OROVILLE PLANNING COMMISSION OROVILLE HISTORICAL ADVISORY COMMITTEE

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

January 27, 2022 REGULAR MEETING

## PUBLIC ACCESS AND PARTICIPATION

To view the meeting or provide comment, please see the options below. All comments emailed will be provided to the Members for their consideration.

To View the Meeting:

1. Watch our live feed https://www.youtube.com/channel/UCAoRW34swYI85UBfYqT7IbQ/
2. Watch via Zoom
https://zoom.us/j/99508232402?pwd=aThZc1BsUG9sWnhNYnlwZHZZdFFrQT09
Meeting ID: 99508232402
Passcode: 17351735
3. Listen via telephone

Telephone: 1-669-900-9128
Meeting ID: 99508232402
Passcode: 17351735
To Provide Comment to the Board:

1. Email before the meeting by 2:00 PM your comments to publiccomment@cityoforoville.org
2. Attend in person

If you would like to address the Commission at this meeting, you are requested to complete the blue speaker request form (located on the wall by the agendas) and hand it to the City Clerk, who is seated on the right of the Council Chamber. The form assists the Clerk with minute taking and assists the Mayor or presiding chair in conducting an orderly meeting. Providing personal information on the form is voluntary. For scheduled agenda items, please submit the form prior to the conclusion of the staff presentation for that item. The Commission has established time limitations of three (3) minutes per speaker on all items and an overall time limit of thirty minutes for nonagenda items. If more than 10 speaker cards are submitted for non-agenda items, the time limitation would be reduced to one and a half minutes per speaker. (California Government Code §54954.3(b)). Pursuant to Government Code Section 54954.2, the Commission is prohibited from taking action except for a brief response from the Council or staff to statements or questions relating to a non-agenda item.

## CALL TO ORDER / ROLL CALL

Commissioners: Glenn Arace, Michael Britton, Marissa Hallen, Natalie Sheard, Warren Jensen, Vice Chairperson Wyatt Jenkins, Chairperson Carl Durling

## OPEN SESSION

- Pledge of Allegiance
- Oath of Office for New Commissioner Warren Jensen


## PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS

This is the time to address the Commission about any item not listed on the agenda. If you wish to address the Commission on an item listed on the agenda, please follow the directions listed above.

## CONSENT CALENDAR

## 1. APPROVAL OF THE MINUTES

The Planning Commission may approve the minutes of August 26, 2021, September 23, 2021 and October 28, 2021

RECOMMENDATION
Approve the minutes of August 26, 2021, September 23, 2021, and October 28, 2021

## PUBLIC HEARINGS

The Public Hearing Procedure is as follows:

- Mayor or Chairperson opens the public hearing.
- Staff presents and answers questions from Council
- $\quad$ The hearing is opened for public comment limited to two (2) minutes per speaker. In the event of more than ten (10) speakers, time will be limited to one and a half (1.5) minutes. Under Government Code 54954.3, the time for each presentation may be limited.
- Public comment session is closed
- Commission debate and action

2. NEW MASSAGE ORDINANCE ADDING REQUIREMENTS FOR MASSAGE THERAPIST AND OWNER CERTIFICATIONS AND FOR MASSAGE ESTABLISHMENTS AND OPERATIONS

This item will be continued until the February 24, 2022 regular Planning Commission meeting.

## REGULAR BUSINESS

## 3. CITY OF PARIS BUILDING INTERIOR AND EXTERIOR IMPROVEMENTS

The Historic Advisory Commission will review proposed façade improvements to the City of Paris building at 1474 Myers Street, Oroville.

## RECOMMENDATION:

That the Historic Advisory Commission review the proposed façade changes, and make any recommended changes or conditions.
4. PRESENTATION AND DISCUSSION ABOUT ZC21-06 FENCES, WALLS AND SCREENING MUNICIPAL CODE AMENDMENTS

Staff will make a presentation on the draft changes made to OMC 17.12.020 relating to the City's regulations of fences, walls and screening. The Oroville Planning Commission reviewed and adopted Resolution P2021-19 on October 28, 2021, recommending that the City Council adopt the proposed revisions.

RECOMMENDATION

## 5. HISTORIC PRESERVATION AWARD PROGRAM OF THE OROVILLE HISTORIC ADVISORY COMMISSION

The Oroville Historic Advisory Commission may consider creating an annual award to honor outstanding achievement in Oroville historic revitalization.

## RECOMMENDATION

Adopt the attached award program and implement it for 2022.

## REPORTS / DISCUSSIONS / CORRESPONDENCE

6. Commissioner Reports
7. Historical Advisory Commission Reports
8. Staff Reports

## ADJOURN THE MEETING

The meeting will be adjourned. A regular meeting of the Oroville Planning Commission will be held on February 24, 2022 at 6:00 PM.

Accommodating Those Individuals with Special Needs - In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the City Clerk at (530) 538-2535, well in advance of the regular meeting you wish to attend, so that we may make every reasonable effort to accommodate you. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at City Hall, 1735 Montgomery Street, Oroville, California.

Recordings - All meetings are recorded and broadcast live on cityoforoville.org and YouTube.
Planning Commission Decisions - Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the City Council by filing with the Zoning Administrator within fifteen days from the date of the action. A written notice of appeal specifying the grounds and an appeal fee immediately payable to the City of Oroville must be submitted at the time of filing. The Oroville City Council may sustain, modify or overrule this decision.

This agenda was posted on August 18, 2021, at $5: 24 \mathrm{pm}$. This meeting was recorded and may be viewed at cityoforoville.org or on YouTube.

## CALL TO ORDER / ROLL CALL

Chairperson Durling called the meeting to order at 6pm.
PRESENT: Commissioners: Michael Britton, Glenn Arace, Natalie Sheard, Marissa Hallen, Vice Chairperson Wyatt Jenkins, Chairperson Carl Durling

ABSENT: Commissioner Tammy Flicker
STAFF: Assistant Community Development Director Dawn Nevers, Principal Planner Wes Ervin, Assistant Planner Connor Musler, Program Specialist Jordan Daley, Senior Administrative Assistant Cecilia Carmona.

## OPEN SESSION

Pledge of Allegiance - Led by Chairperson Durling

## PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS

There were 0 public comments at this meeting.

## CONSENT CALENDAR

Motion by Commissioner Sheard and second by Commissioner Arace to approve the consent calendar. Motion passed unanimously.

1. APPROVAL OF THE MINUTES

The Commission approved the minutes of May 27, 2021 and July 22, 2021.

## PRESENTATIONS

2. Ron Belser, Manager of the newly formed Code Enforcement Department provided a presentation to the commission on code compliance.

## PUBLIC HEARINGS

3. ZC21-03 MOBILE/MANUFACTURED HOME CODE AMENDMENTS

The Oroville Planning Commission reviewed and considered recommending that the City Council revise OMC 15.36 relating to mobile and manufactured home installation standards within the city.

Motion by Commissioner Arace and second by Sheard to adopt Resolution No. P2021-14 Recommending that the City Council Approve the Specified Changes to OMC 15.36. Motion passed unanimously.
4. SEIDENGLANZ PARCEL AT 1245 ORO DAM BLVD REZONE TO M-2 AND GENERAL PLAN AMENDMENT TO INDUSTRIAL

The Oroville Planning Commission reviewed and considered recommending that the City Council approve General Plan Amendment GPA 21-01 and Zoning Code Amendment ZC 21-01 with Conditional Overlay for 39-acre parcel at 1245 Oro Dam Boulevard (APN 035-270-016).

Motion by Commissioner Britton and second by Commissioner Arace to certify the Notice of Exemption; recommend that the City Council approve General Plan Amendment GPA 21-01; recommend that the City Council approve Zoning Code Amendment ZC 21-01 with Conditional Overlay; and adopt Resolution No. P2021-08 -- A RESOLUTION OF INTENTION BY THE OROVILLE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT GENERAL PLAN AMENDMENT 21-01 AND ZONING CODE AMENDMENT ZC 21-01 FOR A 39 ACRE PARCEL AT 1245 ORO DAM BOULEVARD EAST (PARCEL \# 035-270-016). Motion passed unanimously.
5. MINOR USE PERMIT UP21-07 FOR ALCOHOL SALES AT THE PROPOSED VILLAVINO WINE BAR AND TASTING ROOM AT 1440 MYERS ST, STE A, INCLUDING A FINDING OF PUBLIC CONVENIENCE OR NECESSITY

The Oroville Planning Commission reviewed and considered approving Use Permit No. UP21-07 to allow the applicant to conduct alcohol sales at the proposed Villa Vino wine bar and tasting room at 1440 Myers St, Ste A.

Motion by Commissioner Jenkins and second by Commissioner Sheard to adopt the Notice of Exemption as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA); adopt the recommended Findings for Use Permit No. UP2107; approve Use Permit UP21-07 and recommended Conditions of Approval; approve a Letter of Public Convenience or Necessity, since it has been determined by ABC that an overconcentration exists; adopt Resolution No. P2021-11. Motion passed unanimously.
6. MINOR USE PERMIT UP21-08 TO ALLOW FXP FIREARMS TO CONDUCT THE SALES OF FIREARMS, AMMUNITION, FIREARM ACCESSORIES, AND GUN REPAIR SERVICES AT 2122 5TH AVE

The Oroville Planning Commission reviewed and considered approving Use Permit No. UP2108 to allow the applicant to conduct the sales of firearms, ammunition, firearm accessories, and gun repair services at 2122 5th Avenue (APN 035-430-136). The property has a zoning designation of Corridor Mixed Use (MXC).

Motion from Commissioner Jenkins and second by Commissioner Hallen to adopt the Notice of Exemption as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA); adopt the recommended Findings for Use Permit No. UP2108; approve Use Permit UP21-08 and recommended Conditions of Approval; adopt Resolution No. P2021-12. Motion passed unanimously.

## 7. MINOR USE PERMIT UP21-09 TO ALLOW THE OPERATION OF A TATOO PARLOR AT 2030 BIRD STREET

The Oroville Planning Commission reviewed and considered approving Use Permit No. UP21-09 to allow the applicant to open a tattoo parlor at 2030 Bird Street (APN 012-035-014). The property has a zoning designation of MXD.

Motion by Commissioner Sheard and second by Commissioner Britton to adopt the Notice of Exemption as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA); adopt the recommended Findings for Use Permit No. UP2109; approve Use Permit UP21-09 and recommended Conditions of Approval; adopt Resolution No. P2021-13. Motion passed unanimously.

## REPORTS / DISCUSSIONS / CORRESPONDENCE

8. Commissioner Reports - None
9. Staff Reports - Commissioners received an update on projects from Staff.

## ADJOURN THE MEETING

Chairperson Durling adjourned the meeting at $8: 14 \mathrm{pm}$.
APPROVED:

## ATTESTED:

Assistant City Clerk Jackie Glover


This agenda was posted on September 17, 202. This meeting was recorded and may be viewed at Cityoforoville.org or on YouTube.

## CALL TO ORDER / ROLL CALL

Meeting called to order by Commissioner Britton at 6pm.
PRESENT: Commissioners: Glenn Arace, Michael Britton, Marissa Hallen, Natalie Sheard
ABSENT: Chairperson Carl Durling, Vice Chairperson Wyatt Jenkins
STAFF: Assistant Community Development Director Dawn Nevers, Principal Planner Wes Ervin, Assistant Planner Conner Musler, Assistant City Clerk Jackie Glover

## OPEN SESSION

Pledge of Allegiance - Led by Commissioner Britton.

## PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS

There were 0 public comments for this meeting.

## PUBLIC HEARINGS

1. GENERAL PLAN AMENDMENT AND REZONE OF PROPERTY USED AS A CHURCH AT 2833 FORT WAYNE STREET TO PUBLIC-QUASI PUBLIC

The Oroville Planning Commission reviewed and considered recommending that the City Council approve General Plan Amendment GPA 21-02 and Zoning Code Amendment ZC 21-04 for two parcels at 2833 Fort Wayne Street. (APN 035-169-001 and 035-166-012).

Motion by Commissioner Sheard and second by Commissioner Arace to certify the Notice of Exemption; and recommend that the City Council approve General Plan Amendment GPA 2102; and recommend that the City Council approve Zoning Code Amendment ZC 21-04; and adopt Resolution No. P2021-16 -- A RESOLUTION OF INTENTION BY THE OROVILLE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT GENERAL PLAN AMENDMENT 21-02 AND ZONING CODE AMENDMENT ZC 21-04 FOR TWO PARCELS USED AS A CHURCH (PARCEL \# 035-169-001 and 035-166-012). Motion passed.

AYES: Hallen, Sheard, Arace, Britton
NOES: None
ABSENT: Durling, Jenkins
ABSTAIN: None

## 2. ZONING CODE CHANGE ZC 21-05 INCLUDING TWO CHANGES TO CODIFY EARLIER DECISIONS OF THE CITY COUNCIL, PLANNING COMMISSION AND DEVELOPMENT REVIWE COMMITTEE

The Oroville Planning Commission reviewed and considered recommending that the City Council approve Zoning Code Amendment ZC 21-05 to codify decisions already made by the City Council and the Development Review Committee.

Motion by Commissioner Hallen and second by Commissioner Sheard to certify the Notice of Exemption; and recommend that the City Council approve Zoning Code Amendment ZC 2105; and adopt Resolution No. P2021-17 -- A RESOLUTION OF INTENTION BY THE OROVILLE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT ZONING CODE AMENDMENT ZC 21-05 CODIFYING EARLIER DECISIONS OF THE CITY COUNCIL, PLANNING COMMISSION AND DEVELOPMENT REVIEW COMMITTEE AFFECTING PARCELS 031-120-037 AND PARCELS 031-010-046, -067, -080, -081, -084, and -085. Motion passed.

AYES: Hallen, Sheard, Arace, Britton
NOES: None
ABSENT: Durling, Jenkins
ABSTAIN: None

## REPORTS / DISCUSSIONS / CORRESPONDENCE

1. Commissioner Reports
a. There were 0 commissioner report
b. There was a brief housing element/housing density discussion, booth at Salmon Festival
2. Historical Advisory Commission Reports
a. Sheard - Provided information about 1933 Montgomery Street.
3. Staff Reports
a. Ervin - Gave the Commission information about the Historic Advisory Commission Seminars coming up; Upcoming Planning Commission Items - New Fence Ordinance, Massage Ordinance, Alcohol Permit, Ron Harmon mine extension. Commission items are moving forward at council.

## ADJOURN THE MEETING

Commissioner Britton adjourned the meeting at 6:53pm

APPROVED:

Commissioner Michael Britton

ATTESTED:

Assistant City Clerk Jackie Glover

## CALL TO ORDER / ROLL CALL

Chairperson Durling called the meeting to order at 6:03pm
PRESENT: Commissioners: Glenn Arace, Marissa Hallen, Natalie Sheard, Vice Chairperson Wyatt Jenkins, Chairperson Carl Durling

ABSENT: Commissioner Mike Britton
STAFF: Assistant Community Development Director Dawn Nevers, Principal Planner Wes Ervin, Assistant Planner Connor Musler, Planning Consultant Connie Spade, Assistant City Clerk Jackie Glover

## OPEN SESSION

Pledge of Allegiance - Led by Chairperson Durling

## PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS

There were 0 public speakers on non-agenda items.
The following individuals spoke on agenda items:

- Julie Miller - Item 5


## CONSENT CALENDAR

## 1. PROPOSED COUNTY WAREHOUSE BUILDING AT APN 031-161-065 NEXT TO EXISTING

 COUNTY WAREHOUSE AT 2081 2ND STREETThe Oroville Planning Commission considered not objecting to construction of a 3,000 square foot warehouse on APN 031-161-065 on land currently zoned C-2 intensive commercial.

Motion by Commissioner Hallen and second by Commissioner Sheard to adopt Resolution No. P2021-21

AYES: Jenkins, Arace, Sheard, Hallen, Durling
NOES: None
ABSTAIN: None
ABSENT: Britton
2. USE PERMIT AND RECLAMATION PLAN AMENDMENT TO EXTEND THE RON HARMON MINE PERMIT UNTIL NOVEMBER 12, 2026.

The Oroville Planning Commission reviewed and considered approving a Use Permit No. UP 9515 modification to extend the expiration date from November 12, 2021 to November 12, 2026.

Motion by Commissioner Jenkins and second by Commissioner Arace to adopt the Class 1 Categorical Exemption for existing projects as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA); and conditionally Approve Use Permit UP95-15 modification and recommended modified Conditions of Approval; and adopt Resolution No. P2021-15; and add condition 33. To the use permit to state staff may enter the property at any time for inspections and will check in at the Office. Motion passed.

AYES: Jenkins, Arace, Sheard, Hallen, Durling
NOES: None
ABSTAIN: None
ABSENT: Britton
3. MINOR USE PERMIT UP21-10 FOR A CHANGE IN ALCOHOL LICENSE AT VALLARTA GRILL, INCLUDING A FINDING OF PUBLIC CONVENIENCE OR NECESSITY

The Oroville Planning Commission reviewed and considered approving Minor Use Permit No. UP21-10 to allow the applicant to change Alcoholic Beverage Control (ABC) Licenses from a Type 41 to a Type 47.

## RECOMMENDATION:

Motion by Commissioner Arace and second by Commissioner Sheard to adopt the Notice of Exemption as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA); and adopt the recommended Findings for Use Permit No. UP21-10; and approve Use Permit UP21-10 and recommended Conditions of Approval; and approve a Letter of Public Convenience or Necessity, since it has been determined by ABC that an overconcentration exists; and adopt Resolution No. P2021-18. Motion passed.

AYES: Jenkins, Arace, Sheard, Hallen, Durling
NOES: None
ABSTAIN: None
ABSENT: Britton
4. GENERAL PLAN AMENDMENT AND REZONE OF PLUMAS AVE SCHOOL AT 440 PLUMAS AVE TO PUBLIC-QUASI PUBLIC

The Oroville Planning Commission reviewed and considered recommending that the City Council approve General Plan Amendment (GPA) 21-03 and Zoning Code Amendment (ZC) 21-07 for a parcel identified as 440 Plumas Ave (APN 031-172-082), the location of the Plumas Avenue School.

## RECOMMENDATION

Motion by Commissioner Sheard and second by Commissioner Jenkins to adopt the Notice of Exemption as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA); and recommend that the City Council approve General Plan Amendment GPA 21-03; and recommend that the City Council approve Zoning Code Amendment ZC 21-07; and adopt Resolution No. P2021-20. Motion passed.
5. ZC21-06 FENCES, WALLS, AND SCREENING MUNICIPAL CODE AMENDMENTS

The Oroville Planning Commission reviewed and considered recommending that the City Council revise OMC 17.12.020 relating to the City's regulations of fences, walls and screening.

Motion by Commissioner Arace and second by Commissioner Sheard to adopt Resolution No. P2021-19 Recommending that the City Council Approve the Specified Changes to OMC Section 17.12.020 and add an additional change to item G to add item 8 . to state no fences shall be higher than 42 inches in the front yard in the historic district regardless of setbacks. Motion passed.

AYES: Jenkins, Arace, Sheard, Hallen, Durling
NOES: None
ABSTAIN: None
ABSENT: Britton

## REPORTS / DISCUSSIONS / CORRESPONDENCE

6. Commissioner Reports - None
7. Historical Advisory Commission Reports - None given.
8. Staff Reports
9. Potential Annual Award - The Historic Advisory Commission discussed the possibility of creating an annual award for an exemplary contribution by a citizen to the vitality of downtown, to Oroville's history, and/or for a purpose to be determined by the Commission. The award, if ultimately created, might be administered similarly to the Your Voice for Arts, and the Sam Norris Award. Staff made a short presentation prior to the discussion.
a. Chairperson Durling and Commissioner Sheard requested this item be brought to the next meeting as a possible action item. Commissioners Durling and Sheard will work with staff to formulate the award for the next meeting.
10. Glover - Change Meeting to December $2^{\text {nd }}$ in place of the regularly scheduled November/December Meeting. Commissioner applications for open positions is November 12, 2021.
11. Ervin - Nothing new to report
12. Spade - Gave a brief update on the Housing Element.

## ADJOURN THE MEETING

Meeting adjourned at 8:08pm.


# City of Oroville 

Thursday, January 27, 2022

| RE: City of Paris Building Interior and Exterior Improvements |
| :--- |
| SUMMARY: The Historic Advisory Commission will review proposed façade improvements to |
| the City of Paris building at 1474 Myers Street, Oroville. |

## RECOMMENDATION:

1. That the Historic Advisory Commission review the proposed façade changes, and make any recommended changes or conditions.

APPLICANTS: SBW Properties (Brian Wong)

LOCATION: 1474 Myers Street
Oroville, CA 95962

GENERAL PLAN: Mixed Use
ZONING: MXD (Downtown Mixed Use)
FLOOD ZONE: X

ENVIRONMENTAL DETERMINATION: This ministerial project is exempt from CEQA under PRC 21083, and as a minor alteration to an existing structure under Section 15301 of the CEQA Guidelines.

| REPORT PREPARED BY: | REVIEWED BY: |
| :--- | :--- |
|  |  |
| Wes Ervin, Senior Planner <br> Community Development Department | Dawn Nevers, Assistant Director <br> Community Development Director |

## DISCUSSION

The façade changes to the City of Paris is building at 1474 Myers Street requires development review per OMC 17.52.020.A. 2 because it is in the Downtown Historic Overlay district ${ }^{1}$.

In this case the structure is neither a designated city Landmark nor is it located in the Historic Preservation District. However, it is a major downtown building in downtown's

[^0]core area, and staff has suggested its façade changes should be reviewed by the Historic Advisory Commission, which may comment and/or impose conditions on the project.

The façade changes are intended to partially return to the way it looked in the 1980's. In particular, the brick facing windows and awnings were changed in the 1980's, and will be replaced with materials and designs more like the original. The applicant indicates this is only some of the ultimate changes envisioned.

## FISCAL IMPACT

None.

## ATTACHMENTS

1. Development Review application.
2. Drawings of the proposed interior and exterior changes.


## PLANNING DIVISION GENERAL APPLICATION

## (Please print clearly and fill in all that apply)



## AGENT AUTHORIZATION

To the City of Oroville, Department of Community Development

| NAME OF AGENT: | Brian Nong | PHONE NUMBER: | 530-828-5060 |
| :---: | :---: | :---: | :---: |
| COMPANY NAME: | SBW Property LLC | EMAIL: | brian-y-Wong@s |
| ADDRESS: | 2051 Robinson St | CITY/ST/ZIP | Eroville, CA 9 |
| AGENT SIGNATURE |  |  |  |
| Is hereby authorized to process this application on my/our property, identified as Butte County Assessor Parcel Number (s) |  |  |  |
| This authorization allows representation for all applications, hearings, appeals, etc. and to sign all documents necessary for said processing, but not including document (s) relating to record title interest. |  |  |  |

Owner(s) of Record (sign and print name)

| 1) |  |  |  |
| :---: | :---: | :---: | :---: |
| 2) | Print Name of Owner | Signature of Owner | Date |
|  |  | Vandra |  |
|  | Print Name of Owner | Signature of Owner | Date |
| 3) |  |  |  |
|  | Print Name of Owner | Signature of Owner | Date |
| 4) |  |  |  |
|  | Print Name of Owner | Signature of Owner | Date |
|  | Owner's Mailing Address | Owner's Email | Owner's Phone \# |

The Community Development Department operates on a full cost recovery for processing of permits Staff will charge their time and any expenses associated with processing the application against the initial deposit. Fees that have been captured for the reimbursement of City expenses are nonrefundable.

Technology cost recovery fees are non-refundable

# DEVELOPMENT REVIEW / PRE-APPLICATION 

(Please print clearly and fill in all that apply)


Detailed Description:
see attached plans

The Community Development Department operates on a full cost recovery for processing of permits. Staff will charge their time and any expenses associated with processing the application against the initial deposit. Fees that have been captured for the reimbursement of City expenses are nonrefundable.

## CITY OF PARIS BLDG IMPROVEMENTS

## 1474 MYERS ST., OROVILLE, CA 95965 <br> APN.:012-092-014








# City of Oroville 

COMMUNITY DEVELOPMENT DEPARTMENT
1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org
PLANNING COMMISSION STAFF REPORT
Thursday, January 27, 2022
RE: Presentation and Discussion about ZC21-06 Fences, Walls, and Screening Municipal Code Amendments
SUMMARY: Staff will make a presentation on the draft changes made to OMC 17.12.020 relating to the City's regulations of fences, walls and screening. The Oroville Planning Commission reviewed and adopted Resolution P2021-19 on October 28, 2021, recommending that the City Council adopt the proposed revisions.

RECOMMENDATION: Staff recommends the following actions:

1. Listen to Staff's Presentation and Provide Direction to Staff

| APPLICANT: | City of Oroville |
| :--- | :--- |
| LOCATION: City-Wide | GENERAL PLAN: N/A <br> ZONING: N/A <br> FLOOD ZONE: N/A |
| ENVIRONMENTAL DETERMINATION: $\quad$ This zoning change is not a project under CEQA <br> since it has no possibility of having a direct or indirect effect on the environment. |  |
| REPORT PREPARED BY: | REVIEWED BY: |
| Connor Musler, Assistant Planner <br> Community Development Department | Dawn Nevers, Assistant Director <br> Community Development Department |

## DISCUSSION

The Planning Commission conducted a public hearing at their regular October 28, 2021 meeting regarding proposed revisions to the City's regulations of fences, walls and screening. At that time, the Commission received public comments, discussed the revisions, and adopted Resolution P2021-019 recommending that the City Council adopt the proposed amendments to OMC 17.12.020, with the addition of a regulation
limiting the height of fences anywhere in the front yard of residences within the Downtown Historic Overlay to 42 inches.

The City Council was scheduled to conduct a public hearing on November 16, 2021 on the recommended changes. However, due to comments received and potential concern from property owners, staff pulled the item to return to the Planning Commission for a presentation and further discussion on the proposed changes.

Some key changes to note include:
Removed Inconsistencies with the Adopted Building Code: The City's building code allows fences up to 7 feet in height without a building permit. Anything constructed in excess of 7 feet requires an applicant to apply for and receive a building permit. However, the City's fence ordinance states that the height of any fence or wall in residential districts shall not exceed 6 feet and in public areas anything over 6 feet is subject to development review. In order to maintain consistency with our adopted building code, staff have made 7 feet the maximum allowed height for certain fences, with anything taller requiring a building permit.
Changes for Public Safety: The City's fence ordinance as adopted allows a solid fence up to 6 feet tall in the front yard, provided that it is set back at least 5 feet from the property line and the setback area landscaped. This can result in properties being surrounded by a tall solid fence, creating a potential public safety issue for first responders who cannot see who or what may be behind the fence or a clear way to access the property.
To address this, staff revised the maximum allowed height in the front setback area to be 42 inches ( 3.5 ft ). Any fence over 42 inches in the front setback area is subject to approval of an administrative permit, must be setback at least 5 feet from the property line, the setback area must be landscaped and maintained, and must include a clearly marked entrance and path to the building's primary entrance. At the October 14, 2021 Development Review Committee (DRC) meeting, the committee recommended that the maximum height in the front yard be 42 inches to simplify the requirements for property owners and staff. Under the new proposed regulations, if a property owner wishes to construct a fence over 42 inches, the fence must be constructed outside of the required front yard setback or at the point equal to the primary building's front façade, whichever is less.

Fence Placement and Height: The fence ordinance can be difficult to understand for some due to the various height, placement, and design restrictions associated with fencing. To provide greater clarity for homeowners, developers, and other individuals, staff have included a maximum height table in the new code and created a fence placement diagram detailing standard scenarios of where fences can and cannot be placed.

## FISCAL IMPACT

None.

## ATTACHMENTS

A. Draft Fence Code Change with the Planning Commissions Recommended Changes.

## SECTION 17-12.020 <br> Fences, walls and screening

17-12.020 Fences, walls and screening
A. Applicability. No fence shall hereafter be erected, constructed, altered or maintained except as provided by this section. The requirements of this section shall apply to all fences and walls in all districts, excluding the walls of any building, and shall apply regardless of the construction material used.
B. Sight Distance Area. No fence shall obstruct the required sight distance area for an intersection as shown in Figure 17.12.020-1.


Figure 17.12.020-1: Sight Distance Area
C. Fence Height Measurement. Exceptions to the standards of this section may be granted by the Planning Commission if warranted for safeguarding the public health, safety and welfare.

1. The height of a fence at any point shall be measured from the base of the fence directly below that point. If a fence is constructed atop a retaining wall, the fence's height shall be meastred from the adjacent grade on the high side of wall If a retaining wall is combined with a fence or wall, the combined height may reach a maximum height of 11 feet above grade ( 7 foot maximum fence with a 4 foot maximum retaining wall) along the streetside and rear property lines without a building permit, as shown in Figure 17.12.020-2.


Figure 17.12.020-2: Fence Height Measurement
D. Public Areas. Fences that enclose school grounds, public playgrounds and parks, tennis courts, public swimming pools, museums, or other public areas may be erected to a height in excess of 67 feet, subject to development review.
E. Swimming Pools. Fencing shall be provided around all swimming pools, spas and similar areas, in accordance with the requirements of the city building code.
F. Nonresidential development. Any nonresidential development shall meet the following fencing requirements:

1. The site shall include a solid fence or decorative masonry wall along each property line abutting a residential district. The fence shall be between 6 and 7 feet tall
2. Where a street separates the site from a property that is in a residential district, the site shall include one of the following along the property line that faces the street:
a. A solid fence or decorative masonry wall, between 6 and 7 feet tall, that is located behind any required planting area, and that has a decorative architectural treatment on any side facing a street, parking lot or adjoining residential district; or
b. A planting area with evergreen landscaping that restricts visibility into the site. The planting area shall be installed and maintained in accordance with Section 17.12.050.
3. Loading areas shall be fenced and screened as provided in Section 17.12.080.
4. Outdoor storage areas shall be fenced and screened as provided in Section 17.16.140.
5. All mechanical, electrical and external communication equipment, including air conditioners, refrigeration units, satellite dishes and microwave towers, shall be screened from public view. Screening of roof-mounted equipment shall be architecturally integrated into the building design.
6. A building permit is required for any fence over 7 feet in height.

## G. Residential and Mixed-Use Development.

1. In all residential districts, the height of a fence or wall is shown in Table 17.12.020-1, unless authorized in compliance with the requirements of this subsection (G). See also Figure 17.12.020-3 for details on placement and heights of fences and walls.

Table 17.12.020-1: Fences and Walls in Residential Districts



Figure 17.12.020-3: Fence Height and Placement
2. Fences, walls, or combination of fence and wall within the required front setback area for the underlying zoning district shall not exceed 42 inches. If the fence, wall, or combination of fence and wall is constructed outside of the required front setback area, or at the point equal to the building's front facade, whichever is less, then the fence is allowed a maximum height of 7 feet.
a. For properties within the Downtown Historic Overlay (DH-O), the fence height shall not exceed 42 inches anywhere in the front yard. The front yard shall be the area from the front property line to the point equal to the building's front facade.
3. A decorative arch, trellis, or other entry feature along a street frontage may exceed the height limit shown in Table 17.12.020-1. The decorative features shall be limited to 10 feet in width and 10 feet in height.


Figure 17.12.020-4: Decorative Features
4. All fences in residential districts greater than 42 inches in height constructed within the street side yard setback adjacent to a public street shall be set back at least 5 feet from any property line that abuts a public street. This setback area shall be landscaped in accordance with the requirements of Section 17.12.050.
a. All multiple family residential and mixed use projects shall be fenced along the rear prope
5.
6. - All multiple family residential projects shall include a fence or decorative masonry wall along the rear and side property lines. The fence or decorative masonry wall shall be between 6 and 7 feet tall.
a. Development of a single project on more than one parcel shall require fencing or decorative masonry wall along the project perimeter side and rear property lines.
6. For mixed-use development, the site shall include a solid fence or decorative masonry wall along each side and rear property line abutting a residential district. The fence or decorative masonry wall shall be between 6 and 7 feet tall.
a. Development of a single project on more than one parcel shall require fencing or decorative masonry wall along the project perimeter side and rear property lines.
a:7. A building permit is required for any fence or wall over 7 feet in height.

## H. Retaining Walls.

1. All retaining walls shall be constructed with split-face masonry, cast-in-place concrete, interlocking block or a similar material. Retaining walls shall not be constructed of wood.
2. Any retaining wall that is visible from a public street or public open space shall have a decorative architectural treatment on the wall face.
3. A building permit is required for any retaining wall over 4 feet in height.

## I. Electric Fences.

1. In residential districts that have a minimum lot area of at least 20,000 square feet, electrically charged fences shall be permitted if they are necessary to contain livestock. Any electrically charged fence shall be set back at least 20 feet from any lot line unless there is also a solid fence along the lot line.
2. In all other districts, no electrically charged fences shall be permitted.
J. Barbed or Razor Wire. Fences may be constructed with sharp-pointed materials, such as barbed or razor wire, only as follows:
3. In residential districts that have a minimum lot area of at least 20,000 square feet, fences may be constructed with barbed or razor wire if they are necessary to control livestock. Any fence that is constructed with barbed or razor wire shall be set back at least 20 feet from any lot line unless there is also a solid fence along the lot line.
4. In all other residential districts, and on sites that abut a residential district or are separated by a street from a residential district, no fences may be constructed with barbed or razor wire.
5. In industrial districts, fences may be constructed with barbed or razor wire if the wire is at least 6 feet above grade.
6. In commercial and special purpose districts, fences may be constructed with barbed or razor wire only upon approval of a use permit. Before granting the use permit, the planning commission shall find, based on substantial evidence, that the barbed or razor wire is necessary in order to provide adequate security for the site and there is no reasonable alternative.
7. Temporary Fences. Nothing in this chapter shall be deemed to prohibit the erection of a temporary fence around construction projects in compliance with the California Building Code and other applicable provisions of the Oroville Municipal Code.
K. Permits. Permits. Permits shall be obtained for the erection, construction, alteration and maintenance of fences as specified in the city building code and this code section. (Ord. 1749 § 4; Ord. $1763 \iint 4$, 5; Ord. 1819 § 3, 2017; Ord. 1820 § 2, 2017)


## RE: Historic Preservation Award Program of the Oroville Historic Advisory Commission

 SUMMARY: The Oroville Historic Advisory Commission may consider creating an annual award to honor outstanding achievement in Oroville historic revitalization.
## RECOMMENDATION: Staff recommends the following actions:

1. Adopt the attached award program and implement it for 2022.

APPLICANTS: Initiated by the Oroville Historic Advisory Commission

GENERAL PLAN: NA
ZONING: NA
FLOOD ZONE: NA

ENVIRONMENTAL DETERMINATION: Not a project under CEQA since it has no possibility of having a direct or indirect effect on the environment.

REPORT PREPARED BY:

Wes Ervin, Senior Planner
Community Development Department

REVIEWED BY:

Dawn Nevers, Assistant Director Community Development Director

## DISCUSSION

The Oroville Historic Advisory Commission may consider instituting the attached award program as a way to celebrate Oroville's history and to encourage the revitalization of structures in the Downtown and city-wide.

FISCAL IMPACT
None.
PUBLIC NOTICE
NA

## ATTACHMENTS

1. Historic Preservation Award Program Description

# Historic Preservation Award Program of the <br> Oroville Historic Advisory Commission 

*DRAFT *** DRAFT*** DRAFT

The Historic Advisory Commission hereby creates an annual award to honor outstanding achievement in downtown and city-wide historic revitalization.

1. Duties of the Commission. This award is intended to advance the mission and duties of the Commission, to wit:
a. Duties of the Commission. The historic advisory commission shall have the following duties (from OMC 17.56.050):
b. To advise the city council of the historic nature and historic value of any landmarks and landmark sites proposed by property owners within DHO districts.
c. To recommend specific guidelines, subject to city council approval, for designation and development of landmarks and landmark areas.
d. To promote and conduct educational and interpretational programs on historic properties within $\mathrm{DH}-\mathrm{O}$ districts, subject to approval by the city council.
e. To provide the city council with an inventory of existing landmarks and landmark sites, as well as an inventory of possible future landmarks and landmark sites, within the city.
f. To provide the city council with an inventory of contributing and noncontributing features within existing DH-O districts.
g. To perform any other duties, responsibilities and functions enumerated in this chapter. (Ord. 1749 § 4; Ord. 1790 § 2)

## 2. Historic Preservation Award Program Goals.

a. To honor outstanding achievement in architecturally period-appropriate rehabilitation and economically stimulating adaptive reuse of Oroville's historic properties.
b. To preserve and glorify Oroville's historic heritage and values.
c. To encourage building owners to rehabilitate and maintain historic structures stewarding their best and highest use.

## 3. Award Criteria

a. The property must exhibit:
b. Outstanding period appropriate architectural and landscape restoration.
c. Evidence of an understanding of and dedication to the history of the structure within the context of Oroville's history.
d. A commitment to excellence in ongoing stewardship of the property.
e. Sustainable reuse that brings economic vitality to the City of Oroville by stimulating the local economy.
f. Compliance with the general plan, city codes, zoning and ordinances.

## 4. Administration

a. The awards are sponsored by the City of Oroville and are administered by the Historical Advisory Committee and presented by the City Council.
b. The Historic Advisory Committee will choose a minimum of one property per year to receive this award.
c. The award will be consistent with the criteria of the California Office of Historic Preservation.
d. The Commission will solicit corporate sponsorships to help promote and support the award, its implementation, its promotion, and its longevity.
e. Awardees will receive a plaque, be invited to host a reception and tour, recognition in local press, and may receive additional support from the City.

## 5. Potential cost

a. Plaque Design TBD
b. Plaque Cost -- $\$ 300$ to $\$ 500$
c. Reception refreshments and signage -- \$500
d. Promotion - By Commissioners and City staff.


[^0]:    ${ }^{1}$ Notwithstanding any other provision of this section, development review shall be required for any new construction in a downtown historic overlay ( $\mathrm{DH}-\mathrm{O}$ ) district that requires a building permit to alter a structure's exterior appearance.

