

BOARD OF ADMINISTRATIVE REVIEW
 Regular Meeting, 2 p.m.
 Wednesday, May 7, 2008
 Caldwell Park Conference Room, City Hall
 777 Cypress Avenue
 Redding, California 96001

M I N U T E S

Chairman Michele Goedert called the meeting to order at 2 p.m., with Senior Planner Lily Toy, Land Development Manager Marty Wayne, Senior Planner Kent Manuel, Associate Planners Zach Bonnin and Linda Burke, and Executive Assistant II Anita Felion present.

PUBLIC HEARING - PARCEL MAP PM-20-01, which granted Marlene Hughes permission to divide 2.29 acres into four single-family residential lots on property located at 1605 Mistletoe Lane in an "RS-3" Residential Single Family District. ***Request for two-year extension. Environmental Determination: Categorically Exempt. Staff Recommendation: Approval. L-010-150***

Associate Planner Linda Burke summarized the staff report. She said the parcel map was originally approved in 2002 for a period of three years and, in 2005, the applicant was granted a three-year extension. She stated that this two-year extension request was the final extension allowed by the City's Subdivision Ordinance and the Subdivision Map Act. Ms. Burke described the property and noted that vegetation consisted of a dense coverage of oak trees and natural grasses. She mentioned that conditions of approval included a requirement for the dedication of additional right-of-way for the widening of Mistletoe Lane to 60 feet and frontage improvements of curb, gutter, sidewalk, tie-in paving, and drainage. She said staff recommended that the Board of Administrative Review approve Parcel Map PM-20-01 Extension subject to the previously approved conditions of approval.

Senior Planner Lily Toy inquired about tree preservation. Ms. Burke advised that the map was approved prior to approval of the Tree Management Plan. She noted that there would be some removal of the trees due to construction of homes but that only the front portions of the lots would be graded to drain to the street and the rear of the lots would be left in a natural state.

Land Development Manager Marty Wayne mentioned that Conditions 4 and 14 both addressed the requirement for grading permits upon development of each parcel. He said he would remind his staff to consult with Planning staff for the tree-preservation requirements. The Chairman opened the public hearing at 2:04 p.m. Determining that no one wished to speak, the Chairman closed the public hearing at 2:05 p.m.

Motion: Senior Planner Lily Toy moved that the Board of Administrative Review approve Parcel Map PM-20-01 Extension subject to the previously approved conditions of approval.

Second: Land Development Manager Marty Wayne.

Ayes: Senior Planner Toy, Land Development Manager Wayne, Chairman Goedert.

Noes: None.

PUBLIC HEARING - SITE DEVELOPMENT PERMIT APPLICATION SDP-19-07, by John West, requesting approval to replace a house destroyed by fire that was constructed within the Prince Drive right-of-way on property located at 1002 California Street in an "RM-20" Residential Multiple Family District. ***The proposed reconstruction will eliminate the encroachment into the right-of-way and result in a zero setback from the street. Environmental Determination: Categorically Exempt. Staff Recommendation: Approval. L-010-390-700***

Associate Planner Zach Bonnin summarized the staff report. He noted that the original house, which was owned by Ken Gastineau, was constructed in the early 1950s and, in 1985, was rehabilitated, using HUD funding available through the City of Redding. Mr. Bonnin stated that during the rehabilitation project, it was determined that the structure was located three feet over the property line and within the Prince Street right-of-way. He indicated that in November 2006, the structure completely burned and was subsequently demolished.

Mr. Bonnin continued that the City of Redding Municipal Code Section 18.46.040.E (Nonconforming Sites) allowed for a nonconforming structure destroyed by fire to be replaced without complying with the setbacks and other provisions of the Zoning Code. He observed that the proposed residence would be relocated so that it would be fully within the property lines but have a zero lot-line setback instead of the required 15-foot corner side-yard setback. Mr. Bonnin explained that a two-car garage was also required when a new residence was constructed, but due to the site restraints, cost to reconstruct, lack of garages on other properties, and concerns that it might negatively affect the large redwood tree at the southwest corner, staff recommended that a garage not be required. He noted that the previously existing residence did not have covered parking.

According to Mr. Bonnin, the adjacent property owner (Mari Marien) to the south at 1015 California Street had expressed general concerns in a letter submitted to staff, regarding the existing large tree at the southwest corner of the property and its proximity to the location of the newly constructed residence. He said staff reviewed the location of the tree and determined that the reconstruction of the house would have little effect on the tree, because it was located outside the drip line of the tree.

Mr. Bonnin mentioned the waterline on the property that ran to a faucet, which would be addressed and replaced with construction of the house, according to the contractor, John West. He said staff recommended that the Board of Administrative Review approve Site Development Permit Application SDP-19-07 subject to the conditions of approval, which he reviewed.

More discussion ensued regarding the waterline and parking. Mr. Bonnin explained that the owner had previously parked behind the house. He explained that the apartment complex across the street needed two more parking spaces when it was built, so two of the four parking spaces available behind the house had been used by the apartment residents. The Chairman opened the public hearing at 2:16 p.m.

Mari Marien, adjacent property owner, stated that the fire destroyed the home completely when eight gallons of gas were kicked over during the fire. She claimed that Mr. Gastineau collected many items, and she worried about the toxic chemicals he stored in his home and on the property. Ms. Marien asked that the permit have more conditions placed on it.

Ms. Marien addressed the tree that she and Mr. Gastineau shared on their property line and noted that a shed on Mr. Gastineau's property had previously covered the feeder roots. She asserted that the tree was not as healthy as the ones in her yard. She requested an additional condition that Mr. Gastineau never be allowed to impact or move the dirt for construction of a shed or garage by the tree.

Mr. Bonnin explained that adding a condition for the tree would make it difficult in the future if the owner wanted to build a garage.

Senior Planner Kent Manuel concurred with Mr. Bonnin. He explained that Mr. Gastineau had been living somewhere else for quite some time and that he was anxious to get back into his home. He voiced concern if staff were to condition the tree only on Mr. Gastineau's property, pointing out that if someone bought Ms. Marien's property in the future, the new owner would be allowed to cut down the tree. He suggested that perhaps Ms. Marien would also be willing to place a deed restriction on her property for protection of the trees. Ms. Marien countered that if the tree died, she would incur a big expense in removal and disposal of the tree. The Chairman closed the public hearing at 2:24 p.m.

Chairman Michele Goedert confirmed that a condition would be added to require replacement of the private waterline between the meter and the house. She agreed with Mr. Manuel that Ms. Marien's request for an additional condition on the tree would place an undue burden on the property owner. She pointed out that there were other trees in the neighborhood that could fall down at any time, as well. Mr. Manuel mentioned that Mr. Gastineau could be required to consult an arborist if he were to make any improvements between the house and the west property line but that the condition would not be foolproof. He also asked about requiring gravel to be placed from the existing alley to the right-of-way.

Land Development Manager Marty Wayne pointed out that a building under 120 square feet could be built without a building permit.

Motion: Senior Planner Lily Toy moved that the project be found categorically exempt under the provisions of the California Environmental Quality Act and that, based upon the testimony presented by staff, the Board of Administrative Review determine that the necessary findings for approval as identified in Section 18.13.090 of the Redding Municipal Code are in evidence and that the permit be granted subject to the conditions of approval as recommended by staff, including the addition of Condition 8, requiring replacement of the waterline between the meter and the house and Condition 9, requiring a paved driveway 12 feet wide, to be constructed from the edge of pavement in the Prince Street right-of-way to the property line.

Second: Land Development Manager Marty Wayne.

Ayes: Senior Planner Toy, Land Development Manager Wayne, Chairman Goedert.

Noes: None.

BUSINESS FROM THE FLOOR

Mari Marien thanked staff from the Planning and Building Divisions for their excellent service and professionalism when she had needed their services.

ADJOURNMENT

There being no further business to come before the Board, Chairman Michele Goedert adjourned the meeting at 2:34 p.m.

Anita M. Felion, Executive Assistant II

Michele Goedert, Chairman