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REDDING PLANNING COMMISSION
 Regular Meeting, 4 p.m.
 Tuesday, August 28, 2007
 City Council Chambers
 777 Cypress Avenue
 Redding, California 96001

MINUTES

Chairman Michele Goedert called the meeting to order at 4 p.m., with Commissioners Emmett Burroughs, Jim Chapin, Randy Memeo, Bert Meyer, Randall Smith, and Chris Young present. Also present were Planning Manager Douglas DeMallie, Assistant City Attorney Barry DeWalt, Project Coordinator Darren Langfield, Assistant Planner Brandon Rogers, and Executive Assistant II Anita Felion.

APPROVAL OF MINUTES

Commissioner Bert Meyer moved approval of the minutes of the meeting of August 14, 2007. Commissioner Jim Chapin seconded the motion. Commissioner Randy Memeo abstained. The vote carried with a vote of six ayes and one abstention.

TENTATIVE SUBDIVISION MAP S-5-03, ALIZÉ SUBDIVISION, which granted Alizé LLC, approval to develop the Alizé Subdivision, consisting of 93 lots on 245 acres, on property located east of the terminus of Sutro Mine Road at 160 Quartz Hill Road in an "RE-2-PD" Residential Estate Single Family District with Planned Development Overlay District. ***The applicant is requesting a three-year extension.*** Environmental Determination: Not applicable. Staff Recommendation: Approval. S-100-705-900

Planning Manager Douglas DeMallie summarized the staff report. He noted that there had been some clearing and rough grading on the site in accordance with the approved tentative map; however, the project had not proceeded beyond that point. Mr. DeMallie briefly described the initially approved project and advised that the applicant was not proposing any changes to the subdivision map. He said staff recommended that the Planning Commission approve a three-year extension of Tentative Subdivision Map S-5-03, Alizé Subdivision, subject to the previously approved conditions of approval. The Chairman opened the public hearing at 4:07 p.m.

Commissioner Bert Meyer asked why some residents desired gated communities.

Leonard Bandell, applicant's representative, believed gated communities provided residents a sense of exclusivity and security. Determining that no one else wished to comment, the Chairman closed the public hearing at 4:09 p.m.

Motion: Commissioner Randy Memeo moved that the Planning Commission approve a three-year extension of Tentative Subdivision Map S-5-03, Alizé Subdivision, subject to the previously approved conditions of approval.

Second: Commissioner Emmett Burroughs.

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

Noes: None.

Abstain: None.

Absent: None.

RECOMMENDATION TO THE CITY COUNCIL - TENTATIVE SUBDIVISION MAP APPLICATION S-4-06, WESTSIDE ROAD SUBDIVISION; PLANNED DEVELOPMENT PLAN APPLICATION PD-2-06, AND REZONING APPLICATION RZ-3-06, by Hansen PSC, requesting approval to subdivide 3.68 acres into 37 lots for development of single-family homes and to rezone the property to "PD" Planned Development Overlay District with related parking, common recreation areas, and landscape. The property is located at 6230 and 6250 Westside Road in an "RM-18-FP" Residential Multiple Family District with Floodplain Combining District. Environmental Determination: Negative Declaration. Staff Recommendation: Recommend adoption of the Negative Declaration and approval to the City Council. S-101-112

Assistant Planner Brandon Rogers summarized the staff report. He noted that a 38-unit townhouse-style apartment project, including an encroachment into the 100-year floodplain of Olney Creek, was approved for the site by the Planning Commission in 2004 (Use Permit UP-20-03). He remarked that the building locations, building height, and street system were very similar between the proposed single-family subdivision and the previously approved use permit project.

Mr. Rogers utilized a PowerPoint to describe the project. He indicated that the project would encroach into the 100-year floodplain of Olney Creek, but explained that the finished floor elevation of the proposed buildings must be elevated one foot above the base flood elevation as required by the City Floodplain Ordinance. He said this would necessitate placement of fill to elevate the building pads at depths of up to four feet. Mr. Rogers advised that the Federal Emergency Management Agency (FEMA) had approved a Conditional Letter of Map Revision (CLOMR-F) to remove the property from the 100-year floodplain, based upon the plan to place fill on the site. He said this encroachment into the 100-year floodplain of Olney Creek was essentially the same that was approved with the previous approval of Use Permit UP-20-03 for the 38-unit apartment project. Mr. Rogers stated that the hydrology analysis and FEMA CLOMR-F confirmed that the encroachment would not have adverse flooding impacts on any other properties. He said staff recommended that the Planning Commission recommend to the City Council adoption of the Mitigated Negative Declaration and approval of Tentative Subdivision Map Application S-4-06, Westside Road Subdivision; Rezoning Application RZ-3-06; and Planned Development PD-2-06, subject to the conditions of approval, which he reviewed.

Planning Manager Douglas DeMallie advised that staff had been given a document from neighboring property owners on Oleander Circle, regarding a prescriptive easement, which he declared was a civil matter between the project's property owner and nearby homeowners. He explained that several property owners whose properties backed up to the site claimed they had a prescriptive right to enter the property through the subject property. He said staff had not seen any evidence that a prescriptive easement existed.

Assistant City Attorney Barry DeWalt advised that the matter needed to be perfected in court before it actually became a prescriptive right. He explained that the matter was outside the Planning Commission's authority to make a determination regarding the prescriptive rights of the property owners.

Commissioner Bert Meyer inquired if the property owners had submitted any recorded documents. Mr. DeMallie said there was a Notice of Consent to Utilize Land with a County Recorder's stamp and date on it; however, that document did not show up in the title search for the project. He reiterated that this was a civil matter between the property owners and did not involve the City. He continued that staff was comfortable with proceeding with the project. Mr. DeMallie stated that the design of the project would lend itself to allowing access to the property owners' rear yards should the easement be perfected in civil court. He explained that the driveway could still be utilized along the property line, and access could be created to the backyards by creating an opening in the landscape planter. He added that should the easement be perfected, it did not invalidate staff's support for the plan.

Commissioner Chris Young questioned the permitting of single-car garages in lieu of two-car garages. Mr. DeMallie replied that the requirements were different for a planned development. He continued that in the cluster-type planned developments, covered and uncovered parking areas were provided. He pointed out that the four homes with single-car garages also had deep driveways.

Mr. DeMallie mentioned the additional 23 guest parking spaces and the four recreational-vehicle (RV) parking spaces.

Commissioner Jim Chapin inquired if there was a fence or wall required along the back alley that joined the Oleander Circle properties. Mr. DeMallie stated that the common property line would have a block-pilaster with wood-insert fence. He said the applicant's intent was to replace the existing fences with the cooperation of the property owners. He commented that there would also be a landscape planter.

Commissioner Randall Smith asked if there was a park nearby. He remarked that the southwest quadrant of the City was devoid of improved parks. Mr. DeMallie believed the closest one was the Cascade Park across State Route 273.

Chairman Michele Goedert observed that there were only two trash enclosures for the subdivision. Mr. DeMallie noted that from the Solid Waste Division's perspective, there were only two locations where the enclosures could be placed, based on the ease of the Solid Waste trucks being able to pick up the garbage. Ms. Goedert suggested that staff review the locations in the final plan review. Mr. Meyer thought this plan for the two enclosures was better than other cluster-type subdivisions he had seen that utilized individual garbage cans. The Chairman opened the public hearing at 4:27 p.m.

David Garland, Vice President, Hansen PSC (applicant), stated that his project preserved the existing community's character by providing transition between multiple-family and single-family development and made available homes for first-time buyers. He responded to earlier questions from the Commissioners. He noted that the 3-story homes were really more like 2.5 stories, which were only about three to four feet above the other 2-story structures. Mr. Garland mentioned the unique landscape, park, and tree-lined streets. He also noted that each home was between 1,800 and 2,100 square feet, including the garages. Mr. Garland mentioned that drafting of the covenants, conditions, and restrictions (CC&Rs) was not necessary until the final map application was submitted.

Mike Dormer, applicant's representative, Sharrah Dunlap Sawyer, Inc., explained that the stormwater detention was below the floodplain. He stated that the project was designed so that the drive aisles and landscape areas were kept as low as possible. He advised that in the event of a flood, water would still pass through the site, but the units would be safe from inundation. He also mentioned the subsurface pipes and landscaped turf area, which provided a recreation area during dry times but also provided detention during wet times.

Commissioner Emmett Burroughs asked if a play area for children had been considered. Mr. Garland said the subject had been discussed, and he would be open to the idea of a child's play structure in lieu of the gazebo structure or in the lower area if it was deemed possible on the site. He commented that due to some of the site constraints and the size of the site, it was felt a gazebo structure would be more open and provide the greatest benefit for the residents. Mr. Garland said he would agree to a condition requiring the play area in lieu of the gazebo in the open space or in the smaller area, if necessary.

In response to questions from Mr. Meyer, Mr. Dormer explained that there would be a small retaining wall between the project and the existing apartments to the east. He further explained that on the north end, there was a buffer between the area that would be disturbed and the north property ditch, which would not be disturbed. He noted that the homeowners' association would assume maintenance of the ditch and that it would be left as is. Mr. Dormer added that on the east property line, there would be a six-foot-high fence on top of the retaining wall.

Commissioner Randy Memeo asked about the buffer area between the trash enclosures and the neighbors. Mr. DeMallie advised that there would be a ten-foot landscape planter from the drive aisle to the property line to the west. He added that the opening to the trash enclosures would be oriented east, away from the neighbors.

K. Thomas Smith, Jr., attorney for John and Angela Ennis (owners of property immediately west of the northwest corner of the project), contended that the tentative map conflicted with his clients' and other property owners' prescriptive rights along the western portion of the project. He continued that a road had existed there for approximately 55 years, which allowed his clients and other property owners access to their backyards in order to store boats, RVs, etc. He said even though he did not represent the other property owners, each one had a gate that faced the western road of the project. He emphasized that his clients were willing to work with the developer and were not interested in delaying the project. Mr. Smith stated that his clients desired to meet with the developer and the City to work out an agreement that would allow them access to their prescriptive easement.

Mr. Meyer observed that the property owners had brought up the subject to the Commissioners during the processing of an earlier permit for an apartment complex. He believed something should have been done by now to resolve the issue and wondered why the property owners had not settled this problem. Mr. Smith responded that he had just become involved in the matter and did not know if the property owners were aware that they had to respond in a timely fashion.

Commissioner Chris Young asked if arrangements had been made for the applicant and the property owners to discuss the issue. Mr. Smith was not aware of any appointments made to resolve the matter. Mr. Young believed there might be a solution to the problem if all the parties would agree to meet. Mr. Meyer reiterated that this had been an issue that was never resolved during the earlier project approval and asked the applicant if he had ever made an attempt to resolve the issue.

Mr. Garland explained that he was the applicant and developer, not the current owner of the property; any resolution needed to come from the current owner and existing property owners. He became aware of the situation when he entered into a contract with the current owner and thought that the matter had been resolved; he was made aware of the issue again about one month ago. Mr. Garland said that as the applicant, he would be willing to address some of the property owners' concerns.

Patrick Gerard said he bought his home three years ago right after the previous project was approved. He stated that he was given documentation which lead him to believe there was an easement. He said he attempted to contact the owner but was not successful due to conflicting schedules. His other concern was drainage. Mr. Gerard explained that the only drainage on Oleander Circle was to the very south end, near Sycamore Street. He continued that he was only asking for access to his backyard in order to store his boat because he did not have access from his front yard. Mr. Young suggested that the property owners work on a proposal for access that would tie in with the landscape and amenities of the project.

Regarding drainage, Mr. DeMallie explained that part of the LOMR process with FEMA was the preparation of a hydrology report that looked at the impact as a result of placement of the fill. He said if the analysis concluded that it was detrimental to the floodplain, it would not be accepted by the City. He continued that the issue of the fill encroachment's impact on property owners had been reviewed, and it was determined that there would be no impact on other property owners. Determining that no one else wished to comment, the Chairman closed the public hearing at 4:53 p.m.

Mr. DeWalt reiterated that the issue of the prescriptive easement was a civil matter involving the property owners and should not be a part of the Commission's consideration of the project approval.

Mr. DeMallie advised that if an agreement was reached between the property owners, the landscape plan could be revised to allow gaps in the landscape planters in order for the homeowners to reach their backyards. He believed the amount of landscape altered would not result in staff not supporting the project.

Mr. Meyer referred to Condition 10 and questioned why RV parking spaces were designated on the site plan. Mr. DeMallie advised that this was a standard condition that specified RV parking was not allowed unless planned for in designated RV parking spaces. Mr. Meyer wondered how it would be decided who gets the RV parking spaces. Mr. Garland explained that the RV parking spaces were part of the original plan that had been approved earlier and thought the spaces were still required.

He continued that due to the demographics of this particular location, the RV parking spaces would be desired by the residents. Mr. Garland said no discussion had been made regarding who would be allotted the RV parking spaces. Mr. DeMallie pointed out that the RV parking was not mandatory. He said they were mandatory in apartment projects, but they were not required in planned developments. Mr. Meyer confirmed that the RV parking spaces could be removed.

Commissioner Smith asked if the City had a plan for a park in the area. Mr. DeMallie did not believe the Parks, Open Space, and Trails Master Plan called for a park in that area.

Ms. Goedert referenced Condition 48d and suggested that the no parking within the motor courts also be noted on the final map. Mr. DeMallie agreed.

Regarding the playground equipment, Mr. DeMallie was not sure if the area was large enough for the equipment. He offered to have staff investigate the option during final plan review.

Motion: Commissioner Jim Chapin moved that the Planning Commission recommend to the City Council adoption of the Mitigated Negative Declaration and approval of Tentative Subdivision Map Application S-4-06, Westside Road Subdivision; Rezoning Application RZ-3-06; and Planned Development PD-2-06, subject to the conditions of approval.

Second: Commissioner Randall Smith.

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

Noes: None.

Abstain: None.

Absent: None.

Commissioner Jim Chapin added that the review for a revised landscape plan should remain at staff level if an agreement regarding the easement was worked out between the property owners. The other Commissioners agreed.

COMMISSION CONSIDERATION - *Preapplication PA-4-07, a proposed project by Jeff Morrow, consisting of 2 medical office buildings and 11 residential units at 2723 and 2760 Old Eureka Way. Mr. Morrow will make a presentation regarding building setbacks along Eureka Way, seeking general comment from the Commission. A-050-250*

Planning Manager Douglas DeMallie advised that Jeff Morrow desired to address a specific issue on a project he was considering developing. He explained that the Commission was not under any obligation to respond and should not respond as a body in any formal way, since a completed application had not been submitted, and this was not an advertised hearing. However, he said the individual Commissioners could offer nonbinding comments or direction for Mr. Morrow's consideration.

Mr. DeMallie described the project, noting that the property was zoned "GO" General Office District, which was intended to accommodate professional office development, but also allowed residential uses with approval of a use permit or planned development. He indicated that Mr. Morrow's request to address the issue stemmed from staff comments during a preapplication review that it could not support proposed setbacks from Eureka Way due to a potential for a negative visual impact from the public road, inconsistency with existing setbacks, and concern that residential noise standards could not be met in such close proximity to Eureka Way. Mr. DeMallie explained that as proposed, the project would perch six 2-story residential units at the very edge of, or slightly overhanging, an approximately 15-foot-high cut bank immediately adjacent to Eureka Way. He added that, while staff was open to the mixed-use concept, it could not support residential units at the proposed setback. He said Mr. Morrow would like a more definitive response regarding the setback issue before proceeding with preparation of a noise study and other plans and costs associated with formalizing an application.

Jeff Morrow submitted information and photos regarding his ideas for the project on Old Eureka Way. He described the history of the setback issue on Eureka Way, noting that it had been addressed before. He stated that the zoning for the property had been changed in 1983 from Residential to Commercial; and in 1992, the site plan review criteria was amended, and setback was set at the

greater of 30 feet from property line or 15 feet south of the cut bank, which would be a 45-foot setback from the property line. Mr. Morrow contended that major leveling of the site was required to accommodate commercial parking requirements and that the path of travel issues for Americans with Disabilities Act (ADA) with new commercial construction required a major slope cut (not possible without leveling the lot). He continued that residential use was functionally possible at that location and that 30-foot or 45-foot setbacks would have minor effects on visual impacts.

The noise issue was addressed by Mr. Morrow, who noted that he planned to use concrete-filled Styrofoam block and triple-pane windows. He stated that the General Plan encouraged the development of integrated, mixed land use configurations. He asked the Commissioners for feedback regarding the setback on Eureka Way, visual impact, and the sound walls proposed along the street.

Commissioner Bert Meyer inquired about the sound wall. Mr. Morrow explained the dynamics of sound. He stated that the highway sound would be deflected from either direction by construction of the sound wall. He added that each unit had a two-foot wall protrusion, with the windows sitting back two feet to help further block the sound.

Commissioner Jim Chapin believed the area was sufficient in size to be developed as a commercial site. Mr. Morrow noted that the acreage was reduced because of the cut bank, the large outcropping of rock, the Fire Marshal's requirements, and having to meet the ADA travel requirements. He contended that the amount of cut bank and fill needed to level the property would make the project economically unfeasible.

Mr. Chapin inquired about the property line on Eureka Way. Mr. DeMallie remarked that Mr. Morrow had supplied a Caltrans construction document. He said City Engineer Barry Tippin opined that a right-of-way map was needed and that one could not rely on construction documents to determine property lines. Mr. Chapin believed most of the cut slope was within the Caltrans right-of-way and was probably created during the road construction. Mr. Morrow claimed that the easements along the slope were recorded and used during construction, but lapsed in 1980. Mr. Chapin worried that he would still be developing over the edge of the cut bank and voiced concern for visual impacts and noise.

Commissioner Chris Young was aware of the history of the property and believed there was potential for development of the site. He said he did not have a problem with building at the top of the cut bank but believed the proposal by Mr. Morrow was not an attractive project, and he would not vote in favor of it due to aesthetics.

Chairman Michele Goedert agreed with Mr. Young. She stated that she would be willing to vote for a reduced setback for a well-designed project.

Mr. Meyer was not in favor of the proposal. He said the parcel was vacant because it was a difficult site to work with; however, ultimately, the land value would increase to a point where a project was feasible without special exceptions.

Mr. Chapin believed the location was most appropriate for office use and would not vote for a residential use.

Commissioners Randy Memeo, Emmett Burroughs, and Randall Smith concurred with Mr. Young.

PUBLIC PARTICIPATION

Jeff Morrow addressed the Commissioners regarding the proposed amendment to Chapter 9.20, *Fire Prevention*, to establish a new appeal process, making the Fire Chief and Board of Appeals the final decision makers for adjudicating appeals interpreting the Fire Code. He opposed the amendment and asked for findings of fact regarding the necessity for such change.

Another issue mentioned by Mr. Morrow was the promotion of automatic fire sprinkler systems as reasonable and necessary. He contended that the findings of fact did not mention the numerous

alternatives found in the Building Code, alternatives that he believed the authors of the Building Code had found to reduce the incident of fire, or to keep fires small. He opposed the exclusion from consideration of alternative, cost-effective fire-reduction strategies and assemblies.

COMMISSION CONSIDERATION

Chairman Michele Goedert advised that the General Plan Update Committee would be sending recommendations regarding Regional Commercial areas and building heights in the near future to the Planning Commission.

Commissioner Bert Meyer complimented City staff on the Linden Avenue Apartments that were recently built. He noted that the apartments had a waiting list and were immaculate.

Mr. Meyer also noted that City Engineer Barry Tippin had given a presentation to the Rotary Club regarding infrastructure projects that were being done in the City. He complimented Mr. Tippin on the presentation.

Commissioner Randall Smith, who was also present for Mr. Tippin's presentation, agreed with Mr. Meyer.

Mr. Smith reminded the Commissioners and staff of the Clean Creeks Cleanup Project coming up on September 15. He urged those present to volunteer to help clean up one of the eight Westside streams.

ADJOURNMENT

There being no further business to come before the Planning Commission, Chairman Michele Goedert adjourned the meeting at 5:45 p.m.

Jim Hamilton, AICP
Acting Secretary

Michele Goedert
Chairman