



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

TELEPHONE (530) 872-6291 FAX (530) 877-5059

www.townofparadise.com

Planning Commission Staff:

Craig Baker, Community Development Director
Susan Hartman, Assistant Planner

Planning Commission Members:

Michael Zuccolillo, Chair
Stephanie Neumann, Vice-Chair
James Clarkson, Commissioner
Martin Nichols, Commissioner
Daniel Wentland, Commissioner

PLANNING COMMISSION AGENDA

6:00 PM – October 21, 2014

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact Community Development Director Baker, at 872-6291 at least 48 hours in advance of the meeting. Hearing assistance devices for the hearing impaired are available from the Presiding Clerk. Members of the public may address the Planning Commission on any agenda item, including closed session. If you wish to address the Planning Commission on any matter on the Agenda, it is requested that you complete a "Request to Address Council/Commission" card and give it to the Presiding Clerk prior to the beginning of the Council Meeting.

All writings or documents which are related to any item on an open session agenda and which are distributed to a majority of the Planning Commission within 72 hours of a Regular Meeting will be available for public inspection at the Town Hall in the Town Clerk or Community Development Services Department located at 5555 Skyway, Room 3, at the time the subject writing or document is distributed to a majority of the subject body. Regular business hours are Monday through Thursday from 8:00 a.m. to 5:00 p.m.

CALL TO ORDER

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

ROLL CALL

1. APPROVAL OF MINUTES

1a. Approve regular meeting minutes of June 17, 2014

2. COMMUNICATION

- a. Recent Council Actions
- b. Staff Comments

3. PUBLIC COMMUNICATION

Comments are limited to a maximum of five minutes duration. If more time is needed, please request staff to place the subject on an agenda for a future Commission meeting.

***** PUBLIC HEARING PROCEDURE *****

- | | |
|-----------------------------------|--------------------------------|
| A. Staff comments | C. Close hearing to the public |
| B. Open the hearing to the public | D. Commission discussion |
| 1. Project applicant | E. Motion |
| 2. Parties for the project | F. Vote |
| 3. Parties against the project | |
| 4. Rebuttals | |

NOTE: Pursuant to Planning Commission Resolution No. 96-001, any person may speak before the Commission regarding the matter under consideration for **a maximum of five minutes** unless granted additional time by the Chair. "In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact the Community Development Dept., at 872-6291 at least 48 hours in advance of the meeting."

4. CONTINUED PUBLIC HEARING - None

5. PUBLIC HEARINGS

5a. Planning Commission consideration of a resolution that, if adopted, would recommend Town Council adoption of proposed text amendments to the Town's zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendments would modify PMC Chapter 17.44 to make it compliant with the density bonus requirements set forth in Government Code Section 65915 in order to be consistent with the recently adopted Housing Element of the Paradise General Plan.

5b. Planning Commission consideration of a resolution that, if adopted, would recommend Town Council adoption of a proposed text amendment to the Town's zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendment would add a new category of merchandise (prefabricated wooden storage sheds) that is exempt from outdoor merchandise display regulations contained within PMC Chapter 17.06.

6. OTHER BUSINESS - None

7. COMMITTEE ACTIVITIES

8. COMMISSION MEMBERS

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

9. ADJOURNMENT

STATE OF CALIFORNIA) COUNTY OF BUTTE)	SS.
I declare under penalty of perjury that I am employed by the Town of Paradise in the Town Clerk's Department and that I posted this Agenda on the bulletin Board both inside and outside of Town Hall on the following date: _____ _____ TOWN/ASSISTANT TOWN CLERK SIGNATURE	



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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

June 17, 2014

6:00 PM

CALL TO ORDER AT 6:01 P.M.

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

PRESENT AT ROLL CALL: James Clarkson, Stephanie Neumann, Daniel Wentland and Michael Zuccolillo, Chair.

STAFF PRESENT: Community Development Director Craig Baker, Town Clerk Joanna Gutierrez, Town Manager Lauren Gill.

1. APPROVAL OF MINUTES

MOTION by Wentland, seconded by Neumann, approved the Regular Meeting Minutes of May 20, 2014 and Special Meeting Minutes of June 3, 2014. Roll call vote was unanimous.

2. COMMUNICATION

Community Development Director Baker reported on recent Council actions including approval of the Housing Element update and the introduction of Ordinance No 543 amending the Paradise Municipal Code regulations relating to fences and gates.

3. PUBLIC COMMUNICATION – None.

4. CONTINUED PUBLIC HEARING

- 4a. Item determined to be exempt from environmental review under CEQA Guidelines section 15601 (General rule exemption) PARADISE MUNICIPAL CODE: Planning Commission consideration of a resolution that, if adopted, would recommend Town Council adoption of proposed text amendments to the Town's zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendments would add a new PMC section to regulate the outdoor display of merchandise in commercial zoning districts and amend PMC section 17.32.100(G) related to outdoor special sales, parking lot sales, swap meets and other similar sales activities.

Community Development Director Baker reported that this public hearing had been continued from March 18th, that the initial hearing was well attended, that the Planning Commission encouraged business owners to meet among themselves and with Town staff, and that staff has met at least three times with the business owners. Mr. Baker stated that the attached resolution represents a general consensus agreed upon by all parties, that there is no intent to curtail business activities, and is also aimed at preserving aesthetics of the Town.

Chair Zuccolillo opened the public hearing at 6:15 pm.

1. Carol Stark asked about non-business yard sale regulations and stated that she thinks the proposed ordinance looks good and thanked the Planning Commission for allowing business input in the process.

Mr. Baker stated that garage and yard sales are addressed in a different section of the Paradise Municipal Code.

2. Sally, from Second Hand Sally's, stated that she agrees that the proposed ordinance is suitable to her.

Commissioner Clarkson thanked the business owners for the efforts to work with the Town and for participating in the process.

The Planning Commissioners and Community Development Director Baker discussed language that would clarify the term "pedestrian walkway", which includes eliminating the term pedestrian walkway and inserting language that would preclude merchandise being placed within four feet of a doorway. Other PMC regulations exist that preclude merchandise from being displayed in public rights of way.

Commissioner Neumann stated that the language must be clear and concise, such that it can be applied equally.

Commissioner Wentland stated that the goal is to have free and available access, and that the pawn shop on Skyway displays merchandise on the sidewalk that does not impede access to the doorway.

Director Baker informed the Planning Commission that the goal is for them to provide the Town Council with a recommendation, and if the ordinance language becomes an issue it may be addressed at the Council level.

Commissioner Clarkson stated that he does not think the proposed ordinance articulates its purpose to address aesthetics and stated that he would like the ordinance to address the "why," and he believes there is a reason to create an awareness that the Town is trying to make the business area more attractive and suggested the following language be included:

Regulations affecting the outdoor display of merchandise are established so that outdoor merchandise displays have an appearance designed to attract and promote business and to avoid the random placement of merchandise that lacks thematic continuity.

Commissioner Wentland stated that he likes Commissioner Clarkson's idea and that the language could be included as a statement of intention or purpose. Mr. Wentland also proposed an amendment to PMC section 17.32.100G regarding outdoor special sales, etc., that would allow no more than three (3) consecutive days or more than a total of twenty-one (21) days in the same year. This would permit the outdoor activities to occur over a three-day weekend.

Commission Neumann stated that she thinks this the ordinance is a good start in controlling the creep of merchandise yet still allows business owners to do what they think is helpful to their business.

1. Carol Stark stated that she agrees with the three days for outdoor sales activities, informed the Planning Commission that there is a new business in Town that has had merchandise outside for several weeks and that numerous members of the public have complained to her about this business.
2. Marilyn Conner informed the Planning Commission that she and her husband are the owners of the business referred to by Ms. Stark. Ms. Conner stated that they are in the process of completing the inside improvements that must be done prior to moving in, and that they have been working very hard to get the outside cleaned up.

Chair Zuccolillo closed the public hearing at 6:50 p.m.

Community Development Director stated that the proposed amendments to the resolution are as follows:

SECTION 1

Add Subsection A:

- A. Purpose. Regulations affecting the outdoor display of merchandise are established so that outdoor merchandise displays have an appearance designed to attract and promote business and to avoid the random placement of merchandise that lacks thematic continuity.
- B. As is.
- C. In no event shall merchandise be displayed within public right-of-ways, vehicle access ways, doorways for required pedestrian access, or parking areas, unless expressly authorized pursuant to Chapter 17.32 of this Title.

SECTION 2

- G. Outdoor specials (etc.) ... for not more than three (3) consecutive days or more than a total of twenty-one (21) days in the same year.

MOTION by Wentland, seconded by Zuccolillo, approved the proposed amendments and adopted Planning Commission Resolution No. 14-4, A Resolution of the Paradise Planning Commission Recommending town Council Adoption of Text Amendments to Chapters 17.06 and 17.32 of the Paradise Municipal Code Relative to the Outdoor Display of merchandise and Outdoor Special Sales. Roll call vote was unanimous.

- 5. PUBLIC HEARINGS – None.
- 6. OTHER BUSINESS – None.
- 7. COMMITTEE ACTIVITIES – None.
- 8. COMMISSION MEMBERS – None.
- 9. ADJOURNMENT

Chair Zuccolillo adjourned the meeting at 6:55 p.m.

Date Approved:

By: _____

Michael Zuccolillo, Chair

Joanna Gutierrez, CMC, Town Clerk

M E M O R A N D U M

AGENDA NO. 5(a)

TO: Paradise Planning Commission

FROM: Susan Hartman, Assistant Planner

SUBJECT: Public Hearing - Consider Adoption of a Resolution Recommending Town Council Adoption of Paradise Municipal Code Zoning Regulations Text Amendments Related to Residential Density Bonuses

DATE: October 14, 2014

BACKGROUND:

In 2004 SB 1818 amended section 65915 of the Government Code pertaining to the density bonus law. The law essentially lowered the required total affordable housing units in a construction project required to receive a density bonus. The law made the following changes:

Projects Eligible for a Density Bonus		
Income Level	2004	As Amended by SB 1818
Lower	20% tdu	10% tdu
Very Low	10% tdu	5% tdu
Senior Housing Development	50% tdu	All senior citizen housing developments (as defined by sections 51.3 & 51.12 of the Civil Code) or an age-restricted mobile home park (defined in Civil Code sections 798.76 & 799.5)
Moderate Condos or Planned Development (for-sale common interest development)	20% tdu	10% tdu

Note: tdu = total dwelling units

Upon reviewing the existing Paradise Municipal Code (PMC) zoning regulations within Chapter 17.44, the Town's Housing Element consultant, Pacific Municipal Consultants, identified text within the Town's adopted zoning regulations that was not consistent with state law, particularly those that require a density bonus to be provided to developments with 5 percent

of housing units for very low-income units and to developments with 10 percent of housing units for low-income units. In addition, the current PMC requirements to enter into a development agreement and demonstrate alternative site design go beyond the requirements of state law to receive a density bonus. As such, an implementation measure was developed as part of the newly adopted Housing Element for the removal of requirements or restrictions that are more stringent than established by state law.

Section 17.44.020 *Applicability* of the PMC still references the old density bonus eligibility standards in place prior to 2004. As a state mandate, the Town must adopt an ordinance to implement the amendments enacted by SB 1818. Housing Implementation Measure #4 contained within the recently adopted Housing Element identifies the revision of the existing density bonus ordinance to be consistent with Government Code Sections 65915 and 65917 as necessary. If adopted, the proposed zoning code amendments attached to this memorandum as “Exhibit A” of Resolution No. 14-5 would implement the new law.

DISCUSSION:

Paradise Municipal Code section 17.45.500 (*Procedures for zoning district(s) or zoning text amendments*) provides for the Planning Director to initiate the process of zoning code text amendments whenever the public necessity, convenience or general welfare are sufficiently compelling as to warrant Planning Commission and Town Council consideration of such amendments.

The attached resolution document, drafted in consultation with the Town Attorney, endorses Town Council adoption of Town zoning code amendments that are necessary to conform to State Law regarding density bonuses.

Town staff has determined, and the Town Attorney has concurred, that the nature of the proposed text amendments are sufficiently minor in and that 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 requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15061 (General Rule Exemption).

Staff has developed the attached resolution document (and its attached exhibit “A”) that, if adopted by the Planning Commission, would recommend Town Council adoption of minor text amendments to the Town’s density bonus regulations in order to accomplish objectives outlined within this memorandum. The proposed new text within Exhibit A is shown shaded and text proposed to be deleted is shown in ~~striketrough~~ text.

COMMISSION ACTION REQUESTED:

Please be prepared to discuss the proposed amendments to the Town's density bonus regulations with staff, other Commissioners and the attending public during the required noticed public hearing. At the conclusion of the public hearing, staff's recommendation is for the Planning Commission to adopt Planning Commission Resolution No. 14-05, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Chapter 17.44 of the Paradise Municipal Code Relative to Residential Density Bonuses". If deemed necessary by a majority consensus of Planning Commissioners present, staff will be prepared to discuss and possibly make further changes or additions to the text of the attached and proposed resolution prior to Planning Commission adoption. A written copy of the Town's current density bonus regulations is attached for your use.

Attachments

LIST OF ATTACHMENTS FOR THE PROPOSED ZONING ORDINANCE TEXT AMENDMENT

1. Copy of the notice of public hearing for the proposed text amendment
2. Copy of Planning Commission Resolution No. 14-05, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Chapters 17.44 of the Paradise Municipal Code Relative to Residential Density Bonuses"

**TOWN OF PARADISE PLANNING COMMISSION
RESOLUTION 14-05**

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION RECOMMENDING
TOWN COUNCIL ADOPTION OF TEXT AMENDMENTS TO CHAPTER 17.44 OF THE
PARADISE MUNICIPAL CODE RELATIVE TO RESIDENTIAL DENSITY BONUSES**

WHEREAS, the Town of Paradise is legally required to direct and regulate land development and land uses via zoning regulations and other means that are consistent with its current Paradise General Plan as well as current state planning and zoning law; and

WHEREAS, Government Code section 65915 has modified the requirements relating to the State's density bonus law; and

WHEREAS, the Paradise Planning Commission finds that there is a compelling need for the Town Council of the Town of Paradise to adopt amendments to the Paradise Municipal Code (PMC) to administer residential density bonuses consistent with the requirements of Government Code section 65915; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on October 21, 2014 to study and consider recommending Town Council adoption of text amendments to PMC Chapter 17.44 as proposed by Town staff; and

WHEREAS, the public review also included review and determination of whether or not the proposed PMC text amendments is an activity that is subject to the provisions of the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission has considered the recommendation of the Town staff, etc., as well as input received during the public hearing; and on the basis of the foregoing, has determined that the text amendments to PMC Chapter 17.44 are warranted at this time in order to administer residential density bonuses consistent with the requirements of Government Code section 65915.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF PARADISE as follows:

The Planning Commission hereby recommends to the Town Council of the Town of Paradise, adoption of the proposed text amendments to PMC Chapter 17.44 as set forth in

"Exhibit A" attached hereto and made a part of by reference; and recommends to the Town Council that the proposed Paradise Municipal Code text amendments are not subject to the requirements of the California Environmental Quality Act (CEQA) in accordance with the general rule categorical exemption provisions of CEQA Guidelines section 15061.

PASSED AND ADOPTED by the Planning Commission of the Town of Paradise this 21st day of October, 2014 by the Following Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Michael Zuccolillo, Chair

ATTEST:

Joanna Gutierrez, Town Clerk

EXHIBIT "A"

SECTION 1. Section 17.44.020 of the Paradise Municipal Code shall be amended as follows:

When a developer proposes to enter into an agreement to construct affordable units pursuant to Government Code section 65915 to provide at least twenty (20) percent of the total units of a housing development for lower income households, as defined in the California Health and Safety Code Section 50105, the developer shall be eligible for a housing density bonus or incentives if the housing development consists of five (5) or more units and complies with any one of the criteria set forth in subsection 65915 (b)(1) of the Government Code.

SECTION 2. Section 17.44.030 of the Paradise Municipal Code shall be amended as follows:

Any person requesting a housing density bonus or incentives shall apply for an development agreement with the town. To fully qualify for the density bonus program, the developer must demonstrate a commitment to alternative site design such as, clustering the units on a portion of the site, and providing an open space buffer from surrounding developments. A housing density bonus or incentives shall be granted by approval of the development agreement which shall specify the density bonus and/or incentives, and any conditions attached to the approval of such bonus and/or incentive; provided, in no event shall the agreement be for less than thirty (30) years concerning any affordability requirements.

SECTION 3. Section 17.44.040 of the Paradise Municipal Code shall be amended as follows:

Prior to town action on an development agreement providing housing density bonus or incentives, the planning commission shall consider the proposed development agreement and make a recommendation to the town council. Thereafter, the town council shall consider whether to approve the proposed agreement.

**NOTICE OF PUBLIC HEARING
PARADISE PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN by the Paradise Planning Commission that a public hearing will be held on Tuesday, October 21, 2014 at 6:00 p.m. in the Town Hall Conference Room, 5555 Skyway, Paradise, CA, regarding the following matter:

- a. Item determined to be exempt from environmental review under CEQA Guidelines section 15601 (General rule exemption)

PARADISE MUNICIPAL CODE: Planning Commission consideration of a resolution that, if adopted, would recommend Town Council adoption of proposed text amendments to the Town's zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendments would modify PMC Chapter 17.44 to make it compliant with the density bonus requirements set forth in Government Code Section 65915 in order to be consistent with the recently adopted Housing Element of the Paradise General Plan.

- b. Item determined to be exempt from environmental review under CEQA Guidelines section 15601 (General rule exemption)

PARADISE MUNICIPAL CODE: Planning Commission consideration of a resolution that, if adopted, would recommend Town Council adoption of a proposed text amendment to the Town's zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendment would add a new category of merchandise (prefabricated wooden storage sheds) that is exempt from outdoor merchandise display regulations contained within PMC Chapter 17.06.

The project files are available for public inspection at the Development Services Department, Paradise Town Hall. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Paradise Planning Commission at, or prior to, the public hearing. For further information please contact the Development Services Department at (530) 872-6291, extension 111.

CRAIG BAKER
Community Development Director

M E M O R A N D U M

TO: Paradise Planning Commission

FROM: Craig Baker, Community Development Director

SUBJECT: Public Hearing - Consider Adoption of a Resolution Recommending Town Council Adoption of a Paradise Municipal Code Zoning Regulations Text Amendment Related to the Outdoor Display of Merchandise

DATE: October 15, 2014

BACKGROUND:

Acting on a recommendation from the Planning Commission in the form of a resolution document, on August 12, 2014 the Town Council adopted Ordinance No. 546, "An Ordinance Adding Section 17.06.940 and Amending Section 17.32.100 within the Paradise Municipal Code Regarding Exterior Displays of Merchandise In Commercial Zones." Ordinance No. 546 was drafted by Town staff, endorsed by the Planning Commission and adopted by the Town Council in order to amend the Town's zoning code to address a proliferation of outdoor displays of merchandise, a significant percentage of which is comprised of used items often displayed in a haphazard manner. Ordinance No. 546 became legally effective on September 13, 2014.

The primary purpose of Ordinance No. 546 was to limit the areas wherein merchandise could be displayed outdoors. However, seventeen categories of activities and types of merchandise were designated by the amendments to be exempt from the outdoor display limits of the ordinance (firewood sales, landscape materials, statuary, vehicles, Christmas tree sales, fruit and vegetable stands, street vendors, areas not visible from a public street, etc.). This listing of categories was meant to be inclusive of the types of merchandise and activities that cannot ordinarily be displayed or conducted indoors.

Since the adoption of Ordinance No. 546, it has come to the attention of Town staff and several Council members that it may be in the best interest of the business community and the Town of Paradise to add "prefabricated wooden storage sheds" to the list of types of merchandise that may be displayed outdoors and not be subject to the display limits of the ordinance.

As a result of several discussions between The Town's management staff, our legal counsel and two Town Council members, the attached resolution document was developed for Planning Commission review and consideration.

DISCUSSION:

If recommended by the Planning Commission to be adopted by the Town Council, the proposed amendment would result in the addition of prefabricated wooden storage sheds as a category of merchandise that would not be subject to the display area limitations currently in place. The rationale for the proposed amendment is that this particular form of merchandise cannot typically be effectively displayed in interior building spaces and are typically displayed in an outdoor setting.

Town staff has determined that the proposed text amendment is minor in nature and that there is no possibility that adoption of the amendment would result in a significantly adverse effect upon the environment. Therefore, the proposed amendment can be found to be exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15061 (General rule exemption).

Staff has developed the attached resolution document that, if adopted by the Planning Commission, would recommend Town Council adoption of the revised text amendment to the Town's Zoning Ordinance in order to accomplish the objective outlined in the preceding discussion (added text in the attached Exhibit "A" is shown as shaded).

COMMISSION ACTION REQUESTED:

Please be prepared to discuss the proposed text amendment and consider adopting a motion to forward a recommendation to the Town Council, via adoption of Planning Commission Resolution No. 14-06, to adopt a town ordinance amending the text of current PMC Zoning Ordinance regulations. If deemed necessary by a majority consensus of Planning Commissioners present, staff will be prepared to make further changes or additions to the text of the attached and proposed resolution prior to Planning Commission adoption.

Attachments

LIST OF ATTACHMENTS

1. Notice of the October 21, 2014 Planning Commission public hearing
2. Planning Commission Resolution No. 14-06, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of a Text Amendment to Chapter 17.06 of the Paradise Municipal Code Relative to the Outdoor Display of Merchandise"

**TOWN OF PARADISE PLANNING COMMISSION
RESOLUTION 14-6**

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION RECOMMENDING TOWN COUNCIL
ADOPTION OF A TEXT AMENDMENT TO CHAPTER 17.06 OF THE PARADISE MUNICIPAL CODE
RELATIVE TO THE OUTDOOR DISPLAY OF MERCHANDISE**

WHEREAS, the Town of Paradise is legally required to direct and regulate land development and land uses via zoning regulations and other means that are consistent with its current Paradise General Plan as well as current state planning and zoning law; and

WHEREAS, the Paradise Planning Commission finds that there is a compelling need for the Town Council of the Town of Paradise to adopt the foregoing Paradise Municipal Code (PMC) amendments to regulate the outdoor display of merchandise in commercial zoning districts, and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on October 21, 2014 to study and consider recommending Town Council adoption of a text amendment to PMC Chapter 17.06 as proposed by Town staff; and

WHEREAS, the public review also included review and determination that the proposed PMC text amendment is an activity that is exempt from to the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061 (general rule exemption) because there is no possibility that the amendment would result in a significantly adverse effect upon the environment; and

WHEREAS, the Planning Commission has considered the recommendation of the Town staff, etc., as well as input received during the public hearing; and on the basis of the foregoing, has determined that the text amendment to PMC Chapter 17.06 is warranted at this time in order to equitably regulate the outdoor display of merchandise in commercial zoning districts.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF PARADISE as follows:

The Planning Commission hereby recommends to the Town Council of the Town of Paradise, adoption of the proposed text amendment to PMC Chapter 17.06 as set forth in **Exhibit "A"** attached hereto and made a part of by reference; and recommends to the Town Council that the proposed Paradise Municipal Code text amendment is not subject to the requirements of the California Environmental Quality Act (CEQA) in accordance with the general rule categorical exemption provisions of CEQA Guidelines section 15061.

RESOLUTION NO. 14-06

PASSED AND ADOPTED by the Planning Commission of the Town of Paradise this 21st day of October, 2014 by the Following Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Michael Zuccolillo, Chair

ATTEST:

Joanna Gutierrez, Town Clerk

EXHIBIT "A"

SECTION 1: Subsection 17.06.940(B) of the Paradise Municipal Code is hereby amended to read as follows:

B. Except as provided in this Section 17.06.940, it shall be unlawful to sell or display merchandise in the exterior area of a building in a commercial zone. Merchandise may be displayed in the exterior area of a building in a commercial zone only in conjunction with the following businesses, areas or activities:

1. Automobile, boat, trailer, camper, motorcycle and construction equipment sales, rentals and outdoor furniture;
2. Retail lumber yards, ~~and~~ building materials; and prefabricated wooden storage sheds;
3. Fruit and vegetable stands possessing a valid Town permit;
4. Landscaping, statuary and horticultural plants, materials and supplies;
5. Vending and ice machines when located as an accessory to a permitted use;
6. Gasoline pumps and accessory items when located on pump islands;
7. Christmas tree sales;
8. Special events permitted by Town;
9. Sale of newspapers and other printed material;
10. Vendors permitted under Paradise Municipal Code chapter 5.11;
11. Propane tanks;
12. Firewood sales;
13. Areas not visible from a public street;
14. Outdoor special sales pursuant to Paradise Municipal Code section 17.32.100 G;
15. In the Central Business (CB) zone and Community Commercial (CC) zoned properties along Skyway between Pearson Road and the Town limit and along State Route 191 (Clark Road) within the Town, merchandise may be displayed only within five feet of a single exterior building wall along no more than fifty percent of the length of the wall.
16. Businesses not displaying merchandise along building walls facing streets may display merchandise in enclosed exterior spaces located beyond building setbacks.
17. Merchandise may otherwise be displayed upon other commercial properties only within ten feet of a single building wall.

**NOTICE OF PUBLIC HEARING
PARADISE PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN by the Paradise Planning Commission that a public hearing will be held on Tuesday, October 21, 2014 at 6:00 p.m. in the Town Hall Conference Room, 5555 Skyway, Paradise, CA, regarding the following matter:

- a. Item determined to be exempt from environmental review under CEQA Guidelines section 15601 (General rule exemption)

PARADISE MUNICIPAL CODE: Planning Commission consideration of a resolution that, if adopted, would recommend Town Council adoption of proposed text amendments to the Town's zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendments would modify PMC Chapter 17.44 to make it compliant with the density bonus requirements set forth in Government Code Section 65915 in order to be consistent with the recently adopted Housing Element of the Paradise General Plan.

- b. Item determined to be exempt from environmental review under CEQA Guidelines section 15601 (General rule exemption)

PARADISE MUNICIPAL CODE: Planning Commission consideration of a resolution that, if adopted, would recommend Town Council adoption of a proposed text amendment to the Town's zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendment would add a new category of merchandise (prefabricated wooden storage sheds) that is exempt from outdoor merchandise display regulations contained within PMC Chapter 17.06.

The project files are available for public inspection at the Development Services Department, Paradise Town Hall. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Paradise Planning Commission at, or prior to, the public hearing. For further information please contact the Development Services Department at (530) 872-6291, extension 111.

CRAIG BAKER
Community Development Director