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REDDING PLANNING COMMISSION
Regular Meeting, 4 p.m.
Tuesday, September 12, 2006
City Council Chambers
777 Cypress Avenue
Redding, California 96001

MINUTES

Chairman Bert Meyer called the meeting to order at 4 p.m., with Commissioners Gary Brickwood, Jim Chapin, Michele Goedert, Randy Memeo, Randall Smith, and Chris Young present. 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, Associate Planner Ron Adams, and Executive Assistant II Anita Felion.

APPROVAL OF MINUTES

Commissioner Michele Goedert moved approval of the minutes of the meeting of June 27, 2006. Commissioner Chris Young seconded the motion. Commissioners Jim Chapin and Randy Memeo abstained. The motion carried by a vote of five ayes and two abstentions.

Commissioner Chris Young moved approval of the minutes of the meeting of July 11, 2006. Commissioner Randall Smith seconded the motion. Commissioner Jim Chapin abstained. The motion carried by a vote of six ayes and one abstention.

Commissioner Jim Chapin moved approval of the minutes of the meeting of July 25, 2006. Commissioner Michele Goedert seconded the motion. Commissioner Chris Young abstained. The motion carried by a vote of six ayes and one abstention.

ANNOUNCEMENTS

Commissioner Randall Smith said an estimated 500 to 1,000 people would be working to help clean up Churn Creek from Shasta Lake City to its confluence with the Sacramento River on Saturday, September 16, 2006. He thanked those who were volunteering for the cleanup.

PUBLIC HEARING - PLANNED DEVELOPMENT PLAN PD-12-05, GENERAL PLAN AMENDMENT GPA-3-05, AND REZONING APPLICATION RZ-11-05, by Curry Brandaw Architects, requesting approval to construct a 118-suite senior residential facility on property located at 1350 Buenaventura Boulevard. The proposed development includes a request for a General Plan amendment from "Residential, 2 to 3.5 units per acre" to "Residential, 6 to 10 units per acre" and a rezone from "RS-2" Residential Single Family District to "RM-6-PD" Residential Multiple Family District with Planned Development Overlay District. Environmental Determination: Mitigated Negative Declaration. Staff Recommendation: Approval. L-010-211-025, G-030-010, and L-010-230.

Senior Planner Lily Toy summarized the staff report. She described the project and stated that the on-site open areas would include a walking trail with benches and seating areas for the residents to enjoy. She noted that the site incorporated large open areas and fairly large setbacks to create a park-like setting and provide a buffer to the existing single-family development to the south and abutting streets. She said staff recommended that the Planning Commission recommend to the City Council adoption of the Mitigated Negative Declaration and approval of Planned Development Plan PD-12-05, General Plan Amendment GPA-3-05, and Rezoning Application RZ-11-05 subject to the conditions of approval, which she reviewed. The Chairman opened the public hearing at 4:24 p.m.

Commissioner Bert Meyer asked for clarification of the road improvements to Pebble Drive and Ridge Drive.

Planning Manager Douglas DeMallie advised that the project did not front Ridge Drive; there was an intervening parcel between the west property line and Ridge Drive. He said the only improvements to Ridge Drive would be at the intersection with Pebble Drive and Eureka Way. Mr. DeMallie discussed the conditions of approval that addressed the road improvements and

mentioned the possibility of deferred improvements on Pebble Drive pending construction of improvements on the south side of the road tied to a previous parcel map approval.

Commissioner Randall Smith asked how staff would enforce the tree preservation outlined for the project. Mr. DeMallie explained that tree preservation would be enforced through the grading and improvement plans. He pointed out that there would be some amount of clearing of small trees and brush in accordance with the requests by the Fire Marshal for fire safety.

Melissa LeClerc, architect, Curry Brandaw Architects(CBA), said she and others from CBA had initially met with the neighbors at a neighborhood meeting to discuss the project, which had been well-received. She mentioned that CBA had also constructed the Hilltop Retirement Residence several years ago. Ms. LeClerc advised that approximately 10 percent of the rooms in the proposed project were two-bedrooms and that CBA expected around 130 occupants.

In response to Commissioner Michele Goedert's questions regarding landscape, Ms. LeClerc described the retaining wall for the parking area and the landscape along Buenaventura Boulevard.

Beth Norby commended CBA for its proposal. She appreciated the focus on preservation and improvements to facilitate the trail access to Blue Gravel Trail. She asked about the long-term plans for Buenaventura Boulevard, such as sidewalks and lighting. Ms. Norby inquired about erosion-control measures and the project's impact on Jenny Creek. She also asked about the driveway-entrance alignment on Buenaventura Boulevard.

Land Development Manager Gary Otremba advised that the driveway would be subject to an arterial standard and would line up with the office complex just south of Sunset Market.

Development Services Director Jim Hamilton explained that Buenaventura Boulevard was planned to be a four-lane arterial with street lighting and sidewalks. He explained that as projects developed along the boulevard, improvements would occur.

Bob Brennan owned several lots and a house on Ridge Drive. He questioned why he was required to install curb, gutter, and sidewalk and pave the road if he wanted to develop the lots, but the same was not being required of the applicant. Mr. DeMallie clarified that the applicant was required to do improvements along Pebble Drive for the entire length of the property. He said, however, that staff anticipated that the improvement would initially occur from Ridge Drive through the access driveway, and then a deferred improvement agreement would be issued for the balance. He explained that the project did not derive any benefit from the street past its driveway and that it would be much more economical to do the improvements all at one time. He said staff anticipated that when Mr. Brennan's property developed, the deferred improvement agreement would be called in. Mr. Brennan also voiced concern about the view once some of the brush and trees were removed.

Dennis Pope indicated that he used Pebble Drive for access to his property. He questioned if he had a say in whether or not the improvements could occur. Mr. Otremba explained that conditions of the parcel map stated that upon development of the parcels, improvements to Pebble Drive would occur. He noted that the City would not accept dedication of a public street until it was improved to the City's standards. The Chairman informed Mr. Pope that he could arrange a meeting with Mr. Otremba to further discuss the issue. Determining that no one else wished to speak, he closed the public hearing at 4:45 p.m.

Motion: Commissioner Gary Brickwood moved that the Planning Commission recommend to the City Council adoption of the Mitigated Negative Declaration and approval of Planned Development Plan PD-12-05, General Plan Amendment GPA-3-05, and Rezoning Application RZ-11-05 subject to the conditions of approval.

Second: Commissioner Jim Chapin.

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

Noes: None.

Abstain: None.

Absent: None.

Commissioner Randall Smith observed that General Plan amendments were not taken lightly by the Planning Commission. He continued that the increase in density was not significant, particularly given the age group of the future residents.

PUBLIC HEARING - USE PERMIT APPLICATION UP-3-06, by WestVenture Development, requesting approval to develop a 60,000-square-foot medical office building at 1031, 1033, and 1037 Butte Street in a "PF" Public Facilities District. Environmental Determination: Mitigated Negative Declaration. Staff Recommendation: Approval. L-010-390

Associate Planner Ron Adams summarized the staff report. He described the project, indicating that the site was largely surrounded by existing medical office development. He discussed the parking requirements, noting that the required parking would be met by a combination of basement parking in the proposed building (47 stalls), by developing a small open parking area on Shasta Regional Medical Center's (SRMC) property at the front of the building (40 stalls), and by acquiring permanent rights to surplus parking in the existing SRMC parking structure (up to 180 spaces). Mr. Adams continued that a pending parking agreement existed for the project between SRMC and the applicant and would be reviewed by the City Attorney.

Building height was also discussed by Mr. Adams. He mentioned that actual height elevations varied considerably due to the sloping condition of the lot and roof parapet variations. Mr. Adams advised that a grading permit was issued by the City Engineer, with the understanding that grading work in preparation for any building could begin. He stated that the permit also allowed for excavation and transport to a site but was not a preapproval of the project. Mr. Adams said staff recommended that the Planning Commission adopt the Mitigated Negative Declaration and approve Use Permit Application UP-3-06 subject to the conditions of approval, which he reviewed. The Chairman opened the public hearing at 5:06 p.m.

Commissioner Chris Young supported the project. He stated that hospitals and support services needed to grow and expand.

Kyle Matti, applicant's representative, Nichols, Melburg, and Rossetto, offered to answer any questions of staff.

Chairman Bert Meyer asked if the employees would be required to park in the structure, which would leave room in front of the building for the customers. Mr. Matti responded that the basement-level parking would be mostly for employee parking. He said the parking in front would be for clients. Determining that no one else wished to comment, the Chairman closed the public hearing at 5:10 p.m.

Motion: Commissioner Michele Goedert 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. She further moved that the permit be granted subject to the conditions of approval as recommended by staff.

Second: Commissioner Randall Smith.

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

Noes: None.

Abstain: None.

Absent: None.

PUBLIC MEETING - DRAFT ENVIRONMENTAL IMPACT REPORT EIR-1-06, by Wal-Mart. Accept public comment on the Draft EIR proposed for the Wal-Mart expansion project, consisting of expansion of the existing 127,904-square-foot Wal-Mart store at 1515 Dana Drive by 92,677 square feet and the outdoor garden sales area by 23,300 square feet. Staff recommendation: Review and accept public comment. L-010-075

Planning Manager Douglas DeMallie advised that the purpose of today's meeting was to receive public comment on the Draft Environmental Impact Report (DEIR) and that no decision would be made at today's meeting. He recalled that the expansion of Wal-Mart was first proposed in 2003 and approved by the Planning Commission but subsequently appealed to the City Council, which also

approved the project. Mr. DeMallie continued that upon an appeal of the adequacy of the Mitigated Negative Declaration (MND), the courts vacated the adoption of the MND, essentially overruling the use permit approval as well. He said the court determined that the MND was inadequate regarding the off-site traffic analysis and that it did not address the potential for urban decay; therefore, the court ordered that an Environmental Impact Report must be prepared for the project.

Mr. DeMallie noted that the DEIR was prepared by Jones and Stokes, who were under contract with the City but were being paid by Wal-Mart. He observed that although not required by the California Environmental Quality Act (CEQA), it was the City's practice to hold a meeting like this one to accept public comment.

According to Mr. DeMallie, only one comment was received from an agency, the Native American Heritage Commission, advising the City of CEQA processes in regard to archaeological/historical resources. He indicated that the DEIR consultant had complied with these regulations. He said about 90 percent of the public comment received addressed the merits of the project itself, as opposed to the DEIR. Mr. DeMallie mentioned that two other letters had been received since writing of the staff report, one from a resident addressing the merits of the project more than the adequacy of the DEIR. The other letter referred to by Mr. DeMallie was from William Kopper, the attorney who had appealed to the courts in 2003, who was asking for a 45-day continuance. He said Mr. Kopper commented that the DEIR was inadequate because the appendices did not contain the modeling data from the URBEMIS computer models of air quality impacts. He said it was highly technical information; the DEIR contained a lot of data and the findings of the analysis, but did not contain the actual computer-run data. He noted that Mr. Kopper had requested a copy of the data and that it had been forwarded to him. Mr. DeMallie said the City Attorney researched Mr. Kopper's court references and determined that the case cited by Mr. Kopper did not apply here, so the City did not agree to Mr. Kopper's request to recirculate. The Chairman opened public comment at 5:15 p.m.

Doug Bennett, Citizens for Responsible Growth (CRG), mentioned that he had known of several people who had e-mailed their concerns and asked how many comments had actually been received. He submitted comments and concerns from the CRG, which included noise; urban blight; a drop in wages overall; increase in crime; and economic pressures to, and close proximity of, the other large grocers. Mr. Bennett mentioned Wal-Mart's reported labor abuses and the lawsuit in California that awarded workers compensation for not being paid accurately. He urged the Commissioners to consider the established businesses already in Redding and the desire to keep more of the money being spent in the community. Mr. DeMallie advised that he had received four e-mailed responses to the DEIR and that they were attached to the staff report.

Lou Ann Matteson said she lived in an apartment adjacent to the Wal-Mart store. She was concerned about the safety of the residents, including many elderly people who resided in the apartment complex. Ms. Matteson noted that according to the Redding Police Department (RPD), Wal-Mart generated 63 percent of police calls related to grand theft auto, robbery, and vandalism, based on crime statistics from January 2005 to November 2005. She pointed out that her daughter-in-law's purse was ripped from her while holding her baby and that Wal-Mart's manager had treated her like it was her fault. Ms. Matteson said she was tired of Wal-Mart taking over places and would not shop there. Regarding traffic, Ms. Matteson believed the already heavy traffic on Dana Drive would get worse. She contended that there would not be enough parking and worried about the noise coming from the trucks delivering to the store. She also felt there were enough grocery stores in the area.

Rhonda Azbill owned a home on the east side of State Route 44 (SR 44). She asked for installation of a brick sound wall to help reduce the noise of the trucks and traffic traveling on the highway. She mentioned that she could sometimes hear people talking in the Wal-Mart parking lot. Mr. DeMallie commented that SR44 generated a much higher noise level than a retail center like Wal-Mart.

Loel Yerion noted that he was one of the appellants in the Wal-Mart appeal. He agreed with Mr. Bennett's comments. Mr. Yerion asserted that when an anchor of a shopping center closed, the rest of the center would also close. In reference to a proposed mitigation requiring that truck-refrigeration units be shut off, he noted that during the holiday time, it would not be feasible because the store would have refrigerated trucks full of frozen turkeys running all day and night. Mr. Yerion voiced concern about traffic and noise generated by the store.

Kris Kong agreed with Mr. Bennett and Mr. Yerion. He too worried about traffic, low wages, and urban decay. Mr. Kong wondered if Wal-Mart had wanted to expand in Redding because it was losing business to its Supercenter in Anderson. Determining that no one else wished to speak, the Chairman closed public comment at 5:37 p.m.

Commissioner Jim Chapin inquired about the crime statistics mentioned by Ms. Matteson and in the letter from A. Faurote. Mr. DeMallie indicated that the DEIR would respond to those comments.

Commissioner Michele Goedert asked if Jones and Stokes had prepared economic impact reports for other projects. She questioned what mitigation measures would have been proposed if there had been potential for economic blight.

Terry Rivaspata, Project Manager for the DEIR, Jones and Stokes, explained that Bay Area Economics compiled the economic impact report. He mentioned a court case from Bakersfield, California, against Wal-Mart, which charged that the store would put other stores out of business. He explained that CEQA addressed economic impacts only in the context of when they could result in direct or indirect physical impacts on the environment, such as weeds growing around buildings with long-term vacancies. Mr. Rivaspata said the question of appropriate mitigation never came up in court about mitigating for urban blight. He advised that his firm had explored different ideas for mitigation measures for urban blight, such as having a fund set aside by Wal-Mart for paying to clean up vacant properties or funding a patrol to clean up graffiti.

Mr. Rivaspata observed that Redding drew from a very large market area. He said it appeared that competitive grocery and retail stores were doing better than industry standards. He believed there would be no significant impact in Redding, although there would be economic losses because the stores would lose some business to the expansion. Mr. Rivaspata felt the amount would not be so great as to put them out of business.

Commissioner Randall Smith was bothered that the approval process had taken so long.

Development Services Director Jim Hamilton responded that the City was following the CEQA process. He explained that the City did act previously but that the approval was appealed. He said when the public review was completed and comments were received, the Final Environmental Impact Report would come forward.

Mr. Rivaspata discussed the noise and traffic issues. He remarked that the cleaning machines used by Wal-Mart were extremely noisy. He said installation of masonry walls and keeping the machines away from residences were two measures suggested for dealing with the noise. Mr. Rivaspata said changes to the driveways were also suggested, as well as not allowing the refrigerated trucks to idle between the hours of 10 p.m. and 7 a.m.

Chairman Bert Meyer complimented Mr. Rivaspata on the DEIR, noting that it was well thought out and easy to understand. Determining that no one else wished to comment, the Chairman closed public comment at 5:56 p.m.

COMMISSION CONSIDERATION - *Consideration of a Planning Commission resolution determining that a proposal by Shasta Enterprises for two 96-foot-high residential condominium towers containing 164 dwelling units at 2110, 2150, and 2188 Bechelli Lane and 462 and 476 Redcliff Drive is incompatible with the City's General Plan (Applications GPA-2-06, RZ-6-06, S-9-06, and PD-5-06). The resolution also recommends that the City Council initiate a review of General Plan policies related to building height, residential and commercial growth, transportation, and other City growth-related policies. Staff Recommendation: Determine the proposal is incompatible with the General Plan. G-030-010, L-010-230, S-101-117, and L-010-210.*

Commissioner Randy Memeo recused himself due to a conflict of interest and left the dais.

Senior Planner Kent Manuel summarized the staff report. He recalled that at its meeting of August 8, 2006, the Planning Commission reviewed a proposal by Shasta Enterprises, regarding the construction of eight-story condominium buildings on North Bechelli Lane. He noted that the Commission determined that the project did not conform to certain General Plan policies but that those policies should be reviewed. Mr. Manuel added that the Commissioners had agreed that it

would be appropriate for the City to undertake a review of General Plan policies related to building height to see if the current guidance was still appropriate and supported by the community. He continued that the Commission also suggested that it would be advantageous to form a committee, perhaps composed of up to 15 people, to review the issues and to make specific recommendations to the Commission and, ultimately, the City Council. Mr. Manuel said staff believed that reviewing the General Plan policies provided an excellent opportunity to expand the discussion to a more thorough review of General Plan policy, since it had been six years since adoption of the General Plan.

Mr. Manuel mentioned a letter received from Shasta Enterprises, asking that staff be directed to revise the resolution consistent with the motion approved at the Planning Commission meeting on August 8. Mr. Manuel stated that staff felt it was appropriate, subject to concurrence and budget authority given by the City Council, to proceed with a policy review of the General Plan as expressed in the Draft Planning Commission Resolution No. 2006-07.

Chairman Bert Meyer asked how long a review would take. Mr. Manuel explained that it could take a number of months to work through basic policy issues, for example, on building heights. He added that the policy revisions would not need to be adopted all at one time; they could be sequential, which is what staff suggested.

Commissioner Randall Smith agreed that a committee review could take months. He felt it was unfair and bureaucratic to tie the applicant's proposal to policy revisions.

Commissioner Chris Young agreed with Mr. Smith. He did not think the two items should be tied together. He asked if a deadline could be set for the committee to arrive at a decision for the height, location, and zoning issues.

City Attorney Rick Duvernay advised that staff could set a deadline.

Commissioner Jim Chapin concurred with Mr. Smith and Mr. Young. He contended that a policy review of the General Plan could take three years. He felt it was staff's job to identify what areas needed revision and then form a committee to look at the specific areas. He questioned the staff time involved in preparing the documents and having the meetings. Mr. Chapin believed the specific item involving building heights should be done with a fairly small committee and on a short time line of perhaps three months.

Commissioner Gary Brickwood noted that he was not present at the August 8 meeting in which the Shasta Enterprises proposal was discussed. He asked if the resolution attached to the staff report accurately reflected what the Commissioners determined—that the application was not consistent with the General Plan.

Development Services Director Jim Hamilton agreed that the application did not fit within the realm of the current General Plan. He continued that this was a significant project that generated much controversy. Mr. Hamilton acknowledged that staff needed to respond to the applicant's request in a timely fashion. He pointed out that the applicant's request called into question very fundamental policies, such as land use intensity and density of development. Mr. Hamilton believed establishment of a committee was appropriate to review General Plan policies related to this particular project's issues and to go beyond the height of buildings. He said he would like to use the same committee and did not want to create another committee later to deal with other topics.

Ms. Goedert supported Mr. Hamilton's suggestion. She believed the applicant's issues could be fast-tracked to be the first item addressed.

Mr. Chapin wanted to clarify that the need for a General Plan review, including building heights and locations, was totally separate from the Shasta Enterprises proposal. He felt if there was formation of a task force to review building heights, it should be done from the standpoint of the entire City and not a specific proposal.

Mr. Smith referred to the motion he made at the August 8 meeting. He stated that the item before the Planning Commission was more of a scoping session, not for a project. After discussion regarding the resolution before the Commissioners, Mr. Hamilton suggested revising the resolution

to reflect the changes that the Commission felt was necessary. The Chairman opened public comment at 6:41 p.m.

Eric Batten, applicant's representative, mentioned the motion passed by the Commissioners on August 8. He felt the Commission was clear in its motion and claimed that City staff was not complying with its request, which was to review building heights and locations. Mr. Batten contended that it could take years to review the General Plan. He requested that the Commission stay with its unanimous motion from the August 8 meeting and that staff be directed to revise its recommendation. Mr. Batten believed the time line would be much longer than four to six months for review. He said the applicant would not be opposed to review as long as it had a reasonable deadline and was separate from other General Plan issues.

Kris Kong also believed that the General Plan review should not be tied to one item. He claimed that if the City started constructing high-rise buildings, visibility of the mountains would be limited. He wondered if the development would override the community's needs.

Eihnard Diaz noted that there was no task force appointed for the General Plan amendments for the Lowe's or Stillwater Business Park projects. He felt a citizens' committee for this item was overkill. Mr. Diaz believed staff should be making the recommendations. Determining that no one else wished to speak, the Chairman closed public comment at 6:53 p.m.

Discussion ensued amongst the Commissioners on whether to establish a committee for only the building height and locations or to follow staff's recommendation to study the other issues as well.

Mr. Chapin agreed to a deadline of 90 days for review of building height and locations but did not believe all the issues needed a 90-day deadline.

Mr. Young agreed with the 90-day deadline. He wanted to keep the resolution that was previously voted on and address the General Plan amendments separately from the Shasta Enterprises proposal.

Mr. Meyer agreed with Mr. Chapin, but he did not want 15 people on the committee, believing it was too hard to get a consensus. He suggested 9 or 10.

Mr. Brickwood concurred with Mr. Chapin and Mr. Meyer.

Motion: Commissioner Jim Chapin moved that the Planning Commission request that staff prepare a resolution to request formation of a task force to look at needed revisions of the General Plan, and the first priority would be to review height restrictions and locations of taller buildings and increased densities in the City of Redding. He also moved that the resolution state that the task force would review and make recommendations to the Planning Commission before taking on other items in the General Plan review. He further moved that the first task would be done within 90 days, and the committee would consist of 10 to 12 people.

Second: Commissioner Gary Brickwood.

Ayes: Commissioners Brickwood, Chapin, Goedert, Meyer, Smith, and Young.

Noes: None.

Abstain: Commissioner Memeo.

Absent: None.

Mr. Memeo returned to the dais at 6:58 p.m.

COMMISSIONERS' COMMENTS

Commissioner Randall Smith advised that there would be at least three Planning Commissioners working on the Churn Creek cleanup on Saturday, September 16, in addition to the other hundreds of volunteers.

PUBLIC PARTICIPATION

Barry Keefe noted that he had been in Redding for almost two years and was pleased with the services offered by the City of Redding and Shasta County. He was currently under a physician's care and wanted to thank the people for being so helpful.

DIRECTOR'S REPORT

Development Services Director Jim Hamilton advised that staff would soon be receiving information from Shasta County about the proposed Churn Creek Auto Mall.

ADJOURNMENT

There being no further business to come before the Planning Commission, Chairman Bert Meyer adjourned the meeting at 7:03 p.m.

Jim Hamilton, AICP
Acting Secretary

Bert Meyer
Chairman