



## OROVILLE PLANNING COMMISSION

Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

**August 26, 2021**  
**REGULAR MEETING**  
**6:00 PM**  
**AGENDA**

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### COVID-19 AND PUBLIC ACCESS AND PARTICIPATION

The Oroville City Council Chambers are open to the public. To view the meeting or provide comment, please see the options below. All comments emailed will be provided to the Council Members for their consideration. To prevent the spread of COVID-19 and to comply with the time limit regulations for individuals to provide comments to the Council, each device or phone number will only be allowed once per item. Multiple individuals may not share the same device to provide public comment.

#### To View the Meeting:

1. Watch our live feed <https://www.youtube.com/channel/UCAoRW34swYI85UBfYqT7IbQ/>

#### To Provide Comment to the Board:

1. Email before the meeting by 2:00 PM your comments to [publiccomment@cityoforoville.org](mailto:publiccomment@cityoforoville.org)
2. Join the meeting virtually via Zoom – Join Zoom Meeting  
<https://zoom.us/j/99508232402?pwd=aThZc1BsUG9sWnhNYnlwZHZZdFFrQT09>  
Meeting ID: 995 0823 2402  
Passcode: **17351735**
3. Join the meeting by telephone (audio only):  
Telephone: 1-669-900-9128  
Meeting ID: 995 0823 2402  
Passcode: **17351735**
4. Attend in person following social distancing guidelines

To provide comment via zoom, you will need to use the raise hand function in Zoom. For those accessing the meeting from a computer or smartphone, that raise hand feature can be selected by clicking or tapping it. For members of the public utilizing a telephone (audio only) to access the meeting, you can use the raise hand feature when the item for which you desire to provide comment is called by pressing \*9 on your keypad to raise your hand. When it is your turn to speak, you will be called upon by the last 4 digits of your phone number, if available.

**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 two (2) minutes per speaker on all items and an overall time limit of thirty minutes for non-agenda 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.**

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## CALL TO ORDER / ROLL CALL

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

## OPEN SESSION

Pledge of Allegiance

## 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

Consent calendar **items** are adopted in one action by the Commission. Items that are removed will be discussed and voted on immediately after adoption of consent calendar items.

### 1. APPROVAL OF THE MINUTES

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

#### RECOMMENDATION

Approve the minutes of May 27, 2021 and July 22, 2021.

## PRESENTATIONS

2. Ron Belser, Manager of the newly formed Code Enforcement Department, will spend 30 minutes with the Planning Commission to discuss the City's Code Compliance function, and will answer questions.

## PUBLIC HEARINGS

The Public Hearing Procedure is as follows:

- Mayor or Chairperson opens the public hearing.
- Staff presents and answers questions from Council
- 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

**3. ZC21-03 MOBILE/MANUFACTURED HOME CODE AMENDMENTS**

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

**RECOMMENDATION**

**Conduct a Public Hearing** on the proposed code change;

**Adopt** Resolution No. P2021-14 Recommending that the City Council Approve the Specified Changes to OMC 15.36

**4. SEIDENGLANZ PARCEL AT 1245 ORO DAM BLVD REZONE TO M-2 AND GENERAL PLAN AMENDMENT TO INDUSTRIAL**

The Oroville Planning Commission will review and consider 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).

**RECOMMENDATION**

**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**

**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).**

**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 will review and consider 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.

**RECOMMENDATION**

**Conduct a Public Hearing** on the proposed project;

**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. UP21-07;

**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

**6. MINOR USE PERMIT UP21-08 TO ALLOW FXP FIREARMS TO CONDUCT THE SALES OF FIREARMS, AMMUNITION, FIRE ARM ACCESSORIES, AND GUN REPAIR SERVICES AT 2122 5TH AVE**

The Oroville Planning Commission will review and consider approving Use Permit No. UP21-08 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).

**RECOMMENDATION**

**Conduct a Public Hearing** on the proposed project;

**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. UP21-08;

**Approve** Use Permit UP21-08 and recommended Conditions of Approval;

**Adopt** Resolution No. P2021-12

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

The Oroville Planning Commission will review and consider 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.

**RECOMMENDATION**

**Conduct a Public Hearing** on the proposed project;

**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. UP21-09;

**Approve** Use Permit UP21-09 and recommended Conditions of Approval;

**Adopt** Resolution No. P2021-13

**REPORTS / DISCUSSIONS / CORRESPONDENCE**

- 8. Commissioner Reports
- 9. Staff Reports



## ADJOURN THE MEETING

The meeting will be adjourned. A regular meeting of the Oroville Planning Commission will be held on September 23, 2021 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](http://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.



Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

**July 22, 2021  
REGULAR MEETING  
MINUTES**

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This agenda was posted on July 16, 2021 at 4:30pm. This meeting was recorded and may be viewed online at [cityoforoville.org](http://cityoforoville.org) or on YouTube.

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**CALL TO ORDER / ROLL CALL**

Chairperson Durling opened the meeting at 6:01pm.

**PRESENT:** Commissioners: Glenn Arace, Natalie Sheard, Marissa Hallen, Vice Chairperson Wyatt Jenkins, Chairperson Carl Durling

**ABSENT:** Commissioner Tammy Flicker and Michael Britton

**STAFF:** Assistant Community Development Director Dawn Nevers, Assistant Planner Conner Musler, Principal Planner Wes Ervin, City Engineer Matt Thompson, Assistant City Clerk Jackie Glover, 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**

The following individuals spoke on non-agenda items:

- Brian Wong

**PUBLIC HEARINGS**

**1. MINOR USE PERMIT UP21-06 FOR ALCOHOL SALES AT MIS REINAS CARNICERIA AT 1933 ORO DAM BLVD SUITE E**

The Oroville Planning Commission reviewed and considered approving Use Permit No. UP21-06 to allow the applicant to conduct alcohol sales at the new Mis Reinas Carniceria at 1933 Oro Dam Blvd Ste E

Motion by Commissioner Jenkins and second by Commissioner Arace 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. UP21-06; and approve Use Permit UP21-06 and recommended Conditions of Approval; and approve a Letter of Public Convenience or Necessity, should it be determined by ABC that an overconcentration exists; and adopt Resolution No. P2021-09. Motion passed.

**AYES:** Commissioners Sheard, Hallen, Arace, Jenkins, Durling

NOES: None  
ABSENT: Commissioners Britton and Flicker  
ABSTAIN: None

**2. 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 for 39-acre parcel at 1245 Oro Dam Boulevard (APN 035-270-016).

**Motion by Commissioner Jenkins and second by Commissioner Hallen to continue the item to August 26, 2021 to allow staff to work on this item further and bring it back to the commission. Motion passed.**

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

**3. TENATIVE PARCEL MAP WAIVER 21-02 (APN 031-110-037)**

The Oroville Planning Commission reviewed and considered approving a Parcel Map Waiver for a lot split to facilitate Phase 3 of the Olive Ranch Affordable Housing development along Table Mountain Boulevard at the end of Tuscan Villa Drive. The map will split one lot into two lots.

Motion by Commissioner Sheard and second by Commissioner Hallen to approve the recommended Parcel Map Waiver subject to any conditions imposed by the City Engineer; and adopt Resolution No. P2021-10. Motion passed.

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

**4. ZONING CODE CHANGE TO ALLOW APPELLANTS A SPECIFIC RESPONSE TIME**

The Oroville Planning Commission reviewed and considered recommending that the City Council revise OMC 17.56.100 to allow an appellant up to 20 minutes to present his or her case, and up to another 10 minutes to deliver any rebuttal remarks.

Motion by Commissioner Sheard and second by Commissioner Hallen to recommend that the council approve revisions to OMC 17.56.100 as follows: Allow appellants up to 15 minutes to present their case and allow another up to 10 min to rebuttal; allow the Planning Commission up to 15 minutes to present their case and the Zoning Administrator up to 15 minutes to present their case. Motion passed.

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

# REPORTS / DISCUSSIONS / CORRESPONDENCE

- 5. The Planning Commission heard a presentation from Commissioner Sheard on Orange and Olive groves and their historical significance in relation to EW Fogg and Freda Ehmann.
- 6. Staff provided information to the Planning Commission related to the process for project denials from the Commission.
- 7. Director Report provided by Principal Planner Wes Ervin - Nuisance Code Compliance Workshop at the next meeting with Officer Belser; gave an update on upcoming items to the Council of interest to the Planning Commission; new owner for the Martin Ranch project; information regarding vehicle miles traveled related to CEQA is coming soon; Next DRC August 12<sup>th</sup> – alcohol permit for wine bar.
- 8. Commissioner Reports

# ADJOURN THE MEETING

Chairperson Durling adjourned the meeting at 7:59pm.

APPROVED:

ATTESTED:

\_\_\_\_\_  
Chairperson Carl Durling

\_\_\_\_\_  
Assistant City Clerk Jackie Glover



Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

**May 27, 2021  
MINUTES**

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This agenda was posted on Friday, May 21, 2021. This meeting was recorded and may be viewed at [cityoforoville.org](http://cityoforoville.org) or on YouTube.

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## **CALL TO ORDER / ROLL CALL**

Chairperson Durling opened the meeting at 6:01pm

**PRESENT:** Commissioners: Tammy Flicker, Michael Britton, Natalie Sheard, Glenn Arace, Marissa Hallen, Chairperson Carl Durling

**ABSENT:** Commissioner: Vice Chairperson Jenkins

**STAFF:** Assistant Community Development Director Dawn Nevers, Assistant Planner Conner Musler, Principal Planner Wes Ervin, 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 comments on non-agenda items.

The following spoke on agenda items:

- Phil Atteberry – Item 2
- Tasha Holland – Item 2
- Brian Littrell – Item 2

## **CONSENT CALENDAR**

### **1. APPROVAL OF THE MINUTES**

The Planning Commission approved the minutes of April 22, 2021.

Motion by Commissioner Britton and second by Commissioner Flicker to approve the minutes with a correction to item 5 to show Marissa Hallen absent. Motion passed.

**AYES:** Flicker, Arace, Hallen, Sheard, Britton, Durling

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Jenkins

## PUBLIC HEARINGS

Commissioner Flicker recused herself from item 2.

### 2. MINOR USE PERMIT UP 21-05 FOR A DRIVE THROUGH RESTAURANT AT 680 ORO DAM BOULEVARD EAST

The Oroville Planning Commission reviewed and considered approving Use Permit No. UP21-05 a new 2,233 square foot Arby's drive-thru with associated site improvements.

Motion by Britton and second by Sheard to Approve Use Permit UP21-05 and recommended Conditions of Approval; and **Adopt** Resolution No. P2021-06 with the addition of Condition 11 to include a right turn only sign upon exit and striping on the ground at the driveway entrance/exit. Motion passed.

AYES: Arace, Hallen, Sheard, Britton  
 NOES: Durling  
 ABSTAIN: None  
 ABSENT: Flicker (Recused), Jenkins

Commissioner Flicker returned to the meeting.

## REGULAR BUSINESS

### 3. INTERNALLY ILLUMINATED SIGN FOR CENTURY 21 SELECT REALTY AT 2061 MONTGOMERY ST

The Planning Commission reviewed a sign permit to install an internally illuminated halo lit sign for a Century 21 office at 2061 Montgomery Street, Oroville, CA.

Motion by Commissioner Sheard and second by Commissioner Flicker to adopt Resolution P2021-07 Approving the Sign Permit to Erect New Signage for the Century 21 Office at 2061 Montgomery Street, Oroville, Ca.

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

### 4. INTERNALLY ILLUMINATED SIGN AND ELECTRONIC MESSAGE BOARDS FOR THE OROVILLE CONVENTION CENTER AT 1200 MYERS STREET

The Planning Commission reviewed new signage for the Oroville Convention Center at 1200 Myers Street, Oroville, CA.

**Motion by Commissioner Britton and second by Commissioner Flicker to adopt** Resolution P2021-08 Approving the signage plan and electronic message boards for the Oroville Convention Center at 1200 Myers St, Oroville, Ca

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

## REPORTS / DISCUSSIONS / CORRESPONDENCE

1. Commissioner Reports
  - a. Natalie Sheard volunteered to sit on the DRC to replace Tammy Flicker.
  - b. Sheard – Provided information and discussion related to possible restoration of the City of Paris sign; discussed overall restoration of the historic downtown.
2. Staff Reports
  - a. Ervin – Phase II of the Nelson and Table Mtn Apartments is going to the DRC, Phase II Mitchel apartments submitted, June 1 Council Meeting – appeal for proposed liquor store appeal to council, June 15<sup>th</sup> Council Meeting - Stott Advertising Appeal to Council
  - b. Nevers – Received plans for Hampton Inn and Suites, breaking ground soon; City of Paris sign is on private property, may be future arts funding available for property owner to apply for in the future; Conner Musler has been promoted from student intern to Assistant Planner.

## ADJOURN THE MEETING

Chairperson Durling adjourned the meeting at 8:09pm.

APPROVED:

ATTESTED:

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Chairperson Carl Durling

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Assistant City Clerk Jackie Glover





# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street  
 Oroville, CA 95965-4897  
 (530) 538-2430 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

### PLANNING COMMISSION STAFF REPORT

Thursday, August 26, 2021

**RE: ZC21-03 Mobile/Manufactured Home Code Amendments**

**SUMMARY:** The Oroville Planning Commission will review and consider recommending that the City Council revise OMC 15.36 relating to mobile and manufactured home installation standards within the city.

**RECOMMENDATION: Staff recommends the following actions:**

1. **Conduct a Public Hearing** on the proposed code change;
2. **Adopt** Resolution No. P2021-14 Recommending that the City Council Approve the Specified Changes to OMC 15.36

**APPLICANT:** City of Oroville

**LOCATION:** City-Wide

**GENERAL PLAN:** N/A

**ZONING:** N/A

**FLOOD ZONE:** N/A

**ENVIRONMENTAL DETERMINATION:** This zoning change is not a project under CEQA since it has no possibility of having a direct or indirect effect on the environment.

**REPORT PREPARED BY:**

**REVIEWED BY:**

\_\_\_\_\_  
 Connor Musler, Assistant Planner  
 Community Development Department

\_\_\_\_\_  
 Dawn Nevers, Assistant Director  
 Community Development Department

### DISCUSSION

The City's current Mobile Home Installation Standards, found in Oroville Municipal Code (OMC) Chapter 15.36, is broad and does not specifically cover criteria generally required of conventional single-family residences. Staff often receive inquiries regarding mobile/manufactured home requirements and having a more

detailed code sections can help make it easier when responding to these inquiries.

To help encourage the installation of quality mobile and manufactured homes within the City, staff have researched surrounding jurisdictions regulations of mobile and manufactured homes and have drafted a revision to OMC 15.36 to better regulate the installation of these structures within the city (**Attachment A**). Staff utilized the Town of Paradise, City of Biggs, County of Butte, City of Rocklin, and City of Santa Rosa's regulations when drafting the new code. In addition, Government Code 65852.3 permits cities to adopt regulations relating to architectural requirements, age limitations, materials, and other development standards that are otherwise required for conventional single-family residential dwellings.

Some key changes to note include:

**Addition of "Manufactured Homes"**: The City's code defines mobile and manufactured home differently. According to HUD, mobile homes are structures built prior to June 15, 1976, and manufactured home are those built after June 15, 1976. The code section as currently written only discusses mobile homes. To ensure that manufactured homes are held to these standards, staff added reference to manufactured homes in the new code sections.

**Age Limit**: Government Code 65852.3 allows for cities to prohibit the installation of mobile/manufactured homes that are older than 10 years from the date of manufacture. The City of Oroville has historically allowed the installation of manufactured homes of any age provided that they are labeled by HUD and/or HCD. The Town of Paradise, City of Biggs, and County of Butte have adopted a prohibition of mobile/manufactured homes 10 years or older. Staff have included this age limit in the new draft code to maintain consistency with neighboring jurisdictions and to provide for the quality installation of manufactured housing within the City.

**Design Criteria**: As currently written the city's code requires that mobile homes only be compatible with existing structures in the neighborhood. While researching the requirements of other jurisdiction, staff determined that more specific requirements are necessary to make it easier for applicants looking to install a mobile/manufactured home, and for staff when reviewing applications.

The draft code changes were discussed by the Development Review Committee (DRC) on July 8<sup>th</sup>. The DRC expressed support of these changes.

## **FISCAL IMPACT**

None.

## **ATTACHMENTS**

- A. Draft Mobile/Manufactured Home Code Change
- B. Other Jurisdictions Regulations
- C. Resolution P2021-14

**SECTION 15.36 MOBILE AND MANUFACTURED HOME INSTALLATION STANDARDS****15.36 Mobile and Manufactured Home Installation Standards****15.36.010 Adoption of mobile and manufactured home installation standards.**

The mobile and manufactured home installation standards set forth in this chapter and adopted by the City Council of the City of Oroville shall be known as the “Mobile Home and Manufactured Home Installation Standards” for Mobile Homes” within the city. (Ord. 1800 § 2, 2013; Ord. 1840 § 1, 2019)

**15.36.040 Permits.**

- A Required. Permits shall be required for the installation of any mobile and manufactured home within the City of Oroville. Such permits will be issued by the building division of the city, and all required inspections related to the permit shall be made by the building division in accordance with the State of California regulations governing mobile and manufactured home installations and the requirements of this chapter.
- B Fees. Fees shall be as prescribed in the permit fee schedule as established by the city council. (Ord. 1800 § 2, 2013; Ord. 1840 § 1, 2019)

**15.36.030 Appearance.**

- A. **Purpose.** This section describes the design criteria for mobile and manufactured homes to promote compatibility:
- B. **Applicability.** All mobile/manufactured homes proposed to be located on any lot permitting the installation of a mobile or manufactured home in the City of Oroville shall comply with the minimum criteria set forth in this section:
  - 1. The mobile/manufactured home shall be structurally certified per requirements of the National Manufactured Housing Construction and Safety Act of 1974.
  - 2. The mobile/manufactured home shall be attached to a permanent foundation system, subject to the approval of the Building Official.
  - 3. The exterior finish material(s) shall be stucco plaster, vinyl, wood, or other finish material found in conventionally built residential structures in the city and surrounding area, and shall be compatible with exterior materials on any garage or other accessory structure on the same site.

4. The exterior finish material(s) shall extend towards the ground to a point consistent with that customary on conventionally built residential structures in the city and surrounding area.
5. Skirting material shall emulate the texture and coloring of solid masonry, brick, stone, concrete, or other material that is complementary to the exterior finish material(s) and shall be installed around the perimeter of the structure to bridge the gap between exterior finish materials on the structure and the structures foundation or finish grade as applicable. The height of said skirting material shall be generally consistent with the foundation height customary to new residential structures.
6. Roofs shall have a minimum pitch of 3:12 and shall be shingled or tiled in a manner sufficient to have the same appearance as a standard dwelling built on the site. Roof eave and gable overhangs shall be a minimum of 12 inches measured from the vertical side of the structure.
7. The mobile/manufactured home shall comply with development standards applicable to the zone in which it is to be located, including but not limited to, setbacks, lot coverage, and off-street parking facilities.
8. The façade which fronts the street shall be designed with sufficient detail to make it visually compatible with conventional residential structures in the city and surrounding area.
9. Landscaping shall be installed in accordance with OMC 17.12.050. Landscape plans shall be submitted at the time of submittal of building permits unless a deferred installation agreement is executed in accordance with the city's landscaping standards.
10. The city shall prohibit the installation of a mobile/manufactured home older than 10 years of age. The age measurement period shall be from the year of manufacture of the mobile/manufactured home to the year of the permit application.
11. Mobile/manufactured houses designed for a temporary use shall not be installed as a permanent structure unless the unit complies with the city's adopted building code, zoning ordinance, and the provisions outlined in this code section.

#### **15.36.040 Plans and specifications.**

Prior to the issuance of any permit for the installation of any mobile **or manufactured home**, or the construction of any accessory structure for the mobile/**manufactured** home, the applicant shall submit all materials necessary to determine the property location, location of the mobile/**manufactured** home, and all other structured of the property, utility

locations, exterior blocking plan, and any other materials necessary for approval and permit issuance. If conditions are such that the building official feels the need for further review, a request for mobile/**manufactured** home installation permits may be submitted to the development review committee for consideration and findings. (Ord. 1800 § 2, 2013; Ord. 1840 § 1, 2019)

DRAFT

# **ATTACHMENT B – OTHER JURISDICTIONS REGULATIONS**

## Chapter 11.35

### MANUFACTURED HOMES\*

Sections:

- 11.35.010 Purpose.
- 11.35.020 Construction standards.
- 11.35.030 Variance.
- 11.35.040 Penalties.

\*Prior legislation: Ord. 309.

#### 11.35.010 Purpose.

For purposes of promoting the public health, safety and general welfare, and more specifically for the purpose of providing present and future residents of the city of Biggs a suitable living environment and maintaining certain minimum building standards for residential dwellings, the following standards are hereby established for installation of manufactured homes within R-1 and R-2 zoning districts of the city of Biggs. [Ord. 313 § 1, 1997]

#### 11.35.020 Construction standards.

(1) Installation and Foundations. All manufactured homes to be installed within R-1 and R-2 zoning districts within the city of Biggs shall be installed subject to the following requirements as established within the California Government Code Title 25, Section 1333:

(a) Manufactured housing units shall be placed upon permanent foundation systems approved by the State Department of Housing and Community Development or approved by a California licensed architect or professional engineer.

(b) A building permit shall be obtained from the city of Biggs or its authorized agent (Butte County building division) for the installation of a permanent foundation for a manufactured home.

(c) Foundation systems shall include permanent skirting enclosing the entire foundation area of the manufactured housing unit. Specific design of skirting shall be specified on plans submitted for foundation building permits.

(2) Roofing, Eaves and Overhangs.

(a) Roof materials shall be of tile, wood or composition shingles or of other materials customarily used for conventional residential structures in the surrounding area.

(b) Roof construction shall have eaves and gable overhangs of not less than 18 inches as measured from the vertical side of the structure, or that which is customarily found on new residential structures in the surrounding area.

(3) Manufacture Date. Pursuant to Government Code Section 65852.4, no manufactured home shall be installed within the city of Biggs if the manufacture date of the home is greater than 10 years prior to the date of application for building permit for permanent foundation.

(4) Other Applicable Zoning Ordinances. All ordinances applicable to typical residential dwelling units within the R-1 and R-2 zoning districts, including requirements for setbacks, public utilities, and residential development standards, shall also apply to installation of manufactured homes. [Ord. 313 § 2, 1997]

#### 11.35.030 Variance.

Variance from this chapter shall be granted only in conformity with Government Code Section 65900 and following appeal to the planning commission, and upon showing of special circumstances as provided by Government Code Section 65906. Pursuant to Section 65091 of the Government Code, notice shall be mailed to the owners of all properties within 300 feet of the property for which the variance is sought. [Ord. 313 § 3, 1997]



**11.35.040 Penalties.**

Any violation of this chapter shall be deemed an infraction and shall be punishable by a fine. [Ord. 313 § 4, 1997]

## Chapter 14.160

### MANUFACTURED HOUSING STANDARDS

Sections:

- 14.160.010 Purpose.
- 14.160.020 Foundations.
- 14.160.030 Manufacture date.
- 14.160.040 Applicable standards.

#### **14.160.010 Purpose.**

The following standards pertaining to manufactured homes are established to ensure the health and safety of community members and to maintain the visual and community character of residential neighborhoods. [Ord. 409 § 3, 2017; Ord. 320 § 1, 1999. Formerly 14.80.010]

#### **14.160.020 Foundations.**

All manufactured homes to be occupied within the city of Biggs, with the exception of such uses as described in Chapter 14.140 BMC (Temporary Occupancy of Manufactured Homes and Recreational Vehicles) shall be installed on permanent foundations subject to the following:

- (1) Foundation system shall be an approved State of California Department of Housing and Community Development permanent foundation systems.
- (2) A building permit shall be obtained from the city of Biggs or its authorized agent (Butte County building division) for installation of a permanent foundation system for a manufactured home.
- (3) The foundation system shall include a permanent skirting enclosing the entire foundation. [Ord. 409 § 3, 2017; Ord. 320 § 1, 1999. Formerly 14.80.020]

#### **14.160.030 Manufacture date.**

Pursuant to Government Code Section 65852.4, no manufactured home shall be installed within the city of Biggs if the manufacture date of the home is greater than 10 years prior to the date of application for building permit for a permanent foundation. [Ord. 409 § 3, 2017; Ord. 320 § 1, 1999. Formerly 14.80.030]

#### **14.160.040 Applicable standards.**

All other codes, standards and provisions of this title which apply to residential development shall likewise apply to the permanent installation of a manufactured home. [Ord. 409 § 3, 2017; Ord. 320 § 1, 1999. Formerly 14.80.040]

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## COUNTY OF BUTTE REGULATIONS

### **28A-1 Mobilehome and mobilehome lot standards adopted by reference.**

In order to provide minimum standards for the construction, use, maintenance and occupancy of mobile/manufactured home lots and mobile/manufactured homes and installations for supplying fuel gas, water, and electricity thereto and the disposal of sewage therefrom, subchapter 1, commencing with section 1000, of chapter 2, entitled "Mobilehome Parks Act," of title 25 of the California Code of Regulations is hereby adopted, incorporated and made a part of this chapter by reference, without further publication, as though set forth at length herein. This chapter shall apply to and govern all mobilehomes, manufactured homes, travel trailers and recreational vehicles, and accessory structures, and all such utility installations, located outside of mobilehome parks in the unincorporated areas of the county. At any time following March 28, 2019, the County shall not grant a permit for the installation of a mobile/manufactured home if such mobile/manufactured home is older than ten (10) years of age. The age measurement period shall be from the year of manufacture of the mobile/manufactured home to the year of the permit application.

(Ord. No. 2774, § 1, 8-29-89)

(Ord. No. 4157, § 2, 2-26-19)

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## TOWN OF PARADISE REGULATIONS

### 17.36.100 Mobile home provisions.

A mobile home or transportable factory built housing unit may be used as a dwelling in all zones allowing single-family dwellings when such mobile home meets the following minimum requirements in addition to all other provisions applicable to the site. (Government Code Section 65852.3)

1. The mobile home or transportable factory built housing unit shall be structurally certified per requirements of the National Manufactured Housing Construction and Safety Act of 1974.
2. The mobile home shall be installed on an approved permanent foundation.
3. Roofs shall have a minimum pitch of three (3) in twelve (12), and shall be shingled or tiled in a manner sufficient to have the same appearance as a standard dwelling built on the site.
4. Siding material shall be of masonry, wood, stucco or similar material having the same appearance as a standard dwelling built on the site.
5. The town shall prohibit the installation of a mobile/manufactured home older than ten (10) years of age. The age measurement period shall be from the year of manufacture of the mobile/manufactured home to the year of the permit application.

(Ord. No. 579, § 5, 10-8-2019, eff. 11-7-2019; Ord. 227, § 8, 1993; Ord. 214, § 2 (part), 1992)

**CITY OF ROCKLIN REGULATIONS**

## 17.08.170 - Mobile/manufactured home design criteria.

All mobile/manufactured homes proposed to be located on a residential single family lot in the city of Rocklin shall comply with the following minimum criteria to ensure compatibility:

- A. The mobile/manufactured home shall be attached to a permanent foundation system approved by the building inspector of the city.
- B. The exterior finish material(s) used on the mobile/manufactured home and any attached garage or other addition shall be a wood, stucco plaster, vinyl or other exterior finish material customarily used to sheath new residential structures in the city and in the area.
- C. The exterior finish material(s) shall extends towards the ground to a point consistent with that customary on new residential structures in the city.
- D. A skirting material, that emulates the texturing and coloring of a solid masonry, brick, or stone perimeter foundation, shall be installed around the perimeter of the structure to bridge the gap between the exterior finish materials on the structure and the structures foundation or finish grade as applicable. The height of said skirting material shall be generally consistent with the foundation height customary to new residential structures.
- E. Roofing material and the roof overhang, and the roof pitch shall be similar to the material, overhang and pitch design customarily used on new residential structures in the city. Roof overhangs shall be a minimum of sixteen inches.
- F. The mobile/manufactured home shall comply with development standards applicable to the zone in which it is to be located including but not limited to setbacks, lot coverage, and off street parking facilities.
- G. The facade which fronts on the street is designed with sufficient detail to make it visually compatible with conventional residential structures in the city.

(Ord. No. 977, Exh. A, A4., 10-11-2011)

[Title 20 ZONING](#)[Division 4 Standards for Specific Land Uses](#)[Chapter 20-42 STANDARDS FOR SPECIFIC LAND USES](#)

### **20-42.094 Mobile homes and manufactured housing.**

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A mobile home/manufactured housing unit located outside of mobile home park shall comply with the requirements of this Section, where allowed by Division 2 (Zoning Districts and Allowable Land Uses).

- A. Site requirements. The site, and the placement of the mobile home on the site shall comply with all zoning, subdivision, and development standards applicable to a conventional single-family dwelling on the same parcel.
- B. Mobile home design and construction standards. A mobile home outside of a mobile home park shall comply with the following design and construction standards.
  1. The exterior siding, trim, and roof shall be of the same materials and treatment found in conventionally built residential structures in the surrounding area, and shall appear the same as the exterior materials on any garage or other accessory structure on the same site.
  2. The roof shall have eave and gable overhangs of not less than 12 inches measured from the vertical side of the mobile home, and the roof pitch shall be no less than 2.5:12.
  3. The mobile home shall be placed on a foundation system, subject to the approval of the Building Official; and
  4. The mobile home shall be certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC Section 4401 et seq.), and has been constructed after January 1, 1989.

(Ord. 3711 § 1 Exh. A, 2005; Ord. 3677 § 1, 2004)

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View the [mobile version](#).

**State of California****GOVERNMENT CODE****Section 65852.3**

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65852.3. (a) A city, including a charter city, county, or city and county, shall allow the installation of manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401 et seq.) on a foundation system, pursuant to Section 18551 of the Health and Safety Code, on lots zoned for conventional single-family residential dwellings. Except with respect to architectural requirements, a city, including a charter city, county, or city and county, shall only subject the manufactured home and the lot on which it is placed to the same development standards to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to, building setback standards, side and rear yard requirements, standards for enclosures, access, and vehicle parking, aesthetic requirements, and minimum square footage requirements. Any architectural requirements imposed on the manufactured home structure itself, exclusive of any requirement for any and all additional enclosures, shall be limited to its roof overhang, roofing material, and siding material. These architectural requirements may be imposed on manufactured homes even if similar requirements are not imposed on conventional single-family residential dwellings. However, any architectural requirements for roofing and siding material shall not exceed those which would be required of conventional single-family dwellings constructed on the same lot. At the discretion of the local legislative body, the city or county may preclude installation of a manufactured home in zones specified in this section if more than 10 years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home in the affected zone. In no case may a city, including a charter city, county, or city and county, apply any development standards that will have the effect of precluding manufactured homes from being installed as permanent residences.

(b) At the discretion of the local legislative body, any place, building, structure, or other object having a special character or special historical interest or value, and which is regulated by a legislative body pursuant to Section 37361, may be exempted from this section, provided the place, building, structure, or other object is listed on the National Register of Historic Places.

(Amended by Stats. 1994, Ch. 896, Sec. 3. Effective January 1, 1995.)



## RESOLUTION NO. P2021-14

**A RESOLUTION OF INTENTION OF THE OROVILLE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT THE PROPOSED AMENDMENTS TO THE OROVILLE MUNICIPAL CODE CHAPTER 15.36 RELATING TO THE CITY’S MOBILE AND MANUFACTURED HOME INSTALLATION CRITERIA**

**WHEREAS**, the City of Oroville staff recommends a change to Chapter 15.36 of the City of Oroville Zoning Code relating to the City’s mobile and manufactured home regulations; and

**WHEREAS**, the changes to the mobile home installation criteria include clearer architectural requirements and a prohibition on mobile/manufactured homes older than 10 years of age to encourage quality structures within the City; and

**WHEREAS**, at a duly noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of the code changes described herein, and considered the City’s staff report regarding the project.

**NOW, THEREFORE, BE IT RESOLVED BY THE OROVILLE PLANNING COMMISSION AS FOLLOWS:**

SECTION 1. The Planning Commission determines:

- A. That the proposed amendments are consistent with the General Plan; and
- B. The proposed amendments are consistent with other applicable provisions of the Municipal Code and compatible with the uses authorized in the applicable zoning districts for which the revisions are proposed.

SECTION 2. The Planning Commission hereby recommends that the City Council approve the Zoning Code Amendment ZC21-03 to the Oroville Municipal Code as set forth in Attachment A, an update to the City’s mobile and manufactured home regulations.

\*\*\*\*\*

**PASSED AND ADOPTED** by the Planning Commission of the City of Oroville at a regular meeting on August 26, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

\_\_\_\_\_  
Jackie Glover, Assistant City Clerk

\_\_\_\_\_  
Carl Durling, Chairperson



# City of Oroville

**Leonardo DePaola**  
Community Development Director

## COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street  
Oroville, CA 95965-4897  
(530) 538-2436 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

### PLANNING COMMISSION STAFF REPORT

Thursday, August 26, 2021

**RE: Seidenglanz Parcel at 1245 Oro Dam Blvd Rezone to M-2 and General Plan Amendment to Industrial.**

**SUMMARY:** The Oroville Planning Commission will review and consider 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).

**RECOMMENDATION:** Staff recommends the following actions:

1. **Certify the Notice of Exemption**
2. **Recommend that the City Council approve General Plan Amendment GPA 21-01**
3. **Recommend that the City Council approve Zoning Code Amendment ZC 21-01 with Conditional Overlay**
4. **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).**

**APPLICANTS:** Steven Conn Seidenglanz et al

**LOCATION:** 1245 Oro Dam Blvd (APN 035-270-016)

**GENERAL PLAN:** MX (Mixed Use)  
**ZONING:** MXC (Corridor Mixed Use)  
**FLOOD ZONE:** Zone X

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt per Section 15332 and 15061(b)(3) of Title 14, California Code of Regulations.

**REPORT PREPARED BY:**

**REVIEWED BY:**

\_\_\_\_\_  
Wes Ervin, Senior Planner  
Community Development Department

\_\_\_\_\_  
Dawn Nevers, Assistant Director  
Community Development Department

## DISCUSSION

The applicant proposes to rezone their 39-acre parcel from MXC to M-2 to accommodate an industrial warehouse “e-commerce” prospect they are trying to attract.

The Planning Commission discussed this project at its July 22 meeting, and because of the site’s proximity to SR 162 the Commission asked for some additional restrictions on future development beyond those in unrestricted M-2 Zoning. A Conditional Overlay District (OMC 17.44.070 C-O) can accomplish this. The proposed conditions are in Attachment 3.

Application materials, maps, status of existing development, and issues for future significant development are attached in the DRC Memorandum.

The M-2 Zoning would allow warehousing uses, while MXC zoning does not. M-2 Zoning has a less intense (40%) maximum floor area ratio vs. 1.0 FAR for MXC (100% lot coverage in multi-story structures). If the site is again populated with solely heavy industrial uses, little would show from SR 162 due to the elevation differences.

## ENVIRONMENTAL

This project is exempt from CEQA under Section 15332 and 15061(b)(3) of Title 14, California Code of Regulations. First, the amendment actions themselves have no possibility of causing a physical change to the environment and are exempt under the Common Sense Exemption. To ensure adequate review for any future development, at such time as one or more development projects are proposed, the City will evaluate each on its own merits. Staff note, however, that this parcel has been for decades and is still developed with both industrial and heavy commercial uses, so most new projects would be considered infill under Section 15332 and/or would be ministerial and permitted by right.

## FISCAL IMPACT

None. The project is subject to all customary fees.

## PUBLIC NOTICE

A request for comments was prepared and circulated to the local agencies and surrounding property owners within 300 feet of the property. Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register and posted at City Hall.

Relevant City departments have reviewed the project for compliance with the policies and goals of the General Plan and Zoning Code. The DRC discussed the project on July 8. Staff and the DRC agree that the changes will be compatible with City requirements and with the surrounding land uses.

**SUMMARY**

Staff recommends the Commission forward a recommendation for City Council approval of the General Plan Amendment and Zoning Change.

**ATTACHMENTS**

- 1. DRC memorandum with application, map, and applicant’s statement
- 2. Aerial photo showing current and former development
- 3. Draft Conditional Overlay conditions
- 4. Resolution of Intent P2021-08 recommending to Council the GPA and ZC approvals
- 5. Notice of Exemption from CEQA



# City of Oroville

**Leonardo DePaola**  
DIRECTOR

## PLANNING AND DEVELOPMENT SERVICES

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## DEVELOPMENT REVIEW COMMITTEE MEMORANDUM

**TO: Development Review Committee**

**FROM: Wes Ervin**

**DATE: July 8, 2021**

**RE: Seidenglanz Parcel at 1245 Oro Dam Blvd Rezone to M-2 and General Plan Amendment to Industrial**

### Recommendation

Recommend the DRC forward a recommendation for approval of the GPA and Rezone by the Planning Commission, subject to subsequent approval by Council of the same.

### Project Description

The Seidenglanz family owns APN 035-270-016 at 39 acres. The parcel is located along Oro Dam Boulevard across from the Ford dealership and at the end of Veatch Street. As noted in the attached materials, the parcel has historically been under industrial and heavy commercial use for decades, but along with all properties fronting Oro Dam Blvd, was rezoned to Corridor Mixed Use in 2009 under the General Plan.

Owners are requesting it be returned to M-2, in part because they have an industrial warehouse prospect who needs the re-zone to utilize that site. They also requested the same rezone in 2017, which did not occur.

Current MXC development standards would allow 39-acres, or 1.6 million square feet in several stories, but does not allow warehousing.

MXN	
Maximum height	60'
Setbacks	0
Floor Area ratio Max	1.0 (100%) <sup>1</sup>

<sup>1</sup> Note that site coverage must still accommodate necessary parking, landscaping and other requirements.

M-2 Zoning development standards are as follows:

<b>M-2</b>	
Maximum height	65'
Setbacks	0
Floor Area ratio Max	0.4 (40%) <sup>2</sup>

After rezoning, the maximum lot coverage would be 679,000 square feet, but warehousing and distribution are allowed uses. A 679,000 square-foot warehouse would likely employ 200-500 persons.

Issues

The site is screened from Oro Dam Blvd (SR 162) by a berm so that vehicles on the Highway cannot see very far into the property, so if a warehouse or factory were to be developed there few visual impacts would occur.

Access from SR 162 is via two driveways, which would be adequate for access unless a project brings heavy truck traffic. In that event, an extension from Veatch, turn lanes, signalization and/or a rear access through the Shifflet Brothers site to State Box road may be needed.

Large trucks could not be prohibited from accessing the site via SR 162 because that part of SR 162 is a designated STAA terminal route. Heavy trucks are allowed by State law to go between Highway 70 and a terminal located there.

A rail spur could be installed if the new user so desires.

Processing Status

Applicant has filed the appropriate applications and paid the appropriate fees.

Attachments:

1. Applicant-generated map of the parcel
2. Application materials
3. Project description

<sup>2</sup> Note that site coverage must still accommodate necessary parking, landscaping and other requirements.



**PROJECT DESCRIPTION:**

APN 035-270-016 is approx. 39 acres located on the south side of Oro Dam Blvd., in the City of Oroville, at the southerly end of Veatch Street and westerly of the Union Pacific Railroad.

The site is a former lumber processing facility currently being renovated into commercial/industrial rental spaces, including Cooper Landscaping, the Gleaners distribution outlet and serves as vehicle and container storage.

The property was zoned Industrial until the City-wide General Plan update in approx. 2010, wherein all properties fronting major City streets were rezoned to a Mixed Use Corridor designation (MXC). The owner desires to restore the Industrial zoning and General Plan designations to accommodate a buyer interested in relocating to Oroville and constructing an e-commerce warehouse distribution facility. Site design has not been determined at this time.

It is the owner's opinion that traffic volumes will not exceed the General Plan thresholds for full buildout for the MXC or the change to the proposed M-2 (Industrial) for the e-commerce facility.

The property is level and approx. 15 feet in elevation higher than the Oro Dam Blvd. along the north side. Please see the attached Site Plan prepared from a 2002 aerial topographic survey identifying the existing and removed buildings, grades, roadways, and paved/unpaved areas. There are a few "trees of heaven", an invasive species, scattered around the site and there are overhead electrical pole lines along the fenced perimeter. Two small oak trees are along the west side fence.

There are two paved entries off Oro Dam Blvd., one at the northwest corner and one at the approx. mid-point serving the site.

Adjacent land uses include automobile sales and services across Oro Dam Blvd. to the north and a bank at the northwest. Along the west side are vacant parcels and the Dry Creek drainage channel. To the southwest and south are mixed use/industrial uses including equipment storage and staging. To the east is the Union Pacific Railroad tracks. Old UPRR spur tracks into the former lumber facility have been removed.

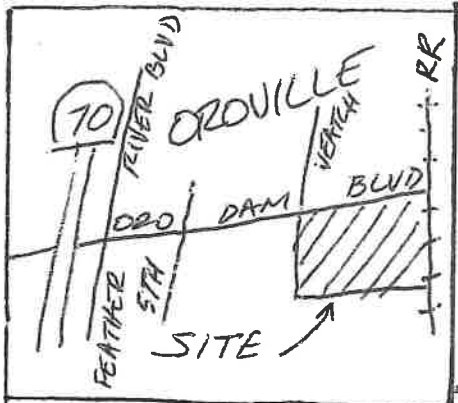
# REZONE & GENERAL PLAN AMENDMENT APN 035-270-016 39 ACRES ±

SITE: 1245 ORO DAM BL.  
OWNERS:  
S. SEIDENGLANZ ET AL  
4801 FEATHER RIVER  
BLVD., SUITE 29  
OROVILLE, CA 95965

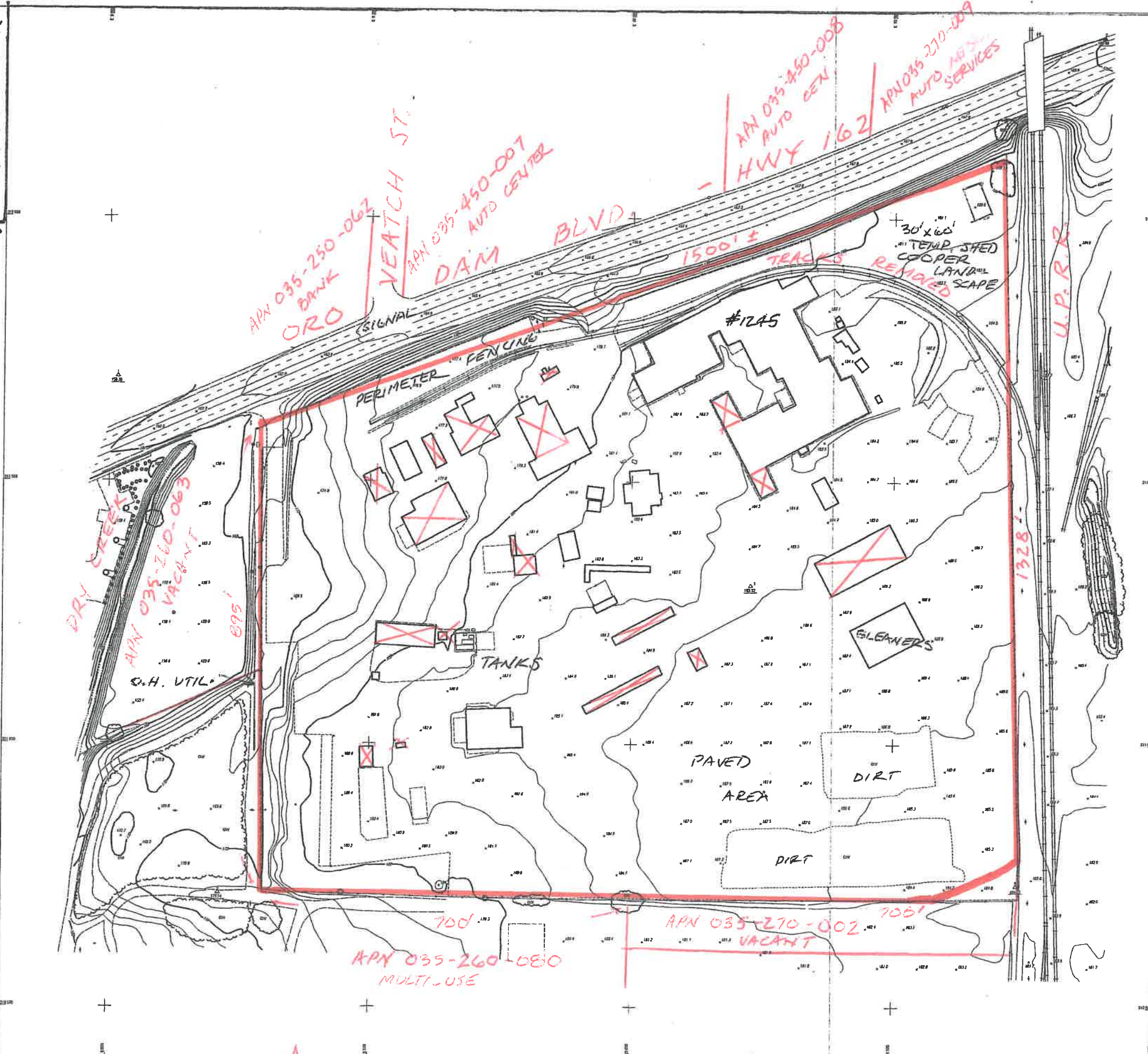
EXIST. ZONING: MXC  
PROPOSED: M-2 INDUS.  
EXIST. GP: MXC  
PROPOSED: INDUSTRIAL  
EXISTING USES:  
COMMERCIAL, STORAGE  
& WAREHOUSING  
PROPOSED USES:  
E-COMMERCE  
WAREHOUSING

CONTACT: KEN NOACK, JR.  
980 9TH ST., SU. 2500  
SACRAMENTO, CA 95814  
(916) 747-6442

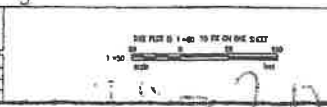
NOTE: RED 'X'  
INDICATES BUILDING  
HAS BEEN REMOVED.



LOCATION MAP  
NO SCALE



CARTWRIGHT AND ASSOCIATES  
REGISTERED PROFESSIONAL ENGINEERS  
1000 J STREET, SUITE 200  
OROVILLE, CA 95965  
TEL: (530) 837-2466 FAX: (530) 837-9221



SCALE 1"=200'  
PHOTO/TOPO 2002  
CONTOUR INTERVAL - 2 FEET

LEGEND	
---	PROPERTY LINE
---	EXISTING ROAD
---	PROPOSED ROAD
---	RAILROAD
---	PERIMETER
---	DRY CREEK
---	UTILITY
---	REMOVED BUILDING
---	REMOVED TRACKS
---	REMOVED LANDSCAPE
---	TEMP. STED COOPER LANDSCAPE
---	30'x60'

MAY 19, 2021





# City of Oroville

Planning Division - Community Development Department

1735 Montgomery Street  
 Oroville, CA 95965-4897  
 (530) 538-2430 FAX (530)  
 538-2426 [www.cityoforoville.org](http://www.cityoforoville.org)

Item 4.

TRAKIT#: *PL2100-003*

## ZONE CHANGE / GENERAL PLAN AMENDMENT

(Please print clearly and fill in/provide all that apply)

REQUIRED FOR A COMPLETE APPLICATION		TYPE OF PERMIT	
<input type="checkbox"/>	Completed and signed Application Forms	<input checked="" type="checkbox"/>	General Plan Amendment: \$3,946.84 (Deposit) + \$236.81 (6% Tech Fee) = \$4,183.65
<input type="checkbox"/>	Application Fee Paid	<input checked="" type="checkbox"/>	Zone Change: \$3,104.02 (Deposit) + \$186.24 (6% Tech Fee) = \$3,290.26
<input type="checkbox"/>		<input type="checkbox"/>	Prezone: \$3,031.00 + \$181.86 (6% Tech Fee) = \$3,212.86

\*\* Provide a copy of recorded documents showing current ownership and legal description of affected parcels. If the rezone involves more than 1 parcel, a petition must be submitted, signed by a minimum of 60% of the owners of the affected parcels.

PROJECT INFORMATION				
Assessor Parcel Number (APN)	Zoning		General Plan Land Use Designation	
	Existing	Proposed	Existing	Proposed
<del>1) 035-270-016</del>	<del>1) MXC</del>	<del>1) MXC/MZ</del>	<del>1) MX</del>	<del>1) MX/I</del>
2) 035-270-016	2) MXC	2) M-Z	2) MXC	2) INDUSTRIAL
3)	3)	3)	3)	3)
4)	4)	4)	4)	4)
5)	5)	5)	5)	5)
6)	6)	6)	6)	6)
7)	7)	7)	7)	7)
8)	8)	8)	8)	8)
9)	9)	9)	9)	9)

### REASONS FOR PROPOSED CHANGE

*BUYER FOR PROPERTY REQUIRES CHANGE / ADDITION OF INDUSTRIAL ZONING / GP TO OPERATE PROPOSED WAREHOUSES / DISTRIBUTION FACILITIES / FULFILLMENT CENTER IN ECOMMERCE TYPE INDUSTRIAL PARK. SEE ADDITIONAL PROJECT DESCRIPTION & DETAILS AS AVAILABLE.*

### APPLICANT'S SIGNATURE

I hereby certify that the information provided in this application is, to my knowledge, true and correct.

Signature: *[Signature]*

Date: 5-1-21

### OFFICE USE ONLY

Approved By:

Date:

Payment:

Number:



# City of Oroville

Planning Division - Community Development Department

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Item 4.

TRAKIT#: **PL2106-003**

## PLANNING DIVISION GENERAL APPLICATION

(Please print clearly and fill in all that apply)

<b>APPLICANT'S INFORMATION</b>		Project's:	
Name:	SEIDENGLANZ ET AL	Name:	ORO DAM
Address:	4801 FEATHER RIVER BLVD	Company:	SU. 29
Phone:	530-518-8842	Address:	OROVILLE, CA 95965
Email:	STEVENS@HWY70.NET	Phone:	
Is the applicant the Owner?	<input checked="" type="checkbox"/>	If applicant is Not the owner, please provide owner /agent authorization on the reverse side.	
Email:			

<b>DEVELOPMENT PROJECTS &amp; OTHER APPLICATIONS</b> (Please check all that apply)					
<input type="checkbox"/>	Annexation	<input type="checkbox"/>	Landmark /Modification/Demolition	<input type="checkbox"/>	Tentative Parcel Map
<input type="checkbox"/>	Appeal	<input type="checkbox"/>	Mining and Reclamation Plan	<input type="checkbox"/>	Tentative Subdivision Map
<input type="checkbox"/>	Development Review	<input type="checkbox"/>	Pre-Application	<input type="checkbox"/>	Use Permit
<input type="checkbox"/>	Final Map	<input type="checkbox"/>	Residential Density Bonus	<input type="checkbox"/>	Variance
<input checked="" type="checkbox"/>	General Plan Amendment/Rezone	<input type="checkbox"/>	Temporary Use	<input type="checkbox"/>	Wireless Communication Facilities
<input type="checkbox"/>	Landmark Designation	<input type="checkbox"/>	Tentative Map Extension	<input type="checkbox"/>	Zoning Clearance
<input type="checkbox"/>	Other: (Please Specify)				

<b>ADMINISTRATIVE PERMITS</b> (Please check all that apply)					
<input type="checkbox"/>	Adult Oriented Business	<input type="checkbox"/>	Outdoor Storage	<input type="checkbox"/>	Special Event
<input type="checkbox"/>	Home Occupation	<input type="checkbox"/>	Outdoor Display & Sales	<input type="checkbox"/>	Street Closure
<input type="checkbox"/>	Large Family Day Care	<input type="checkbox"/>	Second Dwelling Unit	<input type="checkbox"/>	Tree Removal
<input type="checkbox"/>	Mobile Food Vendor	<input type="checkbox"/>	Sign/Temporary Sign Permit		
<input type="checkbox"/>	Other: (Please Specify)				

\*Please provide a letter addressed to the Planning Division with a detailed description for the proposed project. Please include any site plans, maps, aerials, photos, and other relevant information that will help us in processing your application.  
 \*\* Any time a set of plans is required, three (3) sets of drawings shall be submitted, unless otherwise directed.

<b>PROJECT INFORMATION</b>	
Project Name: ORO DAM REZONE / GPA	Proposed Structure(s) (Sq Ft.): TBD
Address: 1245 ORO DAM BLVD, ORO.	Existing Structure(s) (Sq Ft.):
Nearest Cross Street: VEATH	Water Provider: CAL - WATER
Assessor Parcel Number: 035-270-010	School District: OROVILLE
Lot Size (Acres): 39 + AC.	Number of Dwelling Units: NONE

<b>APPLICANT'S SIGNATURE</b>	
I hereby certify that the information provided in this application is, to my knowledge, true and correct.	
Signature: <i>[Signature]</i>	Date: 5-1-21

<b>OFFICE USE ONLY</b>							
General Plan:	Zoning:	Zoning Conformity:	APN:				
File#	Overlay Zoning:	Minimum Setbacks:	FY	RY	SY		

<b>AGENT AUTHORIZATION</b>			
To the City of Oroville, Department of Community Development			
NAME OF AGENT:	<u>KEN NOACK</u>	PHONE NUMBER:	
COMPANY NAME:		EMAIL:	<u>KNOACK@NGKF.COM</u>
ADDRESS:		CITY/ST/ZIP:	
AGENT SIGNATURE:			
Is hereby authorized to process this application on my/our property, identified as Butte County Assessor Parcel Number (s):			
<u>035-270-016</u>			
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)	<u>STEVEN CONN SEIDENGLANZ</u>		<u>5-2-21</u>
	Print Name of Owner	Signature of Owner	Date
2)			
	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
	<u>4801 FEATHER RIVER BLVD - 29</u>	<u>STEVENS@HWY70.NET</u>	<u>530-518-2842</u>
	Owner's Mailing Address	Owner's Email	Owner's Phone #
	<u>OROVILLE, CA 95965</u>		

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 non-refundable.

Technology cost recovery fees are non-refundable

<b>AGENT AUTHORIZATION</b>			
To the City of Oroville, Department of Community Development			
NAME OF AGENT:	MICHAEL G. EVANS	PHONE NUMBER:	530-570-5498
COMPANY NAME:	EVANS FUN WORKS	EMAIL:	ONENICEPLACE@HOTMAIL.COM
ADDRESS:	110 SHARP ROAD	CITY/ST/ZIP:	OROVILLE, 95966
AGENT SIGNATURE:			
Is hereby authorized to process this application on my/our property, identified as Butte County Assessor Parcel Number (s):			
035-270-016			
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)	STEVEN CONN SEIDENGLANZ		3-2-2021
	Print Name of Owner	Signature of Owner	Date
2)	CAROL ANN SEIDENGLANZ		3-2-2021
	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
	4801 FEATHER RIVER BLVD SU. 29		530-518-8842
	Owner's Mailing Address	Owner's Email	Owner's Phone #
	OROVILLE, 95965	STEVENS@HWY10.NET	

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 non-refundable.

Technology cost recovery fees are non-refundable





FoodMaxx

Las Plumas Plaza/  
FoodMaxx Shopping...  
shopping mall

Veatch St

162

Oro Dam Blvd E

Oroville Chevrolet  
Chevrolet dealer

Quality Used Tires  
Used tire shop

U-Haul  
Neighborhood Dealer

Storey's Truck-Service

The Paradise Cleaners

Enterprise Rent-A-Car

Item 4.

The Plast

Country Connection

Richter Ave

Wy

Empire Steel

Conditional Overlay District -- C-O

Seidenglanz would be zoned M-2 C-O

Intensive Manufacturing with a Conditional Overlay

Overlay Conditions APN 035-270-016, 1245 Oro Dam Blvd.

1. Any tall or multi-story buildings shall be set back at least 100 feet from the top of the ridge fronting Highway 162 and shall be a maximum of 65 feet high.
2. All buildings shall be fully screened so as not to be visible from SR 162 unless purposely designed with architecturally appealing features.
3. Potential nuisance-generating industrial uses such as log decks, asphalt batch plants, gravel and sand processing, or any heavy manufacturing with air emissions and large outdoor storage or processing shall require a Use Permit.
4. Any use involving warehousing, wholesaling, or distribution or that generates significant truck traffic shall be required to develop primary access to the property from the south, via State Box Road.
5. Any use involving significant employee or truck traffic shall require a traffic analysis to verify the capacity of the existing and planned roadways.
6. Upon development, the SR 162 frontage shall be fully improved with driveways, sidewalks, and landscaping, to the satisfaction of the City Engineer and Caltrans.

Table 17.36.010 shall be revised as shown below



**Table 17.36.010-1**  
**Allowed Uses in the Conditional**  
**Overlay District for APN 035-270-016**

Land Use	Zoning Districts			Use-Specific Regulations
	ABP	M-1	M-2	
<b>Public Assembly</b>				
Carnival, circus or fair	AP	AP	AP	17.16.060
Commercial recreational facility	—	UP	UP	
Concert or performance	AP	AP	AP	17.16.060
Library or museum	—	UP	UP	
Meeting facility	—	UP	UP	
Park or playground	—	UP	UP	
Training facility	UP	P	P	
<b>Residential</b>				
Caretaker dwelling unit	P	P	P	
<b>Retail</b>				
Adult-oriented business	—	S	S	17.16.110
Building supply	—	UP	UP	
Cannabis retail	—	—	—	
Drive-through establishment	—	UP	UP	17.16.080
Equipment and machinery sales or rental	—	UP	P	
Farmers market	AP	AP	AP	17.16.060

	Zoning Districts			Item 4.
Land Use	ABP	M-1	M-2	Use-Specific Regulations
Food and beverage sales—10,000 sq. ft. or less of gross floor area	P	P	P	
Food and beverage sales—more than 10,000 sq. ft. of gross floor area	—	—	—	
Gas station	—	UP	UP	17.16.070
General retail—10,000 sq. ft. or less of gross floor area	UP	UP	UP	
General retail—more than 10,000 sq. ft. of gross floor area	—	UP	UP	
Mobile food vendor	—	S	S	17.16.150
Plant nursery or garden supply store	—	UP	UP	
Restaurant or café	UP	UP	UP	
Seasonal holiday agricultural sales	AP	AP	AP	17.16.060
Smoke shop	—	UP	UP	17.36.010
Vehicle sales	—	UP	UP	
<b>Services</b>				
Business support service	P	P	P	
Car wash	—	UP	UP	
Catering service	—	UP	UP	
Child day care	UP	UP	UP	
Instructional or production studio	—	P	P	
Kennel	—	UP	UP	17.16.120
Marijuana dispensary	—	—	—	
Office—professional	P	UP	UP	
Office—all other	P	UP	UP	
Outpatient services	—	—	—	
Substance abuse counseling	—	—	—	
Temporary real estate office	AP	AP	AP	17.16.060
Temporary uses not listed here	S	S	S	17.16.060
Veterinarian	—	P	P	17.16.120
<b>Manufacturing, Wholesale, Repair and Storage</b>				
Cannabis cultivation	—	—	—	
Cannabis distribution	—	—	—	
Cannabis manufacturing	—	—	—	
Cannabis microbusiness	—	—	—	
Cannabis nursery	—	—	—	
Cannabis testing	—	—	—	

Land Use	Zoning Districts			Use-Specific Regulations
	ABP	M-1	M-2	
Food or beverage production	—	UP	P	
Landscape material sales	—	UP	P	
Manufacturing—40,000 sq. ft. or less of gross floor area	P	P	P	
Manufacturing—more than 40,000 sq. ft. of gross floor area	UP	UP	<del>P</del> UP	
Metalwork—40,000 sq. ft. or less of gross floor area	P	P	P	
Metalwork—more than 40,000 sq. ft. of gross floor area	UP	UP	<del>P</del> UP	
Mini-storage facility	—	S	S	17.44.060
Outdoor storage—500 sq. ft. or less	P	P	P	17.16.140
Outdoor storage—more than 500 sq. ft.	UP	P	<del>P</del> UP	17.16.140
Recycling facility or center	—	P	<del>P</del> UP	
Repair service, large equipment	P	P	P	
Repair service, small appliances	P	P	P	
Research laboratory	UP	P	P	
Scrap or dismantling yard	—	—	UP	
Vehicle services and repair	—	P	P	
Warehousing	P	P	P	
Wholesaling and distribution	UP	P	P	
<b><i>Agricultural and Resource-Based Uses</i></b>				
Surface mining	—	—	UP	Chapter 15.92
<b><i>Transportation and Infrastructure</i></b>				
Parking garage or lot as primary use	—	UP	UP	
Public safety facility	P	P	P	
Solar energy system, Tier 1	P	P	P	17.16.180 (Solar energy systems)
Solar energy system, Tier 2	AP	AP	AP	17.16.180 (Solar energy systems)
Solar energy system, Tier 3	UP	UP	UP	17.16.180 (Solar energy systems)
Utility building or substation	P	P	P	
Vehicle depot	—	P	P	

(Ord. 1749 § 4; Ord. 1759 § 1; Ord. 1769 § 10; Ord. 1775 § 8; Ord. 1778 § 5; Ord. 1784 § 8; Ord. 1794 § 2; Ord. 1819 § 9, 2017; Ord. 1830 § 8, 2018; Ord. 1834 § 5, 2019)

**PLANNING RESOLUTION # 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)**

WHEREAS, the City of Oroville has received an application from property owner to rezone APN #035-270-016 from its current MXC (Corridor Mixed Use) zone to M-2 (Intensive Industrial); and

WHEREAS, the Property is within the Oroville City limits; and

WHEREAS, approval of the application requires amending the General Plan land use designation and zoning designation of the parcels to Industrial (I) and Intensive Industrial (M-2) respectively; and

WHEREAS, this site with exposure to State Route 162/Oro Dam Boulevard should be limited as to the types and setbacks of uses that should be allowed, and

WHEREAS, the rezoning and land use designation are exempt from CEQA on the bases that the action itself has no environmental effect, and it affects an existing developed parcel whose further development would be infill; and

WHEREAS, the Planning Commission considered at noticed public hearing the comments and concerns of public agencies and property owners who are potentially affected by the changes described herein, and also considered City staffs report regarding the project; and

NOW, THEREFORE, BE IT RESOLVED BY THE OROVILLE PLANNING COMMISSION ALL OF THE FOLLOWING:

1. Recommend that the City Council adopt the Notice of Exemption as the appropriate level of environmental review under the California Environmental Quality Act;
2. Recommend that the City Council adopt General Plan Amendment GPA21-01 and Zoning Code Amendment ZC21-01 with the recommended Conditional Overlay and revised Allowable Use table;
3. That the City Council direct the preparation and adoption of one or more ordinances as necessary to amend the City of Oroville Zoning Map to affect the necessary zoning and overlay district changes;
4. That for any new development the property owner and any subsequent owners must obtain all required permits from the City and any agencies responsible for protecting natural resources, then implement the conditions of those permits;

**I HEREBY CERTIFY** that the foregoing resolution was duly introduced and passed at a regular meeting or the Planning Commission of the City of Oroville held on August 26, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: APPROVE:

\_\_\_\_\_  
JACKIE GLOVER, ASSISTANT CITY CLERK

\_\_\_\_\_  
CARL DURLING, CHAIRPERSON



# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street  
 Oroville, CA 95965-4897  
 (530) 538-2430 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

### PLANNING COMMISSION STAFF REPORT

Thursday, August 26, 2021

**RE: 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**

**SUMMARY:** The Oroville Planning Commission will review and consider 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.

**RECOMMENDATION: Staff recommends the following actions:**

1. **Conduct a Public Hearing** on the proposed project;
2. **Adopt the Notice of Exemption** as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA);
3. **Adopt** the recommended Findings for Use Permit No. UP21-07;
4. **Approve** Use Permit UP21-07 and recommended Conditions of Approval;
5. **Approve** a Letter of Public Convenience or Necessity, since it has been determined by ABC that an overconcentration exists;
6. **Adopt** Resolution No. P2021-11

**APPLICANT:** Candy Knauth

**LOCATION:** 1440 Myers Street, Ste A  
 (APN 012-092-005)

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

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt per Section 15301 of Title 14, California Code of Regulations, Existing Facilities.

**REPORT PREPARED BY:**

\_\_\_\_\_  
 Connor Musler, Assistant Planner  
 Community Development Department

**REVIEWED BY:**

\_\_\_\_\_  
 Dawn Nevers, Assistant Director  
 Community Development Department

## DISCUSSION

Candy Knauth has applied for a Use Permit to conduct alcoholic beverage sales at the proposed VillaVino Wine Bar and Tasting Room at 1440 Myers Street, Suite A. The proposed wine bar is located in the former Butte County Wine Company suite, which the applicants have purchased and are renovating to reopen as VillaVino. The property has a zoning designation of Downtown Mixed Use (MXD). According to the Oroville Municipal Code (OMC), alcoholic beverage sales require a Use Permit within MXD zones.

The applicant is proposing an ABC Type 42 licenses for the wine bar and tasting room. A Type 42 license is to allow for beer and wine for on-site consumption. Minors are not allowed to enter and remain on the premises, with an exception for musicians per the California Business and Professions Code Section 25663.5. Food service is not required.

The wine bar occupies roughly 1,000 sq ft in the Prospectors Alley Mini Mall. The applicants intend to reopen and offer local and international wine, a small selection of beer, and locally sourced charcuterie for on-site consumption.

**Alcohol Sales:** The proposed wine bar is located in Census Tract 0028.00, which includes all areas south and east of the Feather River, north of Oro Dam Blvd, and west of Bridge St. This location was previously home to the Butte County Wine Company, which the Planning Commission approved a use permit for on March 28, 2016. When the new owners purchased the wine bar, they were not able to purchase the ABC license for the address, necessitating a new use permit. Within the immediate vicinity of the proposed liquor store, there are 5 retailers that sell alcoholic beverages:

1. 1560 Huntoon St (Casa Vieja) – License Type 47 – On-Sale General Eating Place
2. 2051 Robinson St (Tong Fong Low) – License Type 41 – On-Sale Beer and Wine Eating Place
3. 2025 Bird St (Nori Asian Kitchen and Grill) – License Type 41 – On-Sale Beer and Wine Eating Place
4. 2053 Montgomery St (Union Patio Bar Grill) – License Type 47 – On-Sale General Eating Place
5. 1975 Montgomery St (Coyote Cantina & Cocina) – License Type 47 – On-Sale General Eating Place

The Department of Alcoholic Beverage Control (ABC) has determined that an overconcentration of licenses exists, and a letter of public convenience or necessity (PCN) will be required. Staff is requesting that the commission, should they approve UP 21-07, to also authorize a PCN letter to be sent to ABC.

## Required Findings for Alcohol Sales (OMC 17.16.160)

Before approving a use permit for alcohol sales, the Planning Commission must consider each of the following issues and make appropriate findings (Staff's comments are in *italics*, draft findings are in the Resolution):

- 1. The nature of all land uses within 500 feet of the proposed alcoholic beverage sales, and in particular, the location of similar nearby uses and the location of residences, parks, schools and houses of worship.**

*The wine bar is located on Myers St in close proximity to similar retail and restaurants within the Historic Downtown Oroville district. The Feather River Senior Center, The Axiom Youth Center, Jordan Crossings Ministries, and the Christian Science Reading room are all within 500 feet of the proposed sales. In addition, the Oroville Inn and upper floor residences fall within 500 feet of the site. Given the urbanized nature and mixed-use zoning of the Downtown Oroville district, these uses are intended to be within close proximity to one another to promote a dense, walkable neighborhood.*

- 2. Appropriate measures to provide proper maintenance of the building exterior, including provisions to keep the premises free of litter and debris.**

*The requirement is added to the project conditions. Code enforcement officers will monitor for compliance on an ongoing basis.*

- 3. Lighting of exterior areas, including parking lots, to discourage loitering outside of the building.**

*The requirement is added to the project conditions.*

- 4. Protection of adjacent properties from noise, odors and undue light and glare, as well as illegal activity.**

*This requirement is added to the project conditions. Code enforcement officers will monitor for compliance on an ongoing basis.*

- 5. Provision of onsite security, both inside and outside the building, to satisfy any concerns raised by the chief of police.**

*This requirement is added to the project conditions. Code enforcement officers will monitor for compliance on an ongoing basis.*

- 6. Hours of operation.**

*Applicant states that the hours of operation are from 4:00 p.m. to 8:00 p.m. Wednesday through Friday, and 12 p.m. to 8:00 p.m. on Saturdays.*

- 7. Controls on occupancy limits inside of the building and loitering outside of the building.**

*This requirement is added to the project conditions. Code enforcement officers*



*will monitor for compliance on an ongoing basis.*

**8. Prevention of adverse effect of the use on the value of adjacent properties.**

*The subject property is zoned MXD, which is an appropriate location for this requested land use per the City Code, subject to a use permit. The applicant will be occupying an existing building in the Historic Downtown District. In addition, the building falls within the Arts, Culture, and Entertainment Overlay, which intends to provide high-quality commercial, retail, and restaurant establishments, to foster a community gathering place for shopping, dining, and live entertainment. The proposed wine bar and tasting room will provide a location to highlight local offerings and complement downtown events in an effort continue the revitalization of downtown. The applicants will be preventing a storefront from becoming vacant and provide an offering complementary to the surrounding properties.*

**9. Whether approval would result in an undue concentration of these uses, and whether public convenience or necessity would mitigate the issue of undue concentration.**

*The Police Department and ABC determine if there is an undue concentration in the area. ABC has determined that there is an undue concentration of licenses within this census tract and a letter of public convenience or necessity is required to mitigate the undue concentration.*

**FISCAL IMPACT**

None. The project is subject to all customary fees.

**PUBLIC NOTICE**

A request for comments was prepared and circulated to the local agencies and surrounding property owners within 500 feet of the property. Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register and posted at City Hall.

**ATTACHMENTS**

1. Resolution P2021-11
2. Notice of Exemption (CEQA)
3. Application Package
4. Security Plan

## RESOLUTION NO. P2021-11

### A RESOLUTION OF THE OROVILLE PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING MINOR USE PERMIT UP21-07 FOR ALCOHOL SALES AT VILLAVINO, A WINE BAR AND TASTING ROOM, AT 1440 MYERS STREET, SUITE A (APN: 012-092-005), INCLUDING A LETTER OF PUBLIC CONVENIENCE OR NECESSITY

**WHEREAS**, the City has received an application for alcoholic beverage sales to reopen the former Butte County Wine Company as VillaVino wine bar at 1440 Myers Street, Suite A; and

**WHEREAS**, The City of Oroville Municipal Code (OMC) Section 17.16.160 specifies that a Use Permit is required to sell alcohol; and

**WHEREAS**, at a duly noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of the use permit described herein, and also considered the City's staff report regarding the change.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION** as follows:

1. This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities."
2. The Planning Commission approves the findings required by Section 17.16.160 of the Oroville City Code, as described in this Resolution;
3. The Planning Commission approves the permit conditions described in this Resolution.
4. The Planning Commission approves a letter of public convenience or necessity to satisfy ABC requirements.

## REQUIRED FINDINGS (OMC 17.16.160)

1. **The nature of all land uses within 500 feet of the proposed alcoholic beverage sales, and in particular, the location of similar nearby uses and the location of residences, parks, schools and houses of worship.**

*The wine bar is located on Myers St in close proximity to similar retail and restaurants within the Historic Downtown Oroville district. The Feather River Senior Center, The Axiom Youth Center, Jordan Crossings Ministries, and the Christian Science Reading room are all within 500 feet of the proposed sales. In addition, the Oroville Inn and upper floor residences fall within 500 feet of the site. Given the urbanized nature and mixed-use zoning of the Downtown Oroville district, these uses are intended to be within close proximity to one another to promote a dense, walkable neighborhood.*

2. **Appropriate measures to provide proper maintenance of the building exterior, including provisions to keep the premises free of litter and debris.**

*The requirement is added to the project conditions. Code enforcement officers will monitor for compliance on an ongoing basis.*

3. **Lighting of exterior areas, including parking lots, to discourage loitering outside of the building.**

*The requirement is added to the project conditions.*

4. **Protection of adjacent properties from noise, odors and undue light and glare, as well as illegal activity.**

*This requirement is added to the project conditions. Code enforcement officers will monitor for compliance on an ongoing basis.*

5. **Provision of onsite security, both inside and outside the building, to satisfy any concerns raised by the chief of police.**

*This requirement is added to the project conditions. Code enforcement officers will monitor for compliance on an ongoing basis.*

6. **Hours of operation.**

*Applicant states that the hours of operation are from 4:00 p.m. to 8:00 p.m. Wednesday through Friday, and 12 p.m. to 8:00 p.m. on Saturdays.*

7. **Controls on occupancy limits inside of the building and loitering outside of the building.**

*This requirement is added to the project conditions. Code enforcement officers will monitor for compliance on an ongoing basis.*

**8. Prevention of adverse effect of the use on the value of adjacent properties.**

*The subject property is zoned MXD, which is an appropriate location for this requested land use per the City Code, subject to a use permit. The applicant will be occupying an existing building in the Historic Downtown District. In addition, the building falls within the Arts, Culture, and Entertainment Overlay, which intends to provide high-quality commercial, retail, and restaurant establishments, to foster a community gathering place for shopping, dining, and live entertainment. The proposed wine bar and tasting room will provide a location to highlight local offerings and complement downtown events in an effort continue the revitalization of downtown. The applicants will be preventing a storefront from becoming vacant and provide an offering complementary to the surrounding properties.*

**9. Whether approval would result in an undue concentration of these uses, and whether public convenience or necessity would mitigate the issue of undue concentration.**

*The Police Department and ABC determine if there is an undue concentration in the area. ABC has determined that there is an undue concentration of licenses within this census tract and a letter of public convenience or necessity is required to mitigate the undue concentration.*

**CONDITIONS OF APPROVAL**

**Approved project:** The Planning Commission hereby conditionally approves Use Permit No. 21-07, permitting the operation of VillaVino wine bar and tasting room at 1440 Myers Street, Suite A (APN: 012-092-005) in historic downtown Oroville. The subject property has a zoning designation of Downtown Mixed-Used (MXD) and a General Plan land use designation of Mixed Use. Per the OMC Table 17.34.020-1, alcoholic beverage sales are land uses that require a use permit in MXD zones

**General Conditions**

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the

project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.

3. The applicant shall annually pay for and obtain a City of Oroville business license.
4. All private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety and general welfare.
5. All costs of operation and maintenance of private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be the responsibility of the applicant.
6. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the Oroville Municipal Code to minimize any potential negative effects that the building, structure, lighting or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
7. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to the start of any construction activities requiring a building permit. All applicable plan review and development impact fees shall be paid at time of submittal.
8. The applicant shall ascertain and comply with the requirements of all of City, County, State, Federal, and other local agencies as applicable to the proposed project.
9. The project shall comply with the City's noise ordinance as found in the OMC Chapter 9.20.
10. Pursuant to Section 17.48.010(F) of the City Code, the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
  - I. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
  - II. Any of the terms or conditions of the permit have been violated.
  - III. A law, including any requirement in the Municipal Code Chapter 17, has been violated in connection with the permit.
  - IV. The permit was obtained by fraud.
11. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for revocation.
12. Any roof mounted roof mounted or ground placed utilities (HVAC, generators, etc.) shall include an architecturally compatible method of screening. This can include screening by landscaping or a decorative fence for ground placed utilities.

13. Building shall be addressed per City requirements. Building numbers shall comply with City Code 17.20.050(A).
14. A refuse collection enclosure shall be provided in accordance with City Code 17.12.110. The refuse area shall be large enough to provide adequate storage for solid waste and recyclable materials generated by the use.
15. The applicant shall submit to the City details of exterior lighting for review and approval.
16. The applicant or property owner shall apply for the proper permits as required by OMC Chapter 17.20 prior to any new signage being erected.
17. No more than 25% of the window area shall be covered with signs. This includes both permanent and temporary signs used to identify the business, products sold, or services offered.
18. The exterior of the building, including windows and doors, shall be maintained, and with such frequency, to ensure the public health, safety and general welfare of the city.
19. Windows and doors shall not be boarded up or blocked unless the appropriate approvals are received to ensure the public health, safety and general welfare. This does not include the use of plywood or other material used to cover a window for a temporary period of time that constitutes a safety hazard and/or invites trespassers and malicious mischief.
20. Minor changes may be approved administratively by the Community Development Director or designee upon receipt of a written request by the applicant or designee. Changes deemed to be major or significant in nature shall require a formal application for amendment.
21. Applicant and/or property owner will take appropriate measures to provide property maintenance of the building exterior, including provisions to keep the premise free of litter and debris.
22. Applicant and/or property owner shall ensure adequate lighting of exterior areas, including parking lots, to discourage loitering outside of the buildings.
23. Applicant and/or property owner will ensure protection of adjacent properties from noise, odors and undue light and glare, as well as illegal activity.
24. Applicant and/or property owner will maintain adequate onsite security, both inside and outside the building, to satisfy any concerns raised by the chief of police or general public. Substantial camera surveillance will suffice.

**I HEREBY CERTIFY** that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 26<sup>th</sup> of August 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

\_\_\_\_\_  
JACKIE GLOVER, ASSISTANT CITY CLERK

\_\_\_\_\_  
CARL DURLING, CHAIRPERSON



# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street  
Oroville, CA 95965-4897  
(530) 538-2430 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

### NOTICE OF EXEMPTION

TO	Butte County Clerk	FROM	City of Oroville
:	155 Nelson Avenue	:	1735 Montgomery Street
	Oroville, CA 95965		Oroville, CA 95965

Project Title: Minor Use Permit UP21-07 for Alcohol Sales at VillaVino wine bar at 1440 Myers Street Ste A

Project Location – Specific: 1440 Myers Street Ste A

Project Location - City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, Candy Knauth, has applied for a Use Permit for the operation of VillaVino wine bar at 1440 Myers Street, Suite A (APN:012-092-005). The applicants are applying for an ABC Type 42 license to conduct beer and wine sales for on-site consumption. The subject property has a zoning designation of Downtown Mixed use (MXD), a General Plan land use designation of Mixed Use and falls within the DH-O and AC&E Overlay.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying Out Project: Candy Knauth

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: State type & section number:
  - General Rule Exemption; Title 14, CCR, §15061(b)(3)
  - Existing Facilities, Title 14, CCR, §15301
- Statutory Exemption: State code number:

Reasons why project is exempt: This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review as follows:

General Rule Exemption; Title 14, CCR, §15061(b)(3)

This project involves the use of a property zoned MXD. The intent of the MXD zoning designation is to strengthen downtown Oroville as a pedestrian-oriented activity center with a diversity of commercial, employment, and residential uses. As the building is existing, no new construction is proposed, minor interior alterations will occur, all business activities will be contained within the building, and the proposed



use will be subject to comply with all applicable City, County, State, Federal, and other local agencies as applicable, it has been determined that there is no possibility that the use permit request will have a significant effect on the environment. Thus, this action is exempt from CEQA.

Existing Facilities, Title 14, CCR, §15301

Class 1 categorical exemptions consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures. The project involves a change in ownership of the former Butte County Wine Company and utilizing a property intended to provide commercial uses with no proposed expansion of floor area or exterior modification.

If filed by applicant:

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

Lead Agency Contact Person: Wes Ervin

Telephone: (530) 538-2408

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

- Signed by Lead Agency
- Signed by Applicant



# City of Oroville

Planning Division - Community Development Department

1735 Montgomery Street  
 Oroville, CA 95965-4897  
 (530) 538-2430 FAX (530)  
 538-2426 [www.cityoforoville.org](http://www.cityoforoville.org)

Item 5.

TRAKIT#: PL2107-008

## USE PERMIT APPLICATION

(Please print clearly and fill in/provide all that apply)

REQUIRED FOR A COMPLETE APPLICATION		PERMIT TYPE	
<input type="checkbox"/>	Completed and signed Application Forms	<input checked="" type="checkbox"/>	New Use Permit: \$2,889.98 (Deposit) + \$173.40(6% Tech Fee) = \$3,063.38
<input type="checkbox"/>	Application Fee Paid	<input type="checkbox"/>	Amendment to Existing Use Permit: \$1,024.09 + \$61.45 (6% Tech Fee) = \$1,085.54

### PROJECT PLANS

All plans and drawings shall be drawn to scale to the extent feasible and shall indicate the full dimensions, contours and other topographic features and all information necessary to make a full evaluation of the project. Please include the following:

1. **Site and floor plans**, including the location, square footage and use of all structures.
2. **Architectural drawings** showing proposed building elevations.
3. Landscape plans showing the types, sizes and location of vegetation to be planted and the irrigation system to be installed
4. Plans for the configuration & layout of all off-street parking spaces, including entrances, exits and internal circulation routes.
5. Plans for all lighting to be installed on the site, including the location, type, height and brightness of each lighting fixture.
6. **Drawings of all signs** that are proposed in association with the project.
7. Plans showing the location, sq footage and capacity of any existing or proposed surface storm-water detention facilities.
8. Plans showing the location and square footage of any existing or proposed outdoor storage areas.
9. Descriptions of any off-site infrastructure improvements to be provided in conjunction with the project.
10. Hours of operation for all proposed land uses.
11. Number of employees and fleet vehicles for all proposed land uses
12. **A letter authorizing the use permit application from the owner of the property.**

### CLASSIFICATION

<input checked="" type="checkbox"/>	Alcohol & Beverage Sales	Nonconforming Uses & Structures	Uses in Industrial Districts
<input type="checkbox"/>	Agricultural Uses	Outdoor Storage	Uses Mini-Storage Overlay(MS-O)
<input type="checkbox"/>	Animal Keeping (Commercial)	Parking Requirement Exceptions	Uses in Residential Districts
<input type="checkbox"/>	Barbed/Razor Wire Fence	Temporary Use	Uses in Special Purpose Districts
<input type="checkbox"/>	Density Bonus & Other Incentives	Uses in a Conditional Overlay (C-O)	Uses not Specified but Allowed
<input type="checkbox"/>	Exceptions to Height Limits	Uses in Commercial & Mixed-Use Districts	Wireless Communication Facilities
Other: (Please Specify)			

### APPLICANT'S SIGNATURE

I hereby certify that the information provided in this application is, to my knowledge, true and correct.

Signature:  Date: 07.26.2021

### OFFICE USE ONLY

Approved By:  Date: \_\_\_\_\_  
 Payment: \_\_\_\_\_ Number: \_\_\_\_\_

PROJECT DESCRIPTION

Present or Previous Use:

Proposed Use:

Detailed Description:

VillaVino

Hours of operation

M	closed
T	closed
W	4 - 8 pm
Th	4 - 8 pm
F	4 - 8 pm
Sat	12 - 8 pm
Sun	closed

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 non-refundable.

Technology cost recovery fees are non-refundable



# City of Oroville

Planning Division - Community Development Department

1735 Montgomery Street  
 Oroville, CA 95965-4897  
 (530) 538-2430 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

Item 5.

TRAKIT#:

## PLANNING DIVISION GENERAL APPLICATION

(Please print clearly and fill in all that apply)

<b>APPLICANT'S INFORMATION</b>		Project's:	wine bar / wine tasting room
Name:	Candy Knauth	Name:	
Address:	60 Sutter View Ct	Company:	VillaVino
Phone:	530-370-4999	Address:	1440 Myers St
Email:		Phone:	530-370-4999
Is the applicant the Owner?	<input checked="" type="checkbox"/>	If applicant is Not the owner, please provide owner /agent authorization on the reverse side.	Email: villavinowinebar@gmail.com

### DEVELOPMENT PROJECTS & OTHER APPLICATIONS (Please check all that apply)

<input type="checkbox"/>	Annexation	<input type="checkbox"/>	Landmark /Modification/Demolition	<input type="checkbox"/>	Tentative Parcel Map
<input type="checkbox"/>	Appeal	<input type="checkbox"/>	Mining and Reclamation Plan	<input type="checkbox"/>	Tentative Subdivision Map
<input type="checkbox"/>	Development Review	<input type="checkbox"/>	Pre-Application	<input checked="" type="checkbox"/>	Use Permit
<input type="checkbox"/>	Final Map	<input type="checkbox"/>	Residential Density Bonus	<input type="checkbox"/>	Variance
<input type="checkbox"/>	General Plan Amendment/Rezone	<input type="checkbox"/>	Temporary Use	<input type="checkbox"/>	Wireless Communication Facilities
<input type="checkbox"/>	Landmark Designation	<input type="checkbox"/>	Tentative Map Extension	<input type="checkbox"/>	Zoning Clearance
<input type="checkbox"/>	Other: (Please Specify)				

### ADMINISTRATIVE PERMITS (Please check all that apply)

<input type="checkbox"/>	Adult Oriented Business	<input type="checkbox"/>	Outdoor Storage	<input type="checkbox"/>	Special Event
<input type="checkbox"/>	Home Occupation	<input type="checkbox"/>	Outdoor Display & Sales	<input type="checkbox"/>	Street Closure
<input type="checkbox"/>	Large Family Day Care	<input type="checkbox"/>	Second Dwelling Unit	<input type="checkbox"/>	Tree Removal
<input type="checkbox"/>	Mobile Food Vendor	<input type="checkbox"/>	Sign/Temporary Sign Permit		
<input checked="" type="checkbox"/>	Other: (Please Specify) alcohol use				

\*Please provide a letter addressed to the Planning Division with a detailed description for the proposed project. Please include any site plans, maps, aerials, photos, and other relevant information that will help us in processing your application.  
 \*\* Any time a set of plans is required, three (3) sets of drawings shall be submitted, unless otherwise directed.

### PROJECT INFORMATION

Project Name:	Proposed Structure(s) (Sq Ft.):
Address:	Existing Structure(s) (Sq Ft.):
Nearest Cross Street:	Water Provider:
Assessor Parcel Number:	School District:
Lot Size (Acres):	Number of Dwelling Units:

### APPLICANT'S SIGNATURE

I hereby certify that the information provided in this application is, to my knowledge, true and correct.

Signature:	Date: 07-26-2021
------------	------------------

### OFFICE USE ONLY

General Plan:	Zoning:	Zoning Conformity:	APN:
File#	Overlay Zoning:	Minimum Setbacks:	FY RY SY

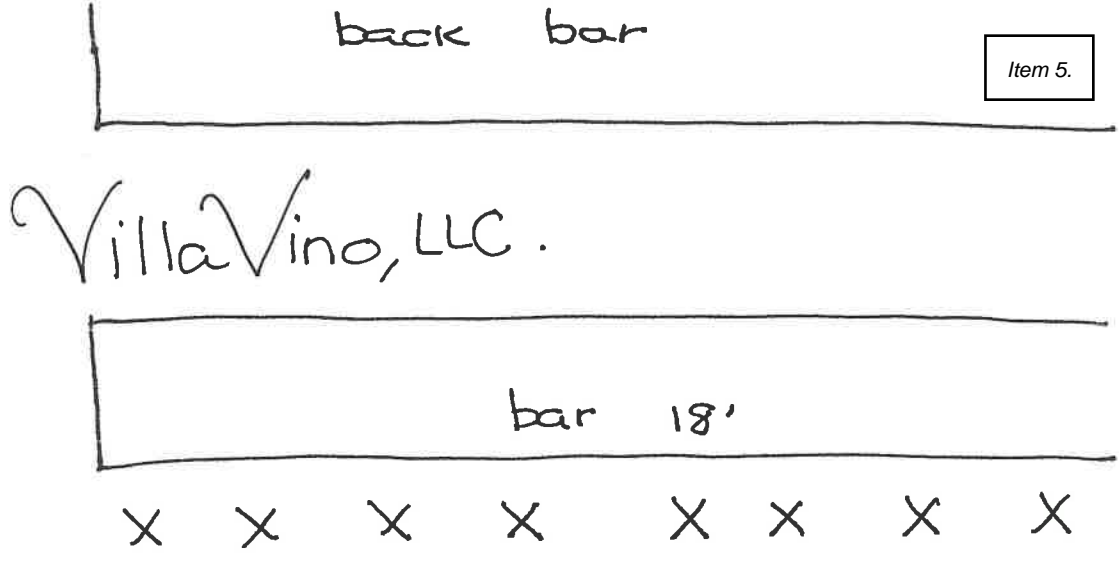
<b>AGENT AUTHORIZATION</b>			
To the City of Oroville, Department of Community Development			
NAME OF AGENT:		PHONE NUMBER:	
COMPANY NAME:		EMAIL:	
ADDRESS:		CITY/ST/ZIP:	
AGENT SIGNATURE:			
Is hereby authorized to process this application on my/our property, identified as Butte County Assessor Parcel 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)**

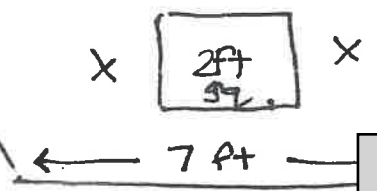
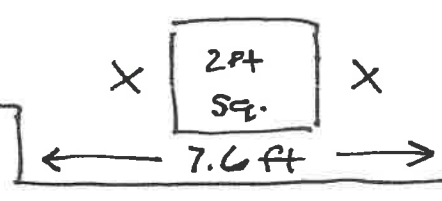
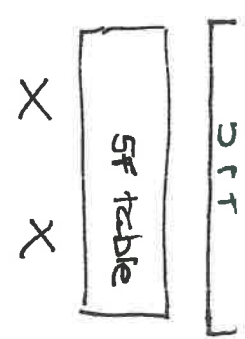
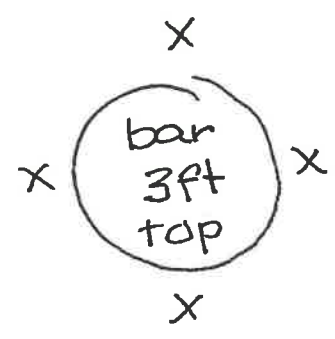
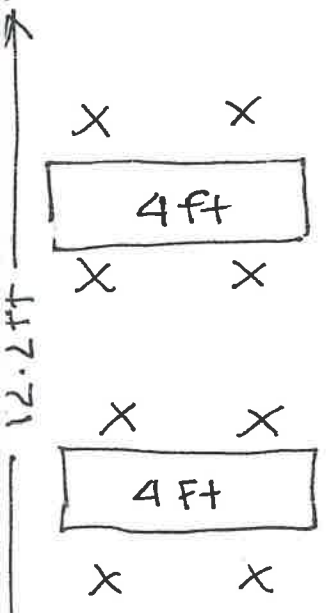
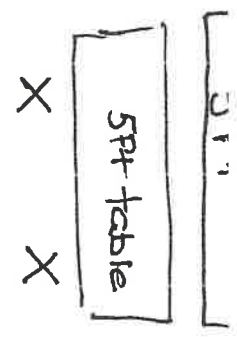
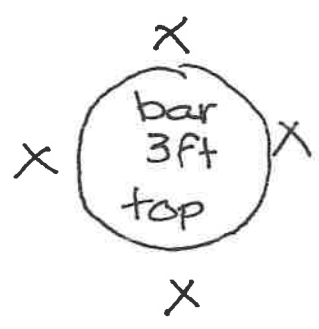
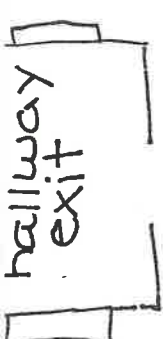
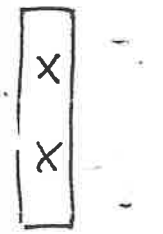
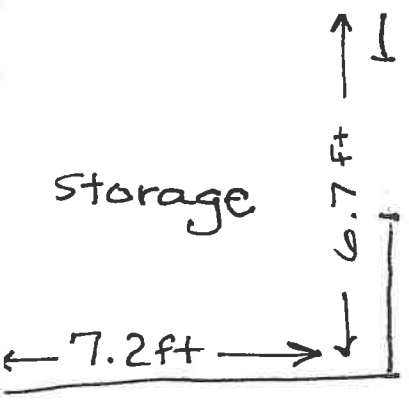
1)	<u>David Knauth</u> Print Name of Owner	 Signature of Owner	<u>07.26.2021</u> Date
2)	<u>Candy Knauth</u> Print Name of Owner	 Signature of Owner	<u>07.26.2021</u> Date
3)	_____ Print Name of Owner	_____ Signature of Owner	_____ Date
4)	_____ Print Name of Owner	_____ Signature of Owner	_____ Date
	_____ 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 non-refundable.

Technology cost recovery fees are non-refundable



VillaVino, LLC.



Myers St entrance

20 barstools  
20 chairs 2 benches

max occupancy: 43



# City of Oroville

Building Department

Cash Collections

**RECEIPT: P1059**

**Project Number: PL2107-008**

**Project Name: VILLA VINO**

Fee Description	Account Number	Fee Amount
NEW USE PERMIT		
	2201 4260	\$2,889.98
TECH COST RECOVERY [SU		
	5141 4700	\$173.40
<b>Total Fees Paid:</b>		<b>3,063.38</b>

Date Paid: 7/27/2021

Paid By: BUTTE CREEK PROPERTY CORPORATI

Pay Method: CHECK

Check # 2502

Received By: NOELLE SNOW

**\*\*\*Credit Card Payments\*\*\***

A convenience fee is charged for all credit card payments. Please note that the convenience fee is a third-party fee and is not part of the City of Oroville. For all credit card payments the convenience fee is 2.50% of the total amount charged with a minimum charge of \$2.00.



APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
1900 CHURN CREEK RD
STE 215
REDDING, CA 96002
(530) 224-4830

File Number: 627875
Receipt Number: 2675989
Geographical Code: 0404
Copies Mailed Date: July 16, 2021
Issued Date:

DISTRICT SERVING LOCATION: REDDING
First Owner: VILLAVINO LLC
Name of Business: VILLAVINO
Location of Business: 1440 MYERS ST
STE A
OROVILLE, CA 95965
County: BUTTE
Is Premises inside city limits? Yes
Mailing Address:(If different from premises address) 60 SUTTER VIEW CT
OROVILLE, CA 95965
Type of license(s): 42
Transferor's license/name:



Census Tract: 0028.00

Dropping Partner: Yes \_\_\_ No [checked]

Table with 4 columns: License Type, Transaction Type, Master, Secondary LT And Count. Row 1: 42 - On-Sale Beer And Wine - Public P ORI, Y

Table with 6 columns: License Type, Transaction Description, Fee Code, Dup, Date, Fee. Rows include Application Fee, ADD PRIMARY LICENSE TYPE, FEDERAL FINGERPRINTS, ANNUAL FEE, and a Total row of \$1,596.00.

Have you ever been convicted of a felony? No
Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? No

STATE OF CALIFORNIA County of BUTTE Date: June 29, 2021

Applicant Name(s)

VILLAVINO LLC

Handwritten notes: Candy & David Knaut, Email ABC

Blue sticky note with handwritten text: VillaVino, Candy Knauth, (530) 534-5007, (530) 370-4999



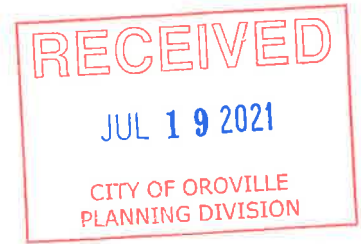
**APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)**

ABC 211 (6/99)

**TO:** Department of Alcoholic Beverage Control  
 1900 CHURN CREEK RD  
 STE 215  
 REDDING, CA 96002  
 (530) 224-4830

File Number: **627875**  
 Receipt Number: **2675989**  
 Geographical Code: **0404**  
 Copies Mailed Date: **July 16, 2021**  
 Issued Date:

DISTRICT SERVING LOCATION: **REDDING**  
 First Owner: **VILLAVINO LLC**  
 Name of Business: **VILLAVINO**  
 Location of Business: **1440 MYERS ST  
 STE A  
 OROVILLE, CA 95965**



County: **BUTTE**

Is Premises inside city limits? **Yes**

Census Tract: **0028.00**

Mailing Address:(If different from premises address) **60 SUTTER VIEW CT  
 OROVILLE, CA 95965**

Type of license(s): **42**

Dropping Partner: Yes \_\_\_ No

Transferor's license/name:

<u>License Type</u>	<u>Transaction Type</u>	<u>Master</u>	<u>Secondary LT And Count</u>		
42 - On-Sale Beer And Wine - Public P	ORI	Y			

<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
Application Fee	STATE FINGERPRINTS	NA	2	06/29/21	\$78.00
Application Fee	ADD PRIMARY LICENSE TYPE	NA	0	06/29/21	\$905.00
Application Fee	FEDERAL FINGERPRINTS	NA	2	06/29/21	\$48.00
42 - On-Sale Beer And Wine - Pul	ANNUAL FEE	NA	0	06/29/21	\$565.00
<b>Total</b>					<b>\$1,596.00</b>

Have you ever been convicted of a felony? **No**

Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

STATE OF CALIFORNIA County of BUTTE

Date: June 29, 2021

Applicant Name(s)

VILLAVINO LLC

VillaVino, LLC  
1440 Myers St. Ste. A  
Oroville, CA 95965

## Training & Security Plan

### Individuals Responsible for Business

- Candran (aka Candy) Knauth - owner/manager 530-370-4999
- David Knauth Jr. - owner/manager 925-200-1337

### Age Verification

- Employees will be required to ask for ID's for all alcohol sale transactions
- Age verification date will be posted at the register

### Operations

- The establishment has 2 full time staff during all hours of operation, with one manager present at all times, plus additional staff on Saturday's and special events
- The applicant is currently applying for a beer and wine license with the Department of Alcohol & Beverage Control and is familiar with the Rules and Regulations of such license
- All staff will be trained on properly checking identification and how to deal with difficult situations and monitoring alcohol consumption
- Hours of operation are respectful to a controlled environment, with limited weekday and weekend hours and the establishment is designed to be an upscale, classic wine tasting experience

### Intoxicated and Disorderly Patrons

- A manager or owner will be on site at all times to monitor behaviors and service
- Uber, Lyft, and cab service will be readily available and numbers provided to get patrons home safely if needed

### Security

- Video surveillance/alarm system
- All measures will be taken to provide patrons with a comfortable, secure and pleasant environment
  - Loitering will be prohibited
  - Police will be notified regarding any observed or reported criminal activity



# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street  
Oroville, CA 95965-4897  
(530) 538-2430 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

August 26, 2021

State of California  
Department of Alcoholic Beverage Control  
1900 Churn Creek Rd, Suite 215  
Redding, CA 96002

**RE: LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR A TYPE-42 "ON SALE BEER AND WINE – PUBLIC PREMISES" ALCOHOLIC BEVERAGE LICENSE FOR THE PROPERTY IDENTIFIED AS 1440 MYERS STREET, SUITE A, OROVILLE, CA 95965 (APN: 012-092-005)**

To Whom It May Concern:

This letter shall serve to notify the California Department of Alcoholic Beverage Control that on August 26, 2021, the City of Oroville Planning Commission adopted a finding of public convenience or necessity and authorized the Zoning Administrator to sign this letter conveying the City's support for issuing an alcoholic beverage license (Type 42 "On Sale Beer and Wine – Public Premises") for the above property, the location of VillaVino operated by VillaVino LLC. The City of Oroville supports the efforts of community businesses to expand the local economy and finds no cause to oppose the requested license.

If there are any questions regarding the matters described in this letter, please contact Wes Ervin, Planner, by phone at (530) 538-2408 or by e-mail at [wervin@cityoforoville.org](mailto:wervin@cityoforoville.org)

Sincerely,

Dawn Nevers, Assistant Director  
Community Development Department



# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street  
 Oroville, CA 95965-4897  
 (530) 538-2430 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

### PLANNING COMMISSION STAFF REPORT

Thursday, August 26, 2021

**RE: Minor Use Permit UP21-08 to allow FXP Firearms to conduct the sales of firearms, ammunition, firearm accessories, and gun repair services at 2122 5<sup>th</sup> Ave**

**SUMMARY:** The Oroville Planning Commission will review and consider approving Use Permit No. UP21-08 to allow the applicant to conduct the sales of firearms, ammunition, firearm accessories, and gun repair services at 2122 5<sup>th</sup> Avenue (APN 035-430-136). The property has a zoning designation of Corridor Mixed Use (MXC).

**RECOMMENDATION: Staff recommends the following actions:**

1. **Conduct a Public Hearing** on the proposed project;
2. **Adopt the Notice of Exemption** as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA);
3. **Adopt** the recommended Findings for Use Permit No. UP21-08;
4. **Approve** Use Permit UP21-08 and recommended Conditions of Approval;
5. **Adopt** Resolution No. P2021-12

**APPLICANT:** Fancisco Padilla

**LOCATION:** 2122 5<sup>th</sup> Avenue (APN 035-430-136)

**GENERAL PLAN:** MU (Mixed Use)  
**ZONING:** MXC (Corridor Mixed Use)  
**FLOOD ZONE:** Zone X

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt per Section 15301 of Title 14, California Code of Regulations, Existing Facilities.

**REPORT PREPARED BY:**

**REVIEWED BY:**

\_\_\_\_\_  
 Connor Musler, Assistant Planner  
 Community Development Department

\_\_\_\_\_  
 Dawn Nevers, Assistant Director  
 Community Development Department

## DISCUSSION

The applicant, Francisco Padilla, is moving their business, FXP Firearms, from 1940 Feather River Blvd, Suite A to 2122 5<sup>th</sup> Avenue. The applicant has worked in the gun business for approximately 14½ years and is moving their business into a vacant unit within an existing shopping center. The property is zoned Corridor Mixed Use (MXC).

The Planning Commission previously approved a minor use permit for the sales of firearms, ammunition, firearms accessories, and gun repair services at 1940 Feather River Blvd, Suite A on June 24<sup>th</sup>, 2013. City Code does not specifically mention the sale of firearms and ammunition as an allowed use, however, at the June 24<sup>th</sup>, 2013 Planning Commission meeting, the Zoning Administrator made findings classifying gun sales and repair as an equivalent land use to Personal services – moderate impact and repair services, small appliances. As such, it has been determined that a gun shop is an allowed use, subject to a use permit.

Based on the previous zoning interpretation, a use permit is required for a gun shop. The applicants are the same owners as before and are proposing the same services/offerings. A security plan was prepared in accordance with OMC 17.12.100 (**Attachment D**). The security plan addresses the storage of guns and ammunition, security system is use, and the display of merchandise during business hours.

### Required Findings for Use Permits (OMC 17.48.010)

Before approving a use permit, the Planning Commission must consider each of the following issues and make appropriate findings (Staff's comments are in *italics*, *draft findings are in the Resolution*):

- 1. The granting of the permit will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole.**

*The characteristics of the proposed use are compatible with the surrounding area zoned for Corridor Mixed Use (MXC). The business will be located in an existing shopping center, filling a vacant shop space. The intent of MXC zoning is to support an integrated and attractive network of commercial, employment, and residential uses along Oroville's major throughfares. Although the business will involve the sale of firearms and ammunition, the applicant will be required to strictly adhere to all federal, state, and local laws pertaining to the sale and possession of firearms and ammunition.*

- 2. The proposed use follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.**

*The applicant will be occupying a vacant unit within an existing commercial complex located at 2122 5<sup>th</sup> Avenue, which is in a MXC zone. The proposed gun retailer is a permitted use, subject to a use permit. The commercial center was designed to accommodate all parking and traffic circulation assuming all the units*

were occupied. Furthermore, the commercial center has direct access to 5<sup>th</sup> Avenue, which connects to both Oro Dam Blvd and Montgomery St.

- 3. Public utilities and facilities, including streets and highways, water and sanitation, are adequate to serve the proposed use or will be made adequate prior to the establishment of the proposed use.**

*The project site is already being adequately served by utilities and transportation facilities. If it is determined during the zoning clearance/occupancy inspection by the Building Division that any inadequacies exist, the applicant will be required to address the issues prior to issuance of certificate of occupancy. The site has direct access to 5<sup>th</sup> Avenue which connects to Oro Dam Blvd and Montgomery Street.*

- 4. The location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.**

*The operating characteristics of the proposed use involves activities that all take place inside the proposed business location and will not conflict with the surrounding neighborhood nor adversely impact any of the surrounding properties. Pursuant to section 17.48.010(F) of the Zoning Code the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any requirement of the Zoning Code, has been violated in connection with the permit; and finally, if the permit was obtained by fraud. The building is existing and the proposed use is harmonious with the surrounding land uses that are identically zoned. The subject property, zoned MXC, is an appropriate location for this requested land use per the City Code, subject to a use permit.*

- 5. The subject site is physically suitable for the type and intensity of land use being proposed.**

*The proposed site is physically suitable for the proposed land use. The applicant has submitted a floor plan, and the property has adequate space for the gun shop to operate as desired. The property is a unit within a larger commercial center that was designed to accommodate for the future demand of parking all units within the shopping center would require. Thus, the subject site is physically suitable for the type and intensity of land use being proposed.*

- 6. The size, intensity, and location of the proposed use will provide services that are necessary or desirable for the neighborhood and community as a whole.**

*The gun shop will be occupying an existing unit which is currently vacant. Occupying this vacant unit will help the business environment within the commercial center it is located and the City as a whole. Allowing this business to*

*locate into a vacant unit will bring a new business to Oroville and support an entrepreneurial venture that will be investing capital and producing sales tax within the City limits.*

**7. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, of this chapter and of the City Code.**

*This permit complies with the density and intensity requirements of both the City's Zoning Code and General Plan. This proposed use would be required to comply with all other applicable laws and regulations in the City of Oroville and any other applicable agencies.*

**FISCAL IMPACT**

None. The project is subject to all customary fees.

**PUBLIC NOTICE**

A request for comments was prepared and circulated to the local agencies and surrounding property owners within 300 feet of the property. Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register and posted at City Hall.

**ATTACHMENTS**

1. Resolution P2021-12
2. Notice of Exemption (CEQA)
3. Application Package
4. Security Plan

## RESOLUTION NO. P2021-12

**A RESOLUTION OF THE OROVILLE PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING MINOR USE PERMIT UP21-08 TO ALLOW THE SALE OF FIREARMS, AMMUNITION, FIREARM ACCESSORIES, AND GUN REPAIR SERVICES AT 2122 5<sup>TH</sup> AVENUE (APN: 035-430-136)**

**WHEREAS**, the City has received an application to conduct the sales of firearms, ammunition, firearm accessories, and gun repair services at 2122 5<sup>th</sup> Avenue; and

**WHEREAS**, the applicant currently has a use permit (UP13-04) to operate FXP Firearms at 1940 Feather River Blvd and desires to move their business to 2122 5<sup>th</sup> Avenue; and

**WHEREAS**, on June 24<sup>th</sup>, 2013, the Zoning Administrator determined that the sale of firearms and ammunition is an equivalent use to a Personal Service – Moderate Impact; and

**WHEREAS**, a Personal Service – Moderate Impact requires a use permit in a Corridor Mixed Use (MXC) zone; and

**WHEREAS**, at a duly noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of the use permit described herein, and also considered the City’s staff report regarding the change.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION** as follows:

1. This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 “Existing Facilities.”
2. The Planning Commission approves the findings required by Section 17.48.010 of the Oroville City Code, as described in this Resolution;
3. The Planning Commission approves the permit conditions described in this Resolution.



## REQUIRED FINDINGS (OMC 17.48.010)

1. **The granting of the permit will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole.**

*The characteristics of the proposed use are compatible with the surrounding area zoned for Corridor Mixed Use (MXC). The business will be located in an existing shopping center, filling a vacant shop space. The intent of MXC zoning is to support an integrated and attractive network of commercial, employment, and residential uses along Oroville's major thoroughfares. Although the business will involve the sale of firearms and ammunition, the applicant will be required to strictly adhere to all federal, state, and local laws pertaining to the sale and possession of firearms and ammunition.*

2. **The proposed use follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.**

*The applicant will be occupying a vacant unit within an existing commercial complex located at 2122 5<sup>th</sup> Avenue, which is in a MXC zone. The proposed gun retailer is a permitted use, subject to a use permit. The commercial center was designed to accommodate all parking and traffic circulation assuming all the units were occupied. Furthermore, the commercial center has direct access to 5<sup>th</sup> Avenue, which connects to both Oro Dam Blvd and Montgomery St.*

3. **Public utilities and facilities, including streets and highways, water and sanitation, are adequate to serve the proposed use or will be made adequate prior to the establishment of the proposed use.**

*The project site is already being adequately served by utilities and transportation facilities. If it is determined during the zoning clearance/occupancy inspection by the Building Division that any inadequacies exist, the applicant will be required to address the issues prior to issuance of certificate of occupancy. The site has direct access to 5<sup>th</sup> Avenue which connects to Oro Dam Blvd and Montgomery Street.*

4. **The location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.**

*The operating characteristics of the proposed use involves activities that all take place inside the proposed business location and will not conflict with the*

*surrounding neighborhood nor adversely impact any of the surrounding properties. Pursuant to section 17.48.010(F) of the Zoning Code the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any requirement of the Zoning Code, has been violated in connection with the permit; and finally, if the permit was obtained by fraud. The building is existing and the proposed use is harmonious with the surrounding land uses that are identically zoned. The subject property, zoned MXC, is an appropriate location for this requested land use per the City Code, subject to a use permit.*

**5. The subject site is physically suitable for the type and intensity of land use being proposed.**

*The proposed site is physically suitable for the proposed land use. The applicant has submitted a floor plan, and the property has adequate space for the gun shop to operate as desired. The property is a unit within a larger commercial center that was designed to accommodate for the future demand of parking all units within the shopping center would require. Thus, the subject site is physically suitable for the type and intensity of land use being proposed.*

**6. The size, intensity, and location of the proposed use will provide services that are necessary or desirable for the neighborhood and community as a whole.**

*The gun shop will be occupying an existing unit which is currently vacant. Occupying this vacant unit will help the business environment within the commercial center it is located and the City as a whole. Allowing this business to locate into a vacant unit will bring a new business to Oroville and support an entrepreneurial venture that will be investing capital and producing sales tax within the City limits.*

**7. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, of this chapter and of the City Code.**

*This permit complies with the density and intensity requirements of both the City's Zoning Code and General Plan. This proposed use would be required to comply with all other applicable laws and regulations in the City of Oroville and any other applicable agencies.*

## CONDITIONS OF APPROVAL

**Approved project:** The Planning Commission hereby conditionally approves Use Permit No. 21-08, allowing Francisco Padilla (applicant) to relocate their gun shop from 1940 Feather River Blvd, Suite A to 2122 5<sup>th</sup> Ave. The subject property has a zoning designation of Corridor Mixed-Used (MXC) and a General Plan land use designation of Mixed Use.

### **General Conditions**

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. The applicant shall annually pay for and obtain a City of Oroville business license.
4. All private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety and general welfare.
5. All costs of operation and maintenance of private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be the responsibility of the applicant.
6. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the Oroville Municipal Code to minimize any potential negative effects that the building, structure, lighting or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
7. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to the start of any construction activities requiring a building permit. All applicable plan review and development impact fees shall be paid at time of submittal.
8. The applicant shall ascertain and comply with the requirements of all of City, County, State, Federal, and other local agencies as applicable to the proposed project.
9. The project shall comply with the City's noise ordinance as found in the OMC Chapter 9.20.

10. Pursuant to Section 17.48.010(F) of the City Code, the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
  - I. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
  - II. Any of the terms or conditions of the permit have been violated.
  - III. A law, including any requirement in the Municipal Code Chapter 17, has been violated in connection with the permit.
  - IV. The permit was obtained by fraud.
11. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for revocation.
12. Any roof mounted roof mounted or ground placed utilities (HVAC, generators, etc.) shall include an architecturally compatible method of screening. This can include screening by landscaping or a decorative fence for ground placed utilities.
13. Building shall be addressed per City requirements. Building numbers shall comply with City Code 17.20.050(A).
14. A refuse collection enclosure shall be provided in accordance with City Code 17.12.110. The refuse area shall be large enough to provide adequate storage for solid waste and recyclable materials generated by the use.
15. The applicant shall submit to the City details of exterior lighting for review and approval.
16. The applicant or property owner shall apply for the proper permits as required by OMC Chapter 17.20 prior to any new signage being erected.
17. No more than 25% of the window area shall be covered with signs. This includes both permanent and temporary signs used to identify the business, products sold, or services offered.
18. The exterior of the building, including windows and doors, shall be maintained, and with such frequency, to ensure the public health, safety and general welfare of the city.
19. Windows and doors shall not be boarded up or blocked unless the appropriate approvals are received to ensure the public health, safety and general welfare. This does not include the use of plywood or other material used to cover a window for a temporary period of time that constitutes a safety hazard and/or invites trespassers and malicious mischief.
20. Minor changes may be approved administratively by the Community Development Director or designee upon receipt of a written request by the applicant or designee.

Changes deemed to be major or significant in nature shall require a formal application for amendment.

21. Applicant and/or property owner will take appropriate measures to provide property maintenance of the building exterior, including provisions to keep the premise free of litter and debris.
22. Applicant and/or property owner shall ensure adequate lighting of exterior areas, including parking lots, to discourage loitering outside of the buildings.
23. Applicant and/or property owner will ensure protection of adjacent properties from noise, odors and undue light and glare, as well as illegal activity.
24. Applicant and/or property owner will maintain adequate onsite security, both inside and outside the building, to satisfy any concerns raised by the chief of police or general public. Substantial camera surveillance will suffice.

**Project Specific Conditions:**

1. If the applicant intends to store explosive gun powder on site, all legal limits and requirements shall be met and subject to the approval of the City Fire Department. Additionally, the applicant shall comply with all applicable portions of the City's adopted Fire Code and the National Fire Protection Association requirements.
2. The applicant shall not permit any person less than 18 years of age to enter or remain within the premises without being accompanied by a parent or other adult legally responsible for the minor.
3. A firearm shall not be delivered to a purchaser earlier than is allowed by applicable state and federal law.
4. No firearm shall be delivered to another purchaser, lessee or other transferee unless the firearm is unloaded and securely wrapped or unloaded in a locked container.
5. Clear evidence of the identity and age of the purchaser shall be required before delivery of a firearm to a purchaser, lessee or other transferee.
6. A firearm shall not be sold, leased or otherwise transferred to a person whom the applicant or seller has reason to believe is within any of the classes prohibited by Penal Code, Sections 12021 or 12021.1 or Welfare and Institutions Code Section 8100 or 8103.
7. The applicant shall properly and promptly process firearms transactions as required by Penal Code, Section 12082.
8. The applicant shall keep a register of sales as required by Penal Code, Sections 12073 and 12077.

- 9. No firearm capable of being concealed on the person shall be delivered to a purchaser or transferee, unless that person presents to the applicant or seller a current basic firearm safety certificate, unless otherwise exempted by state law.
- 10. The applicant shall offer to provide to the purchaser or transferee of a firearm a copy of the pamphlet described in Penal Code, Section 12080.
- 11. The applicant shall promptly report any case of theft or break in to the Police Department.
- 12. An appropriate plan for security and storage of merchandise shall be provided to the City that details how the building, and all merchandise, including but not limited to firearms and ammunition, will be stored and secured to prevent any unpermitted access and potential theft of the merchandise from occurring. Storage and security plan shall require approval of the Police Department and shall be obtained prior to the issuance of final/building occupancy.
- 13. If the applicant has been denied permission to sell firearms in another location, the City requires the applicant disclose the information with documentation stating the reason(s) for the denial.
- 14. The City requires full disclosure of any offence which disqualifies the applicant from possessing a firearm under federal, state or local law.

**I HEREBY CERTIFY** that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 26<sup>th</sup> of August 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

\_\_\_\_\_  
 JACKIE GLOVER, ASSISTANT CITY CLERK

\_\_\_\_\_  
 CARL DURLING, CHAIRPERSON



# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street  
Oroville, CA 95965-4897  
(530) 538-2430 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

### NOTICE OF EXEMPTION

TO	Butte County Clerk	FROM	City of Oroville
:	155 Nelson Avenue Oroville, CA 95965	:	1735 Montgomery Street Oroville, CA 95965

Project Title: Minor Use Permit UP21-08 for FXP Firearms

Project Location – Specific: 2122 5<sup>th</sup> Avenue (APN: 035-430-136)

Project Location - City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, Francisco Padilla, has applied for a Use Permit to relocate their gun shop from 1940 Feather River Blvd, Suite A to 2122 5<sup>th</sup> Ave. The subject property has a zoning designation of Corridor Mixed-Used (MXC) and a General Plan land use designation of Mixed Use.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying Out Project: Francisco Padilla

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: State type & section number:
  - General Rule Exemption; Title 14, CCR, §15061(b)(3)
  - Existing Facilities, Title 14, CCR, §15301
- Statutory Exemption: State code number:

Reasons why project is exempt: This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review as follows:

General Rule Exemption; Title 14, CCR, §15061(b)(3)

As the building is existing, no new construction is proposed, minor interior alterations will occur, all business activities will be contained within the building, and the proposed use will be subject to comply with all applicable City, County, State, Federal, and other local agencies as applicable, it has been determined that there is no possibility that the use permit request will have a significant effect on the environment. Thus, this action is exempt from CEQA.

Existing Facilities, Title 14, CCR, §15301

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to the California Code of Regulations, Title 14, Section 15301, "Existing Facilities." An Existing Facilities exemption is applicable if a project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of the existing use. The project site is a vacant commercial unit within an existing commercial site surrounded by other commercial properties and uses. No construction activities are proposed in connection with this use permit and the site has an appropriate zoning designation of MXC for the retail and repair service activities being proposed. Thus, this project is exempt from CEQA review.

If filed by applicant:

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

Lead Agency Contact Person: Wes Ervin

Telephone: (530) 538-2408

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

- Signed by Lead Agency
- Signed by Applicant





# City of Oroville

Planning Division - Community Development Department

1735 Montgomery Street  
 Oroville, CA 95965-4897  
 (530) 538-2430 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

Item 6.

TRAKIT#: **PL1305-013**

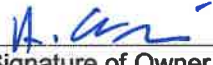
## PLANNING DIVISION GENERAL APPLICATION

(Please print clearly and fill in all that apply)

<b>APPLICANT'S INFORMATION</b>				Project's:	
Name:	Francisco Padilla			Name:	
Address:	2122 5th Avenue, Oroville CA			Company:	
Phone:	530-533-3034			Address:	
Email:	fran@fxpfirearms.comcastbiz.net			Phone:	
Is the applicant the Owner?	<input type="checkbox"/>	If applicant is <b>Not</b> the owner, please provide owner /agent authorization on the reverse side.		Email:	
<b>DEVELOPMENT PROJECTS &amp; OTHER APPLICATIONS</b> (Please check all that apply)					
<input type="checkbox"/>	Annexation	<input type="checkbox"/>	Landmark /Modification/Demolition	<input type="checkbox"/>	Tentative Parcel Map
<input type="checkbox"/>	Appeal	<input type="checkbox"/>	Mining and Reclamation Plan	<input type="checkbox"/>	Tentative Subdivision Map
<input type="checkbox"/>	Development Review	<input type="checkbox"/>	Pre-Application	<input type="checkbox"/>	Use Permit
<input type="checkbox"/>	Final Map	<input type="checkbox"/>	Residential Density Bonus	<input type="checkbox"/>	Variance
<input type="checkbox"/>	General Plan Amendment/Rezone	<input type="checkbox"/>	Temporary Use	<input type="checkbox"/>	Wireless Communication Facilities
<input type="checkbox"/>	Landmark Designation	<input type="checkbox"/>	Tentative Map Extension	<input type="checkbox"/>	Zoning Clearance
<input checked="" type="checkbox"/>	Other: (Please Specify)	Gun Shop - See Attached Sheet			
<b>ADMINISTRATIVE PERMITS</b> (Please check all that apply)					
<input type="checkbox"/>	Adult Oriented Business	<input type="checkbox"/>	Outdoor Storage	<input type="checkbox"/>	Special Event
<input type="checkbox"/>	Home Occupation	<input type="checkbox"/>	Outdoor Display & Sales	<input type="checkbox"/>	Street Closure
<input type="checkbox"/>	Large Family Day Care	<input type="checkbox"/>	Second Dwelling Unit	<input type="checkbox"/>	Tree Removal
<input type="checkbox"/>	Mobile Food Vendor	<input type="checkbox"/>	Sign/Temporary Sign Permit		
<input type="checkbox"/>	Other: (Please Specify)				
*Please provide a letter addressed to the Planning Division with a detailed description for the proposed project. Please include any site plans, maps, aerials, photos, and other relevant information that will help us in processing your application. ** Any time a set of plans is required, three (3) sets of drawings shall be submitted, unless otherwise directed.					
<b>PROJECT INFORMATION</b>					
Project Name: N/A			Proposed Structure(s) (Sq Ft.):		
Address:			Existing Structure(s) (Sq Ft.):		
Nearest Cross Street:			Water Provider:		
Assessor Parcel Number:			School District:		
Lot Size (Acres):			Number of Dwelling Units:		
<b>APPLICANT'S SIGNATURE</b>					
I hereby certify that the information provided in this application is, to my knowledge, true and correct.					
Signature:				Date: 7/28/2021	
<b>OFFICE USE ONLY</b>					
General Plan:		Zoning:		Zoning Conformity:	
APN:		File#		Overlay Zoning:	
Minimum Setbacks:		FY		RY	
SY					

<b>AGENT AUTHORIZATION</b>			
To the City of Oroville, Department of Community Development			
NAME OF AGENT:		PHONE NUMBER:	
COMPANY NAME:		EMAIL:	
ADDRESS:		CITY/ST/ZIP:	
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)	<u>Cole Garcia</u> Print Name of Owner	<u></u> Signature of Owner	<u>7/28/2021</u> Date
2)	_____ 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 non-refundable.

Technology cost recovery fees are non-refundable



# City of Oroville

Planning Division - Community Development Department

1735 Montgomery Street  
 Oroville, CA 95965-4897  
 (530) 538-2430 FAX (530)  
 538-2426 [www.cityoforoville.org](http://www.cityoforoville.org)

TRAKIT#:

Item 6.

## USE PERMIT APPLICATION

(Please print clearly and fill in/provide all that apply)

REQUIRED FOR A COMPLETE APPLICATION		PERMIT TYPE	
<input type="checkbox"/>	Completed and signed Application Forms	<input type="checkbox"/>	New Use Permit: \$2,889.98 (Deposit) + \$173.40(6% Tech Fee) = \$3,063.38
<input type="checkbox"/>	Application Fee Paid	<input checked="" type="checkbox"/>	Amendment to Existing Use Permit: \$1,024.09 + \$61.45 (6% Tech Fee) = \$1,085.54

### PROJECT PLANS

All plans and drawings shall be drawn to scale to the extent feasible and shall indicate the full dimensions, contours and other topographic features and all information necessary to make a full evaluation of the project. Please include the following:

1. **Site and floor plans**, including the location, square footage and use of all structures.
2. **Architectural drawings** showing proposed building elevations.
3. Landscape plans showing the types, sizes and location of vegetation to be planted and the irrigation system to be installed
4. Plans for the configuration & layout of all off-street parking spaces, including entrances, exits and internal circulation routes.
5. Plans for all lighting to be installed on the site, including the location, type, height and brightness of each lighting fixture.
6. **Drawings of all signs** that are proposed in association with the project.
7. Plans showing the location, sq footage and capacity of any existing or proposed surface storm-water detention facilities.
8. Plans showing the location and square footage of any existing or proposed outdoor storage areas.
9. Descriptions of any off-site infrastructure improvements to be provided in conjunction with the project.
10. Hours of operation for all proposed land uses.
11. Number of employees and fleet vehicles for all proposed land uses
12. **A letter authorizing the use permit application from the owner of the property.**

### CLASSIFICATION

<input type="checkbox"/>	Alcohol & Beverage Sales	<input type="checkbox"/>	Nonconforming Uses & Structures	<input type="checkbox"/>	Uses in Industrial Districts
<input type="checkbox"/>	Agricultural Uses	<input type="checkbox"/>	Outdoor Storage	<input type="checkbox"/>	Uses Mini-Storage Overlay(MS-O)
<input type="checkbox"/>	Animal Keeping (Commercial)	<input type="checkbox"/>	Parking Requirement Exceptions	<input type="checkbox"/>	Uses in Residential Districts
<input type="checkbox"/>	Barbed/Razor Wire Fence	<input type="checkbox"/>	Temporary Use	<input type="checkbox"/>	Uses in Special Purpose Districts
<input type="checkbox"/>	Density Bonus & Other Incentives	<input type="checkbox"/>	Uses in a Conditional Overlay (C-O)	<input type="checkbox"/>	Uses not Specified but Allowed
<input type="checkbox"/>	Exceptions to Height Limits	<input type="checkbox"/>	Uses in Commercial & Mixed-Use Districts	<input type="checkbox"/>	Wireless Communication Facilities

X Other: (Please Specify) **Retail Firearms, Ammunition and Gun Repair**

### APPLICANT'S SIGNATURE

I hereby certify that the information provided in this application is, to my knowledge, true and correct.

Signature:  Date: July 28, 2021

### OFFICE USE ONLY

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Payment: \_\_\_\_\_ Number: \_\_\_\_\_

<b>PROJECT DESCRIPTION</b>	
Present or Previous Use:	
Proposed Use:	<b>Retail sales of firearms, ammunition, accessories and gun repair</b>
Detailed Description:	<b>See Attached Sheet</b>

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 non-refundable.

Technology cost recovery fees are non-refundable

### Development Projects & Other Applications

The gun store that I plan on opening and operating at the new location will consists of retail sales of firearms, ammunition and accessories along with gun repair.

I have worked in the gun business for approximately 14-1/2 years. I started working in the gun business back in 2007 assisting the owner of Berry Creek Guns with the counter sales of firearms, ammunition and accessories.

I completed the Gunsmith Course back in 2009. I have worked as a full-time gunsmith for the past 11 years doing minor repairs and cleaning of guns.

I currently hold the following Certificates:

- FFL – 8 years
- Certificate of Eligibility – 8 years
- Firearms Safety Certificate Instructor – 8 years
- Second Hand Sellers License – 4 years

The breakdown of my business will consist of 70% - Gun Sales, 15% - Ammunition Sales, 10% Gunsmith and 5% - Accessory Sales.

July 28, 2021

City of Oroville  
Attn: Connor Musler  
1735 Montgomery Street  
Oroville, CA 95965

Re: FXP Firearms, Ammunition and Gun Repair  
2122 5<sup>th</sup> Avenue  
APN: 035-430-136

Dear Mr. Musler,

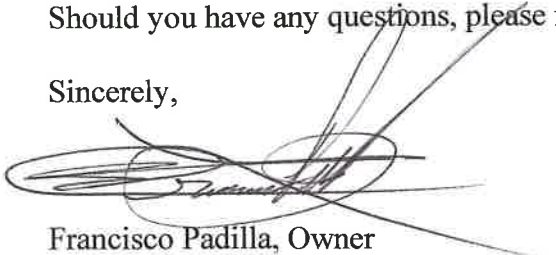
Please find below, a statement stating how the security and storage of merchandise, including firearms and ammunition will be stored and secured at the above-mentioned location to prevent any unpermitted access and potential theft from occurring.

Prior to any inventory that will enter into the facility, a full security system will be installed by Maximum Security Systems. Both the front and back doors will have sensors installed and both the front and back doors will be reinforced. All windows will have bars installed. Glass break sensors will be installed as well as full motion sensors.

All firearms will be securely locked inside of a gun safe at night and firearms and ammunition will be securely displayed during business hours behind the display cases out of customers reach.

Should you have any questions, please feel free to contact me at 530-533-3034.

Sincerely,



Francisco Padilla, Owner  
FXP Firearms, Ammunition and Gun Repair  
1940 Feather River Blvd., Suite A  
Oroville, CA 95965  
530-533-3034





# City of Oroville

Building Department  
Cash Collections  
**RECEIPT: P1060**

**Project Number: PL1305-013**  
**Project Name: UP 13-04: GUN SHOP**

Fee Description	Account Number	Fee Amount
AMENDMENT-MODIFICATI	2201 4670	\$1,024.09
TECH COST RECOVERY [SU	5141 4700	\$61.45
<b>Total Fees Paid:</b>		<b>1,085.54</b>

Date Paid: 7/28/2021

Paid By: FRANCISCO PADILLA

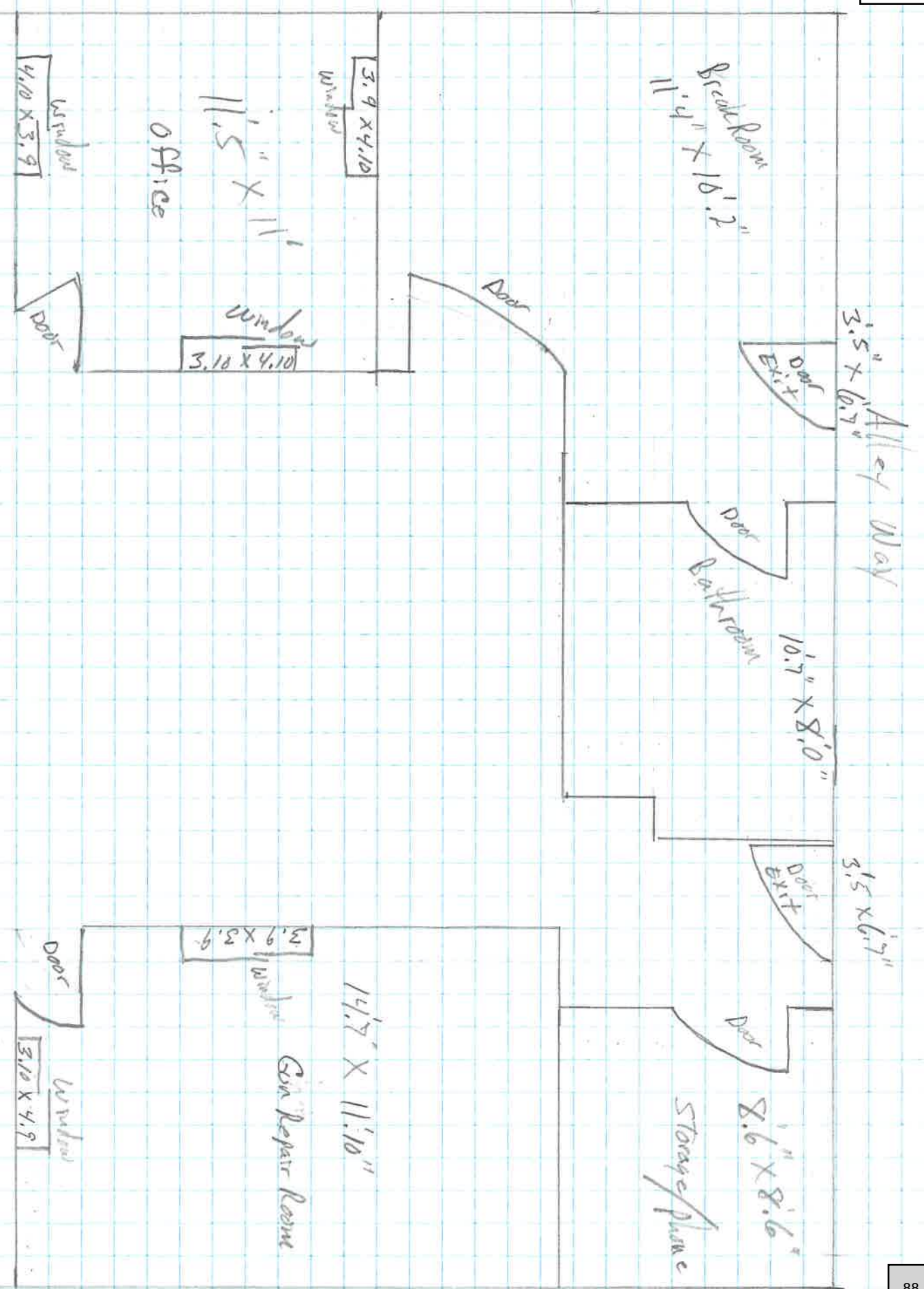
Pay Method: CHECK

Check # 000927

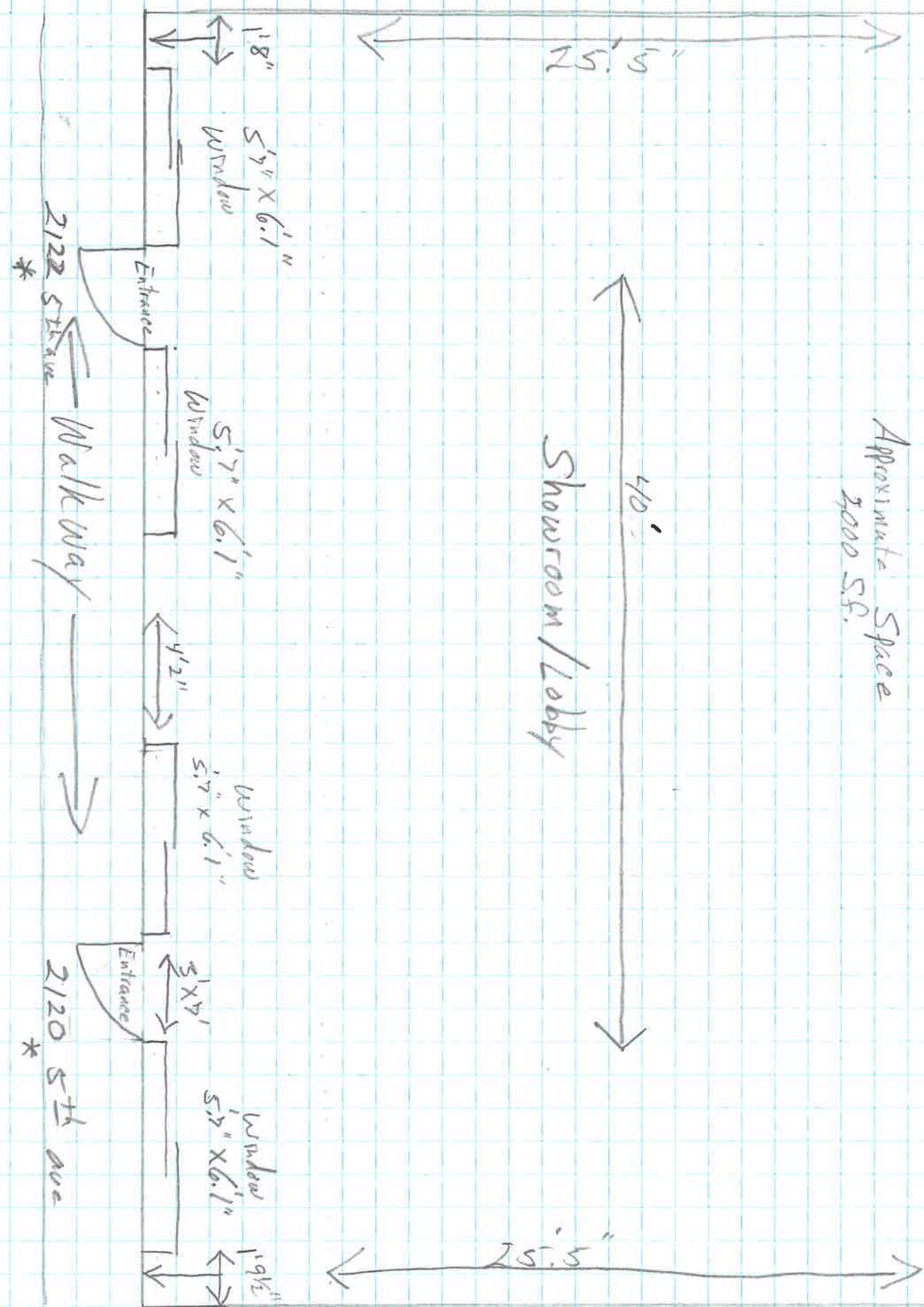
Received By: NOELLE SNOW

**\*\*\*Credit Card Payments\*\*\***

A convenience fee is charged for all credit card payments. Please note that the convenience fee is a third-party fee and is not part of the City of Oroville. For all credit card payments the convenience fee is 2.50% of the total amount charged with a minimum charge of \$2.00.



Approximate Space  
2000 SF.







# City of Oroville

Donald Rust  
DIRECTOR

## PLANNING & DEVELOPMENT SERVICES DEPARTMENT

1735 Montgomery Street  
Oroville, CA 95965-4897  
(530) 538-2430 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

### PLANNING COMMISSION STAFF REPORT

June 24, 2013

**UP 13-04 (Gun Shop).** The City of Oroville Planning Commission will conduct a public hearing to consider a use permit to open a gun shop at 1940 Feather River Boulevard, Suite A. The business will include the sales of firearms, ammunition, firearm accessories, and gun repair services. The property is zoned Intensive Commercial (C-2) and has a General Plan land use designation of Retail and Business Services.

**APPLICANT:** Francisco Padilla  
1761 5<sup>th</sup> Street  
Oroville, CA 95965

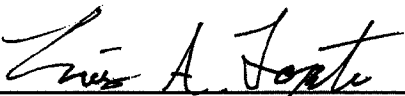
**LOCATION:** 1940 Feather River Boulevard, Suite A (**Attachment A**)  
(APN: 035-240-063)

**GENERAL PLAN:** Retail and Business Services  
**ZONING:** Intensive Commercial (C-2)  
**FLOOD ZONE:** ZONE X: Areas determined to be outside the 0.2% annual chance floodplain.

**ENVIRONMENTAL DETERMINATION:**

Categorical Exemption; Existing Facilities; CCR, Title 14, § 15301

**REPORT PREPARED BY:**

  
Luis A. Topete, Associate Planner  
Planning & Development Services

**REVIEWED BY:**

  
Donald Rust, Director  
Planning & Development Services

**RECOMMENDED ACTIONS:**

City staff recommends that the Planning Commission take the following actions:

1. **HOLD** a public hearing and receive testimony on the proposed Use Permit No. 13-04 to open a gun shop at 1940 Feather River Boulevard, Suite A (APN: 035-240-063); and
2. **ADOPT** the Categorical Exemption, CCR, Title 14, §15301, "Existing Facilities" (**Attachment B**), as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines; and

- 3. **ADOPT** the recommended Findings for Use Permit No. 13-04 (**Attachment C**);
- 4. **ADOPT** Resolution No. P2013-17 (**Attachment D**); and
- 5. **APPROVE** the Conditions of Approval for Use Permit No. 13-04 (**Attachment E**).

**SUMMARY**

The project applicant, Francisco Padilla, has applied for a use permit to open a gun shop at 1940 Feather River Blvd, Suite A. The business will consist of retail sales of firearms, ammunition, firearm accessories, and gun repair services. The applicant has worked in the gun business for approximately 5½ years. The business is proposing to locate into a vacant unit within an existing commercial center. The property is zoned Intensive Commercial (C-2) and has a General Plan land use designation of Retail and Business Services.

**DISCUSSION**

The City' Zoning Code does not specifically mention the sale of firearms and ammunition as an allowed use. Per City Code §26-10.090, if a proposed use of land is not allowed as of right, or allowed subject to a permit, according to the regulations set forth in the Zoning Code for the applicable district, the use shall not be allowed. However, the Zoning Administrator may determine that a proposed use not listed for any zoning district is allowable as of right, subject to a zoning clearance, or that it is allowable subject to an administrative permit or use permit, if all of the following findings are made, based on substantial evidence:

- a. The characteristics of, and activities associated with, the proposed use are equivalent to those of 1 or more of the allowable uses for the zoning district.
- b. The proposed use will not involve a higher level of activity, density or intensity than other allowable uses for the district.
- c. The proposed use will meet the purpose and intent of the applicable zoning district.
- d. The proposed use will be consistent with the goals, objectives and policies of the General Plan.

When the Zoning Administrator determines that a proposed use is equivalent to a listed use, the proposed use shall be treated in the same manner as the listed use for the purposes of determining where it is allowed, what permits are required and what other requirements of the Zoning Code apply.

**INTERPRETATION**

**The characteristics of, and activities associated with, the proposed use are equivalent to those of 1 or more of the allowable uses for the zoning district.**

The characteristics of, and activities associated with, the proposed use are equivalent to the following allowable uses in a C-2 zoning district:

⋮

Land Use	Permit Requirement
General retail—10,000 square feet or less of gross floor area	Permitted use, subject to zoning clearance
Personal services—moderate-impact	Use permit required
Repair service, small appliances	Permitted use, subject to zoning clearance

The definitions of the above land uses, as found in the City Code §26-04.020, are as follows:

General retail. A retail establishment that sells a variety of merchandise and is not otherwise identified in this chapter as a unique retail use, including but not limited to antique stores, bookstores, drugstores, hobby shops, secondhand stores, retail bakeries, hardware stores, appliance and electronics stores and any use of like kind or character.

Personal services—moderate-impact. A personal services establishment that may tend to attract criminal activity or reduce property values when found near similar establishments, and that may need to be dispersed in order to reduce these potential negative impacts. The term “moderate-impact personal services” includes but not limited to check-cashing stores, pawnshops, psychics, spas and hot tubs for hourly rental, tattoo and body piercing parlors and other uses of like kind or character.

Repair service, small appliances. A repair service that repairs small household items, such as televisions and stereo systems.

As seen above, a gun shop falls within the definition of general retail, the gun repair services resemble that of repair services for small appliances in that electrical, electronic, or mechanical equipment is repaired away from the presence of the customer, and the characteristics displayed by a business classified as a moderate impact personal service is comparable with the concerns that property owners near a gun shop may have, in particular that the business activity may tend to attract criminal activity or reduce property values when found near similar establishments, and that they may need to be dispersed in order to reduce these potential negative impacts. For these reasons a gun shop is an allowed use, subject to a use permit.

**The proposed use will not involve a higher level of activity, density or intensity than other allowable uses for the district.**

The applicant will be occupying a vacant unit within an existing commercial complex zoned C-2, which is the most intensive zoning designation for commercial purposes. Per City Code §26-33.040, the intent of a C-2 zoning designation is to provide for more intensive commercial establishments, including those that deal in large, low volume items and major repair services, or that require large, outdoor display and storage areas. Considering the highly intensive intent of a C-2 zoning designation, and that the applicant will be occupying a 1,029 square foot unit within an existing commercial complex that was reviewed and approved at the time of construction to meet the City’s density requirements and was designed assuming every unit of the complex would be occupied with a use permitted in a C-2 zone, the proposed business can be considered

to involve a relatively modest level of activity and intensity in comparison to what could be allowed in a C-2 zone.

**The proposed use will meet the purpose and intent of the applicable zoning district.**

As mentioned above, the intent of a C-2 zoning designation is to provide for more intensive commercial establishments, including those that deal in large, low-volume items and major repair services, or that require large, outdoor display and storage areas. Considering that most less-intensive retail services are generally permitted uses, subject to a zoning clearance, within a C-2 zoning designation, this proposed use will meet the purpose and intent of the applicable zoning district as the proposed use has the characteristics of retail sales and service activities that a C-2 zoning designation is meant to accommodate.

**The proposed use will be consistent with the goals, objectives and policies of the General Plan.**

The property at 1940 Feather River Boulevard has a General Plan land use designation of Retail and Business Services. The intent of this designation is to provide for business activities that offer goods and services to the community, which the proposed business accomplishes. Furthermore, as found in the vision statement and guiding principles of the City’s 2030 General Plan, a guiding principle of the General plan is to create a vibrant local economy. The proposed gun shop will be occupying an existing unit which is currently vacant. Occupying this vacant unit will help the business environment within the commercial center it is located, the Feather River Boulevard commercial corridor, and the City as a whole. Allowing this business to locate into a vacant unit will bring a new business to Oroville and support an entrepreneurial venture that will be investing capital and producing sales tax within the City limits.

**ENVIRONMENTAL REVIEW**

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to the California Code of Regulations, Title 14, Section 15301, “Existing Facilities.” An Existing Facilities exemption is applicable if a project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The key consideration is whether the project involves negligible or no expansion of the existing use. The project site is a vacant commercial unit within an existing commercial site surrounded by other commercial properties and uses. No construction activities are proposed in connection with this use permit and the site has an appropriate zoning designation of C-2 for the retail and repair service activities being proposed. Thus, this project is exempt from CEQA review.

**FISCAL IMPACT**

The total fees associated with Use Permit No. 13-04 are as follows:

Item	Price	Tech Fee	Total	Paid
Use Permit Application	\$2,822.00	\$169.32	\$2,991.32	Yes
Filing of Notice of Exemption				
Butte County Clerks Filing Fee	\$50.00	-	\$50.00	No

Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Game Code Section 711.4, fees (\$50) are payable by the project applicant to file the Notice of Exemption with Butte County by the City of Oroville – Planning and Development Services Department within five working days of approval of this project by the Planning Commission.

**PUBLIC NOTICE**

A request for comments was prepared and circulated to the local agencies and surrounding property owners within 300 feet of the property (**Attachment H**). Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register (**Attachment I**) and posted at City Hall.

**ATTACHMENTS**

- A – Aerial Photograph
- B – Notice of Exemption
- C – Findings
- D – Resolution No. P2013-17
- E – Conditions of Approval
- F – Vicinity Map
- G – Applicant Letter
- H – Property Owner Notice
- I – Newspaper Notice



# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street  
 Oroville, CA 95965-4897  
 (530) 538-2430 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

### PLANNING COMMISSION STAFF REPORT

Thursday, August 26, 2021

**RE: Minor Use Permit UP21-09 to allow the operation of a tattoo parlor at 2030 Bird Street**

**SUMMARY:** The Oroville Planning Commission will review and consider 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.

**RECOMMENDATION: Staff recommends the following actions:**

1. **Conduct a Public Hearing** on the proposed project;
2. **Adopt the Notice of Exemption** as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA);
3. **Adopt** the recommended Findings for Use Permit No. UP21-09;
4. **Approve** Use Permit UP21-09 and recommended Conditions of Approval;
5. **Adopt** Resolution No. P2021-13

**APPLICANT:** Chris Earl

**LOCATION:** 2030 Bird Street (APN 012-035-014)

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

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt per Section 15301 of Title 14, California Code of Regulations, Existing Facilities.

**REPORT PREPARED BY:**

**REVIEWED BY:**

\_\_\_\_\_  
 Connor Musler, Assistant Planner  
 Community Development Department

\_\_\_\_\_  
 Dawn Nevers, Assistant Director  
 Community Development Department

## DISCUSSION

Chris Earl has applied for a Use Permit to open Travelers Tattoo at 2030 Bird Street. The building has been vacant for some time, with the last tenant occupying the space in 2005/2006. Since then, the building has been renovated by the property owner. The property is zoned Downtown Mixed Use (MXD). According to the Oroville Municipal Code (OMC), tattoo parlors are classified as a Personal Service – Moderate Impact, which requires a Use Permit in an MXD zone.

Staff have identified one tattoo parlor with an active business license, Voodoo Tattoo (1374 Myers St), within the City Limits.

The tattoo parlor occupies roughly 1,200 square feet and has a small upstairs area the applicant intends to use as a drawing room. The intended hours of operation Tuesday through Saturday from 12:00 p.m. to 8:00 p.m. Should the Planning Commission approve the Use Permit, the project has been conditioned to require the applicant to comply with all Butte County Public Health requirements and to supply any approvals and documentation from Public Health prior to occupancy.

### **Required Findings for Use Permit (OMC 17.48.010)**

Before approving a use permit, the Planning Commission must consider each of the following issues and make appropriate findings (Staff's comments are in *italics*, *draft findings are in the Resolution*):

- 1. The granting of the permit will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the city as a whole.**

*Per City Code 17.48.010, the intent of use permits is to provide an opportunity to review the location, site development or conduct of certain land uses, activities and structural features that generally have a distinct impact on the area in which they are located or are capable of creating special problems for bordering properties unless given careful attention. For this reason, such uses are permitted through discretionary review and the powers granted to the Planning Commission include attaching any conditions to the use permit that are deemed necessary to achieve the purpose of the Zoning Code, and also promote the general health, safety, and public welfare of the City.*

*After a thorough review of the project, the approval of this use permit has been conditioned to ensure that under no circumstance will the project be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with section 17.48.010 of the City Code. Additionally, this project will be required to comply with all City requirements in addition to any other federal, State, or local regulations that may be applicable.*

- 2. The proposed use follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.**

*The subject property is zoned MXD, which is an appropriate location for this requested land use per the City Code, subject to a use permit. The applicant will be occupying an existing building in the Historic Downtown District that has been vacant for some time. All tattoo and body piercing parlors are required to obtain a use permit in MXD zones. The intent of the MXD zoning is to strengthen Downtown Oroville as a pedestrian-oriented mixed use neighborhood with a diversity of commercial, employment, and residential uses in close proximity to one another. The proposed use follows sound principles of land use by locating in an area of identical land uses, and in a zoning district where the City Code has planned for this type of land use to be located subject to the approval of a use permit.*

- 3. Public utilities and facilities, including streets and highways, water and sanitation, are adequate to serve the proposed use or will be made adequate prior to the establishment of the proposed use.**

*The project site is already being adequately served by utilities and transportation facilities. If it is determined during the zoning clearance/occupancy inspection by the Building Division that any inadequacies exist, the applicant will be required to address the issues prior to issuance of certificate of occupancy. The site has direct access to Bird St and excellent pedestrian facilities.*

- 4. The location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.**

*The operating characteristics of the proposed use involves activities that all take place inside the proposed business location and will not conflict with the surrounding neighborhood nor adversely impact any of the surrounding properties. Pursuant to section 17.48.010(F) of the Zoning Code the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any requirement of the Zoning Code, has been violated in connection with the permit; and finally, if the permit was obtained by fraud. The building is existing and the proposed use is harmonious with the surrounding land uses that are identically zoned. The subject property, zoned MXD, is an appropriate location for this requested land use per the City Code, subject to a use permit.*



**5. The subject site is physically suitable for the type and intensity of land use being proposed.**

*The proposed site is physically suitable for the proposed land use. The applicant has submitted a floor plan demonstrating that the subject site has adequate space for the desired uses of the proposed business. Additionally, city staff visited the site and confirmed the layout and suitability of the site for the proposed use.*

**6. The size, intensity and location of the proposed use will provide services that are necessary or desirable for the neighborhood and community as a whole.**

*The proposed business will be occupying an existing building that has been vacant since at least 2005/2006. The property owner renovated the building, and the applicant intends to fill the vacant shop space with a tattoo parlor. With the City's goal (Goal LU-2 of the City's 2030 General Plan) to develop an economically vital Historic Downtown, this proposed business helps the City towards achieving this land use goal of the General Plan. There only appears to be one active business license for a similar shop within the City and thus, it is believed that the proposed use will provide services that are desirable for the neighborhood and community as a whole.*

**7. The permit complies with all applicable laws and regulations, including the requirements of the general plan, of this title and of the city municipal code.**

*The permit application has been reviewed by staff and the project has been found to comply with all applicable laws and regulations, including the applicable requirements of the City's 2030 General Plan, Zoning Code, and other applicable portions of the City's Municipal Code. As a condition of this permit, the applicant shall be required to ascertain and comply with the requirements of all Federal, State, County, City and other local agencies as applicable to the proposed use and project site.*

**FISCAL IMPACT**

None. The project is subject to all customary fees.

**PUBLIC NOTICE**

A request for comments was prepared and circulated to the local agencies and surrounding property owners within 500 feet of the property. Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register and posted at City Hall.

**ATTACHMENTS**

1. Resolution P2021-13

2. Notice of Exemption (CEQA)
3. Application Package

## RESOLUTION NO. P2021-13

### A RESOLUTION OF THE OROVILLE PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING MINOR USE PERMIT UP21-09 FOR TRAVELERS TATTOO, A TATTOO PARLOR, AT 2030 BIRD STREET (APN: 012-035-014)

**WHEREAS**, the City has received an application for a tattoo parlor at 2030 Bird Street; and

**WHEREAS**, The City of Oroville Municipal Code (OMC) Section 17.04.060 classifies tattoo parlors as a Personal Service – Moderate Impact; and

**WHEREAS**, a Personal Service – Moderate Impact requires a use permit in the Downtown Mixed Use (MXD) zone; and

**WHEREAS**, at a duly noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of the use permit described herein, and also considered the City’s staff report regarding the change.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION** as follows:

1. This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 “Existing Facilities.”
2. The Planning Commission approves the findings required by Section 17.48.010 of the Oroville City Code, as described in this Resolution;
3. The Planning Commission approves the permit conditions described in this Resolution.

#### **REQUIRED FINDINGS (OMC 17.48.010)**

1. **The granting of the permit will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the city as a whole.**

*Per City Code 17.48.010, the intent of use permits is to provide an opportunity to review the location, site development or conduct of certain land uses, activities and structural features that generally have a distinct impact on the area in which they are located or are capable of creating*

*special problems for bordering properties unless given careful attention. For this reason, such uses are permitted through discretionary review and the powers granted to the Planning Commission include attaching any conditions to the use permit that are deemed necessary to achieve the purpose of the Zoning Code, and also promote the general health, safety, and public welfare of the City.*

*After a thorough review of the project, the approval of this use permit has been conditioned to ensure that under no circumstance will the project be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with section 17.48.010 of the City Code. Additionally, this project will be required to comply with all City requirements in addition to any other federal, State, or local regulations that may be applicable.*

- 2. The proposed use follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.**

*The subject property is zoned MXD, which is an appropriate location for this requested land use per the City Code, subject to a use permit. The applicant will be occupying an existing building in the Historic Downtown District that has been vacant for some time. All tattoo and body piercing parlors are required to obtain a use permit in MXD zones. The intent of the MXD zoning is to strengthen Downtown Oroville as a pedestrian-oriented mixed use neighborhood with a diversity of commercial, employment, and residential uses in close proximity to one another. The proposed use follows sound principles of land use by locating in an area of identical land uses, and in a zoning district where the City Code has planned for this type of land use to be located subject to the approval of a use permit.*

- 3. Public utilities and facilities, including streets and highways, water and sanitation, are adequate to serve the proposed use or will be made adequate prior to the establishment of the proposed use.**

*The project site is already being adequately served by utilities and transportation facilities. If it is determined during the zoning clearance/occupancy inspection by the Building Division that any inadequacies exist, the applicant will be required to address the issues prior to issuance of certificate of occupancy. The site has direct access to Bird St and excellent pedestrian facilities.*

- 4. The location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.**

*The operating characteristics of the proposed use involves activities that all take place inside the proposed business location and will not conflict with the surrounding neighborhood nor adversely impact any of the surrounding properties. Pursuant to section 17.48.010(F) of the Zoning Code the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any requirement of the Zoning Code, has been violated in connection with the permit; and finally, if the permit was obtained by fraud. The building is existing and the proposed use is harmonious with the surrounding land uses that are identically zoned. The subject property, zoned MXD, is an appropriate location for this requested land use per the City Code, subject to a use permit.*

**5. The subject site is physically suitable for the type and intensity of land use being proposed.**

*The proposed site is physically suitable for the proposed land use. The applicant has submitted a floor plan demonstrating that the subject site has adequate space for the desired uses of the proposed business. Additionally, city staff visited the site and confirmed the layout and suitability of the site for the proposed use.*

**6. The size, intensity and location of the proposed use will provide services that are necessary or desirable for the neighborhood and community as a whole.**

*The proposed business will be occupying an existing building that has been vacant since at least 2005/2006. The property owner renovated the building, and the applicant intends to fill the vacant shop space with a tattoo parlor. With the City's goal (Goal LU-2 of the City's 2030 General Plan) to develop an economically vital Historic Downtown, this proposed business helps the City towards achieving this land use goal of the General Plan. There only appears to be one active business license for a similar shop within the City and thus, it is believed that the proposed use will provide services that are desirable for the neighborhood and community as a whole.*

**7. The permit complies with all applicable laws and regulations, including the requirements of the general plan, of this title and of the city municipal code.**

*The permit application has been reviewed by staff and the project has been found to comply with all applicable laws and regulations, including the applicable requirements of the City's 2030 General Plan, Zoning Code, and other applicable portions of the City's Municipal Code. As a condition of this permit, the applicant shall be required to ascertain and comply with the requirements of all Federal, State, County, City and other local agencies as applicable to the proposed use and project site.*

## CONDITIONS OF APPROVAL

**Approved project:** The Planning Commission hereby conditionally approves Use Permit No. 21-09, permitting the operation of Travelers Tattoo, a tattoo parlor, at 2030 Bird Street (APN: 012-035-014) in historic downtown Oroville. The subject property has a zoning designation of Downtown Mixed-Used (MXD) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Section 17.04.060, tattoo and body piercing parlors are defined as moderate-impact personal services. Per the OMC Table 17.34.020-1, moderate-impact personal services are land uses that require a use permit in MXD zones

### **General Conditions**

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. The applicant shall annually pay for and obtain a City of Oroville business license.
4. All private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety and general welfare.
5. All costs of operation and maintenance of private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be the responsibility of the applicant.
6. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the Oroville Municipal Code to minimize any potential negative effects that the building, structure, lighting or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
7. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to the start of any construction activities requiring a building permit. All applicable plan review and development impact fees shall be paid at time of submittal.
8. The applicant shall ascertain and comply with the requirements of all of City, County, State, Federal, and other local agencies as applicable to the proposed project.

9. The project shall comply with the City's noise ordinance as found in the OMC Chapter 9.20.
10. Pursuant to Section 17.48.010(F) of the City Code, the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
  - I. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
  - II. Any of the terms or conditions of the permit have been violated.
  - III. A law, including any requirement in the Municipal Code Chapter 17, has been violated in connection with the permit.
  - IV. The permit was obtained by fraud.
11. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for revocation.

### **Project-specific conditions**

1. The applicant shall ascertain and comply with the requirements of the Butte County Public Health Department. All approvals of the Butte County Public Health must be provided to the City prior to issuance of Certificate of Occupancy.
2. Applicant shall ascertain and comply with all applicable sterilization, sanitation, and safety standards.
3. Building shall be addressed per City requirements. Building numbers shall comply with City Code 17.20.050(A).
4. A refuse collection enclosure shall be provided in accordance with City Code 17.12.110. The refuse area shall be large enough to provide adequate storage for solid waste and recyclable materials generated by the use.
5. The applicant or property owner shall apply for the proper permits as required by OMC Chapter 17.20 prior to any new signage being erected.
6. No more than 25% of the window area shall be covered with signs. This includes both permanent and temporary signs used to identify the business, products sold, or services offered.
7. The exterior of the building, including windows and doors, shall be maintained, and with such frequency, to ensure the public health, safety and general welfare of the city.

- 8. Windows and doors shall not be boarded up or blocked unless the appropriate approvals are received to ensure the public health, safety and general welfare. This does not include the use of plywood or other material used to cover a window for a temporary period of time that constitutes a safety hazard and/or invites trespassers and malicious mischief.
- 9. Minor changes may be approved administratively by the Community Development Director or designee upon receipt of a written request by the applicant or designee. Changes deemed to be major or significant in nature shall require a formal application for amendment.
- 10. Applicant and/or property owner will take appropriate measures to provide property maintenance of the building exterior, including provisions to keep the premise free of litter and debris.
- 11. Applicant and/or property owner shall ensure adequate lighting of exterior areas, including parking lots, to discourage loitering outside of the buildings.
- 12. Applicant and/or property owner will ensure protection of adjacent properties from noise, odors and undue light and glare, as well as illegal activity.
- 13. Applicant and/or property owner will maintain adequate onsite security, both inside and outside the building, to satisfy any concerns raised by the chief of police or general public. Substantial camera surveillance will suffice.

**I HEREBY CERTIFY** that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 26<sup>th</sup> of August 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

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JACKIE GLOVER, ASSISTANT CITY CLERK

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CARL DURLING, CHAIRPERSON





# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street  
Oroville, CA 95965-4897  
(530) 538-2430 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

### NOTICE OF EXEMPTION

TO	Butte County Clerk	FROM	City of Oroville
:	155 Nelson Avenue Oroville, CA 95965	:	1735 Montgomery Street Oroville, CA 95965

Project Title: Minor Use Permit UP21-09 Travelers Tattoo

Project Location – Specific: 2030 Bird Street (APN: 012-035-014)

Project Location - City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The applicant, Chris Earl, has applied for a minor use permit to open Travelers Tattoo, a tattoo parlor, at 2030 Bird Street (APN: 012-035-014) in historic downtown Oroville. The subject property has a zoning designation of Downtown Mixed use (MXD), a General Plan land use designation of Mixed Use and falls within the DH-O and AC&E Overlay. Per the City of Oroville Municipal Code (OMC) Section 17.04.060, tattoo and body piercing parlors are defined as moderate-impact personal services. Per the OMC Table 17.34.020-1, moderate-impact personal services are land uses that require a use permit in MXD zones.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying Out Project: Chris Earl

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: State type & section number:
  - General Rule Exemption; Title 14, CCR, §15061(b)(3)
  - Existing Facilities, Title 14, CCR, §15301
- Statutory Exemption: State code number:

Reasons why project is exempt: This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review as follows:

General Rule Exemption; Title 14, CCR, §15061(b)(3)

A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not

subject to CEQA. This project involves the use of a property zoned MXD. The intent of the MXD zoning designation is to strengthen downtown Oroville as a pedestrian-oriented activity center with a diversity of commercial, employment, and residential uses. As the building is existing, no new construction is proposed, all business activities will be contained within the building, and the proposed use will be subject to comply with all applicable City, County, State, Federal, and other local agencies as applicable, it has been determined that there is no possibility that the use permit request will have a significant effect on the environment. Thus, this action is exempt from CEQA.

Existing Facilities; Title 14, CCR, §15301

A Class 1 categorical exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. As the proposed use will be utilizing an existing facility with no expansion of use beyond what currently exists. Thus, this action is exempt from CEQA.

If filed by applicant:

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

Lead Agency Contact Person: Wes Ervin

Telephone: (530) 538-2408

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

- Signed by Lead Agency
- Signed by Applicant



# City of Oroville

Planning Division - Community Development Department

1735 Montgomery Street  
 Oroville, CA 95965-4897  
 (530) 538-2430 FAX (530)  
 538-2426 [www.cityoforoville.org](http://www.cityoforoville.org)

Item 7.

TRAKIT#: PL2107-008

## USE PERMIT APPLICATION

(Please print clearly and fill in/provide all that apply)

REQUIRED FOR A COMPLETE APPLICATION		PERMIT TYPE	
<input type="checkbox"/>	Completed and signed Application Forms	<input checked="" type="checkbox"/>	New Use Permit: \$2,889.98 (Deposit) + \$173.40(6% Tech Fee) = \$3,063.38
<input type="checkbox"/>	Application Fee Paid	<input type="checkbox"/>	Amendment to Existing Use Permit: \$1,024.09 + \$61.45 (6% Tech Fee) = \$1,085.54

### PROJECT PLANS

All plans and drawings shall be drawn to scale to the extent feasible and shall indicate the full dimensions, contours and other topographic features and all information necessary to make a full evaluation of the project. Please include the following:

1. **Site and floor plans**, including the location, square footage and use of all structures.
2. **Architectural drawings** showing proposed building elevations.
3. Landscape plans showing the types, sizes and location of vegetation to be planted and the irrigation system to be installed
4. Plans for the configuration & layout of all off-street parking spaces, including entrances, exits and internal circulation routes.
5. Plans for all lighting to be installed on the site, including the location, type, height and brightness of each lighting fixture.
6. **Drawings of all signs** that are proposed in association with the project.
7. Plans showing the location, sq footage and capacity of any existing or proposed surface storm-water detention facilities.
8. Plans showing the location and square footage of any existing or proposed outdoor storage areas.
9. Descriptions of any off-site infrastructure improvements to be provided in conjunction with the project.
10. Hours of operation for all proposed land uses.
11. Number of employees and fleet vehicles for all proposed land uses
12. **A letter authorizing the use permit application from the owner of the property.**

### CLASSIFICATION

Alcohol & Beverage Sales	Nonconforming Uses & Structures	Uses in Industrial Districts
Agricultural Uses	Outdoor Storage	Uses Mini-Storage Overlay(MS-O)
Animal Keeping (Commercial)	Parking Requirement Exceptions	Uses in Residential Districts
Barbed/Razor Wire Fence	Temporary Use	Uses in Special Purpose Districts
Density Bonus & Other Incentives	Uses in a Conditional Overlay (C-O)	Uses not Specified but Allowed
Exceptions to Height Limits	Uses in Commercial & Mixed-Use Districts	Wireless Communication Facilities
Other: (Please Specify)		

### APPLICANT'S SIGNATURE

I hereby certify that the information provided in this application is, to my knowledge, true and correct.

Signature: 	Date: <i>July 8, 21</i>
--	-------------------------

### OFFICE USE ONLY

Approved By:	Date:
Payment:	Number:

PROJECT DESCRIPTION	
Present or Previous Use:	<del>Tattoo Shop</del> clothing
Proposed Use:	Tattoo shop
Detailed Description: High end Tattoo shop located at 2030 Blvd Hours will be Tuesday - Saturday 12-8 2 days a week	

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 non-refundable.

Technology cost recovery fees are non-refundable



# City of Oroville

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Item 7.

TRAKIT#:

## PLANNING DIVISION GENERAL APPLICATION

(Please print clearly and fill in all that apply)

<b>APPLICANT'S INFORMATION</b>				Project's:	
Name:	CHRIS FAZI			Name:	TRAVELERS TATTOO
Address:	9424 SEAGER CT			Company:	
Phone:	661-444-9251			Address:	2030 BIRD
Email:	CENTRALVALLEYTATTOO@YAHOO.COM			Phone:	661-444-9251
Is the applicant the Owner?	<input checked="" type="checkbox"/>	If applicant is not the owner, please provide owner /agent authorization on the reverse side.		Email:	centralvalleytattoo@yahoo.com
<b>DEVELOPMENT PROJECTS &amp; OTHER APPLICATIONS</b> (Please check all that apply)					
<input type="checkbox"/>	Annexation	<input type="checkbox"/>	Landmark /Modification/Demolition	<input type="checkbox"/>	Tentative Parcel Map
<input type="checkbox"/>	Appeal	<input type="checkbox"/>	Mining and Reclamation Plan	<input type="checkbox"/>	Tentative Subdivision Map
<input type="checkbox"/>	Development Review	<input type="checkbox"/>	Pre-Application	<input type="checkbox"/>	Use Permit
<input type="checkbox"/>	Final Map	<input type="checkbox"/>	Residential Density Bonus	<input type="checkbox"/>	Variance
<input type="checkbox"/>	General Plan Amendment/Rezone	<input type="checkbox"/>	Temporary Use	<input type="checkbox"/>	Wireless Communication Facilities
<input type="checkbox"/>	Landmark Designation	<input type="checkbox"/>	Tentative Map Extension	<input checked="" type="checkbox"/>	Zoning Clearance
<input type="checkbox"/>	Other: (Please Specify)				
<b>ADMINISTRATIVE PERMITS</b> (Please check all that apply)					
<input type="checkbox"/>	Adult Oriented Business	<input type="checkbox"/>	Outdoor Storage	<input type="checkbox"/>	Special Event
<input type="checkbox"/>	Home Occupation	<input type="checkbox"/>	Outdoor Display & Sales	<input type="checkbox"/>	Street Closure
<input type="checkbox"/>	Large Family Day Care	<input type="checkbox"/>	Second Dwelling Unit	<input type="checkbox"/>	Tree Removal
<input type="checkbox"/>	Mobile Food Vendor	<input type="checkbox"/>	Sign/Temporary Sign Permit		
<input type="checkbox"/>	Other: (Please Specify) <i>Tattoo Shop</i>				
*Please provide a letter addressed to the Planning Division with a detailed description for the proposed project. Please include any site plans, maps, aerials, photos, and other relevant information that will help us in processing your application. ** Any time a set of plans is required, three (3) sets of drawings shall be submitted, unless otherwise directed.					
<b>PROJECT INFORMATION</b>					
Project Name: <i>TRAVELERS TATTOO</i>			Proposed Structure(s) (Sq Ft.):		
Address: <i>2030 BIRD</i>			Existing Structure(s) (Sq Ft.):		
Nearest Cross Street: <i>MYRKA</i>			Water Provider:		
Assessor Parcel Number:			School District:		
Lot Size (Acres):			Number of Dwelling Units:		
<b>APPLICANT'S SIGNATURE</b>					
I hereby certify that the information provided in this application is, to my knowledge, true and correct.					
Signature: <i>[Signature]</i>				Date: <i>2/14/21</i>	
<b>OFFICE USE ONLY</b>					
General Plan:	Zoning:	Zoning Conformity:	APN:		
File#	Overlay Zoning:	Minimum Setbacks:	FY	RY	SY



<b>AGENT AUTHORIZATION</b>			
To the City of Oroville, Department of Community Development			
NAME OF AGENT:		PHONE NUMBER:	
COMPANY NAME:		EMAIL:	
ADDRESS:		CITY/ST/ZIP:	
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)	Print Name of Owner	Signature of Owner	Date
2)	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 #

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Technology cost recovery fees are non-refundable

