



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 A G E N D A

June 19, 2012

6:00 PM

CALL TO ORDER

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

ROLL CALL

1. APPROVAL OF MINUTES

- 1a. Approve minutes from the Regular Planning Commission meeting of May 15, 2012.

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 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.

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.

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

6. OTHER BUSINESS – None

7. COMMITTEE ACTIVITIES

8. COMMISSION MEMBERS

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

9. ADJOURNMENT

PARADISE PLANNING COMMISSION

May 15, 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, Zuccolillo and Chair Grossberger. Commissioners Jones 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 April 17, 2012.

It was moved by Commissioner Zuccolillo, seconded by Commissioner Bolin to approve the minutes of the April 17, 2012 Planning Commission meeting as submitted by staff.

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

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

MOTION CARRIES.

2. COMMUNICATION

a. Recent Council Actions

Mr. Baker reported on Town Council actions of the May 1st meeting where Town Council appointed interim Police Chief Tazzari and extended the engineering contract with Rolls, Anderson & Rolls. There were three Planning Commission applications submitted and two individuals were interviewed by Town Council Members DiDuca and Titus. The new commissioners will be appointed at the June 5th Town Council meeting.

b. Staff Comments

Mr. Baker stated that Town Representatives will be at the Chico City Council meeting where the Council will be discussing the proposed wastewater solution of a sewer pipe from Paradise to Chico. The sewer could allow for potential commercial and residential growth within certain corridors/sections of the Town.

Mr. Baker provided a brief history and evolution of the sewer discussion that has transpired in the Town of Paradise prior to and since the Town's incorporation.

3. PUBLIC COMMUNICATION – None.

4. CONTINUED PUBLIC HEARING – None.

5. PUBLIC HEARING – None.

6. OTHER BUSINESS

- 6a.** Acceptance and referral of the Planning Commission Annual Report for calendar year 2011 to the Town Council regarding the present implementation status of the 1994 Paradise General Plan.

Mr. Baker reported on the General Plan Implementation Status Report that is required by California State Code to be reviewed annually by a local planning agency and then forwarded to the Town Council for approval. In the report, activity from last year is bolded and shaded to highlight the changes.

Mr. Baker stated that there was additional progress made toward implementation, although limited. He stated that there has been significant progress since the majority of the plan has been implemented over the last 17 years and that the General Plan is still relevant because there have been so few changes in demographics, environmental conditions, economy, traffic patterns, and other items identified in the Plan.

Commissioners discussed the report and asked questions regarding the Pearson/Recreation Drive Signalization project, the impacts on the BTA grant, and the bike lane in general.

Mr. Baker stated that the Pearson Rd./Recreation Dr. Signalization project is a Congestion Mitigation and Air Quality (CMAQ) Grant that has been in the works for a long time with the intent to reduce emissions from the current stop sign and to align Recreation Drive and Churchill Drive. The Gold Nugget Museum was concerned with parking, but if a bike lane is approved instead of a bike path, parking may not be affected. The BTA Grant Application that has been submitted is for a different section of Pearson Road.

Commissioner Zuccolillo asked specific questions on items in the report regarding, LUP-9, CP-18 specifically the Pearson/Recreation Dr Signalization project, LUI-32 and LUP-49 specifically questioning the meaning of "aggressive" landscape plans.

Mr. Baker stated that LUP-9, regarding mailing public notices is in accordance with state law and that individuals within a 300' radius from a project are notified. Mr. Baker stated that CP-18 addresses public/neighborhood workshops for roadway expansions and was potentially part of the Pearson/Recreation Dr Signalization project, he was not involved with the project at that time, but believes that there were meetings held with the surrounding property owners. LUI-32 addresses the Welcome signs coming into Paradise which do not belong to the Town of Paradise, but are maintained by the Chamber of Commerce; and, LUP-49 regarding high density development, specifically the reference to aggressive landscape plans which would mean being ambitious or going over and above what is legally required in terms of the landscaping.

COMMISSIONERS CONCURRED to forward the Planning Commission Annual Report for calendar year 2011 regarding the present implementation status of the 1994 Paradise General Plan to the Town Council.

- 6b.** Acceptance and referral of the 1994 General Plan Housing Element Annual Progress Report for calendar year 2011 to the Town Council.

Assistant Planner Hartman explained that the Housing Element is on a separate form from Housing and Community Development and each year we report on the number of new residential units that have been constructed and the income level associated with the homes. This past year there were four (4) new units constructed in the affordable to moderate or above-moderate level because they did not fall in the lower level categories.

There is also an update of the programs discussed in the housing element which are: 1) Changes in HI-1 reducing infrastructure constraints to development resulting in the discussion with Chico about commercial wastewater disposal. 2) HI-8 promoting second units, that made changes to the Onsite Manual which resulted in changing the reduction in the creek setback in the Honeyrun basin from 200 feet to 100 feet allowing for more potential second units being developed. 3) HI-16 addresses the general removal of constraints. This item is also affected by the change in setbacks allowing for more development. Additionally, there is a brief overview which includes the CHIP Project that will help meet the lower income brackets due to rent control and public subsidies that will help address the allocated regional housing numbers.

Commissioners discussed the CHIP Project and if it would be continuing due to the partners that have removed themselves from the project and that it appears to be a large piece of property with a lack of interest or involvement.

Mr. Baker explained that the CHIP Project was still promising and that the property has significant value because it is level, has limited wetlands and is one of, if not the largest tract of developable land in Town.

COMMISSIONERS CONCURRED to forward the 1994 General Plan Housing Element Annual Progress Report for calendar year 2011 to the Town Council.

7. COMMITTEE ACTIVITIES - None

8. COMMISSION MEMBERS

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

Planning Commissioners inquired about the future of Walmart, if they were still in the planning stages or if the project had been abandoned.

Mr. Baker stated that Walmart is still in the EIR process, that there were changes in management that have stalled the process and that they are still working on the wastewater issue and the development agreement.

9. ADJOURNMENT

The Planning Commission meeting was adjourned at 6:55 p.m.

Date Approved:

April Grossberger, Chair

Attest:

Dina Volenski, Assistant Town Clerk

M E M O R A N D U M

AGENDA NO. 5(a)

TO: Paradise Planning Commission

FROM: Craig Baker, Community Development Director

SUBJECT: Applicant's Request to Continue a Public Hearing to a Date Certain (Grand Sierra Lodge Use Permit, General Plan Amendment/Property Rezone and Tree Felling Permit Applications)

DATE: June 13, 2012

BACKGROUND

On June 6, 2012, the project applicants for the above-noted proposed development project submitted a written request (attached) for the Planning Commission to continue the scheduled public hearing for the project to a future date. Their stated reason for this request for a continuance is to allow time to accommodate project design changes.

Subsequent to discussions with Town staff, the project applicants have decided to amend their General Plan amendment/property rezone application to a request for a Community Services (CS) land use designation and zoning. As a result of these changes, staff will need to amend and re-circulate the initial study prepared for the project. As such, the mailing of a new notice of availability to nearby property owners will be necessary. In consideration of this circumstance, it will not be necessary to continue the hearing to a date certain, since the new mailing can indicate the date of the continued public hearing.

PLANNING COMMISSION ACTION REQUESTED

If the project applicants or members of the public are in attendance and wish to provide testimony regarding the project, the Planning Commission may choose to open the public hearing to accommodate those in attendance. After accepting any testimony provided, it is staff's recommendation for the Planning Commission to adopt a motion to continue the public hearing for the proposed Grand Sierra Lodge project to a future date, either specific or uncertain, at their discretion.

WLM Construction, Inc

PO Box 2035

Paradise, CA 95967

(530) 520-5170

wlmconstructioninc@gmail.com

License No. 901894

June 6, 2012

Subject: Grand Sierra Lodge

Dear Craig,

Thank you for meeting with Bill and I yesterday. Please convey our request to the Planning Commission to continue our public hearing to a later date. I apologize for any inconvenience. Our goal is to present to the commissioners and public, the most precise plans possible. We have chosen to modify the design slightly so an easement is not required on the north boundary, and to be a better neighbor.

During our discussion, you proposed a more accurate land use/zoning designation for our application: community service 'C-S'. We agree. This designation would be best to describe our intended land use, and that of our neighbor to the south.

While reviewing paperwork on the project, I noticed a mention of five employees. Actually, we estimate the Lodge will employ five staff members per day shift and two overnight; a projected count of twelve (12) employees.

Once again, I apologize for any inconvenience caused by these changes and clarifications. We are excited to build this project, which we believe will be a positive addition to our community.

Sincerely,



Ann Martin, CFO
WLM Construction, Inc.
PO Box 2035
Paradise CA 95967
530 520 5178

MEMORANDUM

TO: Paradise Planning Commission **AGENDA NO. 5 (b)**

FROM: Susan Hartman, Assistant Planner

SUBJECT: Request to Modify the Terms and Conditions of a Previously Approved Use Permit Application (Means; UPA-02-01); AP No. 052-201-031

DATE: June 12, 2012

BACKGROUND

The Paradise Planning Commission conducted a public hearing on May 6, 2002 to consider a use permit application proposing the establishment of a $\pm 3,296$ sq ft automotive body and paint shop within an existing commercial space previously occupied by Corlin Paint located at 6036 Foster Rd in Paradise. The property is situated within the Central Business (C-B) zoning district and is further identified as APN 052-201-031. The use permit was approved by the Planning Commission subject to fourteen conditions of approval.

On August 13, 2002, the Planning Director conducted a public hearing to consider a use permit modification application requesting the removal of a condition requiring that parcel nos. 052-201-031 and 052-201-032 be merged for parking facilities. At the conclusion of the public hearing, the Planning Director approved the modified use permit application subject to thirteen conditions of project approval.

On May 29, 2012, project applicant/owner Claude Means submitted a formal request to the town requesting modification of 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.

This condition is primarily modeled after Chapter 9.18 *Noise Control* of the Paradise Municipal Code. Article V *Prohibited Acts* of Chapter 9.18 describes the noise limits for various types of activities within town. This proposed use was originally associated with "Construction or Demolition" and therefore prohibited from operating equipment after 7:00 p.m. or on Sundays or holidays. The current modification application from Mr. Means requests that the nature of the noise generated by his business be viewed as "Domestic Power Tools and Machinery", in terms of the noise ordinance, thereby allowing him the ability, if needed, to operate his business daily until 10:00 p.m. and on Sundays and holidays.

Since the time of the original use permit issuance in April 2002, the Town's zoning code has been amended, resulting in the removal of Auto Body Repair as a permitted, or even potentially permitted, use in the C-B zoning district.

ANALYSIS

The project applicant has indicated in his application that he does not necessarily intend to change his business hours, only to allow for expanded overtime hours when the need arises. Mr. Means also states in his application that he feels his business is limited by more stringent requirements than other body shops in town.

At present, there are four other body shops operating within town limits. Two of those body shops, Paradise Auto Body at 1122 Elliott Rd and Precision Body & Paint at 8983 Skyway, are operating through the issuance of Town-issued use permits. Review of those use permits reveals that Paradise Auto Body is limited to noise generation from 7:00 a.m. to 6:00 p.m. while the Precision Body & Paint use permit stipulates operating hours from 8:00 a.m. to 6:00 p.m. Monday through Saturday. The other two body shops, Mittag Body Shop and Pearson Road Collision Repair – both on Pearson Road, date back to the 1960s which is older than archived Butte County use permits can be traced back to. No known special conditions (e.g. hours of operation) apply to the operation of Mittag Body Shop or Pearson Road Collision Repair.

Comments from reviewing agencies show there is some concern regarding noise and fume complaints based on the history of such from a neighboring residential property though the validity of those complaints has not always been substantiated.

Based on available records, it appears that the existing modified use permit for Classic Auto Body allows for a wider range of hours of operation among other body shops operating under a Town-issued entitlement. Should the Commission find the request to extend those hours and days of operation to be reasonable and appropriate, Town staff recommends that the modified condition and heading be worded as follows:

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."

RECOMMENDATIONS

1. Open the scheduled and noticed public hearing and solicit testimony from the attending public.

2. Close the public hearing and adopt the following findings to support the requested use permit modifications:
 - a. Find that the proposed modified project remains categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15305 (Class 5) of the State CEQA Guidelines.
 - b. Find that the project, as modified and conditioned, is consistent with the Community-Commercial 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.
3. Direct staff to re-issue the Means (Classic Auto Body) Use Permit, modified as specified above.

**ATTACHMENTS
FOR
PLANNING COMMISSION AGENDA NO. 5(b)**

1. Notice sent to surrounding property owners for the public hearing concerning the Means Use Permit modification application scheduled for June 19, 2012
2. Project vicinity map
3. Mailing list of property owners notified of the public hearing concerning the Means Use Permit modification request
4. Copy of the written modification request dated May 24, 2012, submitted by Claude Means, owner of Classic Auto Body
5. Copy of Modified Use Permit UPA02-1 dated August 13, 2002
6. Copy of comments received from Gene McCarty, Town of Paradise Code Enforcement Officer
7. Copy of comments received from Butte County Air Quality Management District
8. Copy of comments received from Lauren Gill, Town of Paradise Business & Housing Department
9. Copy of comments received from Chief Tazzari, Paradise Police Chief

**NOTICE OF PUBLIC HEARING
PARADISE PLANNING COMMISSION**

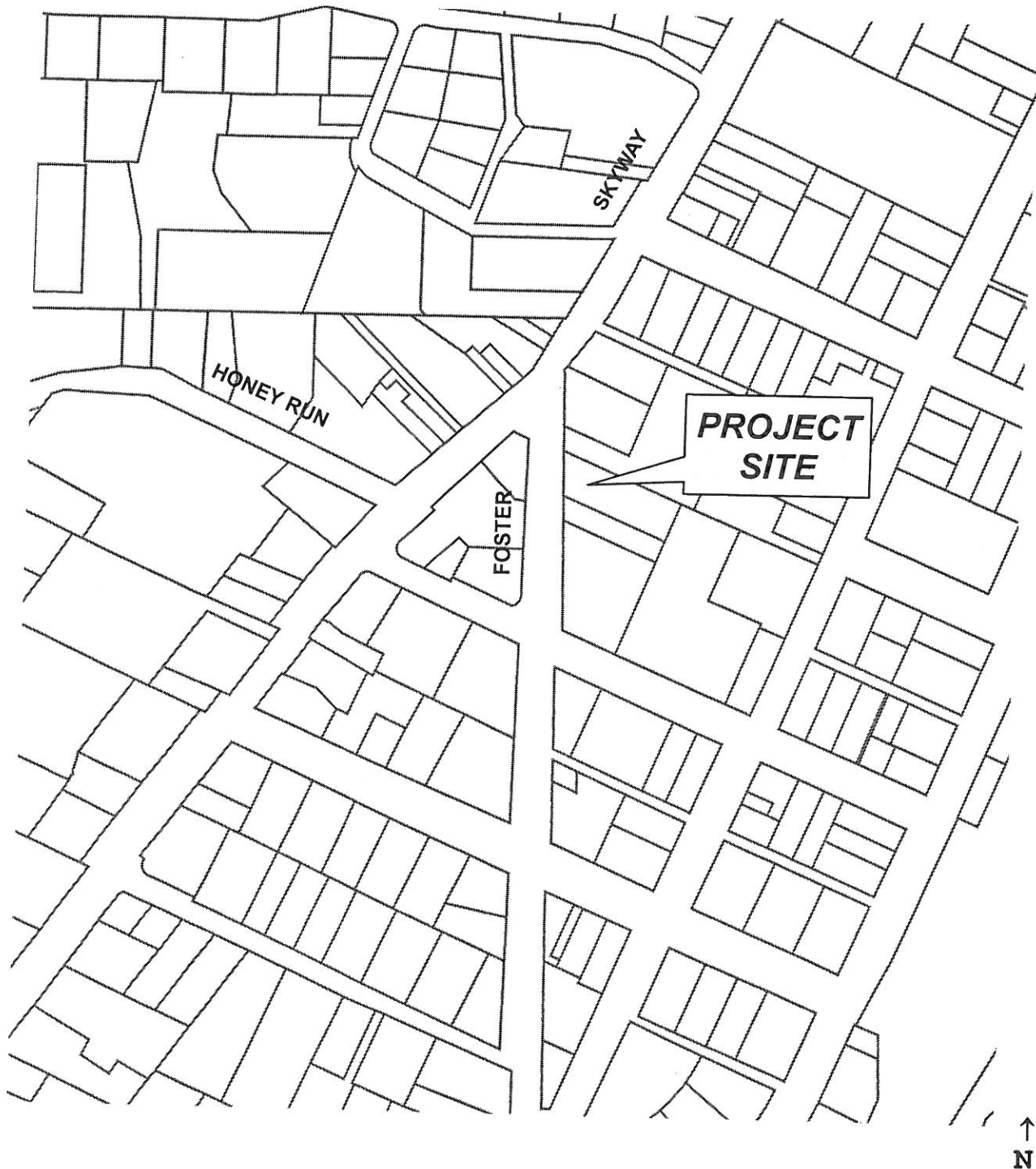
NOTICE IS HEREBY GIVEN by the Planning Commission that a public hearing will be held on Tuesday, June 19, 2012 at 6:00 p.m. in the Council Chambers at Paradise Town Hall, 5555 Skyway, Paradise, CA, regarding the following project:

Item to be determined exempt from environmental review:

- a. **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 Road, Paradise, AP No. 052-201-031, 032.

The project file is available for public inspection at the Development Services Department, Town of 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 Town of Paradise Planning Commission at, or prior to, the public hearing. For further information please contact the Development Services Department at (530) 872-6291 ext. 111 or ext. 114.

CRAIG BAKER, Planning Director



APPLICANT: Claude Means

ADDRESS: 6036 Foster Rd

OWNER: Claude Means

PROJECT DESCRIPTION:

Use Permit Modification application to modify the terms and conditions (days and hours of operation) of the previously approved use permit.

Zoning: CB

GENERAL PLAN: CC

FILE NO. PL12-00144

ASSESSOR PARCEL NO. 052-201-031, 032

MEETING DATE: 06/19/12

mean
5-31-12



052-201-002-000
WANEE EMERY JEFFREYS &
LUCILLE B TRUST
851 KAREN DR
CHICO, CA 95926

052-191-001-000
DUNCAN LARRY R & SHIRLEY
1706 BILLE RD
PARADISE, CA 95969

052-191-002-000
DUNCAN LARRY R & SHIRLEY
1706 BILLE RD
PARADISE, CA 95969

052-191-003-000
JONES ROBERT B & NIKKI G
REVOCABLE IV TRUST
1920 LOWRY LANE
PARADISE, CA 95969

052-201-038-000
ELY MARSHALL & BARBARA
5021 CIRCLE LN
PARADISE, CA 95969

052-201-001-000
PERRY LANCE DOUGLAS
5570 VISTA WAY
PARADISE, CA 95969

052-201-003-000
WANEE EMERY JEFFREYS &
LUCILLE B TRUST
851 KAREN DR
CHICO, CA 95926

052-191-004-000
MARCUS STEVEN REVOCABLE
TRUST
6349 SKYWAY
PARADISE, CA 95969

052-201-018-000
BELLER VICTOR CRAIG
P O BOX 1799
PARADISE, CA 95967

052-201-039-000
HANSON GENEVA REVOCABLE
TRUST ESTATE
244 SILVER CREEK CIR
SANTA ROSA, CA 95409

052-201-010-000
GAUKEL LIVING TRUST
5378 ORCHARD DR
PARADISE, CA 95969

052-201-004-000
BATTLE LEO A & THERESA M ETAL
722 FIR STREET
PARADISE, CA 95969

052-201-005-000
WILLIAMS FAMILY TRUST ETAL
PO BOX 550
PARADISE, CA 95967

052-191-006-000
PAVIS MICHAEL A JR & CARRIE L
REV TR FBO PAVIS MIC
954 MANGROVE AVE
CHICO, CA 95926

052-191-007-000
KAHLON AMARJEET & PARMINDER
REV TRUST
6055 OAK HILL DR
GRANITE BAY, CA 95746

052-201-006-000
HOWARD MARILYN REVOCABLE
TRUST
PO BOX 727
PARADISE, CA 95967

052-191-005-000
SWEENEY JOHN E REVOCABLE
TRUST
20 INDEPENDENCE CR
CHICO, CA 95973

052-201-009-000
MADSEN NORMAN & ELSE
REVOCABLE TRUST
1296 HAGEN RD
NAPA, CA 94558

052-191-024-000
ROBINSON EFREN & ADRIANA
PO BOX 1377
PARADISE, CA 95967

052-191-014-000
STEIN MARILYN J ETAL
5896 DEL MAR AVE
PARADISE, CA 95969

052-191-021-000
GILLESPIE BRIAN K & HOLLY
6133 SKYWAY
PARADISE, CA 95969

052-201-030-000
GAUKEL LIVING TRUST
5378 ORCHARD DR
PARADISE, CA 95969

052-201-029-000
WARREN JEREMY L & PAULA N
5669 ALMOND ST
PARADISE, CA 95969

052-201-033-000
LYONS PAUL C TRUST
5605 ALMOND ST
PARADISE, CA 95969

052-201-036-000
COLGRAVE FRED D & ROSALEE J
677 BIRCH ST.
PARADISE, CA 95969

052-192-006-000
DANILOV MIKE M & CONNIE K
TRUST
145 VALLEY RIDGE DR
PARADISE, CA 95969

052-192-001-000
USA GASOLINE CORPORATION
6591 COLLINS DR STE E11
MOORPAKR, CA 93021

052-201-031-000
MEANS CLAUDE
6036 FOSTER RD
PARADISE, CA 95969

052-192-015-000
ESTRADA DONALD & BILLE
PO BOX 566
DURHAM, CA 95938

052-201-032-000
MEANS CLAUDE
6036 FOSTER RD
PARADISE, CA 95969

052-201-013-000
HEIN FAMILY TRUST
1800 HEYNEN RD
PARADISE, CA 95969

052-201-034-000
MANGRUM ROBERT A
5655 ALMOND ST
PARADISE, CA 95969

052-192-014-000
MILLER FLOYD & NELDA CP
P O BOX 1060
DURHAM, CA 95938

052-194-015-000
FLAHERTY BRIAN E
6060 SKYWAY
PARADISE, CA 95969

052-201-015-000
LYONS PAUL C TRUST
5605 ALMOND STREET
PARADISE, CA 95969

052-194-002-000
WILLIAM HAMILTON LLC
P O BOX 1733
PARADISE, CA 95967

052-221-001-000
VELASCO VIOLET J
5959 HAYES LN
PARADISE, CA 95969

052-221-002-000
CAMPION ALISON PATON
REVOCABLE IV TRUST
1453 LAZY TRAIL DR
CHICO, CA 95926

052-130-044-000
WARREN PAMELA A
20 UPPER LAKE CT
CHICO, CA 95928

052-130-049-000
TOWN OF PARADISE
5555 SKYWAY
PARADISE, CA 95969

052-201-037-000
CHAMBERS KELLY
6087 SKYWAY
PARADISE, CA 95969

Paradise Unified School District
6696 Clark Road
Paradise, CA 95969

Paradise Irrigation District
P.O. Box 2409
Paradise, CA 95967-2409

Paradise Recreation & Park Dist.
6626 Skyway
Paradise, CA 95969

Paradise Ridge Chamber of
Commerce
5550 Skyway
Paradise, CA 95969

Paradise Board of Realtors
6178 Center Street
Paradise, CA 95969

Paradise Downtown Business
Association
c/o Fir Street Gallery/Pam Funk
6256 Skyway
Paradise, CA 95969

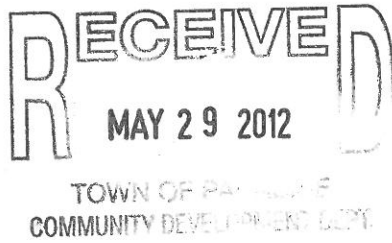
Butte County Planning
Courier

Paradise Cemetery District
980 Elliott Road
Paradise, CA 95969

Butte Co. Air Quality Mgmt. Dist.
629 Entler Ave., Suite 15
Chico, CA 95928

Butte Environmental Council
116 W. 2nd Street #3
Chico, CA 95928

Pacific Gas & Electric
Laird Oelrichs, Land Agent
350 Salem St.
Chico, CA 95928



May 24, 2012

Parcel Nos: 052-201-031,032

Use Permit Nos.: UP-02-01

Attn: Town of Paradise – UP Modification

I am formally requesting the conditions of my business “use permit”, section 14, be updated or modified. The current conditions in section 14 state that my business use be limited to 7am – 7pm. I am requesting that the permit conditions be modified to reflect authorized use between the hours of 7am-10pm, including weekends and holidays. While it is not my intention to change my business hours, my workers would be allowed more flexibility for overtime work. My employees are paid “by the job”, and occasionally, it benefits my employees and our customers to have the ability to work outside “business hours”. This assists with increased customer satisfaction and enables us to provide better customer service to the community. The added benefit is increased revenue for the Town of Paradise. It is a misconception that the work we do is “banging or beating” on a vehicle. In common practices, the metal is “tapped”, which produces a much more subdued sound that is further muffled by the concrete walls of the building. All of our work is performed inside our building. Our air compressors are housed inside a highly insulated enclosure. Today’s collision repair is no more offensive to the ear than standard mechanical repairs.

In researching the conditions stated in my use permit, I have found my business to be subject to more stringent restrictions than similar businesses in town. I would like the same conditions and opportunities as other local businesses. There are no restrictions on any other body shop or repair facility in Paradise. Classic Auto Body is categorized as a “C” zone, as are all the surrounding lots. I share the parking lot with Skyway Feed and as a courtesy to my neighbors, I have asked their thoughts regarding my proposed extended use. Rosalee Colgrave (owner of Paradise Feed) is comfortable with the proposed changes, as are other surrounding businesses.

Craig Baker, with Town of Paradise planning dept, maintains that our facility should fall into the same category as “construction or demo” (Code: 9.18.160). I strongly disagree, as we do not do “construction” or “demo” work. Our work is done only at our facility and is in no way mobile. I

have read the conditions and restrictions listed in the handbook. I would like my use permit changed to "domestic power tools & machinery" (Code: 9.18.185 **A**

Again, my interest is in the betterment of my business and the service that we can provide to the community. I cannot offer the level of customer service that my shop is capable of with the restrictions currently set by the town codes and regulations. I ask only that my business have the same applicable codes and restrictions as surrounding businesses.

Sincerely,



Claude Means

Classic Auto Body

6036 Foster Road

Paradise, CA 95969

TOWN OF PARADISE MODIFIED USE PERMIT

DATE: August 13, 2002

USE PERMIT NO.: UPA-02-01

ASSESSOR'S PARCEL NOS.: 052-201-031

Pursuant to the provisions of the Zoning Ordinance of the Town of Paradise and the conditions set forth below:

Claude Means is hereby granted a modified use permit in accordance with the application filed on July 24, 2002 for town approval to establish an automotive paint and body shop within an existing ±3,296 sq. ft. commercial space.

GENERAL CONDITIONS:

1. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of permit, constitutes cause for the revocation of said permit in accordance with the procedures set forth in the Town of Paradise Municipal Code.

GENERAL CONDITIONS OF USE PERMIT APPROVAL

1. If any land use for which a use permit has been granted and issued is not established within three years of the use permit's effective date, the use permit may become subject to revocation by the Town of Paradise.
2. Outside light fixtures associated with the project shall be designed to not exceed a height of eighteen feet above finished grade and shall be shielded to minimize the projection of light onto adjoining and nearby properties.
3. All project exterior building modifications and building colors shall be designed and established in accordance with the requirements of the town's adopted "Downtown Design Guidelines."
4. Minor changes to the interior design of the project may be approved administratively by the Town Planning Director upon submittal of a written request for such changes, provided that 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 ISSUANCE OF BUILDING PERMIT

SANITATION

5. Complete the requirements of the Town Onsite Sanitary Official regarding application for and issuance of a construction permit to install traffic rated septic risers for the existing on site septic tank. Provide evidence thereof to the Town Community Development Department (building division).
6. Meet the requirements of the Town Building Official regarding submittal of construction plans, building permit applications, and all applicable Town adopted construction code requirements.
7. Meet the requirements of the Butte County Air Quality Management District (BCAQMD) in accordance with BCAQMD staff comments generated for the project on March 25, 2002 and on file in the Town Community Development Department.

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

SITE DEVELOPMENT

8. Submit landscaping plans and application fee to the Community Development 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 have been formally approved by the Town of Paradise and landscape materials have been installed (or bonded to guarantee installation).
9. Secure the issuance of a Town approved administrative permit for any new business sign(s) to be located within fifty feet of the center of Foster Road.

UTILITIES

10. Install an approved backflow prevention device in accordance with the requirements of the Paradise Irrigation District (PID). Meet all other requirements of the PID in accordance with comments submitted to the Town by PID staff, dated April 8, 2002 and on file with the Town Community Development Department.

FIRE PROTECTION

11. Meet all project requirements of the Paradise Fire Department in accordance with the Fire Department development review comments/conditions dated March 27, 2002 and on file with the Town Community Development Department.

CONDITIONS OF LAND USE OPERATION

12. No inoperative or dismantled vehicles or vehicle parts shall be stored on the property such that they are visible from other public or private property. The Town may require additional fencing or screening if on-site fencing is insufficient to adequately screen dismantled or inoperative vehicles stored or kept on site.
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 7:00 p.m. and 7:00 a.m. or any time on Sundays or holidays.

DATE APPROVED BY THE PLANNING DIRECTOR: August 13, 2002

EXPIRATION DATE: See General Conditions No. 2 above.

NOTE: Issuance of this use permit does not waive requirements of obtaining building and sanitation division permits before starting construction or operation, nor does it waive any other requirements.

PERMIT EFFECTIVE DATE: 8/21/02

Al M. Grehan

Planning Director

cc: Fire Department
Paradise Irrigation District

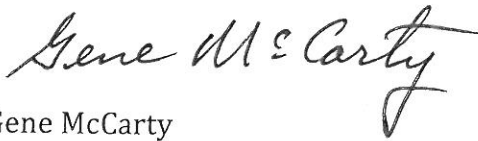
June 5, 2012

Code enforcement comments regarding the proposed modification of the existing Use Permit at Classic Auto Body, 6036 Foster Road (APN: 052-201-031):

This property is located next door to residential property and the owner has made numerous complaints to code enforcement staff regarding noise, hours of operation and paint fumes.

Classic Auto Body owner, Claude Means, states that he would like the Use Permit to be changed to "domestic power tools and machinery" which would allow the business to operate until 10:00 PM.

The definition for "domestic" pertains to the home, the household affairs, or the family. I am of the opinion that allowing a vehicle body shop to operate until 10:00 PM next to a residence is not appropriate.



Gene McCarty
Senior Code Enforcement Officer

TOWN OF PARADISE
COMMUNITY DEVELOPMENT DEPT.

JUN 05 2012

RECEIVED

629 Entler Avenue, Suite 15
Chico, CA 95928

(530) 332-9400
(530) 332-9417 Fax



W. James Wagoner
Air Pollution Control Officer

Robert McLaughlin
Asst. Air Pollution Control Officer

June 4, 2012

Susan Hartman or Craig Baker
Town of Paradise Community Development
5555 Skyway
Paradise, CA 95969-6288

TOWN OF PARADISE
COMMUNITY DEVELOPMENT DEPT.
JUN 04 2012
RECEIVED

Subject: Use Permit modification for Classic Auto Body

Dear Ms. Hartman or Mr. Baker:

The Butte County Air Quality Management District (District) has reviewed the Notice of Public Hearing for the proposed modifications to Classic Auto Body, PL12-00144 to days and hours of operation located at 6036 Foster Road in Paradise. The District submits the following comments:

1. Any changes in operational activity shall stay within the limitations of the District Permit to Operate for this facility. Annual Production Data Reports submitted to the District shall reflect increase or decrease in activity based on the amount of material used.

The District appreciates the opportunity to comment on the Town of Paradise project reviews. If you have any questions, please contact the District at 332-9400.

Sincerely,

A handwritten signature in cursive script that reads "Armen Kamian".

Armen Kamian
Associate Air Quality Planner

File No. 3461

PROJECT: PL12-00144
PROJECT NAME: MEANS USE PERMIT MOD

**TOWN OF PARADISE
COMMUNITY DEVELOPMENT DEPARTMENT
DEVELOPMENT REVIEW REQUEST**

TO: POLICE, CODE ENFORCEMENT, BCAQMD, & BUSINESS & HOUSING

FROM: SUSAN HARTMAN, ^{SH}ASSISTANT PLANNER (872-5922)

REQUEST: Review and Comment

DESCRIPTION OF PROJECT: Use Permit Modification application to modify the terms and conditions (days and hours of operation) of the previously approved use permit.

LOCATION: 6036 Foster Rd

ASSESSOR PARCEL NO.: 052-201-031, 032

APPLICANT: Claude Means

CONTACT PHONE: 530-877-2202

DATE DISTRIBUTED: May 31, 2012

RETURN DATE REQUESTED: June 7, 2012

DOES YOUR AGENCY HAVE THE CAPACITY TO SERVE THIS PROJECT?

☐ YES ☐ YES, WITH CONDITIONS ☐ NO (EXPLAIN BELOW)

COMMENTS AND/OR RECOMMENDED CONDITIONS IF NECESSARY:

No issues. lg 5/31/12

NO RESPONSE FROM YOUR AGENCY MAY BE CONSTRUED THAT YOUR AGENCY HAS ABILITY TO SERVE THIS PROJECT. PLEASE MAKE A COPY FOR YOUR RECORDS.

j:\cdd\planning\shartman\drss\PL12-00144

Hartman, Susan

From: Tazzari, Gabriela
Sent: Wednesday, May 30, 2012 4:51 PM
To: Hartman, Susan
Subject: RE: Paradise CHIP Housing - Village Parkway

Susan

I reviewed this packet and based on current information I do not have an issue with extended hours. My understanding is that this is mostly a "business" area with the exception of a couple of duplexes, and well the truth is we can't predict noise complaints until they call in. I guess if the Cantina doesn't generate noise complaints, I'm not sure this place will. I don't know if we can provide a temporary "permit modification" for 6 months or so and then evaluate permanent status based on complaints or the lack thereof. That's my input for now unless someone has more detailed concerns than what was on the packet.

Gabby

From: Hartman, Susan
Sent: Wednesday, May 30, 2012 4:24 PM
To: Tazzari, Gabriela
Subject: RE: Paradise CHIP Housing - Village Parkway

Here's your copy of the packet being distributed tomorrow at PEC for comments. I just need any comments/concerns you have about us potentially expanding their hours and days of operation. Thanks!

M E M O R A N D U M

AGENDA NO. 5(c)

TO: Paradise Planning Commission

FROM: Craig Baker, Community Development Director

SUBJECT: Public Hearing - Consider Adoption of a Resolution Recommending Town Council Adoption of Paradise Municipal Code Zoning Regulations Text Amendments Related to off-street parking regulations

DATE: June 13, 2012

BACKGROUND:

In order to help attract and promote commercial development via the establishment of retail sales and service and other commercial land uses within the Town of Paradise, Town staff has initiated proposed Paradise Municipal Code (PMC) zoning ordinance text amendments for Planning Commission consideration and possible Town Council adoption. The proposed text amendments are proposed by staff for the Town's off-street parking regulations and have been developed primarily to enhance the Town's ability to assist in the establishment of new or relocated commercial land uses, particularly retail land uses, within the Town of Paradise and to reduce the impact of what could be considered as a local regulatory constraint to development.

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. It has often been the practice of Town staff, based upon cumulative experiences in project development, to seek the adoption of PMC text amendments when it is felt that the amendments would be mutually beneficial to the citizenry of the Town and the development community.

Staff-initiated zoning code amendments have often been aimed at promoting economic development. For example, in 1999, Town staff developed and carried forward a set of amendments to the Town's parking regulations that eased a number of parking requirements and even eliminated any requirement for the provision of off-street parking in the Central Business (CB) zoning district in order to assist in economic revitalization for that area of the community.

Upon reviewing the parking regulations of various communities that have some characteristics that are shared with the Town of Paradise (ex: Grass Valley, California) and professional papers articulating the benefits of alternatives to conventional minimum parking requirements, staff has prepared several proposed amendments to the Town's off-street parking regulations. If adopted, these text amendments would **a)** establish a new section 17.38.350 to create a mechanism to grant a reduction in the number of parking spaces required for any land use by up to twenty percent, **b)** amend section 17.38.800 to 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 **c)** amend the formula in section 17.38.1000 for calculating required parking 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.

DISCUSSION

If adopted as drafted by staff, the mechanism established by the new PMC section would entail the filing of an administrative permit for a parking reduction by a project developer or applicant, to be acted upon by the Planning Director without a public hearing; a decision that could be appealed to the Planning Commission and ultimately to the Town Council. A decision to approve the permit would need to be accompanied by findings justifying the reduction and related to the character of the proposed land use, surrounding land uses, availability of public parking and other information provided by the applicant. The proposed amendments to sections 17.38.800 and 17.38.1000 are self explanatory and would result in a minimum of a twenty percent reduction in required parking for all retail land uses.

The most obvious benefits of the proposed text amendments that would result in adjusting parking requirements downward are reduced costs for the development of required off-street parking areas, correspondingly reducing the overall cost of commercial property development. If adopted as proposed, the amendments would also increase the inventory of properties that may be suitable for certain commercial projects (large and small) and could result in opportunities to develop additional floor space on undeveloped or underdeveloped commercial properties, rather than the development of larger parking areas.

The proposed text amendments would also result in an increased level of conformity for existing commercial land uses that do not meet current PMC parking requirements and would likely result in several environmental benefits as well. Construction of unnecessary parking areas increases the impacts of stormwater runoff, either upon drainage facilities or adjacent property, and increases water pollution. Smaller parking areas provide increased opportunities for tree retention and the development or preservation of landscaped areas and reduce the effects of "Heat islands," or areas of artificially raised temperatures.

The proposed amendments would also promote further implementation of the 1994 Paradise General Plan, particularly several General Plan policies relating to economic development, tree retention, landscaping, and open space.

Town staff has determined, and the Town Attorney has concurred, that the proposed text amendments are minor in nature 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 15332.

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 several text amendments to the Town's parking regulations in order to accomplish the following objectives:

1. Establish a new section 17.38.350 to create a mechanism to grant a reduction in the number of parking spaces required for any land use by up to twenty percent;
2. Amend section 17.38.800 to 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. Amend the formula in section 17.38.1000 for calculating required parking 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.

(NOTE: Staff is also recommending a minor amendment to PMC Section 17.38.200, inserting a reference to the proposed new section 17.38.350.)

COMMISSION ACTION REQUESTED:

Please be prepared to discuss and decide whether or not the Planning Commission should adopt a motion to forward a recommendation to the Town Council, via adoption of Planning Commission Resolution No. 12-1, to adopt a town ordinance amending the text of current PMC land use (off-street parking) 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. A written copy of the Town's current parking regulations is attached for your use.

Attachments

Chapter 17.38OFF-STREET PARKING AND LOADING REGULATIONSSections:

- 17.38.100 Purpose.
- 17.38.200 Basic regulations--Vehicle parking.
- 17.38.300 Schedule of off-street parking requirements.
- 17.38.400 Parking for compact cars.
- 17.38.500 Off-site or remote parking.
- 17.38.600 Parking for mixed use developments.
- 17.38.700 Handicapped facilities.
- 17.38.800 Off-street loading.
- 17.38.900 Facility design standards.
- 17.38.950 In-lieu parking fees.
- 17.38.1000 Off-street parking requirements.
- 17.38.1100 Minimum parking facility requirements.
- 17.38.1150 Minimum parking facility standards.

17.38.100 Purpose. Off-street parking and loading facilities are required to ensure functional, aesthetic and secure off-street parking and loading areas. The regulations and design standards of this chapter are intended to ensure usefulness of facilities, to protect public safety, and where appropriate, to mitigate potential adverse impacts on adjacent land uses. (Ord. 264 §2(part), 1995: Ord. 214 §2(part), 1992)

17.38.200 Basic regulations--Vehicle parking. A. Unless stipulated by other provisions of this title, off-street parking facilities shall be provided for any new building or land use established. Off-street parking facilities shall be provided for any addition or enlargement of an existing building or use, or any change of occupancy or manner of operation that would result in additional parking spaces being required; provided, that the additional parking shall be required only for the addition, enlargement or change and not for the entire building or use.

B. Facilities being used for off-street parking on the effective date of the ordinance codified in this title shall not be reduced in capacity to less than the number of parking spaces required, or altered in design or function to less than the minimum standards prescribed by this title.

C. For sites with more than one land use, or for adjacent sites served by a common parking facility, the parking requirement shall be the total number of spaces required for each site or use, except as provided by Section 17.38.600 of this chapter.

D. Parking facilities constructed or substantially reconstructed subsequent to the effective date of the ordinance codified in this title, shall conform to the design standards set forth in Sections 17.38.900 and 17.38.1000 of this chapter.

E. Required parking facilities shall be maintained for the duration of the land use for which it is required. Such facilities shall be used exclusively for the temporary parking of motor vehicles or light trucks, and shall not be used for the sale, display or storage of merchandise, or for the storage or repair of vehicles or equipment, except as permitted by this title.

F. Required parking facilities shall be on the same site as the land use for which required, except as authorized pursuant to Section 17.38.500 of this chapter.

G. A land use may be required to provide more parking spaces than prescribed by this title as determined by the town engineer.

H. Parking must be beyond all yard setbacks, except the town engineer may increase or decrease the parking setback distance from the centerline of a public street, based on the quality of sight distance, at his discretion. (Ord. 264 §2(part), 1995: Ord. 214 §2(part), 1992)

17.38.300 Schedule of off-street parking requirements. A. Parking facilities for each land use shall be provided according to the minimum requirements set forth in Section 17.38.1000 of this chapter, applied as follows:

1. When application of Section 17.38.1000 results in a fractional parking requirement, a fraction of 0.5 or greater shall be resolved to the higher whole number.

2. For purposes of this section, requirements shall be based on gross floor area, but excluding enclosed or covered areas used for off-street parking or loading.

3. When requirements are based on seats or capacity, Uniform Building Code provisions applicable at the time of determination shall be used to define capacity.

B. Notwithstanding the provisions of Section 17.38-1000, or if alternately addressed by other provisions of this title, a minimum of four off-street parking spaces shall be provided for a new commercial, industrial or multiple-family residential land use. (Ord. 319 §2, 1999; Ord. 264 §2(part), 1995: Ord. 214 §2(part), 1992)

17.38.400 Parking for compact cars. In a parking facility of six or more spaces a maximum of thirty-three percent of the spaces may be designed for small or compact cars. Spaces for compact vehicles shall be located in a manner affording desirability and usability equivalent to standard spaces. (Ord. 319 §3, 1999: Ord. 264 §2(part), 1995: Ord. 214 §2(part), 1992)

17.38.500 Off-site or remote parking. A. The planning director may authorize a portion or the total of the parking spaces required for a land use to be located on another site (i.e., off-site or remote parking). An application request for remote parking shall require submission of: (1) its applicable application filing fee, (2) a detailed and scaled site plan of the proposed parking, and (3) a written statement addressing the relevant factors listed in subsection B of this section.

B. In determining whether to approve an application for off-site or remote parking, the planning director shall consider all relevant factors, including:

1. The location of the land use and the proposed off-site parking, and the existing and potential parking demand created by other land uses in the vicinity;

2. The characteristics of the land use, including employee and customer parking demand, hours of operation, and projected convenience and frequency of use of off-site parking;

3. Convenience and safety of pedestrian access between off-site parking and the use;

4. Difficulty or impracticality of providing all required parking on the same site as the land use it serves;

5. The recommendations of the town engineer.

C. The planning director may require such guarantees as deemed necessary to assure continued availability and usability of any off-site (remote) parking. (Ord. 319 §5, 1999)

17.38.600 Parking for mixed use developments. A. The planning director may authorize an adjustment in the total parking requirement for separate land uses located on the same site, or for separate uses located on adjacent sites and served by a common parking facility. A request for adjustment shall require submission of a site plan and a written statement addressing the relevant factors listed in subsection D of this section.

B. The total parking requirement for all land uses served by a parking facility, determined separately for each use, may be reduced by an amount not to exceed the following:

<u>Total Requirement For All Uses</u>	<u>Maximum Allowable Reduction</u>
40 or less spaces	5 percent
41 to 99 spaces	10 percent
100 to 149 spaces	15 percent
150 or more spaces	20 percent

C. A parking facility subject to adjustment under this section shall be designed as a common, unified parking facility providing reasonably equivalent accessibility and convenience to all land uses which the parking is intended to serve.

D. In determining whether to approve an adjustment for mixed uses, the planning director shall consider all relevant factors, including:

1. The characteristics of each land use and the differences in projected peak parking demand, including days or hours of operation;

2. Potential reduction in vehicle movements afforded by multipurpose use of the parking facility by employees, customers, or residents of the uses served;

3. Potential improvements in parking facility design, circulation, and access afforded by a joint parking facility;

4. The recommendations of the town engineer.

E. The planning director may require such guarantees as deemed necessary to assure the continued availability of parking, and adequacy of maintenance and operating agreements to retain the usability of the parking facility. (Ord. 319 §6, 1999; Ord. 264 §2(part), 1995: Ord. 214 §2(part), 1992)

17.38.700 Handicapped facilities. Handicapped parking spaces shall be established in each parking facility in accordance with the regulations of Section 7102 of Title 24, California Administrative Code. (Ord. 264 §2(part), 1995: Ord. 227 §9, 1993: Ord. 214 §2(part), 1992)

17.38.800 Off-street loading. A. Each off-street loading space required by this title shall be of sufficient size to park commercial vehicles loading and unloading merchandise and materials on the property on which a space is located, together with such additional area which the town engineer determines is necessary to safely maneuver a vehicle between the loading space and any public right-of-way or any road, street or alley adjoining the property.

B. Private off-street loading space for the handling of goods, materials and equipment shall be provided as follows:

1. Buildings ten thousand square feet or greater of gross floor area (including building conversions): one

off-street loading space, plus one additional space for each additional thirty thousand square feet of gross floor area.

2. Buildings less than ten thousand square feet of gross floor area shall not be required to install an off-street loading space. (Ord. 264 §2(part), 1995: Ord. 214 §2(part), 1992)

17.38.900 Facility design standards. A. Use of Standards. The design standards established by this section are basic guidelines for design, construction and maintenance of parking and loading facilities. The town engineer may authorize minor variation or adjustment to the design, function, attractiveness, or protection to adjoining uses in a manner equal to or greater than the specific requirements of this section.

B. Basic Dimensions. The following basic dimensions apply to parking and loading spaces:

<u>Type of Space</u>	<u>Length</u> (feet)	<u>Width</u> (feet)	<u>Vertical Clearance</u> (feet)
Standard	18.5	9.0	7.5
Compact	15.0	8.0	7.5
Handicapped	18.0	14.0	7.5
Loading	40.0	12.0	15.0

C. Design. Basic facility design dimensions are illustrated in Section 17.38.1100. Additional guidelines relating to internal design and layout, turning radii, pavement, slope, signage, pedestrian circulation, construction materials, and other design features may be adopted by resolution of the planning commission upon recommendation of the planning director and town engineer.

D. Landscaping. The following basic standards shall apply, except where conflicts may arise with the landscape ordinance of the town, in which case the landscape ordinance shall prevail.

1. Each parking facility shall provide interior landscaping, including shade trees where appropriate, in accord with the following schedule. Where possible, existing trees shall be incorporated into landscaped areas. Interior landscaping shall be distributed throughout the parking facility to reduce the visual impact of large paved areas.

<u>Size of Parking Facility</u> (square feet)	<u>Minimum Required</u> <u>Interior Landscaping</u> (percent of total parking facility)
Less than 10,000	None
10,000 to 19,999	5.0
20,000 to 29,999	7.5
30,000 and greater	10.0

2. Each parking facility having twelve or more spaces shall provide a perimeter landscaped strip at least five feet wide where the facility adjoins a property line. Perimeter landscaping shall be continuous, except for necessary access to the site or to the parking facility.

3. Landscaped areas shall be provided with irrigation facilities, and shall be protected with curbs or equivalent barriers.

E. Paving and Drainage. The following standards shall apply:

1. All parking and loading facilities shall be graded and provided with permanent storm drainage facilities.

2. Surfacing, curbing and drainage improvements shall be sufficient to preclude free flow of water onto adjacent properties or streets, and to provide adequate drainage within the facility.

3. The surfacing of parking and loading facilities may be required to be paved, chipsealed or an equivalent improvement as deemed appropriate by the town engineer.

F. Safety Features. The following standards shall apply:

1. Safety barriers, protective bumpers or curbing, and directional markings shall be provided to assure safety, efficient utilization, protection to landscaping, and to prevent encroachment onto adjoining public or private property.

2. Visibility of and between pedestrians, bicyclists and motorists shall be assured within the parking facility and at all access driveways.

3. Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accord with accepted principles of traffic engineering and traffic safety.

G. Lighting. Aboveground lighting fixtures shall be designed to reflect away from any residential land use, and to minimize glare and reflection onto adjoining properties.

H. Noise. Areas used for primary circulation, frequent idling of vehicle engines or loading activities shall be designed and located to minimize impacts on adjoining properties, including provisions for screening or sound baffling and shall comply with the regulations of the town noise ordinance.

I. Maintenance. Parking and loading facilities shall be maintained to assure desirability and usefulness, free of refuse, debris or other accumulated matter. Landscaping, screening, fencing, signing, lighting, surfacing, striping, and other features shall be maintained in a usable manner. (Ord. 264 §2(part), 1995: Ord. 227 §10, 1993: Ord. 214 §2(part), 1992)

17.38.950 In-lieu parking fees. A. With development of new or expanded land uses upon real properties within any portion of a "C-C" (community-commercial) or "C-S" (community-services) zoning district, in lieu of providing off-street parking spaces as required by the provisions of Section 17.38.1000 of this chapter, such requirements may be satisfied subject to town of Paradise approval by:

1. Payment to the town of Paradise, prior to the issuance of a building permit or other permit which may be required, of a sum of money for each parking space required by this chapter in an amount prescribed by the town council. The funds so deposited shall be retained by the town and shall be exclusively for the purpose of acquiring and developing public off-street parking facilities and related public transportation facilities;

2. The town council shall, by resolution and following a public hearing, establish and/or modify the amount of money that may be deposited in lieu of providing the off-street parking facilities required by this chapter;

3. The town council shall have the sole determination as to when and where the off-street public parking facilities contemplated to be provided pursuant to this chapter shall be acquired and developed.

B. In the event a property owner or developer, having made a monetary deposit pursuant to subsection A of this section, subsequently brings his real property into compliance with the provisions of this chapter before the town of Paradise has expended or otherwise obligated or committed any of the money so deposited for the development of off-street parking facilities in the vicinity of such use, then upon certification of compliance furnished by the public works director to the town manager, the amount so deposited shall be refunded to the depositor. (Ord. 319 §7, 1999)

17.38.1000 Off-street parking requirements. Requirements for off-street parking are as set forth in this section as follows:

<u>Use</u>	<u>Minimum Requirements</u>
<u>Residential Uses</u>	<u>Parking Spaces</u>
Accessory dwelling	1/dwelling, plus requirement for principal use
Group residential	0.5/sleeping unit

<u>Use</u>	<u>Minimum Requirements</u>
<u>Residential Uses</u>	<u>Parking Spaces</u>
Multiple-family dwelling	Less than 700 square feet 1.2/unit 700 to 1,200 square feet 1.5/unit More than 1,200 square feet 1.8/unit
Mobile home park	2/dwelling, subject to Chapter 17.34
Secondary dwelling	1/dwelling
Single-family, two-family	2/dwelling
All other uses	As required by the planning director
<u>Commercial Uses</u>	<u>Parking Spaces</u>
Agricultural service	1 per 350 square feet
Automotive sales	1 per 750 square feet, plus 1 per 2 employees at maximum shift
Automotive service	1 per 500 square feet, plus 1 per 2 employees at maximum shift
Business/trade school	1 per 5 persons capacity
Business service	1 per 400 square feet, plus 1 per 750 square feet outdoor sale or rental area
Campground	1.5 per campsite
Car washing	2 times number of vehicles serviced simultaneously, plus 1 per employee
Cocktail lounge	1 per 2 persons seating capacity plus 1 per 2 employees at maximum shift
Commercial recreation	1 per 6 persons capacity, plus 1 per 2 employees at maximum shift
Construction sales/service	1 per 500 square feet indoors, plus 1 per 750 square feet outdoor sales or rental area
Consumer repair services	1 per 300 square feet
Convenience storage	N/A
Equipment repair	1 per 1,200 square feet of used area
Financial services	1 per 300 square feet
Food sales	1 per 200 square feet
Funeral home	1 per 4 chapel persons capacity plus 1 per employee at maximum shift

<u>Use</u>	<u>Minimum Requirements</u>
<u>Commercial Uses</u>	<u>Parking Spaces</u>
Kennel/vet service	
(Indoor)	1 per 300 square feet
(Outdoor)	1 per 500 square feet
Laundry service	1 per 400 square feet
Liquor sales	1 per 200 square feet
Motel/lodging	1 per sleeping unit plus 1 per 2 employees at maximum shift
Office,	
Business	1 per 300 square feet
Medical	1 per 250 square feet
Professional	1 per 300 square feet
Personal improvement	1 per 350 square feet
Personal service	1 per 250 square feet
Pet service	1 per 250 square feet
Research service	1 per 300 square feet
Restaurant	
predominantly fixed table	1 per 4 persons seating capacity*
predominantly drive-in	1 per 3 persons capacity*
predominantly fast food	1 per 2 persons capacity*
* All restaurants add space per 2 employees at maximum shift	
Retail sales, retail service	1 per 200 square feet
Scrap/salvage service	1 per 300 square feet indoor sales area plus 1 per 4,000 square feet outdoor storage area
Service station	1 per employee at maximum shift
Transportation service	2 per facility, plus 1 per employee at maximum shift
All others	As required by the planning director
<u>Industrial Uses</u>	<u>Parking Spaces</u>
Resource extraction	2 per facility, plus 1 per employee at maximum shift
All others	As required by the planning director
<u>Community Uses</u>	<u>Parking Spaces</u>
Administrative service	1 per 300 square feet
Cemetery	No requirement
Club/lodge	1 per 4 person capacity

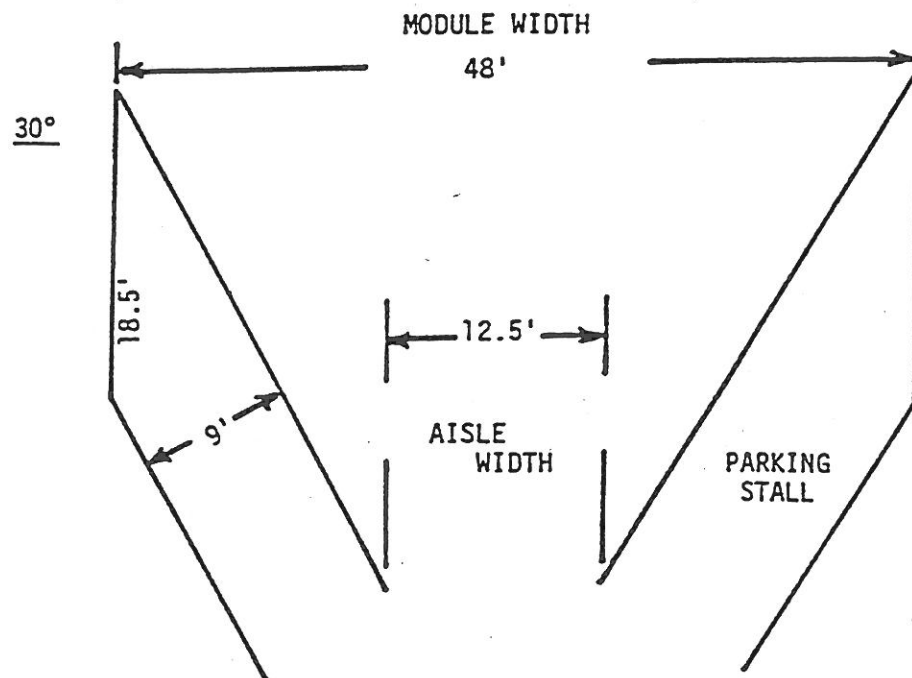
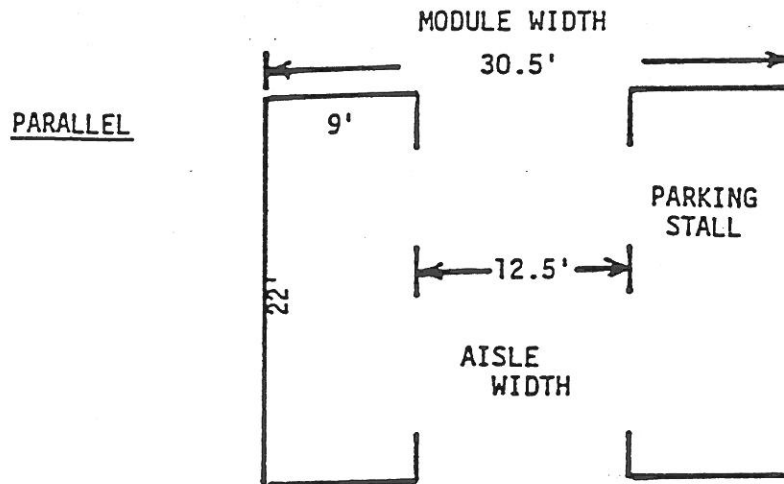
<u>Use</u>	<u>Minimum Requirements</u>
<u>Commercial Uses</u>	<u>Parking Spaces</u>
Convalescent service	1 per 2.5 beds plus 1 per employee during maximum employee shift
Cultural service	1 per 4 persons capacity
Day care home (large family)	1 per 4 persons cared, plus 1 per employee at maximum shift
Day care home (small family)	2 per facility, plus 1 per 4 persons cared at maximum use level
Educational facility	
Elementary, jr. high	7 per facility, plus 1 per employee at maximum shift
High school, college	As required by the planning director
Guidance service (limited or general)	1 per 300 square feet of building area plus 1 per employee at maximum shift
Hospital service	1 per 2.5 beds, plus 1 per employee at maximum employee shift
Park/recreation service	
Indoor	1 per 4 persons capacity
Postal service (not U.S.)	2 per building, plus 1 per employee plus 1 per delivery vehicle kept or serving the facility
Public, religious assembly	1 per 4 persons capacity within major auditorium
Community care facility	2 per dwelling, plus 1 per 4 persons cared at capacity, plus 1 per employee at maximum shift
Safety service	2 per facility, plus 1 per employee at maximum shift
Transportation terminal	1 per employee, plus 1 per transport vehicle using facility, plus 1 per 500 square feet of terminal building area
Utility service (major)	1 per 2,000 square feet of developed area
All others	As required by the planning director
(Ord. 319 §§8, 9, 1999; Ord. 264 §2(part), 1995: Ord. 214 §2(part), 1992)	

17.38.1100 Minimum parking facility requirements.
 Minimum parking facility requirements are as set forth in this section. The lesser dimension requirements refer to compact vehicles.

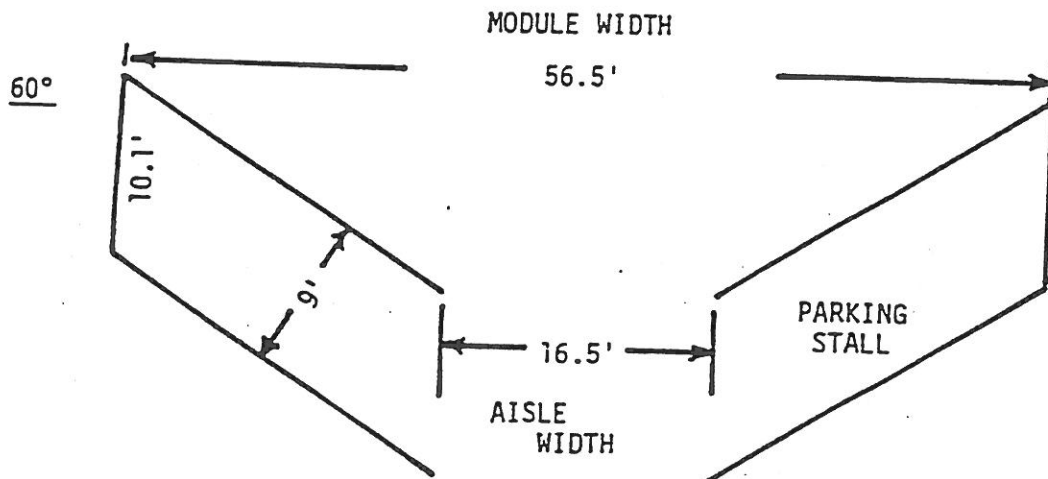
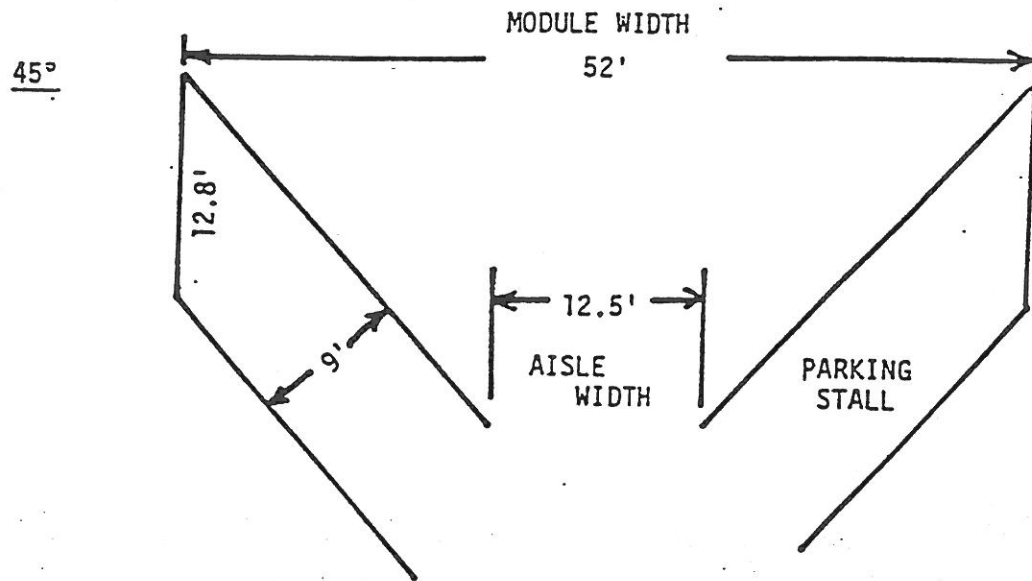
<u>Angle of Parking</u>	<u>Width of Stall</u>	<u>Depth of Stall 90° to Aisle</u>	<u>Width of Aisle</u>	<u>Width of Stall Parallel to Aisle</u>	<u>Module Width</u>
Parallel	9.0	9.0	12.5	22.0	30.5
30	8.0	14.0	12.5	15.0	41
	9.0	17.3	12.5	18.5	48
45	8.0	15.9	13.0	10.6	45
	9.0	17.5	12.5	12.8	52
60	8.0	16.7	18.0	8.7	52
	9.0	19.0	16.0	10.1	58
75	8.0	16.4	18.0	7.8	51
	9.0	19.5	23.0	9.5	62
90	8.0	15.0	18.0	8.0	48
	9.0	18.5	26.0	9.0	63

(Ord. 264 §2(part), 1995: Ord. 214 §2(part), 1992)

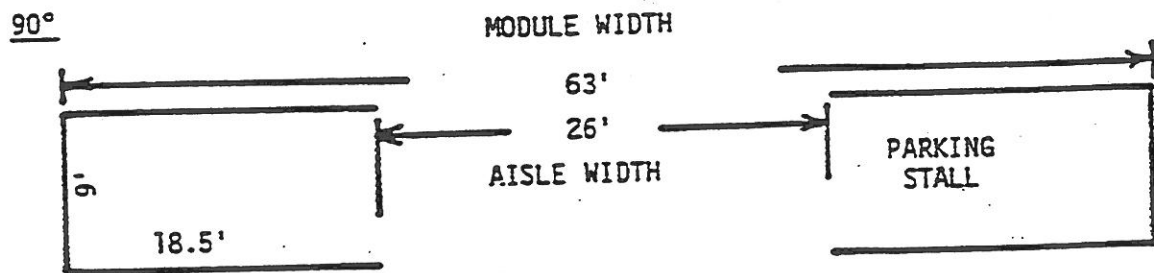
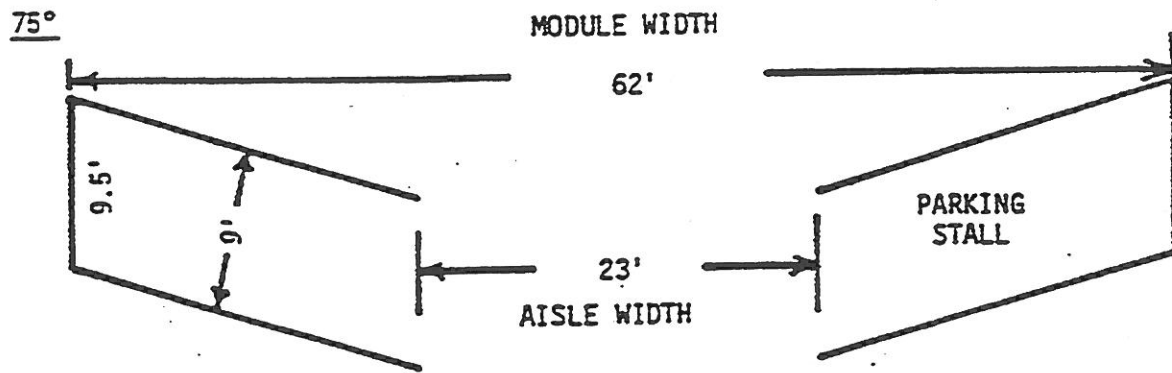
17.38.1150 Minimum parking facility standards. The diagrams as set forth in this section depict the applicable minimum design standard for parking facilities.

Diagrams for Section 17.38.1150

Diagrams for Section 17.38.1150
(Continued)



Diagrams for Section 17.38.1150
(Continued)



(Ord. 264 §2(part), 1995: Ord. 214 §2(part), 1992)

**TOWN OF PARADISE
PLANNING COMMISSION
RESOLUTION NO. 12-__**

**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**

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 Town planning staff recommends that text regulations within Chapter 17.38 of the Paradise Municipal Code (PMC) warrant amendment in order to 1) attract and promote the establishment of new retail sales and service land uses within commercial districts within the Town, 2) provide existing commercial land uses that do not meet current PMC parking requirements with an opportunity to achieve an increased level of conformity with these requirements, 3) promote the retention of existing trees and landscaping that may otherwise be lost to the unnecessary establishment of paved areas and 4) further implement policies contained within the 1994 Paradise General Plan; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on June 19, 2012 to study and consider recommending Town Council adoption of text amendments to PMC Chapter 17.38 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 17.38 are warranted at this time in order to 1) attract and promote the establishment of new retail sales and service land uses within commercial districts within the Town, 2) provide existing commercial land uses that do not meet current PMC parking requirements with an opportunity to achieve an increased level of conformity with these requirements, 3) promote the retention of existing trees and landscaping that may otherwise be lost to the unnecessary establishment of paved areas and 4) further implement policies contained within the 1994 Paradise General Plan.

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 17.38 as set forth in **RESOLUTION NO. 12-01**

“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 19th day of June, 2012 by the Following Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

April Grossberger, Chair

ATTEST:

Dina Volenski, Assistant Town Clerk

2
EXHIBIT "A"

SECTION 1. Section 17.38.200 (B) of the Paradise Municipal Code shall be amended as follows:

- B. Facilities being used for off-street parking on the effective date of this ordinance codified in this title shall not be reduced in capacity to less than the number of parking spaces required, or altered in design or function to less than the minimum standards prescribed by this title, except as provided by Section 17.38.350 of this chapter.

SECTION 2. A new section 17.38.350 shall be added to the Paradise Municipal Code to read as follows:

17.38.350 Exceptions.

- A. The parking requirements set forth in Section 17.38.1000 of this chapter may be reduced by up to twenty percent by the Planning Director, or by the Planning Commission or the Town Council upon appeal, via the granting of an administrative permit processed in accordance with Section 17.45.240 of this Title. An administrative permit authorizing a reduction in required off-street parking spaces shall be granted only when all of the following findings are determined, based on substantial evidence:
1. The specific characteristics of the land use for which the reduction is requested (e.g., hours of operation, mixed use projects, site characteristics, number of employees, characteristics of surrounding land uses, proximity to regional transit lines or public parking, etc.) do not necessitate the number of parking spaces that would otherwise be required by this chapter;
 2. Information provided by the applicant for a reduction in required parking documents the need for fewer parking spaces (e.g., market studies, sales receipts, documentation of customer volume and frequency, parking standards for the proposed land use required by other jurisdictions, etc.); and
 3. The reduced parking standards will be adequate to accommodate all parking demands generated by the proposed land use and will not be detrimental to the public's health, safety and general welfare.

SECTION 3. Sections 17.38.800 (B) (1) and 17.38.800 (B) (2) of the Paradise Municipal Code shall be amended to read as follows:

1. Buildings ~~ten~~ fifteen thousand (~~10,000~~ 15,000) square feet or greater of gross floor area (including building conversions): one off-street loading space, plus one additional space for each additional thirty thousand (30,000) square feet of gross floor area.
2. Buildings less than ~~ten~~ fifteen thousand (~~10,000~~ 15,000) square feet or greater of gross floor area shall not be required to install an off-street loading space.

SECTION 4. The portion of Section 17.38.1000 of the Paradise Municipal Code establishing off-street parking requirements for “Retail sales, retail service” shall be amended as follows:

<u>Use</u>	<u>Minimum Requirements</u>
Retail sales, retail service	1 per 200 250 square feet