

**CITY OF OROVILLE PLANNING COMMISSION  
1735 MONTGOMERY STREET, OROVILLE, CA 95965-4897**

**PUBLIC HEARING AND REGULAR MEETING  
MINUTES – May 9, 2005, 7:00 P.M.**

The meeting was called to order at 7:00 p.m. by Chairperson Robison

**ROLL CALL**

Present: Ronda Brunson, Rochelle Frazier, Joyce Gaza, Dan Gordon, Michael Howard, Damon Robison, Thil Wilcox

Excused:

Absent:

Others Present: Jo Sherman, Planning Manager  
Eric Teitelman, Director Community Services & Public Works  
Sandy Ostrander, Admin Assistant

**PLEDGE OF ALLEGIANCE**

Chairperson Robison led the pledge.

**MINUTES**

Commissioner Frazier made a motion to approve the minutes of the March 14, 2005 meeting. Commissioner Gordon seconded the motion.

AYES: Frazier, Gaza, Gordon, Robison

NOES:

ABSTAIN: Brunson, Howard, Wilcox,

EXCUSED:

ABSENT:

Motion carried.

**PUBLIC HEARING**

Staff requested that Item 4 be heard first.

**4. UP 05-08** (Lighthouse Living Services) – a proposal to utilize the existing structure at 2065 Bird Street for an adult day school program that includes up to 10 teachers and 30 clients (APN 012-093-013; C-1 zone). Program activities will include a micro business setting that focuses on making and selling arts and crafts products. Business / class

hours will be weekdays from 9 AM to 4 PM and Saturday from 10 AM to 3 PM. CEQA Determination: Categorical Exemption

Planning Manager Sherman reported neighboring merchants in the downtown area have expressed concerns about this business. The applicant would like an opportunity to meet with those persons & address their concerns before a public hearing is held, so staff is recommending that this hearing should be continued to the 6-13-05 meeting.

Commissioner Wilcox made a motion that the public hearing for UP 05-08 be continued until June 13, 2005. Motion was seconded by Commissioner Frazier.

AYES: Brunson, Frazier, Gaza, Gordon, Howard, Wilcox, Robison

NOES:

ABSTAIN:

EXCUSED:

ABSENT:

Motion carried.

**1. UP 05-05 / DRB 05-04 (Hartshorn)** – expand existing auto body shop located at 2535 South 5<sup>th</sup> Avenue by construction of a new 3,000 square foot building (APN 035-260-087; M-2 zone; northeast corner of S 5<sup>th</sup> Avenue and State Box Road). CEQA Determination: Negative Declaration

Planning Manager Sherman reported that this application is a request to expand an existing business by constructing a second building at the back of the property. Staff has concerns about the front parking area where vehicles have to back across the sidewalk, and the lack of landscaping. Staff met with the applicant late on Friday afternoon, & applicant has agreed to move the fence back approximately 10 feet, put a planter on each side of the fence, and construct a planter area on each side of the parking area in front of the building. The planter will extend from the property line to the building on the south side, and almost to the building on the north side. The applicant will also put slats in the chain link fence along the property line to screen visibility into the property from Oro Dam Boulevard. The new building will look very similar to the existing building. Staff finds that the expansion & improvements will enhance the area, and recommends approval of the Use Permit and DRB.

The public hearing was opened.

A. Robert Hartshorn, applicant – reported he is present to answer any questions. He is willing to make the changes as listed.

The public hearing was closed.

Commissioner Wilcox made a motion, seconded by Commissioner Gordon, to adopt

Resolution No. P 2005-04, "A RESOLUTION OF THE OROVILLE PLANNING COMMISSION ADOPTING A NEGATIVE DECLARATION AND APPROVING USE PERMIT NO. 05-05 / DRB NO. 05-04 FOR CONSTRUCTION OF A NEW 3,000 SQUARE FOOT STRUCTURE TO EXPAND THE EXISTING AUTOBODY REPAIR BUSINESS LOCATED AT 2535 SOUTH 5<sup>TH</sup> AVENUE".

AYES: Brunson, Frazier, Gaza, Gordon, Howard, Wilcox, Robison

NOES:

ABSTAIN:

EXCUSED:

ABSENT:

Motion carried.

**2. UP 05-06** (Burks) — a proposal to utilize approximately half of the first floor of a 2-story structure that occupies two lots for office and repair uses open for business weekdays from 8 AM to 5 PM. The 2 -story structure (about 3,000 square feet per floor) is located at 105 and 107 Gold Dredger Drive (APNs 035-340-042 & 043; M-2 zone). The total area of the two lots is approximately 11,300 square feet. A use permit was previously approved for 2 caretaker apartments on the upper floor (one apartment at each address). The rear half of the first floor is utilized as a warehouse. Applicant proposes to provide office space for several businesses in approximately 1,100 square feet of the first floor, and use an additional 400 square feet for repair of computers, vending machines, and similar small equipment. CEQA Determination: Categorical Exemption.

Planning Manager Sherman reported that this structure has 2 similar office/repair uses, warehousing in the back, and one residential unit each on the second floor. Staff is recommending that the landscaping be improved, that slats be put in the fences across the parking areas, and that a trash enclosure be installed.

The public hearing was opened.

- A. Richard Burks, 105 Gold Dredger Drive, Oroville – reported his father owns the property. He appreciates all the help that the Planning Department has provided. He is in agreement with the proposals, except he has reservations about putting slats in the fence. This creates a security problem.
- B. Barbara Thorpe, 2775 Feather River Blvd. – stated she is not opposed to the use of the building. She asked if the additional parking spaces must be ADA compliant. She also asked if the firewall between the two sides of the existing building is compliant. She asked if the ingress & egress will be ADA compliant.

Planning Manager Sherman responded that the Building official has not indicated that any ADA requirements would apply to authorization of an existing use of the site. She will

check with him to verify this.

The public hearing was closed.

Commissioner Wilcox stated that the slats in the fence wouldn't be necessary to screen clutter or debris, since none seems to be present. Planning Manager Sherman replied that the City standards don't require the presence of the slats; slats were simply recommended as a means to improve the stark appearance of the parking areas.

Commissioner Wilcox made a motion to approve UP 05-06, subject to the conditions of approval described in the staff report, except that no slats are required for the fences. Motion was seconded by Commissioner Gordon.

AYES: Brunson, Frazier, Gaza, Gordon, Howard, Robison, Wilcox

NOES:

ABSTAIN:

EXCUSED:

ABSENT:

Motion carried.

**3. UP 03-05 Revised (SPCA)** — a proposal to add additional structures to the approved facilities to be constructed at 2787 South 5<sup>th</sup> Avenue for the Northwest Society for the Prevention of Cruelty to Animals (SPCA). Facilities already approved include construction of a new 11,500 square foot structure to board a maximum of 100 cats and 100 dogs, construction of a small barn for large animals, and provision of a 5,000 square-foot pen for large animals and a 2,000 square-foot outdoor exercise pen for larger non-livestock animals. The additional structures requested include the construction of a 24 ft. by 36 ft. (864 sq ft) shop for storage of equipment and repair of cages, traps, etc, and the placement of two 8 ft by 20 ft Comex storage boxes for the storage of food and blankets. These facilities will be constructed on a 4.25-acre portion of a 7.5-acre property that is zoned *Industrial (M-2)*, being APN 035-400-007. CEQA Determination: No additional environmental review required, based upon adoption of Negative Declaration for previously approved use permit.

Staff reported that various changes have been made to the approved site plan, and the revisions must be approved or denied by the Planning Commission. The number of employees and animals are unchanged.

The public hearing was opened and closed, with no persons wishing to speak.

Commissioner Wilcox asked about the barn, & was told it had been previously approved.

Commissioner Gaza made a motion, seconded by Commissioner Gordon, to approve Revised UP 03-05 for the addition of a shop building and two storage boxes, subject to the

conditions of approval described in the staff report.

AYES: Brunson, Frazier, Gaza, Gordon, Howard, Wilcox, Robison  
NOES:  
ABSTAIN:  
EXCUSED:  
ABSENT:  
Motion carried.

**5. ZC 05-08** (City of Oroville) – a proposal to amend zoning regulations to require that new construction and exterior remodel of structures within the Historical Preservation District (HPD) must conform to specific guidelines for the design of the structure and placement of the structure on the lot. Proposed guidelines will require new construction to reflect a Victorian, Craftsman, Bungalow or similar pre-1940-type of architectural design. Proposed guidelines will also require that remodels of existing structures that are not already historic in design must incorporate some features to reduce the incompatibility with the historic theme of the HPD. Two distinct areas of the City are within the City’s adopted HPD. The boundaries of the largest area are generally as follows: Feather River on the north, Mitchell Avenue on the south, Union Pacific Railroad tracks on the east, and Feather River Boulevard on the west. The boundaries of the secondary area (which encompasses only residential properties, are generally as follows: Hewitt Park on the north, Mitchell Avenue on the south, Perkins Avenue on the east, and Myers Avenue on the west.

Planning Manager Sherman reported that City staff and the Historical Advisory Board are excited about the chance to preserve the historic character of the downtown area. A survey was done in 2001 by an intern from Chico State, but it was not a formal survey identifying the historic significance of the structures. It only identified which structures are at least 50 years old. This proposed zoning amendment would require all properties within the Historic Preservation District to preserve historic features associated with the exterior of existing structures, and the exterior features of new buildings must be designed to enhance the historic character of the district. There is an exception to preservation of existing features if safety and health issues are involved. Commercial structures would be required to provide cornices and other interesting features along the roofline of the buildings in a manner that is similar to the existing historic roofline features of the buildings in Downtown Oroville. Included in the staff report are guidelines that identify the types of structures referred to in the ordinance.

The public hearing was opened.

A. Patricia Young, 1284 Montgomery – stated she hopes the Planning Commission will consider approving this proposal. She feels it would be a benefit to the City.

B. Michelle Waterbury, 124 Second Avenue – asked the Commissioners to give this project a chance.

C. Allen Young, 1284 Montgomery – asked if the Historic Advisory Board could be

included in the review process.

Planning Manager Sherman replied that staff doesn't want to slow the review process down. If the process goes through HAB, it might take a month longer. She recommended keeping the review process as simple as possible, and said staff could keep the HAB informed about what's being done. She stated that if the City Council approves this proposal, staff will keep HAB members informed about building activity that would affect the Historic District.

Commissioner Wilcox suggested that a member of the HAB be included in the approval review voluntarily. Planning Manager Sherman stated that she would be happy to call a couple of members to attend a review meeting.

The public hearing was closed.

Commissioner Gaza asked if the approval of the zone amendment change includes all of the design guidelines. Planning Manager Sherman replied that Council would adopt the guidelines by resolution after the ordinance become effective. The ordinance would include the language on pages 1 & 2 of the staff report.

Commissioners were in agreement that Planning Manager Sherman did a great job on this proposal, and a lot of work had gone into it.

Commissioner Gaza made a motion, seconded by Commissioner Howard, to recommend that City Council should approve ZC 05-08 to establish mandatory design requirements for new construction and exterior remodel of existing structures within Oroville's Historical Preservation District.

AYES: Brunson, Frazier, Gaza, Gordon, Howard, Wilcox, Robison

NOES:

ABSTAIN:

EXCUSED:

ABSENT:

Motion carried.

**6. ZC 05-09** (City of Oroville) – a proposal to amend zoning regulations for the *Residential Professional (R-P)* zoning district to allow the City to approve a use permit for health club / gymnasium – type facilities that would not serve more than 50 clients or participants at any one time, and that would only be open between the hours of 6:00 A.M. and 8:00 P.M. CEQA Determination: Categorical Exemption.

Planning Manager Sherman reported that an applicant has asked for the zoning change to allow a use that wouldn't have more than 50 people present on the site at any one time, & business hours would be similar to standard business hours. It seems appropriate to City staff to allow these uses upon approval of a Use Permit.

The public hearing was opened and closed.

Commissioner Frazier made a motion, seconded by Commissioner Gordon, to recommend that City Council should approve ZC 05-09 to include health clubs and gym-type facilities that serve no more than 50 clients or participants at any one time, and that would only be open between the hours of 6:00 AM and 8:00 PM, as uses allowed upon approval of a use permit in R-P zones.

AYES: Brunson, Frazier, Gordon, Wilcox, Robison

NOES: Gaza, Howard

ABSTAIN:

EXCUSED:

ABSENT:

Motion carried.

#### **ITEMS FOR CONSIDERATION:**

#### **7. Determination Regarding Uses allowed in *Residential Professional Zones*.**

Planning Manager Sherman reported that staff has received a request for clarification regarding whether service providers such as real estate offices, beauty salons, and massage therapists are similar to the “professional” offices that are allowed in *R-P* zones without a use permit. She explained that “professionals” such as attorneys, architects, engineers, etc, generally provide their services 1) indoors, 2) during “standard” business hours, and 3) on a “one-to-one” basis (meaning to one client at a time instead of to a group of persons). Such “professional” uses have a minimal impact on neighboring properties in terms of noise, traffic, hours of operation, etc. She stated that the services provided by real estate offices, beauty salons, and massage therapists generally share the same three defining characteristics just identified.

During the discussion that followed, the suggestion was made that an important additional defining characteristic of “professional” services is the requirement that the service provider must obtain a State-regulated certificate or license.

The consensus of the Commission was that the definition of “professional” should be amended to specify that the term only refers to services for which providers must obtain a State-authorized license or certificate.

#### **PENDING PLANNING DEPARTMENT AGENDAS/PROJECTS --**

**8. Draft Agenda for Future Meetings** – the draft agenda was distributed, & the July meeting looks like it will be a very full agenda.

**STAFF / COMMISSION COMMUNICATIONS** – none

**HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS** – none

**ADJOURN**–The meeting was adjourned at 8:37 to June 13, 2005.