

**PLANNING DIRECTOR MEETING MINUTES
REGULAR MEETING – 10:00 AM – April 27, 2015**

CALLED TO ORDER at 10:00 a.m. by Community Development/Planning Director Baker at 5555 skyway, Paradise, California.

STAFF PRESENT: Community Development/Planning Director Craig Baker, Assistant Planner Susan Hartman and Town Clerk, Joanna Gutierrez.

1. APPROVAL OF MINUTES

- a. Director Baker approved the October 21, 2014 Planning Director Minutes with the addition of the hearing “REBUTTALS” on page 3.

2. PUBLIC COMMUNICATION (Public Presentation of Non-Agenda Items) – None.

3. CONTINUED PUBLIC HEARING - None

4. PUBLIC HEARING

Town Clerk Gutierrez announced that the purpose of today’s meeting to conduct a public regarding an item determined to be exempt from environmental review referenced as the **COSTA CONDITIONAL USE PERMIT (PL15-00115) APPLICATION**, a use permit application request for the complete reconstruction of a fire damaged dwelling within the required 5’ side yard setback (2’6”) on a +0.11 ac residential property zoned TR 1/3 (Town Residential 1/3 Acre Minimum) located at 676 Memorial Way, AP No. 052-090-021.

Assistant Planner Hartman reported that Paradise Municipal Code section 17.39.300 (Restoration of damaged nonconforming use) provides that a damaged, lawful nonconforming structure may be restored and used again as a lawful nonconforming use subject to town approval of a conditional use permit. The project applicant, Jim Costa, is seeking a use permit to replace a previously existing, legal nonconforming single family dwelling on a 0.11 acre property located at 676 Memorial Way, that was destroyed by fire in 2014. The current residence on the property will be demolished. It is the recommendation of the staff that the Planning Director approve the proposed project based upon the recommended findings and subject to the eleven conditions of approval set forth in the staff report.

Director Baker opened the public hearing at 10:05 a.m.

1. Jim Costa stated that he is the applicant for the use permit.

Director Baker asked if Mr. Costa had received all the information relating to the hearing and if he is in agreement with the conditions of the use permit. Mr. Costa stated that he received something in the mail but did not bring it with. Assistant Planner Hartman provided Mr. Costa with the public view packet and Mr. Costa confirmed that he understands and is in agreement with the conditions of approval relating to the project,

specifically the 2'6" setback from the actual property line, and the 5' setback on the west side of the property. An unidentified woman reviewed the packet and confirmed that the house cannot be centered on the property.

Director Baker stated that this use permit would allow one non-conforming setback on one side only. An encroachment on the other side would require a zoning variance under State law and there is no unique circumstance to this property that makes it different from any other property in the area; as such, it is unlikely that such a variance would be approved.

Mr. Costa stated that this appears that this project looks as though it will follow the normal building process and that it looks fine to him.

2. Jason Nevel asked a question to clarify the setbacks.

Director Baker closed the public hearing at 10:08 a.m. and stated that he is adding the following to the beginning of the sentence that sets forth Condition #8 under Site Development: *"As deemed necessary by the Town Fire Marshal, all flammable vegetation shall be removed at a minimum distance of one hundred (100) feet from all structures or to the property line, whichever is less."*

Director Baker re-opened the hearing for comment:

1. Sherry Heald questioned how much vegetation would have to be removed.

Director Baker stated that the additional language would allow the Fire Marshal to determine which vegetation on the site is flammable and creates a safety hazard, rather than a blanket requirement to remove all vegetation at a minimum distance of one hundred (100) feet from all structure or to the property line.

CONCLUSION:

Director Baker announced that it is his intent to approve the use permit application with the amendment to condition #8, and that this decision may be appealed within seven days of the date of this hearing. As such, building permits cannot be issued for seven days; but, demolition of the existing building may proceed.

Director Baker adopted the following recommended findings required for approval and approved the Costa Use Permit Application (PL15-00115) for property located at 676 Memorial Way (AP 052-090-021) requesting authorization to replace the previously existing single family residence subject to the following eleven conditions of approval:

FINDINGS FOR APPROVAL:

- a. The proposed project is categorically exempt from environmental review under the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15303, (Class 3) of the CEQA guidelines
- b. Find that, as conditioned, approval of the Costa use permit can be found to be consistent with the goals and land use policies of the current 1994 Paradise

General Plan because project approval would promote the replacement of a legal nonconforming structure for which evidence of record exists to demonstrate that it was lawfully established in its previous location.

- c. The proposed project, as conditioned by the Town of Paradise, will not be detrimental to the public health, safety and general welfare.

CONDITIONS TO BE MET PRIOR TO ISSUANCE OF BUILDING PERMIT(S)

SITE DEVELOPMENT

1. Secure a demolition permit through the building division for the removal of the existing fire damaged structure.
2. Submit construction documents and meet the requirements of the Town Building Official regarding building permits and all applicable town-adopted construction code regulations including Wildland Urban Interface construction requirements.
3. No portion of the single family residence shall be placed closer than **two feet and six inches (2' 6")** from the eastern property line in the location identified and proposed on the site plan dated received on March 31, 2015 on file with the Development Services Department.

SANITATION

4. Apply for, and secure, an onsite sanitation division building clearance for the building sewer connection to the existing septic system.

UTILITIES

5. Any relocation or rearrangement of PG&E facilities to accommodate this project will be at the developer/applicant expense. There shall be no facilities construction allowed over or under any existing PG&E facilities or inside any PG&E easements affecting this property.

OTHERS

6. Pay any applicable development impact fees in accordance with Paradise Municipal Code requirements.

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

SITE DEVELOPMENT

7. Complete the requirements of the Fire Marshal regarding plans submittal for an Automatic Fire Sprinkler System for the proposed single family dwelling.
8. As deemed necessary by the Town Fire Marshal, all flammable vegetation shall be removed at a minimum distance of one hundred (100) feet from all structures or to the property line, whichever is less.
9. Complete the project as per the Town of Paradise adopted California Building Standards and Town of Paradise approved plans and specifications.

SANITATION

10. Connect to the existing sewage disposal system in a manner deemed satisfactory to the Town Onsite Sanitary Official.

UTILITIES

11. Meet the requirements of the Paradise Irrigation District (PID) in accordance with written communication from PID staff regarding this project, dated April 2, 2015 and on file with the Town Development Services Department.

5. ADJOURNMENT

Director Baker adjourned the Planning Director hearing at 10:10 a.m.

Date approved: August 20, 2015

By:

_____/s/_____
Craig Baker, Community Development/Planning Director

_____/s/_____
Joanna Gutierrez, Town Clerk