

BOARD OF ADMINISTRATIVE REVIEW
 Regular Meeting, 2 p.m.
 Wednesday, July 18, 2007
 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, Project Coordinator Darren Langfield, Associate Planner Linda Burke, Assistant Planner Brandon Rogers, and Executive Assistant II Anita Felion present.

PUBLIC HEARING - SITE DEVELOPMENT PERMIT APPLICATION SDP-4-07, by Marcella Thompson, requesting approval to establish a residential use on the second floor of a proposed building on property located at 1720 Yuba Street in a "GO" General Office District. Environmental Determination: Categorically Exempt. Staff Recommendation: Approval. L-010-390-700

Assistant Planner Brandon Rogers summarized the staff report. He described the project, noting that the property contained a structure previously used as a single-family residence that was now being used as an office. He said the applicant was requesting approval to construct a new mixed-use building adjacent to the existing structure. Mr. Rogers observed that the design of the proposed building reflected Craftsman details taken from the design of the existing building. He discussed the request for a reduced front-yard setback, which was required because the majority of the buildings on this block of Yuba Street had no front-yard setback.

Mr. Rogers stated that off-street parking was not required for the conversion of existing structures on the west side of Oregon Street between Shasta and Yuba Streets in order to preserve the unique historical and/or architectural character of the buildings; however, the required parking would be provided for the proposed building, and the existing building would remain as it was today, with no off-street parking. He observed that no public comment had been received during the noticing period for the project. Mr. Rogers said staff recommended that the Board of Administrative Review approve Site Development Permit Application SDP-4-07 subject to the conditions of approval, which he reviewed. The Chairman opened the public hearing at 2:05 p.m. Determining that no one wished to comment, the Chairman closed the public hearing at 2:06 p.m.

Senior Planner Lily Toy inquired about an area on the site plan that did not show landscape. Mr. Rogers indicated that the area was intended to be landscaped, but the details were not reflected on the most recent site plan. He added that the applicant was going to use a decorative treatment on the concrete and seating wall. Mr. Rogers continued that a maximum of four seats would be in the outdoor dining area. Ms. Toy suggested adding a condition to allow outdoor seating for four.

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 added condition to allow outdoor seating for four.

Second: Project Coordinator Darren Langfield.

Ayes: Senior Planner Toy, Project Coordinator Langfield, Chairman Goedert.

Noes: None.

PUBLIC HEARING - SITE DEVELOPMENT PERMIT APPLICATION SDP-6-07, by Ron Holloway, requesting approval to establish a bar and restaurant in an existing building and for a joint parking agreement on property located at 2167 Hilltop Drive in a "GC-VR" General Commercial-Visitor/Retail District. Environmental Determination: Categorically Exempt. Staff Recommendation: Approval. L-010-390-700

Assistant Planner Brandon Rogers summarized the staff report. He noted that the project site was the former location of Chuck E. Cheese, which occupied the building for over 20 years. He indicated that the proposed 164-seat restaurant and bar would occupy 7,600 square feet of floor area, with vacant retail storefronts available in the remaining 7,400 square feet.

Parking was also discussed by Mr. Rogers, who stated that in addition to the on-site parking lot, the property owner also held title to a 31-space parking lot adjacent to the project site, located at 820 Industrial Street. Mr. Rogers said the off-site lot had been leased to several businesses (including Bert and Ernie's Bar) on Industrial Street and was physically separated from the project site by bollards. He added that the applicant's proposal excluded the Industrial Street lot, which would not be available for customers of the proposed project. He said the existing on-site parking lot contained 82 parking spaces, which did not meet the depth and width requirements of the current Zoning Ordinance. Mr. Rogers advised that the on-site parking lot would be refurbished and re-striped, including improving dimensional deficiencies, resulting in 70 off-street parking spaces. He stated that Section 18.41.030.G of the Zoning Ordinance allowed the Board to approve joint parking when one use generated parking demands primarily during hours when the remaining use(s) was not in operation and allowed for a reduction of up to 50 percent of the required parking. He continued that the property owner expected evening peak hours for the restaurant and bar and daytime peak hours for the commercial/retail portion of the building. He explained that if approved by the Board, a 30 percent reduction of the 99 required off-street parking spaces would reduce the required parking to 70 spaces. Mr. Rogers indicated that the demand for the 70 parking spaces would be applied primarily to the restaurant/bar to ensure that adequate parking was available at all times, and the retail portion of the building would be limited to uses that generated no more than 15 spaces. He said staff recommended that the Board of Administrative Review approve Site Development Permit Application SDP-6-07 subject to the conditions of approval, which he reviewed.

Chairman Michele Goedert inquired about the month-to-month leasing of the off-site parking lot. Mr. Rogers replied that parking on the auxiliary lot was not part of the application and that the applicant did not want it included. He mentioned that if the leased parking lot was no longer available to Bert and Ernie's Bar, the seating for the bar would have to be reduced from 78 to 47, as required by Use Permit UP-34-90 for the bar. Mr. Rogers advised that staff would be conducting a parking survey at two 6-month intervals to determine if 70 spaces were adequate. He said if the parking was not adequate, staff would require that the off-site lot also be used.

Regarding the bar portion of the project, Mr. Rogers noted that the Redding Police Department (RPD) had determined that a high concentration of establishments serving alcoholic beverages existed within the general area of the project site, resulting in a high demand for police services. He mentioned that Condition 3 required security personnel to provide on-site security between the hours of 9 p.m. and 2 a.m. on Friday and Saturday nights. He added that the need for continued security personnel also would be reviewed by the Development Services Director at two 6-month intervals. The Chairman opened the public hearing at 2:19 p.m.

Tyree Bolton, applicant, clarified that the proposal was for a restaurant with a bar and not a nightclub. She confirmed that if there was not enough parking, she would utilize the other off-site parking lot. She disagreed with the condition requiring security personnel, claiming that she would not be serving the same type of clientele from Bert and Ernie's Bar. Ms. Bolton asked that the requirement for security personnel be eliminated and required only if there was deemed to be a problem. Ms. Bolton also mentioned that her architect, Les Melburg, had spoken with Police Chief Leonard Moty. She said Mr. Moty informed Mr. Melburg that if the restaurant was more like a Logan's Roadhouse, there would be no problem in dropping the requirement for security personnel. Ms. Goedert informed Ms. Bolton that without a representative from RPD, she could not eliminate the requirement. Ms. Toy advised the applicant that if she submitted a statement from RPD, the condition could be changed administratively with approval of the Development Services Director.

Determining that no one else wished to comment, the Chairman closed the public hearing at 2:23 p.m.

Project Coordinator Darren Langfield addressed Condition 16, regarding the conveyance of drainage systems, and stated that he would like to add the word "on-site" to area drains.

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 revision of Condition 10, regarding the pole sign and the addition of the word "on-site" to area drains in Condition 16.

Second: Project Coordinator Darren Langfield.

Ayes: Senior Planner Toy, Project Coordinator Langfield, Chairman Goedert.

Noes: None.

PUBLIC HEARING - SITE DEVELOPMENT PERMIT APPLICATION SDP-12-07, by Patrick Barnes, requesting approval to utilize an existing warehouse and office to establish a painting contractor business on property located at 2337 and 2339 Old Alturas Road in an "RS-3" Residential Single Family District. Environmental Determination: Categorically Exempt. Staff Recommendation: Approval. L-010-390-700

Associate Planner Linda Burke summarized the staff report. She stated that, although classified for residential uses, the property had a long history of commercial uses that were established prior to annexation to the City. She said the applicant intended to repaint the existing metal building; remove the storage containers, one of the two existing mobile homes, and miscellaneous "junk"; re-base the driveway and parking areas; install vinyl slats in the existing fence; and landscape along the north and south property lines. Ms. Burke continued that under the Zoning Code, legal nonconforming uses were permitted to remain, but if changed to a different nonconforming use, provided that the new use was of the same or a less intensive use, a site development permit was required. She explained the method the City used to determine if a use was considered to be the same or less intensive.

Ms. Burke advised that she had received one letter from a neighboring property owner who contended that a business use was no longer appropriate in the residential area. She said she had spoken with him and explained the reason why a legal nonconforming use was still allowed on the property. Ms. Burke mentioned that Condition 10 had been revised to require removal of the existing pole sign and allow signage for one wall-mounted sign. She noted that a condition of approval required the construction of curb, gutter, and sidewalk but that the applicant had indicated that he was going to apply for a deferred improvement agreement due to the fact that there were no other improvements to the east and west at this time. She said staff recommended that the Board of Administrative Review approve Site Development Permit Application SDP-12-07 subject to the conditions of approval, which she reviewed. The Chairman opened the public hearing at 2:36 p.m.

Patrick Barnes, applicant, stated that he had been in business for 11 years and believed the proposed site would provide the stepping stone he needed to continue to grow. He mentioned that he would be cleaning up the parcel and removing a lot of unsightly debris. Mr. Barnes explained that the remaining mobile home would be the caretaker's residence. He pointed out that he had never received any complaints about his business from his current neighbors.

Susan Walker worried that there would be an increase in traffic. She inquired about the requirements for paving the driveway. She asked if there was going to be a paint booth on-site and if the silent alarm was going to be changed to an audible one. Mr. Barnes replied that he hadn't planned on any alarms, but since the silent alarm was there, he would probably keep it. Ms. Burke referred to Condition 9 that required a paved driveway approach and compacted road base in the parking area.

Chairman Michele Goedert mentioned Condition 9i that also required curb, gutter, and sidewalk along Old Alturas Road. She clarified that the applicant could request a deferred improvement agreement, but approval was at the discretion of the City Engineer.

Pamela Blessing, who owned property adjacent to the applicant's, stated that a parcel map she had processed that bordered the applicant's property was required to install curb, gutter, and sidewalk and that the applicant should not get a deferral for his requirement. She contended that her ten parcels were worth over \$1 million and worried that the applicant's painting contractor business would lower her property value. She maintained that the residentially zoned property should not have a commercial business on it. Ms. Blessing worried about the water runoff from the business, traffic, noise, and hours of operation. She repeated that a business should not be allowed in the residential area. She submitted pictures she had taken from her property looking onto the applicant's site. Determining that no one else wished to comment, the Chairman closed the public hearing at 2:52 p.m.

Ms. Burke explained that the debris and outdoor containers were going to be removed. She discussed the fencing required. Ms. Burke also explained that sometimes a deferral was granted for curb, gutter, and sidewalk because there could be drainage problems caused by the improvements if the other adjacent properties did not have the improvements. She emphasized that the improvements were still required in the Conditions of Approval and that the City Engineer would decide if a deferral should be granted.

Project Coordinator Darren Langfield advised Ms. Blessing that she could meet with the City Engineer to discuss the deferral.

Ms. Goedert noted that in addition to new fencing with slats, there was a ten-foot landscape strip also required inside the applicant's property. Ms. Blessing countered that the fence with slats would not shield the property from her site.

Mr. Barnes maintained that there would not be any outside storage. He said the four business vehicles were taken home by the painters every night. He advised that his office hours were 7 a.m. to 5 p.m., and that only two people were on-site all day. Mr. Barnes continued that on Monday mornings, there would be about 13 employees on-site for a one-hour meeting, and then the employees would leave.

Senior Planner Lily Toy pointed out that Condition 5 prohibited outside storage. The Chairman reopened the public hearing at 3 p.m.

Mr. Barnes understood the concern about chemicals. He stated that he did not pour paints or solvents on the ground. He believed the impact from his business would be less than that caused by the two present businesses on the site. Ms. Goedert pointed out that the applicant would also be removing an underground storage tank and that soil remediation would also be done at that time.

Ms. Walker asked if an inspector could check the existing mobile home, which she claimed was uninhabitable.

Ms. Blessing said she would "not be content" with the shrubs required. She repeated that she did not want a business depreciating her property value. She claimed that the surrounding subdivisions were all inhabited by older people and that the hours of operation would cause a conflict. She demanded that an environmental impact report be done for the project and asked how cleanup would be done.

Mr. Barnes explained that the painting business was one of the most regulated businesses in the state and that he followed the laws regarding solvent and paint disposal. The Chairman closed the public hearing at 3:14 p.m.

Mr. Langfield suggested screening the existing mobile home from the surrounding property. He wondered if the entire perimeter could be fenced in order to help screen the parcel. Ms. Burke noted that the landscaped buffer yard included shrubs and trees. Mr. Langfield observed that the property currently had a tremendous amount of debris on it and that it was difficult for people to anticipate what the property would look like once it was cleaned up.

Ms. Burke advised that under the California Environmental Quality Act, there was a provision for exemption for conversion of an existing structure having an existing use being changed to a different use. She added that the applicant had met with the Fire Marshal regarding the amount of materials

on-site, and the Fire Marshal indicated that the applicant was within his limits. Ms. Goedert also noted that the applicant was required to submit a business plan to the Shasta County Division of Environmental Health.

Ms. Goedert inquired if barbed wire was still allowed on fences. Ms. Burke stated that it was prohibited in single-family residential districts and adjacent to public ways. Ms. Goedert suggested adding a condition to require removal of the barbed wire on the fences.

Ms. Toy addressed the issue of the zoning designation. She observed that although the site was zoned single-family residential, it had a nonconforming use. She said staff had to look at whether the nonconforming use was more or less intensive and how the business was going to affect the site. She said there would be street improvements, cleanup of the site, and removal of junk, and staff felt the intent of the Zoning Code was being met.

Ms. Goedert added that the residential zoning was not being amended. She reiterated that the legal nonconforming use was less intensive and would result in a much better situation than what currently existed. She would like to see conditions amended to require complete perimeter fencing with slats and that the barbed wire be removed.

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 revision of Condition 9c to require perimeter fencing and removal of barbed wire and Condition 10 to require removal of the existing pole sign.

Second: Project Coordinator Darren Langfield.

Ayes: Senior Planner Toy, Project Coordinator Langfield, Chairman Goedert.

Noes: None.

PUBLIC HEARING - PARCEL MAP APPLICATION PM-2-07, by Wilma Marler, requesting approval to divide 2.75 acres to create three residential lots on property located at 2703 Sacramento Drive (southeast corner of Hemlock Street and Sacramento Drive) in an "RS-2" Residential Single Family District. Environmental Determination: Categorically Exempt. Staff Recommendation: Approval. L-010-150 Continued from the meeting of June 20, 2007.

Associate Planner Linda Burke summarized the staff report. She noted that the item was continued so that the applicant's engineer could do some additional survey work in order to more accurately depict the 100-year floodplain boundary of Olney Creek on the parcel map. Ms. Burke continued that the net developable acreage outside the 100-year floodplain boundary—the land area that density of the parcel was based on—was approximately 1.2 acres.

Ms. Burke stated that Parcel 2 was somewhat constrained by the 100-year floodplain boundary. She said access from the frontage would not be feasible unless encroachment for fill in the floodplain was permitted for access to the building site. She advised that the applicants had proposed to require a reciprocal-driveway easement across Parcel 3 for access to the building site on Parcel 2 at the time of conveyance, unless another alternative was proposed and approved at the time of development of the lot. Ms. Burke added that the area of the 100-year floodplain would be required to be placed in a private open-space easement for flood-protection purposes. She mentioned that no further improvements or land alterations would be allowed within the easement area unless allowed by the regulations of the "FP" Floodplain Overlay District.

The creek corridor setback was also discussed by Ms. Burke, who noted that the Redding Municipal Code required a 100-foot setback, as measured from the top of bank along Olney Creek, for preservation of the riparian vegetation. She advised that the Redding Parks, Trails, and Open Space Master Plan identified the future Olney Creek Trail along this parcel and, continuing to the south, eventually connecting to Cascade Park on the south side of Girvan Road adjacent to the Sacramento River. She noted that the area encompassed by the floodplain for Olney Creek south of the subject property had been previously dedicated to the City for open-space purposes, with subdivision development in this area. She said the Community Services Department had indicated that an

easement for future public-trail purposes across this property was also desired. Ms. Burke explained that the Ordinance allowed the City to require a fee title to the creek corridor setback area with division of the property; however, there was an existing residence on the site and longstanding use of the entire property. She said staff was working with the applicant, who was opposed to dedication of fee title to the land. Ms. Burke stated that the Community Services Department had agreed to require reservation for a public trail. She said staff outlined an area that would be covered with a public-trail easement for a future trail, but right now there were no plans for construction of the trail.

Ms. Burke continued that Parcel 1 was an existing, developed residential parcel, and the creek corridor buffer shown on the map reflected the area outside the existing improvements. She noted that certain improvements in the southern portion of the property had also previously been made within the buffer area, including planting of a garden and fruit trees and related irrigation system. She noted that Condition 5 was added to require that Parcel 1 be connected to the City's sanitary sewer system in Hemlock Street. She said staff recommended that the Board of Administrative Review approve Parcel Map Application PM-2-07 subject to the conditions of approval.

Project Coordinator Darren Langfield preferred to see the dedication shown on the final map for public-trail purposes. He said Condition 16 stated that the creek corridor setback area shall be "reserved." The Chairman opened the public hearing at 3:35 p.m.

Wilma Marler, applicant, voiced concern about the open-space easement. She worried about loss of privacy and people wandering onto her property. She noted that the City had already taken 60 feet of her property.

Roger Sherwood, Ms. Marler's husband, mentioned the amount of work that had been done in planting the fruit trees and installing the irrigation system. He worried that the trail or walkway would bring people down onto his property and destroy it. He requested the right to install "No Trespassing" signs until the walkway or trail was constructed.

Ms. Marler mentioned that the upstairs part of her home would be connected to the City sewer but the lower level would need a complete pump system. She asked if it was possible to split the services and just put the upstairs portion onto the City system.

George and Mary Osborne pointed out that they had problems with children and dogs coming onto their property. They requested that the trail not go through their area. Determining that no one else wished to comment, the Chairman closed the public hearing at 3:39 p.m.

Ms. Burke did not see a problem with "No Trespassing" signs being placed on the property. She said there were no plans for construction of a trail anytime soon, so there would be no public use allowed until the trail was constructed, which would be outside the orchard and improvements. She noted that the floodplain easement was a private easement for flood-protection purposes and not open to the public.

Ms. Geodert reiterated that any trail would be located away from improvements and that there would be no problem with their property being fenced and/or "No Trespassing" signs being placed on the property.

Land Development Manager Gary Otremba addressed the questions regarding sewer. He stated that there was not enough usable space for an outfall. He advised that the Shasta County Environmental Health Division regulated the sewer systems.

Project Coordinator Darren Langfield added that the Shasta County Environmental Health Division did not like septic tanks and leach fields in the 100-year floodplain.

Discussion ensued regarding the designation of the property being in the floodplain. Mr. Langfield advised Ms. Marler that she would have to have the map redone if it was inaccurate. Determining that no one else wished to comment, the Chairman closed the public hearing at 4 p.m.

Motion: Senior Planner Lily Toy moved that the parcel map be found categorically exempt under the provisions of the California Environmental Quality Act and that, in accordance with the Government Code of the State of California, the Board of Administrative Review find and declare that, as set forth in Government Code, Section 66474, none of the conditions as listed in (a) through (g) exists with regard to this proposed subdivision. She further moved that the Board find that the proposed subdivision is consistent with the Redding General Plan and applicable specific plans and that the parcel map be granted subject to the conditions of approval as recommended by staff, including the addition of Condition 5 and the revision of Condition 16.

Second: Project Coordinator Darren Langfield.

Ayes: Senior Planner Toy, Project Coordinator Langfield, Chairman Goedert.

Noes: None.

ADJOURNMENT

There being no further business to come before the Board, Chairman Michele Goedert adjourned the meeting at 4:04 p.m.

Anita M. Felion, Executive Assistant II

Michele Goedert, Chairman