



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

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

www.townofparadise.com

Planning Commission Staff:

Craig Baker, Community Development Director
Susan Hartman, CDD Manager/Assistant Planner

Planning Commission Members:

Stephanie Neumann, Chair
Anita Towslee, Vice Chair
James Clarkson, Commissioner
Ray Groom, Commissioner
Kim Morris, Commissioner

PLANNING COMMISSION AGENDA

6:00 PM – August 21, 2018

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact Community Development Director Baker, at 872-6291 at least 48 hours in advance of the meeting. Hearing assistance devices for the hearing impaired are available from the Presiding Clerk. Members of the public may address the Planning Commission on any agenda item. If you wish to address the Planning Commission on any matter on the Agenda, it is requested that you complete a "Request to Address Council/Commission" card and give it to the Presiding Clerk prior to the beginning of the Council Meeting. All writings or documents which are related to any item on an open session agenda and which are distributed to a majority of the Planning Commission within 72 hours of a Regular Meeting will be available for public inspection at the Town Hall in the Town Clerk or Community Development Services Department located at 5555 Skyway at the time the subject writing or document is distributed to a majority of the subject body. Regular business hours are Monday through Thursday from 8:00 a.m. to 5:00 p.m.

CALL TO ORDER

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

ROLL CALL

1. APPROVAL OF MINUTES

1a. Approve the Regular Meeting Minutes of June 19, 2018

2. APPOINTMENT OF PLANNING COMMISSION CHAIR AND VICE CHAIR FOR THE 2018/19 FISCAL YEAR.

- 2a. Appointment of Chair (Secretary presiding)
- 2b. Appointment of Vice Chair (Appointed Chair presiding)

3. COMMUNICATION

- 3a. Recent Council Actions
- 3b. Staff Comments

4. 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."

5. CONTINUED PUBLIC HEARING – None.

6. PUBLIC HEARING

6a. Item determined to be exempt from environmental review:

SONNTAG GENERAL PLAN AMENDMENT/REZONE APPLICATION (PL18-00151): Planning Commission consideration of a resolution recommending Town Council approval of an amendment to the Town of Paradise General Plan land use designation affecting a ± 0.36 acre portion of a ± 5.31 acre property from Agricultural Residential (AR) to Town Residential (TR) and change the zoning for the same area from Agricultural Residential-1 Acre Minimum (AR-1) to Town Residential-1/3 acre Minimum (TR-1/3) to accommodate a concurrent lot line adjustment which will make an existing non-conforming property improvement compliant with town zoning regulations. No additional development is proposed. The project site is located at 0 Merrill Road, the last parcel on Merrill Road located within the eastern town limit; Assessor Parcel No. 050-260-015. After the public hearing, Adopt Planning Commission Resolution No. 18-2, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of a Paradise General Plan Land Use Map Amendment and Rezoning of Certain Real Property Within the Town of Paradise (Walter Sonntag: PL18-00151)." (Roll Call Vote)

7. OTHER BUSINESS

- 7a. Consider adopting a motion recommending Town Council approval of a development agreement granting a density bonus for a proposed 56-unit senior housing development project located at 926 Buschmann Road. The property is currently vacant. The development agreement will be between the Harding Revocable Inter Vivos Trust and the Town of Paradise. (Roll Call Vote)
- 7b. Appointment of two Planning Commission Representatives to serve upon the Town of Paradise Landscape Committee (appeal body) during the FY 2018-19 (Requirement of PMC Chapter 15.36).

8. COMMITTEE ACTIVITIES

9. COMMISSION MEMBERS

- 9a. Identification of future agenda items (All Commissioners/Staff)

10. ADJOURNMENT

STATE OF CALIFORNIA)	SS.
COUNTY OF BUTTE)	
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:	
<hr/>	
TOWN/ASSISTANT TOWN CLERK SIGNATURE	



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

June 19, 2018

6:00 PM

CALL TO ORDER by Chair Neumann at 6 p.m. who led the Pledge of Allegiance to the Flag of the United States of America.

PLANNING COMMISSIONERS PRESENT: James Clarkson, Ray Groom, Kim Morris and Stephanie Neumann.

PLANNING COMMISSIONERS ABSENT: Anita Towslee

1. APPROVAL OF MINUTES

- 1a. **MOTION by Morris, seconded by Clarkson**, approved the Regular Meeting Minutes of May 15, 2018. Roll call vote was unanimous with Commissioner Towslee absent and not voting.

2. COMMUNICATION

- a. Recent Council Actions
- b. Staff Comments - None

3. PUBLIC COMMUNICATION - None

4. CONTINUED PUBLIC HEARING - None

5. PUBLIC HEARING

5a. Item determined to be exempt from environmental review:

JEROME BALASEK GENERAL PLAN AMENDMENT/REZONE APPLICATION (PL 18-00093) Planning Commission consideration of a resolution recommending Town Council approval of a General Plan amendment (RR to TR) and rezone application (RR-1 to TR-1/2) to accommodate a lot line adjustment, establish common zoning on both sides of the road and make three adjoining parcels conforming in terms of lot size. No physical development, land division or increase in residential density is proposed or envisioned. The project site properties are located at 6635 and 6639 View Acres Drive; 797 Wagstaff Road and are further identified as Assessor Parcel Nos. 051-050-074, 075 & 076.

Community Development Director Baker provided an overview of the Balasek General Plan Amendment/Rezone Application.

Chair Neumann opened the public hearing at 6:05 p.m.

There were no speakers for or against the project.

Chair Neumann closed the public hearing at 6:05 p.m.

MOTION by Neumann, seconded by Morris, to adopt Planning Commission Resolution No. 18-1, “A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of a Paradise General Plan Land Use Map Amendment and Rezoning of Certain Real Property within the Town of Paradise (Jerome Balasek; PL18-00093).” Roll call vote was unanimous with Commissioner Towslee absent and not voting.

Community Development Director Baker announced that an appeal of the Planning Commission’s decision can be made within seven (7) days of the decision date.

5b. Item for which a proposed mitigated negative declaration document regarding environmental impacts is proposed to be adopted

WOODVIEW RETIREMENT COTTAGES ADMINISTRATIVE PERMIT (PL17-00272) & TREE FELLING APPLICATIONS (PL18-00028) The project proponent is requesting Town of Paradise approval of an administrative permit application, and associated tree felling, proposing the establishment of fifty-six (56), 1-bedroom senior housing units, ranging in size from 420-540 sq ft., on a ±3.3 acre property zoned Multiple Family Residential (MF) and located at 926 Buschmann Road, further identified as Assessor Parcel No. 054-090-075.

CDD Manager/Assistant Planner Hartman provided an overview of the project which establishes up to 56 one-bedroom senior housing units ranging in size from 420-540 sq. ft., as well as a tree felling permit to fell up to 106 qualified trees to accommodate all the construction. Ms. Hartman stated that the project requires an Administrative Permit which is ministerial and the tree hearing is a noticed public hearing.

Chair Neumann opened the public hearing at 6:12 p.m.

1. Michael Utley, property owner on Dudley Lane, is concerned with and inquired about the required setbacks, logging of trees and which trees will be removed, the type of septic system that will be used for the project and if the project was single story.

Assistant Planner Hartman explained that setbacks are 5 ft. for construction in the Multi Family Zone, 50’ set back from the center of Buschmann Road and 30’ from center lane of private roads, the trees that are being removed are marked and the septic will be an engineered system with a 5ft. setback.

2. Jane Balsiger, property owner on Dudley Lane, asked if there were any guidelines as to how the site was selected, asked if it made sense to have 56 new residents living across from the school, understands the need for senior housing, wanted to state her concerns as a citizen and thinks it’s abstract for the area.

Assistant Planner Hartman explained that the zoning was already established as Multi-Family and since the development is for a senior housing development the state allows for a density bonus which provides 20% more units per acre. The developer will be entering into a density bonus agreement with the Town in order to qualify for the density bonus.

Mr. Baker stated that the project meets all of the development standards in the multi-family zone and is subject only to an administrative permit meaning there is no requirement for a public hearing.

for a public hearing, but he, as the Planning Director, had the authority to move it up to the Planning Commission to treat it more like a public hearing, but the project is committed to the existing standards established by the Town. Mr. Baker stated that the project is subject to design review, is low profile, not multiple stories, is an attractive design that is available for public review. Mr. Baker also stated there will be fewer drivers associated with this project and that one of the mitigations measures will be fog lines on Buschmann Road as a traffic calming measure.

3. Kristen Coppedge, property owner on Dudley Lane, asked if the 60 year old oak trees on Dudley lane were going to be cut down.

Chair Neumann stated that questions from citizens/neighbors would be asked of the developer.

4. Steve Rath, lives on Dudley Lane, stated he is new to the area, thinks changing the property is a negative for the area; there are lots of senior places to live around Paradise; Single Family homes would be more desirable for the area; thinks that there will be traffic issues with that many rentals in the area; confirmed access would be off of Buschmann Road and asked if it was low income housing. (The development is for senior housing.)

Mr. Baker stated the Town Engineer estimated traffic would increase by 7%, which was determined not to be significant and fog lines on Buschmann were included as a mitigation measure for traffic calming measures.

5. Jim Harding, project applicant, provided answers to the questions asked by the neighbors. Mr. Harding stated the trees are being taken out due to ADA issues, water flow/storm water drainage and the trees on Dudley would remain because it is private property and not on his parcel of land. They will be keeping as many trees as they possibly can. Mr. Harding stated that he has an application for a tree felling permit with the Town of Paradise and also needed to apply for a Timber Harvest Plan with the State and no ribbons were placed on the trees to identify if they were being felled.

Mr. Harding informed the citizens/neighbors he has a number of properties in town and the last one he built at 4911 Skyway is a 24 unit apartment complex which houses approximately 80% retirees with no age restriction. He stated there is a large need for lower income senior housing, parking is one car per door/unit and he has given strong instructions to the workers to stay off Dudley Lane because it is a private road.

Ms. Hartman stated the Town recently changed parking requirement to 1.2 spaces per unit and Mr. Harding's project will have 72 spaces provided.

Chair Neumann closed the public hearing at 6:40 p.m.

Chair Neumann confirmed that all the concerns/questions raised regarding the project had been answered by the applicant.

MOTION by Groom, seconded by Morris, to adopt the findings as provided by staff and approve the Woodview Retirement Cottages administrative permit (PL17-00272) and tree felling permit (PL18-00028) applications subject to the following listed conditions and mitigations. Roll call vote was unanimous with Commissioner Towslee absent and not voting.

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

ROADS & ACCESS

1. Obtain an encroachment permit, to include an Engineer's Estimate, for driveway improvements and the installation of thermoplastic 4" roadway edge lines located within the Buschmann Road right-of-way between Foster Road and Clark Road.

DRAINAGE & GRADING

2. 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.
3. The project developer shall submit engineered grading plans in compliance with Paradise Municipal Code Appendix J standards and secure Town issuance of a grading permit. Pay applicable grading permit fees per current fee schedule.
4. Provide evidence of submittal of a Notice of Intent (NOI) to the State Regional Water Quality Control Board and provide the Town with a copy of the approved project storm water pollution prevention plan (SWPPP) **PRIOR** to initiation of grading activities.
5. 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. Pay applicable erosion control plan review fees per current fee schedule.
6. Submit a detailed dust emissions control plan to the Town Public Works Department for approval **PRIOR** to the start of any earthwork.

FIRE PROTECTION

7. Establish and maintain compliance with all applicable requirements of the Town Building Official/Fire Marshal in accordance with the written comments dated November 18, 2017 for the Woodview Retirement Cottages administrative permit application (copy on file with the Town Development Services Department).

SANITATION

8. Complete the requirements of the Onsite Sanitary Official concerning application, final system design, and issuance of permit approvals for installation of a sewage treatment and disposal system to serve all proposed facilities.

SITE DEVELOPMENT

9. Project developer shall execute a recorded development agreement with the Town of Paradise in accordance with the procedures and requirements of Paradise Municipal Code Chapter 17.44 (*Affordable Housing Incentives/Residential Density Bonus*) and California Government Code Section 65915 authorizing a residential density of up to 17 dwelling units per acre with the establishment of senior housing.
10. Secure Design Review approval for the proposed building façades and any proposed signage.

11. Submit construction documents and meet the requirements of the Town Building Official/Fire Marshal regarding building permits and all applicable town-adopted construction code regulations including a separate accessibility site plan that is reviewed and approved by a State of California Certified Access Specialist **PRIOR TO** submission to the Town of Paradise.
12. Submit three (3) copies of a detailed engineered on-site development and improvement plan, 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 final parking facility design 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. Construction and drainage improvement plans must be approved **PRIOR TO CONSTRUCTION** or installation of the required facilities.

WATER

13. Meet all requirements of the Paradise Irrigation District (PID) in accordance with written project review comments received from PID staff dated November 17, 2017 and any revisions thereto on file with the Town Development Services Department.

CONDITIONS TO BE MET PRIOR TO FINAL BUILDING INSPECTION AND CERTIFICATE(S) OF OCCUPANCY

ROADS & ACCESS

14. Construct and install required driveway improvements, roadway edge lines, and any other work in the Town right-of-way to the satisfaction of the Town Engineer. **(mitigation)**

SANITATION

15. Meet the requirements of the Town Onsite Sanitary Official regarding inspection and approval for the construction and final design of the onsite sewage disposal system.

SITE DEVELOPMENT

16. Construct all necessary site, drainage, access, and other facilities improvements as required by the Town Engineer. All construction shall be in conformance with generally acceptable engineering and construction practices.
17. 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 for the project have been formally approved by the Town of Paradise and landscape materials have been installed (or bonded to guarantee installation).
18. The required landscape plan for the proposed Woodview Retirement Cottages project shall include provisions for the planting of all required replacement trees on-site and within each landscape

particularly in areas adjacent to residential land uses and in areas plainly visible from Buschmann Road. Tree plantings shall be selected and ultimately approved by the Town for inclusion within the landscape plan primarily based upon their ability to provide summer shade for the project site. Smaller ornamental tree species (i.e. dogwood, crepe myrtle) shall not be considered suitable for purposes of replacing native trees on site. Any replacement trees that cannot be accommodated in the landscape plan must be certified by a tree expert as unable to be replaced on-site and the permittee shall pay an in-lieu fee as identified in the master fee schedule. **(mitigation)**

19. No heavy equipment shall be operated or stored within the drip line of any tree that is not planned for felling and removal. **(mitigation)**
20. Open areas of the project's approved landscape plan shall be planted with native California plants indigenous to the Cascade and northern Sierra Nevada regions. **(mitigation)**
21. Meet the requirements of all other utility providers regarding the extension or relocation of utility service lines and the establishment of any necessary on-site utility easements.
22. Meet the requirements of Northern Recycling and Waste Systems (NRWS) regarding the design and function of the solid waste/recycling enclosure and provide evidence thereof to Town Development Services Department (building safety services division) staff.

FIRE PROTECTION

23. Complete all applicable project requirements of the Town Building Official/Fire Marshal review comments/conditions dated November 18, 2017 on file with the Town Development Services Department.

OTHER

24. If any archaeological resources are uncovered during project construction activities, all work shall stop in the area of the find until a qualified archaeologist provides an appropriate evaluation of the discovery. **(mitigation)**

CONDITIONS TO BE MET PRIOR TO ISSUANCE OF TREE FELLING PERMIT

25. Secure the issuance of a Town approved tree-felling permit prior to felling any qualified trees and pay the adopted permit fee.
26. Secure official Town Engineer approval of detailed and engineered project civil improvement plans (including drainage plans), issuance of an onsite sewage disposal construction permit, and submit building construction plans for the Woodview Retirement Cottages development project.
27. Submit and secure Town Planning Director review and approval of a professionally produced "Tree Protection Plan" for the proposed project that provides for existing tree protection measures (fencing, etc.) prior to the commencement of ground disturbance site work (grading, etc.) for the project. Pay applicable review fees per current fee schedule.

28. All qualifying trees proposed to be retained on the site as replacement trees shall be protecting during construction activities in a manner consistent with the Town of Paradise Suggested Practices for Protection of Trees on Commercial, Quasi-Public, and Multi-Family Residential Construction Sites.
29. A certified arborist shall be engaged by the project applicant to oversee the employment of tree protection measures during all related project site improvements that have the potential to effect trees to be retained.
30. The approval action of this tree felling permit application shall only be valid and in effect for three (3) years past its conditional approval date.

Community Development Director Baker announced that an appeal of the Planning Commission's decision can be made within seven (7) days of the decision date for the Administrative Permit (PL17-00272).

Community Development Director Baker announced that an appeal of the Planning Commission's decision can be made within seven (7) days of the decision date for the Tree Felling Permit (PL18-00028).

6. OTHER BUSINESS - None

7. COMMITTEE ACTIVITIES - None

8. COMMISSION MEMBERS

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

Mr. Baker informed the Planning Commissioners about the following projects: Safeway Black Olive Village project, Lynn's Optimo, Gleason Parcel Map, Jack in the Box Remodel, Balasek General Plan Amendment/Rezone, Party in the Park has started, Hudson's Appliance Storage Expansion, Noise Variance Hearing, and Gold Seekers Revocation Public Hearing.

9. ADJOURNMENT

Chair Neumann adjourned the meeting at 6:57 p.m.

Date Approved:

By:_____

Chair Neumann

Attest:

Dina Volenski, CMC, Town Clerk

**TOWN OF PARADISE PLANNING COMMISSION
PLANNING STAFF REPORT
MEETING DATE: August 21, 2018**

FROM: Susan Hartman, CDD Manager/Assistant Planner **AGENDA NO.** 6(a)
SUBJECT: Sonntag General Plan Amendment and Property Rezone Application (PL18-00151)
DATE: August 15, 2018 **APNs** 050-260-015

GENERAL INFORMATION:

Applicant: Walter Sonntag
6674 Shay Ln
Paradise, CA 95969

Location: 0 Merrill Lane (directly behind 6674 & 6672 Shay Ln)

Requested Action: Approval of a General Plan amendment (AR to TR) and rezone application (AR-1 to TR-1/3) to accommodate a lot line adjustment, the recording of which is a condition of approval for a previously approved tentative subdivision map. No physical development, land division or increase in residential density is proposed or envisioned.

Purpose: To facilitate a minor lot line adjustment

Project Density: N/A

Present Zoning: Agricultural Residential, 1 acre minimum (AR-1)

General Plan Designation: Agricultural Residential (AR)

Existing Land Use: Single-family residential

Surrounding Land Use: North: Vacant land
East: Vacant land
South: Low density residential (Butte County)
West: Medium density residential (Shay Lane)

Affected land area: +/-0.36 acres

Environmental Determination: Exempt pursuant to CEQA Guidelines section 15061 (general rule exemption)

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.

SPECIAL INFORMATION:

Project applicant Walter Sonntag is seeking Town of Paradise approval of a Paradise General Plan land use designation amendment from Agricultural Residential (AR) to Town Residential (TR) and a zone change from Agricultural Residential-1 acre minimum (AR-1) to Town Residential-1/3 acre minimum (TR-1/3) for a ± 0.36 ac portion of a ± 5.31 ac property which abuts residential properties along Shay Lane. The general plan amendment/rezone would facilitate a lot line adjustment, the primary purpose of which is to correct a non-conforming use situation whereby the landowner had previously installed an in-ground pool, prior to the Town's incorporation, which crosses property lines between two adjoining parcels he owns. There is no additional physical development proposed or anticipated that is associated with the General Plan land use designation amendment and zone change request.

ANALYSIS:

Surrounding land use is characterized by medium density single-family residential to the west and vacant and/or low density to the north, east, and south. The property, in its ± 5.31 acre entirety, is one of two parcels totaling 11.5 acres that comprise the Town-approved Sonntag Vesting Tentative Subdivision Map which proposes to create 7 lots of record subject to 41 conditions of approval. The lot line adjustment and general plan amendment/rezone applications to rectify the existing non-conforming use, which were filed concurrently, will satisfy 2 of the 41 conditions of the tentative map approval. The rest of the parcel, outside the boundaries of the lot line adjustment, will remain Agricultural Residential-1 acre minimum zoning.

Attached with this staff report for your review and consideration is a copy of the application form and other application materials that were filed with the Town of Paradise by Mr. Sonntag. The proposed lot line adjustment was reviewed and tentatively approved by the Town Engineer on August 6, 2018, pending approval of the general plan amendment/rezone, while the general plan amendment/rezone was reviewed by town staff and other agencies as part of the original subdivision map that was tentatively approved in 2008 which revealed no concerns associated with the General Plan land use designation amendment and zone change request for the delineated portion of the project site.

The proposed project application has been evaluated in accordance with the requirements of the California Environmental Quality Act (CEQA) and was determined to belong to a class of projects that are exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA section 15061 (General Rule Exemption). This exemption applies to the project application because there is no physical development proposed and, therefore, no possibility of any significantly adverse environmental impacts upon the existing environmental setting

This matter has been scheduled for a public hearing before the Planning Commission during its August 21, 2018 meeting. The public hearing notice has been published in the local newspaper and copies of the public hearing have been mailed to owners of properties located within 300 feet of the project site.

ANALYSIS CONCLUSION

Based upon staff's review of the project site and its environmental setting, property files for the

site and applicable Paradise Municipal Code provisions, it appears that the proposed project application is free from any land use compatibility or environmental issues.

Given the circumstances outlined above, Town staff is supportive of the Planning Commission endorsing the proposed project application and adopting a formal recommendation to the Town Council for approval of a Paradise General Plan land use map designation amendment and zone change for the affected properties. Therefore, attached with this staff report for your consideration and recommended adoption is a proposed **Planning Commission Resolution No. 18-2** and its related Exhibit "A".

PLANNING COMMISSION ACTION REQUESTED: Upon conclusion of the scheduled public hearing, adopt a motion to:

1. Adopt Planning Commission Resolution No. 18-2, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of a Paradise General Plan Land Use Map Amendment and Rezoning of Certain Real Property Within the Town of Paradise (Walter Sonntag: PL18-00151)."

Attachments

**ATTACHMENTS FOR
PLANNING COMMISSION AGENDA NO. 6(a)**

1. Project vicinity map.
2. Notice sent to surrounding property owners and the Paradise Post for the August 21, 2018 public hearing regarding the Sonntag project application.
3. Mailing list of property owners and agencies notified of the public hearing regarding the Sonntag project.
4. Notice of Exemption prepared for the Sonntag project.
5. Town of Paradise Resolution No.18-2 "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of a Paradise General Plan Land Use Map Amendment and Rezoning of Certain Real Property Within the Town of Paradise (Walter Sonntag; PL18-00151)."
6. General Plan amendment/property rezone application submitted by project applicant Walter Sonntag on July 9, 2018.

NOTICE OF PUBLIC HEARING: PARADISE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN by the Planning Commission that a public hearing will be held on Tuesday, August 21, 2018 at 6:00 p.m. in the Town Hall Council Chambers, 5555 Skyway, Paradise, California, regarding the following matter:

a. Item determined to be exempt from environmental review

WALTER SONNTAG GENERAL PLAN AMENDMENT/REZONE APPLICATION (PL18-00151):

Planning Commission consideration of a resolution recommending Town Council approval of an amendment to the Town of Paradise General Plan land use designation affecting a ± 0.36 acre portion of a ± 5.31 acre property from Agricultural Residential (AR) to Town Residential (TR) and change the zoning for the same area from Agricultural Residential-1 Acre Minimum (AR-1) to Town Residential-1/3 acre Minimum (TR-1/3) to accommodate a concurrent lot line adjustment which will make an existing non-conforming property improvement compliant with town zoning regulations. No physical development is proposed. The project site is located at 0 Merrill Road, the last parcel on Merrill Road located within the eastern town limit; Assessor Parcel No. 050-260-015.

The project file is available for public inspection at the Town of Paradise Development Services Department. If you challenge this matter 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 contact the Community Development Department, Town Hall, 5555 Skyway, Paradise, CA (530) 872-6291, extension 111.

CRAIG BAKER, Planning Director

SONNTAG

050-260-015-000
SONNTAG FAMILY LIVING TRUST
SONNTAG WALTER M & DIANE RICHARDS TRS
6674 SHAY LN
PARADISE CA 95969

050-230-022-000
COOK DONALD E & DEBORAH K
6676 SHAY LN
PARADISE CA 95969

050-230-024-000
CHRISTENSEN RUTH ANN
6680 SHAY LN
PARADISE CA 95969

050-370-002-000
LONG MARY L ETAL
BAKER SUSAN E LIVING TRUST
6015 SOUTH VIRGINIA ST E 474
RENO NV 89502

050-260-017-000
GAYLORD WILLIAM DAVID JR
PO BOX 2221
PARADISE CA 95967

050-230-018-000
GORMAN DALE G & CHRISTINE M
6675 SHAY LN
PARADISE CA 95969

050-260-007-000
BAKER LIVING TRUST
C/O BAKER MARLYN JENVEY TRUSTEE
1955 STARK LN
PARADISE CA 95969

050-260-014-000
SONNTAG FAMILY LIVING TRUST
SONNTAG WALTER M & DIANE RICHARDS TRS
6674 SHAY LN
PARADISE CA 95969

050-230-019-000
LEE THOMAS MARK & MARGARET ANNA
REV TRUST
C/O LEE THOMAS M & MARGARET A TRUSTEES
6673 SHAY LN
PARADISE CA 95969

050-230-015-000
GREEN CHARLES D & CAROL A
6681 SHAY LN
PARADISE CA 95969

050-230-023-000
PHILLIPS PHILIP L & JOANNE M
6678 SHAY LN
PARADISE CA 95969

050-230-017-000
ELLSMORE PHILIP & SANDRA
6677 SHAY LN
PARADISE CA 95969

050-230-020-000
SPEERS TOMMIE T & JANICE M
6672 SHAY LN
PARADISE CA 95969

050-370-005-000
CHASEN-BREWER FAMILY TRUST
C/O CHASEN DORIS TRUSTEE
65 BARCELONA
RANCHO MIRAGE CA 92270

050-260-018-000
GAYLORD WILLIAM D & ANDREA L JT
C/O WILLIAMS ANDREW E & WINIFRED
2015 MERRILL RD
PARADISE CA 95969

050-230-025-000
HASTINGS VICTORIA LEE
6682 SHAY LN
PARADISE CA 95969

050-370-006-000
SHEPLER DAVID J & WASHBURN
MELISSA M
6667 SHAY LN
PARADISE CA 95969

050-230-016-000
TORLEY NANCY L
6679 SHAY LN
PARADISE CA 95969

050-230-021-000
SONNTAG FAMILY LIVING TRUST
C/O SONNTAG WALTER M & DIANE
RICHARDS TRS
6674 SHAY LN
PARADISE CA 95969
050-370-001-000
SMITH LESTER & LINDA
7905 CASTILIAN RD
DUBLIN CA 94568

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 Ridge Chamber of
Commerce
5550 Skyway
Paradise, CA 95969

Paradise Board of Realtors
6178 Center Street
Paradise, CA 95969

Paradise Downtown Business Ass.
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

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Butte

From: (Public Agency): Town of Paradise

5555 Skyway

Paradise, CA 95969

(Address)

Project Title: Sonntag General Plan Amendment and Property Rezone Request (PL18-00151)

Project Applicant: Walter Sonntag

Project Location - Specific:

Project Location - City: Paradise Project Location - County: Butte

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: Town of Paradise

Name of Person or Agency Carrying Out Project: Town of Paradise at the request of project applicant

Exempt Status: (check one):


- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☒ Statutory Exemptions. State code number: CEQA Guidelines section 15061 (General Rule Ex.)

Reasons why project is exempt:

Lead Agency
Contact Person: Craig Baker Area Code/Telephone/Extension: 530-872-6291 x11

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature:  Date: 08/07/2018 Title: CDD Director

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

**TOWN OF PARADISE
PLANNING COMMISSION**

RESOLUTION NO. 18-2

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION RECOMMENDING TOWN
COUNCIL ADOPTION OF A PARADISE GENERAL PLAN LAND USE MAP AMENDMENT
AND REZONING OF CERTAIN REAL PROPERTY WITHIN THE TOWN OF PARADISE
(WALTER SONNTAG; PL18-00151)**

WHEREAS, the Paradise Planning Commission has conducted a public hearing, pursuant to the California Planning and Zoning Law, concerning a proposed amendment to the Paradise General Plan and property rezone; and

WHEREAS, said public hearing also included review of potential environmental impacts, pursuant to the California Environmental Quality Act; and

WHEREAS, Sections 65353, 65354 and 65854 of the California Government Code require the Planning Commission to conduct a public hearing and notify the Town Council in writing of its recommendation; and

WHEREAS, the Planning Commission has considered the analysis and recommendation of the Community Development Department (planning division) and has considered the comments made at a public hearing conducted by the Planning Commission on August 21, 2018; and

WHEREAS, the Planning Commission has determined that an amendment to the Paradise General Plan Land Use Map for a Town Residential (TR) land use designation and its related zone change to a Town Residential – 1/3 Acre Minimum (TR-1/3) zoning district affecting property located at 0 Merrill Road and further identified as AP No. 050-260-015, as proposed, is in the public interest.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The Planning Commission of the Town of Paradise hereby finds:

- a. That the proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061 (General Rule Exemption).
- b. That the general plan land use designation and zoning district requested to be assigned to the project property via the general plan amendment/rezone project application (PL18-

RESOLUTION NO. 18-2

00151) is appropriate and reasonable because it would assign a Town Residential (TR) General Plan land use designation and Town Residential-1/3 Acre Minimum (TR-1/3) zoning to a portion of property thereby meeting objectives of the 1994 Paradise General Plan policies that are applicable to the elimination of non-conforming uses.

SECTION 2. The Planning Commission of the Town of Paradise hereby recommends to the Town Council approval of the project application for Paradise General Plan Land Use Map amendment and its related zone change known as the Walter Sonntag (PL18-00151) application for property identified as AP No. 050-260-015 as described in Exhibit "A" and shown in Exhibit "B" attached hereto and made a part hereof by reference.

PASSED AND ADOPTED by the Planning Commission of the Town of Paradise this 21st day of August, 2018, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

ATTEST:

Chair

Planning Secretary

EXHIBIT "A"
REZONE DESCRIPTION
(Sonntag)

All that certain real property situate in the Town of Paradise, County of Butte, State of California described as follows:

Being a portion of the southwest quarter of the northeast quarter of Section 7, Township 22 North, Range 4 East, Mount Diablo Meridian more particularly described as follows:

BEGINNING at the center one quarter corner of said Section 7 as shown on that certain map filed for record in the Office of the Butte County Recorder on February 10, 1994 in Book 133 of Maps, at Page 9, said point also being the southeast corner of Lot 13 as shown on that certain map entitled "Shay Acres Subdivision" filed for record in the Office of the Butte County Recorder on June 28, 1960 in Book 24 of Maps, at Page 47;

Thence, along the east line of said Lot 13 and Lot 14 as shown on said Book 24 of Maps, at Page 47, North 00°20'06" West, 218.13 feet to the northeast corner of said Lot 14:

Thence, leaving said east line, on an easterly extension of the north line of said Lot 14, North 89°14'02" East, 88.53 feet;

Thence, leaving said easterly extension, South 03°45'43" West, 115.11 feet to the beginning of a 20.00 foot radius curve, concave northwesterly;

Thence, Southwesterly, 17.45 feet along said curve, through a central angle of 49°59'26" to the beginning of a 50.00 foot radius reverse curve, concave southeasterly:

Thence, Southwesterly, 46.76 feet along said curve, through a central angle of 53°34'59";

Thence, South 00°10'44" West, 49.77 feet to the east-west centerline of said Section 7 as shown on said Book 133 of Maps, at Page 9;

Thence, along said east-west centerline, North 89°39'24" West, 50.97 feet to the point of beginning.

Containing 0.36 acres more or less.

The basis of bearings of the above described property is the east line of said Book 24 of Maps, at Page 47.



Mark R. Herrick
NorthStar
Mark R. Herrick, PLS 8323

Date: 8-8-2013

Line Table		
Line #	Length	Direction
L1	111.13	N00° 20' 06"W
L5	88.53	N89° 14' 02"E
L6	115.11	S03° 45' 43"W
L7	49.77	S00° 10' 44"W
L8	50.97	N89° 39' 24"W
L13	107.00	N00° 20' 06"W

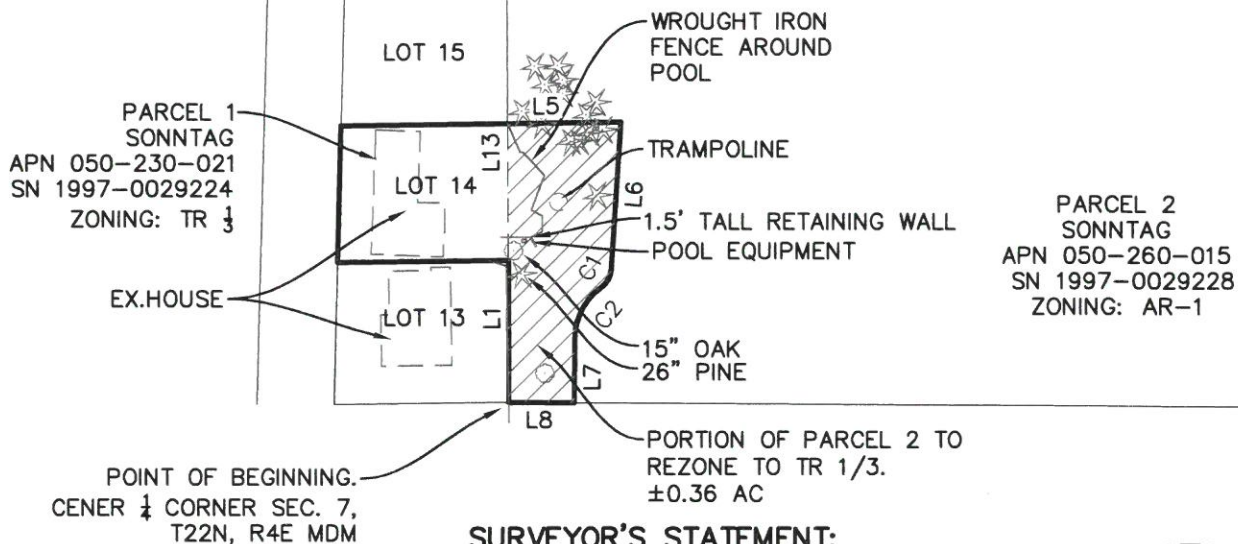
Curve Table			
Curve #	Length	Radius	Delta
C1	17.45	20.00	49°59'26"
C2	46.76	50.00	53°34'59"



SHAY LANE

NOTES:

1. THE BEARINGS AND DISTANCES SHOWN HEREON ARE BASED SOLELY UPON RECORD DATA AND DO NOT REPRESENT A BOUNDARY SURVEY OF THE PARCELS SHOWN. THE BASIS OF BEARINGS FOR THIS EXHIBIT IS THE EAST LINE OF LOT 14 AS SHOWN ON BOOK 24 OF MAPS, AT PAGE 47, THE BEARING OF SAID LINE BEING N00°20'06"W PER SAID MAP.



SURVEYOR'S STATEMENT:

THIS PLAT REPRESENTS A REZONE AS APPROVED BY THE TOWN OF PARADISE AND NO NEW PARCELS ARE CREATED.

Mark R. Herrick 8-8-2018
 MARK R. HERRICK, PLS 8323 DATE



PARCEL AREAS	EXISTING	NEW
050-230-021	±0.32 AC	±0.68 AC
050-260-015	±5.06 AC	±4.70 AC



111 MISSION RANCH BLVD. SUITE 100, CHICO, CA 95926
 PHONE: (530) 893-1600 www.northstareng.com

EXHIBIT B
REZONE APPLICATION FOR
WALTER AND DIANE SONNTAG
A PORTION OF THE SW ¼ OF THE NE ¼ OF
SECTION 7, T 22 N, R 4 E, M.D.M.
TOWN OF PARADISE, COUNTY OF BUTTE, CALIFORNIA

SCALE: 1" = 150'
 JOB NO.: 8161
 DATE: 06/07/2018
 DRAWN BY: MRH/FW
 CHECKED BY:
 SHEET NO.: 1 C 23

DEPARTMENT USE ONLY:

Receipt No. 33822

Fee 3618.80

Project No. 2118-00151

TOWN OF PARADISE

APPLICATION FOR GENERAL PLAN AMENDMENT/REZONING
(Including TEXT ONLY Amendments)

Applicant's Name Walter and Diane Sonntag Phone 530-877-1593
Applicant's Mailing Address 6674 Shay lane Paradise, CA 95969
Applicant's Interest in Property (Owner, Lessee*, Other*) Owner
Owner's Name Walter and Diane Sonntag Phone _____
Owner's Mailing Address 6674 Shay lane Paradise, CA 95969
Property Address 6674 Shay Lane Paradise, CA
Engineer (Name, Address) NorthStar (Mark Herrick) 111 Mission Ranch Blvd., Suite 100 Chico, CA 95926
AP Number(s) 050-260-015,050-230-021 Zone _____ Existing Use Residential

Check all that apply: 1. ☐ General Plan Amendment A. ☐ Map Change
2. ☐ Rezoning B. ☐ Text Change

(For MAP changes, complete entire application. For TEXT ONLY changes, attach a separate sheet detailing the requested change and your reason for the change.)

Present General Plan Designation AR Present Zoning AR-1
Requested General Plan Designation TR Requested Zoning TR 1/3

Location, dimensions and size of area(s) to be amended/rezoned: APN 021 lot size is 0.32 acres

APN 015 lot size is 5.31 acres

Is this application a part of a related development project (e.g., use permit, land division, etc.)? Yes, the project is part of TSM SD-05-2 and the rezone and related lot line adjustment are part of the Conditions of App

Applicant=s reasons for amendment/rezoning:(attach additional sheets if necessary) _____
To modify their residential lot and move the line such that the pool and improvements are all on one property
and zoned correctly.

FOR GENERAL PLAN MAP AMENDMENT: How would the amendment be of environmental, social and economic benefit to the Town? This will clean up and existing non-compliant residential lot.

[If additional information and remarks, attach supplemental sheet(s).]

*NOTE: If applicant is NOT the property owner, the owner=s signature or attached letter of authorization signed by owner MUST accompany this application.

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 Walter M. Sonntag Date 7/9/01
Property Owner Signature _____ Date _____
(If applicable)



MEMORANDUM

Agenda Item: 7(a)

TO: Paradise Planning Commission

FROM: Susan Hartman, CDD Manager/Assistant Planner

SUBJECT: Consider Adopting a Motion Recommending Town Council Approval of a Development Agreement Granting a Density Bonus for a Proposed Senior Housing Development Project

DATE: August 13, 2018

BACKGROUND:

Paradise Municipal Code Chapter 17.44 and California Government Code section 65915 contain provisions for granting an increase in residential density limitations for multiple family projects when a developer constructs a senior housing development containing at least 35 dwelling units for residents 55 years of age or older. Pursuant to these code sections, the Town of Paradise received a residential density bonus application from Mr. Jim Harding Jr. for property located at 926 Buschmann Road. Mr. Harding's application proposes to develop the currently vacant ± 3.3 acre property into fifty-six (56) senior housing units for which an Administrative Permit authorizing the establishment of multi-family housing was approved by the Planning Commission on June 19, 2018 after evaluating the impacts of the full build out of 56 units. In accordance with the proposed terms of the attached development agreement drafted by Town Attorney Dwight Moore, Mr. Harding would be required to designate the apartment units as "senior citizen housing" for an initial period of not less than thirty years. These units would be reserved for residents 55 years of age or older as well as "qualified permanent residents" as defined in Civil Code section 51.3.

DISCUSSION:

The establishment of senior housing is beneficial to the Town in that it provides housing designed for a portion of the population with special needs and promotes policies contained within the Housing Element of the Paradise General Plan.

The ± 3.3 acre project site property is situated within the Multiple-Family Residential (MF) zoning district, which allows a residential density of up to fifteen dwelling units per acre with a clustered wastewater treatment and disposal system. Therefore, based upon the zoning regulations assigned to the site in the absence of a residential density bonus, the site could be developed with up to 49 dwelling units. If the proposed development agreement is executed by the Town and Mr. Harding and recorded, seven additional dwelling units would be permitted to

be established. The requested 14% density bonus is within the 20% density bonus limit allowed for senior housing developments as outlined in California Government Code section 65915.

Condition no. 9 of the Administrative Permit issued June 27, 2018 for fifty-six (56) one-bedroom senior dwelling units requires Mr. Harding to execute a recorded development agreement with the Town to establish a residential density of up to 17 dwelling units per acre prior to the issuance of building permits. Building plans for the development were submitted by the applicant on August 1, 2018 for plan check. A recommendation of approval by the Planning Commission at the August 21, 2018 meeting would facilitate placement of the development agreement on the September 11, 2018 Town Council agenda for approval allowing the building permits to be issued once plan check is completed.

PLANNING COMMISSION ACTION REQUESTED:

Please be prepared to discuss the proposed development agreement. At the conclusion of the discussion, staff recommends that the Planning Commission adopt a motion via roll call vote recommending Town Council approval of the proposed development agreement granting a residential density bonus for property located at 926 Buschmann Road in Paradise.

Attachments

ATTACHMENTS FOR HARDING DENSITY BONUS

1. Written request for a residential density bonus submitted by Mr. Jim Harding Jr. on July 11, 2018.
2. Proposed development agreement to grant a density bonus for property located at 926 Buschmann Road in Paradise.

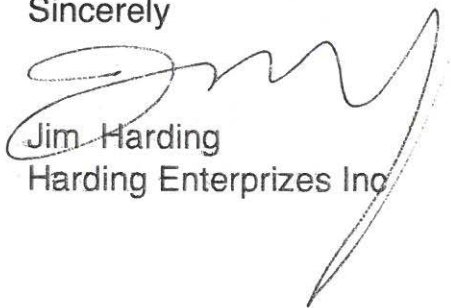


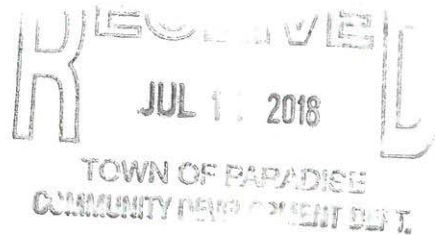
Harding Enterprise
Inc
500 Bay Tree Dr
Paradise Ca 95969

Town of Paradise

Harding Enterprises, on behalf of the property owners is requesting a density bonus for Woodview Retirement cottages. This bonus would allow up to 17 units per acre, which is above the zoning of 15 units per acre. This is inside the 20% state allowed bonus. This project will be 55 and over senior housing. This should not require affordability monitoring.

Sincerely


Jim Harding
Harding Enterprises Inc.



RECORDING REQUESTED BY
AND AFTER RECORDATION
MAIL TO:

Town of Paradise
5555 Skyway
Paradise, CA 95969

Attn: Town Clerk

FOR RECORDER'S USE ONLY

(The recordation of this document is not subject to recording fees pursuant to
California Government Code Section 27383)

DENSITY BONUS AGREEMENT CONTAINING
SENIOR HOUSING COVENANT

This Senior Housing Covenant is made on _____, 2018, between the TOWN OF PARADISE ("Town"), acting to carry out the obligations under the density bonus provisions of California Government Code section 65915 and Paradise Municipal Code Chapter 17.44 relating to a senior housing project for the Town of Paradise and Harding Revocable Inter Vivos Trust, James M. Harding, Jr., Trustee and Rochelle L. Harding, Trustee ("Owner"), with respect to that certain parcel of real property (the "Site") legally described on Exhibit A. The Town and the Owner agree that the Site shall be subject to the conditions, restrictions, reservations and rights of Town specified below:

1. USE OF THE SITE. The Owner hereby covenants and agrees, for itself, its lessees, successors and assigns, as follows:

A. Development. The Site will be developed with a 56 unit Senior Citizen Housing Development as defined in Civil Code sections 51.3 and 51.12, along with appurtenant parking and landscaping improvements (the "Project").

B. Senior Occupancy. Based on Health and Safety Code section 65915, the Site shall provide 56 one-bedroom housing units for senior citizens as defined in Civil Code sections 51.3 and 51.12. The Project shall be leased only to senior citizens who are 55 or older as defined in Civil Code sections 51.3 and 51.12.

C. Reporting Requirements. Annual senior occupancy reports shall be submitted by the Owner to the Town. The reports, at a minimum, shall include:

- (1) The number of persons per unit
- (2) Tenant name per unit
- (3) Initial occupancy date per unit
- (4) Age of tenants per unit

Annual senior occupancy recertifications shall also contain those documents used to certify eligibility. Owner shall maintain all necessary books and records, including property, personal and financial records, in accordance with requirements prescribed by Town with respect to all matters covered by this Covenant. Owner, at such time and in such forms as Town may require, shall furnish to Town statements, records, reports, data and information pertaining to matters covered by this Covenant. Upon request for examination by Town, Owner, at any time during normal business hours, shall make available all of its records with respect to all matters covered by this Covenant. Owner shall permit Town to audit, examine and make excerpts or transcripts from these records.

2. MAINTENANCE. The Owner and all successors in interest, agree that they shall maintain the improvements and landscaping on the Site in a clean and orderly condition and in good condition and repair and keep the Site free from accumulation of debris and waste materials.

3. TRANSFER NOTICE. The Owner shall notify Town of any sale, transfer, convey, encumber, assign or lease of the whole or any part of the Site at least ninety (90) days prior to any proposed transfer.

4. NO DISCRIMINATION. The Owner covenants by and for itself and any successors in interest that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, sexual preference, national origin or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the Site, nor shall the Owner itself or any person claiming under or through it establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees in the Site.

5. NONDISCRIMINATION AND NONSEGREGATION CLAUSES. All deeds, leases or contracts made relative to the Site, the improvements thereon or any part thereof, shall contain or be subject to substantially the following nondiscrimination and nonsegregation clauses:

A. **In deeds:** The grantee herein covenants by and for himself or herself, his or her heirs, executors, administrators and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of any person or

group of persons on account of race, color, creed, religion, sex, marital status, sexual preference, national origin or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the land herein conveyed, nor shall the grantee, or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees in the land herein conveyed. The foregoing covenants shall run with the land.

B. **In leases:** The lessee herein covenants by and for himself or herself, his or her heirs, executors, administrators and assigns, and all persons claiming under or through him or her, and this lease is made and accepted upon and subject to the following conditions:

That there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, sexual preference, national origin or ancestry in the leasing, subleasing, transferring, use, occupancy, tenure or enjoyment of the land herein leased, nor shall the lessee himself or herself, or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, sublessees, subtenants or vendees in the land herein leased.

C. **In contracts:** There shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, sexual preference, national origin or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the land, nor shall the transferee, or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, sublessees, subtenants or vendees in the land.

6. **NO IMPAIRMENT OF LIEN.** No violation or breach of the covenants, conditions, restrictions, provisions or limitations contained in this Covenant shall defeat or render invalid or in any way impair the lien or charge of any mortgage, deed of trust or other financing or security instrument; provided, however, that any successor of Owner to the Site shall be bound by such covenants, conditions, restrictions, limitations and provisions, whether such successor's title was acquired by foreclosure, deed in lieu of foreclosure, trustee's sale or otherwise.

7. **DURATION.** The covenants contained in paragraphs 1, 2 and 3 of this Covenant shall be deemed to run with the land and shall remain in effect for a period of not less than thirty (30) years from the date of recordation of this Covenant. The covenants against discrimination contained in paragraphs 5 and 6 of this Covenant shall be deemed to run with the land.

8. SUCCESSORS AND ASSIGNS. The covenants contained in this Covenant shall be binding for the benefit of the Town and its respective successors and assigns and any successor in interest to the Site or any part thereof, and such covenants shall run in favor of the Town and such aforementioned parties for the entire period during which such covenants shall be in force and effect, without regard to whether the Town is or remains an owner of any land or interest therein to which such covenants relate. The Town, and such aforementioned parties, in the event of any breach of any such covenants, shall have the right to exercise all of the rights and remedies, and to maintain any actions at law or suits in equity or other proper proceedings to enforce the curing of such breach. The covenants contained in this Covenant shall be for the benefit of and shall be enforceable only by the Town, and its respective successors and such aforementioned parties.

9. SUBORDINATION. Upon written request by Owner, Town shall agree that the terms and conditions of this Covenant shall be subject to and subordinate to the terms and conditions of financing obtained by Owner, through a lender acceptable to the Town (the "Lender") and upon terms and conditions reasonably approved by the Town (including without limitation the conditions set forth in Health and Safety Code Section 33334.14), to be secured by a mortgage against the Site.

IN WITNESS WHEREOF, the Town and Owner have caused this instrument to be executed on their behalf by their respective officers thereunto duly authorized, as of _____.

APPROVED AS TO FORM:

TOWN OF PARADISE

By: _____
Dwight L. Moore, Town Attorney

By: _____
Lauren M. Gill, Town Manager

OWNER: HARDING REVOCABLE
INTER VIVOS TRUST

By: _____
James M. Harding Jr., Trustee

By: _____
Rochelle L. Harding, Trustee