE SUBDIVISION MAP (S 03-08), SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL INCLUDED THEREIN, MODIFIED TO LIMIT CONSTRUCTION TO 27 FEET

ON LOT 8. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 4-0-3 (COMMISSIONERS BROWNELL, LUVAAS AND SCHIFFMAN ABSENT).

5.3. Vesting Tentative Subdivision Map (S 02-04) and Planned Development Permit (PDP 02-03) for Shallow Springs Terrace (LVV Properties) located at the west end of Shallow Springs Terrace in the Canyon Oaks subdivision - A Vesting Tentative Subdivision Map to divide a 5.37 acre site into four residential lots, and a Planned Development Permit (PDP). The project also includes a boundary line modification (BLM). The site is identified as Assessor's Parcel No. 011-030-143, is designated Very Low Density Residential (0.2- 2 units per acre) on the City of Chico General Plan Diagram, and is located in an RS-1-PD (Suburban Residential - 1 acre minimum lot size with a Planned Development Overlay) zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends adoption of the mitigated negative declaration, approval of the planned development permit, and approval of the vesting tentative subdivision map.*

Mr. Murphy presented the staff report, reviewing the details of the project, the history of the site, previous Commission and Council actions concerning the rezone of the property, and conditions placed on development of the property concerning viewsheds. He discussed the applicant's plans to build a 20 foot tall house on Lot 3, noting the presence of a color photosimulation provided by the applicant.

The Commission discussed viewshed issues, debating whether the proposed limitations adequately minimized impacts to the viewshed of the nearby homes.

The public hearing was opened at 7:00 p.m.

Jim Stevens, Northstar Engineering, 20 Declaration Drive, representing the applicant, noted that the viewshed issues are somewhat unclear because of their subjective nature, and reviewed applicable General Plan policies concerning viewsheds. He reviewed the computer simulation, noting that the picture submitted by the Higginses depicts a 25 foot height measured from the center of the building pad location. He noted that Planning staff has recommended that the maximum building height be reduced an additional 5 feet, capping building height at 20 feet; he also stated that it would also be possible to lower the overall building height by altering the roofline or excavating slightly. He emphasized the infill nature of the project, noting the demand for all housing types in Chico.

Commissioner Monfort suggested that the viewshed from the neighbors' lot would be improved by development on lot 2, due to the planned removal of the digger pine tree.

Harvey Hiler, 3153 Shallow Springs Terrace, expressed his irritation at the whole process. He noted that the view from his property, due to the open space designation on the project site, was

significant in his decision to buy that particular lot. He stated that he had no objection to a house on the south side of Shallow Springs Terrace, and urged the Commission to minimize impacts to his viewshed due to this project.

Jim Higgins, 3151 Shallow Springs Terrace, voiced agreement with the previous speaker. He stated that while his major concern is the impact Lot 3 will have on his view, he also suggested that Lot 1 will look out of place due to its isolated nature and proximity to the gate. He also opined that all lots will impact the first tee of the golf course. He submitted additional photographs depicting the existing view from his home.

There being no further comment, the public hearing was closed at 7:08 p.m.

Commissioner Alvistur recalled that when the rezone was approved by the Commission in November, direction was given about protecting the neighbors' viewshed. He suggested that Lot 3 is too invasive, and recommended that it be eliminated. He expressed sympathy with the neighbors' decisions to buy homes based on the adjacent open space area.

Ms. Figge pointed out that the property was never public open space, and that the City has no regulations to prevent the removal of the trees on the site. She noted that with the approval of the map, a permanent "no development" zone is put in place, which preserves many of the trees.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-33, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND APPROVING THE VESTING TENTATIVE SUBDIVISION MAP S 02-04 AND PDP 02-03, SUBJECT TO THE FINDINGS AND CONDITIONS DELINEATED THEREIN, AND ALLOWING ALL FOUR LOTS. COMMISSIONER FRANCIS SECONDED THE MOTION.

Commissioner Francis stated that while Lot 3 will impact the neighbors' view, it won't be a tremendously negative effect. She also expressed concern about setting a precedent for future protection of private viewsheds.

Commissioner Hughes agreed, noting that there is still a lot of open space in the area, and emphasizing the tree preservation the City gains via approval of the map.

Commissioner Alvistur disagreed, suggesting that the best way to minimize viewshed impact is to eliminate Lot 3.

THE MOTION PASSED 3-1-3 (COMMISSIONER ALVISTUR OPPOSED, COMMISSIONERS BROWNELL, LUVAAS AND SCHIFFMAN ABSENT).

Commissioner Francis stated that the Commission's decision can be appealed to the City Council within 10 calendar days.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Mr. Seidler reviewed Council action on the Wal-Mart appeal, and discussed the upcoming Housing Element Workshop.

Commissioner Alvistur expressed concern with the letter submitted by Commissioner Luvaas, inquiring if there was any precedent to give consideration to a Commissioner's comments when that Commissioner isn't present. Mr. Seidler replied that he sees a problem with a non-attending Commissioner participating as a Commissioner for an item; Commissioner Alvistur agreed. Commissioner Francis stated that she shared those concerns, which is why she did not read the letter aloud.

8. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 7:24 p.m. to the Housing Element Workshop of August 7, 2003, at 3:00 p.m. in the Council Chamber, 421 Main Street.

August 21, 2003

-
Date Approved

Kim Seidler
Planning Director

**PLANNING COMMISSION
WORKSHOP AND REGULAR MEETING
AUGUST 7, 2003**

1. ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 3:00 p.m. in Conference Room 1 of the Chico Municipal Center. Commissioners present were Vic Alvistur, Mary Brownell, Jolene Francis, Kirk Monfort, and Jon Luvaas. Commissioners Orval Hughes and Irv Schiffman were absent. Staff present were Planning Director Kim Seidler, Senior Planner Claudia Sigona, Senior Planner Tom Hayes, Housing Officer Dennis McLaughlin, Senior Development Engineer Matt Johnson, City Attorney Dave Frank, and Administrative Secretary Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

3. WORKSHOP IN CONFERENCE ROOM 1

3.1 Workshop on Updated Housing Element: A Housing Technical Advisory Committee (TAC) has met for several months with Housing and Planning staff to prepare an update to the Housing Element of the General Plan, as required by State law. The Commission will consider and discuss the TAC's recommendations at this workshop, and provide any needed direction to staff. The Commission will make a formal recommendation to the City Council following a public hearing at a subsequent meeting, tentatively scheduled for September 4th.

Mr. Hayes provided an update to the Commission, reviewing the materials presented to the Commission, and requesting that direction be provided to staff at the end of the meeting to assist in the creation of a public hearing draft for the meeting of September 4th.

In response to Commissioner Alvistur, Mr. Hayes stated that there are no official sanctions for jurisdictions which aren't meeting their housing goals, although Housing and Community Development (HCD) must review and approve all Housing Elements.

Mr. Seidler shared his conversation with officials from a jurisdiction that was sued by HCD, including HCD's legal victory and the resultant sanctions against that jurisdiction. Mr. Hayes added that the status of the City's Housing Element does affect the City's ability to compete for grants and other housing funds.

Commissioner Monfort confirmed with Mr. Hayes that the Council has not expressed interest in increasing the allocation for affordable housing from RDA revenues.

Commissioner Monfort and Mr. McLaughlin discussed inclusionary zoning, and the possibility of using in-lieu fees to create additional housing for Low and Very Low income households. Mr. McLaughlin

pointed out that all inclusionary zoning ordinances come under scrutiny, and that the findings need to be legitimate; generally, the in-lieu fees are segregated, preventing transfers from one type of housing to another.

In response to Commissioner Alvistur, Mr. McLaughlin reviewed various affordable housing programs and the funding sources for each. He noted that 25 to 30% of the funding for affordable housing in Chico comes from the RDA, and that the total amount for affordable housing is usually around \$2.5 million annually; however, all funds for the current year are already earmarked for the senior housing project on Park Avenue.

In response to Commissioner Francis, Mr. McLaughlin explained that public sector projects carry higher overhead than private sector projects, which drives up the per-unit cost of affordable housing projects.

Commissioner Hughes arrived at 3:30 p.m.

Mr. McLaughlin explained the current gap in affordable housing production, noting that the City's resources can fund construction of slightly more than 10% of the City's affordable housing allocation as determined by HCD and BCAG.

Commissioner Francis discussed the matrix showing what other jurisdictions have inclusionary zoning ordinances, opining that inclusionary zoning for rentals is trying to affect a macroeconomic market at a microeconomic level. She also stated that using in-lieu "opt out" fees to supplement Low and Very Low income rental housing is shifting that burden onto new home buyers, effectively adding another fee to the cost of new housing.

Mr. McLaughlin discussed various philosophical and socio-economic arguments both in favor of and opposed to the inclusionary zoning concept. He noted that market-rate multi-family residential projects barely pencil out right now, and that what a lender is willing to finance acts as a major constraint in the development of new rental housing.

In response to Commissioner Brownell, Mr. McLaughlin clarified that the City would not provide monetary compensation to developers for affordable housing required under an inclusionary zoning ordinance, and that it would have to be looked at as a cost of doing business. Mr. Hayes added that the City can offer other incentives, including increased densities, reduced standards, expedited permit processing, or a delay in payment of development impact fees.

There was additional discussion concerning which segments of the community would end up shouldering the burden for affordable housing with an inclusionary zoning ordinance. Commissioner Luvaas asserted that it doesn't seem fair to pose an undue burden on any one segment of the

community, but that there are ways to offset any loss. Commissioner Alvistur expressed his desire for examples and a more complete business model. Commissioner Francis observed that more land is needed, noting that rising land prices are a major factor in the increasing cost of housing.

Tony Symmes, P.O. Box 617, described the various housing needs for various income levels, explaining that the market is currently able to supply housing for those in the Moderate income group. He asserted that the true need is in the Low and Very Low income levels, and that the City should concentrate on providing rental housing to those income levels. He also requested that an executive summary be prepared to aid decision makers considering the changes to the Housing Element.

There was discussion concerning what home ownership percentage the City should strive for; Commissioner Francis noted that most California cities have ownership rates lower than the rest of the nation, and that 40% or slightly higher may be a valid ownership goal.

The Commission discussed what other incentives could be offered to developers. It was acknowledged that the density bonuses currently allowed have rarely been used.

Mr. Symmes cautioned the Commission against “jumping the gun”, noting that housing changes take place slowly. He reviewed strides the City has already made in seeing more second units, denser developments such as Doe Mill, and his own projects at 7 units per acre in R1 zones.

Commissioner Brownell expressed her support for inclusionary zoning, notably because it mixes different income levels together in one neighborhood. Commissioner Francis suggested that more should be done to encourage mixed-use development.

Mary Andrews, 33 Amber Way, noted that homes change in value over time as they are modified or expanded.

The Commission discussed the RDA set-aside for affordable housing; Commissioner Luvaas suggested that the Commission recommend an increase in the set-aside percentage.

Ms. Andrews stated that there are political barriers to changing the RDA housing set-aside, as there is a large pass-through component with various agencies, and that all those contracts would need to be renegotiated to change the set-aside.

Commissioner Luvaas stated that he would still support an increase in the RDA housing set-aside.

After discussion, it was agreed that land banking probably wouldn't be viable for the RDA to undertake.

Mr. McLaughlin clarified that the City's contribution to the new affordable housing complex on Humboldt Road is \$30,000 per unit plus the land; Commissioner Francis expressed dismay at the high

cost of City-constructed affordable housing.

Tami Ritter, P.O. Box 5390, pointed out that if the City doesn't adopt some form of inclusionary zoning ordinance, the affordable housing situation is only going to get worse; she also suggested that the City needs to provide incentives so that developers will want to build affordable housing.

Jason Bougie, 70 Declaration Drive Suite 101, asserted that the solution is to make more land available for development.

Commissioner Luvaas agreed that something needs to be done, and reiterated his strong support for inclusionary zoning.

Mr. Symmes countered that the City needs to call a spade a spade, and call inclusionary zoning a low income housing fee for new development; he also suggested that the City couldn't meet a legal nexus to impose such a fee.

Ms. Sigona suggested that the City can make better use of housing funding by subsidizing individual rental payments in privately-built apartment complexes; Mr. Symmes voiced agreement for the idea.

Commissioner Francis suggested that the City should focus more on the rental market, expressing her concerns with trying to provide affordable home ownership for everyone.

Mr. McLaughlin suggested that staff could provide a better analysis if it could get cost data from a developer who recently completed a multi-family project.

There was discussion concerning a property transfer fee as a way to spread the cost of affordable housing to the whole community; there was general support to investigate such an idea..

Ms. Andrews pointed out that multi-family construction needs bus transit to function effectively, but that there is effectively a "Catch 22" concerning whether construction or transit comes first.

The Commission discussed housing goals. Commissioner Luvaas suggested that the City may want to give up on ownership housing for low income households; Commissioner Francis opined that providing affordable low income rental housing may help the other housing categories also.

Commissioner Francis stressed the need to examine constraints to developers providing affordable housing, including taxes, liability insurance, lender policies, and other factors.

Commissioner Luvaas pointed out that some people do want smaller homes, noting that the average square footage per person has tripled in the past few decades.

Andy Holcombe, 1339 Esplanade, stated that the playing field needs to be level for all new land, and

suggested that inclusionary zoning could be required for all new growth areas. He agreed that the City's primary focus should be on providing affordable rental housing.

Ms. Andrews suggested that any system for rental assistance that is less laborious than Section 8 would be welcome.

Mr. McLaughlin pointed out that RDA funds cannot be used to make rental subsidy payments to individuals. He noted that any affordable housing strategy needs to be in step with the values of the community, whether it is for rental or ownership housing.

The Commission was in recess from 5:20 to 5:45 p.m.

Mr. Holcombe expressed a desire for more graphs showing costs vs. benefits of inclusionary zoning.

Commissioner Luvaas discussed various points raised in his letter. After additional discussion, it was agreed that he would revise his points and discuss them during the subsequent public hearing, so that the Commission could use the remaining time to try and reach a consensus on inclusionary zoning.

The Commission discussed whether or not the City should adopt an inclusionary zoning ordinance, alternative methods for generating affordable housing revenue (including additional fees levied on all building permits, the possibility of a transfer tax, and the potential for assessing a fee to commercial construction for affordable housing), ways to encourage more mixed-use projects, and the need for additional information, including multi-family construction costs and a business model for inclusionary zoning. There was no consensus whether or not an inclusionary zoning ordinance should be pursued.

4. ADJOURNMENT TO REGULAR MEETING IN THE CITY COUNCIL CHAMBER

The Commission adjourned from the workshop at 6:20 p.m., and re-convened in the Council Chambers at 6:30 p.m. for the regular meeting.

5. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Monfort reported that he spoke to Ed McLaughlin concerning item 6.3, and assured Mr. McLaughlin that the project is just a parcel map.

In response to Commissioner Francis, Ms. Figge stated that the neighbors would not be noticed if the applicant pursued second units in compliance with the City's administrative standards.

6. REGULAR AGENDA

- 6.1. City of Chico General Plan Housing Element Update (GPA 03-09)** - The City of Chico has prepared an update to the Housing Element of the General Plan, which is required to be updated every five years. The purpose of the Housing Element is to provide for a variety of housing types in an atmosphere conducive to the well-being of City residents, and particularly to provide for an adequate supply of housing ranging in cost to meet the demands of low and moderate income persons, the special needs of the elderly and disabled, and to provide an opportunity for the first-time home buyers, all within the many constraints posed by today's housing market. The Housing Element sets forth a five-year program of actions the City intends to implement or is implementing to meet its identified housing needs. *Staff recommends that this item be continued to the meeting of September 4th.*

COMMISSIONER MONFORT MOVED THAT THIS ITEM BE CONTINUED TO THE MEETING OF SEPTEMBER 4TH. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER SCHIFFMAN ABSENT).

- 6.2. Mariposa Vista Unit 2 Vesting Tentative Subdivision Map S 02-17 (Agasy, Inc.) Between Mariposa and Ceanothus Avenues** - A request to subdivide 32.65 acres located between Mariposa and Ceanothus Avenues, north of East Avenue, to create 218 lots. Lots will be developed with single family residences, except for 10 interior corner lots which will be developed with duplexes. The site is identified as Assessor's Parcel Nos. 048-061-002, 003, 004, 021, 043, and 052, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *This item was continued from the meeting of July 17. Staff recommends adoption of the mitigated negative declaration and approval of the vesting tentative subdivision map.*

Commissioner Francis announced that she is disqualified from hearing this item due to a financial relationship between the applicant and her employer, and then left the room.

Ms. Sigona presented the staff report, reviewing the land use issues involved, details of the project, and changes made due to input from the Commission at an earlier conceptual review. She stated that it is up to the Commission whether or not to require rear access from those lots with alleys in the back; however, if the Commission chooses to require rear access, staff is recommending that vertical curb be installed in front of those lots.

The public hearing was opened at 6:42 p.m.

Tony Symmes, P.O. Box 617, applicant, stated his preference to have the corner lots front the interior streets, and stressed that vertical curb is both more expensive and normally not required on local streets. He related his desire to maintain flexibility for all lots, and not have to take vehicle access from the rear for all lots with alleys. He stated that the on-street parking situation would be no worse than Aspen Glen, which also has 38 and 43 foot wide lots.

In response to Commissioner Luvaas, Mr. Symmes stated that he doesn't do as many two-story homes because it is generally cheaper and faster to build single-story construction. He also noted that while there will be two bedroom units offered, those units will also have two bathrooms and two-car garages, due to market demand.

John Merz, P.O. Box 4759, lamented that the project is being built on top of a drainage. He asserted that future residents would enjoy a drainage course through their neighborhood, and questioned whether Mr. Symmes will be able to mitigate the wetland area offsite.

In response to Mr. Merz, Ms. Sigona clarified that the new detention basin will be adjacent to the existing basin, making them effectively one large basin.

Mr. Merz also urged the Commission to require owner-occupancy, if it can be legally accomplished; Mr. Frank stated that such a restriction would require an ordinance of the City Council, and pointed out that such a restriction could easily be defeated by using an intermediary.

Keith Campbell, P.O. Box 694, stated that he's trying to buy one of the houses in this project, and urged the Commission to approve the subdivision without further delay. He spoke on the need for good quality, affordable housing as provided by Mr. Symmes.

Harrold Carlson, 2837 Mariposa Avenue, asked who will pay for improvements to Mariposa Avenue, whether there is any potential for pesticide residue due to the former use of a portion of the site as a plant nursery, and whether new houses should be allowed within 500 feet of the existing cell tower.

In response to Mr. Carlson, Mr. Johnson stated the developer will pay for improvements to Mariposa Avenue. Ms. Figge stated that staff has no evidence of soil contamination for the nursery site, and that the limitation on cell towers refers to placing new towers within 500 of existing residences; in this case, the new residents are already aware of the existence of the cell tower. Mr. Seidler added that any concerns with EMF radiation are inconclusive at best.

Commissioner Hughes confirmed with Mr. Johnson that both sides of Mariposa Avenue will be improved.

There being no further comment, the public hearing was closed at 7:14 p.m.

Commissioner Luvaas expressed concern over the points raised by Mr. Merz; Mr. Johnson explained that this section of ditch is intended to be piped underground all through this area.

In response to Commissioner Luvaas, Mr. Johnson stated that the applicant will have to landscape the detention basin, with a plan approved by the Parks department.

Commissioner Brownell expressed her desire to require rear access for those lots with alleys, and would also like the lots in the four highlighted areas of the map rotated to face Ceanothus Avenue.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-30, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE MARIPOSA VISTA SUBDIVISION, UNIT 2 (PHASES I AND II) VESTING TENTATIVE MAP, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, AMENDED TO REQUIRE VERTICAL CURBS FOR THOSE LOTS WITH ALLEY ACCESS, RELINQUISHING OF ABUTTERS RIGHTS TO THE STREET FOR THOSE LOTS, AND RE-ORIENTATION OF THE PAIRS OF CORNER LOTS AS DESCRIBED BY COMMISSIONER BROWNELL. THE MOTION PASSED 4-1-1-1 (COMMISSIONER HUGHES OPPOSED, COMMISSIONER SCHIFFMAN ABSENT, AND COMMISSIONER FRANCIS DISQUALIFIED).

Commissioner Francis returned to the room.

6.3. Tentative Parcel Map 03-12 and Use Permit 03-32 (Thomas) 471 E. 7th Avenue - A tentative parcel map to divide a 0.47 acre parcel into three lots. In conjunction with the parcel map application, the applicant has also requested a use permit (UP 03-32) to allow second dwelling units on each lot. The applicant has since requested a delay in the processing of the use permit. The site is identified as Assessor's Parcel No. 003-411-003, is designated Low Density Residential on the City of Chico General Plan Diagram, and is rezoned R1 Low Density Residential. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends adoption of the mitigated negative declaration and approval of the tentative parcel map.*

Principal Planner Pam Figge presented the staff report, reviewing the land use issues involved and details of the project. She noted that staff is recommending a six-foot planting area along the southern property line.

Commissioner Brownell confirmed that the Commission could require trees in that planting area. Commissioner Luvaas expressed concern about the 40-foot width for 7th Avenue.

The public hearing was opened.

Mike Byrd, project engineer, stated that the applicant is in agreement with the conditions, and that staff indicated that 40 feet is the planned road width for the area.

Pam Stoser expressed concern about additional pavement, the width of the streets, the fact that the units will likely be rentals, the lack of more restrictive conditions for second units, and that there is already enough high-density development in the neighborhood.

Frederick Atwood confirmed that the request for a use permit is not being considered at this time.

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

The Commission discussed alley maintenance and the width of 7th Avenue.

The public hearing was reopened.

Pam Stoser expressed additional concern that a wider street would speed up traffic.

Mike Byrd pointed out that when parked cars are considered, the driving corridor is actually narrowed.

Joshua Leach suggested that a fee for improvements be collected, and the improvements be installed at a later date.

Senior Development Engineer Matt Johnson noted that the City's subdivision ordinance requires that improvements be installed, and that the street widths in this area have already been defined by the City Council.

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

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-34, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING TENTATIVE PARCEL MAP 03-12 (THOMAS), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED TO REQUIRE A SIX-FOOT PLANTING AREA, INCLUDING TREES, ADJACENT TO THE SOUTHERN PROPERTY LINE. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 5-1-1 (LUVAAS OPPOSED, SCHIFFMAN ABSENT).

7. BUSINESS FROM THE FLOOR

Ed Holohan inquired if the City Council recommendations changes to the second unit regulations had been considered by the Commission yet.

Principal Planner Pam Figge indicated that the second unit regulations would come back to the Commission in the near future, probably September.

8. PLANNING UPDATE

Planning Director Kim Seidler reviewed recent Council actions, appeals, and progress on the NW Chico specific plan.

City Attorney Dave Frank noted that a survey by Public Works helped determine appropriate street widths in the Avenues, and suggested that copies of the resulting report be provided to the Commission.

8. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:18 p.m. to the Adjourned Regular Meeting of August 21, 2003, at 6:30 p.m. in the Council Chamber, 421 Main Street.

January 6, 2005
Date Approved

Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
AUGUST 21, 2003**

1. ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chamber of the Chico Municipal Center. Commissioners present were Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Kirk Monfort, Jon Luvaas, and Irv Schiffman. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Claudia Sigona, Associate Planner Bob Summerville, Senior Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioners Monfort, Hughes and Brownell reported that they had each spoken to Mr. Vanella, who had reviewed concerns described in his letter concerning the Safeway gas station.

Commissioner Brownell reported that she had also spoken to Councilmember Bertagna about traffic concerns on East Avenue.

Commissioner Luvaas reported that he had received eight calls from Safeway representatives, and had a brief meeting with some representatives, at which no new information was presented.

3. CONSENT AGENDA

3.1 Minutes of the Regular Meeting of July 3, 2003

3.2 Minutes of the Adjourned Regular Meeting of July 17, 2003

Staff recommends approval with any corrections/revisions required.

COMMISSIONER ALVISTUR MOVED APPROVAL OF THE CONSENT AGENDA.
COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 7-0.

4. ITEMS REMOVED FROM CONSENT AGENDA

None.

5. REGULAR AGENDA

5.1. Reconsideration of Conditions and Modification for the Approved Mariposa Vista Unit 2 Vesting Tentative Subdivision Map S 02-17 (Agasy, Inc.) - A request to reconsider a condition of approval which required re-orientation of corner lots along Ceanothus Avenue to achieve home orientation facing Ceanothus Avenue, and a minor revision to allow two additional duplex units on corner lots. The tentative subdivision map was approved by the Planning Commission on August 7, 2003. Project approval included 204 lots to be developed with single family residences, and authorized development of duplexes on 10 corner lots. The proposed modification would increase

the number of duplex corner lots to 12, and the overall density from the approved 6.92 units per acre to 6.98 units per acre. The site is identified as Assessor's Parcel Nos. 048-061-002, 003, 004, 021, 043, and 052, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. The Planning Commission adopted a mitigated negative declaration for this project at its meeting on August 7, 2003. ***Discussion and action will be limited to the modifications proposed. Staff recommends approval of the requested modifications to the project.***

Commissioner Francis announced that she is disqualified from hearing this item due to a financial relationship between the applicant and her employer, and then left the room.

Senior Planner Sigona presented the staff report, reviewing the requested modifications. She explained that in the applicant's preferred design, thirteen lots will face Ceanothus Avenue, and that the driveway configurations have been revised to allow rear access off of the alleys, and that two additional duplexes are proposed on lots 213 and 214. She noted that abutters rights on Ceanothus would still be granted to the City for the corner lots, and explained that one additional condition in the subdivision report would need to be revised, concerning CC&Rs stipulating maintenance of the shared driveways.

The public hearing was opened at 6:37 p.m.

Tony Symmes, P.O. Box 617, applicant, stated that he'd like to retain the flexibility to create the new lot configuration on either the upper or lower portion of the map (i.e. either at Viceroy Drive or Street "J").

Ms. Sigona stated that staff has no objection to the requested flexibility.

There being no further comment, the public hearing was closed at 6:40 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT A MOTION OF INTENT TO APPROVE THE REQUESTED MODIFICATIONS, INCLUDING THE FLEXIBILITY AS REQUESTED BY THE APPLICANT AND THE MODIFICATION TO CONDITION "E" OF THE SUBDIVISION REPORT TO REQUIRE A CC&R TO MAINTAIN THE SHARED DRIVEWAYS. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS DISQUALIFIED).

Commissioner Francis returned to the room.

5.2. Planned Development Permit 02-7 (RHL/Safeway) NE Corner of Mariposa and East Avenues - A request to develop a gas station on a 0.72 acre site located at the northeast corner of Mariposa and East Avenues within the East Avenue Marketplace shopping center. Twenty-four hour operation is proposed. The site is identified as Assessor's Parcel No. 048-061-049, is designated Community Commercial on the City of Chico

General Plan Diagram, and is located in a CN-PD Neighborhood Commercial with Planned Development overlay zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends denial of the planned development permit.***

Senior Planner Sigona presented the staff report, reviewing the land use issues involved and details of the project. She noted Safeway's customer survey study, which indicated that 86% of those using the Mangrove fuel center were either already at the site or passing by. She explained staff's decision to recommend denial, due to potential General Plan inconsistencies; she noted that the Commission would need to make that determination because this is a policy area and subject to interpretation. She noted that staff believes that the use is inconsistent with General Plan policies which discourage additional auto-oriented uses along East Avenue, and those concerning the scale of Neighborhood Commercial centers.

The public hearing was opened at 6:46 p.m.

Blithe Wilson, RHL Design Group, project engineer, reviewed the lessons learned from the Mangrove site which affected the design for this site. He noted that the canopy had been rotated to present the narrow frontage to East Avenue, and that bike racks, a public restroom, and a bus shelter will be provided. He explained that the City originally envisioned multiple commercial areas to the north of East Avenue, but that those areas won't develop as originally intended because it won't "pencil out"; therefore, this Neighborhood Commercial center will serve a larger population than originally anticipated, making a fuel center more compatible with the area. He showed a photo rendering of the proposal, and offered to answer any questions.

Commissioner Brownell reported that she had spoken to Safeway staff regarding the canopy rotation and other issues described by Mr. Wilson; she apologized for not disclosing the ex parte communication earlier.

Todd Paradis, 5918 Stoneridge Mall Road, Pleasanton, representing Safeway, reviewed concerns with the canopy and the trees, re-emphasizing that the canopy has been rotated, and adding that no trees will be removed along the East Avenue frontage. He echoed statements made by Mr. Wilson concerning the reduction in size of commercial development north of East Avenue, and the subsequent increase in area that this commercial center will serve. He asserted that there is pent-up demand for a fuel center in this part of town, and noted that the proposal has been reduced in size from 8 dispensers down to 6. He stated his willingness to be flexible and make other changes if needed.

Ron Volle, 7700 Penryn Estates Drive, Penryn, property owner, reviewed the decision process that led to his decision to pursue the fuel center instead of additional commercial space. He reviewed his discussions with existing tenants in the shopping center, and nearly all were excited by the prospect of a fuel center and the traffic it would bring in front of their stores, without completely blocking the view of their stores from East Avenue. He noted the vacant space in the center, and explained that some tenants are having trouble, which helped his decision to not build

a commercial shell on the site. He noted that many people who work at the shopping center are already going to the Mangrove Avenue Safeway for fuel, so a fuel center on East Avenue would reduce at least some traffic. He explained the fuel center's place in Safeway's corporate strategy, noting that Wal-Mart's expansion into the grocery business has traditional food retailers scrambling for market share.

Commissioner Francis indicated that she understood the need for Safeway to protect itself from Wal-Mart, but inquired who will protect the local gas station from Safeway; Mr. Volle ventured that two gas stations is a reasonable number for the area.

Fred Choa, 2990 Lava Ridge Court, Suite 200, Roseville, traffic engineer for the project, explained vehicle access for the site, and reviewed the survey completed at the Mangrove fuel center, which indicated that 85% of those using that facility were either already in the center or already driving by.

Commissioner Alvistur noted that East Avenue is a street where the City discourages auto-oriented uses.

Blithe Wilson, a previous speaker, explained that cities are dynamic as they grow and move. He re-emphasized that staff has downsized the neighborhood cores north of East Avenue, and asserted that none of those small sites will have a gas station. He reviewed the economics of Safeway, noting that a store needs 5,000 roofs to support it in a viable manner.

Principal Planner Figge elaborated further, noting that the City has projects north of East Avenue where half of the density has been eliminated due to environmental constraints; in addition, Bidwell Ranch is off the table. She stated that the developer of a large site north of this project completed an study which showed that there isn't sufficient support for a ten acre commercial site north of East Avenue; therefore, the developer is proposing less than two acres of commercial.

Commissioner Schiffman pondered whether this might be an appropriate site for a gas station, if the smaller commercial area to the north won't support a gas station in that location.

Ms. Figge explained that this is a decision for the Commission to make; a gas station could certainly be placed on the site, and the General Plan hadn't foreseen the elimination of half the density north of East Avenue and Bidwell Ranch being taken off the table.

Planning Director Seidler agreed, relating that staff is taking a serious look at development issues in this section of the City due to changing conditions, but that staff hasn't reached any conclusions yet.

Steve Vanella, 4244 Anjou Court, stated that he owns the 76 station at corner of East and Ceanothus Avenues. He spoke in opposition to the project, noting that the Mangrove Avenue site sells more fuel than any other station in the county. He stressed the Neighborhood

Commercial zoning of the site, and stated that his existing station already meets the needs of the immediate neighborhood.

Commissioner Brownell confirmed with Mr. Vanella that his pumps are available 24 hours with credit cards, even though the actual store closes at 11 p.m.

There being no further comment, the public hearing was closed at 7:22 p.m.

Commissioner Alvistur stated that he didn't hear a compelling argument to make another exception and allow a gas station on this site.

Commissioner Francis agreed, and wondered how many times the City has to say no to auto-oriented uses on this site. She emphasized the CN zoning and the site's proximity to a high school.

Commissioner Brownell asserted that while the site is technically zoned Neighborhood Commercial, it's functioning as Community Commercial. She noted the major improvements being done to East Avenue, and stated that it's important to consider the future needs of the area. Commissioner Hughes pointed out that when the parcel to the east of Safeway develops, there is an easement which will allow vehicle travel to the existing gas station without using East Avenue.

Commissioner Luvaas reviewed General Plan policies which discourage auto-oriented uses on East Avenue, and stated that he is opposed to the project.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION DENY PLANNED DEVELOPMENT PERMIT 02-07 (RHL DESIGN/SAFEWAY) BASED ON THE FINDINGS SET FORTH IN RESOLUTION NO. 03-36. COMMISSIONER MONFORT SECONDED THE MOTION.

Commissioner Schiffman stated that while he agrees with a number of Commissioner Brownell's points, he feels that it's premature to approve a gas station at this time. Commissioner Monfort agreed, noting that if the site is ever rezoned to CC, this is a great design.

THE MOTION TO DENY THE PROJECT PASSED 6-1 (COMMISSIONER BROWNELL OPPOSED).

The Commission was in recess from 7:32 to 7:42 p.m.

5.3. Park Wood Estates Revised Tentative Subdivision Map (S 03-1) 1192 Filbert Avenue - A proposal to subdivide a 1.77 acre site located at 1192 Filbert Avenue comprised of three adjacent parcels into 7 lots for the construction of single-family residences. The site is identified as Assessor's Parcel Nos. 045-280-047, -048, and a

portion of -052, is designated Low Density Residential on the City of Chico General Plan Diagram, and is rezoned R1 Low Density Residential. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (In-fill Development Projects). ***Staff recommends approval of the revised tentative subdivision map.***

Associate Planner Summerville presented the staff report, reviewing the history of the project, Council direction to staff and the applicant, and details of the proposal. He noted that the project had been reduced to seven lots, that bulbing of the intersection at Filbert Avenue was deemed infeasible by the applicant and Public Works, and that the condition limiting homes to single-story construction has been dropped. He reviewed public comments, which expressed general approval with the new design, voiced support for lower light standards, and requested a parkway strip along the west side of the street.

In response to Commissioner Hughes, Mr. Summerville explained that there is not enough space for a parkway strip, but that one could possibly be obtained if and when the property to the west is developed.

The public hearing was opened at 7:48 p.m.

Bob Feeney, 1250 East Avenue, Suite 10, project engineer, explained that the project has been revised to incorporate all concerns expressed at the Council meeting, and offered to answer any questions.

Tony O'Hanlon, 758 Downing Avenue, expressed general approval for the project, but voiced concern over the level of lighting, drainage, and the species selected for street trees.

Commissioner Alvistur confirmed with Senior Development Engineer Johnson that the lots would be graded to drain to the street, which will have underground storm drainage.

Phillip Harrold, 668 Bryant Avenue, urged the Commission to require alternate lighting standards, similar to what was approved for Husa Ranch.

JoAnn Hunt, 758 Downing Avenue, expressed approval with the lower density. She agreed with the previous speaker on the need for lower light standards, and urged the Commission to require single-story construction.

In response to Commissioner Alvistur, Principal Planner Figge urged the Commission not to limit construction to single-story, as none of the surrounding homes have such a restriction.

Bruce McCrea, address unknown, stated that he will be building the homes in this project. He agreed with previous speakers that a lower light level is desirable, and expressed his willingness to install shorter, more attractive light fixtures.

Bruce Meyer, 1172 Filbert, confirmed that the home on the corner lot will face Filbert Avenue.

Michael Wrightson, 635 Bryant Avenue, expressed concern about the precedent that is being set for the future development of other properties on Filbert Avenue.

Andy Bruckman, no address given, expressed his opposition to 80 foot lot depths.

Leann Powell, 1285 Filbert Avenue, stated that the project has gotten better, but that she is still in favor of bigger lots than those proposed.

In response to Commissioner Brownell, Mr. Johnson stated that the number of streetlights depends on the design chosen, as different designs require different spacings.

There being no further comment, the public hearing was closed at 8:07 p.m.

The Commission discussed street lighting. It was agreed that a standard “cobra head” light be installed at the intersection with Filbert Avenue, with the 18 foot “candy cane” lights interior to the project.

After additional discussion, the Commission decided to not restrict any of the lots to single-story construction.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION FIND THE PROJECT CATEGORICALLY EXEMPT AND ADOPT RESOLUTION NO. 03-35, APPROVING THE PARK WOOD ESTATES REVISED TENTATIVE SUBDIVISION MAP 03-01 (LAMB), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED TO REQUIRE THAT INTERIOR LIGHT STANDARDS BE 18 FOOT “CANDY CANE” FIXTURES. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 7-0.

5.4. Conceptual Review of General Plan Amendment/Rezone 03-08 and Mission Vista Hills Tentative Subdivision Map and Planned Development Permit S/PDP 03-11 (Coleman) - Conceptual review of a proposal to: 1) amend the General Plan land use designation for a vacant 7.08 acre site from Office to Low Density Residential; 2) rezone the property from OR Office Residential to R1 Low Density Residential; and 3) subdivide the site for the construction of single-family residences. The site is bounded by State Highway 32 to the north, Humboldt Road to the south, and El Monte Avenue to the west, and is identified as Assessor’s Parcel Nos. 002-050-059 and -254. Environmental Review has not been prepared, but is required prior to Planning Commission action and recommendation. *Staff recommends that the Commission provide direction to the applicant; no action to recommend approval or denial of the project will be taken at this time.*

Associate Planner Summerville presented the staff report, explaining that the purpose of the hearing is to obtain a general consensus for the site's use and design. He noted the design constraints applicable to the site, including SR 32 to the north and Marsh Junior High School to the south. He stated that the applicant desires to build a project similar to his Mission Ranch project, including decorative screen walls. He stated that the fifth option (mixed use) is the preferred alternative, requiring no general plan amendment/rezone as would be necessary with a pure residential project.

In response to Commissioner Schiffman, Mr. Summerville explained that alleys proved to be infeasible, and that the applicant desires to emulate the Mission Ranch development as much as possible. He also noted that a sound wall will be required adjacent to SR 32, along with landscaping.

Senior Development Engineer Johnson discussed traffic, explaining that Public Works has no objection to houses facing Humboldt Road, so long as vehicle access to those lots is provided at the side or rear; he cited safety issues with cars backing out onto Humboldt Road, which can be very busy due to the school.

The Commission discussed the fifth option (Alternate "Q") agreeing that it seems the best solution. Commissioner Monfort suggested that a pedestrian connection be provided between this project and the R3 property to the east.

There was additional discussion concerning the sound wall and landscaping adjacent to SR 32; Mr. Summerville noted that according to the City Manager, SR 32 will eventually be four lanes adjacent to the project.

Commissioner Brownell expressed her desire for a denser project on the site; Commissioner Francis stated that she isn't entirely comfortable with single-family residential development on this site, although she's willing to explore the option.

The public hearing was opened at 8:53 p.m.

Ron Coleman, 43 Edgewater Court, applicant, expressed his support for Alternate "Q" as being the best compromise. He noted that increased density is problematic, as his home designs require lots at least 45 feet wide. He added that the homes adjacent to SR 32 will have an additional 5 to 10 feet in the rear yard, to get the homes a little further away from the road noise.

Commissioner Monfort confirmed that Mr. Coleman's homes utilize zero lot line construction.

In response to Commissioner Brownell, Mr. Coleman discussed the proposed wall and landscaping, noting that it will be the same as Phase 2 of Mission Ranch.

In response to Commissioner Monfort, Mr. Coleman stated that pedestrian connections could be provided in the vicinity of lots 6 and 16, although he would prefer to keep the connection near lot

6 blocked off until such time as the property to the east develops; he pointed out that the property to the east has environmental issues, and may never be developed.

Commissioner Luvaas expressed support for the mixed use nature of the project and the use of zero lot line construction, but opined that a higher density is needed to provide more affordable housing. He noted that a higher density residential project could potentially share parking with the office uses.

In response to Commissioner Monfort, Mr. Coleman stated that he didn't wish to build an R3 density development, noting that his market is a combination of retirees and families. He added that more than half of the homes are already "reserved" by buyers.

The Commission discussed density for the project; Principal Planner Figge cautioned the Commission to avoid micro-designing the project.

Mr. Coleman suggested that if a multi-family residential component is desired, he would consider one office parcel and one multi-family parcel on the western portion instead of two office parcels.

The public hearing was closed at 9:24 p.m.

After discussion, a straw poll showed four Commissioners (Alvistur, Brownell, Hughes and Monfort) in favor of Alternate "Q", with the other three Commissioners (Francis, Luvaas and Schiffman) in favor of requiring a multi-family component.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Mr. Seidler reviewed recent Council actions on LVV Enterprises and the Title 19 text amendment to allow banks in the OR zoning district. He noted that the Mariposa Vista 2 project had been appealed by the applicant; the appeal is specifically concerned about vertical curbs, requiring alleys, and abandonment of abutters rights.

In response to Commissioner Luvaas, Mr. Seidler reviewed recent actions concerning Dead Horse Slough, the wall at Kestrel Court, and project grading.

8. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:41 p.m. to the Regular Meeting of September 4, 2003, at 6:30 p.m.

January 22, 2004

-

Date Approved

Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 4, 2003**

1. ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort, and Irv Schiffman. Staff present were Principal Planner Pam Figge, Senior Planner Patrick Murphy, Senior Planner Tom Hayes, Housing Officer Dennis McLaughlin, Assistant Director of Public Works Tom Alexander, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

Chair Francis announced her intention to end the meeting at 10 p.m., and that any unfinished business would be continued to the next Planning Commission meeting.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

3. CONSENT AGENDA

3.1. Minutes of the Housing Element Workshop of July 10, 2003

Staff recommends approval with any corrections/revisions required.

3.2. Modification of Planned Development Permit PDP 02-09 for the Orchard Commons Subdivision (Marshall/Conroy) located at 1320 and 1340 W. Sacramento Avenue between Gateway Lane and Victorian Park Drive (APN 043-280-002 & 013) -

Modification of approved Planned Development Permit PDP 02-09 for the Orchard Commons subdivision to allow (1) a reduction in the required rear yard setback from 15 feet to 4 feet (measured from edge of the 20-foot private access easement) for Lots 1-4 fronting W. Sacramento Avenue to allow an attached garage with a second floor accessory dwelling unit, (2) a reduction in the required front yard setback from 15 feet to 12 feet for Lots 1-4, and (3) a modification of the approved building elevations for Lots 1-4. The site is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. The proposed modification is covered under the previous mitigated negative declaration adopted for the subdivision; as a result, no further environmental review is required. *Staff recommends approval of the modification to the planned development permit.*

Commissioner Brownell pulled this item from the Consent Agenda.

COMMISSIONER MONFORT MOVED APPROVAL OF ITEM 3.1 ON THE CONSENT AGENDA. COMMISSIONER LUVAAS SECONDED THE MOTION, WHICH PASSED 7-0.

4. ITEMS REMOVED FROM CONSENT AGENDA

4.2 Modification of Planned Development Permit PDP 02-09 for the Orchard Commons Subdivision (Marshall/Conroy) located at 1320 and 1340 W. Sacramento Avenue between Gateway Lane and Victorian Park Drive (APN 043-280-002 & 013)

Commissioner Francis announced that she is disqualified from hearing this item due a financial relationship between her employer and one of the applicants. She left the room.

Senior Planner Patrick Murphy presented the staff report, reviewing the land use issues involved and changes to the Planned Development Permit (PDP).

The public hearing was opened.

Don Marshall, applicant, stated that the building plans were not yet finished when the PDP was approved, and that he didn't realize that the 4-foot rear yard setback was only for a detached garage.

Commissioner Brownell expressed concern with approving a change after the fact, and that the applicant should have known the City's setback requirements.

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

COMMISSIONER SCHIFFMAN MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-39 APPROVING THE REQUESTED MODIFICATIONS TO PLANNED DEVELOPMENT PERMIT 02-09 FOR THE ORCHARD COMMONS SUBDIVISION (MARSHALL/CONROY) SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 5-1-1 (BROWNELL OPPOSED, FRANCIS DISQUALIFIED).

Commissioner Francis returned to the room.

5. REGULAR AGENDA

5.1. Appeal of Use Permit 03-35 (O'Malley) 752 E. 7th Street - Two separate appeals of the Zoning Administrator's approval of a use permit to allow a second dwelling unit not to exceed 650 square feet on property located at 752 E. 7th Street. The applicant is appealing the size limitation on the second dwelling unit, and a neighbor is appealing the approval of the second dwelling unit. The site is identified as Assessor's Parcel No. 004-393-011, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines

Section 15303 (New Construction of Small Structures). *Staff recommends that the Commission uphold the Zoning Administrator's approval of a 650 square foot second dwelling unit.*

Principal Planner Pam Figge presented the staff report, noting that this project was processed under the old second dwelling unit regulations. She explained that the Zoning Administrator approved a 650 square foot second unit with one dedicated parking space; if the Commission wishes to approve a larger second unit, staff would recommend two parking spaces.

The public hearing was opened.

Mike O'Malley, applicant and appellant, urged the Commission to approve his revised 845 square foot plan. He stated that he doesn't want to rent to students, but that a smaller unit would narrow his pool of prospective tenants.

Commissioner Monfort confirmed that the second unit could be pulled closer to Cypress; Mr. O'Malley stated that he didn't want to pull it any further out than the existing building.

Greg Stanley, appellant, expressed concern with the size of the unit and with inadequate parking. He requested that the applicant be required to build an 8 foot wall adjacent to his property if the second unit is approved.

Pam Dutton, area resident, urged the Commission to approve a one-bedroom unit.

Mike Russell, area resident, urged the Commission to affirm the decision made by the ZA.

The public hearing was closed.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT AND UPHOLD THE ZONING ADMINISTRATOR'S APPROVAL OF A ONE-STORY, ONE-BEDROOM 650 SQUARE FOOT SECOND DWELLING UNIT SUBJECT TO THE RECOMMENDED CONDITIONS OF APPROVAL, MODIFIED TO REQUIRE ONLY ONE PARKING SPACE FOR THE EXISTING DWELLING AND TO REQUIRE THAT THE SECOND UNIT BE PULLED 18 INCHES TOWARD CYPRESS STREET. COMMISSIONER BROWNELL SECONDED THE MOTION, WHICH PASSED 7-0.

5.2. City of Chico General Plan Housing Element Update (GPA 03-09) - The City of Chico has prepared an update to the Housing Element of the General Plan, which is required to be updated every five years. The purpose of the Housing Element is to provide for a variety of housing types in an atmosphere conducive to the well-being of City residents, and particularly to provide for an adequate supply of housing ranging in cost to meet the demands of low and moderate income persons, the special needs of the elderly and disabled, and to provide an

opportunity for the first-time home buyers, all within the many constraints posed by today's housing market. The Housing Element sets forth a five-year program of actions the City intends to implement or is implementing to meet its identified housing needs. A negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends that the Commission recommend City Council adoption of the negative declaration and approval of the general plan amendment.***

Mr. Hayes reviewed discussions during previous meetings held on this topic, including the purpose of the Housing Element and its relationship to State law, the membership and recommendations of the Technical Advisory Committee (TAC), and the new programs and policies which are proposed.

Mr. McLaughlin made a "Powerpoint" presentation, reviewing regional income data and housing allocations as determined by both the state office of Housing and Community Development (HCD) and the Butte County Association of Governments (BCAG).

In response to Commissioner Francis, Mr. McLaughlin explained that the 30% of monthly income figure (used to determine whether housing is "affordable") is a standard mandated by state and federally funded programs. He acknowledged that the percentage is not always in sync with what banks will approved, and stated that the City has approved mortgage subsidy loans with a higher percentage.

Mr. McLaughlin continued his presentation, noting that affordability generally isn't an issue for homeowners making more than \$35,000 per year. He explained that the 18-24 age cohort of the census gives the best data on Chico's student population, but cautioned against drawing any broad conclusions. Mr. Hayes added that college students tend to not fill out census forms completely or accurately, thus resulting in an undercount of that population.

Commissioner Schiffman inquired if it was possible to track how many new minimum wage service jobs can be linked to low income households in need of affordable housing; Mr. McLaughlin answered that the census doesn't do a good job of that kind of data linkage, and that the best local source of information would be the economic development community.

The Commission was in recess from 7:55 to 8:06 p.m.

Mr. McLaughlin reviewed his analysis on the potential financial impact of an inclusionary zoning ordinance on a typical residential subdivision, with several scenarios based on different assumptions. He noted that under most scenarios, the developer's profit is reduced.

Commissioner Francis asserted that Very Low income households shouldn't even be considered for ownership units, and inquired how the City would ensure that affordable ownership units would remain affordable to those with low and median incomes.

Mr. McLaughlin replied that a deed restriction is typically used, with the ultimate solution being the right of first refusal, which gives the jurisdiction the opportunity to buy the property first. He noted that more bureaucratic work is required with deed restrictions, but explained that the City has to be involved with the transfer of property to keep the units affordable.

In response to Commissioner Schiffman, Mr. McLaughlin reviewed the experience of other communities with inclusionary zoning, noting that developers in those communities eventually look at inclusionary zoning as just another cost of doing business. He suggested that such an ordinance should definitely be included in new growth areas.

The Commission discussed the pros and cons of affordable housing, including whether it was equitable to require 80 percent of new home owners to subsidize the other 20 percent, to what extent the burden of affordable housing should be borne by the larger community, and whether opening up new growth areas to development would stabilize prices enough to make inclusionary zoning unnecessary.

The public hearing was opened at 8:31 p.m.

Jason Bougie, 70 Declaration Drive, Suite 101, representing the Building Industry Association (BIA), stated that the real issue is the availability of land. He described inclusionary zoning as a step in the wrong direction, requiring the developer to sell units below what it costs to build them. He asserted that the City would be unintentionally slamming the door closed to 20% of the market rate home buyers, and that if an adequate supply of land were available, then developers could build all the houses needed. He also stated that scenario 3 doesn't compute in Mr. McLaughlin's analysis, as the smaller lots would command lower prices, resulting in an additional \$250,000 hit to the developer.

Commissioner Luvaas expressed concern that he's never heard a pledge from the BIA that if more land is opened up, then homes will become more affordable.

Commissioner Schiffman agreed, noting that there's also the issue of compact urban form, as espoused in the General Plan. He stated that he doesn't want to enable more sprawl.

Mr. Bougie pointed out that the market is going to drive both the cost and form of the housing that's built. He suggested that the home market may be slowing, as there are now twice as many homes listed as there were just three months ago. He also took issue with scenario 3 in staff's financial analysis, stating that Tony Symmes cannot make his subdivisions more dense; he also questioned what would happen when someone sells off an undeveloped lot.

Mr. McLaughlin pointed out that just about every conceivable situation has been encountered in another jurisdiction that already has inclusionary zoning in place, and that the ordinance can be crafted accordingly.

Andy Holcombe, 1339 Esplanade, TAC member, stated that he was also representing Evanne

O'Donnell, who had to leave the meeting. He voiced support for all the TAC's recommendations, including inclusionary zoning. He pointed out the penalties for non-compliance in meeting state-determined affordable housing goals, such as being less competitive for grant funding. He opined that if the Housing Element which is adopted doesn't have a realistic chance to meet housing needs, then certain legally required environmental findings cannot be made. He also suggested that the City could go further by assessing an affordable housing fee on commercial development.

John Kennedy, 9 Stansbury Court, representing the local association of Realtors, stated that his organization supports affordable housing, but opposes inclusionary zoning. He cited the inequity of 80% of new home buyers subsidizing the other 20%, and suggested that it would be difficult to keep units affordable in the long term. He requested that a buyout provision be included if the City does adopt inclusionary zoning.

Tami Ritter, 1253 Orchard Lane, TAC member, observed that the City has to do something to create affordable housing, and that the problem is only going to get worse. She noted that she is seeing increased numbers of homeless people in Chico. She voiced agreement with Mr. Holcombe about assessing an affordable housing fee on new commercial development, and reiterated her support for inclusionary zoning.

Commissioner Francis related that she is involved in economic development groups in town, and explained that Chico is in stiff competition with other jurisdictions when it comes to attracting higher-paying businesses and industries. She cautioned against imposing additional fees which could convince a business to locate elsewhere.

Michael Reilley, 575 East Avenue, Suite A, urged the Commission to include a buyout provision if inclusionary zoning is adopted. He agreed with Mr. Bougie that lack of developable land is the main issue, and suggested that inclusionary zoning will be the end of large residential developments in the City. He emphasized the need for a long-term view.

Mary Andrews, 33 Amber Way, opined that keeping affordable housing in the hands of affordable buyers when resold will be a nightmare for agents and title companies. She urged the City to concentrate on the 387 units which need to be built per year for Low and Very Low income households, and let Tony Symmes build affordable ownership housing like he's already doing. She suggested that additional density could be enabled by increasing the height limitations in the downtown area, noting that one of the main alternatives to sprawl is building up. She suggested that parking requirements downtown could vary, and opined that the City isn't accommodating those people who don't want a car.

In response to Commissioner Luvaas, Ms. Andrews stating that higher buildings could allow vertical mixed uses, but cautioned that requiring a certain ratio of housing in mixed use areas would be problematic.

There being no further comment, the public hearing was closed at 9:15 p.m.

Commissioner Francis reiterated her opposition to inclusionary zoning, stating that the anticipation that it might work isn't enough to overcome the large number of reasons not to include it.

Commissioner Schiffman expressed his support for inclusionary zoning, but indicated that he's not committed to a 20% affordable housing percentage, especially when the policy is new. He emphasized the City's obligation to house Low and Very Low income households, arguing that it is unethical to expect service workers to live in Orland or Oroville.

Commissioners Francis and Schiffman discussed whether Low and Very Low income households have a realistic chance of becoming homeowners. Mr. Hayes noted that the City is targeting moderate income households for home ownership.

Commissioner Alvistur expressed concern over who would pay for affordable housing under an inclusionary zoning scenario. He expressed support for spreading the cost around more equally in the community, stating that the first two scenarios in the financial analysis are not acceptable.

Commissioner Francis explained the financial risk that developers take on, relating that she knows lots of developers who have lost money on projects.

Commissioner Luvaas expressed support for inclusionary zoning, indicating that he doesn't see any other way to get the middle class into home ownership. He also offered a proposal to require 25% of new housing to be under a certain square footage, as a way to increase affordable housing options.

Commissioner Hughes disagreed, citing the demand of the market in determining housing size and the need to spread the cost of affordable housing around equitably.

Commissioner Monfort suggested that the City could examine other funding sources, such as a transfer tax on home sales or impact fees levied on all residential building permits, including remodels and additions.

In response to Commissioner Monfort, Mr. McLaughlin described how an inclusionary zoning ordinance would apply to an affordable housing builder like Tony Symmes, noting that in many cases the price/affordability gap is small enough to be bridged with the mortgage subsidy program (MSP).

Mr. McLaughlin cautioned the Commission against trying to visualize what inclusionary zoning would look like only in today's market, noting that markets can change. He added that one hindering factor is the lack of new attached ownership housing being constructed in Chico, which is a shortcoming compared to some other areas with high growth pressures.

In response to Commissioner Brownell, Mr. McLaughlin explained that some jurisdictions have lotteries

to determine which qualified applicants are given the opportunity to purchase new affordable units.

Commissioner Luvaas confirmed that Housing staff feels it is capable of administering the workload of an inclusionary zoning ordinance.

Commissioner Francis took a straw poll to determine support for policy H-I-10 (inclusionary zoning). The poll revealed 4-3 support (Commissioners Alvistur, Francis and Hughes opposed) for the concept of inclusionary zoning, with details to be worked out later, possibly with a Council-appointed committee.

In response to Commissioner Francis, Mr. Hayes explained what would be required by “visitability” standards for handicapped access, noting that in many cases it simply means having a door from the garage to the house which is two inches wider than normal, with a relatively flat threshold to allow wheelchair navigation, and a slightly wider door on one ground-floor bathroom.

Commissioner Francis noted that the title read “standards” instead of “guidelines” or “suggestions”, and expressed concern that this would be another mandatory requirement placed on home builders that would only be used by a very small portion of the population.

Commissioner Monfort suggested that it might be enough to do some educational efforts, providing information to those pulling building permits on what exactly it would take to make a new home visitable.

Commissioner Schiffman agreed that it shouldn’t be mandatory, but it should be encouraged.

A straw poll revealed 5-2 support (Commissioners Francis and Hughes opposed) to encourage the implementation of visitability standards.

There was general agreement to continue this item to the Planning Commission meeting of September 18th, with the public hearing to remain closed.

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Mr. Hayes reviewed recent Council approval of the Humboldt Road General Plan Amendment/ Rezone. Mr. Redeker noted that Safeway had appealed the Planning Commission’s denial of the proposed fuel center on East Avenue.

8. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:12 p.m. to the Second Dwelling Unit Workshop of September 18, 2003 at 5:30 p.m., followed by the Adjourned Regular meeting at 6:30 p.m.

February 17, 2005
Date Approved

Kim Seidler
Planning Director

**PLANNING COMMISSION
WORKSHOP AND ADJOURNED REGULAR MEETING
OF SEPTEMBER 18, 2003**

1. ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 5:33 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort, and Irv Schiffman. Commissioner Mary Brownell was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Tom Hayes, Associate Planner Ed Palmeri, Associate Planner Jay Hanson, Senior Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, Housing Officer Dennis McLaughlin, and Administrative Secretary Greg Redeker.

Commissioner Francis explained that Commissioner Brownell is absent from the workshop to avoid any conflict of interest, as her application for a second unit is in process.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

3. WORKSHOP

- 3.1. Workshop on Proposed Amendments to Second Dwelling Unit Regulations** - When the City Council adopted the City's Second Dwelling Unit regulations on June 3, 2003, the Council also directed staff to forward additional amendments to the Planning Commission. City staff is also proposing some additional minor changes in the administrative process. The Commission may take public comment at the workshop; however, the workshop is not a noticed public hearing, and no action may be taken by the Commission. A subsequent public hearing will be scheduled and noticed for a future Commission agenda.

Ms. Figge presented the staff report, reviewing Council direction and the State mandate concerning second units. She explained that the Council wishes to require a use permit to build a second unit for non-owner-occupied properties City-wide. She also reviewed the Council's direction concerning property maintenance standards, noting that they may not be needed if owner-occupancy is required, as well as staff's desire for flexibility in sending some use permits for second units to the Zoning Administrator instead of the Commission in limited cases. She also stated staff would like a mechanism to legalize existing illegal second units which aren't causing any problems.

Commissioner Schiffman confirmed that staff's prefers to maintain a somewhat subjective approach in determining whether a particular second dwelling use permit will go to the Commission or the Zoning Administrator, and that there is no cost to appeal a Zoning Administrator decision to the Planning Commission.

In response to Commission Schiffman, Ms. Figge explained that a covenant would be recorded on a

property with a new second dwelling unit. Ms. Barker added that the covenant acts as a permanent notice to the property owner and potential buyers.

Commissioner Alvistur confirmed that owner-occupancy would only be required for new second units constructed after this ordinance is adopted. Ms. Figge added that a second unit which wasn't rented out for more than a year would lose its "grandfathered" status.

Ms. Figge discussed the change in the SD-4 boundaries as proposed by the Lydons; there was general agreement to leave the SD-4 boundaries as-is. Ms. Figge noted that owner-occupancy will take care of a lot of issues, including proposed maintenance requirements, which would be problematic to enforce.

The discussion was opened to public input at 5:59 p.m.

Pam Stoesser, 428 E. 6th Avenue, stated that she likes what she's heard tonight.

Dave Nopel, 517 W. 1st Avenue, expressed concern with the slow degradation of his neighborhood due to proximity to the university.

Ms. Figge stated that staff would never take a use permit for a second dwelling unit in Mr. Nopel's neighborhood to the Zoning Administrator; instead, it would go straight to the Commission.

Ed Holohan, 1636 Laburnum Avenue, spoke in favor of requiring owner-occupancy, but urged the Commission to require more than 100 square feet of open space dedicated for use by the second unit.

Ms. Figge explained that the 100 square foot requirement is in addition to the required setbacks.

T.J. Glenn, 1258 Hobart Street, expressed concern about what could happen to existing properties developed with second units. He explained that he is conflicted, as he supports requiring owner-occupancy, but as a property owner, he is concerned about additional restrictions being placed on property.

Ms. Figge re-iterated that the owner-occupancy requirement is only for second units built subsequent to adoption of the ordinance.

Ken Fleming, 260 E. Sacramento Avenue, suggested that the rental market in Chico is topsy-turvy because of the university. He spoke in support of an additional Planning staff person to work solely on second units. He also requested that the City encourage the construction of second units for the disabled, possibly by reducing fees for units housing the disabled.

There being no further comment, the public discussion was completed at 6:19 p.m.

Ms. Figge clarified that the proposed modifications probably wouldn't come back to the Commission for a final recommendation until October or November.

After discussion, there was a general consensus to require owner-occupancy for second units City-wide, to leave the SD-4 boundaries as adopted, and to allow some use permits to go to the Zoning Administrator as described.

The Commission discussed code enforcement options, debating whether it's realistic to enforce maintenance and behavior requirements. There was general consensus that much of the behavior and maintenance problems would be taken care of by requiring owner-occupancy.

Commissioner Luvaas suggested that the City may want to revisit parking requirements for second units in existing neighborhoods served by alleys.

Ms. Figge agreed, stating that the City doesn't want to promote driveway cuts in older neighborhoods served by alleys; she suggested that she could get together with Ms. Barker and explore the concept.

Commissioner Monfort suggested that the procedure for legalizing illegal second units shouldn't be limited to 20% encroachments. There was general agreement.

The Commission was in recess from 6:35 to 6:42 p.m.

4. ADJOURNMENT TO ADJOURNED REGULAR MEETING

Commissioner Brownell arrived.

5. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

6. CONSENT AGENDA

- 6.1. Use Permit 03-43 (Abouzeid/Chico Volkswagen) - 902, 920, and 928 Main Street - A request to allow the expansion and/or change in intensity of an existing automobile sales and service business (Chico Volkswagen) previously authorized by Use Permit 02-36. The project involves the demolition of an existing 5,200 square foot building located at 920 Main Street to allow the outside display of approximately 29 automobiles for sale. The project also involves architectural changes to the facility's new sales building and the facility's onsite traffic circulation pattern. The site is identified as Assessor's Parcel Nos. 004-431-001, 002, 003, 004, and 010, is designated Downtown on the City of Chico General Plan Diagram, and is located in a**

C-1-L Restricted Commercial-Landmark overlay zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act. *The notice for this item was inadvertently published in the paper. Staff recommends that this item be continued and renoticed for a future agenda.*

- 6.2. Forest Avenue Business Park, Phase 5 Tentative Subdivision Map S 03-13 (Lands End Real Estate, Inc.)** - A request to subdivide a 3.06 acre site to create nine commercial lots ranging in size from 9,908 to 20,937 square feet. The proposed subdivision is located on the east side of Forest Avenue at the southeasterly intersection of Jan Court and Forest Avenue. The site is identified as Assessor's Parcel Nos. 002-210-011, 012, and 013, is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CC Community Commercial zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects). *Staff recommends approval of the tentative subdivision map.*

Commissioner Luvaas pulled item 6.2 from the Consent Agenda.

COMMISSIONER LUYAAS MOVED CONTINUATION OF OF ITEM 6.1.
COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 7-0.

7. ITEMS REMOVED FROM CONSENT AGENDA

- 7.2. Forest Avenue Business Park, Phase 5 Tentative Subdivision Map S 03-13 (Lands End Real Estate, Inc.)**

Commissioner Francis announced that she is disqualified from this item, as the applicant has a business relationship with her employer. She left the room.

Commissioner Luvaas expressed concern that there was no mention of the possibility of residential uses on the site; he stated that 67 potential housing units are being lost.

Principal Planner Pam Figge pointed out that the site is zoned for commercial uses, which can include residential as part of a mix.

Planning Director Kim Seidler noted that this is a policy issue, not an error in the staff report; Ms. Figge stated that a GPA would be required to put that kind of language in the General Plan.

Mr. Palmeri pointed out that the buildings are already under construction, and that the project before the Commission is solely a land division.

The public hearing was opened. There being no comment, the public hearing was closed.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-40, FINDING THE PROJECT CATEGORICALLY EXEMPT AND APPROVING FOREST AVENUE BUSINESS PARK, PHASE 5 TENTATIVE SUBDIVISION MAP 03-13, SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS DISQUALIFIED).

Commissioner Francis returned to the room.

8. REGULAR AGENDA

Commissioner Francis announced that items 8.2 and 8.3 will be heard before item 8.1.

8.2. Use Permit 03-39 (Fazlic) 1431 Mulberry Street - A request for a second dwelling unit, to be constructed through the conversion of an existing garage, on property located at 1431 Mulberry Street. The proposed second dwelling unit does not comply with all the development standards for second dwelling units, including, but not limited to: the 30-foot building separation, off-street parking regulations, width of the existing alley, and insufficient back-up space. The site is identified as Assessor's Parcel No. 005-185-010, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures). *Staff recommends approval of the use permit.*

Associate Planner Jay Hanson presented the staff report, reviewing the land use issues involved and details of the project. He reviewed the revised conditions provided as a separate document.

Commissioner Monfort suggested that one of the parking spaces be eliminated; Principal Planner Pam Figge stated that staff had no objection.

The public hearing was opened. There being no comment, the public hearing was closed.

KIRK MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE USE PERMIT 03-39 (FAZLIC), SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN THE STAFF MEMO, MODIFIED TO INCLUDE THE REVISED CONDITIONS IN THE SUPPLEMENTAL MEMORANDUM, AND TO REQUIRE ONLY TWO OFF-STREET PARKING SPACES. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 7-0.

- 8.3. Use Permit 03-42 (Brownell) 1942 Roseleaf Court** - A request to allow a second dwelling unit with a living area of 1,200 square feet on a 1.06 acre single-family lot located at 1942 Roseleaf Court. The living area exceeds the 850 square-foot development standard by 350 square feet in order to meet handicapped accessibility requirements. A portion of the driveway to the second dwelling unit is located on an adjacent single-family residential lot at 1946 Roseleaf Court. The site is identified as Assessor's Parcel Nos. 042-750-035 and 042-750-025, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures). *Staff recommends approval of the use permit.*

Commissioner Brownell stated that she is disqualified from hearing this item, as she is the project applicant. She sat in the audience.

Associate Planner Ed Palmeri presented the staff report, noting the land use issues involved and details of the project. He reviewed a revised memo with a number of amendments to the staff report, including revised findings and conditions of approval.

The public hearing was opened.

Mary Brownell, applicant, offered to answer any questions.

The public hearing was closed.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE USE PERMIT 03-42 (BROWNELL), SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN THIS STAFF MEMO, MODIFIED TO INCLUDE THE REVISED FINDINGS AND CONDITIONS OF APPROVAL IN THE SUPPLEMENTAL MEMO.

Assistant City Attorney Lori Barker requested that the revised language in condition #7 be modified to require occupancy of either the main dwelling or the second unit by an owner of the property. Commissioner Monfort accepted the amendment.

COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER BROWNELL DISQUALIFIED).

- 8.1. City of Chico General Plan Housing Element Update (GPA 03-09)** - The City of Chico has prepared an update to the Housing Element of the General Plan, which is required to be updated every five years. The purpose of the Housing Element is to provide for a variety of housing types in an atmosphere conducive to the well-being of City residents, and particularly

to provide for an adequate supply of housing ranging in cost to meet the demands of low and moderate income persons, the special needs of the elderly and disabled, and to provide an opportunity for the first-time home buyers, all within the many constraints posed by today's housing market. The Housing Element sets forth a five-year program of actions the City intends to implement or is implementing to meet its identified housing needs. A negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***This item was continued from the meeting of September 4. Staff recommends that the Commission recommend City Council adoption of the negative declaration and approval of the general plan amendment.***

Commissioner Francis reminded everyone that the public hearing is closed, although there will be additional hearings at the Council level.

Commissioner Monfort suggested that because the Housing Element is the product of a task force that met for six months, their recommendations are probably in the ball park. So, in order to expedite business...

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-38, RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION AND APPROVE GENERAL PLAN AMENDMENT 03-09. COMMISSIONER LUYAAS SECONDED THE MOTION.

Commissioner Schiffman offered an amendment to correct page 74, under "Prezoning and Annexation" to change the text from "opportunity to annex incorporated islands" to "opportunity to annex unincorporated islands". Commissioner Monfort accepted the amendment.

Commissioner Francis began reviewing the new policies (as noted in the third column of Attachment "E"), confirming that everyone supports H-I-3 and H-I-4.

The Commission discussed policy H-I-12. Commissioner Luyaaas suggested that new sections needed to be added to this policy, as indicated on item 3 of his letter to the Planning Commission. He proposed section 4, to read "To achieve a better balance of jobs and workforce housing, target appropriate mixed-use residential-commercial areas for a minimum ratio of residential to commercial." and section 5, to read "Concentrate higher density housing near transit routes and shopping centers." He also suggested new policies, as described in items 3.c. and 3.d. of his letter, to read "Evaluate underutilized commercial and industrial areas for rezoning to residential or mixed-uses, with planned development overlays." and "Consider requiring large commercial and industrial projects to provide affordable workforce housing, in-lieu 'linkage fees,' or housing land, based on either square footage or number of new employees anticipated to need affordable housing."

Commissioner Francis stated that she is adamantly opposed to item 3.d., as it would discourage employers from bringing needed new jobs to the community.

Commissioner Brownell suggested that some of these policies could be added if they “encourage” instead of “require” a particular development pattern; Commissioner Luvaas replied that “encouragement” isn’t doing the job.

Commissioner Luvaas opined that some of these policies will cause sprawl, and cautioned the Commission against coding itself into a corner. Commissioner Schiffman countered that too many low wage jobs have been created in the City, and that the City should look at affordable housing fees as a part of commercial projects.

Commissioner Alvistur indicated that he would support section 4 if the word “target” was replaced with “select”; Commissioner Luvaas agreed to the change.

A straw poll revealed 4-3 support (Commissioners Brownell, Francis and Hughes opposed) for adding sections 4 and 5 to policy H-I-12 as described, as well as item 3.c. from Commissioner Luvaas’ letter; Commissioner Monfort accepted these amendments to his motion. (Item 3.d. from Commissioner Luvaas’ letter was supported only by Commissioner Luvaas; Commissioner Schiffman suggested that more discussion should take place before recommending adoption of such a policy.)

There was general support for new policies H-I-13, H-I-14, H-I-15, and H-I-29.

The Commission discussed policy H-I-34 (requiring a portion of entry-level affordable housing to be reserved for owner occupancy).

Mr. McLaughlin explained that this policy was born out of a specific impression that a large number of affordable entry-level homes in a particular subdivision were purchased by investors instead of first-time home buyers.

Commissioner Francis stated that Mr. Symmes does everything he can to sell to home owners, and doesn’t see what this policy accomplishes. Commissioner Hughes agreed, stating that the policy could create a scenario where a new home sits vacant.

Commissioner Monfort noted that the policy just says to “explore the possibility” of such a requirement. Commissioner Luvaas expressed strong support for the policy.

In response to Commissioner Monfort, Mr. McLaughlin indicated that this policy would only apply where the developer is requesting additional density or is in some way indebted to the City.

Commissioner Francis pointed out that the policy will discourage developers from asking for a density bonus, and suggested that it be removed.

A straw poll showed 4-3 support (Commissioners Luvaas, Monfort and Schiffman opposed) for removing policy H-I-34. Commissioner Monfort accepted the amendment to eliminate the policy.

There was general support for policy H-I-35.

The Commission discussed policy H-I-20 (visitability standards). There was general agreement that visitability should be encouraged, not required. A straw poll showed 5-2 support (Commissioners Francis and Hughes opposed) to retaining policy H-I-20 in an “encouraging” form.

Commissioner Francis stated that with the less controversial items resolved, each Commissioner could now suggest modifications, beginning with Commissioner Schiffman.

Commissioner Schiffman described his desire to strengthen the language in policy H-G-29 to “prohibit” instead of “discourage” new residential areas with a uniform housing type and size.

Commissioners Monfort and Francis pointed out that affordable housing is often “cookie-cutter” in design because it’s cheaper and more efficient to build a smaller number of plans many times.

Mr. Hayes noted that this policy simply reinforces a lot of language in the General Plan, and refers to lot layout and house size, not architectural design. He stated that the City doesn’t want to get involved in single family design review.

A straw poll showed 3-4 opposition (Commissioners Luvaas, Monfort and Schiffman in favor) to changing policy H-G-29; it was agreed to leave it unchanged.

Commissioner Schiffman requested that the language in policy H-G-30 be changed from “Encourage adoption” to “Adopt” to strengthen the policy.

A straw poll showed 3-4 opposition (Commissioners Luvaas, Monfort and Schiffman in favor) to changing policy H-G-30; it was agreed to leave it unchanged.

Commissioner Brownell indicated she had no requested modifications at this time.

Commissioner Alvistur discussed inclusionary zoning, explaining his objection to unequal taxation for the various areas as described.

Commissioner Francis suggested that all deliberations regarding inclusionary zoning be reserved for the end of the discussion.

Commissioner Francis expressed support for Ms. Andrews’ idea to increase allowed heights. She suggested that 65 foot heights be allowed in all R2 and R3 zoning districts.

There was general support for increasing allowed heights as described. Commissioner Monfort accepted the amendment.

Commissioner Schiffman clarified that he doesn't want to go forward with a transfer tax or commercial linkages as long as inclusionary zoning is on the table; if it is removed, then he would recommend adoption of those programs.

Commissioner Luvaas discussed his suggested changes. He requested that policy H-G-7 be reworded to read "*Promote* more efficient use of land..." There was general support for the change; Commissioner Monfort accepted the amendment.

Commissioner Luvaas requested that policy H-G-9 be reworded to read "*Provide* development incentives..." After discussion, a straw poll revealed 2-5 opposition (Commissioners Luvaas and Schiffman in favor) to making any changes to policy H-G-9.

The Commission was in recess from 8:27 to 8:40 p.m.

Commissioner Luvaas requested that policy H-I-12 be reworded to read "Develop mechanisms that *promote and facilitate* mixed residential-commercial..." After discussion, a straw poll showed 4-3 support for the change; Commissioner Monfort accepted the amendment.

Commissioner Luvaas discussed making changes to policy H-G-23.

Mr. Hayes explained that whether a guiding policy says "promote" or "facilitate" is going to make no difference to staff in how these policies are implemented. He noted the presence of a dedicated, professional staff in the Housing Office.

Commissioner Luvaas thanked staff for the clarification.

Commissioner Luvaas suggested that policy H-G-45 should be reworded to read "*Strongly promote* ... affordable housing for first-time homebuyers." The Commission discussed the proposed change, with some Commissioners arguing that more needs to be done to ensure that affordable homes get into the hands of first time homebuyers, and other Commissioners arguing that the real problem is the availability of land for new development, and that existing policies go far enough.

Commissioner Monfort noted that policy H-G-45 has been "encouraged", through policies such as the small-lot subdivision ordinance, which has been used by Tony Symmes. Commissioner Luvaas pointed out that even Mr. Symmes' lowest priced homes are \$165,000, which are not affordable to median income households.

A straw poll showed 3-4 opposition (Commissioners Luvaas, Monfort and Schiffman in favor) to making any changes to policy H-G-45.

Commissioner Luvaas suggested that policy H-G-50 be amended to read “*Strongly promote* the conservation of energy...” After discussion, a straw poll showed 4-3 support (Commissioners Brownell, Francis and Hughes opposed) for the change; Commissioner Monfort accepted the amendment.

Commissioner Luvaas proposed making various changes to the Energy Conservation section. After discussions with Mr. Hayes, Commissioner Luvaas agreed that current language is sufficient.

Commissioner Luvaas proposed adding section “d” to policy H-I-22, to read “Develop mechanisms to capture a portion of equity appreciation on resale of MSP-assisted and CDBG-rehabilitated homes in order to increase affordable housing funds.”

After discussion, a straw poll showed 6-1 support (Commissioner Francis opposed) for the equity sharing concept, with staff to work out details and final language. Commissioner Monfort accepted the amendment.

Commissioner Luvaas proposed that the affordable housing RDA setaside be increased from 20% to 30%. There was general agreement; Commissioner Monfort accepted the amendment.

Commissioner Luvaas suggested reserving sites for affordable multi-family housing in all new growth areas. After confirming with staff that all new growth areas will include multi-family housing sites as a matter of policy, Commissioner Luvaas retracted his suggestion.

Commissioner Luvaas proposed deleting policy H-G-12 (continuing to encourage housing desired by households above the median income). As an alternative, he suggested amending the policy to read “...above the area’s median household income, *while not allowing such housing to dominate housing production.*”

A straw poll showed 2-5 opposition (Commissioners Luvaas and Schiffman in favor) to making any changes to policy H-G-12.

Commissioner Luvaas suggested making changes to policy H-I-4 concerning development of a parallel code, as described in section 2.d. of his letter. After discussion, there was consensus to leave the policy unchanged at this time.

Commissioner Luvaas suggested making changes to p. 58 of the background text, as described in section 1.a. of his letter. He asserted that the City’s policies don’t allow well-designed small homes in R1 districts.

After staff pointed out the benefits of adopting a parallel code, which would address many of the issues raised by Commissioner Luvaas, it was agreed to leave the text unchanged.

Commissioner Luvaas proposed making changes to Table 10-33 on p. 72, as described in section 1.b. of his letter. He stressed that the City should take the position that there is unknown but significant housing potential from infill and rezoning under-utilized commercial and industrial sites for mixed uses.

Commissioner Francis pointed out that the table doesn't acknowledge the status of Bidwell Ranch; Commissioner Luvaas suggested acknowledging both sides. After further discussion, a straw poll revealed 3-4 opposition (Commissioners Brownell, Luvaas and Schiffman in favor) to making the changes as described.

Commissioner Luvaas suggested limiting the sizes of new homes, as described in section 8.a. of his letter. He noted that Davis has used a similar limitation for years.

Commissioner Hughes pointed out that the policy may have worked well for Davis itself, but that it simply diverted growth to nearby communities. He pointed out that Woodland has been expanding towards Davis for years as a result of the growth controls in Davis.

Commissioner Francis pointed out that home ownership has increased 33% in the last ten years, and that she is adamantly opposed to limiting the size of homes that can be built. She stated that most people want the biggest house they can afford. Commissioner Monfort agreed, but noted that some people do prefer a smaller home.

After discussion it was agreed to take no action on the suggestion. Commissioner Schiffman reiterated his position that this isn't necessary at this time, as long as inclusionary zoning is still being recommended.

Commissioner Brownell confirmed with Commissioner Francis that the Commission's recommendation on inclusionary zoning is just to explore the concept.

In response to Commissioner Monfort, Mr. McLaughlin explained that nearly all of the \$2.5 million from the RDA affordable housing setaside is dedicated for low and very low income housing; only \$300,000 is used by the MSP, which is now approving just 6 to 8 loans annually.

Commissioner Monfort suggested that the real issue is not enough money for low and very low income rental housing, and proposed a transfer tax or fee on real estate transactions, with the revenue dedicated for low and very low income housing.

After discussion, there was general agreement to strongly encourage the Council to review options for additional revenue streams dedicated to providing low and very low income housing, which could include a transfer tax or a fee on building permits for residential remodels and additions. Commissioner Monfort accepted the amendment.

Commissioner Monfort proposed requiring natural gas hookups on the patios of all new single family residential construction. There was general agreement for such a requirement; Commissioner Monfort accepted the amendment.

Mr. Hayes stated that staff will create a new draft of the Housing Element to be forwarded to Council, with copies also given to the Commission.

Commissioner Francis stated that she will vote against the motion, noting that she can't support inclusionary zoning and visitability requirements. Commissioners Alvistur and Hughes concurred in their opposition to inclusionary zoning.

THE MOTION, AS AMENDED, PASSED 4-3 (COMMISSIONERS ALVISTUR, FRANCIS AND HUGHES OPPOSED).

Mr. Seidler assured the Commission that the Council would get a full picture of the Commission's deliberations.

9. BUSINESS FROM THE FLOOR

None.

10. PLANNING UPDATE

Mr. Seidler reviewed Council's decision to hear the Safeway appeal, as well as the adoption of the compromise solution crafted for Mariposa Vista 2.

11. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:26 p.m. to the Regular Meeting of October 2, 2003, at 6:30 p.m.

February 17, 2005

Date Approved

Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
OF OCTOBER 2, 2003**

1. ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort and Irv Schiffman. Staff present were Planning Director Kim Seidler, Associate Planner Ed Palmeri, Associate Planner Bob Summerville, Senior Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

3. REGULAR AGENDA

- 3.1. Paseo Haciendas Unit 2, Vesting Tentative Subdivision Map S 03-10 (Hays) 2415, 2419, 2423, and 2427 Ceanothus Avenue** - A request to subdivide 1.87 acres located at 2415, 2419, 2423, and 2427 Ceanothus Avenue to create 11 single-family lots. The site is identified as Assessor's Parcel Nos. 048-730-009, 010, 011, and 012, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends adoption of the mitigated negative declaration and approval of the vesting tentative subdivision map.*

Commissioner Francis stated that she is disqualified from hearing this item, as the applicant has a financial relationship with her employer.

Commissioner Francis left the room.

Mr. Palmeri presented the staff report, reviewing the land use issues involved, the history of the adjacent Paseo Haciendas project currently under construction, and details of the proposal. He discussed the flag lot (lot 8), noting that while its presence does increase the density and therefore the affordability of the overall project, it will be surrounded by backyards, likely with 6 foot fences on all four sides. He recommended that the Commission weigh the benefits of including lot 8 in the project, and then approve the project, either with or without lot 8.

In response to Commissioner Luvaas, Mr. Palmeri discussed the pros and cons of flag lots. Mr. Seidler added that the City has a history of approving flag lots, primarily for constrained sites where flag lots are needed to create additional density. He noted that the presence of a flag lot isn't a major concern, and that the project could certainly be approved with it.

Mr. Palmeri added that one neighbor to the south of this project did contact Planning, expressing opposition to the project.

The public hearing was opened at 6:41 p.m.

Curtis Hays, 14040 Kelsey Drive, applicant, requested that the flag lot be retained. He reviewed the history of the project, noting that he's already given up one lot during his discussions with staff. He stated that retaining the flag lot will keep the costs of the other lots down, and noted the presence of 8 other flag lots within a quarter mile.

In response to Commissioner Monfort, Mr. Hays stated that he has a buyer lined up for the lot, and that eliminating the lot would increase the price of the other homes by \$15,000 each.

Commissioner Schiffman expressed opposition to creation of a flag lot, noting the increased maintenance burden of having six different "good neighbor" fences.

There being no further comment, the public hearing was closed at 6:50 p.m.

After discussion, there was general consensus to retain the flag lot. The Commission discussed whether it would be possible to reduce the paved width of the driveway serving lot 8; there was general agreement to narrow the driveway, as long as the Fire Department signs off on it.

COMMISSIONER LUYAAS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-41, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING PASEO HACIENDAS UNIT 2 VESTING TENTATIVE SUBDIVISION MAP (S 03-10), SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL, MODIFIED TO REQUIRE THAT THE PAVED WIDTH OF THE DRIVEWAY SERVING LOT 8 BE LIMITED TO 9 FEET, WITH THREE FOOT PLANTING AREAS ON EITHER SIDE. COMMISSIONER MONFORT SECONDED THE MOTION.

Commissioner Schiffman stated that he is going to vote against the motion, as he doesn't want to encourage subdivisions that have flag lots.

COMMISSIONER HUGHES SUGGESTED THAT THE NARROWING OF THE DRIVEWAY BE SUBJECT TO THE APPROVAL OF THE FIRE DEPARTMENT; COMMISSIONER LUYAAS ACCEPTED THE AMENDMENT. THE MOTION, AS AMENDED, PASSED 5-1-1 (COMMISSIONER SCHIFFMAN OPPOSED, COMMISSIONER FRANCIS DISQUALIFIED).

Commissioner Francis returned to the room.

- 3.2. Use Permit 03-43 (Abouzeid/Chico Volkswagen) 902, 920, and 928 Main Street** - A request to allow the expansion and/or change in intensity of an existing automobile sales and service business (Chico Volkswagen) previously authorized by Use Permit 02-36. The project involves the demolition of an existing 5,200 square foot building located at 920 Main Street to allow the outside display of approximately 29 automobiles for sale. The project also involves architectural revisions to the facility's new sales building and related revisions to the facility's traffic circulation pattern. The site is identified as Assessor's Parcel Nos. 004-431-001, 002, 003, 004, and 010, is designated Downtown on the City of Chico General Plan Diagram, and is located in a C-1-L Restricted Commercial-Landmark overlay zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends denial of the use permit.*

Mr. Summerville presented the staff report, reviewing the land use issues involved and details of the proposal. He noted that the major issue is the demolition of the Cyber-Ed building at 920 Main Street, which has been determined to be historically insignificant. He noted that staff is recommending denial of the project because staff believes the proposal is inconsistent with General Plan policies concerning the downtown streetscape. He noted that staff has no objections to the architecture or circulation pattern per se; it is the intensification of the auto-oriented use and removal of the building (which currently helps frame the public space of the street) which are objectionable. He also reviewed several letters submitted by the applicant.

Mr. Seidler acknowledged that people with different backgrounds can read the General Plan different ways, and explained why staff has taken the stance it has. He also noted that proposed conditions of approval are included in the staff report, should the Commission choose to approve the project.

In response to Commissioner Alvistur, Mr. Seidler explained that the issue is more about encouraging pedestrian-oriented uses than discouraging auto-oriented uses. He reiterated that the automobile dealership has been there for many years, and that staff wants the owner to succeed and is not opposed to more outdoor display. He stated that staff is concerned about the streetscape and the impact that the demolition of the building will have, and that an ideal solution would involve keeping the building and allow more outside display. He also clarified that this site is classified as Downtown South in the General Plan, and reviewed City efforts to change the zoning in that area to be more in conformance with the General Plan. He described the boundaries of the Downtown South area, which goes as far south as Little Chico Creek.

Commissioner Francis added that the General Plan envisions a different use for the Downtown South area than what currently exists.

The public hearing was opened at 7:14 p.m.

Larry Coffman, 234 A W. 3rd Street, project architect, pointed out that the new area resulting from the demolition of the existing building is a retail sales facility, not a parking lot. He asserted

that it is impractical to sell vehicles from inside a building, explaining that vehicles are often an impulse purchase. He noted the site's presence at the corner of two major arterials, opining that the site isn't going to be pedestrian-friendly any time in the foreseeable future. He asserted that the true southern border of downtown is 8th Street, noting that SR 32 acts as a major barrier. He stated that Mr. Abouzeid wants to make a large investment in this area, which will have positive impacts for the community in terms of job growth and sales tax generation.

Commissioner Monfort asked why the building couldn't be used for luxury automobile sales similar to what some car dealerships do in San Francisco; Mr. Coffman replied that the building isn't structurally suited to knocking large holes in it to allow the required visibility.

Commissioner Schiffman opined that cars in the new area wouldn't be seen from the street; Mr. Coffman disagreed, stating that people waiting at the stop light will be able to see the vehicles, and emphasized the need for the dealership to show that a wide variety and number of vehicles are available for purchase.

Commissioner Luvaas suggested that an automobile dealership is an inappropriate activity for the site, voicing some concerns about its compatibility with the general plan.

In response to Commissioner Hughes, Mr. Coffman explained the revised traffic circulation plan, noting that the site will now have separate entrances for sales and service, with two one-way driveways for inbound and outbound sales traffic.

In response to Commissioner Monfort, Mr. Coffman explained that the offices which were originally proposed to go into the 920 building will instead go into the 928 building, which will then be decorated with the proposed mural. He added that VW's corporate offices won't allow local dealerships to sell cars out of an old building.

Commissioner Luvaas asked if there anything defective about the Cyber-Ed building; Mr. Coffman replied that the building is very old, and wouldn't stand up to the structural scrutiny that would be required for automobile sales, noting that a new skeleton would be required to support the building.

Mark Abouzeid, 902 Main Street, applicant, explained that 70 cars have been on the site ever since Chico VW's beginning, but that this site plan allows a better display of cars for sale and a better onsite traffic pattern. He explained his need to sell 35 cars per month to meet debt service and payroll obligations, noting that the rule of thumb for the industry is that a dealership needs to display two months worth of sales. He stated that he was somewhat naive when he agreed to the original 19 car display (as proposed and approved in his original use permit), explaining that more experienced dealers recently looked at his original plan and asserted that the business would fail with such a limited display.

Mr. Abouzeid explained the details of the proposed changes, discussing the site circulation with Commissioner Monfort. He noted that a “halfway plan” wouldn’t meet the legally required driveway widths.

Commissioner Francis stated her opposition to the new plan.

There being no further comment, the public hearing was closed at 7:36 p.m.

Commissioner Schiffman stated that approval of this project would put a gaping hole in the General Plan, and that he can’t support the project.

Commissioner Alvistur stated that he understands the rationale for removing the building, noting that it will make the business more viable.

Commissioner Francis agreed, but cautioned the Commission that the approval runs with the land. She pointed out that this site could become a used car lot in the future. She emphasized that she wants the company to be successful, but stated that the Commission stretched things with the previous use permit approval; she asserted that it would be incrementalism to approve this project.

Commissioner Brownell voiced agreement with Commissioner Alvistur, expressing support for the revised circulation plan. Commissioner Hughes also expressed his support, stating that the useful economic life of the Cyber-Ed building has been used up.

Commissioner Luvaas suggested that some sort of compromise might be worked out, which allows greater display and preserves the building.

The Commission discussed various alternatives which would involve retaining the building; none proved satisfactory to all Commissioners.

Commissioner Hughes related that he watched the site for 20 minutes earlier in the day, and that there was no pedestrian activity. He stated that people are going slow enough to get a good look at the cars on display.

Commissioner Schiffman pointed out that uses become nonconforming because planning goals change. He asserted that this expansion goes against the grain of what the City is trying to do in the Downtown South area.

Commissioner Alvistur disagreed, noting that the area has been “semi-blighted” for years, and that this project could spur new investment in other area properties.

COMMISSIONER LUYAAS MOVED THAT THE PLANNING COMMISSION DENY USE PERMIT 03-43 (ABOUZEID/CHICO VOLKSWAGEN). COMMISSIONER SCHIFFMAN

SECONDED THE MOTION, WHICH FAILED 2-5 (COMMISSIONERS ALVISTUR, BROWNELL, FRANCIS, HUGHES AND MONFORT OPPOSED).

Mr. Seidler observed that it sounds like a majority of the Commission may want to approve the portion of the use permit that doesn't involve removal of the building. If so, he suggested that the conditions of approval be modified as follows: for condition 1, delete the first portion of the second sentence, retaining and altering the last portion of the sentence to read "to allow the outside display of approximately 41 automobiles for sale"; and alter condition 3 to add "The building at 920 Main Street shall remain" at the beginning of the condition, and add the word "Other" before "architectural".

COMMISSIONER MONFORT MOVED ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND APPROVAL OF USE PERMIT 03-43 (ABOUZEID/CHICO VOLKSWAGEN) MODIFIED AS SUGGESTED BY MR. SEIDLER. COMMISSIONER FRANCIS SECONDED THE MOTION.

Commissioner Alvistur opined that the motion doesn't do enough for the applicant. Commissioner Hughes agreed, stating that he prefers the applicant's proposal.

The Commission discussed various aspects of the proposal, and whether the compromise solution, including associated vehicle access, could work.

Commissioner Luvaas suggested that this project will be one that people will look at and ask "Who approved that?" Commissioner Monfort stated that the alternative is to have an empty lot if Mr. Abouzeid either relocates or goes out of business.

THE MOTION FAILED 2-5 (COMMISSIONERS ALVISTUR, BROWNELL, HUGHES, LUVAAS AND SCHIFFMAN OPPOSED).

COMMISSIONER HUGHES MOVED THAT THE PLANNING COMMISSION ADOPT THE MITIGATED NEGATIVE DECLARATION, AND APPROVE USE PERMIT 03-43 (ABOUZEID/CHICO VOLKSWAGEN) AS PROPOSED BY THE APPLICANT. COMMISSIONER BROWNELL SECONDED THE MOTION, WHICH FAILED 3-4 (COMMISSIONERS FRANCIS, LUVAAS, MONFORT AND SCHIFFMAN OPPOSED).

The Commission discussed what could be done to allow the applicant to display more vehicles and retain the building.

Mr. Seidler suggested that the Commission could make a motion of intent, or the Commission could reopen the public hearing. He noted that the circulation has been designed around the removal of the building.

COMMISSIONER LUVAAS MOVED THAT THE COMMISSION ADOPT A MOTION OF INTENT TO APPROVE A MODIFIED PROJECT, WHICH REQUIRES RETENTION OF

THE BUILDING, AND IMPROVES CIRCULATION, INCLUDING A ONE-WAY VEHICLE ENTRANCE FROM MAIN STREET. COMMISSIONER SCHIFFMAN SECONDED THE MOTION.

Mr. Seidler suggested that the Commission reopen the public hearing to discuss the proposed changes with the applicant. He noted that an applicant can't appeal a decision until the Commission takes final action, and that if Mr. Abouzeid isn't interested in a compromise solution, it may be appropriate to simply deny the project so that Mr. Abouzeid can appeal the decision to the City Council.

COMMISSIONER LUYAAS WITHDREW HIS MOTION.

COMMISSIONER MONFORT MOVED TO REOPEN THE PUBLIC HEARING.
COMMISSIONER FRANCIS SECONDED THE MOTION, WHICH PASSED 7-0.

The public hearing was reopened at 8:07 p.m.

Mark Abouzeid, a previous speaker, asserted that some Commissioners haven't studied the plot plan as much as he has. He stated that it took a long time to come up with this design and this traffic pattern, pointed out that he has been operating on this site for three years, and reiterated that he's not increasing the number of cars on the lot, which has remained steady at 70 since April, 2002. He noted that this project will add landscaping, make entrances and exits safer and more convenient, and provide a better onsite circulation plan.

Commissioner Francis clarified that the 70 cars currently displayed do not comply with the original approved use permit, and that Mr. Abouzeid can either continue as he is currently, or that the Commission can try to craft a compromise solution.

Mr. Abouzeid noted that there is a separate process he can go through to knock down the building without obtaining use permit approval. He pointed out that the site has been a car dealership since 1922.

Commissioner Luyaaas stated that the proposed project isn't in keeping with the General Plan.

Commissioner Francis asked if Mr. Abouzeid would be willing to bring a modified version back to the Commission, or whether he would prefer the Commission to deny the project so that he can then appeal it to the City Council.

Larry Coffman, a previous speaker, stated that it's not practical to leave the building there and still make the improvements needed to improve the site. He stated that the alley to the east of 920 Main Street is only 12 feet wide, and that it was never intended to be a public entrance or exit in its current state due to safety concerns.

Commissioner Francis confirmed with Mr. Coffman that from the applicant's perspective, a compromise solution isn't feasible.

There being no further comment, the public hearing was reclosed at 8:14 p.m.

COMMISSIONER SCHIFFMAN MOVED THAT THE PLANNING COMMISSION DENY USE PERMIT 03-43 (ABOUZEID/CHICO VOLKSWAGEN). COMMISSIONER LUYAAS SECONDED THE MOTION, WHICH CARRIED 4-3 (COMMISSIONERS ALVISTUR, BROWNELL AND HUGHES OPPOSED).

Commissioner Francis stated that the Commission's decision can be appealed to the City Council within ten calendar days.

4. BUSINESS FROM THE FLOOR

None.

5. PLANNING UPDATE

Mr. Seidler noted that the City Council chose to call up the record on the Safeway gas station appeal, and that it is scheduled for a hearing on October 21.

6. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:16 p.m. to the Adjourned Regular Meeting of October 16, 2003, at 6:30 p.m.

November 20, 2003

-
Date Approved

Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
OF OCTOBER 16, 2003**

1. ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort and Irv Schiffman. Staff present were Principal Planner Pam Figge, Senior Planner Patrick Murphy, Associate Planner Ed Palmeri, Senior Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioners Francis, Hughes, Luvaas, Brownell, and Monfort each reported that they had spoken to Jim Stevens concerning the projects on Yosemite, largely concerning drainage and the rock wall.

3. REGULAR AGENDA

- 3.1. Parcel Map 03-13 (Piacentine) 1148 and 1160 Palm Avenue** - A request to subdivide a 21,500 square-foot lot located at 1148 and 1160 Palm Avenue to create two 10,750 square-foot residential lots. The property is currently developed with three residential units. The subject property is located on the east side of Palm Avenue, approximately 200 feet north of the intersection of Palm and East First Avenues. The site is identified as Assessor's Parcel No. 003-111-007, is designated Medium Density Residential (4.01 to 14 dwelling units per acre) on the City of Chico General Plan Diagram, and is located in an R2 Medium Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (In-fill Development Projects). *Staff recommends approval of the parcel map.*

Mr. Palmeri presented the staff report, reviewing the land use issues involved, surrounding land uses, and details of the project. He noted that a revised subdivision report had been provided to the Commission; the only change in the report was the establishment of an ingress and egress easement. He noted that the lots exceed the City's adopted 3 to 1 ratio of lot depth to lot width, explaining that recent Commission direction to prohibit the creation of new lots with solely alley access resulted in the long, narrow lot design for this project. He stated that staff is recommending approval of the project.

In response to Commissioner Monfort, Mr. Palmeri explained that the proposed easement may not go all the way through to the rear of the lots; however, that would be determined at the time of final map approval. Ms. Figge observed that the important thing to do at this point is establish the easement.

Commissioner Alvistur confirmed that the alley would be paved behind this project.

In response to Commissioner Brownell, Mr. Palmeri explained the parking layout for the site, noting that additional improved parking spaces will need to be established before the map is recorded.

In response to Commissioner Luvaas, Mr. Palmeri stated that future units would likely take vehicular access from Fairway alley, as the existing structure placement makes it impractical to obtain a 25 foot easement all the way to the rear of the parcels.

The public hearing was opened at 6:39 p.m.

There being no comment, the public hearing was closed at 6:40 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-42, FINDING THAT THE TENTATIVE PARCEL MAP IS CATEGORICALLY EXEMPT AND APPROVING TENTATIVE PARCEL MAP 03-13 (PIACENTINE), SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 7-0.

3.2. General Plan Amendment/Rezone 03-06 (City of Chico) - A request to amend the General Plan land use designation and change the zoning district for various parcels located on the south side of Manzanita Avenue, north of Lindo Channel, and east of Cactus Avenue. The properties include the Chico Elk's Lodge and the Chico Racquet Club and Resort. The proposed amendments are as follows:

Amend the General Plan land use designation from Medium Density Residential (4.01 to 14 dwelling units per acre) to Community Commercial and change the zoning from R2 Medium Density Residential to CN (Neighborhood Commercial) for the following parcels:

Assessor's Parcel Numbers 048-203-067 and 078 (5.86 acres)

Amend the General Plan land use designation from Low Density Residential (2.01 to 6 dwelling units per acre) to Public Facilities and Services and change the zoning from R1 Low Density Residential to PQ (Public/Quasi Public Facilities) for the following parcels:

Assessor's Parcel Numbers 048-203-051 and 062 (12.55 acres)

A negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends that the Planning Commission recommend City Council adoption of the negative declaration and approval of the general plan amendment/rezone.*

Mr. Palmeri presented the staff report, reviewing the land use issues involved, existing uses, consequences of the general plan amendment/rezone, and history of the affected properties. He explained that the City Council directed staff to pursue this course of action when these properties were annexed to the City, to accommodate and protect the existing uses as much as practicable. He noted that while the properties are currently zoned residential, these parcels have not been included in the City's residential buildout calculations, thus resulting in no lost housing opportunities.

In response to Commissioner Francis, Mr. Palmeri mentioned that the parcels have been residentially zoned since at least 1975.

In response to Commissioner Luvaas, Mr. Palmeri explained that each site could expand their use, subject to a use permit; he noted that the proposed zoning districts are the best fit, and give the property owners the greatest level of "comfort" in preserving future expansion possibilities.

The public hearing was opened at 6:48 p.m.

Jim Glander, 1705 Manzanita Avenue, Chairman of the Board of Trustees of the Elk's Lodge, acknowledged his appreciation for Planning staff's work, and spoke in support of the rezone. He suggested that it be clarified that the Elk's Lodge functions as a community center (which is defined in the PQ zoning district regulations) as well as an campground, since there are 13 RV spaces on the rear portion of the property.

Janet Balbutin, 1629 Manzanita Avenue, representing the Chico Racquet Club, spoke in support of the rezone. She confirmed that the club could still expand in the future, as long as a use permit was obtained; she noted that some of the tennis courts keep cracking, and that the club may need to change its layout.

There being no further comment, the public hearing was closed at 6:43 p.m.

In response to Commissioner Schiffman, Ms. Figge explained that each of these sites could expand its use, through the use permit process. She clarified that expansion is not permitted by right, and would be subject to the imposition of various conditions and a public hearing process, similar to what In-Motion Fitness has gone through when expanding.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-43, RECOMMENDING THAT THE CITY COUNCIL ADOPT THE PROPOSED NEGATIVE DECLARATION AND APPROVE GENERAL PLAN AMENDMENT/REZONE 03-06 (CITY OF CHICO). COMMISSIONER LUVAAS SECONDED THE MOTION, WHICH PASSED 7-0.

- 3.3. Vesting Tentative Subdivision Map S 02-19 & Planned Development Permit PDP 03-02 for the Yosemite Commons subdivision located at the southeast corner of the Yosemite Drive/Idyllwild Circle intersection (Sunset Development, LLC) APN 011-900-004** - A request to divide a 1.9 acre parcel into 12 single-family residential lots, at a net density of 6.3 units per acre. Proposed lots range in size from 4,006 square feet (s.f.) to 5,312 s.f., with an average lot size of 4,898 s.f. The site is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. *Staff recommends that the Planning Commission conceptually review the project and provide any needed direction to the applicant.*

Commissioner Francis asked who the partners for this project are, to make sure that she isn't disqualified from hearing the item. Mr. Murphy replied that the partners are Greg Brown and Kevin Kramer; Commissioner Francis stated that she has no conflict of interest and can hear the item.

Mr. Murphy presented the staff report, reviewing the project's history, the Commission's previous direction at the first conceptual review, and details of the project. He explained that a PD is necessary due to increased density, reduced lot sizes, and reduced setbacks. He noted that the homes will front Yosemite Drive and have covered front porches, but will take vehicle access from a rear alley linking Yosemite Drive and Idyllwild Circle. He discussed how the foothill standards apply to this property, explaining that those standards attempt to minimize the amount of cut and fill in the foothills; to that end, staff is requesting that the project engineer demonstrate why stem walls or raised foundations aren't feasible, instead of the proposed slab-on-grade construction using substantial cut and fill.

Mr. Murphy reviewed drainage in the area of the project, acknowledging that there have been drainage problems in the past, and that there may be existing problems which need to be remedied. He reviewed that a drainage analysis is currently being completed for the project, and that an additional culvert under Yosemite Drive may be necessary. He emphasized that both staff and that applicant's engineer believe that there are adequate engineering solutions available, which may include additional onsite detention. He stated that staff is recommending approval, as the project is helping to maintain the compact urban form of the City and is consistent with the design element of the General Plan.

Commissioner Francis discussed the practical differences between stemwall construction and cut and fill with Mr. Murphy, arguing that the practical aesthetic difference is minimal.

Commissioner Hughes noted that the Lake Vista subdivision is slab-on-grade.

Ms. Figge observed that Lake Vista isn't the best example of context-sensitive foothill development, explaining that the Planning Commission wasn't aware that there would be 4 to 6 foot retaining walls with six foot fences on top between adjacent homes.

In response to Commissioner Luvaas, Ms. Figge clarified that Lake Vista has no onsite detention,

and may be contributing to the recent flooding problems.

Mr. Johnson reviewed the City's efforts to reduce flooding in the area, explaining that a crew has trimmed vegetation in the channel, and that a peer review of the drainage solution for the Lake Vista project is currently being completed. He stated that it may be possible to detain some of the runoff from further uphill on this project, but cautioned against making any definite recommendations until the peer review is complete.

Commissioner Alvistur indicated that he would like the completed peer review available to the Commission prior to final approval of this project.

Commissioner Monfort inquired if this portion of Yosemite will have a line painted on it to try and reduce speeding, similar to what exists on the northern portion of Yosemite; Mr. Johnson indicated that a line probably would not be painted on this portion of road.

The public hearing was opened at 7:17 p.m.

Jim Stevens, 20 Declaration Drive, representing the applicant, reviewed changes made to the project after the first conceptual review in March. He noted that all lots have at least two onsite parking spaces, with most having four; an additional 20 spaces are also available on Yosemite Drive in front of the project.

Mr. Stevens reviewed the choice to grade instead of using stemwalls, noting that grading poses distinct advantages, including: reducing drainage conflicts caused by over-watering of yards; maintaining privacy of side yard windows; and providing a useful side yard that can accommodate a walkway.

In response to Commissioner Monfort, Mr. Stevens explained that the proposed grading plan calls for most lots to have a two foot retaining wall topped by a six foot fence. He also noted that some fill will be imported to the project site, which will raise the slab elevations above the road to provide additional privacy.

Mr. Stevens discussed drainage for the project, emphasizing that the adopted drainage solution will be consistent with both the peer review and the staff recommendation. He asserted that with the removal of vegetation from the channel and with the construction of the flood wall, the downstream flooding potential is now minimal.

In response to Commissioner Brownell, Mr. Stevens stated that there will be a series of steps up to each front porch, and that the project includes concrete connectors from the curb to the sidewalk in front of each home.

Judy DeMarois, 6 Laguna Point Road, Vice President of the California Park Board of Directors, discussed concerns she has with the project, mainly related to drainage and flooding. She reviewed past flood events, and asserted that additional detention capacity is needed for this

project. She also opined that the project is too high a density and won't be compatible with existing development.

Mary Jensen, 45 Edgewater Court, voiced agreement with the previous speaker. She opined that the project is too dense, and asked the Commission to reconsider the concept.

Marvin Gold, 9 Catalina Point Road, spoke in opposition to the project, citing concerns with drainage and flooding. He pointed out that Lake Vista has been fined \$10,000 for various violations, and asserted that the developer of that project doesn't care what happens downstream. He also opined that a lower density is needed.

Rudy Jensen, 45 Edgewater Court, reiterated that drainage is the main issue of concern.

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

Commissioner Monfort confirmed with Mr. Johnson that the City is pursuing cleanup and dredging plans to prevent any future flooding.

Commissioner Francis suggested that if the State is dragging its feet in issuing a dredging permit, then the City might be better off by just doing the work and getting fined later.

Commissioner Schiffman expressed amazement that the Commission is contemplating approving more development before fixing what's already approved. He stated that he's not prepared to put any more density in the area until the Lake Vista project is taken care of.

Commissioner Francis suggested that the Commission can look at the design conceptually, but hold off on final approval until the flooding problem is resolved. Commissioner Alvistur agreed, adding that he'd like to see a drainage plan before final approval.

Commissioner Luvaas stated his reluctance to spend time on a conceptual review until it's determined whether this land can handle any development at all.

Ms. Figge pointed out that the Commission needs to provide some direction conceptually, in order to establish a project description which can then be the basis of environmental review. She emphasized that no flooding mitigation work will be done on this site unless a project is built, and cautioned the Commission against relying on conjecture instead of engineering data. She explained that the applicant has the right to have an application processed, as it is consistent with the General Plan. She also noted that the first thing the Commission does when approving a project is either approve a mitigated negative declaration or determine that an EIR is necessary. She then reviewed the two-step approval of a Planned Development permit.

Mr. Murphy related that staff has to look at the worst case scenario, which in this case would include onsite retention. He explained that if significant redesign is necessary as a result of the environmental review, then the project would be re-noticed with a new project description.

Ms. Figge suggested that the Commission discuss project issues other than drainage.

The Commission was in recess from 8:12 to 8:25 p.m.

The Commission discussed parking and backup space requirements. Commissioner Luvaas suggested that it may be possible to narrow the paved alley width to 20 feet behind lots 5 through 12.

Commissioner Luvaas suggested that trees be planted next to the alley to help shade it. Commissioners Brownell and Francis expressed concern about requiring additional landscape maintenance on private property, particularly if the trees could interfere with the power lines.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION APPROVE THE CONCEPTUAL PLAN FOR THE YOSEMITE COMMONS PLANNED DEVELOPMENT PERMIT 03-02 (SUNSET DEVELOPMENT, LLC), WITH FINAL APPROVAL CONTINGENT ON THE COMMISSION'S REVIEW AT A SUBSEQUENT MEETING, WITH THE UNDERSTANDING THAT FINAL APPROVAL IS NOT GOING TO OCCUR UNTIL THE DRAINAGE PROBLEM IS TAKEN CARE OF. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 6-1 (COMMISSIONER SCHIFFMAN OPPOSED).

Commissioner Francis clarified that the Commission wants to see the peer review of the drainage plan before granting final approval; there was general agreement.

- 3.4. Vesting Tentative Subdivision Map S 02-20 & Planned Development Permit PDP 03-01 for the Yosemite at 32 subdivision located at the northeast corner of the Yosemite Drive/State Highway Route 32 intersection (Sunset Development, LLC) APN 011-900-002** - A request to divide a 5.27 acre parcel into 25 single-family residential lots, 3 duplex lots, and 4 triplex lots. A minimum of 43 units would be located on the site at a net density of 9.4 units per acre. Proposed lots range in size from 4,000 square feet (s.f.) to 11,299 s.f. with an average lot size of 5,156 s.f. The site is designated Medium Density Residential on the City of Chico General Plan Diagram, and is located in an R2 Medium Density Residential zoning district. *Staff recommends that the Planning Commission conceptually review the project and provide any needed direction to the applicant.*

Mr. Murphy presented the staff report, reviewing the history of the site, details of the project, and direction given by the Commission at its previous hearing on this item. He noted that the applicant has come close to a density of 10 units per acre, has included duplexes and triplexes into the project, and has proposed a landscaping solution for the rock wall, which would include

planting vines on top of the wall. He requested that the Commission conceptually review the project and give direction to both the applicant and staff, particularly on design and the proposed solution for the wall.

Commissioner Francis stated that her position on stem walls remains the same for this project, stating that she sees no problem with slab-on-grade construction in combination with cuts and fills.

In response to Commissioner Monfort, Mr. Johnson discussed drainage for the property, explaining the different interpretations of foothill standards when applied to this project as opposed to Canyon Oaks.

Commissioner Luvaas confirmed with staff that no front yard fences are proposed.

The public hearing was opened at 8:53 p.m.

Jim Stevens, a previous speaker, representing the applicant, explained the design of the project. He noted that the triplexes will look like side-by-side townhomes, with a third unit above the garage in the rear. He noted that the project does provide on-street parking within the site.

Mr. Stevens stressed that it is not the intention of the developer or his engineering firm to exacerbate any drainage problem. He noted that after the Commission grants approval, his firm then works with other professionals who all have to agree on the drainage solution. He opined that the downstream flooding is not necessarily a design-related issue, but rather a construction issue. He noted that his firm's reputation is at stake, and if they don't do it right, they won't build anything. He stressed that design professionals, rather than the public, are best suited to make judgments about particular engineering solutions.

Mr. Stevens discussed the rock wall, stating that he likes it; he opined that it's a historical nod to all the other rock walls built in the valley, and makes a nice entry monument. He stated that the proposed solution is to either include plantings within the wall or plant a landscape strip on the SR 32 side of the wall.

In response to Commissioner Schiffman, Mr. Stevens explained that the rock wall does function as a sound wall, which is required for the subdivision.

Commissioner Monfort stated his support of the wall, as it's made of native materials and echoes other rock walls in the area. Commissioner Francis added that the rocks haven't weathered yet, and stated her support for the ivy planting proposal.

The Commission discussed landscape maintenance for the wall. There was general agreement to require some sort of communal maintenance solution, rather than having just the two adjacent lot owners maintain the landscaping as proposed by the applicant.

Commissioner Luvaas suggested that the triplexes may need to be moved further away from SR 32, as they will be visible from Bruce Road.

Ms. Figge pointed out that the change in viewshed of the foothills was determined to be a significant and unavoidable impact in the General Plan EIR.

Commissioner Monfort asked if a single-story plan could be built on the highest lot of the project, on the SE corner; Mr. Stevens indicated that he could examine the possibility.

Judy DeMarois, a previous speaker, reiterated previous concerns about drainage and density.

Mary Jensen, a previous speaker, reiterated her comments from the previous project.

Rudy Jensen, a previous speaker, reiterated his comments from the previous project.

Frank Hill, 3517 Shadow Tree Lane, noted that the City needs to develop property that is not on agricultural land. He urged the Commission to not require stem wall construction, as there is a greater risk of creating a mold problem in the future. He urged the Commission to approve the project.

There being no further comment, the public hearing was closed at 9:22 p.m.

In response to Commissioner Monfort, Mr. Murphy reviewed the worst case scenario concerning drainage for this project, noting that lot 16 may need to be sacrificed to become a detention basin.

Commissioner Luvaas questioned whether on-street parking really needs to be prohibited on Yosemite Drive.

Mr. Johnson replied that the left turn pocket was required as part of the Yosemite Terrace project, and that there just isn't enough right-of-way to allow the turn lane and on-street parking.

Commissioner Monfort expressed support for an unofficial striped bike lane, similar to what exists on Yosemite Drive north of Idyllwild Circle.

Commissioner Schiffman stated his opposition to the wall, suggesting that it be removed and something else put in its place.

Commissioners Francis and Monfort expressed support for the rock wall; Commissioner Francis pointed out that it's a less-inviting target for graffiti.

Commissioner Hughes pointed out that these walls really don't start looking attractive until the landscaping has had a few years to establish itself.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION APPROVE THE CONCEPTUAL PLAN FOR THE YOSEMITE AT 32 PLANNED DEVELOPMENT PERMIT 03-01 (SUNSET DEVELOPMENT, LLC), WITH FINAL APPROVAL CONTINGENT ON THE COMMISSION'S REVIEW AT A SUBSEQUENT MEETING, MODIFIED TO REQUIRE SOME SORT OF JOINT MAINTENANCE ARRANGEMENT FOR THE ROCK WALL AND ASSOCIATED LANDSCAPING, AND THAT THE VISUAL IMPACT OF CONSTRUCTION ON THE HIGHEST PORTION OF THE SITE BE REDUCED, POSSIBLY BY BUILDING SINGLE-STORY CONSTRUCTION ON THAT CORNER OF THE PROJECT. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 6-1 (COMMISSIONER SCHIFFMAN OPPOSED).

- 3.5. Designation of Commissioners to Attend Charette** - Staff requests that the Commission choose three members to attend a charette for the Northwest Chico Specific Plan/EIR, scheduled for Saturday, November 8th. Exact time and location will be announced at a later date.

After discussion, it was agreed that Commissioners Luvaas, Monfort and Schiffman would attend the Charette.

4. BUSINESS FROM THE FLOOR

None.

5. PLANNING UPDATE

Ms. Figge stated that the Abouzeid use permit had been appealed. She also reviewed the status of the Safeway gas station appeal, the upcoming Piret GPA/RZ, and Council consideration of the Housing Element.

In response to Commissioner Luvaas, Ms. Figge explained that the R2 density amendment has been temporarily delayed due to the workload associated with the Housing Element.

6. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:40 p.m. to the Regular Meeting of November 6, 2003, at 6:30 p.m.

November 6, 2003

Date Approved

Pam Figge
Principal Planner

**PLANNING COMMISSION
REGULAR MEETING
OF NOVEMBER 6, 2003**

1. ROLL CALL

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Mary Brownell, Jolene Francis, Orval Hughes, Jon Luvaas, Kirk Monfort and Irv Schiffman. Commissioner Vic Alvistur was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Patrick Murphy, Senior Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

3. CONSENT AGENDA

**3.1. Minutes of the Adjourned Regular Meeting of October 16, 2003
*Staff recommends approval with any corrections/revisions required.***

COMMISSIONER MONFORT MOVED APPROVAL OF THE CONSENT AGENDA. COMMISSIONER BROWNELL SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER ALVISTUR ABSENT).

4. ITEMS REMOVED FROM CONSENT AGENDA

5. REGULAR AGENDA

5.1. Vesting Tentative Subdivision Map S 02-19 & Planned Development Permit PDP 03-02 for the Yosemite Commons subdivision located at the southeast corner of the Yosemite Drive/Idyllwild Circle intersection (Sunset Development, LLC) APN 011-900-004 - A request to divide a 1.9 acre parcel into 12 single-family residential lots, at a net density of 6.3 units per acre. Proposed lots range in size from 4,006 square feet (s.f.) to 5,312 s.f., with an average lot size of 4,898 s.f. The site is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. *Staff recommends that the Planning Commission continue this item, which will be renoticed for a future meeting.*

This item was continued to a future meeting.

5.2. Vesting Tentative Subdivision Map S 02-20 & Planned Development Permit PDP 03-01 for the Yosemite at 32 subdivision located at the northeast corner of the Yosemite Drive/State Highway Route 32 intersection (Sunset Development, LLC) APN 011-900-002 - A request to divide a 5.27 acre parcel into 25 single-family residential

lots, 3 duplex lots, and 4 triplex lots. A minimum of 43 units would be located on the site at a net density of 9.4 units per acre. Proposed lots range in size from 4,000 square feet (s.f.) to 11,299 s.f. with an average lot size of 5,156 s.f. The site is designated Medium Density Residential on the City of Chico General Plan Diagram, and is located in an R2 Medium Density Residential zoning district. *Staff recommends that the Planning Commission continue this item, which will be renoticed for a future meeting.*

This item was continued to a future meeting.

- 5.3. Development Agreement by and between the City of Chico and MBD, Inc. involving the Sophia Estates, Doe Mill Highlands East, and Doe Mill Highlands West Vesting Tentative Subdivision Maps Located at the Future Extension of E. 20th Street and Potter Road** - Proposed Development Agreement (Agreement) between the City of Chico and MBD, Inc. (Developer) which would extend the life of three existing and contiguous vesting tentative subdivision maps on approximately 59 acres for an initial term of one year. These subdivision maps were originally approved in January 1993 and expire in January 2004. The subject property is identified as Assessor's Parcel Nos. 011-780-002, 003, and 004, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1-PD zoning district (Low Density Residential with a planned development overlay). Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), approval of this Agreement is exempt from further review under CEQA under the general rule that it can be seen with certainty that approval of this Agreement will not lead to an adverse impact on the environment. Future applications and approvals will be subject to the California Environmental Quality Act (CEQA) and all other applicable laws. The final Agreement will be acted upon by the City Council at a future meeting date. *Staff recommends that the Planning Commission recommend City Council adoption of the development agreement.*

Commissioner Francis announced that she is disqualified from hearing this item, as her employer is the lienholder on the property.

Commissioner Francis left the room.

Mr. Murphy presented the staff report, reviewing the land use issues involved and the history of the property, including the cutting of trees in 2002 and the subsequent lawsuits which are not yet fully resolved. He explained that the development agreement would include elimination of the cluster housing adjacent to the oak woodland, creation of an oak tree replanting management plan, and extension of the life of the maps for one year. He explained that the time extension provides "breathing room" for both sides to resolve outstanding issues.

The Commission discussed various issues relating to the development agreement.

Mr. Seidler pointed out that if the City and the developer reach an agreement, there will be a public process for approving that agreement.

In response to Commissioner Luvaas, Mr. Seidler replied that the original design as approved in 1993 would not be built.

Ms. Barker noted the presence of the City's outside counsel, Michael Durkee, and suggested that any detailed questions about the development agreement be directed to him.

Mr. Durkee characterized the development agreement as "breathing room," noting that it provides time for the City and the developer to resolve the legal issues associated with this project.

In response to Commissioner Schiffman, Mr. Durkee explained that the final project may or may not be a new map, and that it may or may not come back to the Commission. He emphasized that the development agreement in no way usurps the Commission's existing authority or jurisdiction; for example, if the project is considered a new map, it will come back to the Commission for the regular approval process.

In response to Commissioner Luvaas, Mr. Durkee reviewed the timeliness provisions in the development agreement, explaining that there are no hard deadlines, just standard language such as "good faith effort" and "reasonable responsiveness."

In response to Commissioner Monfort, Mr. Durkee explained that there could be situations in which final resolution does not require any further action of the Planning Commission.

Commissioner Monfort confirmed with Mr. Durkee that the layout of the map could be subject to negotiation between the City and the developer.

The public hearing was opened at 6:53 p.m.

Marlene "Py" Pyshora, 295 St. Augustine Drive, read a letter she submitted to the Planning Commission. She urged the Commission to approve the development agreement to prevent any further loss of trees, and asked that the status of the five acres of open space be clarified.

There being no further comment, the public hearing was closed at 6:56 p.m.

In response to Commissioner Luvaas, Mr. Murphy explained that the open space consists of the originally approved linear park along the creek and the two cluster housing areas, which would both be converted to open space.

The Commission again discussed issues relating to the development agreement, including possibilities for additional input from the neighbors. There was general agreement that approval of the development agreement is the best course of action.

COMMISSIONER BROWNELL MOVED THAT THE PLANNING COMMISSION RECOMMEND IN WRITING TO THE CITY COUNCIL THAT THE DEVELOPMENT AGREEMENT BE APPROVED AS PROPOSED. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 5-0-1-1 (COMMISSIONER ALVISTUR ABSENT, COMMISSIONER FRANCIS DISQUALIFIED).

Commissioner Francis returned to the room.

5.4. Text Amendment to Title 19 of the Chico Municipal Code (City of Chico) - A proposed text amendment to Title 19 Land Use and Development Regulations of the Chico Municipal Code, amending the existing regulations for second dwelling units in RR Rural Residential, RS Suburban Residential, R1 Low Density Residential, and R2 Medium Density Residential zoning districts. This project has been determined to be statutorily exempt from environmental review, pursuant to Section 15182(i) of the California Environmental Quality Act (CEQA) Guidelines (adoption of an ordinance regarding second units in a single-family, multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code). *Staff recommends that the Planning Commission recommend City Council adoption of the text amendment to Title 19.*

Ms. Figge presented the staff report, reviewing previous Council direction in addition to previous staff and Commission input. She noted that the proposed amendments will require a use permit for non-owner-occupied properties wishing to build a second unit, will require local contact information as a condition of use permit approval, will allow the Zoning Administrator to approve use permits for second units under certain conditions, and will clarify that the maximum allowed height for a second unit is 25 feet.

In response to Commissioner Schiffman, Ms. Figge explained that a covenant would be recorded against the property, providing constructive notice of the owner-occupancy requirements to any subsequent purchaser of the property.

In response to Commissioners Hughes and Monfort, Ms. Figge stated that the new second unit requirements would only apply to new second units constructed after the adoption of the regulations.

Commissioner Luvaas confirmed with Ms. Figge that use permits to legalize existing illegal second units would be heard by the Zoning Administrator, unless a particular request becomes controversial.

Commissioner Monfort discussed what circumstances would trigger revocation of a use permit. After discussion, it was noted that all conditions for second units have to be based on land use,

and that violation of conditions of approval would be sufficient to begin revocation proceedings, if necessary.

Commissioner Luvaas discussed staff workload with Ms. Figge, indicating that he didn't want to pose an undue burden on staff with burdensome permitting procedures.

The public hearing was opened at 7:20 p.m.

Ed Holohan, 1636 Laburnum Avenue, voiced agreement with the recommendations in the staff report.

There being no further comment, the public hearing was closed at 7:21 p.m.

Commissioner Luvaas confirmed with Ms. Figge that the 25 foot height restriction is sufficient to allow a second unit on top of a garage.

COMMISSIONER SCHIFFMAN MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-44 RECOMMENDING CITY COUNCIL ADOPTION OF THE TEXT AMENDMENTS TO SECTION 19.76.130 SECOND DWELLING UNITS OF TITLE 19 LAND USE AND DEVELOPMENT REGULATIONS. COMMISSIONER LUVAAAS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER ALVISTUR ABSENT).

5.5. Discussion of Holiday Meeting Schedule - Staff wishes to discuss the meeting schedule for the upcoming holiday season to ensure that the proposed meeting dates are acceptable, and that a quorum will be present at each meeting. Proposed meeting dates for this holiday season are **November 20th, December 4th and 18th, and January 8th and 22nd.**

Ms. Figge explained that the meeting on December 4th will actually be canceled. The Commission indicated that the schedule was acceptable; Commissioner Luvaas noted that he will be unable to attend the meeting on December 18th.

6. BUSINESS FROM THE FLOOR

Phil Smith, 884 Husa Lane, requested a discussion of project conditions and mitigation measures. He asserted that some conditions of approval and mitigation measures aren't being enforced by staff, particularly with regard to the various projects (including Husa Ranch and Nob Hill) near his home.

Marlene "Py" Pyshora, a previous speaker, urged the City to adopt a written policy concerning mitigation monitoring.

In response to Commissioner Schiffman, Mr. Seidler reviewed the City's process for adopting mitigation programs in conjunction with mitigated negative declarations.

Phil Smith, a previous speaker, stressed the need for a simple, open process.

Commissioner Luvaas expressed interest in agendizing mitigation monitoring for further discussion. After discussion, it was agreed to agendize this item for a brief workshop in early 2004.

Commissioner Luvaas expressed a desire for some sort of economic analysis of the projects which have been approved in 2003, to determine the economic brackets of the population for which the Commission has been approving projects.

Mr. Seidler cautioned that assembling such a list could be difficult; Ms. Figge noted that staff puts together a list of the preceding year's approvals every January, and that information could be forwarded to the Commission and that they could call some developers to find out what things are selling for.

Commissioner Francis asserted that the Commission can't dictate what's built or control the market.

Commissioner Luvaas asserted that the Commission can control what's built to a considerable extent; Commissioner Francis disagreed.

Commissioner Luvaas indicated that he's not going to abandon this issue.

7. PLANNING UPDATE

None.

8. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 7:49 p.m. to the Adjourned Regular Meeting of November 20, 2003, at 6:30 p.m.

December 18, 2003

-
Date Approved

Kim Seidler
Planning Director

CITY OF CHICO
PLANNING COMMISSION
ACTION SUMMARY
MEETING OF NOVEMBER 20, 2003
Municipal Center - 421 Main Street - Council Chambers
6:30 P.M.

1. ROLL CALL

Commissioners Vic Alvistur, Mary Brownell, Orval Hughes, Jon Luvaas, Kirk Monfort, and Irv Schiffman present. Commissioner Francis absent.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

3. CONSENT AGENDA

- 3.1. Minutes of the Adjourned Regular Meeting of January 16, 2003**
- 3.2. Minutes of the Regular Meeting of February 6, 2003**
- 3.3. Minutes of the Regular Meeting of October 2, 2003**

*Commissioner Monfort moved, seconded by Commissioner Hughes,
to approve the minutes of January 16, 2003, February 6, 2003, and
October 2, 2003.*

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

- 3.4 Parcel Map 03-15 (McIntyre, Gargas, Cozad, & Proctor) 1421 North Cherry Street - A request to subdivide a 0.33 acre parcel (14,166 square feet) located at 1421 North Cherry Street to create two lots for future single-family residential development. The property is currently developed with one single-family residence, which will be retained. The site is identified as Assessor's Parcel No. 043-131-007, is designated Medium Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Infill Development Projects).**

Pulled from the consent agenda by Mike Byrd.

4. ITEMS REMOVED FROM CONSENT AGENDA

- 4.4. Parcel Map 03-15 (McIntyre, Gargas, Cozad, & Proctor) 1421 North Cherry Street**

Public Speakers: Mike Byrd.

*A motion was made by Commissioner Monfort, seconded by Commissioner Luvaas, to approve the parcel map, with conditions.
Motion passed 6-0-1. Commissioner Francis absent.*

5. REGULAR AGENDA

- 5.1. Parcel Map 03-11 (Pinkert) 1965 Oak Way** - A request to subdivide a 1.02 acre parcel located at 1965 Oak Way (the southeast corner of Oak Way and Glenwood Avenue) to create three single-family residential lots. The property is currently developed with one single-family residence, which will be retained. The site is identified as Assessor's Parcel No. 042-640-017, is designated Low Density Residential on the City of Chico General Plan Diagram, and is rezoned R1 Low Density Residential. The property is currently in the process of annexation to the City of Chico. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Infill Development Projects).

Public Speakers: Doug Sutherland, Diane Johnson.

*A motion was made by Commissioner Monfort, seconded by Commissioner Brownell, to approve the parcel map, with conditions.
Motion passed 6-0-1. Commissioner Francis absent.*

- 5.2. Discussion of the Resource Management Area (RMA) General Plan Designation for Properties in Northeast Chico and in Association with the Jensen Park Subdivision S 03-14 (Agasy, Inc.) and other properties** - A request for Planning Commission interpretation of General Plan policy with regard to the Resource Management Area (RMA) designation as it pertains to properties in Northeast Chico, including the pending Jensen Park Subdivision, located on the east side of Ceanothus Avenue, opposite Straight and Narrow Way. In addition to the 9.3 acre Jensen Park site, a few parcels within the subject area have the potential for development, including a vacant 10-acre parcel and a 5-acre parcel. If the Planning Commission determines that the RMA designation is applicable to the subject properties, staff is also requesting that the Commission determine whether on-site protection of biological resources (0.66 acre of wetland/vernal pools) should be required in the case of the Jensen Park site. However, consideration of the map itself is not presently before the Commission as the environmental review process has not been completed.

Public speakers: Tony Symmes, Toni Rosenau, Greg Miller.

*A motion was made by Commissioner Schiffman, seconded by Commissioner Luvaas, that all areas indicated in Figure 7-1, including the triangular area near Wildwood Park, are in the RMA.
Motion passed 6-0-1. Commissioner Francis absent.*

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Planning Director Kim Seidler reviewed recent Council actions and the upcoming Enloe property charrette.

8. ADJOURNMENT

Adjourned at 8:02 p.m. to the Adjourned Regular Meeting of December 18, 2003, at 6:30 p.m.

March 17, 2005

Date Approved

Kim Seidler

Planning Director

CITY OF CHICO
PLANNING COMMISSION
ACTION SUMMARY
MEETING OF DECEMBER 18, 2003
Municipal Center - 421 Main Street - Council Chambers
6:30 P.M.

1. ROLL CALL

Commissioners Vic Alvistur, Mary Brownell, Jolene Francis, Kirk Monfort, and Irv Schiffman present. Commissioners Hughes and Luvaas absent.

2. DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Schiffman spoke to Marvin Gold and Commissioner Monfort spoke to Jim Stevens regarding the Yosemite Drive projects. Commissioner Brownell spoke to Jane Dolan and Linda Jones regarding the River Glen project. Commissioner Schiffman spoke to Ray Schoenfeld regarding the D & J project.

3. CONSENT AGENDA

3.1. Minutes of the Meeting of March 6, 2003

3.2. Minutes of the Meeting of November 6, 2003

*Commissioner Alvistur moved, seconded by Commissioner Brownell,
to approve the minutes of March 6, 2003, and November 6, 2003.
Motion passed 5-0-2. Commissioners Hughes and Luvaas absent.*

- 3.3. Parcel Map 03-16 (D & J Development LLC/Still Waters Industries LLC) Northwest corner of Ilahee Lane and West East Avenue, approximately 300 feet east of Cussick Avenue** - A request to subdivide a 1.15 acre site to create three parcels on the northwest corner of Ilahee Lane and West East Avenue. The parcels range in size from 14,480 square feet to 20,944 square feet, and will be developed with office buildings accessed from Ilahee Lane. The site is identified as Assessor's Parcel No. 042-450-045, is designated Office on the City of Chico General Plan Diagram, and is located in an OR Office Residential zoning district. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15315 (Minor Land Divisions).

Pulled from the consent agenda by Commissioner Schiffman.

4. ITEMS REMOVED FROM CONSENT AGENDA

4.3. Parcel Map 03-16 (D & J Development LLC/Still Waters Industries LLC) Northwest corner of Ilahee Lane and West East Avenue, approximately 300 feet east of Cussick Avenue

Public Speakers: Ned Kirkham and Dave Anderson

A motion was made by Commissioner Monfort, seconded by Commissioner Alvistur, that the Planning Commission find that the project is categorically exempt and adopt the Planning Commission Resolution No. 03-50 approving Tentative Parcel Map 03-16, subject to the findings and conditions contained therein and the additional following condition:

“No Parking” signs to be installed adjacent to Ilahee Lane.

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

5. REGULAR AGENDA

5.1. Floral Garden Estates Tentative Subdivision S 03-17/Boundary Line Modification 03-13 (Denney/Nichols) 2705, 2721, and 2747 Floral Avenue - A request to subdivide 4.4 acres located at 2705 and 2747 Floral Avenue to create 18 single-family lots ranging in size from 5,474 to 12,147 square feet. In addition, there is a separate request to approve a boundary line modification to adjust the common rear property line for 2705 and 2721 Floral Avenue. The site is currently developed with three existing single-family homes. The subdivision will result in 16 new single-family lots. The site, including both the subdivision and boundary line modification, is identified as Assessor’s Parcel Nos. 048-600-055, 048-600-056, and 048-600-057, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA).

Public Speakers: Bob Feeney

A motion was made by Commissioner Alvistur, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 03-49, adopting the mitigated negative declaration and approving Floral Garden Estates Tentative Subdivision Map (S 03-17), subject to the required findings and conditions of approval contained therein and the additional following condition:

The elimination of on-street parking opposite lots 7, 8 and 9, with a four-foot landscaped planter to be installed on the north side of Street A in the same location.

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

- 5.2. **Skycreek Park Subdivision Phase 1 S 03-6 (Bellin) West Side of Marauder Street** - A request to subdivide 21.22 acres located on the west side of Marauder Street, 475 feet north of Ryan Avenue, to create 11 lots, one for single family residential use (existing) and ten for light industrial development. The map also includes 4.35 acres of public open space and 1.51 acres of private open space for storm drainage management purposes. In addition, 12.54 acres are designated as “remaining lands” for future subdivision. The site is identified as Assessor’s Parcel Nos. 047-560-087, 088 and 100, is designated Manufacturing and Warehousing on the City of Chico General Plan Diagram, and is located in an ML-RM Light Manufacturing/Industrial with Resource Management Overlay zoning district. Pursuant to the California Environmental Quality Act (CEQA), a mitigated negative declaration was previously adopted for this project.

Public Speakers: Georgie Bellin

A motion was made by Commissioner Alvistur, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 03-52 finding that the project has been addressed in a previously adopted Mitigated Negative Declaration and approving Sky Creek Phase 1 Vesting Tentative Subdivision Map 03-06 (Bellin), subject to the required findings and conditions of approval and the additional following condition:

A comprehensive onsite pedestrian path system shall be provided equal or greater than what would be required as part of standard improvements.

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

- 5.3. **Jensen Park Subdivision S 03-14 (Agasy, Inc.) East side of Ceanothus Avenue, opposite Straight and Narrow Way** - A request to subdivide 9.3 acres located on the east side of Ceanothus Avenue, opposite Straight and Narrow Way, into 42 lots for single-family residential development. The average lot size is approximately 7,125 square feet, with a proposed overall density of approximately 4.52 units per acre. The site is identified as Assessor’s Parcel Nos. 048-740-006 and 007, is designated Low Density Residential on the City of Chico Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA).

Public Speakers: Tony Symmes, Tom Rosenau, John Merz, and Dayton Claudio

A motion was made by Commissioner Brownell, seconded by Commissioner Monfort, that the Planning Commission adopt Resolution No. 03-51, adopting the mitigated negative declaration and mitigation monitoring program, and approving Jensen Park Vesting Tentative Subdivision Map (S 03-14), subject to the findings and conditions contained therein and the additional following condition:

The bollards on Arch Way shall remain until the roads in the project are paved.

Motion passed 4-0-2-1. Commissioners Hughes and Luvaas absent. Commissioner Francis disqualified.

- 5.4. **Vesting Tentative Subdivision Map S 02-19 & Final Development Plan for Planned Development Permit PDP 03-02 for the Yosemite Commons subdivision located at the southeast corner of the Yosemite Drive/Idyllwild Circle intersection (Sunset Development, LLC)** - A request to divide a 1.9 acre parcel into 12 single-family residential lots, at a net density of 6.3 units per acre. Proposed lots range in size from 4,006 square feet (s.f.) to 5,312 s.f., with an average lot size of 4,898 s.f. Through the PDP, the applicant is requesting approval of a density which exceeds six units per acre, lot sizes below the R1 district standards, reduced building setbacks, and maximum lot coverage up to 50% on all lots. Modifications to City subdivision design criteria and improvement standards are also be requested to allow the width of a public alley to exceed the City's standard and to allow lots with a depth to width ratio in excess of three to one. Access for the proposed subdivision would be via a two-way public alley with one access point off Yosemite Drive and one off Idyllwild Circle. The site is identified as Assessor's Parcel No. 011-900-004, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. The Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA).
- 5.5. **Vesting Tentative Subdivision Map S 02-20 & Final Development Plan for Planned Development Permit PDP 03-01 for the Yosemite at 32 subdivision located at the northeast corner of the Yosemite Drive/State Highway Route 32 intersection (Sunset Development, LLC)** - A request to divide a 5.27 acre parcel into 25 single-family residential lots, 3 duplex lots, and 4 triplex lots. A minimum of 43 units would be located on the site at a net density of 9.4 units per acre. Proposed lots range in size from 4,000 square feet (s.f.) to 11,299 s.f. with an average lot size of 5,156 s.f. As part of the PDP, the applicant is requesting a reduction in the City's minimum lot width requirements and reduced building setbacks. Modifications to City subdivision design criteria and improvement standards are also being requested to allow the width of public alleys to exceed the City's standard and to reduce the width of a portion of a public road below City standards. Access for the proposed subdivision would be via a series of public streets and alleys with one new access point proposed off Yosemite Drive. The site is identified as

Assessor's Parcel No. 011-900-002, is designated Medium Density Residential on the City of Chico General Plan Diagram, and is located in an R2 Medium Density Residential zoning district. The Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA).

Commissioner Francis explained that one staff report and one public hearing would be held for these two projects, as most of the issues which have been raised by the public apply to both projects.

Mr. Murphy presented the staff report, reviewing the land use issues involved, details of the projects, and previous direction to staff and the applicant concerning these two projects. He reviewed the neighbors' concerns about the projects, including storm water quality and quantity, traffic, parking, and density. He reviewed correspondence discussing the drainage situation, including the peer analysis and various responses to that analysis from both staff and the California Park Association. He noted that the applicant proposes to retain the rock wall along SR 32, with landscaping in between the wall and the highway, and that the applicant still wishes to build a two-story home on Lot 26 of Yosemite at 32.

Mr. Alexander reviewed the drainage in the area, including the history of the Lake Vista subdivision. He explained that as a result of the peer review, a detention basin will be built in the Lake Vista subdivision to detain additional water in the northern drainage area (which goes to the ponds). In the southern drainage area, which flows between these two projects, the combination of vegetation trimming in the channel and the construction of the flood wall by Mr. Halbert should fully mitigate any flooding problems caused by Lake Vista. He explained that the City is pursuing an ultimate management plan for this tributary of Dead Horse Slough, and that applications are being prepared to submit to the Corps of Engineers to allow alterations to the streambed. He acknowledged that there continues to be a problem with water quality due to sediment-laden water flowing off the Lake Vista site, and related staff's meetings with both the Regional Water Quality Control Board (RWQCB) and the developer. He added that these two projects will be required to retain some stormwater onsite to maintain the City's standard of no net increase in peak flow.

In response to Commissioner Monfort, Mr. Alexander reviewed water quality mitigation measures which have been installed as part of the Lake Vista project, both during construction and as part of the final improvements. He explained that while the City cannot fine the developer for storm water quality violations, it can issue a stop work order until the mitigation measures are restored. He also noted that the RWQCB is fully informed of the water quality problems in this area, and that the developer met with the RWQCB earlier in the week.

Mr. Murphy stated that after the City approves the mitigation plan, it's up to the RWQCB to enforce any violations.

In response to Commissioner Francis, Mr. Alexander stated that the developer must document each failure with the RWQCB and come up with a solution. He noted that the RWQCB does have the ability to levy fines, and that public works inspectors do take pictures of failed mitigation measures.

Mr. Murphy suggested that the City may wish to require some sort of regular reporting mechanism, such as having the developer provide the same information to the City that is provided to the RWQCB, so that the City has a record of each event.

There was additional Commission discussion concerning storm drainage. Commissioner Francis confirmed with Mr. Alexander that the detention basin for Lake Vista will be constructed as soon as is practicable.

Commissioner Francis also pointed out that much of what is being discussed doesn't apply to the two projects which are before the Commission.

Commissioner Alvistur confirmed with Mr. Alexander that approval of these projects won't make the flooding problem worse.

Mr. Seidler endorsed Mr. Murphy's idea for regular reporting of stormwater incidents.

In response to Commissioner Alvistur, Mr. Alexander explained activities undertaken to clear the slough and establish a permanent maintenance mechanism.

The public hearing was opened at 9:24 p.m.

Jim Stevens, 20 Declaration Drive, representing the applicant, reviewed stormwater problems with the Lake Vista project, the peer analysis, and the recommended stormwater measures. He noted that the runoff calculations are based on post-construction runoff, making stormwater runoff during construction somewhat problematic. He stated that they are in weekly contact with the RWQCB, noting that they are not only required to confirm that all measures are in place any time the chance of precipitation is greater than 30%, but also observe their effectiveness after each storm. He stated that the RWQCB is in general agreement with what is being done. He stated that the California Park Association is rightly concerned about silt getting into the lake, and pointed out that the developer has met with the Association and has agreed to help dredge the ponds in the spring.

In response to Commissioner Monfort, Mr. Stevens stated that he has no objection to postponing construction for the two projects until the dry season. He added that he'd be happy to share the log of stormwater events with the City, as requested.

Mr. Stevens reviewed other design aspects of the project, noting that the densities are within the allowed ranges for the General Plan designations, and that parking on Yosemite Drive will help calm traffic. He requested that it be clarified in the Yosemite at 32 report that the landscaping in front of the wall be in the public right-of-way, and that the alleyway is wider than the City standard. He stated that the applicant would prefer to keep the rock wall along Highway 32 on private property, and is recommending that a fence be built at the end of Half Dome Way to help reinforce the idea that the wall is private. He added that they'd also like to keep a two-story house on the southeast corner of the project (Lot 26), to take advantage of the view.

Commissioner Francis confirmed with Mr. Stevens that the planting in front of the wall would be similar to that which exists on SR 32 between Forest Avenue and the freeway.

Marvin Gold, 9 Catalina Point Road, spoke in opposition to the projects, expressing concern about additional sediment discharge in the California Park Lake. He made a Powerpoint presentation, showing various pictures of sediment entering the lake, inadequate water quality measures, and other drainage issues. He pointed out that erosion during construction was not part of the peer drainage review.

Commissioner Monfort confirmed with Mr. Gold that the best prevention is to not have a lot of ground torn up during the winter months.

Richard Arnsdorf, 10 Goldeneye Court, spoke in opposition to the projects, expressing concern with drainage, density, parking on Yosemite Drive, the narrow width of the alley, and the lack of yards. He also expressed concern over the number of modifications to design criteria being requested by the applicant.

Pam Giuliano, 8 Shearwater Court, spoke in opposition to the projects, citing concerns with inadequate clearing of the slough, parking on Yosemite Drive, and density.

Barbara Copeland, 374 Brookside Drive, noted her involvement in City planning back in the 70's. She spoke in opposition to the projects, citing concerns with project density, drainage, and parking on Yosemite Drive. She urged the City to closely monitor all required mitigation measures.

Ursula Parker, 44 Edgewater Court, stated that she is a boardmember of Sierra Sunrise, and that she hasn't received any information about working with anyone to clean up the slough.

Mary Jensen, 45 Edgewater Court, spoke in opposition to the projects, citing concerns with drainage, the untimely distribution of the peer review, the lack of open space, and density. She likened the developer being required to monitor his own storm water mitigation measures to a fox guarding the henhouse. She requested that Sunset Development be required to obtain approval from the California Park Association before proceeding.

Gary Salberg, 3 Princess TJ Court, voiced agreement with the previous speaker. He asserted that it isn't elitist to want lower density, and stated that he doesn't want any more mud in the lake.

Rudy Jensen, 45 Edgewater Court, spoke in opposition to the project. He confirmed that each of the Commissioners had been given a copy of the petition, and asserted that many citizens are frightened by what they're seeing built.

In response to Commissioner Schiffman, Mr. Murphy explained that this project is subject to foothill standards; however, there are no oaks or creeks to preserve, and the Commission previously determined that the proposed density was suitable for the site. He noted that in terms of viewshed, both projects are lower than SR 32, and are at virtually the same elevation as adjoining properties. He noted that staff

believes that the density is appropriate, and that the design conforms with the Community Design Element of the General Plan.

Commissioner Schiffman inquired what would happen if the developer didn't receive the requested modifications to design criteria.

Jim Stevens, a previous speaker, answered that it would be difficult to answer the question. He noted that multi-family development up to 14 units per acre is allowed by right on the Yosemite at 32 parcel, and that the developer is only before the Commission because of his desire to build a single-family project. He also noted that the original proposal was for a less-dense project, and that it was the Commission which wanted the density increased. He noted that the other requested modifications are to facilitate the rear-loaded design of the lots, which is encouraged in the General Plan. He reiterated that the parking on Yosemite Drive will help calm traffic, and that the on-street parking is supported by staff.

The Commission discussed landscaping adjacent to the rock wall; Mr. Stevens reiterated the applicant's desire to keep the wall in private ownership.

In response to Commissioner Brownell, Mr. Stevens explained that they need to wait for dry weather to dredge the ponds and construct the new detention basin. He stated that it will be possible to build both projects before next winter, and that they would gladly terminate construction and button up the site if construction isn't completed before the rainy season begins.

Commissioner Brownell reiterated her desire to put the wall in common ownership and require joint maintenance of the wall and landscaping.

Mr. Stevens pointed out the high cost of a homeowners association, and doesn't see why the two property owners couldn't maintain it.

There being no further comment, the public hearing was closed at 10:55 p.m.

The Commission was in recess from 10:55 to 11:01 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-47, ADOPTING THE PROPOSED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND APPROVING VESTING TENTATIVE SUBDIVISION MAPS 02-19 AND PLANNED DEVELOPMENT PERMIT 03-02 FOR YOSEMITE COMMONS (SUNSET DEVELOPMENT), SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL, WITH AN ADDITIONAL CONDITION THAT NO WORK BE PERFORMED DURING THE RAINY SEASON, AND THAT IF WORK IS NOT COMPLETED BEFORE THE NEXT RAINY SEASON, THAT WORK BE STOPPED AND THE SITE BUTTONED

UP AND HYDROSEEDED. COMMISSIONER ALVISTUR OFFERED AN AMENDMENT THAT THE REPORTS GOING TO THE RWQCB ALSO BE PROVIDED TO PUBLIC WORKS; COMMISSIONER MONFORT ACCEPTED THE AMENDMENT. COMMISSIONER FRANCIS SECONDED THE MOTION.

Commissioner Schiffman stated he would vote against the motion, opining that this land isn't ready to be built on, and that there are too many questions about drainage.

Commissioner Monfort pointed out that the timing condition is the best mitigation for water quality, and that the quantity measures have been reworked based on an independent analysis; he inquired what other measures could be imposed.

Commissioner Brownell suggested that the applicant work with the California Park Association to dredge the lake; Mr. Seidler replied that the Commission can only deal with impacts related to the projects before the Commission.

THE MOTION PASSED 4-1-2 (COMMISSIONER SCHIFFMAN OPPOSED, COMMISSIONERS HUGHES AND LUVAAS ABSENT).

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 03-48, ADOPTING THE PROPOSED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND APPROVING VESTING TENTATIVE SUBDIVISION MAPS 02-20 AND PLANNED DEVELOPMENT PERMIT 03-01 FOR YOSEMITE AT 32 (SUNSET DEVELOPMENT), SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL, WITH ADDITIONAL TIMING AND REPORTING CONDITIONS IDENTICAL TO THE PREVIOUS PROJECT, THAT THE HOUSE ON LOT 26 BE LIMITED TO SINGLE STORY CONSTRUCTION, AND THAT THERE BE LANDSCAPING BOTH ON AND IN FRONT OF THE ROCK WALL. COMMISSIONER FRANCIS SECONDED THE MOTION.

Commissioner Brownell stated that she would vote against the motion, opining that the wall needs to be in joint ownership and maintenance.

Commissioner Alvistur noted that the Commission has met several times for both of these projects, and that the consensus is that the density is appropriate and called for in the General Plan.

THE MOTION PASSED 3-2-2 (COMMISSIONERS BROWNELL AND SCHIFFMAN OPPOSED, COMMISSIONERS HUGHES AND LUVAAS ABSENT).

Commissioner Francis stated that the Commission's decision can be appealed to the City Council within ten calendar days.

5.6. Conceptual Review of Vesting Tentative Subdivision Map and Planned Development Permit (S/PDP 03-18) for the River Glen Subdivision (Marshall/Conroy) located on the north side of Glenwood Avenue, just west of State Highway Route 32/Nord Avenue - Conceptual review of a subdivision map and accompanying planned development permit (PDP) to divide a 5.23 acre parcel into 29 lots, 27 of which would be developed with single-family residences at a density of 5.2 units per acre. Proposed residential lots range in size from 4,548 square feet (s.f.) to 10,765 s.f. with an average lot size of 5,727 s.f. One of the remaining lots (Lot A) will be dedicated to the City as open space (.16 acres), while the other lot (Lot B) would retain an existing commercial business along State Highway 32/Nord Avenue. Access to the proposed subdivision would be via a new public street off Glenwood Avenue. As part of the PDP, the applicant is requesting the following modification to standards: (1) allow reduced lot size for corner lots; (2) allow lot coverage to exceed 40 percent; (3) allow reduced building setbacks; and (4) allow second units on lots with alley access. The applicant is also requesting modifications to City subdivision design criteria and improvement standards to allow certain deviations to street and drainage standards. In addition, the PDP includes a use permit request to allow second dwelling units on Lots 13-20 and 23-27. Final approval would be contingent on the Planning Commission's review and approval of the final development plan and relevant environmental documents at a subsequent Planning Commission meeting. The site is identified as Assessor's Parcel No. 042-130-001, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district.

Commissioner Francis announced that she is disqualified from hearing this item, as her employer has a financial relationship with the applicant. She left the room.

Senior Planner Patrick Murphy presented the staff report, reviewing the land use issues involved and details of the project.

The Commission discussed what sort of agricultural buffer would be required for this project; Mr. Murphy pointed out that 100 feet is standard pursuant to City ordinance, but that 60 feet is proposed in this case due to the location of existing homes in the area. He noted that the application is still incomplete, and hasn't yet been routed to the County for comments.

The public hearing was opened at 11:33 p.m.

Jim Stevens, NorthStar Engineering, 20 Declaration Drive, representing the applicant, agreed that bollards on the old county right-of-way is a good idea. He offered to rotate lots 1 and 2, as well as lots 21 and 22, if desired by the Commission. He noted that there is room to put an additional parking space onsite if a buyer chooses to add a second unit above the garages on those lots with alley access, that the shaded areas next to the road are proposed to be dedicated to the City (but included in the maintenance district) with some sort of focal feature and pedestrian access, and that the project will utilize the existing storm drain outfall.

Karen Schuller, 1278 Glenhaven Drive, spoke in opposition to the project, expressing concerns about storm drainage and traffic.

There being no further comment, the public hearing was closed at 11:56 p.m.

COMMISSIONER MONFORT MOVED CONCEPTUAL APPROVAL OF THE PROJECT, PROVIDED THAT THE AGRICULTURAL BUFFER ISSUE IS RESOLVED, AND THAT STORM DRAINAGE IS ADEQUATELY ADDRESSED. COMMISSIONER SCHIFFMAN SECONDED THE MOTION, WHICH PASSED 4-0-1-2 (COMMISSIONER FRANCIS DISQUALIFIED, COMMISSIONERS HUGHES AND LUYAAS ABSENT).

6. BUSINESS FROM THE FLOOR

None.

7. PLANNING UPDATE

Planning Director Kim Seidler reviewed recent Council actions including details of the Housing Element.

8. ADJOURNMENT

Adjourned at 11:58 p.m. to the Adjourned Regular Meeting of January 22, 2004, at 6:30 p.m.

April 7, 2005
Date Approved

Kim Seidler
Planning Director