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REDDING PLANNING COMMISSION
 Regular Meeting, 4 p.m.
 Tuesday, May 23, 2006
 City Council Chambers
 777 Cypress Avenue
 Redding, California 96001

MINUTES

Chairman Randy Memeo called the meeting to order at 4 p.m., with Commissioners Jim Chapin, Michele Goedert, Bert Meyer, and Chris Young present. Absent were Commissioners Gary Brickwood and Randall Smith. Also present were Development Services Director Jim Hamilton, Land Development Manager Gary Otremba, Planning Manager Douglas DeMallie, City Attorney Rick Duvernay, Senior Planners Kent Manuel and Lily Toy, and Executive Assistant II Anita Felion.

ELECTION OF OFFICERS

Motion: Commissioner Michele Goedert nominated Commissioner Bert Meyer for Planning Commission Chairman for the coming year.

Second: Commissioner Chris Young.

Ayes: Commissioners Chapin, Goedert, Memeo, Meyer, and Young.

Noes: None.

Abstain: None.

Absent: Commissioners Brickwood and Smith.

Motion: Commissioner Jim Chapin nominated Commissioner Michele Goedert for Planning Commission Vice Chairman for the coming year.

Second: Commissioner Chris Young.

Ayes: Commissioners Chapin, Goedert, Memeo, Meyer, and Young.

Noes: None.

Abstain: None.

Absent: Commissioners Brickwood and Smith.

Commissioner Randy Memeo noted that Commissioner Randall Smith, who was absent at today's meeting, had voiced his support for Bert Meyer as Chairman.

Chairman Bert Meyer complimented Commissioner Randy Memeo for his work and thanked him for chairing the Planning Commission meetings this past year.

TENTATIVE SUBDIVISION MAP APPLICATION S-10-01, SUMMERFIELD MEADOWS SUBDIVISION, UNIT 2, by Greg Snow, requesting approval to divide 24 acres to create 57 lots for development of single-family homes on property located at the north terminus of Reflection Street, the east terminus of Seedling Drive, and south and west of Sacramento Drive in an "RS-2" Residential Single Family District. Environmental Determination: Mitigated Negative Declaration. Staff Recommendation: Approval. S-100-711

Planning Manager Douglas DeMallie summarized the staff report and responded to questions from the Commissioners. He mentioned that the Planning Commission had considered the tentative map at its meeting of October 11, 2005, and approved the map with a 5-0 vote. He continued that the decision had been appealed to the City Council by Ivan Hall, a resident on Star Drive, based on the issue of an inadequate traffic analysis. Mr. DeMallie advised that the City Council upheld the appeal and referred the matter back to the Planning Commission for a more extensive traffic study, directed recirculation of the Mitigated Negative Declaration, and expanded the geographic area for the Planning Commission meeting notice to 866 property owners. The second traffic study was discussed by Mr. DeMallie, who noted that new 24- to 48-hour weekday counts were conducted in October, November, and December 2005.

Mr. DeMallie stated that a survey form was sent by the City to 91 residents along Star/Sacramento Drives to determine whether the neighborhood would be in agreement with traffic-calming measures along Star/Sacramento Drives to reduce speeding and inattentive driving; 43 percent of the survey recipients responded, all in favor of traffic-calming measures.

Also mentioned by Mr. DeMallie was the potential extension of Creekside Street, anticipated to be constructed in the future with development of the Michiels/McConnell property south of South Bonnyview Road.

Mr. DeMallie observed that the tentative map had been conditioned to improve the intersection of Eastside Road and Star Drive with a dedicated southbound left-turn lane from Eastside Road onto Star Drive. This would entail the widening of pavement on Eastside Road by approximately 10 feet, left-turn pocket channelization and striping, transitions and tapers to existing pavement, utility-box and pole location on the west side of Eastside Road, gravel shoulders, and relocation of the Star Drive stop bar and stop sign. Regarding the traffic-calming measures on Star/Sacramento Drives, he indicated that five speed cushions would be spaced every 700 to 1,000 feet to slow traffic down. The added Condition 10.5, regarding traffic-calming improvements at the intersection of Creekside Street and Seedling Drive, was mentioned by Mr. DeMallie, noting that the developer was willing to improve the intersection at his expense in anticipation of the future Creekside Street extension. He indicated that several letters had been received regarding the traffic study, traffic safety, and concerns about emergency access created by the railroad tracks. Mr. DeMallie noted that the Fire Marshal reviewed the project and was satisfied with the access to the neighborhood. He said staff recommended that the Planning Commission adopt the Mitigated Negative Declaration and approve Tentative Subdivision Map Application S-10-01, Summerfield Meadows Subdivision, Unit 2, subject to the conditions of approval, which he reviewed, including the addition of Condition 10.5.

Development Services Director Jim Hamilton acknowledged residents Ivan Hall and John Biendara for their participation in reviewing the traffic analysis and providing feedback and for Mr. Hall's canvassing of the neighborhood regarding the project. He also mentioned the letters written by them that were included with the staff report.

Commissioner Jim Chapin inquired if this project would be sharing in the future cost of extending Creekside Street. Mr. DeMallie responded that the developer would be paying into the Traffic Impact Fees program but that the Creekside Street extension was not currently on the Fee project list. He anticipated that the Creekside Street extension would be the requirement of the development of the property to the north.

Commissioner Randy Memeo asked if the Redding Police Department (RPD) had been contacted regarding the speeding problem in the neighborhood. Mr. Hamilton advised that he had spoken with Sergeant Severson of RPD, who agreed to place speed trailers in the neighborhood. The Chairman opened the public hearing at 4:31 p.m.

Greg Snow, applicant, said he had written a letter to Ivan Hall, stating that he would be willing to spend up to \$100,000 for traffic-calming measures on Star/Sacramento Drives, provided the neighbors wanted them, which they did. He contended that his development was just a small part of neighborhood traffic issues. He remarked that the left-turn lane on Eastside Road and traffic-calming measures would probably cost between \$150,000 and \$200,000. Mr. Snow pointed out that both the 2002 Traffic Study and 2006 Traffic Study concluded that mitigation was not required with the project, based upon the level-of-service evaluation. He commented that the 2006 Traffic Collision Analysis determined that with development of the project, the number of vehicle collisions would decrease at the Eastside Road/Star Drive intersection.

Ivan Hall stated that he supported the revised project. He thought the speed cushions were a good idea and was pleased with Mr. Snow's willingness to pay for them. He appreciated staff's identifying impacts in advance and contacting and working with the residents. Mr. Hall said he would like to see the City adopt guidelines that would analyze traffic impacts along with the traffic studies that were required, so that residents who were going to be impacted by infill development would be notified and advised of the increases in traffic and brought into the process. He believed residents

outside the 300-foot noticing requirement set by the State should also be notified of proposed developments.

John Biendara noted that he had opposed the development from the beginning and would continue to oppose it after today's meeting. He was convinced that staff had made its determination regardless of the facts. He remarked that the calculations in the traffic study were just estimates. Mr. Biendara claimed that the City, not the developer, had the obligation to install the traffic-calming measures. He maintained that the intersection of Eastside Road and Star Drive was unsafe and declared that he would hold the City responsible for the fatalities at the intersection. Mr. Biendara voiced support for roundabouts.

Roger Sherwood said he had watched the traffic situation get worse over the years. He contended that someone would be killed at the Eastside Road intersection. He claimed that 40 or 50 cars would back up at the railroad tracks and believed someday there would be a spill from a railroad car. Mr. Sherwood stated that South Bonnyview Road could not handle the current traffic load. He mentioned flooding and water-pressure concerns. Mr. Sherwood said the City was destroying his way of life.

Land Development Manager Gary Otremba advised that the widening of South Bonnyview Road would be starting in spring 2007.

Roy Reddin, a resident of Island Drive, worried that residents would start cutting through Island Drive to get to Highway 273, thereby causing safety issues on his street. He voiced concern that there would be a chlorine gas leak from a railroad car and that residents would have trouble getting out safely.

Dale Hillman agreed with Mr. Reddin. He claimed that it was a "nightmare" already at Girvan Road and Highway 273. He did not like the idea of the speed cushions, believing drivers would try to avoid them and use Island Drive instead.

Jim Pace expressed concern for the pedestrians and bicyclists using the chokers. Mr. DeMallie advised that speed cushions, not chokers, were proposed for use on Star/Sacramento Drives.

Dennis Whitaker opposed the subdivision, citing too much traffic already in the area. He believed residents who lived close to Eastside Road would have trouble backing out of their driveway. He requested a roundabout on Eastside Road. Determining that no one else wished to comment, the Chairman closed the public hearing at 5:03 p.m.

Replying to Commissioner Michele Goedert's questions about traffic calming and four-way stops along Star/Sacramento Drives, Mr. Otremba advised that bulbouts provided additional benefits, but roundabouts were more difficult to retrofit and right-of-way had to be acquired. Regarding four-way stops, Mr. Otremba explained that the need for them was based on the amount of accidents at the location being considered.

John Abshier, Associate Civil Engineer, advised that stop signs were not traffic-calming devices. He added that if stop signs did not meet the criteria, such as 500 vehicles per hour entering the intersection averaged over eight hours, they tended to be ignored and drivers would run them.

Mr. Memeo felt most people would stop at stop signs. Mr. Abshier explained that people would initially stop at the stop signs, but that over time, they would start rolling through and then running them. He indicated that there would also need to be 5 accidents in a 12-month period; at the Star/Eastside intersection, there were 6 accidents in 12 years. Mr. Abshier also pointed out that when a four-way stop was installed, one could expect to see an increase in rear-end accidents.

City Attorney Rick Duvernay advised that approval of a subdivision was set forth by State law and that the City had to follow strict parameters when considering conditions for approval. He further advised that the City had more discretion in considering allowances for land use, but that there were only certain grounds the City could use to legally deny an application, such as the findings that the map was not consistent with State law. He continued that even though there were impacts to the

neighborhood and to traffic, the landowner still had the right to move forward and get the tentative map approved. Mr. Duvernay said he did not see solid grounds for the Commissioners having the authority to deny.

Ms. Goedert believed the speed cushions would slow traffic down but worried about the people being able to back out of their driveways on Star Drive. Mr. Abshier noted that the improvements at the Star Drive and Eastside Road intersection would help the situation.

Mr. Hamilton referred to results of the traffic report, noting that 85 percent of the drivers drove at speeds around 36 miles per hour (mph). He indicated that when traffic calming was added, speeds would drop to around 27–28 mph, which was a significant drop in speed along Star/Sacramento Drives.

Commissioner Chris Young agreed that the people along Star/Sacramento Drives would be happy to have the speed cushions. He suggested that Mr. Hall contact his neighbors to try to organize them to police themselves regarding speeding.

Mr. Memeo remarked that traffic and speeding had always been a problem all over the City. He noted that roundabouts had been used successfully in Europe and thought they should be considered for the area. He pointed out that there was no nexus for the Creekside Road extension.

Mr. Meyer commented that one of the problems the Commissioners had was dealing with neighborhoods that were previously in the County and not built to City standards.

Motion: Commissioner Jim Chapin moved that the Planning Commission adopt the Mitigated Negative Declaration and find and declare that, as set forth in the Government Code of the State of California, Section 66474, none of the conditions as listed in (a) through (g) exists with regard to this proposed subdivision and that the proposed subdivision is consistent with the Redding General Plan and approve Tentative Subdivision Map Application S-10-01, Summerfield Meadows Subdivision, Unit 2, subject to the conditions of approval as recommended by staff, including the addition of Condition 10.5.

Second: Commissioner Randy Memeo.

Ayes: Commissioners Chapin, Goedert, Memeo, Meyer, and Young.

Noes: None.

Abstain: None.

Absent: Commissioners Brickwood and Smith.

SITE DEVELOPMENT PERMIT APPLICATION SDP-1-06 AND ABANDONMENT APPLICATION A-2-06, by Midstate Properties, requesting approval to construct a 9,872-square-foot, two-story, 16-bed senior residential-care facility and to abandon a portion of an open-space easement on property located at 2330 West Street in an "RM-9" Residential Multiple Family District and "OS" Open Space District. Environmental Determination: Categorically Exempt. Staff Recommendation: Approval. L-010-390 and A-010-040

Senior Planner Lily Toy summarized the staff report. She noted that on June 22, 1994, the Board of Administrative Review approved Use Permit UP-23-94, for a fourplex to be developed on the project site. She advised that through the summary vacation process, the easterly portion of West Street adjacent to the project frontage was vacated based upon a City Council decision that West Street would not be extended northerly to Sonoma Street due to physical constraints and lack of need. She continued that in February 1996, the Board of Administrative Review granted an amendment of Use Permit UP-23-94 to allow a 21-bed senior-care facility instead of the previously approved fourplex.

Ms. Toy observed that over the past ten years, the property had remained undeveloped. She said the applicant originally pursued developing the project site with a 16-bed senior-care facility under the entitlements granted by the use permit, but in his attempt to incorporate City development standards enacted since 1996, the applicant had to make adjustments to the site plan. Ms. Toy explained that staff determined that these adjustments were substantial enough to require an amendment to the

existing permit. She stated that the new standards were in the areas of access for emergency vehicles and the handicapped and affected the location of parking, necessitating use of land in addition to that contemplated by the existing use permit. Ms. Toy mentioned the revised conditions of approval, including a wider driveway and relocation of required parking spaces, now located on the east side and downhill from the proposed building. She indicated that since the writing of the staff report, staff had noted that part of the retaining walls would encroach into the tree-vegetated areas, so the walls would need to be redesigned to eliminate impacts to the tree-vegetated area. She said Conditions 17 and 25, regarding access for utilities, had also been revised. Ms. Toy advised that staff had felt the clock-tower element should be eliminated, noting that the clock served no useful purpose to the public. She stated that the applicant agreed to remove the clock and lower the tower to match the roof elevations. She said staff recommended that the Planning Commission approve Site Development Permit Application SDP-1-06 and recommend to the City Council approval of Abandonment Application A-2-06 subject to the conditions of approval, including revised Conditions 17 and 25. The Chairman opened the public hearing at 5:34 p.m.

E. J. Thompson, applicant, acknowledged that the clock would be removed and the tower lowered to match the elevations of the roof. He added that the retaining wall could be redesigned to save the trees.

Diane Langan complimented the applicant on the design of the building. She said she had worried that an apartment complex might be built instead of senior housing. Ms. Langan voiced concern that the parking and building lights might illuminate the area too much and ruin her beautiful nighttime view of the City.

Planning Manager Douglas DeMallie advised that there were provisions in the Zoning Ordinance regarding shielding the lighting and that a lighting detail had to be approved by staff.

Nora McNeill also mentioned concern about the lighting. She worried about the impact on her quality of life and her ability to sleep at night. She asked about the placement of the air-conditioning units. Ms. McNeill stated that she would be losing a significant amount of her view, noting that when she purchased her property, it was zoned for single-family dwellings.

Mr. Thompson explained that the air-conditioning units were located in the back of the building, so Ms. McNeill would not see them, nor would she be likely to hear them. Determining that no one else wished to comment, the Chairman closed the public hearing at 5:46 p.m.

Motion: Commissioner Michele Goedert 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 Site Development Permit SDP-1-06 be granted subject to the conditions of approval as recommended by staff, including the revisions of Conditions 17 (to indicate "or any retaining-wall systems") and 25. She also moved that the Planning Commission recommend to the City Council approval of Abandonment Application A-2-06.

Second: Commissioner Jim Chapin.

Ayes: Commissioners Chapin, Goedert, Memeo, Meyer, and Young.

Noes: None.

Abstain: None.

Absent: Commissioners Brickwood and Smith.

AMENDMENT TO SITE DEVELOPMENT PERMIT SDP-39-04, granting Point West Properties, LLC, approval to construct a three-story, 12,000-square-foot office building with encroachments into the Sacramento River corridor setback on 1.3 acres of land directly west of Eagle Court. The property is located at 3951 South Bonnyview Road in a "GC" General Commercial District. **The applicant is proposing a revision to the approved building elevations and a minor modification to the setback of the building from the Sacramento River.** Environmental Determination: Previously approved Mitigated Negative Declaration. Staff Recommendation: Approval. L-010-390-700

Development Services Director Jim Hamilton summarized the staff report. He noted that Site Development Permit SDP-39-04 had been approved in December 2004. He stated that the new building design would result in a 15-foot river-corridor setback (an additional 10-foot reduction) for the second and third floors of the building and a stair/elevator tower that accessed the upper stories of the building.

Mr. Hamilton advised that a biological report dated September 2004 was submitted to support the findings that the Planning Commission made for approval of the original encroachment in December 2004, and its findings remained applicable today. He indicated that the original report and findings reflected that the reduced river corridor setback would not adversely affect the steep slopes above the river, the riparian vegetation corridor along the river at the base of the steep slopes, the thick vegetation on the steep slopes, or any listed plant or animal species. Mr. Hamilton stated that based on the report and the previous Commission determination, the findings could be made for the reduced setback because of the design of the project site and the fact that it retained a minimum additional building setback of 15 feet for the upper floors and 25 feet for the lower floors from the top edge of the steep slopes.

Regarding building design, Mr. Hamilton noted that the three-story building would occupy a prominent location in the City, given its location immediately adjacent to the Sacramento River and South Bonnyview Road. He observed that the revised building design was a substantial departure from the original. He advised that changes from the original proposal included the addition of exterior corridors, open stairwells and decks, exposed structural supports, a change in building materials from stucco and stone to cement plaster and metal, minimal cornice treatments, and multiple changes in building wall planes with the inclusion of angular wall elements. Mr. Hamilton believed the modifications met the design criteria for commercial office buildings, except for one area (the north-facing building elevation), which was approximately 80 feet long and 47 feet high at its tallest point and was set back 12 to 18 feet from the top of the slope adjacent to South Bonnyview Road. He said staff recommended that some modification to this elevation be made to increase the depth of the horizontal articulation in the areas identified by "Key Note 4" on building elevation sheet A3.1. He felt the specific method to accomplish this was best left up to the architect, with concurrence from the Development Services Director. He said staff recommended that the Planning Commission approve Site Development Permit SDP-39-04 Amendment, subject to the original conditions of approval and the requirement that the north-facing building elevation be revised to incorporate additional horizontal and building articulation.

Commissioner Jim Chapin voiced concern that the design that was visible from the river was so modern and different. The Chairman opened the public hearing at 5:58 p.m.

James Theimer, applicant, described the project. He advised that this would be the first private commercial office building in Redding being powered by a photovoltaic process. He mentioned the outer stairways and views from the elevator. He noted that the window designs were based on the amount of hot Redding sun the building would receive. Mr. Theimer stated that he was willing to work with the Development Services Director in order to arrive at an acceptable design for the north-facing side of the building. Determining that no one else wished to comment, the Chairman closed the public hearing at 6:06 p.m.

Motion: Commissioner Randy Memeo moved that the Planning Commission approve Site Development Permit SDP-39-04 Amendment, subject to the original conditions of approval and the requirement that the north-facing building elevation be revised to incorporate additional horizontal and building articulation.

Second: Commissioner Chris Young.

Ayes: Commissioners Goedert, Memeo, Meyer, and Young.

Noes: Commissioner Chapin.

Abstain: None.

Absent: Brickwood and Smith.

RECOMMENDATION TO THE CITY COUNCIL - AMENDMENT TO THE TREE PRESERVATION ORDINANCE. *Proposed amendments to Chapter 18.45 (Tree Preservation) of the Redding Zoning Ordinance, concerning the preservation of existing, and planting of new, trees associated with development in the City. If ultimately adopted by the City Council, the Ordinance would be modified to redefine a "protected tree"; narrow the circumstances under which a parcel is exempt from the Ordinance; and add measures requiring that trees be assessed, and a preservation plan prepared, by a qualified professional. Environmental Determination: Not applicable. Staff Recommendation: Recommend approval to the City Council. L-010-500/O-100*

Chairman Bert Meyer thanked City staff, fellow Commissioners Randall Smith and Jim Chapin, and other members of the Tree Preservation Ordinance Committee (Committee) for their time and efforts expended while on the Committee.

Planning Manager Douglas DeMallie recalled that at its meetings of September 27, 2005; October 25, 2005; and November 22, 2005, the Planning Commission reviewed the provisions of the City's Tree Preservation Ordinance (Ordinance). He continued that at its January 10, 2006, meeting, the Commissioners formed a Committee to review the Ordinance and report back to the Commission. He explained that the Committee met a total of seven times over the course of the past three months. Mr. DeMallie advised that the recommendations addressed the following: redefinition of a "protected tree," closing loopholes in the list of exemptions that might lead to unwarranted tree removal, and land development and tree-assessment practices to improve preservation and long-term survival.

Mr. DeMallie observed that the City's existing policies did a good job protecting oak woodland habitats on a large scale, but that preservation of individual native trees, particularly in commercial settings, was not always viable and sometimes out of context. He discussed the proposed definition of a "protected" tree and the criteria used in determining eligibility for consideration of protection. Mr. DeMallie also noted that the process of identifying the trees to be preserved was not clear in the existing ordinance and that utilizing the judgment of a qualified professional would make the process more transparent and more science-based. Regarding exemptions, Mr. DeMallie said the current regulations allowed that trees could be removed on parcels less than one acre in size. He advised that the proposed amendments required a permit to remove any tree over six inches or greater on any vacant parcel of land, regardless of zoning or size, but that trees could be removed without a permit once a building permit was issued for a "principal building," unless a discretionary permit approval specified otherwise.

Mr. DeMallie advised that while the Committee was given a very specific set of review parameters, the Committee also expressed opinions on other topics relative to tree preservation that it would like the City Council to consider in developing future work programs, including:

- Renaming the Ordinance (changing the term "preservation" to a more descriptive form of the overall function of the Ordinance).
- Review of the penalty section to ensure that penalties would serve as a deterrent to violators.
- Consideration of designating a single individual or entity within the City organization with overall responsibility for implementing the various City regulations and policies pertaining to trees.

- Development of an Oak Woodland Management Plan.
- Development of a landmark/heritage tree inventory.
- Development of a City street tree plan.
- Development of a tree education program.

Mr. DeMallie said staff recommended that the Planning Commission recommend to the City Council adoption of Amendment of Chapter 18.45, Tree Preservation, of the City Zoning Ordinance as recommended by the Tree Preservation Committee.

Commissioner Jim Chapin, a member of the Committee, believed the group had worked diligently, and even though the members were not always in agreement, had reached a workable solution.

Commissioner Michele Goedert was pleased with the proposed amendments and thanked the Committee members for their efforts. She believed development of a landmark/heritage tree inventory was critical to the success of the program. Mr. DeMallie reiterated that this suggestion was an additional recommendation by the Committee.

Commissioner Randy Memeo felt there should be some parameters regarding the removal and replanting of trees as discussed under Section 18.45.050-E. He contended that having the decision solely at the discretion of the Development Services Director was too general.

Development Services Director Jim Hamilton was agreeable to a revision of that section. Mr. Memeo questioned the process of applying for a tree-removal permit. Mr. DeMallie noted that the City did not process very many requests for tree-removal permits per year. He advised that they were handled at the administrative level and that staff worked with the property owner to satisfactorily offset the loss.

Mr. Meyer noted that Jerry Wagar and Mike Dormer (both members of the Committee) had explained how builders developed their properties and created tree-preservation plans that were submitted to staff as part of their projects. The Chairman opened the public hearing at 6:43 p.m.

Kent Dagg requested a continuance to the next Planning Commission meeting, claiming he had not had enough time to review the document.

Susan Weale (Committee member) thanked the Planning Commission for appointing the committee. She urged the Commissioners to support the recommendations of the Committee. She hoped the Commissioners would recommend a review of the penalty section so that developers would not consider it to be "the cost of doing business." Ms. Weale agreed with Ms. Goedert's comments regarding the heritage tree inventory and felt it would be a great community project.

Gail Rich (Committee member) shared Ms. Weale's appreciation for the effort from staff and the Committee. She too voiced support for staff's recommendation to the Commissioners. Ms. Rich believed that if the Ordinance was implemented properly, it would be a benefit to the community.

Dr. Richard Harris (Committee member) thanked City staff for inviting him to participate in the process. He strongly urged that there be a designated "tree person" on staff, so that when a complaint came in to the City, it could be evaluated properly. He felt it should be a certified arborist, because urban foresters were not required to be certified arborists, who work with trees on an individual basis. Determining that no one else wished to comment, the Chairman closed the public hearing at 6:55 p.m.

Commissioner Chris Young appreciated staff's work and effort, but felt the document was not ready to send on to the City Council. He commented that bringing in an arborist would add to the cost of development, which tipped the balance away from affordable housing. He mentioned the possibility of extra costs when applying for a tree-removal permit or the cost of appealing a denial of the permit. Mr. Young questioned the potential deed restrictions on newly created lots. Mr. DeMallie clarified

that the exemptions included existing homes and that the City did not have the legal ability to place deed restrictions on existing homes. More discussion ensued regarding the definition of heritage trees and landmark trees.

Motion: Commissioner Jim Chapin moved that the Planning Commission continue Amendment of the Tree Preservation Ordinance to the Planning Commission meeting of June 13, 2006.

Second: Commissioner Randy Memeo.

Ayes: Commissioners Chapin, Goedert, Memeo, Meyer, and Young.

Noes: None.

Abstain: None.

Absent: Commissioners Brickwood and Smith.

PUBLIC PARTICIPATION

None.

COMMISSIONERS' COMMENTS

Chairman Bert Meyer congratulated Kurt Starman, newly appointed City Manager.

ADJOURNMENT

There being no further business to come before the Planning Commission, Chairman Bert Meyer adjourned the meeting at 7:23 p.m.

Jim Hamilton, AICP
Acting Secretary

Bert Meyer
Chairman