

PARADISE PLANNING COMMISSION

June 19, 2012 - 6:00 p.m.

Paradise Town Council Chambers

5555 Skyway, Paradise, CA

M I N U T E S

CALL TO ORDER

The meeting was called to order by Chair Grossberger at 6:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

ROLL CALL

Present at roll call were Commissioners Bolin, Jones and Chair Grossberger. Commissioners Zuccolillo and Woodhouse were not present. Community Development Director Craig Baker and Assistant Planner Susan Hartman were also present.

1. APPROVAL OF MINUTES

a. Regular Meeting of May 15, 2012.

It was moved by Commissioner Bolin, seconded by Chair Grossberger to approve the minutes of the May 15, 2012 Planning Commission meeting as submitted by staff.

VOTE: AYES: Commissioners Bolin, Chair Grossberger.

NOES: None. ABSTAIN: Jones. ABSENT: Zuccolillo and Woodhouse.

MOTION CARRIES.

2. COMMUNICATION

a. Recent Council Actions

Mr. Baker reported on Town Council actions of the June 5th meeting. Town Council acknowledged receipt of the Planning Commission General Plan Status Report and the Housing Element Annual Progress Report. Town Council also reappointed Commissioner Bolin and appointed Jim Clarkson to four-year terms on the Planning Commission. The Town Council will also be holding a Special meeting on Wednesday, June 20, 2012 to discuss the Town's budget schedule and the CALFIRE proposal for fire services.

b. Staff Comments – None.

3. PUBLIC COMMUNICATION – None.

4. CONTINUED PUBLIC HEARING – None.

5. PUBLIC HEARING

5a. Item for which an environmental document (Negative Declaration) is proposed to be adopted:

GRAND SIERRA LODGE General Plan Amendment/Property Rezone (PL12-00075), Conditional Use Permit (PL12-00073) and Tree Felling Permit (PL12-00074) applications seeking site development design and site improvement/building construction approval from the Town of Paradise to authorize the development of a vacant 1.66 acre property with a 21,285 square foot assisted living facility consisting of one single story building containing thirty bedrooms, along with related site improvements on property located at 6983 Pentz Rd, Paradise, AP No. 050-082-023.

Mr. Baker stated that on June 6, 2012 the project applicant submitted a written request to postpone the public hearing to a future date to accommodate design changes and an amended rezone request. The environmental document that has already been circulated for the project will need to be amended to reflect changes to the project. Staff will re-circulate the amended initial study for the project and will send out a new notice of availability to the nearby property owners. It will not be necessary to continue the hearing to a date specific due to the mail out that will notify the neighbors of the next public hearing.

Mr. Baker explained that the Planning Commission may open the public hearing to receive public comment from those in attendance, but there is no staff recommendation for action or information that has been distributed and no decision should be made tonight regarding the project.

Mr. Baker stated that the project applicant did not acquire access to the piece of property for the fire access which is one of the reasons for the redesign and request of re-zoning. Additionally, the church property is currently zoned RR 2/3acre minimum and this could represent an opportunity for the Church property to be rezoned, for purposes of zoning conformity, without any cost to them.

The Planning Commissioners agreed to hear public comment.

Chair Grossberger opened the public hearing at 6:09 p.m.

1. Barbara Dunivan-Elder, Mulberry Lane, lives on the North side of the proposed project, delivered a letter to Mr. Baker addressing concerns of the project; wanted to know that if there were changes to the proposed plan and if they will they have the opportunity to review the new plans and are concerned that there is no Environmental Impact Report (EIR) for the project.
2. Gerald Gadbury, Mulberry Lane, lives North of the project, has concerns with the project due to the fact that he has had failed leach lines and wants to know what will happen with the leach lines on that property; is concerned with traffic issues because the road is narrow and elderly people are slow when turning and that there is no plan for a turn lane; and wants to know if the parking lot will be lighted, where the garbage will be located and is concerned that there was no EIR done.

3. Michelle Hooper, Apple View Way, lives directly across from the project and wants to know what impact the zoning change will have on her property value, is concerned with traffic safety, she currently has trees to look at and the entrance of the project will remove the trees, and is concerned with the noise from ambulances, the disruption to the wildlife and smell from the garbage.

Mr. Baker stated that there is other Community Services (CS) zoning in the area and that single family residences are permitted in the CS zone along with churches, convalescent homes and gyms which are also in the area.

4. Roger Klaves, Mulberry Lane, thinks the footprint of the project is too large for the size of the property and wants to know where the water will go when it rains significantly.

Mr. Baker stated that no project of this type is accepted for review by the Town unless it is accompanied by engineered drainage analysis submitted with the plans. This project includes a proposal for a subsurface detention facility underneath the parking area which will channel the storm water runoff to the Pentz road right of way and that that facility is also designed to allow some of the storm water to percolate into the soil and meter the rest of the water out so it mimics pre-development conditions.

5. Roger Klaves, also a member of Our Divine Savior Church where there were previous water issues with the Bille Road extension project that almost flooded the church building, suggested that the potential water issue needed to be mitigated prior to approval of the project.
6. Gerald Gadbury stated that there would need to be a lot of engineering and a big ditch should be sloped away from Pentz and not toward it to handle the rain water
7. Barbara Dunivan-Elder, asked if the proposed builders were able to gain access to the easement, because as it appears currently in the plan, that is where the garbage access will be.

Chair Grossberger closed the public hearing at 6:23 p.m.

Commissioners asked about the negative declaration and if there was a CEQA report for the project.

Mr. Baker stated there was a proposed Negative Declaration and an initial study that was developed for the project, but not a Mitigated Negative Declaration because there were no significant adverse environmental impacts identified in the initial study, that is why no Environmental Impact Report (EIR) is proposed to be required.

Mr. Baker also shared that most of the effects that have been mentioned today have been taken into consideration and, if the project is approved, will be recommended to be addressed with the conditions of approval prior to any approval of the project. The Planning Commission can act upon the Use Permit and recommendation for the rezone, but the Town Council will make the final approval of the General Plan Amendment and the rezone.

Chair Grossberger re-opened the public hearing at 6:25 p.m.

1. Barbara Dunivan-Elder requested a copy of the Negative Declaration and inquired about the statement of conditions.

Mr. Baker stated that the List of Conditions will not be created until staff's recommendations have been submitted to the Planning Commission for consideration.

2. Al Elder, Mulberry Drive, asked about the easement for the project and the use of heavy trucks.

Mr. Baker stated that the easement will not be part of the project due to lack of legal access.

Chair Grossberger closed the public hearing at 6:31 p.m.

It was moved by Commissioner Jones, seconded by Commissioner Bolin to continue the public hearing for the Grand Sierra Lodge to a date uncertain.

VOTE: AYES: Commissioners Bolin, Jones and Chair Grossberger.

NOES: None. **ABSTAIN:** Jones. **ABSENT:** Zuccolillo and Woodhouse.

MOTION CARRIES.

5b. Item to be determined exempt from environmental review:

MEANS (CLASSIC AUTO BODY) Use Permit Modification (PL12-00144) Application seeking Town approval to modify the terms and conditions (days and hours of operation) of a previously approved use permit on property located at 6036 Foster Rd, Paradise, AP No. 052-201-031.

Susan Hartman, Assistant Planner, stated that this public hearing is for a request to modify a previously approved Use Permit. The Planning Commission first approved the original application in May, 2002 with 14 Conditions of approval. A use permit modification was requested and approved in August, 2002 removing the condition requiring that parcel nos. 052-201-031 and 052-201-032 be merged for parking facilities.

On May 29, 2012, project applicant/owner, Claude Means, submitted the request to modify Condition No. 13 of the modified use permit. Condition No. 13 of the modified use permit currently prohibits the generation of noise clearly audible across a residential or commercial zoned property boundary between the hours of 7:00 p.m. and 7:00 a.m. or anytime on Sundays or holidays. The new request is that the business be viewed under different definitions under the Noise Ordinance. The original application approval was associated with the "Construction or Demolition" definition which prohibited operating equipment after 7:00 p.m. or on Sundays or holidays. The modification request asks that the business be viewed as the "Domestic Power Tools and Machinery" definition which would allow him the ability, if needed, to operate daily until 10:00 p.m. and on Sundays and holidays.

Commissioners asked how loud the noise is from the business.

Ms. Hartman stated that complaints in the past were related to paint fumes, not noise and Butte County Air Quality Management District (BCAQMD) stated that there was no health risk detected from the business.

Chair Grossberger opened the public hearing at 6:40 p.m.

1. Claude Means, project applicant, stated that when he first opened his business he had the same person complain every day for the first year to BCAQMD even though he was doing everything legally and within the approved conditions. Today, Mr. Means circulated a petition around the neighborhood informing them of his modification request and it was signed by all the neighbors, except one, who did not have his partners approval, but all others were supportive. Mr. Means said that he wants to serve the community and will only work late when necessary to do emergency repairs. Everything is self contained and the noise is limited.
2. Tom Kelly, stated that he does not know Claude Means, but that the shop is clean and that is the kind of business we need in town.
3. Lauren Gill, Assistant Town Manager, stated that Classis Auto Body is a top sales tax generator in Town, was reluctant about the business when it first opened, but has never heard a complaint, it is well run, looks good and appreciates consideration of the Planning Commissioners to approve the request.

It was moved by Commissioner Bolin, seconded by Commissioner Jones to approve the use permit modifications (PL12-00144) for Claude Means (Classic Auto Body) and directed staff to re-issue the Means (Classic Auto Body) use permit on the property located at 6036 Foster Rd, Paradise, AP No. 052-201-031 with the following working for Condition No. 13:

13. *“The operation of pneumatic tools, compressors, motors, engines or hand tools, any of which are associated with the automotive service and capable of generating noise clearly audible across a residential or commercial zoned real property boundary shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.”*

VOTE: AYES: Commissioners Bolin, Jones and Chair Grossberger.

NOES: None. **ABSTAIN:** None. **ABSENT:** Zuccolillo and Woodhouse.

MOTION CARRIES.

Assistant Planner Hartman stated that there will be a seven-day appeal period prior to the final permit being issued.

5c. Item to be determined exempt from environmental review:

Consider Adoption of a Resolution Recommending Town Council Adoption of Paradise Municipal Code Zoning Regulations Text Amendments Related to Off-Street Parking Regulations

Mr. Baker presented a staff initiated proposal to amend the Town’s parking regulations that will enhance the Town’s ability to assist in commercial/retail land uses and promote economic development.

Mr. Baker stated that if the amendments were ultimately adopted by Town Council they would establish a new section in the parking regulations that (1 would create a safety valve to allow new or existing land uses a reduction in parking requirements through the administrative permit process, no public hearing would be required, upon the town making certain findings that the reduction is necessary; (2 raise the threshold for requiring a loading space from 10,000 square feet of building area to 15,000 square feet of building area; and, (3 lower the parking requirement

by 20% for “retail sales and services” land uses from one parking space per every 200 square feet to one parking space per every 250 square feet.

Mr. Baker explained that the benefits of the amendments would be reduced costs for businesses to become established, increase inventory of properties available to be developed for retail land uses, opportunities for more floor space, increased conformity for existing retail land uses and environmental benefits that could include decrease in storm water run-off, decrease in water pollution, tree retention, preservation of landscaped areas, and promote General Plan policies especially for economic development.

Mr. Baker Further indicated that Town staff has discussed the proposed amendments with the Town Attorney and determined that the proposed text amendments are minor in nature and there is no possibility that adoption and implementation of the amendments would result in a direct and significantly adverse effect upon the environment. Therefore, the proposed amendments can be found to be exempt from the requirement of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15332.

Chair Grossberger opened the public hearing at 7:03 p.m.

1. Lauren Gill, Assistant Town Manager, thanked staff for doing a good job, stated that this is a timely issue, would provide a benefit to local businesses and supported the proposed changes.

Mr. Baker stated that the Town Engineer would still have discretion to increase the number of required parking spaces if needed.

Chair Grossberger closed the public hearing at 7:06 p.m.

Commissioners agreed that this is something that was previously discussed and will help improve economic development.

It was moved by Commissioner Jones, seconded by Commissioner Bolin to approve Planning Commission Resolution No. 12-01, a Resolution of the Paradise Planning Commission recommending Town Council Adoption of Text Amendments to Chapter 17.38 of the Paradise Municipal Code Relative to Off-Street Parking Regulations.

VOTE: AYES: Commissioners Bolin, Jones and Chair Grossberger.

NOES: None. ABSTAIN: None. ABSENT: Zuccolillo and Woodhouse.

MOTION CARRIES.

6. OTHER BUSINESS– None.

7. COMMITTEE ACTIVITIES - None

8. COMMISSION MEMBERS

a. Identification of future agenda items (All Commissioners/Staff)

Mr. Baker stated that the Grand Sierra Lodge project will be on either the July or August Planning Commission agenda.

9. ADJOURNMENT

The Planning Commission meeting was adjourned at 7:11 p.m.

Date Approved: July 17, 2012

April Grossberger, Chair

Attest:

Dina Volenski, Assistant Town Clerk