

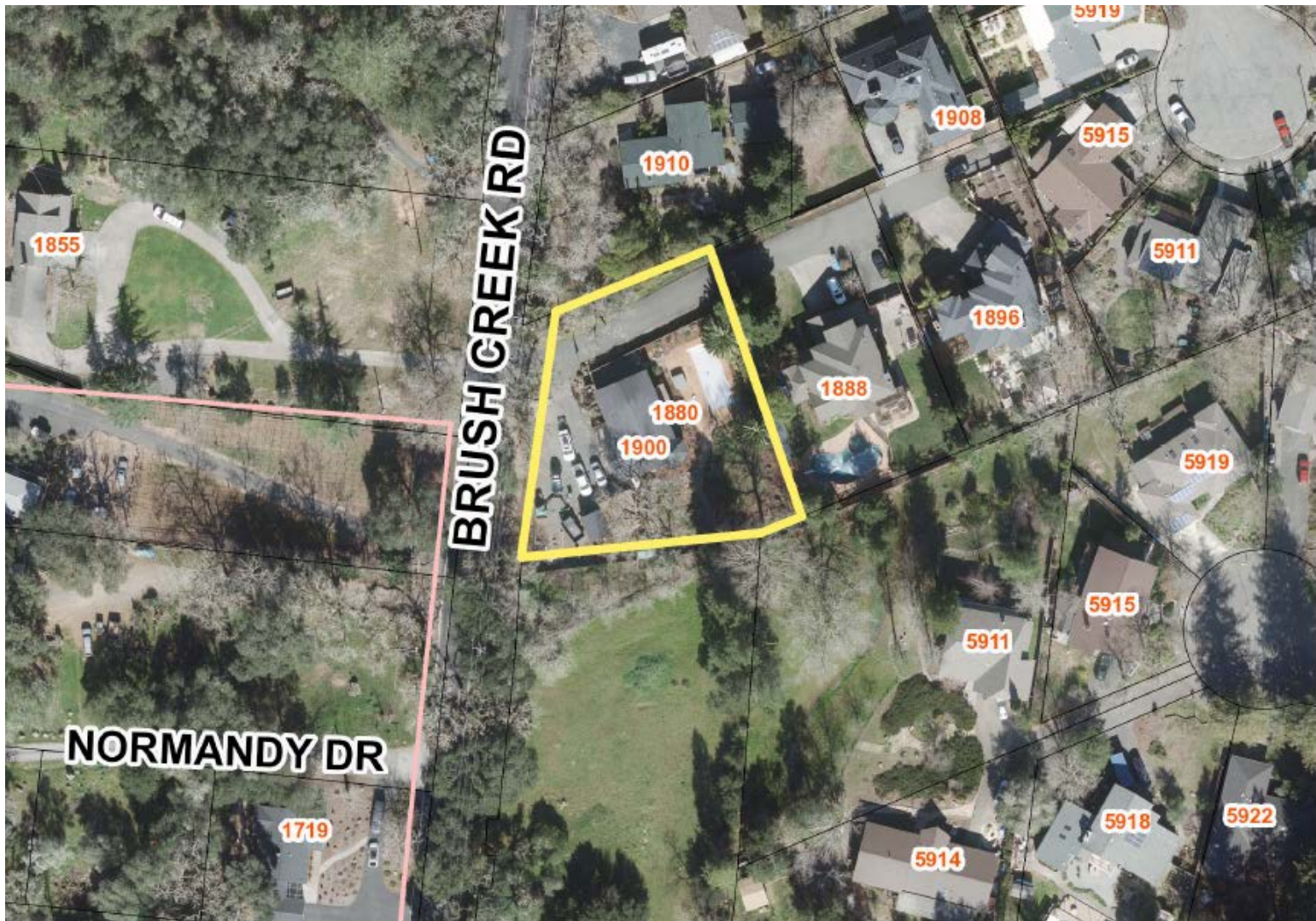
1900 Brush Creek Appeal

1900 Brush Creek Road

March 25, 2021
(continued from February 25, 2021)

Andrew Trippel
Acting Supervising Planner – Current Planning
Planning and Economic Development

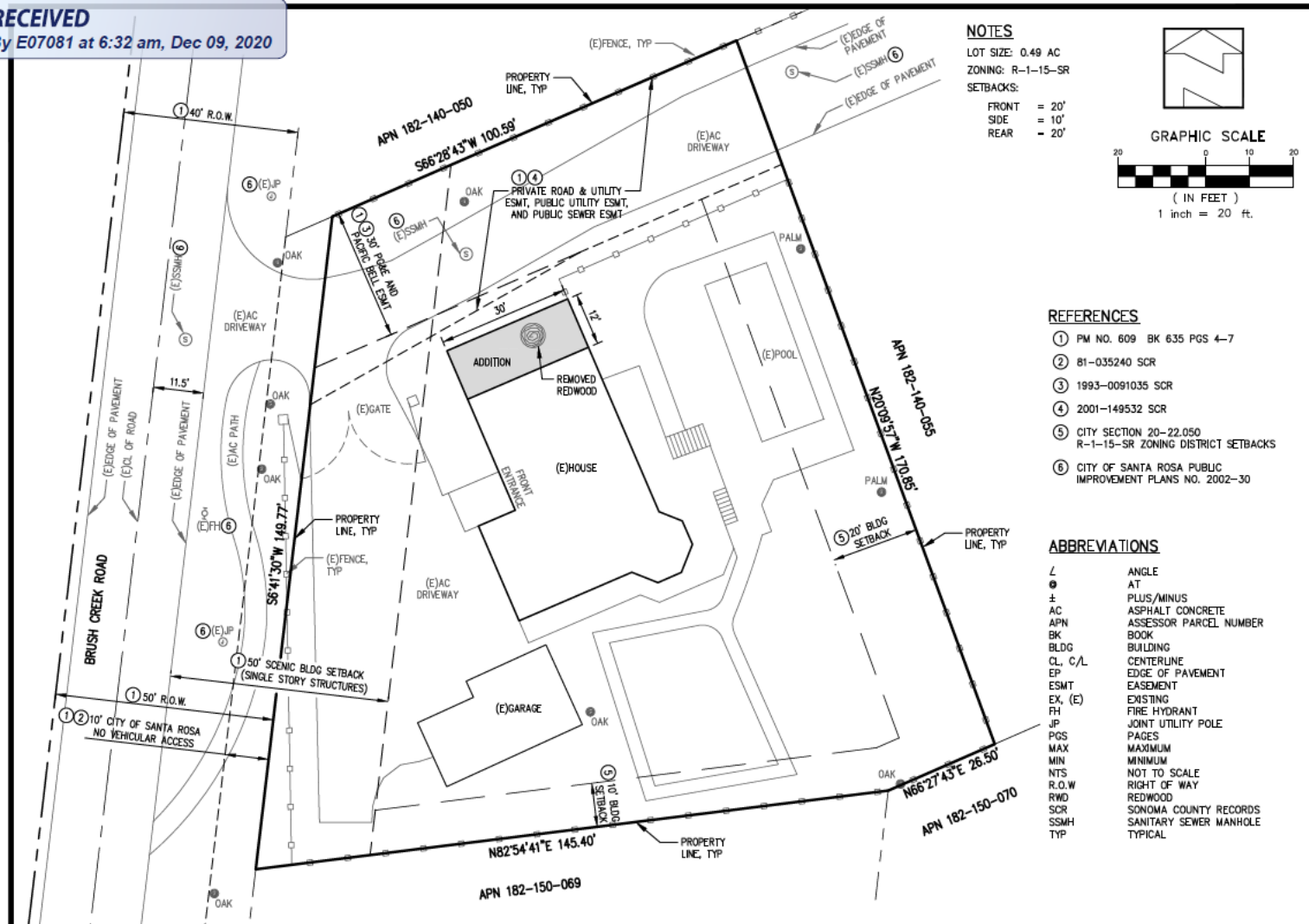
Project Location (Attachment 1)



Issue Description

(Attachment 3, Staff Report pp. 3-5)

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By E07081 at 6:32 am, Dec 09, 2020



Summary of Action Appealed

(Staff Report pp. 8-11)

- **Summary**
- Building Permit B20-6871 requires Planning Review
- Planning Director determined that:
 - The proposed project complies with the subject parcel's Final Map and required building setbacks.
 - Tree removal is approved, subject to mitigation as required by the City's Tree Ordinance.

✓	Application Submittal- 0.0h	ASSIGNED STARTED 12/14/2020 By Lisa Sevilla	ACCEPTED DUE 12/11/2020
✓	Plans Distribution- 0.0h	ASSIGNED STARTED 12/14/2020 By Lisa Sevilla	ROUTED FOR REVIEW DUE 12/14/2020
∨	In Progress		
✍	Planning Review- 0.0h	ASSIGNED Conor McKay STARTED By	IN PROGRESS DUE 12/28/2020
✍	Building Review- 0.0h	ASSIGNED Robert Cubley STARTED By	IN PROGRESS DUE 12/28/2020

- **Title 17 – Environmental Protection**
 - Chapter 17-24 Trees
 - § 17-24.050 Permit Category II –Tree alteration, removal, or relocation on property proposed for development
- **Title 20 – Zoning Code**
 - § 20-22.050 Residential General Development Standards
 - § 20-28.050 Scenic Road (-SR) Combining District
- **Parcel Map No. 609 dated May 30, 2001**

Key Dates

(Staff Report p. 5)

02/2020 – Code Enforcement Case opened

08 thru 09 2020 – Notice of Violation and building permit requirement issued

12/7 2020 – Planning provides preliminary determination to CBO

12/11 2020 – Building Permit B20-6871 is opened

12/14 2020 – Appeal Application submitted

12/16 2020 – Amended Appeal Application submitted

01|JAN 2020

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02|FEB 2020

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04|APR 2020

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05|MAY 2020

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06|JUNE 2020

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07|JULY 2020

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08|AUG 2020

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09|SEPT 2020

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10|OCT 2020

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11|NOV 2020

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12|DEC 2020

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Grounds for Appeal

(Attachment 6, Staff Report pp. 7-8)

- **Appeal Application dated December 14, 2020**
- Lack of enforcement of Final Map building setback lines is a zoning code violation, whereby a property set-back (building envelope) is being voided to enable an illegal build.
- Allowed removal of Redwood heritage tree...to enable illegal build.
- **Appeal Application Dated December 16, 2020**
- Zoning code violation – Home addition of 12'x30' with 9'x30' through a building envelope. Per CBO... the building envelope was removed by the City enable the legalization of the unpermitted build and removal of a heritage tree

Summary of Grounds for Appeal

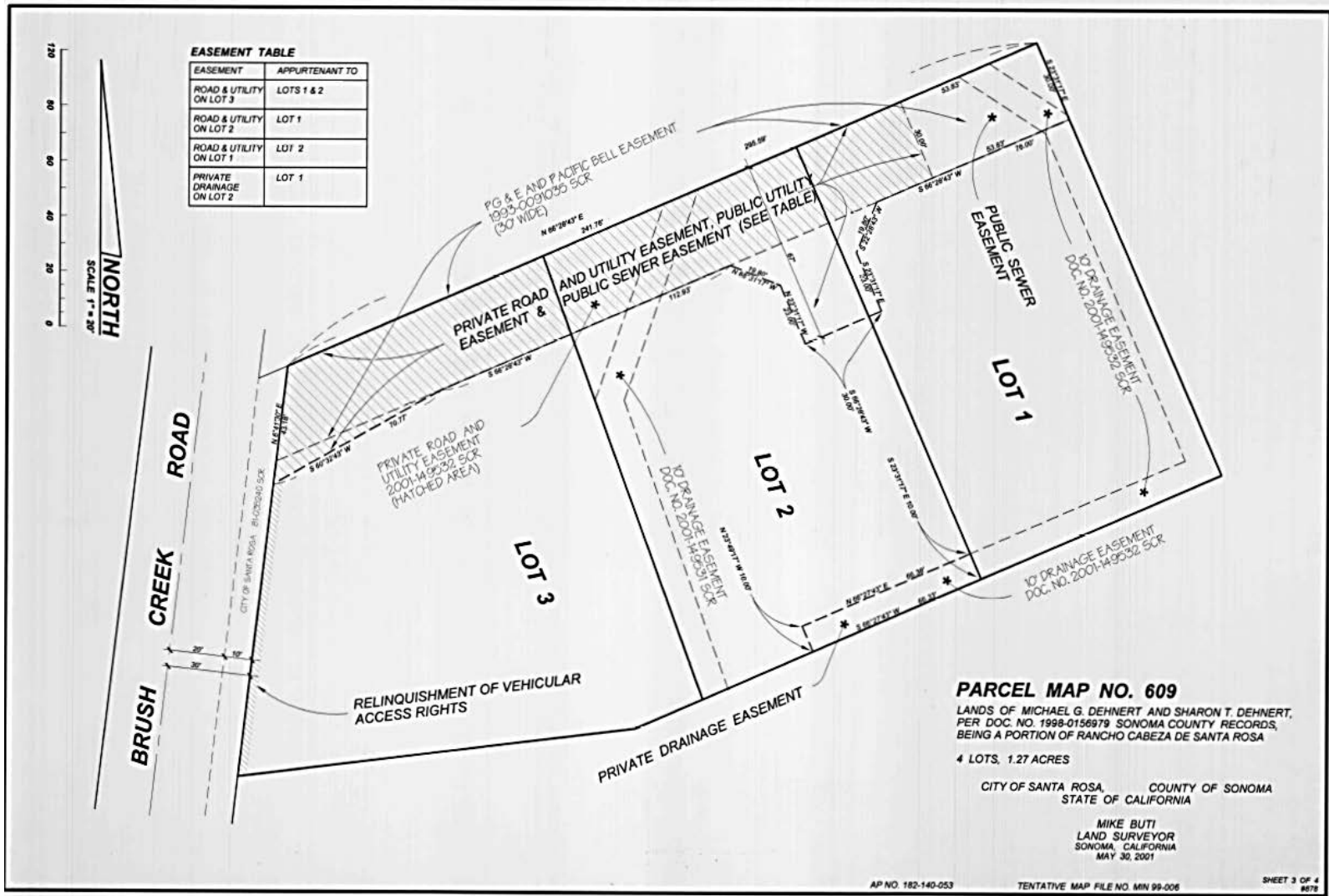
(Staff Report pp. 8-11)

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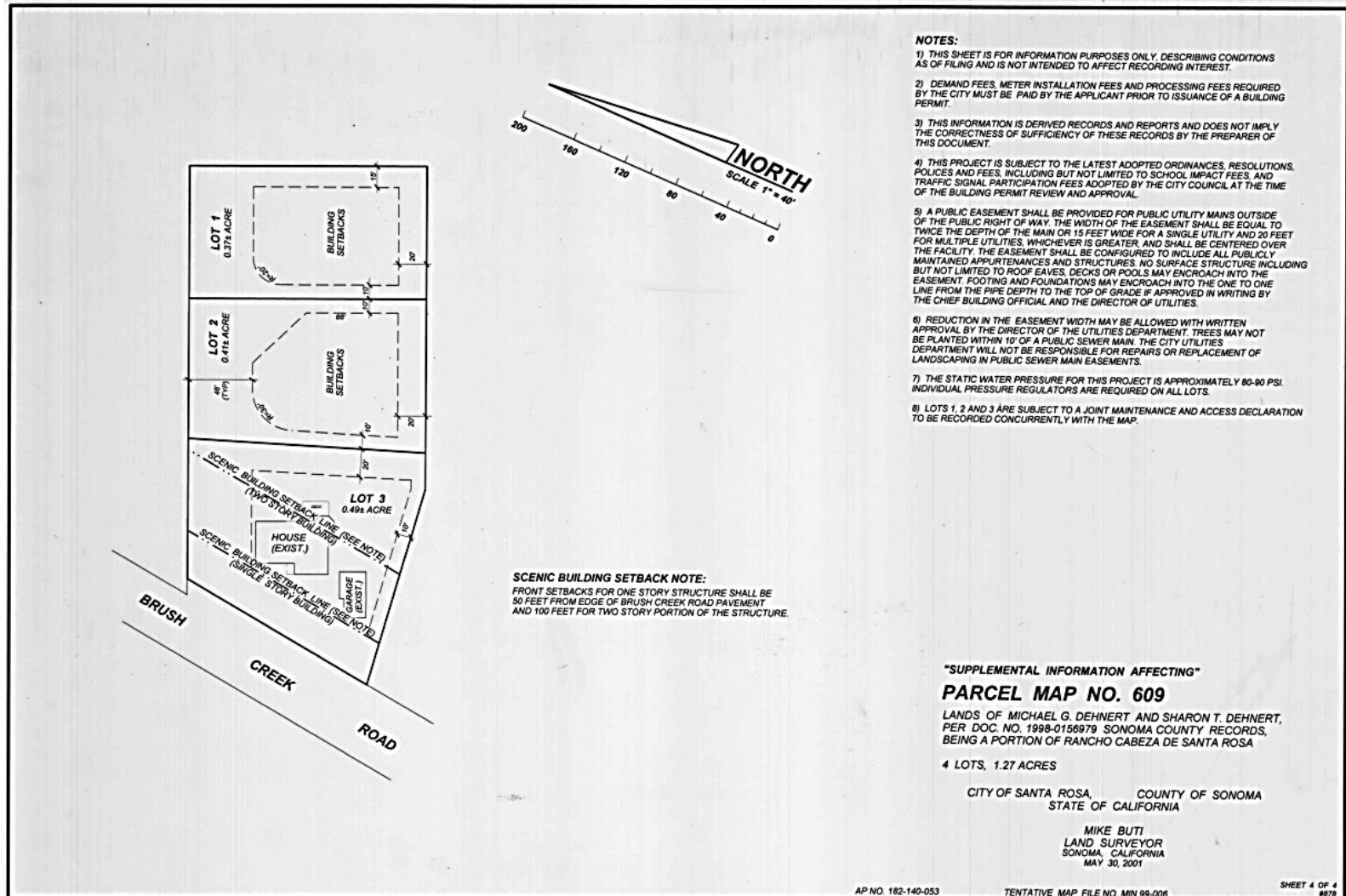
Parcel Map No. 609 Compliance Analysis

(Attachment 2, Staff Report pp. 9-10)



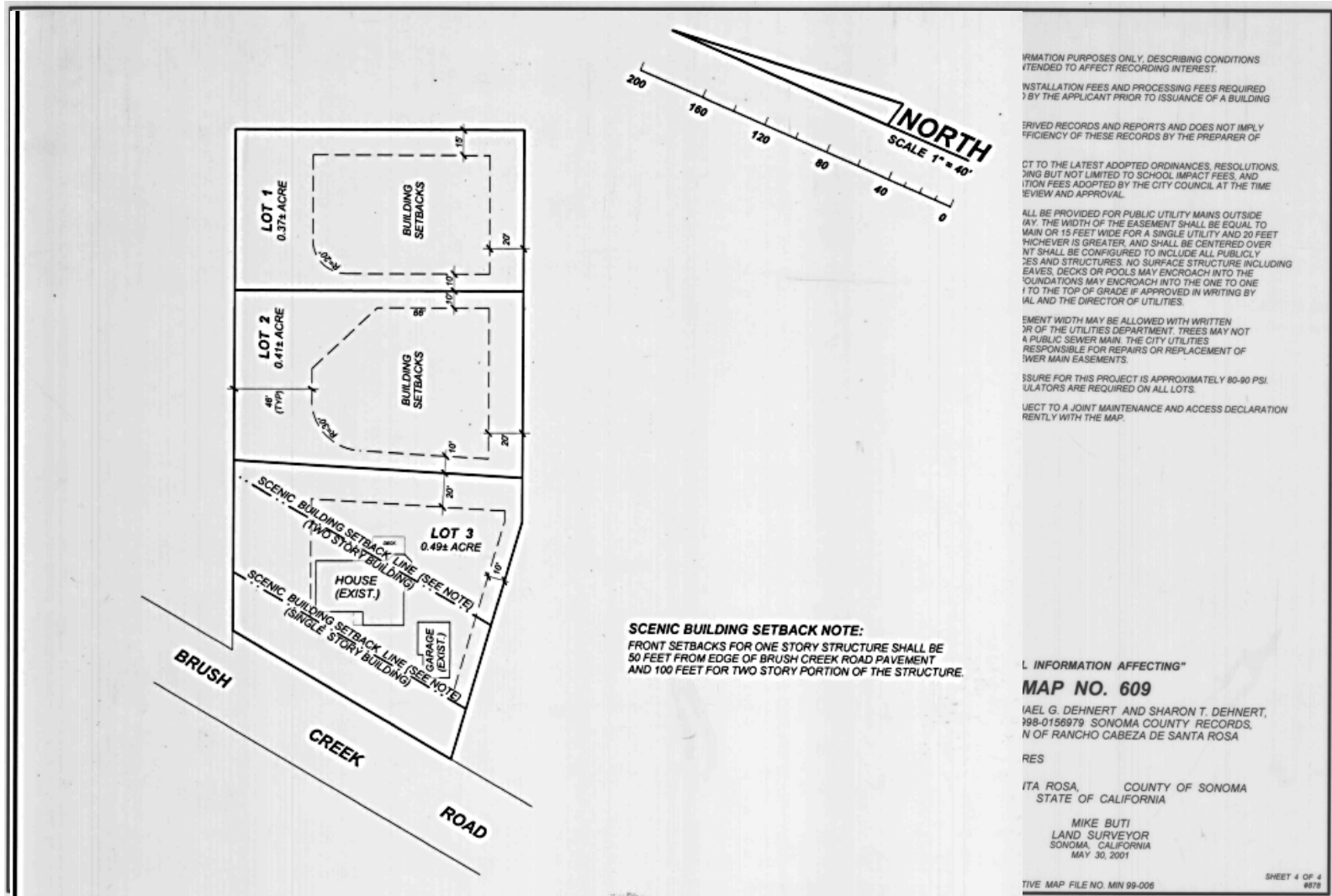
Parcel Map No. 609

(Attachment 2, Staff Report pp. 9-10)



Parcel Map No. 609

(Attachment 2, Staff Report pp. 9-10)



Tree Removal Analysis

(Attachments 4, 5, Staff Report pp. 10-11)



Tree Removal Analysis

(Attachments 4, 5, Staff Report pp. 10-11)

§ 17-24.020

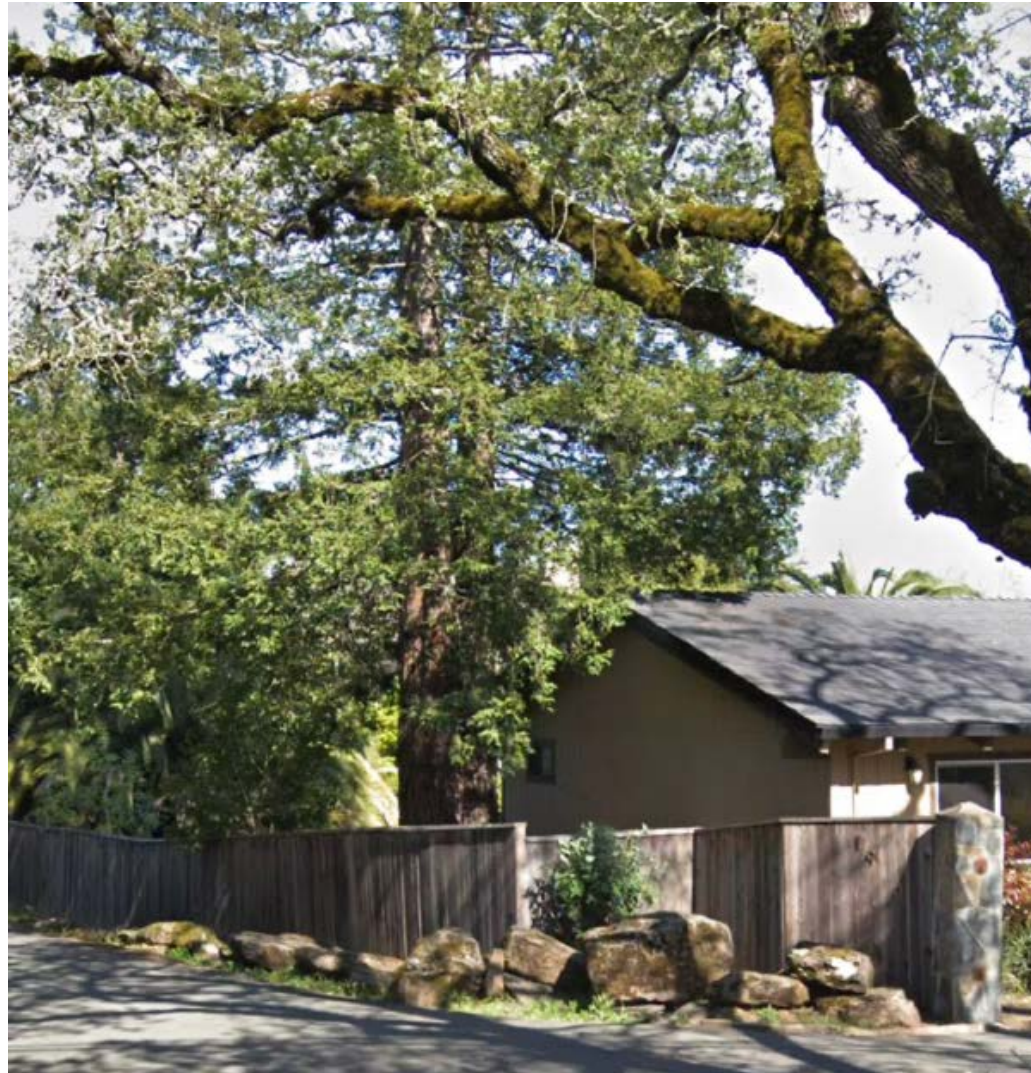
Heritage Tree
classification

§ 17-24.050(C)(1)

Removal mitigation
requirement

§ 17-24.050(C)(3)

Tree replanting
mitigation
alternative



Environmental Review Analysis

(Staff Report pp. 11-12)

- The City's issuance of a Building Permit involves only the use of fixed standards or objective measurements and is therefore a ministerial action that is not subject to the California Environmental Quality Act (CEQA).

It is recommended by the Planning and Economic Development Department that the Planning Commission, by resolution, deny appeal of Planning Director determinations made during Planning review of Building Permit B20-6871, thus affirming the Planning Director determinations and allowing processing of the building permit application to resume.

Andrew Trippel
Acting Supervising Planner – Current Planning
Planning and Economic Development
atrippel@srcity.org
(707) 543-3223

