



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

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

www.townofparadise.com

Planning Commission Staff:

Susan Hartman, Community Development Director

Planning Commission Members:

Kim Morris, Chair

Lynn Costa, Vice Chair

Carissa Garrard, Commissioner

Ron Lassonde, Commissioner

Zeb Reynolds, Commissioner

PLANNING COMMISSION AGENDA

6:00 PM – July 20, 2021

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact Community Development Director Hartman, at 872-6291 ext. 417 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. 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 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, 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. Approval of June 15, 2021 regular meeting minutes.

2. COMMUNICATION

- 2a. Recent Council Actions
2b. 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
- B. Open the hearing to the public
 - 1. Project applicant
 - 2. Parties for the project
 - 3. Parties against the project
 - 4. Rebuttals
- C. Close hearing to the public
- D. Commission discussion
- E. Motion
- F. Vote

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. Steineman Conditional Use Permit Application (PL21-00084) Planning Commission consideration of a request for a conditional use permit authorizing the rebuild of an expanded nonconforming single-family dwelling on a +/-0.24 acres zoned Community Commercial (CC) located at 828 Elliott Road and further identified as Assessor Parcel No. 052-150-030.

5b. PARADISE MUNICIPAL CODE: Planning Commission consideration of a resolution that, if adopted, would recommend Town Council adoption of proposed zoning regulations text amendments in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendments would: 1) alter and/or add the definitions of the terms "Day care home, small family", "Day care home, large family", and "Family day care home"; 2) add site development regulations addressing family day care home(s) in all zones in order to comply with new state laws regarding home day cares; and 3) delete Chapter 17.43 - Large Family Day Care Homes from the PMC.

6. OTHER BUSINESS - None

7. COMMITTEE ACTIVITIES

8. COMMISSION MEMBERS

8a. 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	



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931
TELEPHONE (530) 872-6291 FAX (530) 877-5059
www.townofparadise.com

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 15, 2021
6:00 PM

CALL TO ORDER by Chair Morris at 6:00 p.m. who led the pledge of Allegiance to the Flag of the United States of America.

PLANNING COMMISSIONERS PRESENT: Lynn Costa, Carissa Garrard, Ron Lassonde, Zeb Reynolds (via Microsoft Teams), Kim Morris, Chair

PLANNING COMMISSIONERS ABSENT: None

1. APPROVAL OF MINUTES

1a. **MOTION by Lassonde, seconded by Garrard**, approved Regular Meeting Minutes of April 20, 2021. Roll call vote was unanimous.

2. COMMUNICATION

2a. Community Development Director Susan Hartman provided an update to Commission that staff introduced a revised version of Ordinance 609 which would allow the limited use of goats and sheep for weed abatement. Town Council approved a Memorandum of Understanding with the Butte Fire Safe Council to act as the lead agency for the environmental document for goat grazing and other fire mitigation efforts in Town. Ms. Hartman also provided an update on the Town's current waste management contract negotiations with Waste Management.

3. PUBLIC COMMUNICATION -None

4. CONTINUED PUBLIC HEARING - None

5. PUBLIC HEARING

5a. Community Development Director Hartman provided an overview of the Moose Lodge Modified Use Permit Application (PL21-00065), the proposed land use as well as the design review. Ms. Hartman explained that the State's Department of Housing and Community Development (HCD) has jurisdiction over the RV approval, regulations and aesthetics part within the application and that staff recommends approval of this project.

Chair Morris opened the public hearing at 6:25 p.m.

1. Sy Morris, administrator for the Paradise Moose Lodge informed the Commissioners that the Lodge intends to enclose the RV park with a hedge so that it will not be visible from the road or from the lodge porch.

Chair Morris closed the public hearing at 6:26 p.m.

MOTION by Lassonde, seconded by Garrard, adopted the required findings for approval and the conditional use permit modification to rebuild and expand a previously existing nonconforming Moose Lodge facility & RV Park complex destroyed by the Camp Fire located at 5275 Skyway, Paradise and further identified as Assessor Parcel Number 051-220-056 subject to the following conditions of approval below. Roll call vote was unanimous.

Community Development Director Susan Hartman clarified that there is a seven-day appeal period and that no permits could be issued until that period was closed.

GENERAL CONDITIONS OF MODIFIED USE PERMIT

1. If the land use for which this modified use permit has been granted and issued is not established within three years of the permit's effective date, the modified use permit may become subject to revocation by the Town of Paradise.
2. Within four (4) months of the modified use permit issuance the project applicant must submit material evidence to the Town Planning Director verifying that the project proponent has received a special occupancy permit from the State Department of Housing and Community Development related to the RV park.

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

SITE DEVELOPMENT

1. Secure Design Review approval for the proposed building façade, trash enclosure, and monument sign. Additional architectural features will be required than shown with the use permit modification application.
2. Submit construction documents and meet the requirements of the Town Building Official regarding building permits and all applicable town-adopted construction code regulations including Wildland Urban Interface construction requirements.
3. Complete the requirements of the Town Onsite Sanitary Official concerning application and issuance of a permit to construct and establish the required upgraded and new septic and wastewater disposal system to serve the proposed lodge. Provide evidence thereof to the Town Development Services Department (building division).
4. The septic system to serve the existing RV park is currently only permitted for 13 spaces. To authorize the placement of 15 RVs, as proposed, requires evidence of a completed Land Use Review from the Onsite Wastewater Division and completion of additional upgrade requirements to the satisfaction of the Onsite Sanitary Official.

5. Submit three (3) copies of a detailed engineered on-site development, grading, drainage and civil improvement plan(s), with an Engineer's Estimate for civil improvements (excluding utilities), showing all project improvements and facilities as proposed and required. Plans shall be prepared by a registered civil engineer (including parking facility designed in accordance with Town of Paradise off street parking regulations and site drainage design) and submitted to the Public Works Department (engineering division) for review and approval. Pay required on-site civil plan checking fee. Required improvement plans must be approved **PRIOR TO CONSTRUCTION** or installation of the required facilities.
6. Submit a detailed soil erosion prevention plan, showing all erosion control devices and sedimentation basins, to the Town Public Works Department for approval by the Town Engineer PRIOR to the start of any earthwork. If the disturbed project area exceeds one-acre, a Notice of Intent will need to be filed with the Regional Water Quality Control Board for a storm water pollution prevention plan (SWPPP). Pay applicable erosion control plan review fees per current fee schedule.
7. Submit a Post-Construction Standards Plan, for a Regulated Project, for approval by the Town Engineer. The plan must address how the additional storm water drainage from new impervious surfaces will be detained, rerouted, or otherwise mitigated to prevent adverse impacts to any downstream neighboring properties. Pay applicable plan review fees per current fee schedule.

FIRE PROTECTION

8. Meet all other project requirements of the Paradise Fire Department in accordance with the Fire Department development review comments/conditions dated October 7, 2020, and May 24, 2021, and on file with the Town Community Development Department.

UTILITIES

9. Any relocation or rearrangement of existing utility facilities to accommodate this project will be at the developer/applicant expense. There shall be no building construction allowed over or under any existing PG&E facilities or inside any PG&E or PID easements affecting this property.
10. Submit evidence to the Town Community Development Department verifying that the project applicant has satisfactorily met the requirements and comments of the Paradise Irrigation District in accordance with project review response to the Town of Paradise dated May 21, 2021.

OTHERS

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

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

SITE DEVELOPMENT

12. Construct all necessary site, drainage, and other facilities improvements as required by the Town Engineer. All construction shall be in conformance with generally acceptable engineering and construction practices.
13. Meet the requirements of the Town Onsite Sanitary Official regarding inspection and approval of the construction and final design of the onsite sewage disposal system.
14. Meet the requirements of the Paradise Irrigation District and all other utility providers regarding the extension or relocation of water mains, utility servicelines and the establishment of any necessary on-site utility easements.
15. As determined acceptable by the Town Fire Marshal, meet all other project requirements of the Paradise Fire Department in accordance with the development review comments/conditions dated October 7, 2020, and May 24, 2021, and on file with the Town Development Services Department.
16. Provide material evidence to the Building Division of a finalized food facility inspection by Butte County Environmental Health.
17. Provide material evidence that 10% of the developed area of the project site has existing landscaping. If not, submit landscaping plans and application fee to the Development Services Department (planning division) in accordance with Paradise Municipal Code requirements. **IMPORTANT NOTE:** No final building inspection or occupancy shall be permitted until the landscape plans, if required, for the project have been formally approved by the Town of Paradise and landscape materials have been installed (or bonded to guarantee installation).

6. OTHER BUSINESS - None

7. COMMITTEE ACTIVITIES - None

8. COMMISSION MEMBERS

Community Development Director Hartman informed the Commissioners that there were no items ready to come forward in July. Ms. Hartman shared that the distillery applicant is in the initial parts of the environmental study and when that is completed, it will be routed through the State for review; a few developers have shared interest in constructing affordable multi-family housing in Town; and Grocery Outlet's interior remodel plans have been approved.

9. ADJOURNMENT

Chair Morris adjourned the meeting at 6:32 p.m.

Date Approved:

Attest:

By: _____
Kim Morris, Chair

Dina Volenski, CMC, Town Clerk

**TOWN OF PARADISE PLANNING COMMISSION
PLANNING STAFF REPORT
MEETING DATE: July 20, 2021**

FROM: Christopher Smith, Associate Planner **AGENDA NO. 5(a)**
SUBJECT: Steineman Conditional Use Permit Application (PL21-00084)
DATE: June 13, 2021 **AP 052-150-030**

GENERAL INFORMATION:

Applicant: Tom Lynch Construction
P.O. Box 1452
Guerneville, CA. 95446

Location: 828 Elliott Road

Requested Action: Conditional Use Permit approval to rebuild a single-family residence that was destroyed by the Camp Fire, larger than the original, and within the Community Commercial zoning district.

Purpose: To provide an additional ± 377 square feet of living area

Present Zoning: Community Commercial

General Plan Designation: Town Commercial (T-C)

Existing Land Use: Vacant (due to Camp Fire)

Surrounding Land Use:

North:	Elliott Road
East:	Yellowstone Kelly Heritage Trail
South:	Yellowstone Kelly Heritage Trail
West:	Vacant commercial property & Vacant residential property

Parcel Size: ± 0.24 acres

CEQA Determination: Categorically Exempt - CEQA Section 15302, Class 2

Other: An appeal of the Planning Commission's decision can be made within seven (7) days of the decision date.

NOTE: THE APPLICANT OR A REPRESENTATIVE SHOULD BE IN ATTENDANCE OR THE PLANNING COMMISSION MAY NOT TAKE ACTION ON THIS APPLICATION

PROJECT INFORMATION:

The project applicant is seeking approval from the Town of Paradise, via Conditional Use Permit approval, to rebuild and expand a previously existing legal non-conforming single-family residence. The wedge-shaped ±0.24-acre property is located at 828 Elliott Road, between Skyway and Clark Road, and is accessed from an existing driveway encroachment connecting to Elliott Road.

Butte County Assessor records show that the previous residence was legally established in 1961, before the Town's incorporation. The previously existing 514 square foot home was located on commercial property that was one of 10 commercial lots that fronted on Elliott Rd (on the north and south side) between Queen Drive and the memorial trailway. The residence was surrounded by a mix of residential to the north and southwest, commercial directly to the west and the memorial trailway to the east and south (on the other side of which was medium to high density multi-family developments).

One of the construction parties involved with the project moved forward with placing the manufactured home on the property without obtaining a building permit or zoning approval. Due to this action, permitting fees will be doubled, in accordance with Paradise Municipal Code section 15.03.040 – *Work Commencing Before Permit Issuance*. The proposed rebuild proposes to include an additional ±377 square feet of new living area to the previous 514 square foot home for a total of 891 square feet which brings the site into compliance with the Town's minimum residential square footage of 750 sq ft for a primary dwelling. The rebuilt residence will utilize the existing two (2) bedroom septic system, which already had the fire-damaged septic tank replaced.

ANALYSIS:

As evidenced by the site plan, the usable development area between the street setback and the septic system is extremely limited and, as such, would make this commercial property very difficult to develop with a commercial land use complete with required on-site parking facilities and landscaping. The narrowing of the rear of the property, where the existing septic system is located, makes the rear half of the property unusable for anything more than open space.

As a rebuild of an existing structure, this project has been determined by planning staff to belong to a class of projects which are categorically exempt from environmental review, pursuant to the requirements of the California Environmental Quality Act (CEQA Section 15302).

This project does not qualify as an exempted legal non-conforming rebuild because of the additional square footage so submittal of the Steineman Conditional Use Permit application is consistent with zoning regulations pertaining to the expansion of a nonconforming use.

Reviewing agencies have the capacity to serve the Steineman Conditional Use Permit project and as such, town staff is recommending Planning Commission approval of the project, subject to the attached list of conditions developed to ensure orderly development of the site.

ANALYSIS CONCLUSION:

Based upon the circumstances outlined above and the environmental setting of the predominantly residential neighborhood immediately adjacent to the site, staff submits that Town authorization to rebuild an enlarged single-family residence is reasonable and appropriate.

If conditionally approved by the Planning Commission as recommended, this proposed project can be found to be consistent with the goals and land use policies of the Paradise General Plan. The proposed project, as conditioned, would also be compatible with the previously existing residential land uses that surrounded the project site.

REQUIRED FINDINGS FOR APPROVAL:

- a. Find that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15302 (Class 2) of the CEQA guidelines.
- b. Find that the proposed project, as conditioned, is consistent with the goals and land use policies of the current Paradise General Plan because project approval would authorize development that is in balance with the previously existing neighborhood.
- c. Find that the project, as proposed and conditioned, will be compatible with surrounding land uses and shall not be detrimental to the public's health, safety and general welfare because the land use on the property will continue to be residential in character and no substantial changes in the character of the existing land use on the site are proposed or envisioned.

RECOMMENDATION:

Adopt the required findings for approval as provided by staff, and approve the Steineman Conditional Use Permit application (PL21-00084) to authorize the construction of a ±891 square foot single-family dwelling on a ±0.24-acre property zoned Community-Commercial (CC), subject to the following conditions of approval:

GENERAL CONDITIONS OF CONDITIONAL USE PERMIT

- 1. If any land use for which a conditional use permit has been granted and issued is not established within three years of the permit's effective date, the conditional use permit may become subject to revocation by the Town of Paradise.

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

SITE DEVELOPMENT

2. Submit construction documents and meet the requirements of the Town Building Official regarding building permits and all applicable town-adopted construction code regulations including Wildfire Urban Interface construction requirements.

OTHERS

3. Pay any applicable development impact fees in accordance with Paradise Municipal Code requirements.
4. In accordance with Paradise Municipal Code section 15.03.040, permit fees will be doubled as a result of building construction commencing without a permit.

CONDITIONS TO BE MET PRIOR TO FINAL BUILDING INSPECTON AND CERTIFICATE OF OCCUPANCY

SITE DEVELOPMENT

5. Complete the project as per the requirements of the Town of Paradise approved plans and specifications.
6. Approved address shall be placed on the residence above the doorway, or in such a position as to be visible from the road accessing the property.

UTILITIES

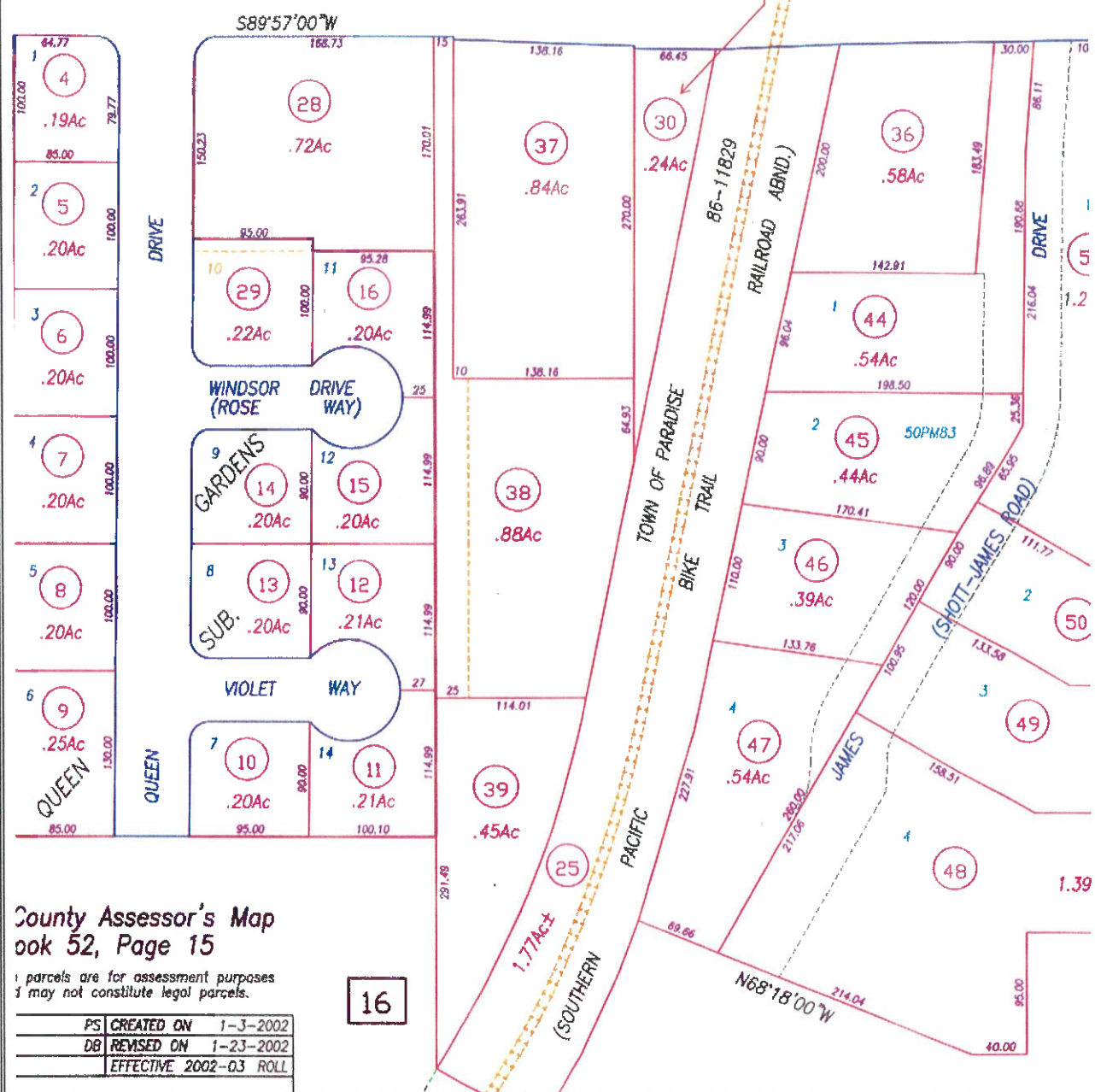
7. Provide evidence that the Paradise Irrigation District water advisory has been lifted for the property.
8. Meet the requirements of all utility providers regarding the extension or relocation of utility service lines and the establishment of any necessary on-site utility easements.

**LIST OF ATTACHMENTS FOR STEINEMAN CONDITIONAL USE PERMIT
APPLICATION (PL21-00084)**

1. Project site vicinity map
2. Notice sent to surrounding property owners and the Paradise Post for the July 20, 2021 public hearing
3. Mailing list of property owners and agencies notified of the public hearing
4. Comments received from Paradise Irrigation District representative Jim Ladrini dated July 5, 2021
5. Comments received from Building Official, Tony Lindsey, dated June 24, 2021
6. Comments received from Onsite Sanitary Official, Bob Larson, dated July 8, 2021
7. Comments received from Police Chief, Eric Reinbold, dated 6/23/2021
8. Comments received from Town Engineer, Marc Mattox, dated June 24, 2021
9. Completed conditional use permit application and site plan
10. CEQA Notice of Exemption document for the Steineman CUP project



Subject Property



APPLICANT: Tom Lynch Construction 828 Elliott Rd, Paradise, CA 95969

OWNER: Lidia Steineman

PROJECT DESCRIPTION:
 Planning Commission consideration of a request for a conditional use permit authorizing the rebuild of an expanded nonconforming single-family dwelling on a +/-0.24 acres zoned Community Commercial (CC) located at 828 Elliott Road and further identified as Assessor Parcel No. 052-150-030.

ZONING: CC	GENERAL PLAN: TC	FILE NO. PL21-00084
ASSESSOR PARCEL NO. 052-150-030		MEETING DATE: 07/20/21

NOTICE OF PUBLIC HEARING: PARADISE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN by the Planning Commission that a public hearing will be held on **Tuesday, July 20, 2021 at 6:00 p.m.** in the Town Hall Council Chambers, 5555 Skyway, Paradise, CA, regarding the following project:

- a. Item to be determined to be exempt from environmental review

Steineman Conditional Use Permit Application (PL21-00084) Planning Commission consideration of a request for a conditional use permit authorizing the rebuild of an expanded nonconforming single-family dwelling on a +/-0.24 acres zoned Community Commercial (CC) located at 828 Elliott Road and further identified as Assessor Parcel No. 052-150-030.

The project file is available for public inspection at the Development Services Department, Town of Paradise, Building Resiliency Center at 6295 Skyway. 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 Planning Director at, or prior to, the public hearing. For further information please contact the Planning Division at (530) 872-6291 x435.

SUSAN HARTMAN
Planning Director

Paradise Ridge Chamber of
Commerce
6161 Clark Road Ste 1
Paradise, CA 95969

*Butte County
Planning Courier*

Paradise Unified School District
6696 Clark Road
Paradise, CA 95969

Paradise Irrigation District
6332 Clark Road
Paradise, CA 95969

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

Paradise Board of Realtors
PO Box 356
Paradise, CA 95969

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
313 Walnut St., Ste. 140
Chico, CA 95928

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

Apn
Owner
Owner2
Street_Address
City_State_Zip

052-150-030-000
Steineman Lidia R
433 Henshaw Ave
Chico Ca 95973

052-080-041-000
Town Of Paradise
5555 Skyway
Paradise Ca 95969

052-080-073-000
Hale Michelle E Etal
Linden Rachelle L
1694 Filbert Ave
Chico Ca 95926

052-080-074-000
Youth For Change
Po Box 1476
Paradise Ca 95967

052-080-082-000
Vail Alan G & Janet M Family Trust
Vail Alan G & Janet M Trustees
27 Ellerton Pl
Sacramento Ca 95835

052-080-108-000
Bryning Kandy S
14813 Wildlife Dr
Magalia Ca 95954

052-080-109-000
Hale Michelle E Etal
Linden Rachelle L
1694 Filbert Ave
Chico Ca 95926

052-150-012-000
Ritza Ashley D
Po Box 3389
Chico Ca 95927

052-150-015-000
Valencia Pamela M
810 Windsor Dr
Paradise Ca 95969

052-150-016-000
Smith Brandy & Kyle B
5513 Big Tooth Place
Caldwell Id 83607

052-150-025-000
Town Of Paradise
5555 Skyway
Paradise Ca 95969

052-150-028-000
Martin John Thomas
116 Valley View Dr
Paradise Ca 95969

052-150-036-000
Mahoney Capital Lp
22551 San Vicente Ave
San Jose Ca 95120

052-150-037-000
Wilson Raymond Harry & Terry J
Po Box 5093
Chico Ca 95927

052-150-038-000
Keith Jayne A
Po Box 2455
Paradise Ca 95967

052-150-039-000
Ralston Daniel K
3667 Sunbird Ct
Redding Ca 96001

052-150-044-000
Berndt Robert P Trust
C/O Berndt Robert P Trustee
6221 Clark Rd
Paradise Ca 95969

052-150-045-000
Berndt Robert P Trust
C/O Berndt Robert P Trustee
6221 Clark Rd
Paradise Ca 95969

052-150-046-000
Berndt Trust Etal
C/O Rhonda Berndt De Pineda
6221 Clark Rd
Paradise Ca 95969

052-150-047-000
Berndt Trust
C/O Berndt De Pineda Rhonda Trustee
6221 Clark Rd
Paradise Ca 95969

**TOWN OF PARADISE
DEVELOPMENT SERVICES DEPARTMENT**

DEVELOPMENT REVIEW REQUEST

TO: CSS, ENG, ONSITE, FIRE, PPD, PID
FROM: CHRISTOPHER SMITH, ASSOCIATE PLANNER
REQUEST: REVIEW AND COMMENT
DESCRIPTION OF PROJECT: Proposed expansion of non-conforming use; previous home was 541 sq. ft. in Community Commercial zoned lot. Applicant requests an 891 sq. ft. rebuild on same lot, at 828 Elliott.

LOCATION 828 Elliott
AP NOS.: 052-150-030
APPLICANT: Tom Lynch Construction
CONTACT PHONE: 707-529-1890
DATE DISTRIBUTED: 6/23/2021
RETURN DATE REQUESTED: 11/16/20

DOES YOUR AGENCY HAVE THE CAPACITY TO SERVE THIS PROJECT?

YES YES, WITH CONDITIONS NO (EXPLAIN BELOW)

Jim Ladrini Water Works Engineers 07/05/2021
Signature Agency Date

CONDITIONS PRIOR TO ISSUANCE:

CONDITIONS PRIOR TO PERMIT FINAL:

APN 052-150-030, 828 Elliott Road, was previously served water through a .75" metered service connection(s). At the time of this response the water quality advisory has not been lifted at this parcel. Service lateral replacement(s) and backflow prevention are required at all water service connections assigned to this parcel to lift the water quality advisory. The service lateral(s) will be replaced at the current location(s) unless otherwise determined by PID.

Contact PID if the planned development requires any changes to the existing water service connection(s). Costs for any upgrades and backflow prevention requirements are the responsibility of the property owner.

Please contact the PID office at 530-877-4971 for questions or assistance.

These comments apply to the domestic water supply only. Reviewed on 07/06/2021 by Water Works Engineers LLC, serving as PID District Engineer.

**TOWN OF PARADISE
DEVELOPMENT SERVICES DEPARTMENT**

DEVELOPMENT REVIEW REQUEST

TO: CSS
FROM: CHRISTOPHER SMITH, ASSOCIATE PLANNER
REQUEST: REVIEW AND COMMENT
DESCRIPTION OF PROJECT: Proposed expansion of non-conforming use; previous home was 541 sq. ft. in Community Commercial zoned lot. Applicant requests an 891 sq. ft. rebuild on same lot, at 828 Elliott.

LOCATION 828 Elliott
AP NOS.: 052-150-030
APPLICANT: Tom Lynch Construction
CONTACT PHONE: 707-529-1890
DATE DISTRIBUTED: 6/23/2021
RETURN DATE REQUESTED: 7/6/21

DOES YOUR AGENCY HAVE THE CAPACITY TO SERVE THIS PROJECT?

YES YES, WITH CONDITIONS NO (EXPLAIN BELOW)



CSS/FIRE

6/24/21

Signature

Agency

Date

**TOWN OF PARADISE
DEVELOPMENT SERVICES DEPARTMENT**

DEVELOPMENT REVIEW REQUEST

TO: CSS, ENG, ONSITE, FIRE, PPD, PID

FROM: CHRISTOPHER SMITH, ASSOCIATE PLANNER

REQUEST: REVIEW AND COMMENT

DESCRIPTION OF PROJECT: Proposed expansion of non-conforming use; previous home was 541 sq. ft. in Community Commercial zoned lot. Applicant requests an 891 sq. ft. rebuild on same lot, at 828 Elliott.

LOCATION 828 Elliott

AP NOS.: 052-150-030

APPLICANT: Tom Lynch Construction

CONTACT PHONE: 707-529-1890

DATE DISTRIBUTED: 6/23/2021

RETURN DATE REQUESTED: 11/16/20

DOES YOUR AGENCY HAVE THE CAPACITY TO SERVE THIS PROJECT?

YES
 YES, WITH CONDITIONS
 NO (EXPLAIN BELOW)

Bob Larson	Onsite	7/8/21
Signature	Agency	Date

TOWN OF PARADISE DEVELOPMENT SERVICES DEPARTMENT

DEVELOPMENT REVIEW REQUEST

TO: CSS, ENG, ONSITE, FIRE, PPD, PID

FROM: CHRISTOPHER SMITH, ASSOCIATE PLANNER

REQUEST: REVIEW AND COMMENT

DESCRIPTION OF PROJECT: Proposed expansion of non-conforming use; previous home was 541 sq. ft. in Community Commercial zoned lot. Applicant requests an 891 sq. ft. rebuild on same lot, at 828 Elliott.

LOCATION 828 Elliott

AP NOS.: 052-150-030

APPLICANT: Tom Lynch Construction

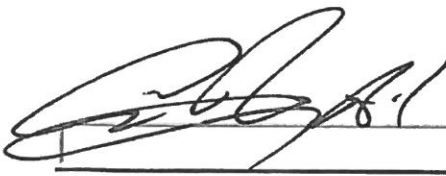
CONTACT PHONE: 707-529-1890

DATE DISTRIBUTED: 6/23/2021

RETURN DATE REQUESTED: 11/16/20

DOES YOUR AGENCY HAVE THE CAPACITY TO SERVE THIS PROJECT?

YES YES, WITH CONDITIONS NO (EXPLAIN BELOW)



Signature

PARADISE P.D.

Agency

6/23/2021

Date

Hartman, Susan

From: Mattox, Marc
Sent: Thursday, June 24, 2021 8:01 AM
To: Smith, Chris
Subject: RE: CUP Review And Comment

No comments from Engineering. Verification of the conformance with 50' setback is critical for PW-Engineering.

Thank you,

Marc Mattox

Public Works Director | Town Engineer
Town of Paradise | 530-872-6291 x125

From: Smith, Chris <CSmith@townofparadise.com>
Sent: Wednesday, June 23, 2021 4:58 PM
To: Lindsey, Anthony <tlindsey@townofparadise.com>; Jim Ladrini <jiml@wwengineers.com>; Mattox, Marc <mmattox@townofparadise.com>; Larson, Bob <blarson@townofparadise.com>; colleenb@wwengineers.com; Reinbold, Eric <ereinbold@townofparadise.com>; Rainey, Christopher <crainey@townofparadise.com>
Subject: CUP Review And Comment

Good afternoon all,

Please find an application to expand a nonconforming use at 828 Elliott Rd. for review and comment. Feel free to reach out with any additional questions.

Thank you,

Christopher Smith | Associate Planner
530-872-6291 | csmith@townofparadise.com



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Receipt No. _____ Fee _____
Project No. _____

**TOWN OF PARADISE
APPLICATION FOR CONDITIONAL USE PERMIT**

Applicant Tom Lynch Construction Phone 707-529-1890

Applicant's Mailing Address PO Box 1452, Guerneville, CA 95446

Applicant's email address submittals@paladinpermits.com Fax _____

Applicant's Interest in Property (Owner, Lessee*, Other*) _____
*If applicant is NOT the property owner, the owner's signature or owner-signed letter of authorization MUST accompany this application.

Owner's Name Linda Steineman = Lidia. Phone _____

Owner's Mailing Address _____

Property Address 828 Elliott Road Parcel Size .24 Acres

Engineer (Name, Address) _____

Engineer Phone _____ Fax _____ Email _____

AP Number(s) 052-150-030 Zone C/C Existing Use Town Commercial

Detailed project description: (attach additional sheets if necessary) New- 2 Bedroom Manufactured Home
Dimensions: 66'-0" x 13'-6"

Increase from the pre-fire square footage of 514 sq ft to the proposed square footage of 891

Purpose of project: Single Family Dwelling

Radial distance to the nearest billboard 47'

Sq. ft. of proposed structure/project 891 sq. ft. Approx. no. yards of cut/fill _____

Percentage increase in area of structures on site (example: A 250 sq. ft. addition to a 1,000 sq. ft. building = 25%) _____

Distance to nearest fire hydrant 193' Distance from centerline 30'

Days/hours of operation: Days n/a Hours _____ Proposed no. of employees n/a

Residential Density _____ Max. occupancy n/a Max. height of proposed structure/project 15'-5"

Describe exterior design and exterior finish (Attach additional sheet(s) if necessary.): shingle XT25, color: Moire Black
trim: White Shadow

Method of sewage disposal? As-built 1500 gal Septic Tank

Is the proposed project site considered sensitive for archaeological resources? Yes _____ No X (Please consult staff.)

NOTE: IF YES, PLEASE SUBMIT PAYMENT OF FEES TO "NORTHEASTERN INFORMATION CENTER" FOR ARCHAEOLOGICAL RECORDS INVENTORY SEARCH.

I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE STATEMENTS AND ATTACHED PLOT PLAN ARE TRUE, ACCURATE, COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Applicant's Signature Tom Lynch Date 03-02-21

Property Owner Signature Lidia Steineman Date 2-26-21
(If applicable)

PLEASE ALLOW 6-8 WEEKS FOR PROCESSING. LONGER IF THE PROJECT IS SUBJECT TO ENVIRONMENTAL REVIEW.

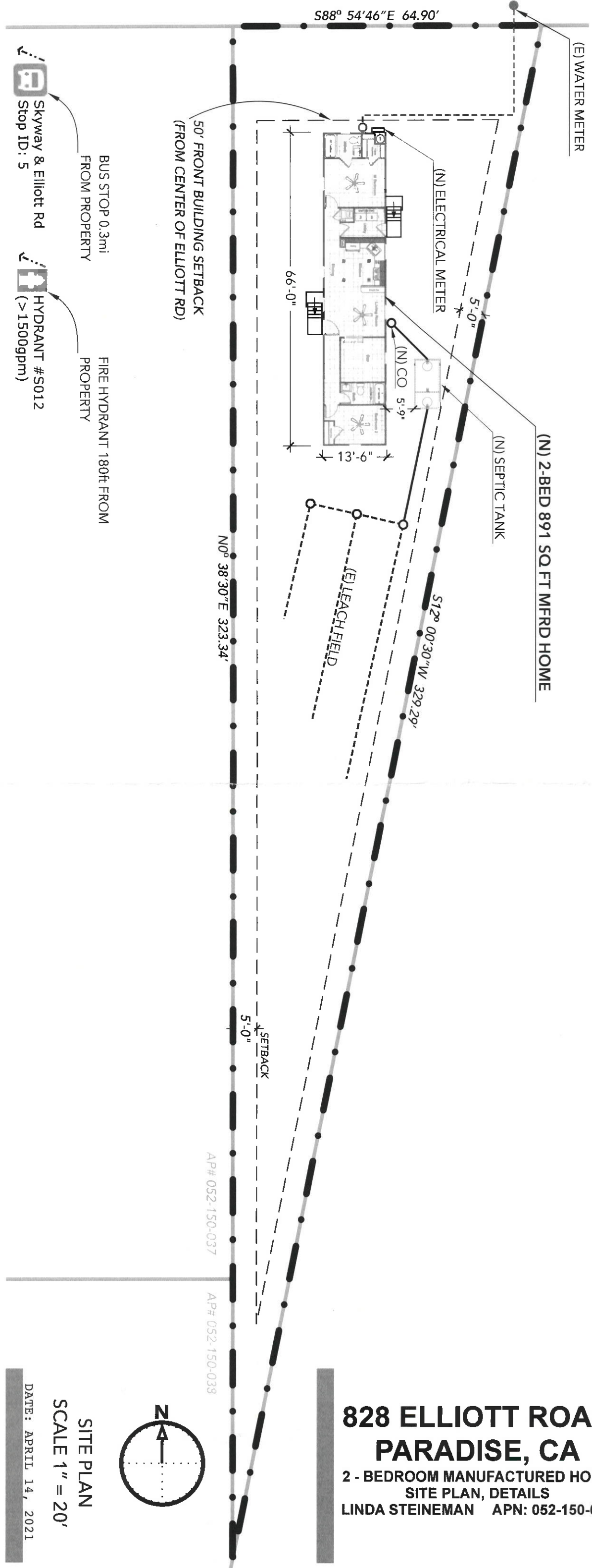
NOTE: By signing this application form, the applicant is indicating that the project site is not included on any state or local list of hazardous waste sites compiled pursuant to California Government Code Section 65962.5, effective July 1, 1987.

514 → 891 sq ft

PARADISE MEMORIAL TRAILWAY

AP# 052-150-036

AP# 052-150-044



Skyway & Elliott Rd
Stop ID: 5

HYDRANT #S012
(>1500gpm)

BUS STOP 0.3mi
FROM PROPERTY

FIRE HYDRANT 180ft FROM
PROPERTY

50' FRONT BUILDING SETBACK
(FROM CENTER OF ELLIOTT RD)

N0° 38'30"E 323.34'

5'-0" SETBACK

AP# 052-150-037

AP# 052-150-038

S88° 54'46"E 64.90'

(E) WATER METER

(N) ELECTRICAL METER

(N) CO 5'-9"

(N) SEPTIC TANK

(N) 2-BED 891 SQ FT MFRD HOME

(E) LEACH FIELD

S12° 00'30"W 329.29'

**828 ELLIOTT ROAD
PARADISE, CA**
 2 - BEDROOM MANUFACTURED HOME
 SITE PLAN, DETAILS
 LINDA STEINEMAN APN: 052-150-030

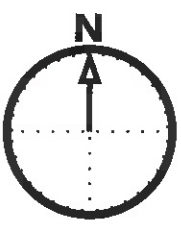


Plans Prepared By:
 Whitehorse Drafting
 7105 Baker Ln
 Sebastopol, CA 95472
 415-509-8425
 whitehorsedrafting116@gmail.com

Ruth Ste...

PALADIN
 PERMIT SERVICES

TOM LYNCH
 PO BOX 1452
 GUERNEVILLE, CA 95446
 PHONE: 707-529-1890
 LICENSE # 467751
 EMAIL:
 submitals@paladinpermits.com



SITE PLAN
 SCALE 1" = 20'

DATE: APRIL 14, 2021

NOTICE OF EXEMPTION

TO: File – [PL21-00084]; AP No. 052-150-030-000
FROM: Town of Paradise, Community Development Department,
Planning Division, 6295 Skyway, Paradise CA 95969

PROJECT TITLE: L. Steineman Conditional Use Permit

PROJECT APPLICANT: Tom Lynch Construction

PROJECT LOCATION: 828 Elliott Rd, Paradise CA 95969

PROJECT DESCRIPTION: Proposed expansion of non-conforming use; previous home was 541 sq. ft. on a Community Commercial zoned lot. Applicant requests an 891 sq. ft. rebuild on same lot, at 828 Elliott Rd.

APPROVING PUBLIC AGENCY: Town of Paradise

PERSON OR AGENCY CARRYING OUT PROJECT: Applicant & Owner: Tom Lynch Construction & Lidia Steineman

EXEMPT STATUS: General Rule Exemption (Section 15061)
 Ministerial (Section 15268)
 Emergency Project (Section 15269)
 Categorical Exemption
Section 15302; Class 2

REASON FOR EXEMPTION: Reconstruction of a previously existing home destroyed in the Camp Fire.

CONTACT PERSON: Susan Hartman, Planning Director
(530) 872-6291

SIGNATURE: 

Planning Director

Date: July 14, 2021

M E M O R A N D U M

AGENDA NO. 5(b)

TO: Paradise Planning Commission

FROM: Susan Hartman, Community Development/Planning Director

SUBJECT: Public Hearing – Consider a Resolution Recommending Town Council Adoption of Paradise Municipal Code Zoning Text Amendments Relative to Home Daycares Consistent with new State Law Requirements

DATE: July 13, 2021

BACKGROUND:

The Town of Paradise is legally required to direct and regulate land development and land uses via its zoning regulations and other means that are consistent with its Paradise General Plan as well as **current state planning and zoning law**. During 2019 the State of California (via the State legislature and the Governor) enacted new home daycare legislation **in effect January 1, 2020**, that requires all local municipal and county governments to provide for the creation of family home daycares (care for up to 14 children) in areas zoned to allow single-family and/or multiple-family residential use. [Senate Bill #234: Health and Safety Code Sections 1597.40, 1597.46, and 1597.543].

There are currently three (3) types of childcare establishments recognized in the Paradise Municipal Code (PMC):

- “Day care home, small family” – a daycare facility located in the provider’s own residence which provides daycare for up to 8 children.
- “Day care home, large family” – a daycare facility located in a provider’s own residence which provides daycare for up to 14 children.
- “Day care facility” – a daycare facility in a non-residential building. Potentially permitted on non-residential properties and multifamily properties.

The California Child Day Care Facilities Act (Health and Safety Code Section 1596.70 et seq.) already requires jurisdictions to treat small family daycares (up to 8 children) as a permitted residential use of property for zoning purposes and cannot apply any additional requirements that are not applied to all other single-family residences. In other words, small family daycares cannot be required to increase their septic capacity for the daycare, file for a business license, get a use permit, or provide additional parking. Nothing beyond what the house itself requires.

This newly adopted Senate Bill No. 234 now extends those provisions to large family daycares (up to 14 children). Essentially any daycare run out of a provider’s residence is exempt from any

additional septic, zoning, business license, and fire code requirements than the house itself is subject to. Currently, the PMC does distinguish between small and large family daycares and does mandate additional requirements, including some level of entitlement (use permit), for large family daycares. To come into compliance with new state law, the PMC must be amended to treat all home daycares as a permitted-by-right use in all zoning districts since all zones permit primary and/or accessory dwellings.

Home daycare facilities will still be under the oversight and enforcement of the Child Care Licensing Division of the State Dept of Social Services. The regional office is in Chico and has previously coordinated with Town staff, as necessary, for fire clearance approval on large family daycares.

Day care facilities, in non-residential buildings, will still be kept under the existing definition and still potentially permitted in the Multi-Family, Neighborhood Commercial, Central Business, Community Commercial, Industrial Services, Community Facilities, and Community Services zones.

RECOMMENDED ZONING REGULATIONS TEXT AMENDMENTS:

Planning staff advises that text regulations within Chapters 17.04 (definitions), 17.08 (Resource-Conservation zone), 17.10 (Agricultural zones) 17.11 (Agricultural Residential zones), 17.12 (Rural-Residential zones), 17.14 (Town-Residential zones), 17.17 (Multiple-Family Residential zone), 17.20 (Neighborhood-Commercial, Central-Business, Community-Commercial zones), 17.23 (Industrial-Service zone), 17.26 (Community-Facilities, Community-Services zones), 17.38 (off-street parking), and 17.43(Large Family day care Homes) warrant amendment in order to: 1) become internally consistent with all other PMC statutes; 2) become consistent with and further implement the Paradise General Plan, particularly its education and social services element; 3) amends and/or create statutes related to home family daycares residential development in a manner that complies with new State law; and 4) if adopted, would further assist in the Camp Fire recovery/rebuild efforts.

The recommended text amendments: 1) deletes the definition of the terms “Day care home, large family”, and “Day care home, small family”; 2) adds the definition of the term “Family daycare home” consistent with state law; 3) replaces the terms of “Day care home, large family” and “Day care home, small family” with the term of “Family daycare home” as a permitted land use in areas zoned to allow single-family or multiple-family residential use in order to comply with new State law regarding family daycare homes; 4) deletes family daycare home off-street parking requirements; and 5) amends the title heading of PMC Chapter 17.43 [Large Family Day Care Homes] to read: “Chapter 17.43-Reserved” while deleting the entirety of text regulations contained within PMC sections 17.43.500, 17.43.600, 17.43.700, 17.43.800 and 17.43.900 respectively.

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 public necessity, convenience or general welfare are sufficiently compelling to warrant Planning Commission and Town Council consideration of such amendments.

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 text amendments to the Town’s Zoning Ordinance in order to accomplish the objectives stated in the preceding discussions. The proposed new text and text proposed to be deleted within “Exhibit A” is shown as shaded and text proposed to be deleted is shown in strikethrough text.

Planning staff, and the Town Attorney have determined, that the nature of the proposed text amendments is sufficiently minor in that there is no possibility adoption and implementation of the amendment would result in a direct and significantly adverse effect upon the environment. Thus, 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(b)(3) [General Rule Exemption].

COMMISSION ACTION REQUESTED:

Please be prepared to discuss the proposed amendments to the Town’s Zoning Ordinance 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. 21-03, “A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Title 17 of the Paradise Municipal Code Relative to Family Daycare Homes consistent with State Law Requirements”. If deemed necessary by a majority consensus of Planning Commissioners present, staff will be prepared to discuss and make possible changes or additions to the text of the attached and proposed resolution prior to Planning Commission adoption.

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 Notice of Exemption dated July 12, 2021.
3. Senate Bill No. 234 (Skinner), *Family daycare homes*.
4. Copy of Planning Commission Resolution No. 21-03, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Title 17 of the Paradise Municipal Code Relative to Family Daycare Homes Consistent with State Law Requirements".

NOTICE OF EXEMPTION

To: File

From: Town of Paradise, Development Services Department,
Planning Division, 5555 Skyway, Paradise, CA 95969

Project Title: PMC Title 17 [Zoning] Text Amendments

Project Applicant: Town of Paradise

Project Location: N/A

Project Description: Pursuant to state law, required amendments to the Town Zoning Code relative to 'Family daycare home" regulations as a permitted land use in all zones that permit residential land use.

Approving Public Agency: Town of Paradise

**Person or Agency
Carrying Out Project:** Town of Paradise

Exempt Status: _____ Ministerial (Section 15268)
_____ Emergency Project (Section 15269)
_____ Categorical Exemption (Section 15302)
 X General Rule Exemption (Section 15061)

Reason for Exemption: The amendments do not constitute a project under CEQA, no physical activity is planned and there is no possibility of a significant environmental effect.

Contact Person: Susan Hartman, Planning Director
(530) 872-6291 x114

Signature: 

Date: _____ 07/12/2021 _____

**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, July 20, 2021, at 6:00 p.m. in the Paradise Town Hall Council chambers, 5555 Skyway, Paradise, CA, regarding the following matter:

- a. Item determined to be exempt from environmental review under CEQA Guidelines section 15061(b)(3) (General rule exemption)

PARADISE MUNICIPAL CODE: Planning Commission consideration of a resolution that, if adopted, would recommend Town Council adoption of proposed zoning regulations text amendments in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendments would: 1) alter and/or add the definitions of the terms “Day care home, small family”, “Day care home, large family”, and “Family day care home”; 2) add site development regulations addressing family day care home(s) in all zones in order to comply with new state laws regarding home day cares; and 3) delete Chapter 17.43 - Large Family Day Care Homes from the PMC.

The project files are available for public inspection at the Building Resiliency Center located at 6295 Skyway. 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 417.

SUSAN HARTMAN
Planning Director

**TOWN OF PARADISE PLANNING COMMISSION
RESOLUTION 21-03**

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION RECOMMENDING
TOWN COUNCIL ADOPTION OF TEXT AMENDMENTS TO TITLE 17 OF THE
PARADISE MUNICIPAL CODE RELATIVE TO FAMILY DAYCARE HOMES CONSISTENT WITH STATE
LAW REQUIREMENTS**

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 State of California enacted housing legislation in effect as of January 1, 2020, that requires all local municipal and county governments to provide for the creation of family daycare homes in areas zoned to allow single-family or multiple-family residential use; and

WHEREAS, the Town planning staff advise that text regulations within Chapters 17.04, 17.08, 17.10, 17.11, 17.12, 17.14, 17.17, 17.20, 17.23, 17.26, 17.38 and 17.43 of the Paradise Municipal Code (PMC) warrant amendment in order to: 1) become internally consistent with all other existing PMC statutes; 2) become consistent with and further implement the Paradise General Plan, particularly its education and social services element; 3) amends and/or create statutes related to family daycare home residential development in a manner that complies with new State law; and 4) if adopted, would assist in the Camp Fire recovery and rebuild efforts; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on July 20, 2021 to study and consider recommending Town Council adoption of text amendments to PMC Chapters 17.04, 17.08, 17.10, 17.11, 17.12, 17.14, 17.17, 17.20, 17.23, 17.26, 17.38 and 17.43 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 the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) [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 amendments to PMC Chapters 17.04, 17.08, 17.10, 17.11, 17.12, 17.14, 17.17, 17.20, 17.23, 17.26, 17.38, and 17.43 are warranted at this time in order to establish Paradise Zoning Ordinance compliance with current state laws regarding family daycare homes and particularly in order to aid in the rebuild efforts following the Camp Fire.

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 Chapters 17.04, 17.08, 17.10, 17.11, 17.12, 17.14, 17.17, 17.20, 17.23, 17.26, 17.38, and 17.43 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.

RESOLUTION NO. 21-03

PASSED AND ADOPTED by the Planning Commission of the Town of Paradise this 20th day of July 2021 by the Following Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kim Morris, Chair

ATTEST:

Dina Volenski, Town Clerk

EXHIBIT "A"

SECTION 1. Subsection "C" of Paradise Municipal Code [PMC] Section 17.04.500 [General Definitions], shall be amended to read as follows:

- A. The definitions of the terms 'Day care home, large family' and "Day care home, small family" shall be deleted.
- B. A new term 'Family daycare home' shall be added to subsection "C" to read as follows:

"Family daycare home" means a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family daycare home or small family daycare home.

SECTION 2. Add the land use listing of "Family daycare home" to be a permitted land use in the R-C zone within PMC Section 17.08.200 [Permitted and conditional uses].

SECTION 3. Amend the land use listing of "Day care home (small family)" to read as "Family daycare home" and listed to be a permitted "P" land use in the AG-10 and AG-20 zones within PMC Section 17.10.200 [Permitted and conditional uses].

SECTION 4. Amend the land use listing of "Day care home (small family)" to read as "Family daycare home" and listed to be a permitted "P" land use in the AR-1, AR-3, and AR-5 zones within PMC Section 17.11.200 [Permitted and conditional uses].

SECTION 5. Amend the land use listing of "Day care home (small family)" to read as "Family daycare home" and listed as a permitted "P" land use in the RR-1, RR-2/3, and RR-1/2 zones within PMC Section 17.12.200 [Permitted and conditional uses].

SECTION 6. Amend the land use listing of "Day care home (small family)" to read as "Family daycare home" and listed as a permitted "P" land use in the TR-1, TR-1/2, and TR-1/3 zones within PMC Section 17.14.200 [Permitted and conditional uses].

SECTION 7. Delete the land use listings of "Day care home (large family)" and "Day care home (small family)" within PMC Section 17.17.200 [Permitted and conditional uses] and add the land use listing of "Family daycare home" as a permitted "P" land use in the M-F zone.

SECTION 8. Amend the land use listing of "Day care home (large family)" to read as "Family daycare home" and listed as a permitted "P" land use in the N-C, C-B, and C-C zones within PMC Section 17.20.200 [Permitted and conditional uses].

SECTION 9. Add the land use listing of "Family daycare home" as a permitted "P" land use in the I-S zone within PMC Section 17.23.200 [Permitted and conditional uses].

SECTION 10. Delete the land use listings of “Day care home (large family)” and “Day care home (small family)” within PMC Section 17.26.200 [Permitted and conditional uses] and add the land use listing of “Family daycare home” as a permitted “P” land use in the C-F and C-S zones.

SECTION 11. Within PMC Section 17.38.1000 [Off-street parking requirements] and under the “Community Uses” subsection delete the land use listings of “Day care home (large family)” and “Day care home (small family)” and its related minimum requirements parking regulations.

SECTION 12. Amend the title heading of PMC Chapter 17.43 [Large Family Day Care Homes] to read: “Chapter 17.43 –Reserved”; and delete the entire text within PMC Sections 17.43.500, 17.43.600, 17.43.700, 17.43.800, and 17.43.900 respectively.

Senate Bill No. 234

CHAPTER 244

An act to amend Sections 1596.72, 1596.73, 1596.78, 1597.30, 1597.45, and 1597.54 of, to add Sections 1597.41, 1597.42, and 1597.455 to, to repeal Section 1597.47 of, and to repeal and add Sections 1597.40, 1597.46, and 1597.543 of, the Health and Safety Code, relating to family daycare homes.

[Approved by Governor September 5, 2019. Filed with Secretary of State September 5, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 234, Skinner. Family daycare homes.

Under existing law, the California Child Day Care Facilities Act, the State Department of Social Services licenses and regulates family daycare homes. Under existing law, a small family daycare home, which may provide care for up to 8 children, is considered a residential use of property for purposes of all local ordinances. Existing law authorizes a city, county, or city and county to either classify a large family daycare home, which may provide care for up to 14 children, as residential use of the property or to provide a process for applying for a permit to use the property as a large family daycare home.

This bill would instead require a large family daycare home to be treated as a residential use of property for purposes of all local ordinances.

Existing law makes void every provision in a written instrument entered into relating to real property that purports to forbid or restrict the conveyance, encumbrance, leasing, or mortgaging of the real property for use or occupancy as a family daycare home for children and every restriction or prohibition in a written instrument as to the use or occupancy of the property as a family daycare home.

This bill would also make void an attempt to deny, restrict, or encumber the conveyance, leasing, or mortgaging of real property for use or occupancy as a family daycare home and a restriction related to the use or occupancy of the property as a family daycare home. The bill would prohibit a property owner or manager from refusing to sell or rent, or refusing to negotiate for the sale or rental of, or otherwise making unavailable or denying, a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential use to a person because that person is a family daycare provider. The bill would require the department to notify applicants for family daycare home licenses that specified housing discrimination remedies are available to a family daycare home provider, family daycare home provider applicant, or person who is claiming that any of these protections have been denied.

Existing law prohibits a local jurisdiction from imposing a business license, fee, or tax for the privilege of operating a small family daycare home.

This bill would extend that prohibition to large family daycare homes.

Existing law requires the State Fire Marshal to adopt building standards and regulations relating to the fire and life safety systems in family daycare provider homes.

This bill would require the State Fire Marshal to update those regulations in the next regulation adoption cycle, and every 3 years thereafter to conform to changes in these provisions. The bill would also require the State Fire Marshal to issue guidance on implementing the provisions prior to the publication of regulations, but not later than January 1, 2021, and would authorize guidance to be issued annually thereafter in years when the specified regulations are not updated.

The bill would also make technical and conforming changes.

The people of the State of California do enact as follows:

SECTION 1. Section 1596.72 of the Health and Safety Code is amended to read:

1596.72. The Legislature finds all of the following:

(a) That child daycare facilities can contribute positively to a child's emotional, cognitive, and educational development.

(b) That it is the intent of this state to provide a comprehensive, quality system for licensing child daycare facilities to ensure a quality childcare environment.

(c) That this system of licensure requires a special understanding of the unique characteristics and needs of the children served by child daycare facilities.

(d) That it is the intent of the Legislature to establish within the State Department of Social Services an organizational structure to separate licensing of child daycare facilities from those facility types administered under Chapter 3 (commencing with Section 1500).

(e) That good quality childcare services are an essential service for working parents.

(f) California has a tremendous shortage of regulated childcare, and only a small fraction of families who need childcare have it. Parents should be able to support their families without having to sacrifice their child's well-being.

(g) With childcare, families have more options for jobs and education to improve their prospects. Good, affordable childcare gives children a strong start and creates opportunities for families and communities.

SEC. 2. Section 1596.73 of the Health and Safety Code is amended to read:

1596.73. The purposes of this act are to:

- (a) Streamline the administration of childcare licensing and thereby increase the efficiency and effectiveness of this system.
- (b) Encourage the development of licensing staff with knowledge and understanding of children and childcare needs.
- (c) Provide providers of childcare with technical assistance about licensing requirements.
- (d) Enhance consumer awareness of licensing requirements and the benefits of licensed childcare.
- (e) Recognize that affordable, quality licensed childcare is critical to the well-being of parents and children in this state.
- (f) Promote the development and expansion of regulated childcare.

SEC. 3. Section 1596.78 of the Health and Safety Code is amended to read:

1596.78. (a) “Family daycare home” means a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family daycare home or a small family daycare home.

(b) “Large family daycare home” means a facility that provides care, protection, and supervision for 7 to 14 children, inclusive, including children under 10 years of age who reside at the home, as set forth in Section 1597.465 and as defined in regulations.

(c) “Small family daycare home” means a facility that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home, as set forth in Section 1597.44 and as defined in regulations.

(d) A small family daycare home or large family daycare home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the daycare provider resides, and includes a dwelling or a dwelling unit that is rented, leased, or owned.

SEC. 4. Section 1597.30 of the Health and Safety Code is amended to read:

1597.30. The Legislature finds and declares all of the following:

- (a) The Legislature has a responsibility to ensure the health and safety of children in family homes that provide daycare.
- (b) There is an extreme shortage of regulated family daycare homes in California, and the number has decreased significantly since 2008.
- (c) There continues to be a growing need for child daycare facilities due to the increased number of working parents. Parents need childcare so they can work and attend school, and so their children can thrive.
- (d) Many parents prefer childcare located in their neighborhoods in family homes.
- (e) There should be a variety of childcare settings, including regulated family daycare homes, as suitable choices for parents.

(f) The licensing program to be operated by the state should be cost effective, streamlined, and simple to administer in order to ensure adequate care for children placed in family daycare homes, while not placing undue burdens on the providers.

(g) The state should maintain an efficient program of regulating family daycare homes that ensures the provision of adequate protection, supervision, and guidance to children in their homes.

(h) The state has a responsibility to promote the development and expansion of regulated family daycare homes to care for children in residential settings.

SEC. 5. Section 1597.40 of the Health and Safety Code is repealed.

SEC. 6. Section 1597.40 is added to the Health and Safety Code, to read:

1597.40. (a) It is the intent of the Legislature that family daycare homes for children should be situated in normal residential surroundings so as to give children the home environment that is conducive to healthy and safe development. It is the public policy of this state to provide children in a family daycare home the same home environment as provided in a traditional home setting.

(b) The Legislature declares this policy to be of statewide concern with the purpose of occupying the field. This act, the state building code, and the fire code, and regulations promulgated pursuant to those provisions, shall preempt local laws, regulations, and rules governing the use and occupancy of family daycare homes. Local laws, regulations, or rules shall not directly or indirectly prohibit or restrict the use of a facility as a family daycare home, including, but not limited to, precluding the operation of a family daycare home.

SEC. 7. Section 1597.41 is added to the Health and Safety Code, to read:

1597.41. (a) Every provision in a written instrument relating to real property that purports to restrict the conveyance, encumbrance, leasing, or mortgaging of the real property for use or occupancy as a family daycare home is void, and every restriction in that written instrument as to the use or occupancy of the property as a family daycare home is void.

(b) An attempt to deny, restrict, or encumber the conveyance, leasing, or mortgaging of real property for use or occupancy as a family daycare home is void. A restriction related to the use or occupancy of the property as a family daycare home is void. A property owner or manager shall not refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential use to a person because that person is a family daycare provider.

(c) Except as provided in subdivision (d), a restriction, whether by way of covenant, contract, condition upon use or occupancy, or by transfer of title to real property, that restricts directly or indirectly limits the acquisition, use, or occupancy of a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered

multifamily dwelling in which the underlying zoning allows for residential use as a family daycare home is void.

(d) (1) A prospective family daycare home provider who resides in a rental property shall provide 30 days' written notice to the landlord or owner of the rental property prior to the commencement of operation of the family daycare home.

(2) A family daycare home provider who has relocated an existing licensed family daycare home program to a rental property on or after January 1, 1997, may provide less than 30 days' written notice when the department approves the operation of the new location of the family daycare home in less than 30 days, or the home is licensed in less than 30 days, so that service to the children served in the former location not be interrupted.

(3) A family daycare home provider in operation on rental or leased property as of January 1, 1997, shall notify the landlord or property owner in writing at the time of the annual license fee renewal, or by March 31, 1997, whichever occurs later.

(4) Notwithstanding any other law, upon commencement of, or knowledge of, the operation of a family daycare home on an individual's property, the landlord or property owner may require the family daycare home provider to pay an increased security deposit for operation of the family daycare home. The increase in deposit may be required notwithstanding that a lesser amount is required of tenants who do not operate family daycare homes. The total security deposit charged shall not exceed the maximum allowable under existing law.

(5) Section 1596.890 does not apply to this subdivision.

(e) During the license application process for a small or large family daycare home, the department shall notify the applicant that the remedies and procedures in Article 2 (commencing with Section 12980) of Chapter 7 of Part 2.8 of Division 3 of Title 2 of the Government Code relating to fair housing are available to family daycare home providers, family daycare home provider applicants, and individuals who claim that any of the protections provided by this section or Section 1597.40, 1597.42, 1597.43, 1597.45, 1597.455, or 1597.46 have been denied.

(f) For the purpose of this section, "restriction" means a restriction imposed orally, in writing, or by conduct and includes prohibition.

(g) This section does not alter the existing rights of landlords and tenants with respect to addressing and resolving issues related to noise, lease violations, nuisances, or conflicts between landlords and tenants.

SEC. 8. Section 1597.42 is added to the Health and Safety Code, to read:

1597.42. The use of a home as a family daycare home, operated under the standards of state law, in a residentially zoned area shall be considered a residential use of property for the purposes of all local ordinances, regulations, and rules, and shall not fundamentally alter the nature of the underlying residential use.

SEC. 9. Section 1597.45 of the Health and Safety Code is amended to read:

1597.45. (a) The use of a home as a small or large family daycare home shall be considered a residential use of property and a use by right for the purposes of all local ordinances, including, but not limited to, zoning ordinances.

(b) A local jurisdiction shall not impose a business license, fee, or tax for the privilege of operating a small or large family daycare home.

(c) Use of a home as a small or large family daycare home shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 (State Housing Law) or for purposes of local building codes.

(d) A small or large family daycare home shall not be subject to the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

(e) The provisions of this chapter do not preclude a city, county, or other local public entity from placing restrictions on building heights, setback, or lot dimensions of a family daycare home, as long as those restrictions are identical to those applied to all other residences with the same zoning designation as the family daycare home. This chapter does not preclude a local ordinance that deals with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity, as long as the local ordinance is identical to those applied to all other residences with the same zoning designation as the family daycare home. This chapter also does not prohibit or restrict the abatement of nuisances by a city, county, or city and county. However, the ordinance or nuisance abatement shall not distinguish family daycare homes from other homes with the same zoning designation, except as otherwise provided in this chapter.

(f) For purposes of this chapter, “small family daycare home or large family daycare home” includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the family daycare provider resides, and includes a dwelling or dwelling unit that is rented, leased, or owned.

SEC. 10. Section 1597.455 is added to the Health and Safety Code, to read:

1597.455. (a) A small family daycare home shall not be subject to Article 1 (commencing with Section 13100) or Article 2 (commencing with Section 13140) of Chapter 1 of Part 2 of Division 12, except that a small family daycare home shall contain a fire extinguisher and smoke detector device that meet standards established by the State Fire Marshal.

(b) A small family daycare home for children shall have one or more carbon monoxide detectors in the facility that meet the standards established in Chapter 8 (commencing with Section 13260) of Part 2 of Division 12. The department shall account for the presence of these detectors during inspections.

SEC. 11. Section 1597.46 of the Health and Safety Code is repealed.

SEC. 12. Section 1597.46 is added to the Health and Safety Code, to read:

1597.46. (a) A large family daycare home shall abide by all standards, in addition to the requirements of the State Uniform Building Standards Code, that are specifically designed to promote fire and life safety in large family daycare homes. The State Fire Marshal shall adopt separate building standards specifically relating to the subject of fire and life safety in family daycare homes, which shall be published in Title 24 of the California Code of Regulations. These standards shall apply uniformly throughout the state and shall include, but not be limited to, all of the following:

(1) The requirement that a large family daycare home contain a fire extinguisher or smoke detector device, or both, that meets childcare standards established by the State Fire Marshal.

(2) Specification as to the number of required exits from the home.

(3) Specification as to the floor or floors on which childcare may be provided and the number of required exits on each floor.

(b) A large family daycare home for children shall have one or more carbon monoxide detectors in the facility that meet the standards established in Chapter 8 (commencing with Section 13260) of Part 2 of Division 12. The department shall account for the presence of these detectors during inspections.

(c) Enforcement of this section shall be in accordance with Sections 13145 and 13146. A city, county, city and county, or district shall not adopt or enforce a building ordinance or local rule or regulation relating to the subject of fire and life safety in large family daycare homes that is inconsistent with those standards adopted by the State Fire Marshal, except to the extent the building ordinance or local rule or regulation applies to all residences with the same zoning designation in which childcare is provided.

SEC. 13. Section 1597.47 of the Health and Safety Code is repealed.

SEC. 14. Section 1597.54 of the Health and Safety Code is amended to read:

1597.54. (a) All family daycare homes for children, shall apply for a license under this chapter, except that any home that, on June 28, 1981, had a valid and unexpired license to operate as a family daycare home for children under other provisions of law shall be deemed to have a license under this chapter for the unexpired term of the license, at which time a new license may be issued upon fulfilling the requirements of this chapter.

(b) An applicant for licensure as a family daycare home for children shall file with the department, pursuant to its regulations, an application on forms furnished by the department, which shall include, but not be limited to, all of the following:

(1) A brief statement confirming that the applicant is financially secure to operate a family daycare home for children. The department shall not require any other specific or detailed financial disclosure.

(2) (A) Evidence that the small family daycare home contains a fire extinguisher or smoke detector device, or both, that meets standards established by the State Fire Marshal under Section 1597.455, or evidence

that the large family daycare home meets the standards established by the State Fire Marshal under subdivision (a) of Section 1597.46.

(B) Evidence satisfactory to the department that there is a fire escape and disaster plan for the facility and that fire drills and disaster drills will be conducted at least once every six months. The documentation of these drills shall be maintained at the facility on a form prepared by the department and shall include the date and time of the drills.

(3) The fingerprints of any applicant of a family daycare home license, and any other adult, as required under subdivision (b) of Section 1596.871.

(4) Evidence of a current tuberculosis clearance, as defined in regulations that the department shall adopt, for any adult in the home during the time that children are under care. This requirement may be satisfied by a current certificate, as defined in subdivision (f) of Section 121525, that indicates freedom from infectious tuberculosis as set forth in Section 121525.

(5) Commencing September 1, 2016, evidence of current immunity or exemption from immunity, as described in Section 1597.622, for the applicant and any other person who provides care and supervision to the children.

(6) Evidence satisfactory to the department of the ability of the applicant to comply with this chapter and Chapter 3.4 (commencing with Section 1596.70) and the regulations adopted pursuant to those chapters.

(7) Evidence satisfactory to the department that the applicant and all other persons residing in the home are of reputable and responsible character. The evidence shall include, but not be limited to, a criminal record clearance pursuant to Section 1596.871, employment history, and character references.

(8) Other information as required by the department for the proper administration and enforcement of the act.

(c) Failure of the applicant to cooperate with the licensing agency in the completion of the application shall result in the denial of the application. Failure to cooperate means that the information described in this section and in regulations of the department has not been provided, or not provided in the form requested by the licensing agency, or both.

SEC. 15. Section 1597.543 of the Health and Safety Code is repealed.

SEC. 16. Section 1597.543 is added to the Health and Safety Code, to read:

1597.543. (a) The State Fire Marshal shall update the building and fire standards necessary to implement the sections of this chapter relating to life and fire safety, including, but not limited to, Sections 1597.455 and 1597.46, and shall publish the updates in the California Code of Regulations (CCR) in the next Title 19 and Title 24 CCR adoption cycle.

(b) Prior to the publication of the updates required by subdivision (a), but not later than January 1, 2021, the State Fire Marshal shall issue guidance on implementing the sections listed in subdivision (a).

(c) The State Fire Marshal shall update the regulations at least every three years to conform to changes in this chapter. The State Fire Marshal

may issue guidance on implementing this chapter annually in the years in which the regulations are not updated in Title 19 and Title 24 of the CCR.

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