



# TOWN OF PARADISE

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## PLANNING COMMISSION MINUTES

September 17, 2013

6:00 PM

**CALLED TO ORDER** at 6:00 pm by Chair Jody Jones.

**PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA\ROLL CALL**

**COMMISSIONERS PRESENT:** Stephanie Neumann, Daniel Wentland, Michael Zuccolillo and Jody Jones, Chair.

**COMMISSIONERS ABSENT:** James Clarkson.

1. **APPROVAL OF MINUTES** MOTION by Wentland, seconded by Zuccolillo, approved the Minutes of the August 27, 2013 Special Meeting. Roll call vote was unanimous; Clarkson absent and not voting.
2. **COMMUNICATION**
  - a. **Recent Council Actions:** None.
  - b. **Staff Communication:** Community Development Director Baker informed the Planning Commission that future agenda items tentatively scheduled for the October 15, 2013 meeting include a tree felling permit application for the proposed Dollar General store and a minor zoning code text amendment.
3. **PUBLIC COMMUNICATION** – None.
4. **CONTINUED PUBLIC HEARING** – None.
5. **PUBLIC HEARING – Fraternal Order of Eagles Request for Use Permit Modification (PL13-00239)**

Community Development Director Baker reported to the Planning Commission regarding the application submitted by the Fraternal Order of Eagles to modify the terms and conditions of an existing use permit. The item has been determined to be exempt from environmental review and, if approved, the proposed modification would authorize a +/-1,428 square foot expansion of an existing +/-2,940 square foot building housing the Paradise Eagles Lodge on property located at 9079 Skyway in Paradise. Mr. Baker indicated that the proposed project also includes an interior remodel, +/-412 square feet of new covered area, parking facility improvements and landscaping. Mr. Baker further stated that three findings would be necessary and recommended a modification to the second sentence in Condition #23 relating to PID requirements for installation of a backflow prevention assembly at the water meter, so the sentence would read as follows: *“If necessary, provide material evidence of having fulfilled this*

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condition to the Town Development Services Department (building safety division), *unless this requirement is waived by PID staff.*"

In response to questions from Commissioners, CDD Director Baker stated (1) that the condition providing for bonding of the landscaping is necessary to accommodate the issuance of a temporary certificate of occupancy when required landscaping is not yet installed; (2) that it is doubtful that the Town Fire Marshall would require an additional fire hydrant due to the proposed inclusion of a firewall in the lodge and (3) the frontage improvements are being deferred as there are no other sidewalks in the area, and that Town road standards for upper Skyway may change from what they are today.

Chair Jones opened the public hearing at 6:10 pm.

1. Nancy Muravez, 9089 Skyway, stated that she is concerned about the traffic and noise and additional parking spaces that might create a problem for her as a neighboring property owner, that she would like to see a fence in between the properties and would be willing to share in the expense.
2. Dave Lunde, project manager for the Eagles, discussed the paving that is planned for the site stating the paving and striping will let people know actually where to park, there is no intention to allow any parking on the neighboring properties, and that the additional parking spaces to be added will further alleviate any existing problem.

In response to questions from Commissioners, Mr. Lunde stated (1) there would not be a curb on the asphalt; (2) there would be a short curb within the landscape border, no more than a 45 degree berm; and, (3) the existing portion of the building will remain occupied during construction. Mr. Baker stated that the applicants must be cognizant of which conditions must be fulfilled and when with respect to issuance of a building permit and planned occupancy of the addition.

The Planning Commissioners discussed whether or not the establishment of a fence should be made a condition of approval. CDD Director Baker recommended that the Planning Commission concur and proclaim that their expectation is that there will be cooperation and cost-sharing between the Eagles and the neighboring property owner in the event that a fence is necessary to prevent cars from parking on the adjacent private property.

Chair Jones closed the public hearing at 6:40 pm.

**5a. Following a MOTION by Zuccolillo, seconded by Neumann, the Planning Commission concurred that there is an expectation that there will be cooperation and cost-sharing between the Eagles and the neighboring property owner in the event that a fence becomes necessary to prevent cars from parking on the adjacent private property; and, made the following findings and approved the Fraternal Order of Eagles use permit modification request (PL13-00239) to construct a +/-1,428 expansion to the existing Eagles Lodge on property located at 9079 Skyway and identified as Assessor Parcel No. 050-040-147, subject to the following conditions of project approval, with the amendment to Condition #23 as stated by the Community Development Director:**

### **REQUIRED FINDINGS FOR APPROVAL:**

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- a. Find that the proposed modified project remains categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 (Class 3) of the State CEQA Guidelines.
- b. Find that the project, as modified and conditioned, is consistent with the Multi-Family Residential (MR) land use designation as shown on the Paradise General Plan land use map; and is consistent with the development goals, objectives and policies of all applicable General Plan elements.
- c. Find that the project, as modified and conditioned, is compatible with surrounding land uses and would not be detrimental to the health, safety and general welfare of the residents of the Town of Paradise.

### **GENERAL CONDITIONS OF USE PERMIT MODIFICATION APPROVAL**

1. All work within the Skyway public right of way is subject to Town issuance of an encroachment permit, which will require that the contractor be properly licensed and bonded with the Town of Paradise.
2. Outside light fixtures associated with the project shall be designed to not exceed a maximum height of sixteen (16) feet above finished grade and shall be shielded to avoid the direct projection of light onto adjoining and nearby properties.
3. Contact Underground Service Alert at least three days prior to conducting any sub-surface excavations.
4. Site improvements (building, signs, lighting, landscaping, etc.) shall be subject to design review and shall conform to all Town of Paradise applicable design standards.
5. Minor changes to the interior and/or exterior design of the project may be approved administratively by the Town Planning Director upon submittal of a written request for such changes, if the requested changes are consistent with the overall intent of the project and its approval action. Any requested changes deemed by the Planning Director to be major or significant shall require a formal use permit modification review and the payment of the appropriate processing fees.

### **CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING PERMIT**

#### **ROADS AND ACCESS**

6. Deed 40 feet from the center of Skyway public right of way or provide a recorded document showing that this requirement has already been fulfilled.
7. Improvements to property frontage of Skyway are required per Paradise Municipal Code (PMC) Chapter 12.20. Such improvements shall be deferred per Town Resolution 83-18. Improvement plans will not be required until necessary for deferred construction. Execute an improvement agreement for deferred frontage improvements in accordance with the requirements of the Town Engineer.
8. Secure the issuance of an encroachment permit for repair of the southerly driveway encroachment connecting to Skyway.

### **DRAINAGE**

9. Provide a final design solution for drainage per requirements of the Town Engineer and the INTERIM DRAINAGE DESIGN GUIDELINES prepared April 2, 1998. Drainage facilities shall be designed in a manner that provides for the establishment of all necessary drainage improvements to accommodate existing and additional project induced drainage flows without generating any off-site adverse effects. If new impervious surfacing exceeds 5,000 square feet, an engineered drainage analysis will be required to be submitted for Town Engineer review.

### **SITE DEVELOPMENT**

10. Submit three (3) copies of a detailed engineered site development and improvements plan showing all facilities as proposed. Plans shall be prepared by a registered civil engineer (including final parking facility design and site drainage design) and submitted to the Public Works Department (Engineering Division) for review and approval. Pay required site plan checking fee. Construction and drainage improvement plans must be approved **PRIOR TO CONSTRUCTION** or installation of the required facilities. Show all easements of record on the site development and improvements plan as well as fifty-foot building setback line measured from the centerline of Skyway.
11. Show the proposed location of trash containers/enclosures on the engineered site development plan.
12. Properly abandon or relocate any easements that conflict with the design of the project.
13. If total disturbed area is less than 1.0 acre (43,560 square feet), applicant is required to submit a storm water soil loss prevention plan, pursuant to Town-adopted construction codes, to the Town Public Works Department. If total disturbed area exceeds 1.0 acre (43,560 square feet), applicant is required under state law to submit a detailed storm water pollution prevention plan (SWPPP) to the State Regional Water Quality Control Board (along with the appropriate filing fee). Provide a copy of this approved plan to the Town of Paradise prior to initiation of grading activities. Implement all approved erosion control measures **PRIOR** to the start of any earthwork and maintain such measures for the term of project construction.
14. Meet the requirements of the Town Building Official/Fire Marshal regarding submittal of construction plans, interior automatic fire sprinkler plans, building permit applications, and all applicable Town adopted construction and fire code requirements.
15. Secure the issuance of a Town approved tree-felling permit prior to felling any qualifying trees. Incorporate tree protection measures during all construction activities in conformance with generally accepted standards for the protection of trees to be retained (e.g., protective fencing, etc.).

### **CONSTRUCTION/FIRE CODES**

16. Submit required construction plans designed in accordance with all Town-adopted construction and fire codes in accordance with comments submitted for the Eagles Lodge expansion project by Town Building Official/Fire Marshal, dated August 30, 2013 (attached).

**CONDITIONS TO BE MET PRIOR TO FINAL BUILDING INSPECTION AND  
CERTIFICATE OF OCCUPANCY**

**ROADS/ACCESS**

17. Construct an improvement upgrade to the southerly driveway encroachment connecting to Skyway in a manner deemed acceptable to the Town Engineer.
18. Establish on-site parking facilities in accordance with all town parking ordinance regulations. Maintain parking facilities in accordance with Town requirements for the term of the proposed land use.

**SITE DEVELOPMENT**

19. Construct all necessary site, drainage, access, and other facilities improvements as required by the Town Engineer. All construction shall be in conformance with generally acceptable engineering and construction practices.
20. Meet the requirements of all other utility providers regarding the extension or relocation of utility service lines and the establishment of any necessary on site utility easements.

**CONSTRUCTION/FIRE CODES**

21. Fulfill all remaining construction and fire code requirements of Town-adopted construction and fire codes in accordance with comments submitted for the Eagles Lodge expansion project by Town Building Official/Fire Marshal, dated August 30, 2013 (attached).
22. Pay development impact fees prior to issuance of building permits for project construction in accordance with Paradise Municipal Code requirements or execute an agreement with the Town of Paradise providing for a deferral of such fees.

**WATER**

23. *If necessary, meet the requirement of the Paradise Irrigation District (PID) for the installation of a backflow prevention assembly at the water meter serving the project site property. Provide material evidence of having fulfilled this condition to the Town Development Services Department (building safety division), unless this requirement is waived by PID staff.*
24. Meet all other requirements of the Paradise Irrigation District (PID) in accordance with written comments submitted for the Eagles Lodge expansion project by PID staff, dated August 19, 2013 (attached).

**OTHERS**

25. Submit landscaping plans and application fee to the Development Services Department (planning division) in accordance with Paradise Municipal Code requirements. **IMPORTANT NOTE:** No final building inspection or occupancy shall be permitted until the landscape plans for the project have been formally approved by the Town of Paradise and landscape materials have been installed (or bonded to guarantee installation).

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26. All activities on the site shall be conducted in conformance with the Town of Paradise Noise Ordinance regulations (PMC Chapter 9.18) during construction activities and for the term of the proposed land use.

**6. OTHER BUSINESS** – Commissioner Wentland reported on his participation in the Pedestrian Safety Community Workshop hosted by UC Berkeley SafeTrec, California Walks and the Town of Paradise on September 5, 2013; that unmarked crosswalks present more of a danger than no crosswalks at all; and, discussed “daylighting” as a way to provide better visibility of pedestrians at a crosswalk. Daylighting is providing an additional 20’ of space, i.e. red curbing, on either side of a crosswalk in which no vehicles are allowed to park.

**7. COMMITTEE ACTIVITIES - None**

**8. COMMISSION MEMBERS - None**

**9. ADJOURNMENT**

Chair Jones adjourned the Planning Commission meeting at 6:45 pm.

Date of Approval: October 15, 2013

By: \_\_\_\_\_/s/\_\_\_\_\_  
Jody Jones, Chair

\_\_\_\_\_/s/\_\_\_\_\_  
Joanna Gutierrez, CMC, Town Clerk