



# TOWN OF PARADISE

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## P L A N N I N G C O M M I S S I O N M I N U T E S

**February 16, 2016**

**6:00 PM**

**CALLED TO ORDER** by Chairman James Clarkson at 6:01 p.m. who led the Pledge of Allegiance to the Flag of the United States of America.

**COMMISSIONERS PRESENT:** Raymond Groom, Stephanie Neumann, Martin Nichols, Anita Towslee and Chairman Clarkson. No commissioners were absent.

### **1. APPROVAL OF MINUTES**

- 1a. MOTION BY NICHOLS, seconded by Neumann, approved Minutes of the December 21, 2015 Special Planning Commission Meeting. Roll call vote was unanimous.

### **2. COMMUNICATION**

- a. Recent Council Actions: Town Council gave direction staff to regarding establishment of a temporary civil penalty amnesty program that would last no longer than a one-year period during which property owners who have been fined in an amount of \$2,000 or more would have opportunity to apply for a reduction of the fines after bringing violations into compliance.
- b. Staff Comments: None

### **3. PUBLIC COMMUNICATION - None.**

### **4. CONTINUED PUBLIC HEARING - None.**

### **5. PUBLIC HEARING**

- 5a. Community Development Director Craig Baker reported to the Commission regarding the FREEDLE SITE PLAN REVIEW PERMIT (PL15-00436) APPLICATION: Request for town approval of a site plan review permit to establish a motel land use occupancy containing ten motel rooms within an existing +/-6,100 square foot structure formerly

## PLANNING COMMISSION MINUTES

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occupied by a convalescent service upon a +/-0.26 acre parcel located at 5446 Black Olive Drive. Advanced wastewater treatment is proposed to be installed within approximately 24 months of motel occupancy to permit conversion to a multiple-family land use consisting of studio apartments. (AP No. 052-223-013). The application is exempt from the California Environmental Quality Act regulations and has received favorable review by all reviewing agencies.

Director Baker informed the Commissioners that he is suggesting an adjustment to the wording of Condition #10 and explained that the site plan review process is more discretionary than the use permit process, is essentially a "junior" use permit, and that he would like to establish three classes of use permits in the place of the site plan review process that is set forth in the Paradise Municipal Code. The Community-Business (C-B) zoning of this property is what makes it necessary to have a site plan review. Director Baker discussed the density bonus and stated that the intent of the state law is to provide an allowance for additional housing.

Amend Condition #10 by adding the words "or any subsequent revisions to that memorandum" in order to avoid locking the project to one specific date in one condition.

Director Baker informed the Commissioners that the Town believes there is enough off-street parking to accommodate the density and that the Community-Business or C-B zone allows for parking on the street.

Commissioner Neumann stated that she is concerned that the intent is to provide long-term motel use. Director Baker stated that there are definitions for motel rooms and for dwelling units, but no definition for studio, which is the term of choice for the applicant. Also, the clear difference between motel rooms and apartments is the presence of a full stove/range.

Chairman Clarkson opened the public hearing at 6:17 p.m.

1. Clint Freedle, stated that he is the applicant and owner of the property and explained to the Commissioners that he had the opportunity to buy this property in 2014. The buildings on the property were in very poor condition and vagrants were using the site for a hang-out to drink alcoholic beverages, and that it took thirteen dumpsters to contain the rotted interior he had to tear out of the building interior, and that the inspector has been out there at least ten times. He would like to call the rooms 'studios' but will call them whatever the Town wants, is very excited about this project, and what he wants to establish is housing for people to live in with dignity and security, people such as veterans and seniors. Mr. Freedle stated that he would prefer to keep it as a convalescent home but that opportunity was not available as that use was revoked by the Town. He thinks the project is coming along and he will be proud to offer the rooms for rent. Mr. Freedle also stated that he is ok with the fire suppression requirement but doesn't like the smoke alarm requirements, that he will have alarms but doesn't want the ones that all go off at the same time.

Commissioner Neumann is concerned that the site will become an attraction for people who don't follow rules.

Mr. Freedle stated that he intends to rent out the rooms as motel rooms and will collect the transient occupancy tax (TOT).

Director Baker informed the Commissioners that if there is residency for more than 30 days, the TOT tax cannot be collected past the 30<sup>th</sup> day.

Mr. Freedle stated that he wants a decent place for people to live comfortably, that he will evict people with bad behaviors and for not paying rent, and will have an on-site manager.

Chairman Clarkson asked if the tenants will undergo a credit check via a professional property manager.

Mr. Freedle stated that Butte County is very excited about the project and might consider a long-term lease for the property and if that occurs, he is willing to go over and cleanup if necessary. He needs to make the mortgage payment, wants to help people, and has had a lot of experience with people. He is not interested in giving people a place for one night.

Chairman Clarkson asked if the location of the site, which is right across the street from a public park, would be a limitation on the type of tenants, such as people released to the community from prison, and that he is asking the question in light of comments in the General Plan that discuss providing a safe environment for the community.

Director Baker stated that the proposal is for a motel that will be converted to studio apartments within two years. The Town would not become involved with the type of tenants. The nearby proximity of the park, the police station, a grocery store and a bus stop make this location appropriate for a high density development.

Director Baker stated that there are required findings for the Commissioners to consider, that this proposal is not for a halfway house, and that staff is not inclined to believe that this development will become that type of environment and that the applicant's plan addresses the concerns set forth in the Housing Element of the General Plan relating to affordable housing units.

Commissioner Neumann asked if the density bonus will allow additional six or eight units, and Director Baker responded that an application for additional units would have to come back to Planning Commission for consideration.

Mr. Freedle stated that he doesn't want any hassle, will do the best he can, has invested over \$400,000 cash into the improvements, that it is now a nice building, no longer a site for vagrants.

Chairman Clarkson informed Mr. Freedle that he appreciates the improvements made and the intentions of Mr. Freedle, but he wants to be as realistic as possible, as it is their responsibility as Planning Commissioners to think through how this development will affect the Town. The housing projects in Chicago, for example, became the opposite of what was intended because they were not properly managed.

Mr. Freedle stated that he is not looking for second chance people, just looking for people. He will manage occupants to the best of his ability without invading their privacy. He will use a property manager for credit and background checks as he would not want to be saddled with problems and that he would really like to have senior housing.

Vice Chair Nichols asked if the Planning Commission denies this project, what other uses could be permitted on the property. Director Baker stated that uses such as retail or restaurants would be allowed, but no assisted living, group homes or community care facilities would be permitted.

Chairman Clarkson closed the public hearing at 6:56 p.m.

Commissioner Neumann stated that she would like to add a condition that would require an onsite manager to live on the site while it is a motel, before it is converted to apartments.

Mr. Freedle stated that condition would be acceptable to him while it is a motel.

Director Baker stated that the applicant would have to submit a formal application to have the condition removed and stated for the record the amended Condition #10 and a proposed Condition #17 as follows:

Condition #10: Establish and maintain compliance with all requirements of the Town Building Official/Fire Marshal in accordance with the written comments dated January 7, 2016 or any subsequent revisions to that memorandum for the Freedle site plan review permit application (copy on file with the Town Development Services Department).

Condition #17: During the period of operation as a motel unit, the facility shall be staffed by an onsite resident manager.

**MOTION by Nichols, seconded by Neumann, adopted the required findings below as provided by staff and approved the Freedle site plan review permit application (PL15-00436) authorizing the establishment of a motel land use within an existing +/- 6,100 square foot building space and its future conversion to studio apartments on property located at 5446 Black Olive Drive, subject to the following conditions of approval:**

**FINDINGS REQUIRED FOR APPROVAL:**

1. Certify the Planning Director's determination that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the State CEQA Guidelines.
2. Find that the project, **as conditioned**, is consistent with the goals and policies of the Paradise General Plan because the project will result in the establishment of a land use on property that is conditionally zoned for such use and within an existing vacant structure suitable for such use.

3. Find that the project, **as conditioned**, is in compliance with all applicable regulations of the Central Business zoning district.
4. Find that adequate infrastructure is currently in place to serve the proposed project.
5. Find that the project, as conditioned, will not detrimentally affect existing plant and animal life in the project vicinity for the following reasons:
  - a. The project is located within an area that has been altered from its natural state by long-established commercial and residential land uses and public infrastructure;
  - b. No known outstanding wildlife habitat exists in the immediate project vicinity; and
  - c. No known rare or endangered plants are known to exist in the immediate project vicinity.

**GENERAL CONDITIONS OF SITE PLAN REVIEW PERMIT APPROVAL**

1. If any land use for which a site plan review permit has been granted and issued is not established within three years of the site plan review permit's effective date, the site plan review permit may become subject to revocation by the Town of Paradise.
2. Secure Town of Paradise design review approval for any new business or identification signs prior to the establishment of such signs.
3. Any work within the Black Olive Drive 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.
4. Outside light fixtures associated with the project shall be designed to not exceed a height of sixteen feet above finished grade and shall be shielded to prevent the direct projection of light onto adjoining and nearby properties.
5. Maintain the property in a manner consistent with any density bonus agreement executed with the Town of Paradise.
6. Pay any required impact fees prior to issuance of building permits for project construction in accordance with Paradise Municipal Code requirements.
7. Within 36 months of motel land use occupancy, the project developer shall execute a development agreement with the Town of Paradise in accordance with the procedures and requirements of Paradise Municipal Code Chapter 17.44 (Affordable Housing Incentives/Residential Density Bonus) and California Government Code section 65915 authorizing conversion of the motel occupancy land use to a multiple-family land use consisting of studio apartments.
8. Prior to conversion of the motel land use occupancy to a multiple-family land use consisting of studio apartments, the project developer shall secure Onsite Division land use approval for such conversion, secure the necessary construction permits and upgrade

and improve the wastewater disposal system serving the project to accommodate such conversion in a manner deemed satisfactory to the Town Onsite Sanitary Official.

9. 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 site plan review permit modification review and the payment of the appropriate processing fees.

### **CONDITIONS TO BE MET PRIOR TO OCCUPANCY**

#### **FIRE PROTECTION**

10. Establish and maintain compliance with all requirements of the Town Building Official/Fire Marshal in accordance with the written comments dated January 7, 2016 or any subsequent revisions to the memorandum for the Freedle site plan review permit application (copy on file with the Town Development Services Department).

#### **CONSTRUCTION CODES**

11. Meet the requirements of the Town Building Official/Fire Marshal regarding submittal of any plans, building permit applications, and all applicable Town adopted building code requirements.

#### **SITE DEVELOPMENT**

12. Secure the issuance of a tree felling permit prior to the felling of any qualifying trees on or off-site.

#### **UTILITIES**

13. Meet the requirements of the Paradise Irrigation District (PID) in accordance with written communication from PID staff regarding the Freedle site plan review permit application, dated January 6, 2016 and on file with the Town Development Services Department.
14. Meet all other utility company requirements regarding the establishment of necessary utility easements and installation of new or expanded utility facilities. Provide evidence of compliance with these requirements to the Town Building Official.

#### **WASTEWATER DISPOSAL**

15. Either record a parcel merger affecting Assessor Parcel Nos. 052-223-012 and 052-223-013 in a manner deemed satisfactory to the Town Engineer or record a covenant agreement for wastewater disposal affecting the same parcels in a manner deemed satisfactory to the Town Onsite Sanitary Official and the Town Attorney. The covenant agreement shall require a merger of the parcels upon severance of joint ownership.

**OTHERS**

16. The required on-site solid waste storage and collection facility shall be located and constructed in a manner deemed satisfactory to Northern Recycling and Waste Services (NRWS) staff. Provide evidence thereof to the Town Development Services Department.
17. During the period of operation as a motel unit, the facility shall be staffed by an onsite resident manager.

**6. OTHER BUSINESS** – Commissioner Nichols informed the Planning Commissioners that he may be working as the Interim County Administrator for Trinity County, that the commission's by-laws do not allow for unexcused absences, and that he would like the Planning Commission to approve a six-month leave of absence if he serves in the interim administrator position as he would like to remain as a Paradise Planning Commissioner.

**MOTION by Neumann, seconded by Towslee**, granted Vice Chair Nichols an excused absence or a leave of absence for six months in order that he may serve as Interim CEO of Trinity County. Roll call vote was unanimous.

Director Baker will consult with the Town Attorney to confirm whether or not a formal action must go on an agenda for approval of Vice Chair Nichol's leave of absence.

**7. COMMITTEE ACTIVITIES**

**8. COMMISSION MEMBERS**

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

**9. ADJOURNMENT**

**Date Approved:** March 15, 2016

By: \_\_\_\_\_/s/\_\_\_\_\_ Attest: \_\_\_\_\_/s/\_\_\_\_\_

James Clarkson, Chairman

Joanna Gutierrez, CMC, Town Clerk