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REDDING PLANNING COMMISSION
 Regular Meeting, 4 p.m.
 Tuesday, June 28, 2011
 City Council Chambers
 777 Cypress Avenue
 Redding, California 96001

MINUTES

Chairman Lynne Wonacott called the meeting to order at 4 p.m., with Commissioners Emmett Burroughs, Cameron Middleton, John Ryan, and Chris Young present. Absent were Commissioners Diane Kempley and Bert Meyer. Also present were Interim Development Services Director Bill Nagel, Planning Manager Douglas DeMallie, Assistant City Attorney Barry DeWalt, Project Coordinator Gary Otremba, Associate Planner Ron Adams, and Executive Assistant II Anita Felion.

APPROVAL OF MINUTES

Commissioner Chris Young moved approval of the minutes of the meeting of April 12, 2011. Commissioner Cameron Middleton seconded the motion, which carried by a unanimous vote.

PUBLIC HEARING - USE PERMIT APPLICATION UP-10-10, by B and L Motels, Inc., requesting approval to construct a 64-room, 3-story motel of approximately 38,000 square feet on property located at 1181 and 1195 Grand Avenue and 5216, 5224, and 5232 Caterpillar Road in an "HC" Heavy Commercial District with a General Plan designation of "Heavy Commercial." Environmental Determination: Mitigated Negative Declaration. Staff Recommendation: Adoption of the Mitigated Negative Declaration and approval. L-010-390 Continued from the meeting of May 24, 2011.

Planning Manager Douglas DeMallie summarized the staff report. He noted that the item was continued from the meeting of May 24, 2011, at the recommendation of the City Attorney, specifically to address a staff-proposed condition requiring removal of an existing billboard sign located on the site. He recalled that immediately prior to the meeting, staff received a letter from the attorney representing the owner of the billboard, Lamar Advertising, stating their objection to the condition requiring removal of the nonconforming sign. Mr. DeMallie stated that Lamar Advertising's position was that required removal would amount to an unconstitutional "taking" and would require compensation under the Outdoor Advertising Act and California Business and Professions Code. Mr. DeMallie continued that also at the meeting, a letter was submitted by the applicant's representative supporting the position taken by Lamar Advertising and requesting removal of the condition.

According to Mr. DeMallie, Section 18.42.080(B) of the Zoning Ordinance (Ordinance) prohibits billboards except those in existence at the time of adoption of this code section. He said these billboards were considered legal preexisting nonconforming signs, but Section 18.42.090(B) of the Ordinance stipulated that upon substantial redevelopment of a property, any nonconforming sign was to be removed, which was the basis for the recommended condition requiring removal of the billboard. He stated that upon review, the City Attorney's office generally agreed with Lamar Advertising's attorney that in view of the separate easement and ownership of the billboard, the income generation of the billboard, and the lack of a compelling need to remove the billboard in order to construct the hotel, removal as a condition of the use permit could be considered a "regulatory taking" of a property interest. He said the City Attorney, therefore, recommended removal of the condition.

Mr. DeMallie advised that if the condition was removed and the billboard remained in its current location, staff was hesitant to recommend approval of the original site plan. He noted that the billboard was located ten feet from the building, with the pole located in the center of the outdoor patio. He continued that the current layout with the sign adjacent to the building did not adhere to the principles of the City's adopted Design Guidelines and precluded the function of the outdoor patio and, in staff's opinion, would be detrimental to the image of the City. Mr. DeMallie indicated

that to address the site-design issue presented by the billboard, the applicant had submitted a revised site plan that shifted the building south away from the sign and provided an opportunity for landscape around the sign to soften its visual impact. He said staff recommended that the Planning Commission adopt the Mitigated Negative Declaration and approve Use Permit Application UP-10-10 subject to the conditions of approval to reflect the new plan, the addition of Condition 25c (landscape around the billboard), and the deletion of Condition 26 calling for removal of the sign. The Chairman opened the public hearing at 4:20 p.m.

In response to questioning from Commissioner Emmett Burroughs, Mr. DeMallie noted that the billboard was advertising another use at this time but that as a separate structure, the applicant could advertise whatever he chose to, since it was a separate leasehold and a legal nonconforming use and was not a part of this project.

Mr. Burroughs asked if the traffic count had also taken into consideration a future hotel and restaurant that was approved near the subject site.

Project Coordinator Gary Otremba replied affirmatively. Mr. Burroughs voiced concern about traffic in the area of Interstate 5 and Twin View Boulevard. Mr. Otremba advised that the area around the on- and off-ramps would be monitored and eventually would probably be improved with signals as opposed to stop signs in order to avoid vehicle "stacking."

Commissioner John Ryan inquired if the billboard sign could revert back to the owner of the hotel at the end of the 17-year lease.

Will Rogers, applicant's architect, advised that there were ongoing discussions between the applicant and his attorney regarding the possibility of eliminating the sign, but he was not aware of any decisions that might have been made. Mr. DeMallie noted that it could not be determined who would have the right to the billboard upon expiration of the lease without examining the lease agreement.

Assistant City Attorney Barry DeWalt advised that the issue of "regulatory taking" would remain the same upon expiration of the lease. Determining that no one else wished to comment, the Chairman closed the public hearing at 4:27 p.m.

Motion: Commissioner Chris Young moved that the Planning Commission adopt the Mitigated Negative Declaration and that, based upon the testimony presented by staff, the Planning Commission determine that the necessary findings for approval as identified in Section 18.14.070 of the Redding Municipal Code are in evidence. He further moved that the permit be granted subject to the conditions of approval as recommended by staff, including the revised site plan, the addition of Condition 25c (landscape around the billboard), and the deletion of Condition 26 requiring removal of the billboard.

Second: Commissioner Cameron Middleton.

Ayes: Commissioners Middleton, Ryan, Wonacott, and Young.

Noes: Commissioner Burroughs.

Abstain: None.

Absent: Commissioners Kempley and Meyer.

PUBLIC HEARING - TENTATIVE SUBDIVISION MAP APPLICATION S-4-09, GOODWATER ESTATES SUBDIVISION, by Dean Roesner, requesting approval to subdivide 53.2 acres into 87 lots to support single-family homes, along with the set-aside of a private open-space area containing the stream channel and floodplain of Clover Creek, on property located at 4655 Goodwater Avenue in an "RS-2-FP" Residential Single Family with Floodplain Overlay District. The project includes fill encroachment into a backwater area of the Clover Creek floodplain to support orderly lot and infrastructure design. Environmental Determination: Mitigated Negative Declaration. Staff Recommendation: Adoption of the Mitigated Negative Declaration and approval. S-101-142

Associate Planner Ron Adams summarized the staff report. He described the project, including the key planning issues which consisted of zoning/General Plan consistency, potential impacts to Clover

Creek and its floodplain, drainage, traffic impacts, potential street and utility connections to adjacent underdeveloped areas, and biological resources. Mr. Adams stated that Pacific Hydrologic prepared a hydraulic analysis, which indicated that the subdivision could be developed as planned, including the proposed fill in the project-defined floodplain fringe areas and use of bridge piers, without causing increases in base flood elevations on- or off-site and without redirecting flood flows onto adjacent properties.

Regarding drainage, Mr. Adams noted that the project site was located approximately one-half mile downstream of the Clover Creek Preserve Regional Detention Area (Preserve). He explained that potential off-site drainage impacts were partly addressed for the project site by its close proximity and direct relationship to the Preserve project. He advised that Stantec, the engineering firm responsible for the design of the Preserve project, and subsequent floodplain mapping by the Federal Emergency Management Agency (FEMA), advised the City that detention was not advisable for the portion of the applicant's property that drained directly to the creek. He said this was due to the fact that the Preserve now functioned in delaying the release of stormwater runoff from upstream in the basin, and it was prudent to have runoff from the applicant's property pass before the arrival of the peak outflows from the Preserve; for this reason, the project did not include any detention for stormwater flows originating from the part of the subdivision draining directly to Clover Creek. Mr. Adams said staff recommended that the Planning Commission adopt the Mitigated Negative Declaration and approve Tentative Subdivision Map Application S-4-09, Goodwater Estates Subdivision, subject to the conditions of approval.

Commissioner Emmett Burroughs inquired if the traffic study had considered the previously approved large subdivisions, as well as an approved shopping center. Mr. Adams responded affirmatively.

Commissioner Chris Young observed that Blue Jay Way and Demac Drive were private streets in the county. He noted that a pedestrian access was proposed on Demac Drive and asked if there was an agreement in place for the access onto Demac Drive.

Planning Manager Douglas DeMallie advised that there was not a specific agreement with the county. He acknowledged that the requirement for pedestrian improvements was based on specific direction from the General Plan policy on connectivity. He noted that the pedestrian access would benefit the residents on Demac Drive as well by providing access to the Preserve.

Commissioner Cameron Middleton asked if the City had consulted with Shasta County about Roads F and G and wondered if there was an extra means of circulation in the event of annexation. Mr. DeMallie stated that both the subdivision map and traffic study were referred to the county for comment. Regarding the stub out to the south, he said staff had also spoken with the property owners in that area and that there were several who could benefit from that access.

Mr. Middleton mentioned the letter from the Department of Fish and Game (DFG) regarding the environmental document. Mr. Middleton noted that the DFG had taken issue with the Red Bluff dwarf rush. Mr. DeMallie advised that this had been a continuing issue with the DFG regarding the Red Bluff dwarf rush for quite some time. He recalled that in 1993, the DFG had stated that the City should treat this plant as "threatened"; however, no major effort had been made by the DFG to get the plant listed by the state as threatened.

Commissioner John Ryan inquired about traffic in the area of Churn Creek Road.

Project Coordinator Gary Otremba stated that this project would not create any further operational issues for that portion of Churn Creek Road, but he acknowledged that this issue was problematic and that piecemeal fixes would not solve the overall problem.

Mr. DeMallie added that the proposed roundabout for the Churn Creek/Victor/Rancho Road area would help solve the issue of the two intersections—Victor Avenue and Rancho Road—being so close to one another. He pointed out that this project was committed to paying its fair share for the proposed roundabout. The Chairman opened the public hearing at 5:01 p.m.

Aleta Carpenter, whose property backed up to Goodwater Avenue, voiced concern for the environmental and quality-of-life issues she felt this project would bring. She worried about additional pollution and the safety of children who would be walking to Goodwater Avenue. Noise and having only one ingress and egress, especially for emergency vehicles, were also her concerns.

Bruce Staples asked what type of perimeter fencing would be constructed. He also inquired about the sewer drain and asked if there was going to be a sewer hookup to the underground sewer system. Mr. Staples observed that three lots abutted his property and wondered if he would be able to purchase one of the lots and enter his property from the new subdivision.

Mr. Adams noted that there was not a specific requirement for subdivision perimeter fencing for this project. Regarding the sewer, he advised that a sewer line was being stubbed out as a convenience so that in the future, there would be an opportunity for properties to the north and east to connect.

Concerning Mr. Staples' desire to purchase a lot and access his property from the new subdivision, Mr. DeMallie stated that he would not be able to do a property-line adjustment because the common property line was shared by the City and Shasta County.

Chairman Lynne Wonacott advised Mr. Staples that there was a variety of issues involved in purchasing the lot. She also noted that there was going to be a buffer of trees between his house and the lots, so there would be a separation.

Maureen Robison pointed out that her neighbor's home was within five feet of the subject property line. She advised that the neighbor had extended his fence about 15 feet farther out and that she did the same in order to save a large valley oak tree. She wondered if the drainage on her property would be affected. Ms. Robison also inquired if there was going to be a school bus stop, which currently was at Banjo Lane. She said she had asked to have the Foothill High School bus stop moved nearer to Freeman Street, but she had received no response from the school's administrators. Ms. Robison voiced concern about Clover Creek and drainage and possible flooding in the area. She mentioned the already-congested traffic situation near the Holiday Market at Shasta View Drive and Hartnell Avenue.

Mr. Middleton advised that Ms. Robison should contact the administration at the Shasta Union High School District to request the bus stop. Ms. Robison then noted that she actually meant to refer to Junction Elementary School when discussing the safety issue.

Michael Mitchell requested that Condition 14a requiring the turn lane from Victor Avenue to Churn Creek Road be implemented prior to development, instead of waiting for the 50th lot to be developed, since the roundabout was still not due to be constructed for quite some time.

Keith Mullnix, Omni-Means, Ltd., applicant's representative, explained that there would be a private storm-drain system to take the water off-site to Clover Creek. He further explained that the houses on the north side were higher than the subject subdivision, which indicated that the water flowing from the existing lots were flowing onto the Goodwater Estates property. He described the design of the detention basin and noted that the developer was required to maintain predevelopment levels. Regarding the fence, Mr. Mullnix stated that the developer was allowed to construct a wood fence if he desired but that it would not interfere with the water from flowing in its normal condition from the north to the south.

Mr. DeMallie added that the City's Engineering Division would address the water flow when reviewing the subdivision improvement plans.

Mr. Young inquired if the traffic at Shasta View Drive and Hartnell Avenue was addressed in the traffic study.

Project Coordinator Gary Otremba stated that the study did not address that area, since it was almost a mile away from the project. He said the failure at that intersection had to do with the number and width of lanes, and Victor Avenue/Rancho Road was where the people would be driving, since it would be faster than driving through the Hartnell Avenue/Shasta View Drive area.

In response to questioning from Mr. Young, Mr. Mullnix noted that he had not discussed school bus stops with any school district.

Mr. DeMallie advised that staff referred tentative subdivision maps to school districts for their review. He believed the school districts waited until a project was built out before bus stops were determined and that the buses typically did not go into the interior of projects but stayed on collector streets. He indicated that this project was also required to install traffic-calming measures on Goodwater Avenue. Determining that no one else wished to comment, the Chairman closed the public hearing at 5:30 p.m.

Mr. Middleton mentioned the proposed shopping center at the corner of Shasta View Drive and Rancho Road, which, when built, would also help to alleviate the traffic situation at Shasta View Drive and Hartnell Avenue, since residents would more than likely drive to the new shopping center instead of stores farther away.

Mr. DeMallie responded to Mr. Young's question and clarified that when the final map was recorded creating the 50th unit, the infrastructure was required to be in place.

Motion: Commissioner Emmett Burroughs 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 S-4-09, Goodwater Estates Subdivision, subject to the conditions of approval as recommended by staff.

Second: Commissioner Cameron Middleton.

Ayes: Commissioners Burroughs, Middleton, Ryan, Wonacott, and Young.

Noes: None.

Abstain: None.

Absent: Commissioners Kempley and Meyer.

EXTENSION AND AMENDMENT OF THE SHASTINA RANCH DEVELOPMENT AGREEMENT (AGREEMENT), by Shastina Ranch Partners, pertaining to development of the Shastina Ranch Tentative Subdivision Map (Project). In summary, the Project consists of the subdivision of approximately 224 acres to create 446 single-family residential homes; a 7.6-acre public park; open space; and 20 acres of industrial land. The subdivision site is generally located south of Rancho Road and on both sides of Clover Creek. The focus of the Agreement is the developer's construction of a 7.6-acre park concurrent with the Project development in lieu of payment of the Project's City park-fee obligation. This Agreement is set to expire, and the developer has requested an extension pursuant to the terms of the Agreement. The extension request includes an amendment to the Agreement whereby the approval period of the Agreement will coincide with the approval period of the tentative subdivision map. Environmental Determination: Existing Shastina Ranch Environmental Impact Report. Staff Recommendation: Recommend approval to the City Council. S-101-057

Planning Manager Douglas DeMallie summarized the staff report. He noted that the initial approval period for the Agreement was six years, based upon time lines established for tentative maps; therefore, the Agreement was set to expire in July 2011. He advised that the tentative subdivision map was presently valid until July 2013 as a result of State Assembly Bill (AB) 333, which in 2009 statutorily granted a two-year extension to all valid tentative map approvals statewide in recognition of the downturn in the economy. He added that another bill, AB 208, was currently going through the legislative process that would further automatically extend valid tentative maps for another two years. He indicated that these bills did not affect the term of a development agreement.

Mr. DeMallie continued that in view of the connection between the tentative subdivision map approval and the Agreement, staff and the applicant proposed that the term provisions of the Agreement be amended to provide that the approval period of the Agreement coincide with the approval period of the tentative subdivision map. He pointed out that this would eliminate any disparity between approval periods caused by state legislative actions or inconsistencies with the

tentative map extension provisions contained in the City's Subdivision Ordinance. Mr. DeMallie added that the maximum term of the Agreement was now ten years and that with the state action and extensions available under the Subdivision Ordinance, the term of the tentative map was likely to extend well beyond ten years. He said staff proposed an amendment to allow extension of the Agreement up to a period of 20 years, which was the maximum permitted under state law. He said staff recommended that the Planning Commission recommend that the City Council (Council) find that the Development Agreement amendment and extension were within the scope of the Shastina Ranch Environmental Impact Report and recommend that the Council amend and extend the Agreement so that the term of the Agreement coincides with the approval period of the Shastina Ranch Tentative Subdivision Map, but not to exceed a period of 20 years.

The Chairman opened the public hearing at 5:52 p.m. Determining that no one wished to comment on the item, the Chairman closed the public hearing at 5:53 p.m.

Motion: Commissioner Emmett Burroughs moved that the Planning Commission recommend that the City Council (Council) find that the Development Agreement amendment and extension are within the scope of the Shastina Ranch Environmental Impact Report and recommend that the Council amend and extend the Agreement so that the term of the Agreement coincides with the approval period of the Shastina Ranch Tentative Subdivision Map, but not to exceed a period of 20 years.

Second: Commissioner Chris Young.

Ayes: Commissioners Burroughs, Middleton, Ryan, Wonacott, and Young.

Noes: None.

Abstain: None.

Absent: Commissioners Kempley and Meyer.

PUBLIC PARTICIPATION

None.

COMMISSIONERS' COMMENTS

Commissioner Cameron Middleton mentioned the grand jury report regarding nuisance water and asked if the Planning Commission would be discussing the item at a future meeting.

Planning Manager Douglas DeMallie explained that the grand jury had addressed a complaint that the City was not following the Subdivision Map Act (Map Act) but determined that was not the case. He explained that the Map Act addressed the types of issues such as those with Goodwater Estates Subdivision. He noted that nuisance water dealt more with lot-to-lot runoff, car washing, etc., that was not addressed by the Map Act.

Interim Development Services Director Bill Nagel stated that in talking with the grand jury, he understood that the issue came about because of a ditch and some preexisting lots. He said the City addressed the amount of water and rate of flow and required that detention basins be built so that the flows would not increase. He noted that in this instance, during the winter there was no increase. He said during the summer, however, when there was no water in the ditch, people planted landscape and ran their sprinklers, and water would go into the ditch. He stated that staff would review and respond appropriately and report back to the Planning Commission.

Mr. Middleton expressed concern about the City's historic structures, believing that the City had not been very protective of them in the past. He noted that the City had only three structures on its Historic Register, and he hoped that the City would be more proactive in the future to address the historic structures and expand the Historic Register for the City. Mr. Middleton commended Mr. DeMallie and Senior Planner Kent Manuel for their efforts in historic preservation.

DIRECTOR'S REPORT

Mr. Nagel provided an update on the privatization study that the City Council ordered for the Building and Planning Divisions. He said Paul Zucker had been selected as the consultant and

would like to interview the Planning Commission, possibly in July at a regularly scheduled Planning Commission meeting. After discussion between staff and the Commissioners, it was decided to schedule the meeting on July 19 at 3 p.m., in the River Conference Room.

Mr. DeMallie noted that the local newspaper had printed an article about Five Guys Burgers and Fries locating its business on Dana Drive, which prompted much concern about parking issues from City residents. Mr. DeMallie advised that the company had not submitted any plans to the City for review of the project and that staff would deal with the parking issue when plans were submitted. He stated that restaurants were a permitted use in the location mentioned; however, the business was still obligated to show that it could meet the requirements of the Parking Code.

ADJOURNMENT

There being no further business to come before the Planning Commission, Chairman Lynne Wonacott adjourned the meeting at 6:10 p.m.

Bill Nagel
Acting Secretary

Lynne Wonacott
Chairman