



# TOWN OF PARADISE

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## PLANNING DIRECTOR A G E N D A

February 23, 2011; 2:00 p.m.

### CALL TO ORDER

#### 1. APPROVAL OF MINUTES – December 21, 2011

#### 2. PUBLIC COMMUNICATION (Public Presentation of Non-Agenda Items)

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 Planning Director meeting.

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

- |                                   |                                |
|-----------------------------------|--------------------------------|
| A. Staff comments                 | C. Close hearing to the public |
| B. Open the hearing to the public | D. Project decision            |

#### 3. CONTINUED PUBLIC HEARING – None.

#### 4. PUBLIC HEARING

##### a. Item proposed to be determined exempt from environmental review:

**DIDUCA** Parcel Map (PL10-00430) application proposing to create a single legal parcel from a ±3.01 acre land area located along Wayland Road, AP No. 055-100-024.

##### b. Item proposed to be determined exempt from environmental review:

**ST. THOMAS MORE SITE PLAN REVIEW PERMIT (PL10-00346) AND TREE FELLING PERMIT (PL10-00431) APPLICATIONS:** Proposal for the expansion of existing church facilities via the construction of a ±2,585 sq. ft. rectory, the permanent establishment of two additional portable classrooms and the felling of ±11 qualifying trees upon a ±6.19 acre property zoned Community Services (CS) located at 767 Elliott Road, AP No. 052-080-110.

#### 5. ADJOURNMENT

**PARADISE PLANNING DIRECTOR**  
**December 21, 2010 – 2:00 p.m.**  
**Town Council Chambers, Room 8**  
**5555 Skyway, Paradise**

**M I N U T E S**

**CALL TO ORDER**

Planning Director Craig Baker called the meeting to order at 2:00 p.m.

**1. APPROVAL OF MINUTES – July 19, 2010**

The meeting minutes of July 19, 2010 were approved by the Planning Director with the following corrections: Page 2, Paragraph 3 – Change reference from Forest Lane to Forest Service Road; and, enumerate “Findings” to begin with 1 & 2.

**2. PUBLIC COMMUNICATION – None.**

**3. CONTINUED PUBLIC HEARING – None.**

**4. PUBLIC HEARING**

The first public hearing item was announced:

**Item proposed to be determined exempt from environmental review**

**4a. TRINITY PINES Use Permit Modification (PL10-00417) Application requesting the modification to the terms and conditions of a previously-approved conditional use permit for the establishment of an adult residential care facility for up to twelve residents on property located at 800 Elliott Road, Paradise, AP No. 052-150-028.**

Planning Director Baker introduced Assistant Planner Hartman who reported that the subject of the hearing is to consider a request for a 12-month time extension in order to satisfy conditions #3 and #4 under the “Conditions of Land Use Operation – Business Operation” of the use permit previously approved on May 9, 2009. Ms. Hartman stated that the conditions require the dedication of right-of-way along Elliott Road and a covenant for road improvements along Queen Drive. The Town Engineer has indicated to staff that there is no concern with the request for an extension. The original timeline would expire in December. Ms. Hartman stated that staff is recommending approval of the request to satisfy conditions #3 and #4 of the previously approved use permit.

Planning Director Baker opened the public hearing at 2:06 p.m.

1. Jeffrey Payne, 403 Tharpe Road, Yuba City, representing the applicant, stated that there is agreement with the staff recommendation to approve the requested time extension, and stated that the project is one that serves at-risk, dependent adults, that the community has been very supportive of

the project, and is valuable to the community at large, and that they have helped to facilitate the return of a dozen people to their home communities who were placed here from out of our County, have graduated six people to independent living, and that the program has been a huge success.

2. Pam Valencia, 810 Windsor Drive, stated that she lives around the corner from the house, that she has been trying to track the development of the project, is concerned about the expansion from 6 to 12 residents, and asked if that was something new, that she wants to be sure the periphery of the property is maintained as there is no construction planned, and that she wanted to be sure that she will be notified of any other activities regarding the project.

Mr. Baker stated that the conditional use permit approved on May 9, 2009, allows for up to 12 residents at the facility. Mr. Baker explained that the conditions in question don't require any physical improvements at the present time but concern future road improvements to Queen Drive, and that approval of this time extension will have little effect, if any at all, on the neighbors, as the conditions involve the recording of documents that allow the Town to acquire additional right of way for Elliot Road and a covenant from the owner that states agreement to participate in any future road improvements to Queen Drive. Mr. Baker confirmed that the adjoining property owners would receive notifications of any activities or additional proposed time extensions concerning the use permit.

Mr. Baker closed the public hearing at 2:11 p.m.

Planning Director Baker adopted the recommendation of staff regarding the Trinity Pines Use Permit Modification (PL10-00417) Application requesting the modification to the terms and conditions of a previously-approved conditional use permit for the establishment of an adult residential care facility for up to twelve residents on property located at 800 Elliott Road, Paradise, AP No. 052-150-028; specifically, to alter conditions #3 and #4 of the previously-approved conditional use permit for the establishment of an adult residential care facility for up to twelve residents on property located at 800 Elliott Road, Paradise, AP No. 052-150-028 in a manner that grants an additional 12 months from the end of the appeal period which will be seven days from today's date (December 21, 2010) to allow the project applicants and/or the landowner or future landowners to grant additional right of way and execute a covenant for future road improvements. Mr. Baker stated that he understands negotiations have been taking place between some entities and the current land owners to try to transfer the property to another interest that perhaps will facilitate, at some time in the next year, recordation of those required documents.

Mr. Baker announced that the decision of the Planning Director can be appealed to the Planning Commission within seven days of the decision date by filing an appeal with the Community Development Department at Town Hall.

The second public hearing item was announced:

**Item proposed to be determined exempt from environmental review**

- 4b. SHAULIS CONSTRUCTION/SIERRA HALL Use Permit (PL10-00391) and Tree Felling Permit (PL10-00427) Applications proposing to establish a public assembly land use within a new ±3,425 sq. ft. commercial building; and the felling of ±8 qualifying**

**trees on property located at 6165 Center Street, AP No. 052-060-044.**

Assistant Planner Hartman reported that this project proposes the establishment of a public assembly land use on Center Street, a public street, on what appears to be one of the last vacant commercial properties on that street and, as such, can be classified as an infill project under the California Environmental Quality Act (CEQA). Ms. Hartman stated that staff is asking that project be determined to be exempt from CEQA as all the properties surrounding the project site have been developed and adequate utilities are available. Ms. Hartman reported that input from other departments has been favorable, and that staff is recommending approval of the project pending conditions of approval listed in the staff report with the addition of the following condition:

**“Secure the issuance of a town approved temporary use permit application authorizing the placement and use of a temporary contractor’s office and portable toilet for the term of construction activities on the site.”**

Planning Director Baker opened the public hearing at 2:15 p.m.

1. Doug Shaulis stated that he is representing Donn and Gerry Thomson and that they would like to move forward with the project.

Mr. Baker asked Mr. Shaulis and Mr. Thompson if they had reviewed and were in agreement with the project conditions of approval assigned to the project, including the one additional condition regarding the temporary contractor’s office on the site. Mr. Shaulis and Mr. Thomson stated that they have reviewed and are in agreement with the conditions of approval for the project.

2. Donn Thomson asked if the residents that live in the apartment complex at the end of the street were contacted regarding the project.

Mr. Baker stated that State law requires that the property owners to be notified at least ten days prior to the date of the hearing, but does not require notice to the tenants.

3. Don Thompson stated that he would like to be sure that the owner had enough time to notify the residents of the project as he would like to know about any protests before the project starts.

Mr. Baker closed the public hearing at 2:19 p.m.

Planning Director Baker adopted the following findings provided by staff and approved the Shaulis Construction/Sierra Hall Use Permit (PL10-00391) and Tree Felling Permit (PL10-00427) applications proposing to establish a public assembly land use within a new  $\pm 3,425$  sq. ft. commercial building; and the felling of  $\pm 8$  qualifying trees on property located at 6165 Center Street, AP No. 052-060-044, subject to the conditions of approval listed below, including the addition of a condition to be inserted as Condition #11 (a condition to be met prior to the issuance of a building permit) under Site Development with subsequent conditions to be renumbered); and, also the addition of a Condition #29 (a condition of land use occupancy) as follows:

Condition 11. “Secure the issuance of a town approved temporary use permit application authorizing the placement and use of a temporary contractor’s office and portable toilet for the term of construction activities on the site;”

Condition #29. “Activities associated with the proposed public assembly land use shall be conducted in compliance with the town’s noise ordinance regulations.”

### **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 15332 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 public assembly 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 Community Commercial zoning district.
4. Find that, as conditioned, adequate infrastructure will be 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.
6. Find that the proposed tree felling activity meets the criteria for tree felling permit approval as outlined within PMC Section 8.12.090 because the proposed tree felling activity is necessary to accommodate the proposed facility establishment, parking and grading improvement plans.

### **GENERAL CONDITIONS OF USE PERMIT APPROVAL**

1. If any land use for which a use permit has been granted and issued is not established within three years of the permit’s effective date, the use permit may become subject to revocation by the Town of Paradise.
2. Site improvements (building, signs, lighting, landscaping, etc.) shall conform to all Town

of Paradise applicable design standards.

3. All work within the Center Street public right of way is subject to Town issuance of an encroachment permit, which will require that the contractor be properly licensed and bonded with the Town of Paradise.

4. 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.

5. Pay development impact fees prior to issuance of building permits for project construction in accordance with Paradise Municipal Code requirements or execute an agreement with the Town of Paradise providing for a deferral of development impact fees.

6. Business signs and light fixtures locations proposed within the building setback line will require procurement of Town approval and issuance of an Administrative Permit.

### **CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING PERMIT**

#### **ROADS AND ACCESS**

7. Submit and secure Town Engineer review and approval of an appropriate number of copies of frontage and off-site improvement plans.

8. Submit an Engineer's Estimate with a detailed estimate of both onsite and offsite improvements to the Public Works Department (Engineering Division).

#### **DRAINAGE**

9. Provide a final design solution for drainage per requirements of the Town Engineer and the INTERIM DRAINAGE DESIGN GUIDELINES prepared April 2, 1998. Drainage facilities shall be designed in a manner that provides for the establishment of all necessary drainage improvements to accommodate existing and additional project induced drainage flows without generating any off-site adverse effects.

#### **SANITATION**

10. Complete the requirements of the Town Onsite Sanitary Official concerning application, final system design, and the issuance of permit approvals for the installation of a sewage treatment and disposal system improvements to serve all proposed facilities. Provide evidence thereof to the Town Community Development Department (Community Safety Services Division).

## SITE DEVELOPMENT

11. Secure the issuance of a town-approved temporary use permit application authorizing the placement and use of a temporary contractor's office and portable toilet for the term of construction activities on the site.
12. Submit three (3) copies of a detailed engineered site plan 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 weight limit markings for the on-site detention basin) and submitted to the Public Work Department (Engineering Division) for review and approval. Pay required engineered site plan checking fee. Construction and drainage improvement plans must be approved PRIOR to construction or installation of the required facilities.
13. If legally required, apply for and secure Town issuance of a grading permit satisfying all Engineering Division requirements. Pay applicable grading permit fees per current fee schedule.
14. Properly abandon or relocate any easements that conflict with the design of the project.
15. Submit a detailed soil erosion prevention plan to the Town Public Works Department for approval by the Town Engineer PRIOR to the start of any earthwork. Show all erosion control devices and sedimentation basins required by Paradise Municipal Code 15.04.280.
16. Meet the requirements of the Town Building Official/Fire Marshal regarding submittal of construction plans, building permit applications, and all applicable Town adopted construction and fire code requirements.
17. Secure Design Review approval for the building façade and proposed business sign.
18. Secure the issuance of a Town approved tree-felling permit prior to felling any qualifying trees.

## TREE FELLING

19. Submit application with fee and secure Town Planning Director review and approval of a professionally designed and accurately mapped "Tree Protection Plan" for the proposed project that provides for tree planting placement as well as existing tree protection measures (fencing, etc.); and prior to the commencement of ground disturbance site work (grading, etc.) for the project.
20. All qualifying trees proposed to be retained and any native saplings proposed to be retained on the site as replacement trees shall be protected 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.

21. A certified arborist shall be engaged by the applicant to oversee the employment of tree protection measures during all related project site improvement construction that has the potential to effect trees to be retained.

22. The approval action of this tree felling application shall only be valid and in effect for two years (twenty-four months) past its conditional approval date.

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

#### **ROAD AND ACCESS**

23. Pay appropriate fees, provide the appropriate bonds and insurance certificates, obtain town issued encroachment permit and construct all design-approved work in the right-of-way. All design features shall meet ADA requirements, Town ordinances, accepted engineering standards and the requirements of the Town Engineer. Street frontage and driveway improvement plans must be approved PRIOR to the construction or installation of the required facilities.

#### **SITE DEVELOPMENT**

24. Construct all necessary site, drainage, access, wastewater treatment/disposal and other facilities improvements as required by the Town Engineer and the Town Onsite Sanitary Official. All construction shall be in conformance with generally acceptable engineering and construction practices.

25. Submit landscaping plans and application fee to the Community Development Department (Planning Division) in accordance with Paradise Municipal Code requirements. Landscape plans submitted after January 1, 2011 must comply with the newly adopted California Green codes. 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).

26. The required landscape plan for the proposed Sierra Hall commercial development project shall include provisions for the planting of all required replacement tree on-site and within each landscape area, particularly in areas adjacent to residential land uses. A minimum of fifty percent of required replacement trees shall be conifer species. Tree planting 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 mitigating the loss of native trees on the site.

#### **SANITATION**

27. Meet all requirements of Town onsite sanitation staff regarding inspection and approval



for the construction and final design of the onsite sewage disposal system.

**CONDITIONS OF LAND USE OCCUPANCY**

28. The project site's building capacity and use shall not exceed a maximum of seventy-six people.

29. Activities associated with the proposed public assembly land use shall be conducted in compliance with the town's noise ordinance regulations.

**5. OTHER BUSINESS – None.**

**6. ADJOURNMENT**

The Planning Director adjourned the meeting at 2:20 p.m.

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Planning Director

**ATTEST:**

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Planning Secretary

**TOWN OF PARADISE PLANNING DIRECTOR  
REVISED PLANNING STAFF REPORT  
MEETING DATE: February 23, 2011**

**FROM:** Susan Hartman, Assistant Planner  
**SUBJECT:** DiDuca Parcel Map Application (PL10-00430)  
**DATE:** February 16, 2011

**AGENDA NO. 4(a)**

**AP 055-100-024**

**GENERAL INFORMATION:**

Applicant: Joe DiDuca  
419 Wayland Road  
Paradise, CA 95969

Surveyor: L&L Surveying  
P.O.Box 671  
Paradise, CA 95967

Location: Wayland Road

Requested Action: Parcel map approval to create a single legal parcel from a vacant 3.01 acre land area.

Purpose: To create one residential building site.

Project Density:  $\pm 0.33$  dwelling units per gross acre

Present Zoning: Agricultural Residential – 3 acre minimum (AR-3)

General Plan Designation: Agricultural Residential (AR)

Existing Land Use: Vacant

Surrounding Land Use: North: Low density residential  
East: Low density residential  
South: Wayland Road  
West: Low density residential

Project site area:  $\pm 3.01$  acres

Environmental Determination: Categorical Exemption – 15315 (Class 15)

Other: An appeal of the Planning Director's decision can be made within ten (10) days of the decision date.

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

### **SPECIAL INFORMATION:**

The project applicant has requested parcel map approval for a vacant +/-3.01 acre land area. The purpose of the request is to establish the parcel as a legal residential building site.

Primary access to the project site is provided via Wayland Road, a paved public street. The project site possesses +/-431 lineal feet of public street frontage along Wayland Road, which borders the site along its south side. The west side of the project site is bordered by a privately owned and maintained road, to which the property appears to have legal access rights. A recorded drainage easement encumbers the east fifteen feet of the site and a small creek borders the site along its eastern edge.

The property is irregular in shape with an east-west orientation. Slopes on the site are gentle (+/-15%) and drain to the south. Vegetation on the site is characterized by seasonal grasses and areas of native brush and gray pine trees.

No trees are proposed to be felled and no infrastructure improvements are proposed in association with the proposed project.

### **ANALYSIS:**

The plot of land as it currently exists was improperly created by deed in 1991. The California subdivision map act contains provisions for establishing legal status for a single parcel with a recorded parcel map.

Existing land use along Wayland Road is characterized by low density residential land uses. If approved, the design of the DiDuca project would result in development that is substantially similar to the character of that of existing nearby land uses. Therefore, the DiDuca parcel map application appear to be reasonable and can be found to be (or conditioned to be) in compliance with all the town's development standards regarding zoning, sewage disposal, access and fire protection. In addition, the project has received supportive responses from commenting agencies.

As a minor parcel map application proposing to create a single legal parcel and one building site in an area zoned for such use and supported by all necessary infrastructure, the project can be found to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Section 15315 (Class 15).

## **ANALYSIS CONCLUSION:**

If **conditionally approved** by the Planning Director as recommended, the proposed project would be consistent with the goals and land use policies of the Paradise General Plan and the zoning assigned to the site. The project should also be consistent with surrounding parcel sizes and compatible with surrounding land uses.

Collectively, Town staff and Paradise Irrigation District staff have developed recommended conditions of project approval designed to assure the orderly development of this portion of the Paradise community. Accordingly, staff is recommending project approval, based upon and subject to the following list of findings and conditions:

## **REQUIRED FINDINGS FOR APPROVAL:**

- a. Find that the proposed project, **as conditioned**, is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Section 15315 (Class 15).
- b. Find that the project, **as conditioned**, is consistent with the goals and policies of the Paradise General Plan, because the resulting size and proposed use of the parcel is consistent with existing land use in the area, and adequate infrastructure would be in place to serve the parcels.
- c. Find that the project, **as conditioned**, is consistent with the spirit and intent of the zoning district in which the project site is situated, because the land use proposed for the parcel would be low-density residential and parcel size proposed is consistent with the requirements of the zone.
- d. Find that the project, **as conditioned**, will not result in a significant adverse effect on existing plant and animal life in the project vicinity for the following reasons:
  1. The project site area is currently developed for low density residential use and is located within an area that has been significantly altered for decades by various forms of development.
  2. No known outstanding wildlife habitat exists in the immediate project vicinity; and
  3. The site is small (+/-3.01 acres).

## **RECOMMENDATION:**

Adopt the required findings as provided by staff and approve the DiDuca parcel map application (PL10-00430) proposing to create parcel of record from an existing  $\pm 3.01$  acre property located along Wayland Road, further identified as APN 055-100-024, subject to the following conditions:

### **CONDITIONS TO BE MET PRIOR TO RECORDATION OF FINAL PARCEL MAP**

#### **ROADS AND ACCESS**

1. Construct or defer by covenant executed with the Town of Paradise a one-half street section upgrade improvement along the project site frontage of Wayland Road to the town-adopted B-1 road standard.
2. All easements of record shall be shown on the final parcel map.
3. Indicate on the final parcel map a fifty-foot building setback line measured from the centerline of Wayland Road.
4. Place the following notes on the final map information data sheet:
  - a. "If access for future development of this parcel is via existing on-site private road easement, the project developer shall construct a pro-rata share upgrade improvement to the existing private road within the easement in accordance with the requirements of the Town Engineer prior to the issuance of a building permit authorizing such development."
  - b. "Development of access directly from Wayland Road will require the project developer to secure the issuance of an encroachment permit from the Town of Paradise. Any new private driveway shall be located such that a minimum of 150 feet of sight distance in both directions along Wayland Road is assured."
  - c. "Driveway access road(s) exceeding 150 feet in length shall have an all weather surface (A-1 road standard), shall not exceed 15% grade and shall provide a Town of Paradise approved turn around facility."

5. Provide a recorded private road maintenance agreement satisfying Town Public Works (engineering division) requirements.

### **DRAINAGE/EROSION**

6. Place the following note on the final map information data sheet: "If development of this parcel results in an area of one acre or more of soil disturbance, a storm water pollution prevention plan will be required by the California Regional Water Quality Control Board prior to issuance of any permits authorizing such development."
7. Indicate upon the final parcel map a "No building/no soil disturbance area" measured twenty five feet from the western edge of the existing drainage easement along the eastern boundary of the site.

### **SEWAGE DISPOSAL**

8. Delineate and show on the final parcel map all areas of the parcel that are unsuitable for onsite wastewater treatment in a manner deemed acceptable to the Town of Paradise Onsite Sanitary Official.
9. Place the following note upon the final parcel map information data sheet: "Onsite sewage disposal for this parcel shall be provided by a bottomless sand filter designed by a qualified engineer. The filter shall not be buried deeper than twelve inches below native grade and shall be installed in the area of infiltration test numbers 3 and 4 only, as shown upon the parcel map submitted to the Town of Paradise on December 7, 2010."
10. Satisfy all other requirements of the Town of Paradise Onsite Sanitary Official concerning the design of the final parcel map.

### **FIRE PROTECTION**

11. Place the following notes upon the final parcel map information data sheet:
  - a. "Prior to Town issuance of future residential building permit(s) for this parcel, all flammable vegetation shall be removed from each building site with slopes less than fifteen percent (15%) at a minimum distance of one hundred (100) feet from all structures or to the property line, whichever is less."

- b. "Prior to Town issuance of future residential building permit(s) for this parcel, a fuel modification plan shall be prepared by an approved Fire Protection Consultant that specializes in the preparation of such plans. Plans shall be submitted, reviewed and approved by the Town of Paradise Fire Department."
- c. "Residential structures constructed upon this parcel shall be built in compliance with adopted construction codes that apply to Wildland-Urban Interface (WUI) areas of high wildland fire hazard."

### **OTHERS**

- 12. Provide documentation from the office of the Butte County Tax Collector verifying payment of current property taxes and any assessment liens imposed by the town.
- 13. Provide monumentation as required by the Town Engineer in accordance with accepted town standards.
- 14. Pay appropriate funds to the local recreation district per requirements of the Paradise subdivision ordinance to offset impact (cumulative) upon area-wide recreation facilities. Provide evidence of payment to the Town Community Development Department planning division.
- 15. Place the following notes on the final parcel map information sheet:
  - a. "At the time of building permit issuance authorizing new buildings or building additions, owners of this parcel will be required to pay any Town of Paradise adopted development impact fees."
  - b. "If any archaeological resources are uncovered during the course of future development or construction activities, all work shall stop in the area of the find until a qualified archaeologist provides an appropriate evaluation of the discovery."

**TOWN OF PARADISE PLANNING DIRECTOR  
PLANNING STAFF REPORT  
MEETING DATE: February 23, 2011**

**FROM:** Susan Hartman, Assistant Planner **AGENDA NO. 4 (b)**  
**SUBJECT:** St. Thomas More Catholic Church Site Plan Review Permit (PL10-00346) and Tree  
Felling Permit (PL10-00431) Applications  
**DATE:** February 17, 2011 **AP 052-080-110**

**GENERAL INFORMATION:**

Applicant: St. Thomas More Catholic Church  
767 Elliott Road  
Paradise, CA 95969

Location: 767 Elliott Road

Requested Action: Site plan review permit and tree felling permit applications proposing to expand the existing facilities of the St. Thomas More Catholic Church and school by constructing a new  $\pm 2,585$  square foot rectory and placing two additional portable classrooms and including the felling of approximately eleven qualifying trees to accommodate the project.

Purpose: To upgrade and expand church and school facilities.

Present Zoning: Community Services (C-S)

General Plan  
Designation: Community Services (C-S)

Existing Land Use: Religious assembly/educational facility

Surrounding  
Land Use: North: Religious assembly, single-family residential  
East: Commercial, single-family residential  
South: Elliott Road  
West: Paradise Recreation and Park District offices and facilities

Parcel Size:  $\pm 6.19$  acres

Environmental  
Determination: Categorical exemptions – CEQA Section 15314 (Class 14) and CEQA Section 15303 (Class 3)

Other: An appeal of the Planning Director's decision can be made within 7 days (site plan review permit) or within 10 days (tree felling permit) of the decision date.

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



### **SPECIAL INFORMATION:**

The project proponent is seeking Town approval to expand the facilities of the St. Thomas More Catholic Church and the Achieve Charter School, located upon the church grounds. The proposed project site consists of a  $\pm 6.19$  acre property currently developed with existing church and school facilities and located at 767 Elliott Road in the central portion of the Paradise community. The purpose of the proposed project is to provide a larger  $\pm 2,585$  square foot rectory and additional classroom space to relieve crowded conditions in existing classrooms. The existing, smaller rectory would be utilized as quarters for visiting priests and church officials in short term. The smaller rectory would ultimately be converted to church offices

In order to facilitate establishment of the new rectory, the project applicant has proposed to remove up to 11 qualifying trees from the project site. Pursuant to the requirements of Paradise Municipal Code (PMC) Section 8.12.040, St. Thomas More's tree felling permit application was submitted with material evidence provided by consulting registered forester, Kieran O'Leary, certifying that all 11 of the qualifying trees proposed for felling on the site will be in the construction zone and will be impacted by the proposed development.

Additional improvements associated with the project include the construction of a slightly larger paved parking facility and a singular, consolidated wastewater disposal system, which has already been completed.

The proposed project appears to be in compliance with applicable zoning regulations including required building setbacks, maximum building and impervious coverage and maximum height requirements.

### **ANALYSIS:**

The project has received generally favorable responses from commenting agencies and appears to be a reasonable location for the expansion of existing church and school facilities for the following reasons:

1. The project is an expansion of a long established land use that appears to be compatible with existing, abutting land uses;
2. The design of the project, if conditioned prudently, can be found to be in compliance with all applicable Town of Paradise development regulations; and
3. The project can be found to be consistent with all 1994 Paradise General Plan policies applicable to community service oriented land development.

## ENVIRONMENTAL REVIEW:

As a project involving the construction of additional classroom buildings where the addition does not increase original student capacity by more than 25%, the school expansion portion of the project belongs to a class of projects that can be determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15314 of the State CEQA Guidelines. In addition, the construction of a second dwelling unit (proposed rectory) can be determined to be categorically exempt from the requirements of CEQA pursuant to Section 15303.

## ANALYSIS CONCLUSION:

After reviewing the existing environmental setting and circumstances associated with this application request, it is staff's position that the requested site plan review permit and tree felling applications are reasonable. Therefore, staff endorses Planning Director approval of the St. Thomas More Catholic Church site plan review and tree felling permit applications, based upon and subject to the following recommended findings and conditions of project approval:

## 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 Sections 15303 and 15314 of the State CEQA Guidelines.
3. Find that, **as conditioned**, the project is consistent with the goals and policies of the Paradise General Plan because the project will result in the expansion and continuation of an existing community oriented land use.
4. Find that, **as conditioned**, adequate infrastructure would be 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, community service and residential land uses;

- b. No known outstanding wildlife habitat exists in the immediate project vicinity; and
- c. No known rare or endangered plants exist in the immediate project vicinity.

#### **STAFF RECOMMENDATION:**

After closure of the scheduled public hearing, **adopt the findings provided by staff and approve the St. Thomas More Catholic Church site plan review permit and tree felling applications** (PL10-00346, PL10-00431) authorizing the construction of a  $\pm 2,585$  sq ft rectory and an expansion and upgrade of existing school facilities on an  $\pm 6.19$  acre land area located at 767 Elliott Road and felling of  $\pm 11$  qualifying trees, subject to the following conditions:

#### **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. Unless otherwise noted, it shall be the sole responsibility of the project developer to implement, monitor and fulfill the requirements of all conditions assigned to this site plan review and tree felling permits.
3. All work within the Elliott Road public right of way is subject to Town issuance of an encroachment permit, which will require that the contractor be properly licensed and bonded with the Town of Paradise.
4. The project developer shall incorporate tree protection measures during all construction activities in conformance with generally accepted standards for the protection of trees to be retained.
5. Establish and maintain on-site parking facilities containing a minimum of 139 parking spaces in accordance with all town parking ordinance regulations.

6. Outside light fixtures associated with the project shall be designed to not exceed a maximum height of sixteen (16) feet above finished grade and shall be shielded to avoid the direct projection of light onto adjoining and nearby properties.
7. Site improvements (building, signs, lighting, landscaping, etc.) shall be subject to design review and shall conform to all Town of Paradise applicable design standards.
8. **Minor changes** to the interior and/or exterior design of the project may be approved administratively by the Town Planning Director upon submittal of a written request for such changes, if the requested changes are consistent with the overall intent of the project and its approval action. Any requested changes deemed by the Planning Director to be major or significant shall require a formal site plan review permit modification review and the payment of the appropriate processing fees.
9. Pay development impact fees prior to issuance of building permits for project construction in accordance with Paradise Municipal Code requirements or execute an agreement with the Town of Paradise providing for a deferral of such fees.

**CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING PERMIT  
FOR THE RECTORY (PHASE I)**

**ROADS AND ACCESS**

10. Deed 40 feet from the centerline of Elliott Road (road right of way) or provide evidence that these requirements have already been fulfilled.

**DRAINAGE**

11. Provide a final design solution for drainage per requirements of the Town Engineer and the **INTERIM DRAINAGE DESIGN GUIDELINES prepared April 2, 1998**. Drainage facilities shall be designed in a manner that provides for the establishment of all necessary drainage improvements to accommodate existing and additional project induced drainage flows without generating any off-site adverse effects.

**SANITATION**

12. Complete the requirements of the Town Onsite Sanitary Official concerning application, final system design, and issuance of permit approvals for the alteration

of any sewage treatment and disposal systems to serve existing and proposed facilities. Provide evidence thereof to the Town Community Development Department (building division).

### **SITE DEVELOPMENT**

13. Submit three (3) copies of a detailed engineered site development and improvements plan showing all project phases and facilities as proposed. 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 site plan checking fee. Construction and drainage improvement plans must be approved **PRIOR TO CONSTRUCTION** or installation of the required facilities.
14. Show all easements of record on the site development and improvements plan as well as fifty-foot building setback line measured from the centerline of Elliott Road. Show a minimum 25-foot setback between storm drains and leach fields (primary and replacement).
15. If moving more than 50 cubic yards of cut or fill material, apply for and secure Town issuance of a grading permit satisfying all Engineering Division requirements and the current town adopted edition of the Uniform Building Code. Pay applicable grading permit fees per current fee schedule.
16. Properly abandon or relocate any easements that conflict with the design of the project.
17. If total disturbed area is less than 1.0 acre (43,560 square feet), applicant is required to submit a storm water soil loss prevention plan, pursuant to the 2010 CALGreen Code, to the Town Public Works Department.
18. If total disturbed area exceeds 1.0 acre (43,560 square feet), applicant is required under state law to submit a detailed storm water pollution prevention plan (**SWPPP**) to the State Regional Water Quality Control Board (along with the appropriate filing fee). Provide a copy of this approved plan to the Town of Paradise prior to initiation of grading activities.
19. Submit a detailed soil erosion prevention plan to the Town Public Works Department for approval by the Town Engineer **PRIOR** to the start of any earthwork. Show all erosion control devices and sedimentation basins required by Paradise Municipal Code Section 15.04.280.
20. Meet the requirements of the Town Building Official/Fire Marshal regarding

submittal of construction plans, interior automatic fire sprinkler plans, building permit applications, and all applicable Town adopted construction and fire code requirements.

21. Secure the issuance of a Town approved tree-felling permit prior to felling any qualifying trees.

### **TREE FELLING**

22. Submit application with fee and secure Town Planning Director review and approval of a professionally designed and accurately mapped "Tree Protection Plan" for the proposed project that provides for tree planting placement as well as existing tree protection measures (fencing, etc.); and prior to the commencement of ground disturbance site work (grading, etc.) for the project.
23. All qualifying trees proposed to be retained and any native saplings proposed to be retained on the site as replacement trees shall be protected 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.
24. A certified arborist or registered professional forester shall be engaged by the applicant to oversee the employment of tree protection measures and all related project site improvement construction that has the potential to effect trees to be retained.
25. The approval action of this tree felling application shall only be valid and in effect for three years (thirty-six months) past its conditional approval date.

### **CONDITIONS TO BE MET PRIOR TO FINAL BUILDING INSPECTION AND CERTIFICATE OF OCCUPANCY FOR THE RECTORY**

### **SITE DEVELOPMENT**

26. 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.
27. 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.

### **WATER**

28. Meet the requirement of the Paradise Irrigation District (PID) for the installation of a backflow prevention assembly at the water meter. Provide material evidence of having fulfilled this condition to the Town Community Development Department (building division).

### **SANITATION**

29. Meet the requirements of Town onsite sanitation staff regarding inspection and approval for the construction and final design of the onsite sewage disposal system.

### **CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE ADDITIONAL CLASSROOMS (PHASE II)**

### **SITE DEVELOPMENT**

30. Apply for and secure town issuance of construction permits for the proposed portable classroom buildings and meet all requirements of the Assistant Fire Marshal/ Assistant Building Official regarding compliance with applicable and town-adopted building codes including Wildland Urban Interface construction requirements.
31. Secure Architectural Design Review approval for the portable classrooms.

### **FIRE PROTECTION**

32. The installation of a new water main and new onsite municipal style fire hydrant will be required for the placement of any portable classroom buildings in excess of 400' from the existing fire hydrant. If a new fire hydrant is necessary, it shall be installed and functioning prior to the placement of new classrooms on the site, as determined by the Town Fire Marshal.

### **OTHERS**

33. Submit landscaping plans and application fee to the Community Development Department (planning division) in accordance with Paradise Municipal Code requirements. **IMPORTANT NOTE:** No final building inspection or occupancy shall be permitted until the landscape plans for the project have been formally approved by the Town of Paradise and landscape materials have been installed (or bonded to guarantee installation).

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

**SITE DEVELOPMENT**

34. The exterior of the proposed educational facility expansion project shall be established in a manner that is consistent with the town approved design review application, including building codes.

**CONDITIONS OF LAND USE OCCUPANCY**

35. The project site's educational building capacity and use shall not exceed 214 students as approved by the charter.

Attachments



**ATTACHMENTS FOR AGENDA ITEM 4 (b)**  
**ST. THOMAS MORE CATHOLIC CHURCH**  
**SITE PLAN REVIEW PERMIT AND TREE FELLING APPLICATIONS**  
**(PL10-00346, PL10-00431)**

1. Copy of public hearing notice and vicinity map for **February 23, 2011** Planning Director hearing.
2. Copy of mailing list of recipients mailed the **February 23, 2011** public hearing notice.
3. Copy of comments received from Paradise Fire Department staff dated **February 10, 2011**.
4. Copy of comments received from engineering division staff dated **December 21, 2010**.
5. Copy of comments received from onsite sanitation division staff dated **December 30, 2010**.
6. Copy of comments received from the business & housing division staff dated **December 27, 2010**.
7. Copy of comments received from Paradise Irrigation District staff dated **December 21, 2010**.
8. Copy of comments received from community safety service division staff dated **December 27, 2010**.
9. Copy of tree removal map received from project forester **February 15, 2011**.
10. Copy of project site plan.