



# TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

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

[www.townofparadise.com](http://www.townofparadise.com)

**Planning Commission Staff:**

Craig Baker, Community Development Director  
Susan Hartman, Assistant Planner

**Planning Commission Members:**

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

## PLANNING COMMISSION AGENDA

**6:00 PM – February 17, 2015**

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact Community Development Director Baker, at 872-6291 at least 48 hours in advance of the meeting. Hearing assistance devices for the hearing impaired are available from the Presiding Clerk.

Members of the public may address the Planning Commission on any agenda item, including closed session. If you wish to address the Planning Commission on any matter on the Agenda, it is requested that you complete a "Request to Address Council/Commission" card and give it to the Presiding Clerk prior to the beginning of the Council Meeting.

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

### CALL TO ORDER

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

### ROLL CALL

#### 1. APPROVAL OF MINUTES

- 1a. Approve Special Meeting Minutes of November 6, 2014 and December 22, 2014

#### 2. COMMUNICATION

### 3. PUBLIC COMMUNICATION

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

#### \*\*\* PUBLIC HEARING PROCEDURE \*\*\*

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

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

### 4. CONTINUED PUBLIC HEARING - NONE

### 5. PUBLIC HEARING

- 5a. Item determined to be exempt from environmental review under CEQA Guidelines section 15601 (General rule exemption)

PARADISE MUNICIPAL CODE: Planning Commission consideration of a resolution that, if adopted, would recommend Town Council adoption of proposed text amendments to the Town's zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendment would add a new residential use to the off-street parking requirements (senior housing) within PMC Chapter 17.38 and add a definition for "senior housing" to PMC Chapter 17.04.

### 6. OTHER BUSINESS

### 7. COMMITTEE ACTIVITIES

### 8. COMMISSION MEMBERS

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

### 9. ADJOURNMENT

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

**November 06, 2014**

**6:00 PM**

The November 6, 2014 Planning Commission Special Meeting was called to order by Chairman Zuccolillo at 6:04 p.m. in the Council Chambers located at 5555 Skyway, Paradise, California, followed by the Pledge of Allegiance to the Flag of the United States of America.

**COMMISSIONERS PRESENT:** Commissioners James Clarkson, Stephanie Neumann, Martin Nichols, Daniel Wentland and Michael Zuccolillo, Chairman.

**COMMISSIONERS ABSENT:** None.

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

### **1. PUBLIC HEARING**

Community Development Director Baker announced that the purpose of the special meeting was to hold a public hearing regarding the following matter:

Item to be determined to be exempt from environmental review: CONNOR SITE PLAN REVIEW PERMIT (PL14-00251) APPLICATION: Site plan review permit application proposing to establish a retail sales land use within an existing building space upon a +1.66 acre property zoned Neighborhood Commercial (NC) and located at 8585 Skyway, AP No. 051-104-163.

Director Baker informed the Commission that this matter was initially heard by him in his capacity as the Planning Director. As there is opposition to approval of the application, he was compelled to refer the matter to the Planning Commission for decision pursuant to Town administrative policy.

Assistant Planner Hartman reported that the property upon which the proposed retail sales of new and used items is to be located is a 1.09 acre portion of a 1.66 acre parcel that is zoned Neighborhood-Commercial, that the property was previously used as a community care facility, and the hours of operation are proposed to be Wednesday through Sunday from 10 a.m. to 5 p.m. The proposed use has received favorable review from the reviewing agencies and, if approved, the Commission will have to make the appropriate findings and assign conditions of approval as recommended by staff. The handicapped parking spaces would need to be built pursuant to the requirements of the California Building Code and the proposed sign will be subject to a separate administrative approval process.

Chair Zuccolillo opened the public hearing at 6:10 p.m.

Speaking in favor of the project:

1. Marilyn Connor stated that she and her husband Gary are the owners of the property, that the fire inspection has been completed, the driveway is started and will be finished soon, they have been fingerprinted and have submitted an application for a second-hand dealer license at the Police Department. Ms. Connor also informed that Commission that excess material has been removed from the property and asked the Commission to approve the application in order that they may open for business as soon as possible. Ms. Connor also explained that they would like their sign to have a patriotic theme in recognition of Mr. Connors' service in the military, that they are seeking approval of a 37' setback and that she hopes the woman who complained is satisfied with their efforts.

Director Baker asked Ms. Connor if she received a copy of the agenda packet and if she is in agreement with the conditions of approval assigned to the project. Ms. Connor confirmed that she received all of the information and is in agreement with the conditions of approval.

2. Jon Remalia stated that he thinks if someone wants to invest money and open a business that there is no reason that anyone should have to have so many restrictions.

Speaking against the project:

1. Maryann Kuusisto stated that she lives around the corner from the Connors' property, is against junk in the Town and thinks the Town needs to make sure that businesses look nice.

2. Laura Grant stated she wrote the letter against the project, is concerned about her property value deteriorating, and that she doesn't want a junk place and rental property next to her property. She is concerned about anything happening behind the buildings on the adjacent property as they are located next to their property. Ms. Grant stated that she was approached by the property owners when she was taking pictures of the stuff on their property. She stated that retails sales are fine, but junk stores are not fine, that there are already enough of these types of stores in Town and what she sees behind the business is junk, in her opinion. Ms. Grant stated that she is concerned about the safety of the neighborhood and property values, asked that there be conditions assigned and that she is also concerned about the septic.

3. Beverly Goheen stated she is one of the property owners of property adjacent to the proposed site, is concerned about the smell of the septic, and that it is her understanding that the previous business was shut down because of septic failure.

Director Baker stated that the business was not closed due to septic failure, that the septic system is a large system that hasn't even been turned on because the tanks aren't full enough yet. Staff has no issues with the system, the odor does not appear to be coming from this system, and the applicants have contracted with a company to maintain the system.

4. Laura Grant stated that she is not against small businesses, is only requesting that the permit be addressed with conditions of approval.

Director Baker asked if either Laura Grant or Beverly Goheen had read the agenda material, and they advised that they had not. Mr. Baker informed them that if approved, the Planning Commission is required to make findings and assign conditions of approval as set forth in the staff report, and Assistant Planner Hartman provided a copy of the report.

Chairman Zuccolillo closed the public hearing at 6:30 p.m.

Commissioner Wentland stated that he is happy with the efforts made to clean up the property.

Commissioner Clarkson stated that he believes the free market will control the types of business in the community and that first impressions are lasting.

Commissioner Neumann stated that if the business owners fail to comply with all conditions assigned to the permit, then the Town would initiate discussion and take action. The neighbors will have recourse if the conditions are not being complied with and the permit could be revoked.

**MOTION by Neumann, seconded by Wentland, followed by a unanimous roll call vote, adopted the findings below provided by staff and approved the Connor site plan review permit application (PL14-00251) authorizing the establishment of a retail sales business upon a portion of commercial property located at 8585 Skyway, subject to the following conditions:**

**FINDINGS REQUIRED FOR APPROVAL:**

1. Find that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the State CEQA Guidelines.
2. Find that the project, **as conditioned**, is consistent with the goals and policies of the Paradise General Plan because the project will result in the establishment of a commercial land use in an area zoned for such use.
3. Find that the project, **as conditioned**, is in compliance with all applicable regulations of the Neighborhood Commercial zoning district.
4. Find that adequate infrastructure is currently in place to serve the proposed project.
5. Find that the project, as conditioned, will not detrimentally affect existing plant and animal life in the project vicinity for the following reasons:
  - a. The project is located within an area that has been altered from its natural state by long-established commercial land uses;
  - b. No known outstanding wildlife habitat exists in the immediate project vicinity; and
  - c. No known rare or endangered plants are known to exist in the immediate project vicinity.

**GENERAL CONDITIONS OF SITE PLAN REVIEW PERMIT APPROVAL**

1. If any land use for which a site plan review permit has been granted and issued is not established within three years of the site plan review permit's effective date, the site plan review permit may become subject to revocation by the Town of Paradise.
2. All activities on the site shall be conducted in a manner that is in compliance with the Town's Noise Ordinance Regulations (PMC Chapter 9.18).
3. Outdoor storage of materials and/or equipment associated with the proposed retail land use shall be established and maintained such that the materials and or equipment is not visible from any off-site

public or private property excepting the outdoor display of merchandise in compliance with the Town's Exterior Displays of Merchandise Regulations (PMC Chapter 17.06.940).

4. The lawful outdoor display of merchandise shall only be permitted during business hours.
5. Secure Town of Paradise design review approval for any new business signs prior to the establishment of such signs on the site.
6. An Administrative Permit must be applied for, and secured, for the placement of any sign within 50' of centerline of Skyway.
7. No inoperative vehicles shall be stored where visible from off of the site.
8. Outside light fixtures associated with the project shall be designed to not exceed a height of sixteen feet above finished grade and shall be shielded to prevent the direct projection of light onto adjoining and nearby properties.
9. Maintain the property in a manner consistent with the Design Standards of the Upper Skyway Commercial Corridor.

**CONDITIONS TO BE MET PRIOR TO ESTABLISHMENT OF BUSINESS OCCUPANCY**

**BUILDING**

10. Meet all requirements of the Town of Paradise Building Official as outlined in the written comments dated September 22, 2014 and on file with the Development Services Department.

**FIRE PROTECTION**

11. Schedule and complete a Fire Prevention Inspection (\$56.00) from the Fire Marshal prior to commencing business operations. Call (530) 872-6291 ext. 123 to schedule an inspection.
12. Portable fire extinguishers are required in accordance with the Fire Marshal comments dated September 22, 2014.

**SITE DEVELOPMENT**

13. Secure an encroachment permit from the Town of Paradise Engineering Division for the repair of the southern Skyway driveway to the town approved private driveway standard (no culvert required).
14. Provide the twelve required parking spaces, one of which must be a van-accessible handicap space.

**OTHERS**

15. Provide material evidence to the Planning Division of a valid Secondhand Dealer license from the Paradise Police Dept.

ROLL CALL: AYES of Clarkson, Neumann, Nichols, Wentland and Chair Zuccolillo. NOES: None.  
ABSTENTION: None. ABSENT: None.

Director Baker announced that the decision of the Planning Commission may be appealed within seven days of the date of the meeting.

Commissioner Nichols noted for the record that the Town staff moved this matter along as quickly as possible and the Commissioners also accommodated the applicants by holding this special meeting.

## **2. ADJOURNMENT**

Chair Zuccolillo adjourned the Special Planning Commission meeting at 6:35 pm.

DATE APPROVED:

By: \_\_\_\_\_  
Michael Zuccolillo, Chairman

\_\_\_\_\_  
Joanna Gutierrez, CMC, Town Clerk



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## PLANNING COMMISSION MINUTES

**December 22, 2014**

**6:00 PM**

The December 22, 2014 Special Planning Commission Meeting was called to order by Vice Chair Stephanie Neumann at 6:03 p.m.

COMMISSION PRESENT: Martin Nichols, Daniel Wentland and Stephanie Neumann, Vice Chair. Chairman Zuccolillo arrived at 6:10 p.m.

COMMISSIONERS ABSENT: Jim Clarkson.

### **1. OTHER BUSINESS**

Community Development Director Baker reported to the Planning Commission that they are being asked to consider adopting a motion recommending Town Council approval of a Development Agreement with Tyler Edwards that would grant a density bonus for a proposed Multiple-Family Development Project located at 4758 Skyway. The property is currently developed with the Carousel Motel. The special meeting was necessary because background material was not available for the regular December meeting. Mr. Baker informed the Planning Commission that time is of the essence because the property is in escrow.

Michael Zuccolillo arrived at 6:10 p.m.

Commission Nichols asked if the Carousel Motel was in compliance with Town regulations and if a new owner sells the property does the 30-year time commitment change. Town Attorney Moore informed the Commission that the 30-year time period will not change.

Commissioner Wentland stated that he had questions about what type of septic system would be needed for the development and that he met with the Town's Onsite Official Doug Danz and all his questions were answered.

Chair Zuccolillo opened the matter for public comment.

Tyler Edwards introduced himself and his wife Jennifer to the Commissioners, stated his experience in property management and that he plans to manage this property himself but has connected with two other professional property management companies that could manage the property on his behalf. Responding to a question from Commissioner Neumann, Mr. Edwards disclosed that his budget for the project consists of a \$400,000 cash resource with other funding to come from private investors. There will be no grant funding associated with the project.



Chair Zuccolillo closed public comment on this matter.

MOTION by Wentland, seconded by Neumann, recommended Town Council approval of a Development Agreement granting a residential density bonus for property located at 4758 Skyway, Paradise, California, a proposed multiple-family development to be developed with fifteen (15) rehabilitated residential apartment units with three units to be affordable apartment units. Roll call vote was unanimous; Clarkson absent and not voting.

## **2. ADJOURNMENT**

Chairman Zuccolillo adjourned the special Planning Commission meeting at 6:15 p.m.

Date Approved:

By: \_\_\_\_\_

Michael Zuccolillo, Chairman

\_\_\_\_\_

Joanna Gutierrez, CMC, Town Clerk



## M E M O R A N D U M

**AGENDA NO. 5(a)**

**TO:** Paradise Planning Commission

**FROM:** Susan Hartman, Assistant Planner

**SUBJECT:** Public Hearing - Consider Adoption of a Resolution Recommending Town Council Adoption of Paradise Municipal Code Zoning Regulations Text Amendments Related to Senior Housing Off-Street Parking Requirements

**DATE:** February 11, 2015

**BACKGROUND:**

During the 2014 update of the Town of Paradise Housing Element, housing goals, policies, and programs were developed and adopted as part of the Town's eight-year action plan. One of those adopted programs was to reduce the off-street parking standards for senior housing projects in order to encourage the development and expansion of housing opportunities for the elderly.

Currently there is no definition for senior housing in the Paradise Municipal Code (PMC) and any such project would fall under the off-street parking requirements of multiple-family dwellings which vary from 1.2 spaces/unit to 1.8 spaces/unit depending on the square footage of the unit. Existing off-street parking requirements are as follows:

Off-street parking requirements		
<b>Multiple-family dwelling</b>		
	Less than 700 square feet	1.2 spaces/unit
	700 to 1,200 square feet	1.5 spaces/unit
	More than 1,200 square feet	1.8 spaces/unit

The proposed text amendments would seek to set the minimum requirement for senior housing off-street parking, outside of a mobile home park, at 1.2 spaces/unit regardless of the unit square footage. To define senior housing, staff suggests adoption, by reference only, the definition in California Civil Code Section 51.11 which essentially describes occupancy by persons 55 years of age or older.

## **DISCUSSION:**

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

If recommended by the Planning Commission to be adopted by the Town Council, the proposed amendments would accomplish the following objectives:

- Establish a new definition of the term “senior housing” which will be added to Section 17.04.500 [General Definitions] of the Paradise Municipal Code.
- Add a new subsection to *Residential Uses* of Section 17.38.1000 [Off-street parking requirements] of the Paradise Municipal Code that enumerates senior housing with a minimum requirement of 1.2 spaces/unit.

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

Staff has developed the attached resolution document (and its attached exhibit “A”) that, if adopted by the Planning Commission, would recommend Town Council adoption of text amendments to the Town’s Zoning Ordinance in order to accomplish the objectives outlined in the preceding discussion (added text in the attached “Exhibit A” is shown as shaded).

## **COMMISSION ACTION REQUESTED:**

Please be prepared to discuss the proposed amendments to the Town's off-street parking regulations with staff, other Commissioners and the attending public during the required noticed public hearing. At the conclusion of the public hearing, staff's recommendation is for the Planning Commission to adopt Planning Commission Resolution No. 15-01, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Chapter 17.04 and 17.38 of the Paradise Municipal Code Relative to Senior Housing". If deemed necessary by a majority consensus of Planning Commissioners present, staff will be prepared to discuss and possible make further 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. Definition from California Civil Code Section 51.11
2. Copy of the notice of public hearing for the proposed text amendment
3. Copy of Planning Commission Resolution No. 15-01, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Chapters 17.04 and 17.38 of the Paradise Municipal Code Relative to Senior Housing"

**CIVIL CODE - CIV**

**DIVISION 1. PERSONS [38 - 86]** (*Heading of Division 1 amended by Stats. 1988, Ch. 160, Sec. 12.*)

**PART 2. PERSONAL RIGHTS [43 - 53.7]** (*Part 2 enacted 1872.*)

- (a) The Legislature finds and declares that this section is essential to establish and preserve  
51.11. housing for senior citizens. There are senior citizens who need special living environments, and find that there is an inadequate supply of this type of housing in the state.
- (b) For the purposes of this section, the following definitions apply:
- (1) "Qualifying resident" or "senior citizen" means a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development.
- (2) "Qualified permanent resident" means a person who meets both of the following requirements:
- (A) Was residing with the qualifying resident or senior citizen prior to the death, hospitalization, or other prolonged absence of, or the dissolution of marriage with, the qualifying resident or senior citizen.
- (B) Was 45 years of age or older, or was a spouse, cohabitant, or person providing primary physical or economic support to the qualifying resident or senior citizen.
- (3) "Qualified permanent resident" also means a disabled person or person with a disabling illness or injury who is a child or grandchild of the senior citizen or a qualified permanent resident as defined in paragraph (2) who needs to live with the senior citizen or qualified permanent resident because of the disabling condition, illness, or injury. For purposes of this section, "disabled" means a person who has a disability as defined in subdivision (b) of Section 54. A "disabling injury or illness" means an illness or injury which results in a condition meeting the definition of disability set forth in subdivision (b) of Section 54.
- (A) For any person who is a qualified permanent resident under paragraph (3) whose disabling condition ends, the owner, board of directors, or other governing body may require the formerly disabled resident to cease residing in the development upon receipt of six months' written notice; provided, however, that the owner, board of directors, or other governing body may allow the person to remain a resident for up to one year, after the disabling condition ends.
- (B) The owner, board of directors, or other governing body of the senior citizen housing development may take action to prohibit or terminate occupancy by a person who is a qualified permanent resident under paragraph (3) if the owner, board of directors, or other governing body finds, based on credible and objective evidence, that the person is likely to pose a significant threat to the health or safety of others that cannot be ameliorated by means of a reasonable accommodation; provided, however, that action to prohibit or terminate the occupancy may be taken only after doing both of the following:
- (i) Providing reasonable notice to and an opportunity to be heard for the disabled person whose occupancy is being challenged, and reasonable notice to the coresident parent or grandparent of that person.
- (ii) Giving due consideration to the relevant, credible, and objective information provided in that hearing. The evidence shall be taken and held in a confidential manner, pursuant to a closed session, by the owner, board of directors, or other governing body in order to preserve the privacy of the affected persons.

The affected persons shall be entitled to have present at the hearing an attorney or any other person authorized by them to speak on their behalf or to assist them in the matter.

(4) "Senior citizen housing development" means a residential development developed with more than 20 units as a senior community by its developer and zoned as a senior community by a local governmental entity, or characterized as a senior community in its governing documents, as these are defined in Section 4150, or qualified as a senior community under the federal Fair Housing Amendments Act of 1988, as amended. Any senior citizen housing development which is required to obtain a public report under Section 11010 of the Business and Professions Code and which submits its application for a public report after July 1, 2001, shall be required to have been issued a public report as a senior citizen housing development under Section 11010.05 of the Business and Professions Code.

(5) "Dwelling unit" or "housing" means any residential accommodation other than a mobilehome.

(6) "Cohabitant" refers to persons who live together as husband and wife, or persons who are domestic partners within the meaning of Section 297 of the Family Code.

(7) "Permitted health care resident" means a person hired to provide live-in, long-term, or terminal health care to a qualifying resident, or a family member of the qualifying resident providing that care. For the purposes of this section, the care provided by a permitted health care resident must be substantial in nature and must provide either assistance with necessary daily activities or medical treatment, or both.

A permitted health care resident shall be entitled to continue his or her occupancy, residency, or use of the dwelling unit as a permitted resident in the absence of the senior citizen from the dwelling unit only if both of the following are applicable:

(A) The senior citizen became absent from the dwelling due to hospitalization or other necessary medical treatment and expects to return to his or her residence within 90 days from the date the absence began.

(B) The absent senior citizen or an authorized person acting for the senior citizen submits a written request to the owner, board of directors, or governing board stating that the senior citizen desires that the permitted health care resident be allowed to remain in order to be present when the senior citizen returns to reside in the development.

Upon written request by the senior citizen or an authorized person acting for the senior citizen, the owner, board of directors, or governing board shall have the discretion to allow a permitted health care resident to remain for a time period longer than 90 days from the date that the senior citizen's absence began, if it appears that the senior citizen will return within a period of time not to exceed an additional 90 days.

(c) The covenants, conditions, and restrictions and other documents or written policy shall set forth the limitations on occupancy, residency, or use on the basis of age. Any limitation shall not be more exclusive than to require that one person in residence in each dwelling unit may be required to be a senior citizen and that each other resident in the same dwelling unit may be required to be a qualified permanent resident, a permitted health care resident, or a person under 55 years of age whose occupancy is permitted under subdivision (g) of this section or subdivision (b) of Section 51.12. That limitation may be less exclusive, but shall at least require that the persons commencing any occupancy of a dwelling unit include a senior citizen who intends to reside in the unit as his or her primary residence on a permanent basis. The application of the rules set forth in this subdivision regarding limitations on occupancy may result in less than all of the dwellings being actually occupied by a senior citizen.

- (d) The covenants, conditions, and restrictions or other documents or written policy shall permit temporary residency, as a guest of a senior citizen or qualified permanent resident, by a person of less than 55 years of age for periods of time, not more than 60 days in any year, that are specified in the covenants, conditions, and restrictions or other documents or written policy.
- (e) Upon the death or dissolution of marriage, or upon hospitalization, or other prolonged absence of the qualifying resident, any qualified permanent resident shall be entitled to continue his or her occupancy, residency, or use of the dwelling unit as a permitted resident. This subdivision shall not apply to a permitted health care resident.
- (f) The covenants, conditions, and restrictions or other documents or written policies applicable to any condominium, stock cooperative, limited-equity housing cooperative, planned development, or multiple-family residential property that contained age restrictions on January 1, 1984, shall be enforceable only to the extent permitted by this section, notwithstanding lower age restrictions contained in those documents or policies.
- (g) Any person who has the right to reside in, occupy, or use the housing or an unimproved lot subject to this section on or after January 1, 1985, shall not be deprived of the right to continue that residency, occupancy, or use as the result of the enactment of this section by Chapter 1147 of the Statutes of 1996.
- (h) A housing development may qualify as a senior citizen housing development under this section even though, as of January 1, 1997, it does not meet the definition of a senior citizen housing development specified in subdivision (b), if the development complies with that definition for every unit that becomes occupied after January 1, 1997, and if the development was once within that definition, and then became noncompliant with the definition as the result of any one of the following:
- (1) The development was ordered by a court or a local, state, or federal enforcement agency to allow persons other than qualifying residents, qualified permanent residents, or permitted health care residents to reside in the development.
  - (2) The development received a notice of a pending or proposed action in, or by, a court, or a local, state, or federal enforcement agency, which action could have resulted in the development being ordered by a court or a state or federal enforcement agency to allow persons other than qualifying residents, qualified permanent residents, or permitted health care residents to reside in the development.
  - (3) The development agreed to allow persons other than qualifying residents, qualified permanent residents, or permitted health care residents to reside in the development by entering into a stipulation, conciliation agreement, or settlement agreement with a local, state, or federal enforcement agency or with a private party who had filed, or indicated an intent to file, a complaint against the development with a local, state, or federal enforcement agency, or file an action in a court.
  - (4) The development allowed persons other than qualifying residents, qualified permanent residents, or permitted health care residents to reside in the development on the advice of counsel in order to prevent the possibility of an action being filed by a private party or by a local, state, or federal enforcement agency.
- (i) The covenants, conditions, and restrictions or other documents or written policy of the senior citizen housing development shall permit the occupancy of a dwelling unit by a permitted health care resident during any period that the person is actually providing live-in, long-term, or hospice health care to a qualifying resident for compensation.
- (j) This section shall only apply to the County of Riverside.



*(Amended by Stats. 2012, Ch. 181, Sec. 19. Effective January 1, 2013. Operative January 1, 2014, by Sec. 86 of Ch. 181.)*

**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, February 17, 2015 at 6:00 p.m. in the Town Hall Conference Room, 5555 Skyway, Paradise, CA, regarding the following matter:

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

PARADISE MUNICIPAL CODE: Planning Commission consideration of a resolution that, if adopted, would recommend Town Council adoption of proposed text amendments to the Town's zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendment would add a new residential use to the off-street parking requirements (senior housing) within PMC Chapter 17.38 and add a definition for "senior housing" to PMC Chapter 17.04.

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

CRAIG BAKER  
Community Development Director

**TOWN OF PARADISE PLANNING COMMISSION  
RESOLUTION 15-01**

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION RECOMMENDING  
TOWN COUNCIL ADOPTION OF TEXT AMENDMENTS TO CHAPTERS 17.04 AND 17.38 OF THE  
PARADISE MUNICIPAL CODE RELATIVE TO SENIOR HOUSING**

**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**, in 2014 an updated General Plan Housing Element was adopted establishing goals, policies, and programs which in part address alleviating constraints to the development of housing for special needs groups, including seniors, and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on February 17, 2015 to study and consider recommending Town Council adoption of text amendments to Paradise Municipal Code (PMC) Chapters 17.04 and 17.38 as proposed by Town staff; and

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

**WHEREAS**, the Planning Commission has considered the recommendation of the Town staff, etc., as well as input received during the public hearing; and on the basis of the foregoing, has determined that the text amendments to PMC Chapters 17.04 and 17.38 are warranted at this time in order to encourage the development and expansion of housing opportunities for seniors.

**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 and 17.38 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. 15-01**

**PASSED AND ADOPTED** by the Planning Commission of the Town of Paradise this 17th day of February, 2015 by the Following Vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Michael Zuccolillo, Chair

**ATTEST:**

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Joanna Gutierrez, Town Clerk

## EXHIBIT "A"

**SECTION 1.** The definition of the term "Senior housing" shall be added to Section 17.04.500 [General Definitions] of the Paradise Municipal Code to read as follows:

Senior Housing. "Senior housing" means housing meeting the definition set forth in Civil Code Section 51.11 of housing for older persons.

**SECTION 2.** A new category to Residential Uses shall be added to Section 17.38.1000 [Off-street parking requirements] of the Paradise Municipal Code to read as follows:

Senior housing            1.2/unit