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REDDING PLANNING COMMISSION
 Regular Meeting, 4 p.m.
 Tuesday, December 14, 2010
 City Council Chambers
 777 Cypress Avenue
 Redding, California 96001

MINUTES

Chairman Emmett Burroughs called the meeting to order at 4 p.m., with Commissioners Michele Goedert, Bert Meyer, Cameron Middleton, Lynne Wonacott, and Chris Young present. Also present were Planning Manager Douglas DeMallie, City Attorney Rick Duvernay, Project Coordinator Gary Otremba, Senior Planner Kent Manuel, and Executive Assistant II Anita Felion. Commissioner Randall Smith arrived at 4:08 p.m., as hereinafter noted.

APPROVAL OF MINUTES

Commissioner Cameron Middleton moved approval of the minutes of the meeting of October 26, 2010. Commissioner Chris Young seconded the motion, which carried by a unanimous vote.

Commissioner Randall Smith arrived at 4:08 p.m.

PUBLIC HEARING - USE PERMIT APPLICATION UP-9-10, by Brent Weaver, proposing to construct a three-story, 16,380-square-foot mixed-use building containing 4,426 square feet of street-level commercial space and 14 residential apartment units within the upper two stories on property located at 1613, 1625, and 1637 Pine Street (the location of City Parking Lot No. 3). The project site is zoned "CBD-SP-BH" Central Business District within the Downtown Redding Specific Plan with the Building Height Overlay District. Environmental Determination: Categorically Exempt. Staff Recommendation: Approval. L-010-390

Planning Manager Douglas DeMallie summarized the staff report. He noted that the project site was located within the Central Business District (CBD) area of the Downtown Redding Specific Plan (Specific Plan). He stated that the building was proposed to be located adjacent to the public sidewalk along Pine Street, with shop entrances oriented to the street. He said the Commissioners should note that the preliminary floor plans indicated that resident access to the apartment units would be taken from an interior staircase and elevator entrance at the rear of the building (the alley side). Mr. DeMallie remarked that staff had discussed with the applicant the appeal of a resident access on Pine Street, and he had agreed to incorporate this feature into the final building design. He observed that although parking was not required in the CBD, the site plan provided 20 spaces with access off the alley to the rear of the building, one parking space for each residential tenant, and some amount of employee parking.

Mr. DeMallie continued that the site was the location of City Parking Lot No. 3, which was currently developed with 38 parking spaces. He stated that the City Council had authorized the sale of Parking Lot No. 3 to the Redding Redevelopment Agency (Agency) at its joint meeting of January 19, 2010. He indicated that at the meeting, the Agency authorized negotiation with the developer for the redevelopment of the property as a mixed-use project, with a combination of market-rate and affordable residential units.

According to Mr. DeMallie, the Specific Plan contained special standards and design guidelines tailored for the CBD to help guide development and implement its goals and policies. He said the Specific Plan encouraged development that promoted a more urban, pedestrian-oriented environment, with greater utilization and intensity than was typical in other commercial areas. Mr. DeMallie described the site planning and design, noting that the project provided pedestrian orientation by placing the buildings and shop entrances adjacent to the street and locating parking to the rear of the building, with access off the alley. He noted that the building included a strong storefront design and incorporated many of the principles found in the Design Guidelines of the Specific Plan—building entries along Pine Street were recessed and included large glass storefront doors and windows, transom windows, and use of decorative materials. He added that the building

also included a cornice treatment differentiating the ground-floor commercial from the residential upper stories. Regarding landscape, Mr. DeMallie advised that the existing mature trees along Pine Street would be retained and that new landscape planters would be installed in the parking lot. He commented that no public comment had been received as a result of the notification of the public hearing. Mr. DeMallie said staff recommended that the Planning Commission approve Use Permit Application UP-9-10 subject to the conditions of approval.

Mr. DeMallie responded to questions and comments from the Commissioners.

In response to Commissioner Michele Goedert's questions, Mr. DeMallie said he believed tenant parking would be designated. Regarding Condition 5, Mr. DeMallie explained that if occupancy of the commercial space by a tenant necessitated cardboard recycling, an employee parking spot would be lost, but parking for tenants would remain.

Commissioner Randall Smith mentioned the upcoming review and update of the Specific Plan and wondered if there would be problems associated with this project due to possible changes in the Specific Plan. He also wondered if the Planning Commission would be included in the review and possible update of the Specific Plan. Mr. DeMallie stated that any modifications to the Specific Plan were at least nine months to a year away. He informed Mr. Smith that the Specific Plan would come before the Commissioners for their review and recommendation to the City Council. The Chairman opened the public hearing at 4:15 p.m.

Brent Weaver, applicant, was asked about his earlier Gateway project at the intersection of California and Shasta Streets. He stated that the building was currently leased out at 95 percent and that the second floor was 100 percent leased out upon completion. Mr. Weaver said based on what he had learned from this earlier development, he would have designed the entire second floor as residential, noting that he had a waiting list for the previous project. He also mentioned that those who had been interested in the earlier project represented a broad section of residents—students, young professionals, retirees, empty nesters wanting to downsize, etc.; however, a lot of applicants had to be turned away because of their income, which exceeded the maximum allowed for affordable housing.

Michele Cram, co-owner of an office building on East Street with eight parking spaces at the back of their building, noted that the parking spaces were usually occupied by people who were not tenants of the building, including the residents of the townhouses on Placer Street. She complained about the Dumpster on the side of the townhouse building that was in constant view of their office building. Ms. Cram voiced concern about the increased need for parking, which was already an issue for them, and she worried that the new tenants in the proposed building would also be parking in their parking lot.

Mr. DeMallie advised Ms. Cram that she could work with the Redding Police Department (RPD) to have her parking lot signed for "private parking," which would enable RPD to tow unauthorized vehicles.

Project Coordinator Gary Otremba echoed Mr. DeMallie's statements and added that a contract needed to be in place with RPD before the "no parking" regulation could be enforced.

Mark Cram, co-owner with Ms. Cram, worried about the possible concentration of low-income residents, which he felt would be detrimental to the improvement of Downtown Redding. He repeated Ms. Cram's comments on the issues experienced with the nearby townhouse residents. Mr. Cram observed that the Downtown area had recently improved with the addition of the Shasta College building and the Market Street Promenade. He asked when the parking situation Downtown had last been evaluated and did not want the City to abandon its small parking lots until the parking situation was reviewed again.

Mr. DeMallie noted that a parking study had been done by the Downtown Parking Committee in 2007. He said the conclusion was that the number of parking spaces was adequate for today's needs but that a more thorough plan for parking Downtown needed to be undertaken. He pointed out that this was one of the main reasons for updating the Specific Plan.

Ms. Goedert confirmed the conclusion of the 2007 study. She also noted that at the time of previous public-parking lot sales, the City had committed to Downtown business owners that adequate public parking would be maintained.

Steve Bade, Senior Redevelopment Project Coordinator, Redding Redevelopment Agency, said the Agency determined that if Parking Lot No. 3 was developed, then Parking Lot No. 4 should be preserved. He believed that in time, a multi-level parking garage could be built. Mr. Bade mentioned that Mr. Weaver's plans for the project included electrical connections for cars and indoor bike lockers.

Commissioner Randall Smith, who was also an advocate of smart growth, pointed out that there was an abundance of parking in Redding and felt that those who believed they should be able to park in front of the building they were visiting was a thing of the past. He felt the automobile had negatively affected the Downtown area and reiterated his belief that there was an adequacy of parking in Redding.

Ms. Goedert was in support of this project and believed it would help to support a 24-hour downtown, instead of an 8 to 5 downtown.

Motion: Commissioner Michele Goedert 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 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 Burroughs, Goedert, Meyer, Middleton, Smith, Wonacott, and Young.

Noes: None.

Abstain: None.

Absent: None.

PUBLIC HEARING - PARCEL MAP APPLICATION PM-3-10 AND VARIANCE APPLICATION V-2-10, by Michael and Linda Horn, requesting approval to divide an 8.9-acre parcel into two parcels consisting of 7.89 acres and 1.06 acres for the construction of a single-family residence on property located at 3000 Breslauer Way and for a reduction in the stream-corridor setback established for the Sacramento River from 150 feet to 60 feet. Environmental Determination: Negative Declaration. Staff Recommendation: Adoption of the Negative Declaration and approval. L-010-150 and L-010-410

Senior Planner Kent Manuel summarized the staff report. He noted that the existing parcel was isolated from any other residential development and was accessed by easement through the Shasta County building complex located at the end of Breslauer Way. He observed that neither of the requested two parcels would have frontage on a public street, which necessitated the granting of a waiver from the Subdivision Ordinance pertaining to street-frontage requirements. Mr. Manuel advised that the parcel also was adjacent to the Sacramento River and that the applicants had requested approval of a variance to allow a reduction of the stream-corridor setback provisions of the Zoning Ordinance for the future construction of a residence on the newly created parcel and to waive the requirement that the setback area be dedicated to the City of Redding for public purposes.

Mr. Manuel continued that access to the existing residence was via an off-site, 1,800-foot-long driveway easement that began on Shasta County property at the end of Breslauer Way, continued through developed parking lots, and crossed undeveloped county land to the Horn property. He said the Horns purchased the easement from Shasta County, which stipulated that access would be allowed for a maximum of two residences. He explained that Section 17.60.020 of the Subdivision Ordinance required residential lots to have frontage on a public street unless they were located in a planned development, condominium, or similar development. He pointed out that none of these circumstances applied to the application under consideration; however, Section 17.040.100 of the Subdivision Ordinance allowed modification of this standard if the property had a unique constraint that rendered the street-frontage provision "impossible, impractical, or undesirable" to attain.

Mr. Manuel stated that given the intervening developed county property, it was extremely unlikely that Breslauer Way would be extended from the south to the subject property in the foreseeable future. He also mentioned that public-street access from Wyndham Lane to the north was precluded by the recently approved Wyndham Pointe tentative map, which did not provide for a bridge crossing to the south across Canyon Hollow Creek. Mr. Manuel advised that in order to waive the requirement for public-street frontage, the Commission must make three specific findings regarding the modification of standards, which were that: (1) special circumstances exist; (2) the project remains consistent with the Subdivision Map Act and General Plan; and (3) the modification is necessary for the preservation and enjoyment of a substantial property right and does not result in a special privilege. He said staff felt these findings were in evidence.

The variance request was also discussed by Mr. Manuel. He noted that the Redding Municipal Code required buffer/setback areas between development and the Sacramento River and primary creeks within the City. He explained that the applicants had requested that the setback be reduced to 60 feet from the top of bank, which was approximately twice the distance as that of the existing residence. He stated that the proposed setback would establish a riverfront presence for the new residence, such as that enjoyed by the existing home and the homes constructed to the north in the Riverland Estates Subdivision, while not dominating the riverbank. He pointed out that the proposal strove to utilize a logical development envelope that was created between the bank of the Sacramento River and existing overhead utility lines and driveway. Mr. Manuel said these improvements were located approximately 130 feet from the riverbank, which left a potential development area between those improvements and the proposed setback of approximately 70 feet. He also mentioned the other potential development envelope on proposed Lot 2, which was located between the existing overhead utility lines to the east and a public-sewer easement to the west.

Mr. Manuel noted that the primary impetus for the City establishing stream setbacks was to protect the riparian vegetation typically associated with stream corridors. He continued that the setbacks were normally established with the approval of projects on larger development sites, such as new subdivisions, multiple-family developments, and commercial projects that contained considerable stream frontage. Mr. Manuel pointed out that in this case, Lot 2 would only have 75 feet of frontage on the Sacramento River. He added that the developable area of the proposed lot had been planted with an orchard, vineyard, and raised-bed gardens or had been tilled/mowed to control the height of upland grass vegetation and did not contain riparian vegetation.

Mr. Manuel observed that given the relative isolation of the Horn property, constraints represented by Shasta County ownership of property to the south and existing developed lots to the north in the Riverland Estates Subdivision, the Parks, Trails, and Open Space Master Plan did not designate a trail corridor along this relatively short section of the Sacramento River. He noted, however, in the event that the undeveloped county-held lands should someday be used for a public park, open space, or similar use, Condition 10 required the offer of dedication of a 15-foot-wide trail easement along the western property line of the subject property. Mr. Manuel said this could allow for a future trail connection between Wyndham Pointe Subdivision to the north and the Shasta County lands to the south. He added that the City would not accept the offer unless and until complementary recreational/trail uses were proposed for the Shasta County property.

Mr. Manuel pointed out that Chapter 18.48 of the Redding Municipal Code required public dedication of buffer areas for subdivision maps (which included parcel maps); however, setback areas were not required to be dedicated to the public if only a building permit was necessary, resulting in a double standard of sorts. Mr. Manuel explained that Section 18.48.030(E) stated that "it is intended that buffer areas be maintained in a natural state and not be landscaped." He noted that in this instance, none of the normal attributes associated with riparian vegetation were present on the site and the setback was not necessary to protect riparian vegetation or the river. He said staff recommended that the Planning Commission adopt the Negative Declaration and approve Parcel Map Application PM-3-10 and Variance Application V-2-10 subject to the conditions of approval.

Commissioner Randall Smith referred to Mr. Manuel's statement that the City would consider dedication at a future time. He pointed out that he and others were having difficulty in obtaining dedication in other neighborhoods to connect with the nearby trails, and he appreciated staff's efforts regarding the requirement for dedication at a later date, since it was very difficult to obtain without

the requirement in the conditions of approval. Mr. Smith also felt the City should be getting some type of reimbursement in exchange for the variance. Mr. Manuel advised that the requirement would be placed on the parcel map as notification to future property owners. He noted that the applicants were agreeable to the condition.

Commissioner Michele Goedert referred to Condition 13 and inquired if the all-weather surface of the driveway had to be paved. Mr. Manuel stated that the Fire Marshal had indicated that for two residences, the road could be a graveled surface.

Michael and Linda Horn, applicants, indicated that the application process had taken five years to complete; they asked the Commissioners for approval of their applications.

Mr. Smith was assured that the property would only be allowed to be divided into two parcels.

Commissioner Cameron Middleton disclosed that he had performed some work for the Fisher Family on the neighboring parcel to the west but that he did not see a conflict of interest.

Mr. Manuel discussed Conditions 9 and 14 regarding the easement for the overhead utility lines and the extension of electric lines and the underground placement of utilities.

Motion: Commissioner Lynne Wonacott moved that the Planning Commission adopt the Negative Declaration and that, based upon the testimony presented by staff, the Board 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. She further moved that the Planning Commission find that the proposed subdivision is consistent with the Redding General Plan and applicable specific plans and that the parcel map be approved subject to the conditions of approval as recommended by staff.

Second: Commissioner Chris Young.

Ayes: Commissioners Burroughs, Goedert, Meyer, Middleton, Smith, Wonacott, and Young.

Noes: None.

Abstain: None.

Absent: None.

Motion: Commissioner Lynne Wonacott moved that the Planning Commission adopt the Negative Declaration and that in accordance with Section 18.16.070 of the Redding Municipal Code, the Commission find the criteria for granting a variance in evidence and approve the variance subject to the conditions of approval as recommended by staff.

Second: Commissioner Chris Young.

Ayes: Commissioners Burroughs, Goedert, Meyer, Middleton, Smith, Wonacott, and Young.

Noes: None.

Abstain: None.

Absent: None.

PUBLIC HEARING - VARIANCE APPLICATION V-3-10, by Bert Boothroyd, requesting approval of a 17-space reduction in the amount of off-street parking required for the remodel of 8,000 square feet of existing building area, currently used for storage, to business office space. The building is located at 1708 East Street in a "GC-V/R-BH" General Commercial District with Visitor/Retail and Building Height Overlay District. Environmental Determination: Categorically Exempt. Staff Recommendation: Denial. L-010-410

Planning Manager Douglas DeMallie summarized the staff report. He noted that while the site was located in the Downtown area and was within the Downtown Redding Specific Plan (DRSP) boundary, it was located outside the Central Business District (CBD). He explained that the boundary separating the CBD from the General Commercial District was the alleyway that ran between Pine and East Streets. He added that City Parking Lot No. 4, which contained 66 public parking spaces, was located across the alley from the site's private parking area.

Mr. DeMallie continued that the northern half of the subject property was developed with a 28,000-square-foot commercial building that contained approximately 20,000 square feet of general office space on the main floor and an additional 8,000 square feet in an improved daylight basement located below the back half of the building. He said the basement area had two roll-up doors and a standard door with direct access to East Street, and a private parking lot with 50 stalls was located on the southern half of the site. He noted that the main floor area of the building contained offices occupied by the SMART Business Resource Center, with access from Placer Street, and the Shasta County Public Health Department (SCPH), with access from the rear parking lot. Mr. DeMallie observed that the basement area was currently used for medical-record storage. He indicated that it was in the lower-floor basement area that the applicant desired to complete a remodel to provide additional offices for use, potentially by SCPH or other private business. He advised that the building was originally constructed in the late 1940s, with general-office uses in the front and an attached warehouse in the back portion of the building. He said Montgomery Wards initially used the warehouse for inventory. Mr. DeMallie continued that the entire building was then occupied by the Redding Record Searchlight newspaper, with the daylight basement used as a printing room. He stated that after the newspaper left the building, Loralie's, a local apparel manufacturer, used the building for apparel production and, to a lesser extent, business office and retail sales. He pointed out that the building's history showed that the basement area had been used for light manufacturing and production work and storage; thus, the remodel to business offices represented a change in use of the space that required compliance with various uniform building and planning codes, including, but not limited to, provisions for off-street parking. He indicated that since the project site and subject building had over 60 years of use, some reasonable flexibility could be applied based on legal preexisting, nonconforming rights.

A chart detailing the parking calculations, which helped to illustrate the parking deficiency of 17 stalls, was presented by Mr. DeMallie.

Mr. DeMallie referred to the letter attached to the staff report that was submitted by Al Naticchioni, applicant's representative, in which the applicant requested use of the City's public parking lot, contended that depriving him of use of the downstairs space was creating a hardship and stopping the creation of more jobs, and stated that the subject property should have been added to the CBD when it was first formed.

According to Mr. DeMallie, staff had advised the applicant that he could apply for a General Plan amendment and rezoning to include this property in the CBD; however, there were associated fees and a timeline that the applicant did not want to adhere to and instead chose to apply for a variance. He said staff had also informed the applicant that the City would be updating the DRSP and would be reviewing the CBD boundaries and the Downtown parking policies. He stated that these were the two proper alternative avenues to address this issue.

Mr. DeMallie explained that at the center of this variance request was the question of whether or not the applicant should be given credit for the availability of on-street parking and the close proximity to a public parking lot to support the proposed office-space conversion, considering the property's relationship to the Downtown core and the building's history of uses. He noted that Chapter 18.41 of the Zoning Ordinance required that sufficient off-street and on-site parking be provided at various ratios depending on the land uses involved. He advised that state law required that a variance from the terms of a zoning ordinance may only be granted when, because of unique circumstances applicable to the property—including size, shape, topography, location, or surroundings—the strict application of the zoning ordinance deprived such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

He commented that based on this, Section 18.16.070 of the Zoning Ordinance contained specific findings for approval of a variance. He explained that the intent of the necessary findings was to set the bar high for approval of a variance and only allow variation from standard development criteria in situations when it was proven that there were truly compelling and unique circumstances affecting the property that generally did not apply to other properties nearby under the same zoning. He pointed out that in this case, the variation from standard development requirements was substantial—to waive provisions for upward of 17 on-site parking spaces by utilizing public parking spaces shared by other uses. He stated that if the City were to approve this request, it would set the

precedence for other nearby properties zoned "GC" General Commercial and outside the CBD to qualify for the same flexibility, which could eventually undermine the goals and resources for shared parking in the CBD.

Mr. DeMallie concluded his presentation by noting that in staff's opinion, the findings required for approval of a variance under Section 18.16.070 could not be made. He said spaces in City Parking Lot No. 4 were intended largely to support development within the CBD under policy of the DRSP. He noted that public parking was a finite commodity in the Downtown area that would need to be managed carefully for long-term benefit. He added that the applicant had the opportunity to convert up to 2,280 square feet of the basement area to professional office space under existing parking conditions; thus, the applicant had not been deprived of alternate uses of the space. Mr. DeMallie said staff recommended that the Planning Commission deny the variance request because the necessary findings could not be supported. He noted that the applicant had the alternatives of pursuing a General Plan amendment and rezoning or participating in the update of the DRSP for a possible change to the property's designation.

Commissioner Randall Smith mentioned tonight's earlier public hearing for Use Permit UP-9-10, which eliminated a City parking lot, and asked why staff recommended approval for that use permit but not for this variance. He clarified that the property for the use permit was in the CBD and Mr. Boothroyd's was not. Mr. DeMallie responded that the City Council (Council) had made a determination that City Parking Lot No. 3 was not necessary for Downtown use, based in part upon City Parking Lot No. 4 remaining available to the general public. He also observed that the UP-9-10 property and the subject property were in two separate zoning districts.

Commissioner Chris Young referred to the Theatre Square project (which was intended to be built, but was never developed) on City Parking Lot No. 4. Mr. DeMallie stated that an agreement between Building Innovation Group (formerly Habitat for Humanity) and the Redding Redevelopment Agency (Agency) did not come to fruition for the Theatre Square project, so the parking lot reverted back to the Agency.

Mr. Young questioned why the area that was only one-half block wide was designated General Commercial. He believed the whole area should be in the CBD. Mr. DeMallie pointed out that the businesses in the CBD along the west side of the alley had a very small amount of on-site parking and that most of the businesses on the east side of the alley did have on-site parking. He stated that although the reasons might be unclear, the CBD boundary was established with adoption of the Specific Plan in 2001.

Senior Planner Kent Manuel noted that these issues would be considered during the update of the DRSP. He reiterated that most of the properties along East Street included parking lots; if they were brought into the CBD, the property owners could build additional buildings and remove the parking lots, which would put even more pressure on the parking situation Downtown.

Mr. Young felt if one's property abutted and shared a property line in common with the CBD, the owner should be able to enjoy the same privileges of the CBD district.

Mr. Young also mentioned that the residential units across the street from the applicant's business had been for sale for quite some time. He believed the difficulty in selling those units was tied to the CBD designation and the parking issue. He suggested that the Agency enter into an agreement to purchase the residential units and then turn the building into ground-level storefronts with units upstairs.

City Attorney Rick Duvernay explained that parking requirements were typically in the zoning regulations and that the General Plan usually did not address them. He advised that state law also allowed a city to determine how development would occur by implementing a specific plan, but that zoning would still be in place. Mr. DeMallie added that the no-parking policy was contained within the DRSP. He said the specifics on elimination of a parking requirement was in the Parking Ordinance, which stated that on-site parking was not required in the CBD.

Mr. Smith contended that if there were modifications to the parking requirements, the parking situation would change for the worse. He supported staff's recommendation to deny the variance.

Planning Commissioner Cameron Middleton agreed with Mr. Young's comments that parking had been an issue with the residential units across the street. He inquired about the applicant's statement in his letter that the City allowed up to 30 percent of parking spaces off-site. Mr. DeMallie indicated that this option had been discussed with the applicant but that the only available spaces within 400 feet was City Parking Lot No. 4. Mr. DeMallie said the applicant approached the Agency with the request to lease those spaces, but the Agency declined the request, since it could not give a user the right to use the spaces at the expense of the rest of the public. The Chairman opened the public hearing at 5:31 p.m.

Al Naticchioni, applicant's representative, advised that the applicant's site plan had been redrawn to reflect the availability of 60 parking spaces, not 50, in the private parking lot. Mr. DeMallie stated that the number 50 came from a physical count on-site. Mr. Naticchioni explained that some of the parking stalls were 13 feet wide and some were 11 feet wide. He said they could be reduced to 9 feet, and a tree could be eliminated in the northeast corner to allow another 5 spaces, which would result in only a total shortage of six spaces. Mr. DeMallie countered that as the parking lot currently existed, there were 50 parking spaces available and that staff would not support elimination of a tree to create more spaces.

Mr. Naticchioni remarked that this was a unique situation, that there were 28 parking spaces all around the building, and that at any time of day, a parking space was available on the street. He reiterated that the applicant was only short six parking spaces and that this area would probably be part of the CBD eventually anyway. Mr. Naticchioni contended that the variance approval would also help the area economically.

Ms. Goedert asked if the applicant had considered creating some of the parking within the 8,000 square feet of the basement, since the basement was fitted with large garage doors. Mr. Naticchioni noted that the area was finished and had heating and air conditioning and that the doors were going to be replaced with storefront windows for more daylight. He repeated that by restriping the parking lot and possibly making several spaces smaller for compact cars, only six more stalls would be needed.

Mr. DeMallie again noted that the site plan showed 50 spaces in the parking lot. He said even if the parking lot was restriped to allow for more spaces, a variance would still be needed and the findings could not be made.

Mr. Middleton inquired if the applicant had explored leasing property off-site, such as with the Bank of America, or at other parking lots. He also suggested that the applicant submit another site plan depicting the restriping that was mentioned. Mr. Naticchioni replied that he had checked with a nearby church to create an agreement to use its parking lot during the week; however, a problem could be created if the church decided to sell its building in the future. He noted that the applicant had even offered to buy the parking lot from the City and had offered to contribute to the City's costs for building a two- or three-story parking lot. Mr. Naticchioni acknowledged that staff had said the applicant could convert up to 2,800 square feet for office-space use without special planning permit approvals, but that would still leave the applicant 5,000 square feet short. The Chairman closed the public hearing at 5:43 p.m.

Commissioner Michele Goedert asked how many employees worked at the Shasta County office building at Sacramento and South Streets that was approximately 5,000 square feet.

Steve Bade, Associate Redding Redevelopment Agency Planner, believed there were between 45 and 50 employees who worked at the Shasta County office building. He said they utilized street and on-site parking, as well as Parking Lot No. 4, for their parking needs. Mr. Bade clarified that the Agency did not own Parking Lot No. 4; it was owned by the City. He explained that after the agreement with Habit for Humanity terminated, ownership of the parking lot reverted back to the City. He felt the parking lot was a great location for a future multi-level parking facility. The Chairman closed the public hearing at 5:45 p.m.

Mr. Young pointed out that efforts had been made to revitalize the Downtown area and yet, in this case, the applicant was being precluded from increasing his business, which would help to create more jobs and bring more people to Downtown. He hoped that a way could be found to allow the applicant to expand his business.

Ms. Goedert noted that Parking Lot Nos. 1 and 2 had been sold within the past 15 years and that Parking Lot No. 3 was now in the process of being sold with Use Permit UP-9-10. She added that a parking lot had also been abandoned to accommodate Library Park. Ms. Goedert continued that promises had been made to business owners within the CBD that they could develop their properties and the City would provide parking for those properties. She stated that a line had been drawn for the boundaries and that the City needed to recognize the promises that were made.

Commissioner Lynne Wonacott agreed with Ms. Goedert. She contended that findings could not be made to support the variance request. Ms. Wonacott said the Commissioners had an obligation to follow the law but that if the applicant desired to return with a revised site plan, the Commissioners would consider the request. She also suggested that the applicant develop the 2,800 feet that would currently be allowed without a permit request. She supported staff's recommendation for denial.

Mr. Smith concurred. He stated that findings could not be made for this variance request.

Mr. Meyer recalled that when Dr. Trevor had desired to expand his office, he was required to obtain off-street parking and had entered into an agreement with the adjacent church for an easement for parking.

Mr. Middleton felt there was an abundance of parking stalls surrounding the location and wondered if "exceptional circumstances" as described in Finding No. 1 could be applicable to this property. Mr. DeMallie explained that Finding No. 1 typically applied to circumstances, such as a small or steep lot, that would make it physically difficult to meet a setback requirement. He further explained that the applicant lacked any evidence that other property owners in the vicinity and under identical "GC" General Commercial District zoning enjoyed better parking privileges. Mr. DeMallie pointed out that the applicant in this case was asking for greater privileges than what was allowed for the other "General Commercial" properties in the area. He stated that other property owners had to provide on-site parking for their businesses and that if a variance was approved for this request, then all the other businesses could apply for a variance as well.

Mr. Middleton acknowledged that it would be difficult to make the findings to approve the variance but believed a solution could be achieved with a combination of restriping the parking lot and entering into an agreement with the church and/or Bank of America to utilize their parking stalls. Mr. DeMallie advised that the applicant had approached the Assistant City Manager and had written a letter asking the Council to initiate a General Plan amendment and rezoning. He said the Council declined the request and said he should initiate the General Plan amendment and rezoning request himself.

City Attorney Rick Duvernay noted that the City did not require that a parking agreement be in perpetuity; however, if the parking availability was eliminated, the business owner might have to reduce the intensity of his use. Mr. Middleton clarified that the business owner would then be in violation of the permit if the parking was no longer available because of the cessation of the agreement. Mr. Duvernay stated that a condition of approval could be included to require a reduction in intensity of use if that happened. He continued that if the applicant wanted to inquire about the City selling or leasing its property, he could speak with the Assistant City Manager to get some direction from Council.

Motion: Commissioner Lynne Wonacott moved that the Planning Commission determine that the findings required by Section 18.16.070 of the Zoning Ordinance to approve a variance application cannot be made and deny Variance Application V-3-10.

Second: Commissioner Randall Smith.

Discussion: Mr. Young asked if the vote to deny would finalize the application process and if the applicant would have to start at the beginning again with a new application. Mr. DeMallie explained that the applicant could appeal to the Council within ten days if the Planning Commission denied the variance request.

Mr. Duvernay advised that the variance request could be modified before the item was heard by the Council. He explained that a variance that was approved ran in perpetuity; therefore, it was important to understand exactly what was being approved in the variance. He continued that it was the applicant's responsibility to present an alternative set of findings that could be made in order to approve the variance.

Mr. Young wondered if it was more appropriate to continue the item to a later date instead of denying the application. Mr. Duvernay said a motion to continue could be made.

Mr. DeMallie said it was clear what the variance was being requested for. He reiterated that the site plan illustrated 50 spaces and that staff was willing to give the applicant credit for eight more spaces to match the historic use of the basement, but that the shortfall was 17 spaces.

Ayes: Commissioners Burroughs, Goedert, Meyer, Smith, Wonacott, and Young.

Noes: Commissioner Middleton.

Abstain: None.

Absent: None.

COMMISSION CONSIDERATION - 2011 Planning Commission Training Schedule.

Chairman Emmett Burroughs mentioned the memo from Development Services Director Jim Hamilton regarding the Land Use Training Workshop, which would begin on Tuesday, January 11, 2011. He noted that the workshop would also be available to the Community Services Advisory Commission, as well as any other interested parties.

Planning Manager Douglas DeMallie told the Commissioners to feel free to suggest other topics they would like to see addressed that were not listed in the memo.

Commissioner Lynne Wonacott suggested placing the training on the agenda after Public Participation so that those in the audience would not have to wait to speak.

PUBLIC PARTICIPATION

None.

COMMISSIONERS' COMMENTS

Planning Commissioner Randall Smith complimented State Compensation Insurance Fund (State Comp) on its expansion in Redding, which would employ approximately 100 more people. He also suggested drafting a letter to the company expressing appreciation for the large-canopy trees in its parking lot. He felt State Comp had gone above and beyond in its efforts to be a "good neighbor" in Redding.

Mr. Smith also discussed Redding's trail-maintenance program, noting that due to the City's budget issues, others had stepped forward to take a substantial role in trail maintenance. He mentioned that the Shasta Mosquito and Vector Control District had stepped forward regarding the long-term problem on the south rail trail, which included water that ran over the trail and down the hillside, instead of into the culvert as originally planned. He added that the Bureau of Land Management had purchased herbicide for use on City property and that there were many other people as well who were interested in helping the City and who deserved the City's appreciation.

Planning Manager Douglas DeMallie noted that he and Development Services Director Jim Hamilton had previously sent letters to developers who had gone above and beyond what was expected of them.

City Attorney Rick Duvernay said the Planning Commission was allowed to send a letter of appreciation and that the City Council occasionally sent letters of appreciation. He acknowledged that State Comp's expansion was a great addition to Redding's economic development and believed the economic-development-incentive agreement compensated future expansion for State Comp.

Chairman Emmett Burroughs suggested that the Planning Commission start a "good neighbor" policy and send a "thank you" to those who go above and beyond what was expected of them.

Commissioner Chris Young noted that he had inspected Dr. Trevor's use permit project on Whiskeytown Court and felt it had been completed quite satisfactorily. He mentioned that the path did not look like it would be favored by skateboarders, as one of the speakers had predicted during the public hearing.

Mr. DeMallie advised that it had been ten years since the Downtown Redding Specific Plan (Specific Plan) was adopted and that there had been significant changes since that time, such as the remodel of the Downtown Mall (now the Market Street Promenade). He mentioned that the Redding Redevelopment Agency (Agency) had been contacted by potential developers with proposals for the Downtown area that were in conflict with some of the directions of the Specific Plan, so staff from the Agency had requested, and received, budgeting for an update. Mr. DeMallie said the emphasis would be on property acquisition, new development direction, and parking and circulation. He noted that there would be meetings with the Downtown group, and he would inform the Commissioners on what was discussed in order to keep them up to date. He added that the Specific Plan update would be subject to the Planning Commission's review and recommendation before it would go to City Council. He said the Request for Proposal would be sent out to the consultants in January 2011, a consultant would be selected by April, and then the update would probably take six to nine months.

ADJOURNMENT

There being no further business to come before the Planning Commission, Chairman Emmett Burroughs adjourned the meeting at 6:22 p.m.

Jim Hamilton, AICP
Acting Secretary

Emmett Burroughs
Chairman