
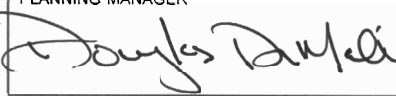


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| ITEM NO. | 4b(1) |
| MEETING DATE | 6-12-07 |
| APPROVED BY | |
| STAFF AUTHOR |  |
| PLANNING MANAGER |  |

CITY OF REDDING

REPORT TO THE PLANNING COMMISSION

DATE: June 4, 2007

CODE: L-010-150

APPLICANT: Ernest Mieske

APPLICATION: Parcel Map Application PM-21-06;
Variance Application V-4-06

LOCATION: 3581 & 3591 Echo Road

REPRESENTATIVE: Sharrah Dunlap Sawyer, Inc.

Hearing notices mailed June 1, 2007. Site inspection on May 1, 2007, by Brandon Rogers.

RECOMMENDATION

It is the recommendation of staff that at the conclusion of the public hearing, the Planning Commission find the project Categorical Exempt under the California Environmental Quality Act (CEQA) and approve Parcel Map Application PM-21-06 and Variance Application V-4-06 upon a determination that the necessary findings for approval are in evidence.

PROJECT DESCRIPTION

The applicant is requesting approval for a three-lot land division of a 0.69 lot that is developed with two single-family residences and also requests a variance from the required 70-foot corner-lot width requirements. The lot lies at the corner of Echo Road and Echo Court; the two existing homes front Echo Road and the third lot fronts Echo Court.

LOT SIZE The project site is 0.69 acres (30,056 square feet) in size.

TERRAIN The topography of the lot is primarily level, with moderate slopes at the north and east property lines, and ranges from 536 feet to 522 feet in elevation, with the slope dropping towards the northeast, where the general topography of the area slopes towards Echo Court in the direction of Little Churn Creek. Lot 3 (undeveloped) sits at a distinctly lower elevation than Lots 1 and 2, which contain existing homes.

VEGETATION The majority of the site is developed and landscaped. The undeveloped eastern portion of the site (proposed Lot 3) contains various grasses and live oak trees, along with almond and fig trees.

EXISTING LAND USE The existing land use at the project site is two detached residences. The Zoning Code defines such use as a "duplex," since there are two residences on one lot. The project site is located in a neighborhood composed of primarily single-family residences on individual lots, with the exception of the adjacent lot to the south which contains five detached single-family residences.

GENERAL PLAN DESIGNATION "Residential, 3.5 to 6 dwelling units per acre"

ZONING DESIGNATION "RS-3.5" Residential Single Family District

SURROUNDING LAND USES

- North: Single-family residential
- East: Single-family residential, open space, Little Churn Creek
- South: Multiple-family and single-family residential
- West: Single-family residential

BACKGROUND

PARCEL MAP

The project is infill development, which makes efficient use of existing services and utilities. The three-lot land division would create separate lots for each of the two existing residences and would create one new lot for single-family residential development. Water, sewer, and electric services are available to the project site and currently serve the existing residences. The existing fire hydrants adjacent to the project site are adequate to serve the project. The proposed lots exceed the minimum lot size required by the "RS-3.5" District of 6,000 square feet for interior lots and 7,000 square feet for corner lots. The lot sizes are as follows: Lot 1 - 7,574 square feet, Lot 2 - 7,724 square feet, and Lot 3 - 9,720 square feet. The density of the project is compatible with the neighborhood and is appropriate for the project site. Average density within a 500-foot radius of the project site is 4.47 dwelling units per acre. The density requested by the project is 4.35. The requested density does not exceed the General Plan maximum density of 6 units per acre.

VARIANCE

The applicant has requested a variance from the required 70-foot corner-lot width as required by the "RS-3.5" District. A width of 62.57 feet, which includes the radius for the corner of Echo Court and Echo Road, is proposed. The need for a variance to support the lot split is dictated by the existing width of the property along Echo Road. The existing lot width is 122.57 feet. To meet the frontage requirements of 70 feet for a corner lot and 60 feet for an interior lot, 130 feet of lot width is necessary.

The variance request for the reduced lot width is consistent with the surrounding neighborhood. The width of corner lots in the Echo Oaks Subdivision to the west is 50 feet. Many of the surrounding lots were developed prior to annexation and do not meet the current lot-width requirements. These lots and many other lots in the area were created prior to the City's annexation of the Enterprise Public Utilities District in December of 1976.

A variance may be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under

identical zoning classification. The project site is distinctly different than the majority of lots in the neighborhood because it is developed with two detached, single-family residences and due to the slopes at the north and east property lines. The orientation of the residences and the locations of the existing driveways are features that predefine the configuration of the proposed lots, necessitating the reduction in lot width. If the project site were vacant, the three lots could be oriented towards Echo Court; and if this were the case, each lot could meet the lot-width requirement. However, the topography of the site would make such a configuration difficult to develop.

As required by state and local law, a variance must be conditioned so that it does not constitute a granting of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is situated. The draft conditions of approval for the parcel map and variance are sufficient to ensure that approval of the variance does not constitute a granting of any special privileges.

ISSUES

Staff has not identified any issues of inconsistency with the General Plan or standard development policies.

CONDITIONS OF APPROVAL

The draft conditions of approval are Attachment "A" to the staff report. The draft conditions require street paving improvements to Echo Road and Echo Court; construction of curbs, gutters, sidewalks, tie-in paving, storm drains, and streetlights; and provision of any required signing and striping. These improvements will be made at the time of development of Lot 3.

ENVIRONMENTAL DETERMINATION

The project is Categorically Exempt under the California Environmental Quality Act (CEQA): (1) For the Parcel Map under Section 15332, In-Fill Development and (2) For the Variance under Section 15305, Minor Alterations in Land Use Limitations.

PUBLIC COMMENT

As of the date of this report, staff has not received any public comments on the proposed lot map application.

PLANNING COMMISSION AUTHORITY

Chapter 17.12 of the Subdivision Ordinance assigns the authority for conducting a public hearing and approving or denying a tentative parcel map application to the Planning Commission. Chapter 18.16 of the Zoning Ordinance assigns the authority for conducting a public hearing and approving or denying a variance application to the Planning Commission.

REQUIRED FINDINGS

The necessary findings for supporting the variance under Section 18.16.070 of the Zoning Code and the findings for the parcel map as required by Government Code of the State of California Chapter 66474 are provided as a attachment B to this report.

CONCLUSIONS AND RECOMMENDATION

The parcel map request is consistent with the "Residential, 3.5- to 6-unit-per-acre" General Plan land use designation and meets the lot-size requirements of the "RS 3.5" zoning district. The variance request is consistent with the development pattern and lot sizes of the surrounding neighborhood and is based upon the configuration of the existing residences at the project site. The required parcel map and variance findings are in evidence.

ALTERNATIVES The following alternatives are offered for consideration:

1. Determine that the applications are: Categorically Exempt from CEQA under Section 15332, In-Fill Development and Section 15305 Minor Alterations in Land Use Limitations; approve Parcel Map Application PM-21-06 and Variance Application V-4-06. (**Staff Recommendation**)
2. Deny the variance application and deny the parcel map application. Such action must be based upon a finding that the projects are inconsistent with the General Plan or other City development standards or pose a threat to public health, safety, or welfare. Staff has not identified any grounds for denial of the proposal.

ATTACHMENTS

- A. Draft conditions
- B. Findings
- C. Location/zoning map
- D. Land use map
- E. General Plan map
- F. Parcel map

BR:jh

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c: Ernest Mieske
Sharrah Dunlap Sawyer, Inc.

**Parcel Map Application PM-21-06
Variance Application V-4-06
Draft Conditions of Approval**

General Requirements

1. In accordance with Redding Municipal Code Chapter 17.12, tentative map approval is granted for Parcel Map PM-21-06, allowing the division of 0.69 acre into 3 lots for single-family residential development. The parcel map shall be prepared and development commenced in accordance with these conditions and the tentative parcel map as approved by the Planning Commission on _____, 2007. The requirements of a condition shall prevail in the event that there is any inconsistency between a condition and information or data presented on the tentative parcel map.
2. Prepare and record a parcel map. The applicant shall note that approval of this tentative map shall expire 3 years from the effective date unless an extension has been approved in accordance with Redding Municipal Code Section 17.12.090.
3. In accordance with Chapter 18.40.040 of the Zoning Code (Compliance With Map Requirements), all conditions marked at the end with an asterisk (*) shall be noted on the parcel map under a "Statement of Conditions" to provide notification to future property owners of development requirements and restrictions established for the subdivision.
4. New utilities, including electric, telephone, and cable television, are to be installed underground. Electric lines are to be extended in accordance with the Electric Department's requirements.*
5. In-lieu park fees must be paid for Parcel 3 only prior to recording the parcel map pursuant to Chapter 17.42 of the Redding Municipal Code.
6. Easements for sewer, water, electric, and other utilities; easements for drainage facilities; other necessary easements; and street dedications are to be provided in accordance with the Redding Municipal Code and as approved by the City Engineer.
7. A 5-foot-wide public-service easement shall be dedicated on the parcel map at the edge of all parcels along the right-of-way of Echo Road and Echo Court.

Development Requirements

8. Dedication of a 20-foot corner rounding shall be made at the corner of Echo Road and Echo Court.

9. Improvement plans for clearing, grading, drainage, utilities, and other related frontage improvements shall be approved by the City Engineer and other concerned departments prior to the beginning of any grading activities or site improvement activities and must be in conformance with Redding Municipal Code (RMC) Section 16.12. An Interim Erosion and Sediment Control Plan shall be included as part of all grading permit applications and will be approved by the City Engineer before a clearing and/or grading permit will be issued. As-built improvement plans with the Engineer's Declaration are required in conformance with RMC 16.12.*
10. At the time of development of Lot 3, Echo Road and Echo Court street-frontage improvements shall be installed adjacent to Lots 1, 2, and 3, in accordance with Chapter 16.13.040 of the Redding Municipal Code, as follows. The developer shall secure approval of improvement plans from the City Engineer for design of the required street improvements prior to issuance of a building permit.*
 - a. Curb, gutter, 5-foot-wide sidewalk, and new pavement connecting between the gutter and the existing street pavement edges shall be installed along the street frontage of Lots 1, 2, and 3.
 - b. Asphalt overlay work on the existing street section shall be provided if necessary to provide a uniform cross slope from centerline to the gutter.
 - c. Any necessary storm drains shall be provided.
 - d. Any necessary streetlighting shall be provided.
 - e. Any necessary signing and striping shall also be provided.
11. Prior to recordation of the parcel map, separate utility connections and meters are to be provided for Lots 1 and 2. Water meters are to be located at the back of sidewalk within the public right-of-way. Utility connections and meters are to be provided for Parcel 3 at the time of development.*
12. The developer shall consult with the Electric Department for the design and preparation of plans for electric service and streetlights. A copy of the electric-service plan and streetlight plan developed by the Electric Department shall be incorporated into the final improvement plans. All units shall be individually metered. Electric meter locations shall be in accordance with the Redding Electric Utility. Electric-supply facilities shall be furnished and installed in accordance with the Electric Utility Service Policy Resolution currently in effect at the time the developer's plans are approved by the City of Redding.

EXHIBIT "B"
REQUIRED FINDINGS
VARIANCE APPLICATION V-4-06/PARCEL MAP APPLICATION PM-21-06

VARIANCE FINDINGS

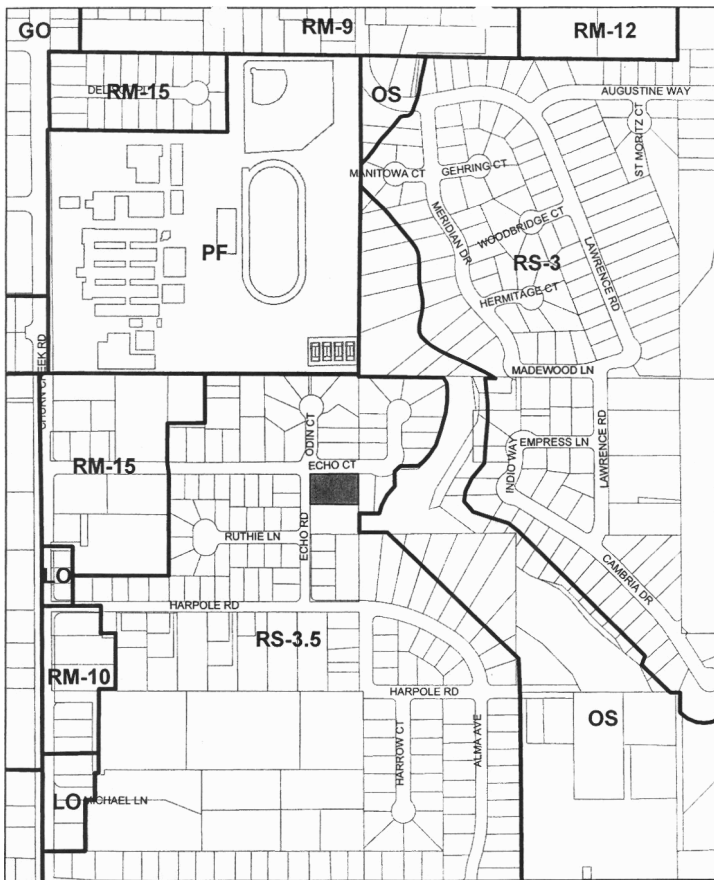
1. *There are exceptional or extraordinary circumstances or conditions applicable to the property, structure, or use referred to in the application, including location, shape, size, surroundings, or topography, which do not apply generally to property, structures, or uses in the same zoning district, so that the strict application of this code denies the property owner privileges enjoyed by other property owners in the vicinity and under an identical zoning district. The exceptional circumstance applicable to the property is the location of the existing residences, which determine the orientation of the proposed lots, which requires the reduced corner-lot width. The project site is located in a neighborhood with a primarily single-family residential nature. The standard 70-foot corner-lot width, if required, would deny the property owner the ability to divide the project site to create lots for the existing residences.*
2. *Granting the variance is necessary for the preservation and enjoyment of substantial property rights. Granting the variance is necessary for the applicant to divide the project site into three single family residential parcels, as is allowed by the "RS-3.5" Residential Single Family district, when all other required development standards are met.*
3. *Granting the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel. Granting the variance does not allow any use or activity which is not otherwise allowed by the "RS-3.5" Residential Single Family district.*
4. *Granting the variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located. The reduced corner-lot width is consistent with the surrounding development within the neighborhood and would not result in any special privileges.*
5. *Granting the variance will not, under the circumstances of the particular case, be materially detrimental to the public interest, health, safety, convenience, or welfare of the city or injurious to the property or improvements in the vicinity and zoning district in which the property is located. The variance request would essentially provide for the creation of a parcel for an existing residence, is consistent with the surrounding neighborhood and consistent with all other development standards applicable in the "RS 3.5" Zone District. The variance would not be materially detrimental to the public interest, health, safety, convenience, or welfare of the city or injurious to the property or improvements in the vicinity and zoning district in which the property is located.*

ITEM 4b(1)
ATTACHMENT 1

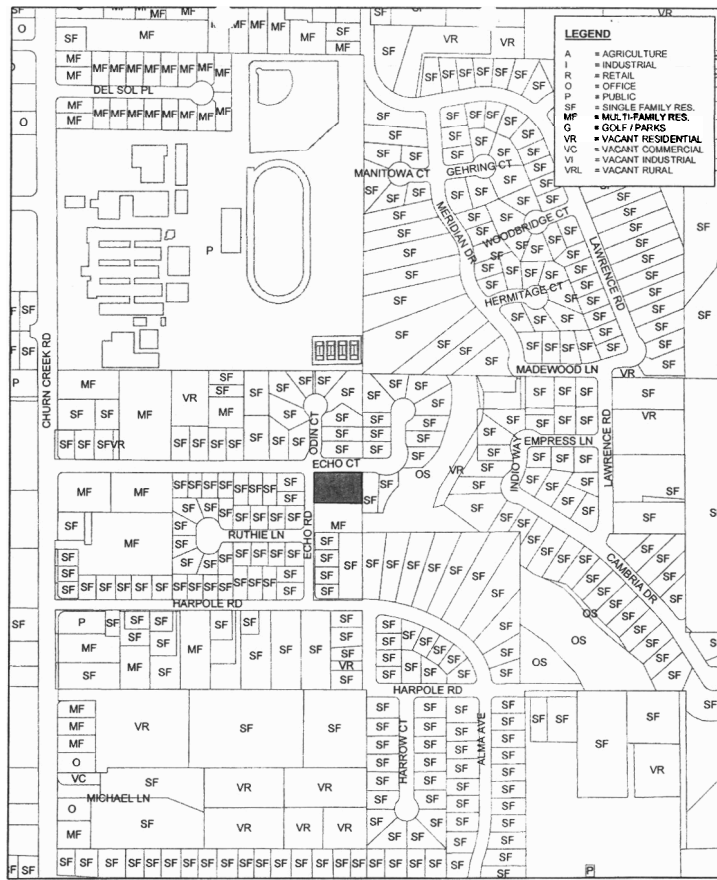
PARCEL MAP FINDINGS

To approve the tentative parcel map, the Planning Commission must find that none of the circumstances set forth in the Government Code of California Chapter 66474.61(a) through (g), listed below, exist:

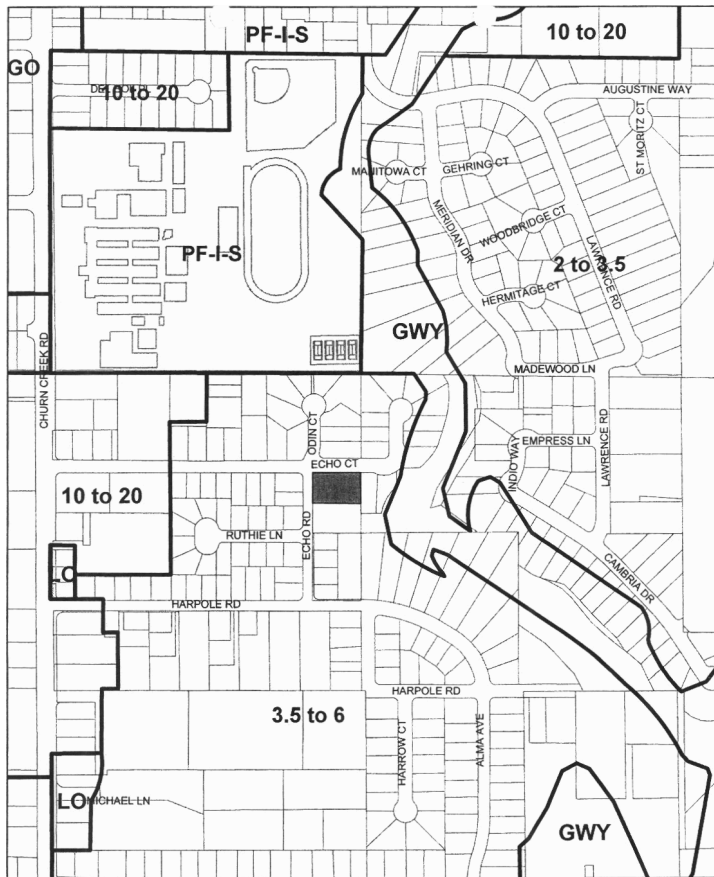
1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of the development.
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design for the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision.



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| | GIS DIVISION DEVELOPMENT SERVICES DEPARTMENT DATE PRODUCED: DECEMBER 7, 2006 P:\PLANNING\DWG\PM2106.MXD | ZONING MAP PM-21-06 \ V-04-06 / ERNEST MIESKE 3581 ECHO ROAD AP# 068-520-045 | MTG. DATE: 6-12-07 ITEM: 4b(1) ATTACHMENT: C |
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| | GIS DIVISION DEVELOPMENT SERVICES DEPARTMENT DATE PRODUCED: DECEMBER 7, 2006 P:\PLANNING\DWG\PM2106.MXD | LAND USE MAP PM-21-06 \ V-04-06 / ERNEST MIESKE 3581 ECHO ROAD AP# 068-520-045 | MTG. DATE: 6-12-07 ITEM: 4b(1) ATTACHMENT: D |
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