



# City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust  
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## City of Oroville *PLANNING COMMISSION*

CHAIR: Damon Robison  
VICE-CHAIR: Carl Durling  
MEMBERS: Adonna Brand; Randy Chapman; Wyatt Jenkins; Michael Britton

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### PLANNING COMMISSION / HISTORIC ADVISORY COMMISSION MEETING AGENDA

Thursday, July 28, 2016 at 7:00 p.m.  
MEETING AGENDA

OROVILLE CITY HALL  
1735 MONTGOMERY STREET, OROVILLE, CA 95965  
ALL MEETINGS ARE RECORDED

*This meeting may be broadcast remotely via audio and/or video conference at the following address:  
Cota Cole, LLP, 2261 Lava Ridge Court, Roseville, California 95661.*

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#### ADMINISTRATIVE AGENDA

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1. CALL TO ORDER

2. ROLL CALL

Commissioners Adonna Brand, Michael Britton, Randy Chapman, Wyatt Jenkins,  
Vice Chairperson Carl Durling, Chairperson Damon Robison

3. PLEDGE OF ALLEGIANCE

4. INSTRUCTIONS TO INDIVIDUALS WHO WISH TO SPEAK ON AGENDA  
ITEMS

This is the time the Chairperson will remind persons in the audience who wish to address the Commission on a matter that is on the agenda to fill out one of the

cards located in the lobby and hand it to the clerk of the meeting. The Chairperson will also remind persons in the audience that under Government Code Section 54954.3, the time allotted for each presentation may be limited.

5. **PUBLIC COMMENTS**

This is an opportunity for members of the public to address the Planning Commission on any subject relating to the Planning Commission, but not relative to items on the present agenda. The Planning Commission reserves the right to impose a reasonable limit on time afforded to any individual speaker.

6. **CORRESPONDENCE**

None

7. **APPROVAL OF MINUTES**

Approve the minutes of the June 23, 2016 regular Planning Commission meeting.

*At this time the Chair will adjourn the Planning Commission meeting and open the meeting as the Historic Advisory Commission.*

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**HISTORIC ADVISORY COMMISSION**

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8. **Internally Illuminated Sign in the Downtown Historic Overlay** - The Oroville Historic Advisory Commission will review and consider approving the installation of an internally illuminated wall sign on the south facing wall of the historic Oroville Inn. The Oroville Inn is located at 2066 Bird Street, within the City's Downtown Historic Overlay, and in a Downtown Mixed Use zoning district.

Staff Report: Luis A. Topete, Associate Planner

**Staff Recommendation:**

Approve the installation of the sign as proposed.

*At this time the Chair will adjourn the Historic Advisory Commission meeting and re-open the meeting as the Planning Commission.*

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**REGULAR AGENDA**

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9. **REGULAR BUSINESS**

- 9.1 **Wall Sign in Excess of 20 Feet in Height** - The Oroville Planning Commission will review and consider approving the installation of a wall sign in excess of 20 feet in height on the south facing wall of the historic Oroville Inn. The Oroville Inn

is located at 2066 Bird Street, within the City's Downtown Historic Overlay, and in a Downtown Mixed Use zoning district.

Staff Report: Luis A. Topete, Associate Planner

**Staff Recommendation:**

Approve the installation of the sign as proposed.

**10. PUBLIC HEARINGS**

- 10.1 TPM 16-03: Separate Two Existing HUD Public Housing** – The City of Oroville Planning Commission will conduct a public hearing to consider approving Tentative Parcel Map No. 16-03 to separate two existing U.S. Department of Housing and Urban Development (HUD) public housing projects: “Gardella” – HUD Project No. CA30-P043-014 and “Seventh and Pomona” – HUD Project No. CA30-P043-015. The subject property is generally bounded by Pomona Avenue to the north, 7<sup>th</sup> Avenue to the east, 8<sup>th</sup> Avenue to the west, and bisected by Gardella Avenue, on the parcel identified as APN: 012-174-018. The purpose of this land division is to separate the projects onto their own, respective parcels. The Housing Authority is required to separate these projects as each requires its own unique encumbrances.

Staff Report: Luis A. Topete, Associate Planner

**Staff Recommendation:**

**Adopt Resolution No. P2016-11:** A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. 16-03 TO SUBDIVIDE THE PARCEL IDENTIFIED AS APN: 012-174-018, DEVELOPED WITH TWO EXISTING PUBLIC HOUSING PROJECTS, FOR THE PURPOSE OF SEPARATING THESE PROJECTS ONTO THEIR OWN, RESPECTIVE PARCELS

- 10.2 UP 16-04: Environment Celebration Institute** – The City of Oroville Planning Commission will conduct a public hearing to review and consider approving Use Permit No. 16-04 for the operation of Nature's Solution (Environment Celebration Institute) at the property identified as 2330 Bird Street (APN: 012-042-037). The Environment Celebration Institute is a non-profit organization looking to primarily use the subject property as a manufacturing and distribution facility to make and package their organic fertilizer products. There will be a storefront and portable classroom onsite. The outside area will be used for a demonstration garden where the community can come and buy fruits and vegetables and learn how to grow edible plants at their own homes.

Staff Report: Luis A. Topete, Associate Planner

**Staff Recommendation:**

**Adopt Resolution No. P2016-12:** A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY

APPROVING USE PERMIT NO. 16-04 TO ALLOW THE ENVIRONMENT CELEBRATION INSTITUTE TO OPERATE AT 2330 BIRD STREET (APN: 012-042-037)

- 10.3 UP 16-05: The Axiom Youth Center** – The City of Oroville Planning Commission will conduct a public hearing to review and consider approving Use Permit No. 16-05 for the operation of the Axiom youth center at the property identified as 1420 Myers Street (APN: 012-092-004). The project site has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. The Axiom is a non-profit afterschool program for 6<sup>th</sup> – 12<sup>th</sup> graders that will be open Monday – Fridays from 3:00 p.m. to 6:00 p.m. Services provided include on the job training with a student ran café, study and work space, workshops, tutoring, counseling, and a gaming area for the participants which includes video games and pool tables. The Axiom will also offer their facility, for a monthly rate and outside of their aforementioned operational hours, to be used as co-working/office space for free-lancers, business owners, and telecommuters.

Staff Report: Luis A. Topete, Associate Planner

**Staff Recommendation:**

**Adopt Resolution No. P2016-13:** A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 16-05 TO ALLOW THE AXIOM YOUTH CENTER TO OPERATE AT 1420 MYERS STREET (APN: 012-092-004)

**11. DISCUSSION ITEMS**

Development Review committee member rotations.

**12. DIRECTOR'S REPORT**

A verbal report may be given by the Community Development Director.

**13. COMMISSION REPORTS**

Reports by commission members on information they have received and meetings they have attended which would be of interest to the Commission or the public.

**14. ADJOURNMENT**

Adjourn to Thursday, August 25, 2016 at 7:00 P.M. at the Oroville City Council Chambers.

Respectfully submitted by,



Donald Rust, Director  
Community Development Department

**\*\*\* NOTICE \*\*\***

*If requested, this agenda can be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 and the Federal Rules and Regulations adopted in implementation thereof. Persons seeking an alternative format should contact Donald Rust, Director for further information. In addition, a person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting should telephone or otherwise contact Donald Rust, Director as soon as possible and preferably at least 24 hours prior to the meeting. Donald Rust, Director may be reached at 530-538-2433, or at e-mail [rustdl@cityoforoville.org](mailto:rustdl@cityoforoville.org), or at the following address: City of Oroville Planning and Development Services Department, 1735 Montgomery Street, Oroville, CA 95965.*

**\*\*\* NOTICE \*\*\***

*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.*





**CITY OF OROVILLE  
PLANNING COMMISSION MEETING MINUTES  
JUNE 24, 2016 – 7:00 PM**

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These minutes detail the action which was taken related to each particular agenda item and do not reflect any discussion that may have occurred. For information regarding what was discussed related to a particular item, if anything, you can obtain a copy of the audio recording for this meeting by sending an email to [cityclerk@cityoforoville.org](mailto:cityclerk@cityoforoville.org) or by calling the Clerk's office at 530-538-2535.

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The agenda for the June 23, 2016 regular meeting of the Oroville Planning Commission was posted on the bulletin board at the front of City Hall and on the City of Oroville's website located at [www.cityoforoville.org](http://www.cityoforoville.org) on Tuesday, June 21, 2016, at 10:32 p.m.

**1. CALL TO ORDER**

The June 23, 2016 regular meeting of the Oroville Planning Commission was called to order by Chairperson Robison at 7:00 p.m.

**2. ROLL CALL**

Present: Commissioners Brand, Britton, Chapman, Jenkins, Vice Chairperson Durling,  
Chairperson Robison  
Absent: None

**Staff Present:**

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Don Rust, Director of Community Development                      Luis Topete, Associate Planner  
Dawn Nevers, Assistant Planner

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**3. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Chairperson Robison.

**4. RECOGNITION OF INDIVIDUALS WISHING TO SPEAK ON AGENDA ITEMS - None**

**5. PUBLIC COMMENT - None**

**6. CORRESPONDENCE - None**

**7. APPROVAL OF MINUTES**

A motion was made by Vice Chairperson Durling, seconded by Commissioner Chapman, to:

**Approve the minutes of the May 26, 2016 regular Planning Commission meeting.**

The motion was passed by the following vote:

Ayes: Commissioners Brand, Britton, Chapman, Jenkins, Vice Chairperson Durling, Chairperson Robison  
Noes: None  
Abstain: None  
Absent: None

## **8. PUBLIC HEARING**

- 8.1 UP 16-03: Feather River Tribal Health Wellness Clinic** – The City of Oroville Planning Commission conducted a public hearing to review and consider approving Use Permit No. 16-03 for the construction of a new 15,940 square foot wellness clinic to meet the growing service demands of the Feather River Tribal Health Center. The project site is a vacant lot identified as APN: 035-250-083 with a General Plan land use designation of Mixed Use and zoning designation of Corridor Mixed Use (MXC). One land use definition of the City’s Zoning Ordinance that applies to the project is “Outpatient Services.” All outpatient services in an MXC zone require a use permit. Additionally, for all land uses other than single-family dwellings, the maximum number of off-street vehicular parking spaces allowed as of right is 125% of the minimum number required. A use permit may be granted to set the maximum number of off-street vehicular parking spaces at up to 250% of the minimum required. The project requires 74 off-street parking spaces be provided, with 110 proposed, which is 149% of the minimum required. **(Luis Topete, Associate Planner)**

Chairperson Robison opened the public hearing.

Hearing no public comments, Chairperson Robison closed the public hearing.

Following discussion, a motion was made by Commissioner Britton, seconded by Commissioner Brand, to:

**Adopt Resolution No. P2016-10: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 16-03 APPROVING THE CONSTRUCTION OF A WELLNESS CLINIC BY FEATHER RIVER TRIBAL HEALTH, INC. WHICH WILL OFFER OUTPATIENT SERVICES AND EXCEED THE MAXIMUM NUMBER OF OFF-STREET VEHICULAR PARKING SPACES ALLOWED AS OF RIGHT**

**WITH THE ADDITION OF CONDITION NO. 8, APPLICANT SHALL INSTALL CURB, GUTTER, SIDEWALK AND ALL OTHER APPLICABLE FRONTAGE IMPROVEMENTS (LANDSCAPING, DRAINAGE, ETC.) ALONG THE ENTIRE FRONTAGE OF THE PROPERTY ABUTTING 5TH AVENUE. IMPROVEMENTS SHALL BE CONTIGUOUS FROM THE SOUTHERNMOST TO THE NORTHERNMOST END OF THE PROPERTY LINES AND ENCOMPASS ALL FRONTAGE IN BETWEEN, REGARDLESS OF OWNERSHIP.**

The motion was passed by the following vote:

Ayes: Commissioners Brand, Britton, Chapman, Jenkins, Vice Chairperson  
Durling, Chairperson Robison  
Noes: None  
Abstain: None  
Absent: None

9. **REGULAR BUSINESS** - None

10. **DISCUSSION ITEMS**

Chairperson Robison asked staff questions pertaining to proposed future updates to State Route 162.

Commissioners discussed the Historic Overlay District and requested to receive direction from council concerning metal structures in the historic overlay district.

11. **DIRECTOR'S REPORT**

Don Rust, Director of Community Development updated the Planning Commission on the following:

- Announced a potential new Planning Commissioner
- Discussed the possibility of a Use Permit for The Axiom's new location on Bird and Myers Street.
- Development Review Committee (DRC) need rotation of Planning Commissioners.

12. **CHAIRPERSON/COMMISSIONERS REPORTS**

- Commissioner Chapman reported on the outcome of a meeting that took place at the Gray Nurse with attendance from the downtown businesses to discuss the proposed concept for parking lot A.

13. **ADJOURNMENT**

The meeting was adjourned at 7:59 p.m. A regular meeting of the Oroville Planning Commission will be held on Thursday, June 23, 2016, at 7:00 p.m.

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Donald Rust, Secretary

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Damon Robison, Chairperson





# City of Oroville

Donald Rust  
DIRECTOR

## COMMUNITY DEVELOPMENT DEPARTMENT

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### HISTORIC ADVISORY COMMISSION STAFF REPORT

July 28, 2016

**Internally Illuminated Sign in the Downtown Historic Overlay** - The Oroville Historic Advisory Commission will review and consider approving the installation of an internally illuminated wall sign on the south facing wall of the historic Oroville Inn. The Oroville Inn is located at 2066 Bird Street, within the City's Downtown Historic Overlay, and in a Downtown Mixed Use zoning district.

**APPLICANTS:** Hupp Signs & Lighting, Inc.  
70 Loren Avenue  
Chico, CA 95928  
(530) 345-7078

**LOCATION:** 2066 Bird Street  
Oroville, CA 95965  
APN: 012-035-005

**GENERAL PLAN:** Mixed Use  
**ZONING:** Downtown Mixed Use (MXD)  
**FLOOD ZONE:** ZONE X: Areas determined to be outside the 0.2% annual chance floodplain.

**REPORT PREPARED BY:**

Luis A. Topete, Associate Planner  
Community Development Department

**REVIEWED BY:**

Donald Rust, Director  
Community Development Department

### RECOMMENDED ACTIONS:

City staff recommends that the Historic Advisory Commission take the following actions:

1. **APPROVE** the proposed sign as seen in **Attachment A**.

## **SUMMARY**

The Oroville Historic Advisory Commission will review and consider approving the installation of an internally illuminated wall sign on the south facing wall of the historic Oroville Inn. The Oroville Inn is located at 2066 Bird Street, within the City's Downtown Historic Overlay (DH-O), and in an MXD zoning district.

## **BACKGROUND**

Section 17.56.050 of the Oroville Municipal Code (OMC) specifies that a Historic Advisory Commission shall be appointed at the same time an individual is appointed to the Planning Commission by the City Council. Thus, the Historic Advisory Commission shall consist of 7 members (the same individuals that sit as Planning Commissioners). The term of each Historic Advisory Commissioner will coincide with their term as a Planning Commissioner.

## **DISCUSSION**

The City has received a building permit application for an approximately 50 sq.ft. internally illuminated light-emitting diode (LED) wall sign 43 feet in height. The sign will project 5" from the face of the wall and is an 8 foot tall seal of the Northwest Lineman College.

Section 17.020.150(B) of the OMC specifies that internally illuminated and neon-lighted signs shall require the approval of the Historic Advisory Commission in the DH-O district.

## **FISCAL IMPACT**

No impact to the General Fund.

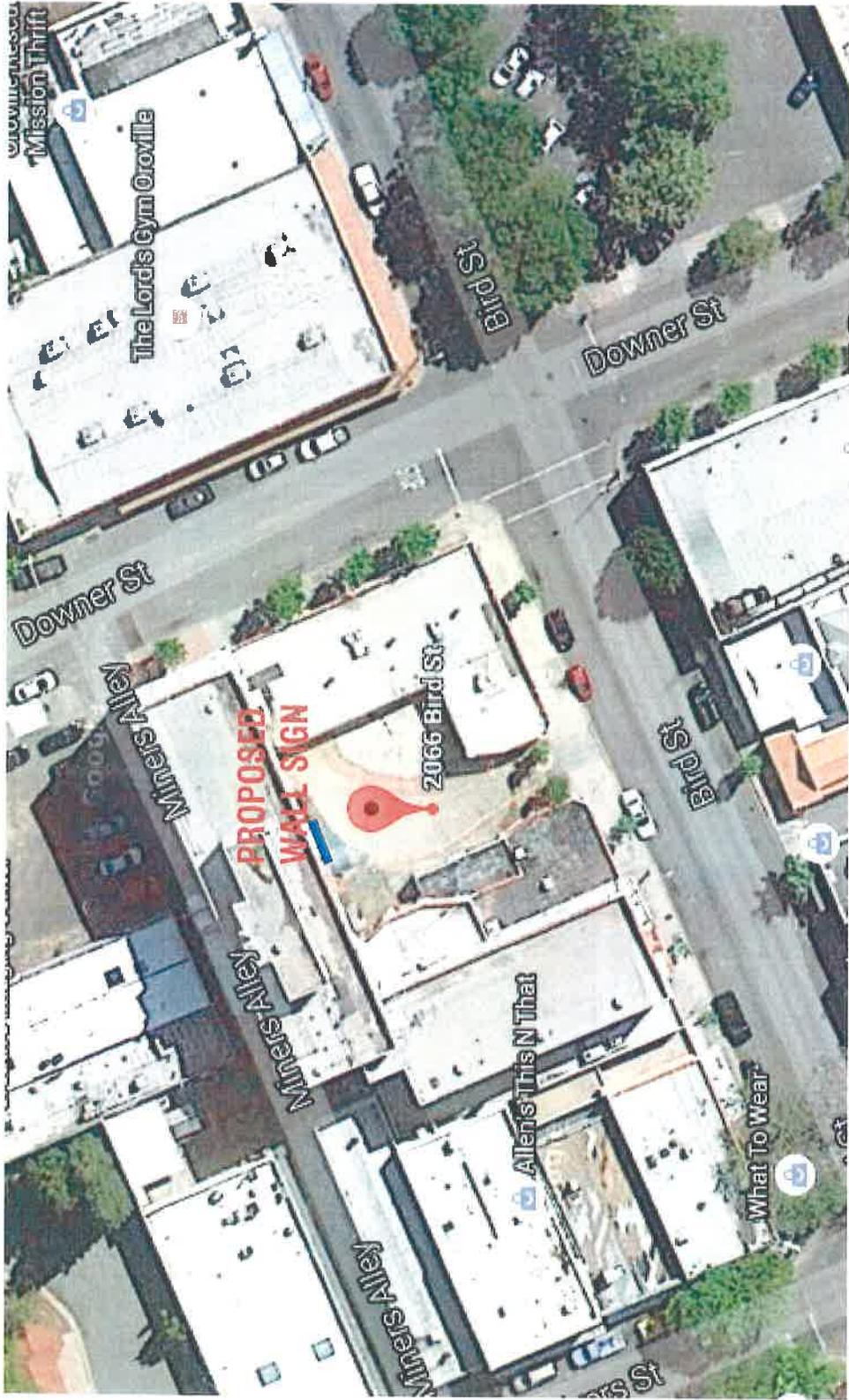
## **ATTACHMENTS**

A – Drawings

B – Additional Sign Information



|   |   |   |
|---|---|---|
| <b>HUPP SIGNS</b><br>330-345-7078<br>1000 W. 10th St. Ste. 100<br>Oroville, CA 95966<br>www.huppsigns.com   |   | <b>SALES ASSOCIATE</b><br>Kathy Cunningham  |
| <b>JOB NUMBER</b><br>16445  | <b>CUSTOMER NAME</b><br>NORTHLINEMAN        | <b>CUSTOMER ADDRESS</b><br>2066 BIRD ST<br>OROVILLE, CA<br><b>CUSTOMER PHONE#</b>   |
| <b>DESIGN PHASE</b><br>1 design   | <b>DESIGNED BY</b> DATE<br>Author G 1-25-11 | <b>APPROVALS INCLUDE</b><br>DESIGN, COLOR, SPELLING<br><b>CUSTOMER APPROVAL</b><br>PRINT NAME<br>SIGN NAME<br>DATE<br><b>HUPP STAFF APPROVAL</b><br>PRINT NAME<br>SIGN NAME<br>DATE |
| <small>This sign is intended to be installed in accordance with the requirements of article 608 of the municipal code, code and/or other applicable local codes. This business project is pending final approval of the sign.</small> |   | <b>PAGE #</b> 1   |



STATE OF CALIFORNIA

**SIGN LIGHTING**

CEC-NRCC-LTS-01-E(Revised 06/14)

CALIFORNIA ENERGY COMMISSION



|  |                                |
|--|--------------------------------|
| CERTIFICATE OF COMPLIANCE                      | NRCC-LTS-01-E                  |
| Sign Lighting                                  | (Page 1 of 5)                  |
| Project Name: <b>NORTHWEST LINEMAN COLLEGE</b> | Date Prepared: <b>06.17.16</b> |

|   |   |
|---|---|
| Project Address:<br><b>2066 BIRD STREET</b>   |   |
| Location of Sign  | <input checked="" type="checkbox"/> Outdoor Signs <input type="checkbox"/> Indoor Signs   |
| Phase of Sign Construction  | <input checked="" type="checkbox"/> New Signs <input type="checkbox"/> Sign Alterations   |
| Type of Lighting Control  | <input checked="" type="checkbox"/> New Lighting Controls <input type="checkbox"/> Replaced Lighting Controls <input type="checkbox"/> Not Installing Lighting Controls |
| This Certificate of Compliance includes the following components (check all that apply) |   |
| <input checked="" type="checkbox"/> Mandatory Measures (Lighting Controls)              | <input type="checkbox"/> Maximum Allowed Lighting Power <input checked="" type="checkbox"/> Specific Lighting Sources   |

|   |   |
|---|---|
| <b>1. Mandatory Sign Lighting Controls</b>  |   |
| <i>NOTES:</i>   |   |
| <p>1. The same responsible person may install both the sign lighting power and the sign lighting controls, or a different responsible person may install the sign lighting controls than the responsible person installing the sign lighting power.</p> <p>2. The Mandatory Measures (sign lighting controls) are required for compliance with the sign lighting Standards. If the person responsible for installing the sign lighting power is not also responsible for the sign lighting controls, then the owner of the sign, general contractor, or architect shall be responsible to have the sign lighting controls installed.</p> <p>3. If more than one person has responsibility for compliance, each responsible person shall prepare and sign a Certificate of Compliance and an Installation Certificate applicable to the portion of construction for which they are responsible; alternatively, the person with chief responsibility for construction shall prepare and sign the Certificate of Compliance Declaration Statement for the entire construction.</p> |   |
| <b>1a. Statements of Responsibility:</b> Any person signing the Certificate of Compliance Declaration Statement on this NRCC-LTS-01-E shall complete Part 1a. Check Yes or No for all of the following statements:  |   |
| 1   | I have responsibility for installing the sign lighting controls<br><input checked="" type="checkbox"/> Yes, complete parts 1a and 1b of this form <input type="checkbox"/> No, complete part 1a of this form  |
| 2   | There are no existing sign lighting controls and I will be installing compliant sign lighting controls<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
| 3   | There are no existing sign lighting controls and someone else will be responsible to install compliant sign lighting controls<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |
| 4   | There are existing sign lighting controls that do not comply with the applicable provision of §110.9 and §130.3 and I will be installing compliant sign lighting controls<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                        |
| 5   | There are existing sign lighting controls that do not comply with the applicable provision of §110.9 and §130.3 and someone else will be responsible to install compliant sign lighting controls<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |



|  |                                |
|--|--------------------------------|
| CERTIFICATE OF COMPLIANCE                      | NRCC-LTS-01-E                  |
| Sign Lighting                                  | (Page 2 of 5)                  |
| Project Name: <b>NORTHWEST LINEMAN COLLEGE</b> | Date Prepared: <b>06.17.16</b> |

|  |   |  |  |  |
|--|---|--|--|--|
| <b>1b. Mandatory Sign Lighting Controls</b>  |   |  |  |  |
| If the person signing the Certificate of Compliance Declaration Statement on this NRCC-LTS-01-E is responsible for complying with the sign lighting control requirements, that person shall answer all of the following questions: |   |  |  |  |
| If there are construction documents, indicate where on the building plans the mandatory measures (sign lighting control) note block can be located:  |   |  |  |  |
| 1  | §130.3(a)1. All indoor sign lighting is controlled with an automatic time-switch control or astronomical time-switch control.   | Y<br><input type="checkbox"/>            | N<br><input type="checkbox"/>            | NA<br><input checked="" type="checkbox"/>  |
| 2  | §130.3(a)2A. All outdoor sign lighting is controlled with a photocontrol in addition to an automatic time-switch control, or an astronomical time-switch control.   | Y<br><input checked="" type="checkbox"/> | N<br><input type="checkbox"/>            | NA<br><input type="checkbox"/>             |
|  | EXCEPTION to Section 130.3(a)2A: Outdoor signs in tunnels, and signs in large permanently covered outdoor areas that are intended to be continuously lit, 24 hours per day and 365 days per year.   | Y<br><input type="checkbox"/>            |  | NA<br><input checked="" type="checkbox"/>  |
| 3  | §130.3(a)2B. All outdoor sign lighting that is ON both day and night is controlled with a dimmer that provides the ability to automatically reduce sign lighting power by a minimum of 65 percent during nighttime hours. Signs that are illuminated at night and for more than 1 hour during daylight hours shall be considered ON both day and night. | Y<br><input type="checkbox"/>            | N<br><input checked="" type="checkbox"/> | NA<br><input type="checkbox"/>             |
|  | EXCEPTION to Section 130.3(a)2B: Outdoor signs in tunnels and large covered areas that are intended to be illuminated both day and night.   | Y<br><input type="checkbox"/>            |  | NA<br><input checked="" type="checkbox"/>  |
| 4  | §130.3(a)3. Demand Responsive Electronic Message Center Control. An Electronic Message Center (EMC) having a new connected lighting power load greater than 15 kW has a control installed that is capable of reducing the lighting power by a minimum of 30 percent when receiving a demand response signal.  | Y<br><input type="checkbox"/>            | N<br><input type="checkbox"/>            | N/A<br><input checked="" type="checkbox"/> |
|  | EXCEPTION to Section 130.3(a)3: Lighting for EMCs that is not permitted by a health or life safety statute, ordinance, or regulation to be reduced by 30 percent.   | Y<br><input type="checkbox"/>            |  | NA<br><input checked="" type="checkbox"/>  |
| Field Inspector Notes:   |   |  |  |  |
|  |   |  |  |  |
|  |   |  |  |  |





|   |                         |
|---|-------------------------|
| CERTIFICATE OF COMPLIANCE               | NRCC-LTS-01-E           |
| Sign Lighting                           | (Page 4 of 5)           |
| Project Name: NORTHWEST LINEMAN COLLEGE | Date Prepared: 06.17.16 |

**3. Specific Lighting Source Method of Compliance**  
**Certificate of Compliance and Field Inspection Energy Checklist**  
 Complete this part if there are signs using the Specific lighting source method of compliance. (Complete part 2 of this Certificate of Compliance if there are signs using the maximum allowed lighting power method of compliance)

| A              | B                        | C  | D   | E  |
|----------------|--------------------------|--|---|--|
| Symbol or Code | Description              | <b>OPTIONAL</b><br>ENERGY VERIFIED label<br>(see instructions below) | Specific light source used for compliance<br>Shall include only lighting technologies listed below<br>List all that apply | Field Inspector<br>Check that Sign Complies<br>✓ |
| 7              | ILLUMINATED CHANNEL LOGO | <input type="checkbox"/>   | LED   | <input type="checkbox"/>                         |
|                |                          | <input type="checkbox"/>   |   | <input type="checkbox"/>                         |
|                |                          | <input type="checkbox"/>   |   | <input type="checkbox"/>                         |
|                |                          | <input type="checkbox"/>   |   | <input type="checkbox"/>                         |
|                |                          | <input type="checkbox"/>   |   | <input type="checkbox"/>                         |

- A** Symbol or code used on the plans (when plans are required) and other documents.
- B** A narrative description of the sign, or location of sign on the building; and the location of sign on construction documents
- C** OPTIONAL - Check this box only if this sign has a permanent, pre-printed, factory-installed ENERGY VERIFIED label, confirming that this sign complies with the Section 140.8 of the California 2013 Title 24, Part 6 Standards, using the Specific Lighting Source Method of Compliance. The only labels that will be recognized for this purpose are ENERGY VERIFIED Certification Marks authorized by Underwriters Laboratories (UL) or other Product Certification Body accredited to ISO/IEC Guide 65 by the American National Standards Institute in accordance with ISO/IEC 17011. Surveillance by the Accredited Certification Body shall be an ongoing annual inspection program carried out by a Type A Inspection body in accordance with ISO/IEC 17020. For signs with such an ENERGY VERIFIED label, column 'D' is not required to be filled out. Note: Using an ENERGY VERIFIED label is an optional method to validate compliance. An ENERGY VERIFIED label is not needed for compliance.
- D** Specific Light Source Compliance Method. The sign(s) identified above use only the following lighting technologies:  
List all applicable numbers (1 through 9) that apply in column D above for each row.
- 1 High pressure sodium lamps
  - 2 Metal halide lamps that are pulse start or ceramic served by a ballast that has a minimum efficiency of 88 percent or greater. Ballast efficiency is the measured output wattage to the lamp divided by the measured operating input wattage when tested according to ANSI C82.6-2005.
  - 3 Metal halide lamps that are pulse start that are 320 watts or smaller, are not 250 watt or 175 watt lamps, and are served by a ballast that has a minimum efficiency of 80 percent. Ballast efficiency is the measured output wattage to the lamp divided by the measured operating input wattage when tested according to ANSI C82.6-2005.
  - 4 Neon or cold cathode lamps with transformer or power supply efficiency greater than or equal to a minimum efficiency of 75 percent when the transformer or power supply rated output current is less than 50 mA. The ratio of the output wattage to the input wattage is at 100 percent tubing load.
  - 5 Neon or cold cathode lamps with transformer or power supply efficiency greater than or equal to a minimum efficiency of 68 percent when the transformer or power supply rated output current is 50 mA or greater. The ratio of the output wattage to the input wattage is at 100 percent tubing load.
  - 6 Fluorescent lighting systems meeting one of the following requirements: A. Use only lamps with a minimum color rendering index (CRI) of 80; or B. Use only electronic ballasts with a fundamental output frequency not less than 20 kHz.
  - 7 Light emitting diodes (LEDs) with a power supply having an efficiency of 80 percent or greater;
  - 8 Single voltage external power supplies that are designed to convert 120 volt AC input into lower voltage DC or AC output, and have a nameplate output power less than or equal to 250 watts, shall comply with the applicable requirements of the Appliance Efficiency Regulations (Title 20).
  - 9 Compact fluorescent lamps that do not contain a medium screw base sockets (E24/E26).

**E** This page doubles as a field inspection checklist.

Field Inspector Notes:

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|  |                                |
|--|--------------------------------|
| <b>CERTIFICATE OF COMPLIANCE</b>               | <b>NRCC-LTS-01-E</b>           |
| <b>Sign Lighting</b>                           | <b>(Page 5 of 5)</b>           |
| <b>Project Name:</b> NORTHWEST LINEMAN COLLEGE | <b>Date Prepared:</b> 06.17.16 |

|  |  |
|--|--|
| <b>DOCUMENTATION AUTHOR'S DECLARATION STATEMENT</b>                                      |  |
| 1. I certify that this Certificate of Compliance documentation is accurate and complete. |  |
| <b>Documentation Author Name:</b> Joe Hupp   | <b>Documentation Author Signature:</b>                         |
| <b>Company:</b> Hupp Signs & Lighting, Inc.  | <b>Signature Date:</b> 06.17.16                                |
| <b>Address:</b> 70 Loren Avenue  | <b>CEA/ HERS Certification Identification (if applicable):</b> |
| <b>City/State/Zip:</b> Chico, CA 95928   | <b>Phone:</b> 530.345.7078                                     |

|   |  |
|---|--|
| <b>RESPONSIBLE PERSON'S DECLARATION STATEMENT</b>   |  |
| I certify the following under penalty of perjury, under the laws of the State of California:  |  |
| <ol style="list-style-type: none"> <li>1. The information provided on this Certificate of Compliance is true and correct.</li> <li>2. I am eligible under Division 3 of the Business and Professions Code to accept responsibility for the building design or system design identified on this Certificate of Compliance (responsible designer).</li> <li>3. The energy features and performance specifications, materials, components, and manufactured devices for the building design or system design identified on this Certificate of Compliance conform to the requirements of Title 24, Part 1 and Part 6 of the California Code of Regulations.</li> <li>4. The building design features or system design features identified on this Certificate of Compliance are consistent with the information provided on other applicable compliance documents, worksheets, calculations, plans and specifications submitted to the enforcement agency for approval with this building permit application.</li> <li>5. I will ensure that a completed signed copy of this Certificate of Compliance shall be made available with the building permit(s) issued for the building, and made available to the enforcement agency for all applicable inspections. I understand that a completed signed copy of this Certificate of Compliance is required to be included with the documentation the builder provides to the building owner at occupancy.</li> </ol> |  |
| <b>Responsible Designer Name:</b> Joe Hupp  | <b>Responsible Designer Signature:</b> |
| <b>Company:</b> Hupp Signs & Lighting, Inc.   | <b>Date Signed:</b> 06.17.16           |
| <b>Address:</b> 70 Loren Avenue   | <b>License:</b> 969949 C-45            |
| <b>City/State/Zip:</b> Chico, CA 95928  | <b>Phone:</b> 530.345.7078             |





# City of Oroville

Donald Rust  
DIRECTOR

## 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

July 28, 2016

**Wall Sign in Excess of 20 Feet in Height** - The Oroville Planning Commission will review and consider approving the installation of a wall sign in excess of 20 feet in height on the south facing wall of the historic Oroville Inn. The Oroville Inn is located at 2066 Bird Street, within the City's Downtown Historic Overlay, and in a Downtown Mixed Use zoning district.

**APPLICANTS:** Hupp Signs & Lighting, Inc.  
70 Loren Avenue  
Chico, CA 95928  
(530) 345-7078

**LOCATION:** 2066 Bird Street  
Oroville, CA 95965  
APN: 012-035-005

**GENERAL PLAN:** Mixed Use  
**ZONING:** Downtown Mixed Use (MXD)  
**FLOOD ZONE:** ZONE X: Areas determined to be outside the 0.2% annual chance floodplain.

**REPORT PREPARED BY:**

Luis A. Topete, Associate Planner  
Community Development Department

**REVIEWED BY:**

Donald Rust, Director  
Community Development Department

### RECOMMENDED ACTIONS:

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

1. **APPROVE** the proposed sign as seen in **Attachment A**.

## **SUMMARY**

The Oroville Planning Commission will review and consider approving the installation of a wall sign in excess of 20 feet in height on the south facing wall of the historic Oroville Inn. The Oroville Inn is located at 2066 Bird Street, within the City's Downtown Historic Overlay (DH-O), and in an MXD zoning district.

## **DISCUSSION**

The City has received a building permit application for an approximately 50 sq.ft. internally illuminated light-emitting diode (LED) wall sign 43 feet in height. The sign will project 5" from the face of the wall and is an 8 foot tall seal of the Northwest Lineman College. The Oroville Municipal Code Table 17.20.120-2 "Allowed Signs in C-1, OF and MXD Districts" requires approval of the Planning Commission for all signs in excess of 20 feet in height.

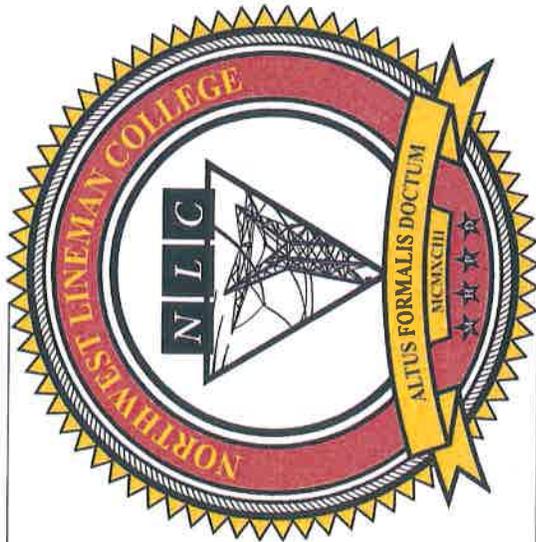
## **FISCAL IMPACT**

No impact to the General Fund.

## **ATTACHMENTS**

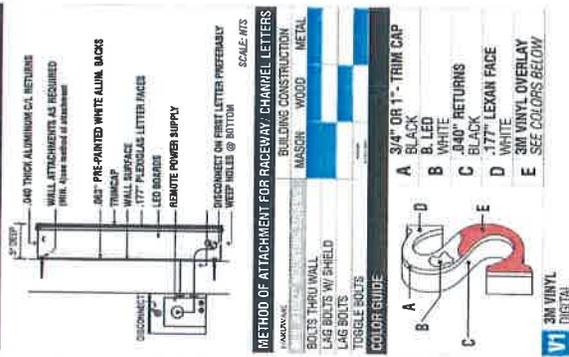
- A – Drawings
- B – Additional Sign Information

# LED ILLUMINATED CHANNEL LOGO



8'

## DETAILS



**METHOD OF ATTACHMENT FOR RACEWAY CHANNEL LETTERS**

| BUILDING CONSTRUCTION | MASONRY            | WOOD      | METAL        |
|-----------------------|--------------------|-----------|--------------|
| BOLTS THROUGH WALL    | LAG BOLTS W/ ANGLE | LAG BOLTS | TUGGLE BOLTS |

**COLOR GUIDE**

| LETTER | COLOR               |
|--------|---------------------|
| A      | 3/4" OR 1" TRIM CAP |
| B      | BLACK               |
| C      | WHITE               |
| D      | BLACK RETURNS       |
| E      | BLACK LEXAN FACE    |
| F      | WHITE               |
| G      | 3M VINYL OVERLAY    |
| H      | SEE COLORS BELOW    |

3M VINYL DIGITAL



Permit Number: **BL06-053**

REVIEWED

compliance with City of Orange Building, Division Ordinance and Current California Code. The expiration of this plan shall indicate approval of violation of any City Ordinance or State Law.

City of Orange

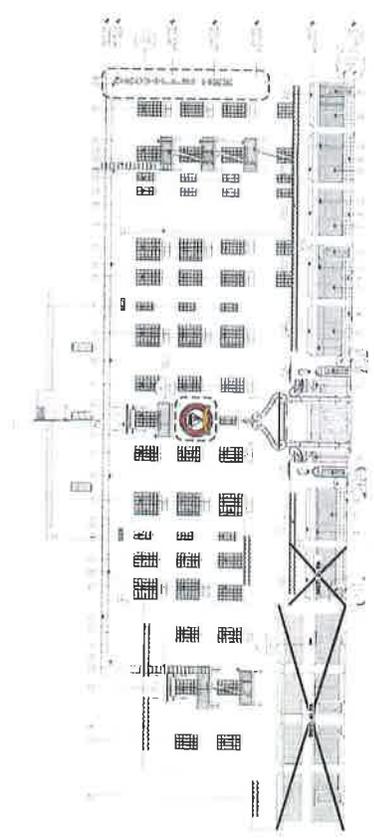
Building Inspection Division

Authorized Signature

Date

These plans must be kept on the premises and accessible to the Inspector at all times.

OFFICE SET



|   |                               |
|---|-------------------------------|
| <b>HUPP SIGNS</b><br>530-345-7078<br>www.huppsigns.com  |                               |
| <b>SALES ASSOCIATE</b>  | Kathy Cunningham              |
| <b>JOB NUMBER</b>   | 16445                         |
| <b>CUSTOMER NAME</b>  | NORTHLINE MAN                 |
| <b>CUSTOMER ADDRESS</b>   | 2066 BIRD ST<br>DROMVILLE, CA |
| <b>CUSTOMER PHONE#</b>  |                               |
| <b>DESIGN PHASE</b>   | 1 design                      |
| <b>RENSUB BY</b>  | Kathy C                       |
| <b>DATE</b>   | 5-2-16                        |
| <b>APPROVALS INCLUDE</b>  | DESIGN, COLOR, SPELLING       |
| <b>CUSTOMER APPROVAL</b>  |                               |
| <b>PRINT NAME</b>   |                               |
| <b>SIGN NAME</b>  |                               |
| <b>DATE</b>   |                               |
| <b>HUPP STAFF APPROVAL</b>  |                               |
| <b>PRINT NAME</b>   |                               |
| <b>SIGN NAME</b>  |                               |
| <b>DATE</b>   |                               |
| <p>This sign is intended for the permanent installation on the exterior of a building. It is subject to the approval of the local authority having jurisdiction. The local authority may require the sign to be illuminated at all times.</p> |                               |
| <b>PAGE #</b>   | 1                             |



STATE OF CALIFORNIA  
SIGN LIGHTING

CEC-NRCC-LTS-01-E(Revised 06/14)

CALIFORNIA ENERGY COMMISSION



|   |                         |
|---|-------------------------|
| CERTIFICATE OF COMPLIANCE               | NRCC-LTS-01-E           |
| Sign Lighting                           | (Page 1 of 5)           |
| Project Name: NORTHWEST LINEMAN COLLEGE | Date Prepared: 06.17.16 |

|   |   |
|---|---|
| Project Address:<br>2066 BIRD STREET  |   |
| Location of Sign  | <input checked="" type="checkbox"/> Outdoor Signs <input type="checkbox"/> Indoor Signs   |
| Phase of Sign Construction  | <input checked="" type="checkbox"/> New Signs <input type="checkbox"/> Sign Alterations   |
| Type of Lighting Control  | <input checked="" type="checkbox"/> New Lighting Controls <input type="checkbox"/> Replaced Lighting Controls <input type="checkbox"/> Not Installing Lighting Controls |
| This Certificate of Compliance includes the following components (check all that apply) |   |
| <input checked="" type="checkbox"/> Mandatory Measures (Lighting Controls)              | <input type="checkbox"/> Maximum Allowed Lighting Power <input checked="" type="checkbox"/> Specific Lighting Sources   |

|   |   |
|---|---|
| <b>1. Mandatory Sign Lighting Controls</b>  |   |
| <i>NOTES:</i>   |   |
| <ol style="list-style-type: none"> <li>1. <i>The same responsible person may install both the sign lighting power and the sign lighting controls, or a different responsible person may install the sign lighting controls than the responsible person installing the sign lighting power.</i></li> <li>2. <i>The Mandatory Measures (sign lighting controls) are required for compliance with the sign lighting Standards. If the person responsible for installing the sign lighting power is not also responsible for the sign lighting controls, then the owner of the sign, general contractor, or architect shall be responsible to have the sign lighting controls installed.</i></li> <li>3. <i>If more than one person has responsibility for compliance, each responsible person shall prepare and sign a Certificate of Compliance and an Installation Certificate applicable to the portion of construction for which they are responsible; alternatively, the person with chief responsibility for construction shall prepare and sign the Certificate of Compliance Declaration Statement for the entire construction.</i></li> </ol> |   |
| <b>1a. Statements of Responsibility:</b> Any person signing the Certificate of Compliance Declaration Statement on this NRCC-LTS-01-E shall complete Part 1a. Check Yes or No for all of the following statements:  |   |
| 1   | I have responsibility for installing the sign lighting controls<br><input checked="" type="checkbox"/> Yes, complete parts 1a and 1b of this form <input type="checkbox"/> No, complete part 1a of this form  |
| 2   | There are no existing sign lighting controls and I will be installing compliant sign lighting controls<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
| 3   | There are no existing sign lighting controls and someone else will be responsible to install compliant sign lighting controls<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |
| 4   | There are existing sign lighting controls that do not comply with the applicable provision of §110.9 and §130.3 and I will be installing compliant sign lighting controls<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                        |
| 5   | There are existing sign lighting controls that do not comply with the applicable provision of §110.9 and §130.3 and someone else will be responsible to install compliant sign lighting controls<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

**SIGN LIGHTING**

CEC-NRCC-LTS-01-E(Revised 06/14)

CALIFORNIA ENERGY COMMISSION



|   |                         |               |
|---|-------------------------|---------------|
| CERTIFICATE OF COMPLIANCE               |                         | NRCC-LTS-01-E |
| Sign Lighting                           |                         | (Page 2 of 5) |
| Project Name: NORTHWEST LINEMAN COLLEGE | Date Prepared: 06.17.16 |               |

**1b. Mandatory Sign Lighting Controls**

If the person signing the Certificate of Compliance Declaration Statement on this NRCC-LTS-01-E is responsible for complying with the sign lighting control requirements, that person shall answer all of the following questions:

If there are construction documents, indicate where on the building plans the mandatory measures (sign lighting control) note block can be located:

|   |   |  |  |  |
|---|---|--|--|--|
| 1 | §130.3(a)1. All indoor sign lighting is controlled with an automatic time-switch control or astronomical time-switch control.   | Y<br><input type="checkbox"/>            | N<br><input type="checkbox"/>            | NA<br><input checked="" type="checkbox"/>  |
| 2 | §130.3(a)2A. All outdoor sign lighting is controlled with a photocontrol in addition to an automatic time-switch control, or an astronomical time-switch control.   | Y<br><input checked="" type="checkbox"/> | N<br><input type="checkbox"/>            | NA<br><input type="checkbox"/>             |
|   | EXCEPTION to Section 130.3(a)2A: Outdoor signs in tunnels, and signs in large permanently covered outdoor areas that are intended to be continuously lit, 24 hours per day and 365 days per year.   | Y<br><input type="checkbox"/>            |  | NA<br><input checked="" type="checkbox"/>  |
| 3 | §130.3(a)2B. All outdoor sign lighting that is ON both day and night is controlled with a dimmer that provides the ability to automatically reduce sign lighting power by a minimum of 65 percent during nighttime hours. Signs that are illuminated at night and for more than 1 hour during daylight hours shall be considered ON both day and night. | Y<br><input type="checkbox"/>            | N<br><input checked="" type="checkbox"/> | NA<br><input type="checkbox"/>             |
|   | EXCEPTION to Section 130.3(a)2B: Outdoor signs in tunnels and large covered areas that are intended to be illuminated both day and night.   | Y<br><input type="checkbox"/>            |  | NA<br><input checked="" type="checkbox"/>  |
| 4 | §130.3(a)3. Demand Responsive Electronic Message Center Control. An Electronic Message Center (EMC) having a new connected lighting power load greater than 15 kW has a control installed that is capable of reducing the lighting power by a minimum of 30 percent when receiving a demand response signal.  | Y<br><input type="checkbox"/>            | N<br><input type="checkbox"/>            | N/A<br><input checked="" type="checkbox"/> |
|   | EXCEPTION to Section 130.3(a)3: Lighting for EMCs that is not permitted by a health or life safety statute, ordinance, or regulation to be reduced by 30 percent.   | Y<br><input type="checkbox"/>            |  | NA<br><input checked="" type="checkbox"/>  |

Field Inspector Notes:





|   |                         |
|---|-------------------------|
| CERTIFICATE OF COMPLIANCE               | NRCC-LTS-01-E           |
| Sign Lighting                           | (Page 4 of 5)           |
| Project Name: NORTHWEST LINEMAN COLLEGE | Date Prepared: 06.17.16 |

**3. Specific Lighting Source Method of Compliance**  
**Certificate of Compliance and Field Inspection Energy Checklist**  
 Complete this part if there are signs using the Specific lighting source method of compliance. (Complete part 2 of this Certificate of Compliance if there are signs using the maximum allowed lighting power method of compliance)

| A              | B                        | C  | D   | E  |
|----------------|--------------------------|--|---|--|
| Symbol or Code | Description              | <b>OPTIONAL</b><br>ENERGY VERIFIED label<br>(see instructions below) | Specific light source used for compliance<br>Shall include only lighting technologies listed below<br>List all that apply | Field Inspector<br>Check that Sign Complies<br>✓ |
| 7              | ILLUMINATED CHANNEL LOGO | <input type="checkbox"/>   | LED   | <input type="checkbox"/>                         |
|                |                          | <input type="checkbox"/>   |   | <input type="checkbox"/>                         |
|                |                          | <input type="checkbox"/>   |   | <input type="checkbox"/>                         |
|                |                          | <input type="checkbox"/>   |   | <input type="checkbox"/>                         |
|                |                          | <input type="checkbox"/>   |   | <input type="checkbox"/>                         |

**A** Symbol or code used on the plans (when plans are required) and other documents.

**B** A narrative description of the sign, or location of sign on the building; and the location of sign on construction documents

**C** OPTIONAL - Check this box only if this sign has a permanent, pre-printed, factory-installed ENERGY VERIFIED label, confirming that this sign complies with the Section 140.8 of the California 2013 Title 24, Part 6 Standards, using the Specific Lighting Source Method of Compliance. The only labels that will be recognized for this purpose are ENERGY VERIFIED Certification Marks authorized by Underwriters Laboratories (UL) or other Product Certification Body accredited to ISO/IEC Guide 65 by the American National Standards Institute in accordance with ISO/IEC 17011. Surveillance by the Accredited Certification Body shall be an ongoing annual inspection program carried out by a Type A Inspection body in accordance with ISO/IEC 17020. For signs with such an ENERGY VERIFIED label, column 'D' is not required to be filled out. Note: Using an ENERGY VERIFIED label is an optional method to validate compliance. An ENERGY VERIFIED label is not needed for compliance.

**D** Specific Light Source Compliance Method. The sign(s) identified above use only the following lighting technologies:  
 List all applicable numbers (1 through 9) that apply in column D above for each row.

- |   |   |
|---|---|
| 1 | High pressure sodium lamps  |
| 2 | Metal halide lamps that are pulse start or ceramic served by a ballast that has a minimum efficiency of 88 percent or greater. Ballast efficiency is the measured output wattage to the lamp divided by the measured operating input wattage when tested according to ANSI C82.6-2005.  |
| 3 | Metal halide lamps that are pulse start that are 320 watts or smaller, are not 250 watt or 175 watt lamps, and are served by a ballast that has a minimum efficiency of 80 percent. Ballast efficiency is the measured output wattage to the lamp divided by the measured operating input wattage when tested according to ANSI C82.6-2005. |
| 4 | Neon or cold cathode lamps with transformer or power supply efficiency greater than or equal to a minimum efficiency of 75 percent when the transformer or power supply rated output current is less than 50 mA. The ratio of the output wattage to the input wattage is at 100 percent tubing load.  |
| 5 | Neon or cold cathode lamps with transformer or power supply efficiency greater than or equal to a minimum efficiency of 68 percent when the transformer or power supply rated output current is 50 mA or greater. The ratio of the output wattage to the input wattage is at 100 percent tubing load.                                       |
| 6 | Fluorescent lighting systems meeting one of the following requirements: A. Use only lamps with a minimum color rendering index (CRI) of 80; or B. Use only electronic ballasts with a fundamental output frequency not less than 20 kHz.  |
| 7 | Light emitting diodes (LEDs) with a power supply having an efficiency of 80 percent or greater;   |
| 8 | Single voltage external power supplies that are designed to convert 120 volt AC input into lower voltage DC or AC output, and have a nameplate output power less than or equal to 250 watts, shall comply with the applicable requirements of the Appliance Efficiency Regulations (Title 20).  |
| 9 | Compact fluorescent lamps that do not contain a medium screw base sockets (E24/E26).  |

**E** This page doubles as a field inspection checklist.

Field Inspector Notes:

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|  |                                |
|--|--------------------------------|
| <b>CERTIFICATE OF COMPLIANCE</b>               | <b>NRCC-LTS-01-E</b>           |
| <b>Sign Lighting</b>                           | <b>(Page 5 of 5)</b>           |
| Project Name: <b>NORTHWEST LINEMAN COLLEGE</b> | Date Prepared: <b>06.17.16</b> |

| <b>DOCUMENTATION AUTHOR'S DECLARATION STATEMENT</b>                                      |   |
|--|---|
| 1. I certify that this Certificate of Compliance documentation is accurate and complete. |   |
| Documentation Author Name: <b>Joe Hupp</b>   | Documentation Author Signature:                         |
| Company: <b>Hupp Signs &amp; Lighting, Inc.</b>  | Signature Date: <b>06.17.16</b>                         |
| Address: <b>70 Loren Avenue</b>  | CEA/ HERS Certification Identification (if applicable): |
| City/State/Zip: <b>Chico, CA 95928</b>   | Phone: <b>530.345.7078</b>                              |

| <b>RESPONSIBLE PERSON'S DECLARATION STATEMENT</b>   |                                 |
|---|---------------------------------|
| I certify the following under penalty of perjury, under the laws of the State of California:  |                                 |
| <ol style="list-style-type: none"> <li>1. The information provided on this Certificate of Compliance is true and correct.</li> <li>2. I am eligible under Division 3 of the Business and Professions Code to accept responsibility for the building design or system design identified on this Certificate of Compliance (responsible designer).</li> <li>3. The energy features and performance specifications, materials, components, and manufactured devices for the building design or system design identified on this Certificate of Compliance conform to the requirements of Title 24, Part 1 and Part 6 of the California Code of Regulations.</li> <li>4. The building design features or system design features identified on this Certificate of Compliance are consistent with the information provided on other applicable compliance documents, worksheets, calculations, plans and specifications submitted to the enforcement agency for approval with this building permit application.</li> <li>5. I will ensure that a completed signed copy of this Certificate of Compliance shall be made available with the building permit(s) issued for the building, and made available to the enforcement agency for all applicable inspections. I understand that a completed signed copy of this Certificate of Compliance is required to be included with the documentation the builder provides to the building owner at occupancy.</li> </ol> |                                 |
| Responsible Designer Name: <b>Joe Hupp</b>  | Responsible Designer Signature: |
| Company: <b>Hupp Signs &amp; Lighting, Inc.</b>   | Date Signed: <b>06.17.16</b>    |
| Address: <b>70 Loren Avenue</b>   | License: <b>969949 C-45</b>     |
| City/State/Zip: <b>Chico, CA 95928</b>  | Phone: <b>530.345.7078</b>      |





# City of Oroville

Donald Rust  
DIRECTOR

## 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

July 28, 2016

**TPM 16-03: Separate Two Existing HUD Public Housing Projects** – The Planning Commission will conduct a public hearing to consider approving Tentative Parcel Map No. 16-03 to separate two existing U.S. Department of Housing and Urban Development (HUD) public housing projects: “Gardella” – HUD Project No. CA30-P043-014 and “Seventh and Pomona” – HUD Project No. CA30-P043-015. The purpose of this land division is to separate the projects onto their own, respective parcels. The Housing Authority is required to separate these projects as each requires its own unique encumbrances.

**APPLICANT:** The Housing Authority of the County of Butte  
c/o Ed Mayer – Executive Director  
2039 Forest Avenue  
Chico, CA 95928  
(530) 895-4474

**LOCATION:**  
Project is generally bounded by Pomona Avenue to the north, 7th Avenue to the east, 8th Avenue to the west, and bisected by Gardella Avenue, on the parcel identified as APN: 012-174-018  
**(Attachment A)**

**GENERAL PLAN:** *Medium Low Density Residential*

**ZONING:** Single-Family Residential (R-1)

**FLOOD ZONE:** ZONE X: Areas determined to be outside the 0.2% annual chance floodplain (500-year floodplain).

### ENVIRONMENTAL DETERMINATION:

- General Rule Exemption; Title 14, CCR, §15061(b)(3)
- Existing Facilities; Title 14, CCR, §15301
- Minor Land Divisions; Title 14, CCR, §15315

### REPORT PREPARED BY:

Luis A. Topete, Associate Planner  
Community Development Department

### REVIEWED BY:

Donald Rust, Director  
Community Development Department

## RECOMMENDED ACTIONS:

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

1. **HOLD** a public hearing and receive testimony on the proposed Tentative Parcel Map (TPM 16-03) for the property identified as APN: 012-174-018; and
2. **ADOPT** the General Rule Exemption – Title 14, CCR, §15061(b)(3); Class 15 Categorical Exemption – Minor Land Divisions, Title 14, CCR, §15315; and Class 1 Categorical Exemption – Existing Facilities, Title 14, CCR, §15301 as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) Statute and Guidelines (**Attachment B**); and
3. **ADOPT** the recommended Findings for Tentative Parcel Map No. 16-03 (**Attachment C**);
4. **ADOPT** Resolution No. P2016-11 (**Attachment D**); and
5. **APPROVE** the Conditions of Approval for Tentative Parcel Map No. 16-03 (**Attachment E**).

## SUMMARY

The Planning Commission will conduct a public hearing to consider approving Tentative Parcel Map No. 16-03 to separate two existing U.S. Department of Housing and Urban Development (HUD) public housing projects: “Gardella” – HUD Project No. CA30-P043-014 and “Seventh and Pomona” – HUD Project No. CA30-P043-015. The subject property is generally bounded by Pomona Avenue to the north, 7<sup>th</sup> Avenue to the east, 8<sup>th</sup> Avenue to the west, and bisected by Gardella Avenue, on the parcel identified as APN: 012-174-018. The purpose of this land division is to separate the projects onto their own, respective parcels. The Housing Authority is required to separate these projects as each requires its own unique encumbrances.

## DISCUSSION

The property has a current General Plan land use designation of Medium Low Density Residential (MLDR) and Zoning designation of Single-Family Residential (R-1). This designation applies to more typical development patterns in areas that consist of single-family detached homes on ¼-acre lots and allows for 3.0 to 6.0 units per net acre. The subject property is approximately 1.68 acres in size and proposed to be subdivided into two parcels: Parcel-1 at 22,436 sq.ft. (~0.52 acres); and Parcel-2 at 50,359 sq.ft. (~1.16 acres). The property is currently developed with multi-family residential structures, and thus considered legally non-conforming. The City’s 2030 General Plan identifies a non-conforming use as a use that was valid when brought into existence, but not permitted by later regulation. Uses lawfully existing on any piece of property that is inconsistent with a new or amended General Plan, are permitted to continue subject to certain restrictions as specified in the City’s Zoning Ordinance Sections 17.48.090 “Nonconforming Uses and Structures” and Section 17.08.140 “Cessation of Land Use Activities.”

The parcels, as proposed, meet the minimum lot area and width requirements for newly created R-1 parcels. The proposed land division involves no new land uses, no new development, and the existing multi-family public housing will continue. The existing housing is already being adequately serviced by existing infrastructure. Each parcel will have lot frontage on a public street (7th Ave and Pomona Ave), or a private street (Gardella Ave) that provides a direct connection to a public street.

## **ENVIRONMENTAL REVIEW**

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

### *General Rule Exemption; Title 14, CCR, Section 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.

### *Existing Facilities; Title 14, CCR, Section 15301*

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 1 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.

### *Minor Land Divisions; Title 14, CCR, Section 15315*

Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. This exemption has been found to apply to this parcel map request.

This parcel map involves no new land uses, no new development or expansion of existing uses, and the existing land use (public housing) will remain. The purpose of this land division is to separate the two existing housing projects onto their own, respective parcels as each requires its own unique encumbrances. It has therefore been determined that there is no possibility that the parcel map request will have a significant effect on the environment. Thus, this project is exempt from the provisions of CEQA. **(Attachment B)**

## FISCAL IMPACT

The total fees associated with this project are as follows:

| Item                 | Price             | Tech Fee        | Total             | Paid       |
|----------------------|-------------------|-----------------|-------------------|------------|
| Tentative Parcel Map | \$3,418.0         | \$205.08        | \$3,623.08        | Yes        |
| <b>Total</b>         | <b>\$3,418.00</b> | <b>\$205.08</b> | <b>\$3,623.08</b> | <b>Yes</b> |

Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife 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 – Community Development Department within five working days of approval of this project. These fees will be paid for through the funds deposited.

## 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 G**). Additionally, the meeting date, time, and project description were published in the Oroville Mercury and posted at City Hall (**Attachment H**).

## ATTACHMENTS

- A – Vicinity Map
- B – Notice of Exemption
- C – Findings
- D – Resolution No. P2016-11
- E – Conditions of Approval
- F – Tentative Parcel Map
- G – Property Owner Notice
- H – Newspaper Notice



**CITY OF OROVILLE PLANNING DIVISION**

|   |   |  |           |   |
|---|---|--|-----------|---|
| <i>Applicant:</i><br>Housing Authority of the County of Butte                       |   | <i>Project Title:</i><br>Separation of Two Public Housing Projects |           | <br><b>N</b> |
| <i>Project Location:</i><br>Pomona Ave / 7th Ave / Gardella Ave, Oroville, CA 95965 |   |  |           |   |
| <i>Hearing Date:</i><br>July 28, 2016   | <i>Zoning Designation:</i><br>Single Family Residential (R-1) | <i>Requested Entitlements:</i><br>Tentative Parcel Map No. 16-03   |           |   |
| <i>TRAKiT #</i><br>Project#: PL1606-004   | <i>Assessor's Parcel #:</i><br>012-174-018                    |  | TPM 16-03 |   |





# City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

**Donald Rust**  
DIRECTOR

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  
25 County Center Drive  
Oroville CA, 95965

**FROM:** City of Oroville  
1735 Montgomery Street  
Oroville, CA, 95965

Project Title: TPM 16-03: Separate Two Existing HUD Public Housing Projects

Project Location – Specific: Project is generally bounded by Pomona Avenue to the north, 7<sup>th</sup> Avenue to the east, 8<sup>th</sup> Avenue to the west, and bisected by Gardella Avenue, on the parcel identified as APN: 012-174-018.

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant has applied for a Tentative Parcel Map (TPM 16-03) to separate two existing U.S. Department of Housing and Urban Development (HUD) public housing projects: "Gardella" – HUD Project No. CA30-P043-014 and "Seventh and Pomona" – HUD Project No. CA30-P043-015. The purpose of this land division is to separate the projects onto their own, respective parcels. The Housing Authority of Butte County is required to separate these projects as each requires its own unique encumbrances.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying out Project: The Housing Authority of the County of Butte

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
  - Minor Land Divisions; Title 14, CCR, §15315
- Statutory Exemption: State code number:

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

*General Rule Exemption; Title 14, CCR, Section 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.

*Existing Facilities; Title 14, CCR, Section 15301*

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 1 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.

*Minor Land Divisions; Title 14, CCR, Section 15315*

Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. This exemption has been found to apply to this parcel map request.

This parcel map involves no new land uses, no new development or expansion of existing uses, and the existing land use (public housing) will remain. The purpose of this land division is to separate the two existing housing projects onto their own, respective parcels as each requires its own unique encumbrances. It has therefore been determined that there is no possibility that the parcel map request will have a significant effect on the environment. Thus, this project is exempt from the provisions of 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: Luis A. Topete

Telephone: (530) 538-2408

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

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

- Signed by Lead Agency
- Signed by Applicant

## FINDINGS

### Tentative Parcel Map No. 16-03

#### A. INTRODUCTION

The project applicant, the Housing Authority of the County of Butte, has applied for a Tentative Parcel Map (TPM 16-03) to separate two existing U.S. Department of Housing and Urban Development (HUD) public housing projects: “Gardella” – HUD Project No. CA30-P043-014 and “Seventh and Pomona” – HUD Project No. CA30-P043-015. The subject property is generally bounded by Pomona Avenue to the north, 7<sup>th</sup> Avenue to the east, 8<sup>th</sup> Avenue to the west, and bisected by Gardella Avenue, on the parcel identified as APN: 012-174-018. The purpose of this land division is to separate the projects onto their own, respective parcels. The Housing Authority is required to separate these projects as each requires its own unique encumbrances.

#### B. TENTATIVE PARCEL MAP

Per the Oroville Municipal Code (OMC) Section 16.12.050(E), the Planning Commission shall disapprove a tentative parcel map if it determines that any of the following conditions apply:

- a) The proposed subdivision is inconsistent with the general plan or applicable specific plans.

*The property has a current General Plan land use designation of Medium Low Density Residential (MLDR). This designation applies to more typical development patterns in areas that consist of single-family detached homes on ¼-acre lots and allows for 3.0 to 6.0 units per net acre. The subject property is approximately 1.68 acres in size and proposed to be subdivided into two parcels: Parcel-1 at 22,436 sq.ft. (~0.52 acres); and Parcel-2 at 50,359 sq.ft. (~1.16 acres). The property is currently developed with multi-family residential structures, and thus considered a legally non-conforming use. The City’s 2030 General Plan identifies a non-conforming use as a use that was valid when brought into existence, but not permitted by later regulation. Uses lawfully existing on any piece of property that is inconsistent with a new or amended General Plan, are permitted to continue subject to certain restrictions as specified in the City’s Zoning Ordinance Sections 17.48.090 “Nonconforming Uses and Structures” and Section 17.08.140 “Cessation of Land Use Activities.” The property lies within the City’s Downtown Historic Overlay and does not lie within any specific plan.*

- b) The site is not physically suitable for the proposed density or type of development.

*The proposed land division involves no new land uses, no new development, and the existing land use (multi-family public housing) will continue. The*

*existing housing is already being adequately serviced by existing infrastructure.*

- c) The design of the land division or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

*This project is will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat as this parcel map request involves no new land uses, no new development, and the existing housing developments will remain. Additionally, this project has been determined to be exempt from the California Environmental Quality Act (CEQA) as follows:*

*General Rule Exemption; Title 14, CCR, Section 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.*

*Existing Facilities; Title 14, CCR, Section 15301*

*Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 1 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.*

*Minor Land Divisions; Title 14, CCR, Section 15315*

*Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. This exemption has been found to apply to this parcel map request.*

*This parcel map involves no new land uses, no new development or expansion of existing uses, and the existing land use (public housing) will remain. The purpose of this land division is to separate the two existing housing projects onto their own, respective parcels as each requires its own unique encumbrances. It has therefore been determined that there is no possibility that the parcel map request will have a significant effect on the environment. Thus,*

*this project is exempt from provisions of CEQA.*

- d) The design of the subdivision or the type of improvement is likely to cause serious public health problems.

*The subject property is fully developed and there is no proposed design or improvements associated with this land division request because no additional development is proposed.*

- e) A preliminary soils report or geological hazard report indicates adverse soil or geological conditions, and the subdivider has failed to demonstrate to the satisfaction of the city engineer and planning commission that the conditions can be corrected.

*The subject property is a currently fully developed with no proposed improvements. Thus, a preliminary soils report or geological hazard report is not warranted.*

- f) The design of the land division or the type of improvement will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. However, the planning commission may approve an application if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

*Each parcel will have lot frontage on a public street (7<sup>th</sup> Ave and Pomona Ave), or a private street (Gardella Ave) that provides a direct connection to a public street. There are no known conflicts with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.*

- g) The proposed subdivision violates the provisions of this chapter and no exception has been granted.

*There are no Conditional Exceptions being requested. The proposed subdivision has been reviewed for compliance with all applicable provisions of this section, including parcel design standards, and has been found to be in compliance.*

- h) The proposed subdivision violates any provision of the zoning code and no variance has been granted.

*The property has a Zoning designation of Single-Family Residential (R-1). The subject property is fully developed and there are no proposed improvements or new development associated with this land division request. The property is*

*currently developed with multi-family residential structures, and thus considered legally non-conforming and subject to certain restrictions as specified in the City's Zoning Ordinance Sections 17.48.090 "Nonconforming Uses and Structures" and Section 17.08.140 "Cessation of Land Use Activities." The parcels, as proposed, meet the minimum lot area and width requirements for newly created R-1 parcels. Thus, the proposed land division does not violate any known provisions of the Zoning Code; therefore, no variance has been requested or granted for this land division request.*

- i) The proposed subdivision would violate any other city ordinance or any city code provision.

*The proposed land division as conditioned will not violate any City ordinance or other City Code provision. The applicant will be required to comply with and meet all of the conditions of approval prior to the approval of a Final Map and its recordation.*

- j) The discharge of waste from the proposed subdivision into a community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

*The project site is a fully developed with no proposed improvements. Therefore, existing discharge will remain the same. There are no known or reasonably foreseeable violations of requirements prescribed by the California Regional Water Quality Control Board.*

## RESOLUTION NO. P2016-11

**A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. 16-03 TO SUBDIVIDE THE PARCEL IDENTIFIED AS APN: 012-174-018, DEVELOPED WITH TWO EXISTING PUBLIC HOUSING PROJECTS, FOR THE PURPOSE OF SEPARATING THESE PROJECTS ONTO THEIR OWN, RESPECTIVE PARCELS**

**WHEREAS**, the project applicant has applied for a Tentative Parcel Map (TPM 16-03), to separate two existing U.S. Department of Housing and Urban Development (HUD) public housing projects: "Gardella" – HUD Project No. CA30-P043-014 and "Seventh and Pomona" – HUD Project No. CA30-P043-015; and

**WHEREAS**, the subject property is generally bounded by Pomona Avenue to the north, 7th Avenue to the east, 8th Avenue to the west, and bisected by Gardella Avenue, on the parcel identified as APN: 012-174-018; and

**WHEREAS**, the purpose of this land division is to separate the projects onto their own, respective parcels; and

**WHEREAS**, the Housing Authority of the County of Butte is required to separate these projects as each requires its own unique encumbrances; and

**WHEREAS**, the proposed land division involves no new land uses, no new development, and the existing land use (multi-family public housing) will continue; and

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

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

1. The Planning Commission finds that this project has been determined to be exempt from the California Environmental Quality Act (CEQA) as follows:

General Rule Exemption; Title 14, CCR, Section 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.

Existing Facilities; Title 14, CCR, Section 15301

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 1 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.

Minor Land Divisions; Title 14, CCR, Section 15315

Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. This exemption has been found to apply to this parcel map request.

This parcel map involves no new land uses, no new development or expansion of existing uses, and the existing land use (public housing) will remain. The purpose of this land division is to separate the two existing housing projects onto their own, respective parcels as each requires its own unique encumbrances. It has therefore been determined that there is no possibility that the parcel map request will have a significant effect on the environment. Thus, this project is exempt from the provisions of CEQA.

2. Per the Oroville Municipal Code (OMC) Section 16.12.050(E), the Planning Commission shall disapprove a tentative parcel map if it determines that any of the following conditions apply:
  - a) The proposed subdivision is inconsistent with the general plan or applicable specific plans.

*The property has a current General Plan land use designation of Medium Low Density Residential (MLDR). This designation applies to more typical development patterns in areas that consist of single-family detached homes on ¼-acre lots and allows for 3.0 to 6.0 units per net acre. The subject property is approximately 1.68 acres in size and proposed to be subdivided into two parcels: Parcel-1 at 22,436 sq.ft. (~0.52 acres); and Parcel-2 at 50,359 sq.ft. (~1.16 acres). The property is currently developed with multi-family residential structures, and thus considered a legally non-conforming use. The City's 2030 General Plan identifies a non-conforming use as a use that was valid when brought into existence, but not permitted by later regulation. Uses lawfully existing on any piece of*

*property that is inconsistent with a new or amended General Plan, are permitted to continue subject to certain restrictions as specified in the City's Zoning Ordinance Sections 17.48.090 "Nonconforming Uses and Structures" and Section 17.08.140 "Cessation of Land Use Activities."*

*The property lies within the City's Downtown Historic Overlay and does not lie within any specific plan.*

- b) The site is not physically suitable for the proposed density or type of development.

*The proposed land division involves no new land uses, no new development, and the existing land use (multi-family public housing) will continue. The existing housing is already being adequately serviced by existing infrastructure.*

- c) The design of the land division or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

*This project is will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat as this parcel map request involves no new land uses, no new development, and the existing housing developments will remain. Additionally, this project has been determined to be exempt from the California Environmental Quality Act (CEQA) as follows:*

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

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*This parcel map involves no new land uses, no new development or expansion of existing uses, and the existing land use (public housing) will remain. The purpose of this land division is to separate the two existing housing projects onto their own, respective parcels as each requires its own unique encumbrances. It has therefore been determined that there is no possibility that the parcel map request will have a significant effect on the environment. Thus, this project is exempt from provisions of CEQA.*

- d) The design of the subdivision or the type of improvement is likely to cause serious public health problems.

*The subject property is fully developed and there is no proposed design or improvements associated with this land division request because no additional development is proposed.*

- e) A preliminary soils report or geological hazard report indicates adverse soil or geological conditions, and the subdivider has failed to demonstrate to the satisfaction of the city engineer and planning commission that the conditions can be corrected.

*The subject property is a currently fully developed with no proposed improvements. Thus, a preliminary soils report or geological hazard report is not warranted.*

- f) The design of the land division or the type of improvement will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. However, the planning commission may approve an application if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

*Each parcel will have lot frontage on a public street (7th Ave and Pomona Ave), or a private street (Gardella Ave) that provides a direct connection to a public street. There are no known conflicts with easements, acquired by*

*the public at large, for access through or use of property within the proposed subdivision.*

- g) The proposed subdivision violates the provisions of this chapter and no exception has been granted.

*There are no Conditional Exceptions being requested. The proposed subdivision has been reviewed for compliance with all applicable provisions of this section, including parcel design standards, and has been found to be in compliance.*

- h) The proposed subdivision violates any provision of the zoning code and no variance has been granted.

*The property has a Zoning designation of Single-Family Residential (R-1). The subject property is fully developed and there are no proposed improvements or new development associated with this land division request. The property is currently developed with multi-family residential structures, and thus considered legally non-conforming and subject to certain restrictions as specified in the City's Zoning Ordinance Sections 17.48.090 "Nonconforming Uses and Structures" and Section 17.08.140 "Cessation of Land Use Activities." The parcels, as proposed, meet the minimum lot area and width requirements for newly created R-1 parcels. Thus, the proposed land division does not violate any known provisions of the Zoning Code; therefore, no variance has been requested or granted for this land division request.*

- i) The proposed subdivision would violate any other city ordinance or any city code provision.

*The proposed land division as conditioned will not violate any City ordinance or other City Code provision. The applicant will be required to comply with and meet all of the conditions of approval prior to the approval of a Final Map and its recordation.*

- j) The discharge of waste from the proposed subdivision into a community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

*The project site is a fully developed with no proposed improvements. Therefore, existing discharge will remain the same. There are no known or reasonably foreseeable violations of requirements prescribed by the California Regional Water Quality Control Board.*

3. The following conditions of approval have been deemed necessary to achieve the purpose of the Zoning Code, promote the general health, safety and public welfare of the City.

### CONDITIONS OF APPROVAL

**Approved Project:** The project applicant, the Housing Authority of the County of Butte, has applied for a Tentative Parcel Map (TPM 16-03) to separate two existing U.S. Department of Housing and Urban Development (HUD) public housing projects: "Gardella" – HUD Project No. CA30-P043-014 and "Seventh and Pomona" – HUD Project No. CA30-P043-015. The subject property is generally bounded by Pomona Avenue to the north, 7<sup>th</sup> Avenue to the east, 8<sup>th</sup> Avenue to the west, and bisected by Gardella Avenue, on the parcel identified as APN: 012-174-018. The purpose of this land division is to separate the projects onto their own, respective parcels. The Housing Authority is required to separate these projects as each requires its own unique encumbrances. The Planning Commission hereby approves TPM 16-03, subject to the following:

1. These conditions of approval are to permit the land division of Tentative Parcel Map No. 16-03 (TPM 16-03) as generally described above.
2. This Tentative Parcel Map conditional approval shall become null and void unless all conditions have been complied with for recordation of the Final Parcel Map within thirty-six (36) months after the approval of said Tentative Parcel Map. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation referenced herein, the Planning Commission may grant an extension of time for an additional period of time not to exceed twenty-four (24) months. Applications for such extension of time must set forth in writing the reasons for the extension and shall be filed together with a fee, as established by the City Council, with the Planning Division thirty (30) calendar days before the expiration of the Tentative Parcel Map. The applicant will be responsible for initiating any extension request.
3. Upon application of the subdivider filed prior to the expiration of the conditionally approved tentative map, the time at which the map expires may be extended for a period or periods no exceeding a total of six (6) years. This does not account for automatic extensions as specified in the Subdivision Map Act.
4. The Planning Commission approval date of this Tentative Parcel Map No. 16-03 occurred on July 28, 2016. All determinations of whether the land division is eligible for an extension of time shall be based on this original approval date.
5. The applicant shall ascertain and comply with the State of California Subdivision Map Act and with all requirements of the City's Code, and with all other applicable County, State and Federal requirements.

6. The applicant shall defend, indemnify, and hold harmless the City, and each of its officers, employees and agents, from and against any and all claims, actions and proceedings, within the time period set forth in Government Code Section 66499.37, to attack, set aside, void or annul any of the decisions or determinations which the City makes in connection with the approval of the tentative parcel map or with the adoption of any environmental document relating thereto under the California Environmental Quality Act (CEQA). The applicant shall reimburse the City and each of its officers, employees and agents for any costs, including, but not limited to, court costs, awards to plaintiff/petitioner for costs and attorneys' fees and any other litigation expenses that the city may be required to pay to plaintiff/petitioner because of such approval or adoption.
7. 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.
8. This map shall run with the land and be binding upon all successors in interest to the maximum extent permitted by law.
9. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the code of the City of Oroville to minimize any negative impacts that the use may have on the surrounding properties.
10. All private facilities, improvements, infrastructure, systems, equipment, common areas, landscaping, irrigations systems, 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.
11. The Planning Commission's action shall be final unless the subdivider or any other interested person appeals the action to the City Council as provided in Section 16.04.060 of the City's Code.

**PRIOR TO RECORDATION OF THE FINAL MAP  
THE FOLLOWING CONDITIONS MUST BE MET**

12. A parcel map is required with all appropriate easements to be dedicated (or offered for dedication in the case of drainage easements) in accordance with provisions of the Subdivision Map Act and the County of Butte.
13. Easements of record not shown on the tentative map shall be relinquished or

relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.

**--- End of Conditions ---**

**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 28<sup>th</sup> day of July, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

\_\_\_\_\_  
DONALD L. RUST, SECRETARY

\_\_\_\_\_  
DAMON ROBISON, CHAIRPERSON

## CONDITIONS OF APPROVAL

### Tentative Parcel Map No. 16-03

**Approved Project:** The project applicant, the Housing Authority of the County of Butte, has applied for a Tentative Parcel Map (TPM 16-03) to separate two existing U.S. Department of Housing and Urban Development (HUD) public housing projects: "Gardella" – HUD Project No. CA30-P043-014 and "Seventh and Pomona" – HUD Project No. CA30-P043-015. The subject property is generally bounded by Pomona Avenue to the north, 7<sup>th</sup> Avenue to the east, 8<sup>th</sup> Avenue to the west, and bisected by Gardella Avenue, on the parcel identified as APN: 012-174-018. The purpose of this land division is to separate the projects onto their own, respective parcels. The Housing Authority is required to separate these projects as each requires its own unique encumbrances. The Planning Commission hereby approves TPM 16-03, subject to the following:

1. These conditions of approval are to permit the land division of Tentative Parcel Map No. 16-03 (TPM 16-03) as generally described above.
2. This Tentative Parcel Map conditional approval shall become null and void unless all conditions have been complied with for recordation of the Final Parcel Map within thirty-six (36) months after the approval of said Tentative Parcel Map. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation referenced herein, the Planning Commission may grant an extension of time for an additional period of time not to exceed twenty-four (24) months. Applications for such extension of time must set forth in writing the reasons for the extension and shall be filed together with a fee, as established by the City Council, with the Planning Division thirty (30) calendar days before the expiration of the Tentative Parcel Map. The applicant will be responsible for initiating any extension request.
3. Upon application of the subdivider filed prior to the expiration of the conditionally approved tentative map, the time at which the map expires may be extended for a period or periods no exceeding a total of six (6) years. This does not account for automatic extensions as specified in the Subdivision Map Act.
4. The Planning Commission approval date of this Tentative Parcel Map No. 16-03 occurred on July 28, 2016. All determinations of whether the land division is eligible for an extension of time shall be based on this original approval date.
5. The applicant shall ascertain and comply with the State of California Subdivision Map Act and with all requirements of the City's Code, and with all other applicable County, State and Federal requirements.
6. The applicant shall defend, indemnify, and hold harmless the City, and each of its officers, employees and agents, from and against any and all claims, actions and proceedings, within the time period set forth in Government Code Section

66499.37, to attack, set aside, void or annul any of the decisions or determinations which the City makes in connection with the approval of the tentative parcel map or with the adoption of any environmental document relating thereto under the California Environmental Quality Act (CEQA). The applicant shall reimburse the City and each of its officers, employees and agents for any costs, including, but not limited to, court costs, awards to plaintiff/petitioner for costs and attorneys' fees and any other litigation expenses that the city may be required to pay to plaintiff/petitioner because of such approval or adoption.

7. 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.
8. This map shall run with the land and be binding upon all successors in interest to the maximum extent permitted by law.
9. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the code of the City of Oroville to minimize any negative impacts that the use may have on the surrounding properties.
10. All private facilities, improvements, infrastructure, systems, equipment, common areas, landscaping, irrigations systems, 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.
11. The Planning Commission's action shall be final unless the subdivider or any other interested person appeals the action to the City Council as provided in Section 16.04.060 of the City's Code.

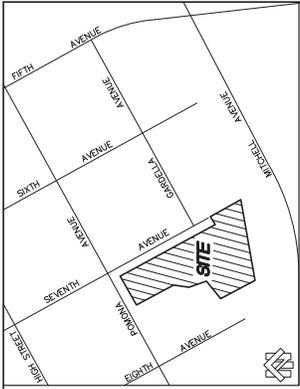
***PRIOR TO RECORDATION OF THE FINAL MAP  
THE FOLLOWING CONDITIONS MUST BE MET***

12. A parcel map is required with all appropriate easements to be dedicated (or offered for dedication in the case of drainage easements) in accordance with provisions of the Subdivision Map Act and the County of Butte.
13. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.

**--- End of Conditions ---**



- LEGEND**
- EXISTING STORM DRAIN INLET
  - EXISTING STORM DRAIN MANHOLE
  - EXISTING WATER VALVE
  - EXISTING STREET LIGHT
  - EXISTING FIRE HYDRANT
  - EXISTING SANITARY SEWER MANHOLE
  - EXISTING SANITARY SEWER CLEANOUT
  - EXISTING FIRE DRAINAGE
  - EXISTING PROPERTY LINE FOR SURROUNDING PARCELS
  - PROPERTY BOUNDARY
  - PROPERTY LINE
  - OWNER LINE
  - EXISTING EASEMENT LINE
  - EXISTING SANITARY SEWER LINE
  - EXISTING STORM DRAIN LINE
  - EXISTING WATER LINE
  - EXISTING BUILDING
  - EXISTING CONCRETE



THE HOUSING AUTHORITY OF THE COUNTY OF BUTTE  
 111 MISSION RANCH BLVD. SUITE 100, CHICO, CA 95926  
 PHONE: (530) 894-1800 WWW.NORTHSTAR-CA.COM

- NOTES**
1. OWNERS: THE HOUSING AUTHORITY OF THE COUNTY OF BUTTE
  2. SUBDIVIDER: SAME AS OWNER
  3. PROJECT SURVEYOR: MICHAEL L. WAITS, PLS 8987
  4. ZONING: R-1 (SINGLE FAMILY RESIDENTIAL)
  5. GENERAL PLAN: MUR (MEDIUM LOW DENSITY RESIDENTIAL)
  6. LAND USE: EXISTING - PUBLIC HOUSING PROJECT  
PROPOSED - SAME
  7. SEWER: CITY OF GROVILE
  8. STORM DRAINAGE: CALIFORNIA WATER SERVICE
  9. WATER: PACIFIC GAS AND ELECTRIC
  10. ELECTRIC AND GAS: PACIFIC GAS AND ELECTRIC
  11. EASEMENT NOTE: THE SITE CONTAINS NUMEROUS TREES TYPICAL OF A DEVELOPMENT. IF PROPOSED, THEREFOR TREES ARE NOT SHOWN HEREON.
  12. CONTOURS: THE SITE CONTAINS NUMEROUS TREES TYPICAL OF A DEVELOPMENT. IF PROPOSED, THEREFOR TREES ARE NOT SHOWN HEREON.
  13. TREES: THE SITE CONTAINS NUMEROUS TREES TYPICAL OF A DEVELOPMENT. IF PROPOSED, THEREFOR TREES ARE NOT SHOWN HEREON.
  14. GRADING/IMPROVEMENTS: NO GRADING OR NEW IMPROVEMENTS ARE PROPOSED.
  15. PURPOSE: THE PURPOSE OF THIS MAP IS TO SHOW THE PROPOSED PUBLIC HOUSING PROJECTS TO BE DEVELOPED ON THE SITE. THE PROJECTS WILL BE DEVELOPED IN ACCORDANCE WITH THE CITY OF GROVILE'S ZONING ORDINANCES AND THE CITY OF GROVILE'S SUBDIVISION MAP ACT. THE PROJECTS WILL BE DEVELOPED IN ACCORDANCE WITH THE CITY OF GROVILE'S ZONING ORDINANCES AND THE CITY OF GROVILE'S SUBDIVISION MAP ACT.



MICHAEL L. WAITS, PLS 8987  
 NORTHSTAR ENGINEERING  
 DATE: 6/21/18

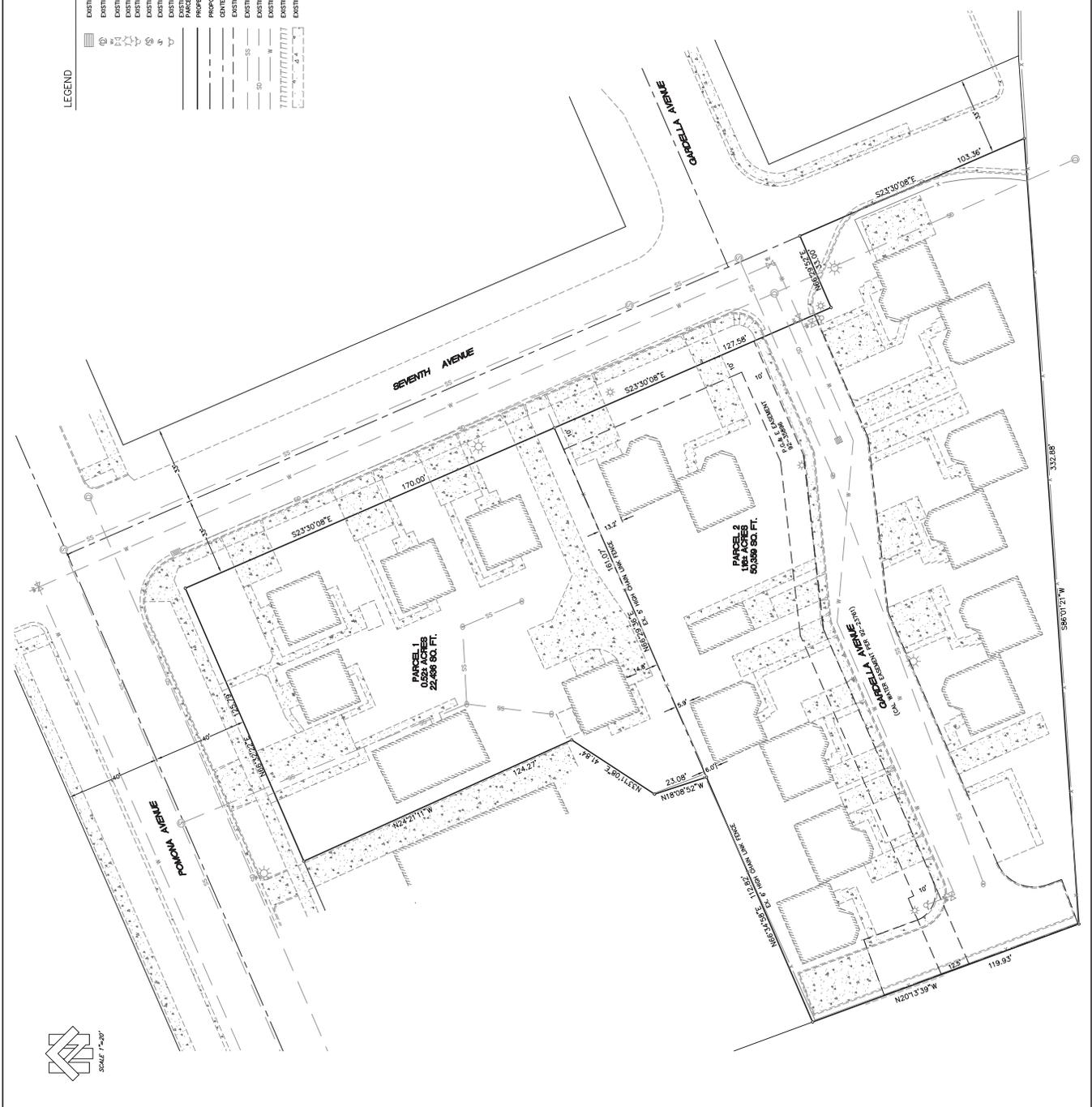
**TENTATIVE PARCEL MAP**  
 FOR  
 THE HOUSING AUTHORITY OF THE COUNTY OF BUTTE  
 PARCEL 1 OF THAT PARCEL MAP FILED FOR  
 RECORD IN BOOK 92 OF MAPS, PAGE 32,  
 SITUATE IN SECTION 18, TOWNSHIP 19 NORTH,  
 RANGE 4 EAST, MOUNT DIABLO MERIDIAN

CITY OF GROVILE  
 COUNTY OF BUTTE - STATE OF CALIFORNIA



**NORTHSTAR**  
 ...designing solutions

111 MISSION RANCH BLVD. SUITE 100, CHICO, CA 95926  
 PHONE: (530) 894-1800 WWW.NORTHSTAR-CA.COM







# 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)

**Donald Rust**  
 DIRECTOR

### **ATTENTION: PROPERTY OWNERS AND INTERESTED PARTIES**

The project listed below has been filed with the Community Development Department. You are invited to comment because your property is located near the proposed project. Please comment in the space below. You may attach additional pages as necessary.

Please submit your comments to this department no later than **Thursday, July 28, 2016** to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. If you have no comments, a reply is not necessary.

**ASSESSOR**  
**PARCEL NUMBER:** 012-174-018

**FILE NUMBER:** TPM 16-03

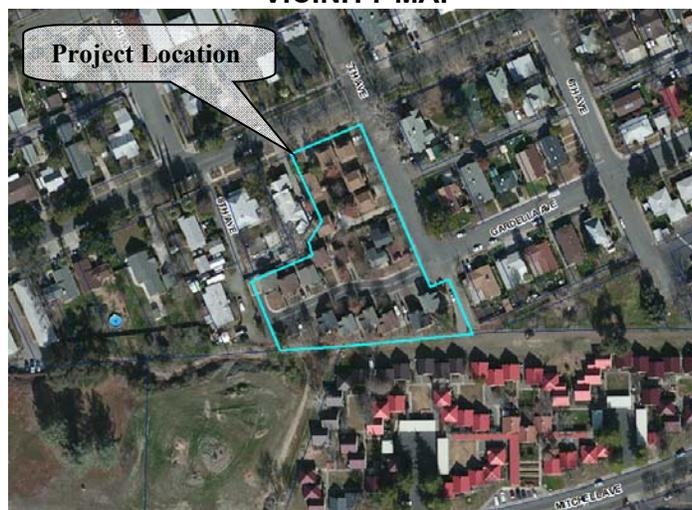
**APPLICANT:** The Housing Authority of the County of Butte

**ZONING:** Single Family Residential (R-1)

**LOCATION:** Project is generally bounded by Pomona Avenue to the north, 7th Avenue to the east, 8th Avenue to the west, and bisected by Gardella Avenue

**CONTACT PERSON:** Luis A. Topete,  
 Associate Planner  
 530 538-2408  
[ltopetela@cityoforoville.org](mailto:ltopetela@cityoforoville.org)

### VICINITY MAP



### PROJECT DESCRIPTION

**TPM 16-03: Separate Two Existing HUD Public Housing Projects** – The City of Oroville Planning Commission will conduct a public hearing to consider approving Tentative Parcel Map No. 16-03 to separate two existing U.S. Department of Housing and Urban Development (HUD) public housing projects: “Gardella” – HUD Project No. CA30-P043-014 and “Seventh and Pomona” – HUD Project No. CA30-P043-015. The subject property is generally bounded by Pomona Avenue to the north, 7th Avenue to the east, 8th Avenue to the west, and bisected by Gardella Avenue, on the parcel identified as APN: 012-174-018. The purpose of this land division is to separate the projects onto their own, respective parcels. The Housing Authority is required to separate these projects as each requires its own unique encumbrances.

**NOTICE IS HEREBY GIVEN** that the City of Oroville Planning Commission will hold a public hearing on the project described above. Said hearing will be held on **Thursday, July 28, 2016 at 7:00 p.m.** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.





# City of Oroville

Donald Rust  
DIRECTOR

## 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 PUBLIC HEARING BEFORE THE CITY OF OROVILLE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Oroville will hold a public hearing on the projects described below. Said hearing will be held at **7:00 p.m. on Thursday, July 28, 2016** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **TPM 16-03: Separate Two Existing HUD Public Housing Projects** – The City of Oroville Planning Commission will conduct a public hearing to consider approving Tentative Parcel Map No. 16-03 to separate two existing U.S. Department of Housing and Urban Development (HUD) public housing projects: “Gardella” – HUD Project No. CA30-P043-014 and “Seventh and Pomona” – HUD Project No. CA30-P043-015. The subject property is generally bounded by Pomona Avenue to the north, 7<sup>th</sup> Avenue to the east, 8<sup>th</sup> Avenue to the west, and bisected by Gardella Avenue, on the parcel identified as APN: 012-174-018. The purpose of this land division is to separate the projects onto their own, respective parcels. The Housing Authority is required to separate these projects as each requires its own unique encumbrances.
2. **UP 16-04: Environment Celebration Institute** – The City of Oroville Planning Commission will conduct a public hearing to review and consider approving Use Permit No. 16-04 for the operation of Nature’s Solution (Environment Celebration Institute) at the property identified as 2330 Bird Street (APN: 012-042-037). The Environment Celebration Institute is a non-profit organization looking to primarily use the subject property as a manufacturing and distribution facility to make and package their organic fertilizer products. There will be a storefront and portable classroom onsite. The outside area will be used for a demonstration garden where the community can come and buy fruits and vegetables and learn how to grow edible plants at their own homes.
3. **UP 16-05: The Axiom Youth Center** – The City of Oroville Planning Commission will conduct a public hearing to review and consider approving Use Permit No. 16-05 for the operation of the Axiom youth center at the property identified as 1420 Myers Street (APN: 012-092-004). The project site has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. The Axiom is a non-profit afterschool program for 6<sup>th</sup> – 12<sup>th</sup> graders that will be open Monday – Fridays from 3:00 p.m. to 6:00 p.m. Services provided include on the job training with a student ran café, study and work space, workshops, tutoring, counseling, and a gaming area for the participants which includes video games and pool tables. The Axiom will also offer their

facility, for a monthly rate and outside of their aforementioned operational hours, to be used as co-working/office space for free-lancers, business owners, and telecommuters.

Additional information regarding the projects described in this notice can be obtained from the Oroville Community Development Department at 1735 Montgomery Street, Oroville, CA. Anyone desiring to submit information, opinions or objections is requested to submit them in writing to the Community Development Department prior to the hearing. In accordance with Government Code Section 65009, if you challenge an action on these projects in court, you may be limited to raising only those issues you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public meetings.

Posted/Published: **Monday, July 18, 2016**



# City of Oroville

Donald Rust  
DIRECTOR

## 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

July 28, 2016

**UP 16-04: Environment Celebration Institute** - The Oroville Planning Commission will review and consider approving Use Permit No. 16-04 for the operation of Nature's Solution (Environment Celebration Institute) at the property identified as 2330 Bird Street (APN: 012-042-037). The Environment Celebration Institute is a non-profit organization looking to primarily use the subject property as a manufacturing and distribution facility to make and package their organic fertilizer products. There will be a storefront and portable classroom onsite. The outside area will be used for a demonstration garden where the community can come and buy fruits and vegetables and learn how to grow edible plants at their own homes.

**APPLICANTS:** Carole Rollins  
13193 Oro Quincy Hwy  
Berry Creek, CA 95916  
(530) 589-9947

**LOCATION:** 2330 Bird Street  
Oroville, CA 95965  
APN: 012-042-037  
**(Attachment A)**

**GENERAL PLAN:** Mixed Use  
**ZONING:** Downtown Mixed Use (MXD)  
**FLOOD ZONE:** ZONE X: Areas determined to be outside the 0.2% annual chance floodplain.

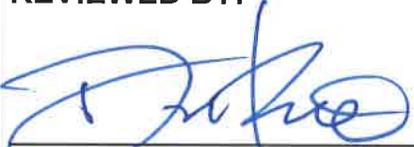
#### ENVIRONMENTAL DETERMINATION:

- Existing Facilities; Title 14, CCR, §15301
- New Construction or Conversion of Small Structures; Title 14, CCR, §15303

#### REPORT PREPARED BY:

  
Luis A. Topete, Associate Planner  
Community Development Department

#### REVIEWED BY:

  
Donald Rust, Director  
Community Development Department

## 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. 16-04 for the operation of Nature's Solution (Environment Celebration Institute) at the property identified as 2330 Bird Street (APN: 012-042-037), as described herein; and
2. **ADOPT** the Class 1 Categorical Exemption – Existing Facilities, Title 14, CCR, Section 15301 and Class 3 Categorical Exemption – New Construction or Conversion of Small Structures, CCR, Title 14, §15303, as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) Statute and Guidelines (**Attachment B**); and
3. **ADOPT** the recommended Findings for Use Permit No. 16-04 (**Attachment C**);
4. **ADOPT** Resolution No. P2016-12 (**Attachments D**); and
5. **APPROVE** the Conditions of Approval for Use Permit No. 16-04 (**Attachment E**).

## SUMMARY

The Oroville Planning Commission will review and consider approving Use Permit No. 16-04 for the operation of Nature's Solution (Environment Celebration Institute) at the property identified as 2330 Bird Street (APN: 012-042-037). The project site has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. The Environment Celebration Institute is a non-profit organization looking to primarily use the subject property as a manufacturing and distribution facility to make and package their organic fertilizer products. There will be a storefront and portable classroom onsite. The outside area will be used for a demonstration garden where the community can come and buy fruits and vegetables and learn how to grow edible plants at their own homes.

## BACKGROUND

The Environment Celebration Institute is a non-profit organization dedicated to: 1) promote, develop, and provide sustainable green practices and related educational materials for adults and children; (2) promote respect for and appreciation of the natural environment whether in urban, rural, or wilderness areas; (3) support scientific research for sustainable green practices for agriculture and home gardening; (4) promote the sustainable use of our natural resources; and (5) promote peace, harmony, and dignity among all living things.

The Environment Celebration Institute promotes green practices, sustainable use of natural resources, respect for the natural environment through scientific research and development, publication and distribution of educational materials. Educational materials include books, CDs, seminars, workshops, webinars, hand-on training, and other project activities that will increase awareness and promote protection of the environment and educate children, adults, parents, and teachers about sustainable use of natural

resources.<sup>1</sup>

## DISCUSSION

The following is a general description provided by the applicant regarding their proposed operations. The warehousing portion of the building will be used for manufacturing of organic compost tea and packaging of other organic fertilizer products. Machinery and other items stored in this area will include compost tea machines, boxes, plastic bags, plastic bottles, labels, tables, chairs, shelving, fork lift, cleaning supplies, and cabinets. The applicant has indicated that the property will be mainly used as a manufacturing and distribution facility to make and package their organic fertilizer products. As indicated herein, there will be a storefront and portable classroom onsite as an accessory use. The outside area will be used for a demonstration garden where the community can come and buy fruits and vegetables and learn how to grow edible plants in their own homes.

Other products stored on-site include: organic fertilizers; mycorrhizae (60 lbs); humic acid (55 gallons); sea kelp (40-100 lbs); compost tea (10-20 cases at a time of 50-100 gallons); and worm castings (approximately 1 pallet at a time - 1 ton equivalent). The classes offered will be for approximately 10 students at a time, on 10 Saturdays during the Spring, Summer, and Fall. The outdoor garden will be approximately 800 square feet in size. There is no greenhouse proposed but some seedlings will start under grow lights indoors. Items to be sold out of their storefront will include organic gardening products, fertilizers, books, manuals, posters, seedlings, and produce from the garden.

## ENVIRONMENTAL REVIEW

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

### Existing Facilities; Title 14, CCR, Section 15301

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 1 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.

### New Construction or Conversion of Small Structures; Title 14, CCR, Section 15303

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

The proposed use of the subject property will utilize the existing 2,048 square foot

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<sup>1</sup> <http://www.environmentcelebration.com/home.html>

building with no proposed expansion to its existing gross floor area, and a portable classroom will be provided onsite as part of the proposed business operations. No other structures have been proposed as part of this use permit request. The majority of the anticipated business activities will take place inside the existing building and proposed portable classroom, with the exception of the outdoor demonstration garden. It has therefore been determined that the use permit request will not have a significant effect on the environment. Thus, this project is exempt from the provisions of CEQA.

**FISCAL IMPACT**

The total fees associated with this project are as follows:

| Item         | Price             | Tech Fee        | Total             | Paid       |
|--------------|-------------------|-----------------|-------------------|------------|
| Use Permit   | \$2,822.00        | \$169.32        | \$2,991.32        | Yes        |
| <b>Total</b> | <b>\$2,822.00</b> | <b>\$169.32</b> | <b>\$2,991.32</b> | <b>Yes</b> |

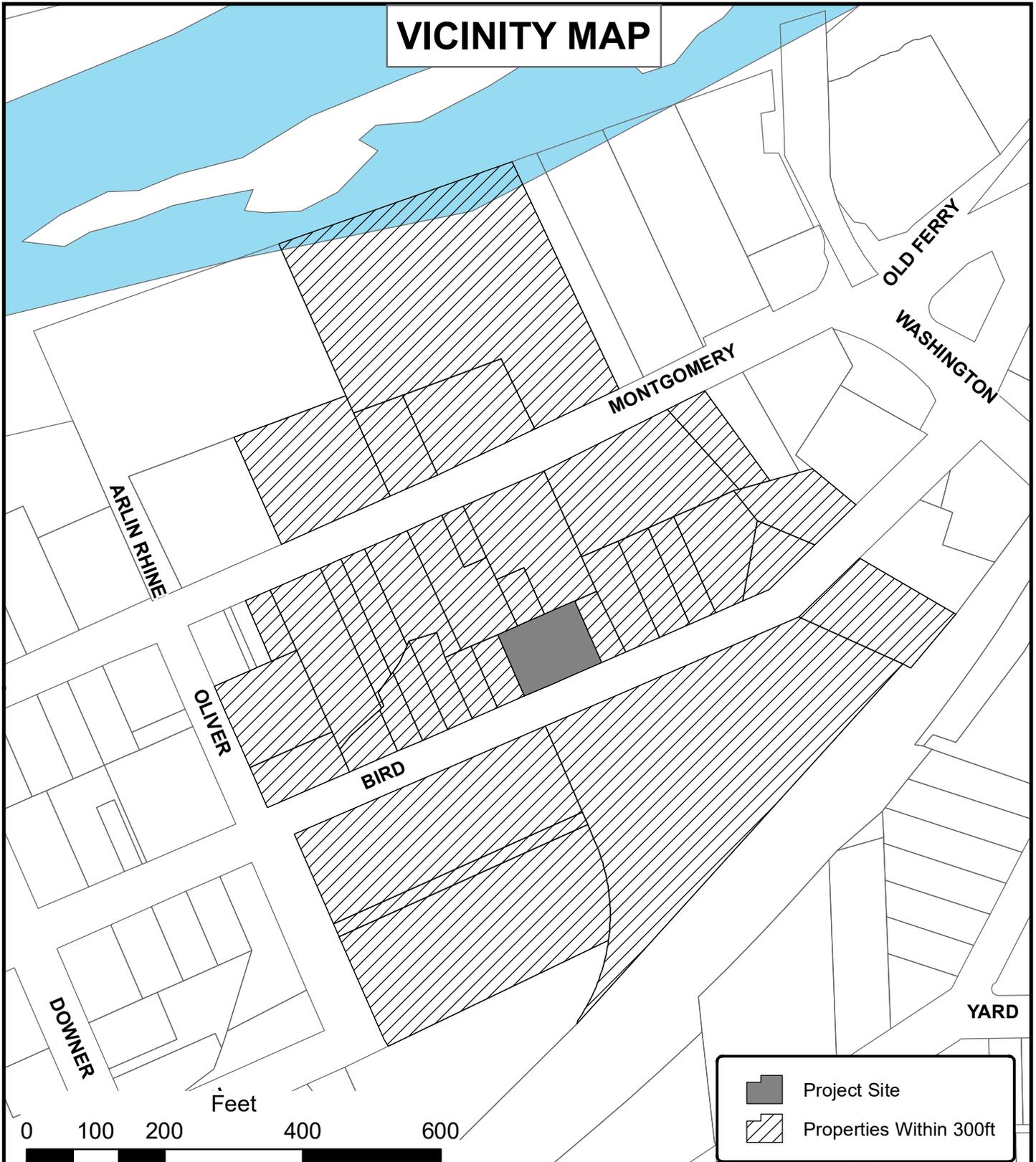
Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, fees (\$50) are payable by the project applicant to file the Notice of Exemption with Butte County by the City of Oroville – Community Development Department within five working days of approval of this project. These fees will be paid for through the funds deposited.

**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 I**). Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register (**Attachment J**) and posted at City Hall.

**ATTACHMENTS**

- A – Vicinity Map
- B – Notice of Exemption
- C – Findings
- D – Resolution No. P2016-12
- E – Conditions of Approval
- F – Project Description
- G – Floor Plan
- H – Zoning Clearance/Occupancy Permit Application
- I – Property Owner Notice
- J – Newspaper Notice



**CITY OF OROVILLE PLANNING DIVISION**

|  |  |  |  |   |
|--|--|--|--|---|
| <i>Applicant:</i><br>Carole Rollins                              |  | <i>Project Title:</i><br>Environment Celebration Institute |  | <br><b>N</b> |
| <i>Project Location:</i><br>2330 Bird Street, Oroville, CA 95965 |  |  |  |   |
| <i>Hearing Date:</i><br>July 28, 2016                            | <i>Zoning Designation:</i><br>Downtown Mixed Use (MXD) | <i>Requested Entitlements:</i><br>Use Permit No. 16-04     |  |   |
| <i>TRAKiT #</i><br>Project#: PL1606-013                          |  | <i>Assessor's Parcel #:</i><br>012-042-037                 |  | UP 16-04  |





# City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust  
DIRECTOR

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  
25 County Center Drive  
Oroville CA, 95965

**FROM:** City of Oroville  
1735 Montgomery Street  
Oroville, CA, 95965

Project Title: UP 16-04: Environment Celebration Institute

Project Location – Specific: 2330 Bird Street (APN: 012-042-037)

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, Carole Rollins, has applied for a Use Permit (UP 16-04) for the operation of Nature's Solution (Environment Celebration Institute) at the property identified as 2330 Bird Street (APN: 012-042-037). The project site has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. The Environment Celebration Institute is a non-profit organization looking to primarily use the subject property as a manufacturing and distribution facility to make and package their organic fertilizer products. There will be a storefront and portable classroom onsite. The outside area will be used for a demonstration garden where the community can come and buy fruits and vegetables and learn how to grow edible plants at their own homes.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying out Project: Carole Rollins

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:
- Existing Facilities; Title 14, CCR, Section 15301
  - New Construction or Conversion of Small Structures; Title 14, CCR, §15303
- Statutory Exemption: State code number:

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

*Existing Facilities; Title 14, CCR, Section 15301*

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 1 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.

*New Construction or Conversion of Small Structures; Title 14, CCR, Section 15303*

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

The proposed use of the subject property will utilize the existing 2,048 square foot building with no proposed expansion to its existing gross floor area, and a portable classroom will be provided onsite as part of the proposed business operations. No other structures have been proposed as part of this use permit request. The majority of the anticipated business activities will take place inside the existing building and proposed portable classroom, with the exception of the outdoor demonstration garden. It has therefore been determined that the use permit request will not have a significant effect on the environment. Thus, this project is exempt from the provisions of 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: Luis A. Topete

Telephone: (530) 538-2408

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

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

- Signed by Lead Agency
- Signed by Applicant

## FINDINGS

### UP 16-04: Environment Celebration Institute

#### A. INTRODUCTION

The project applicant, Carole Rollins, has applied for a Use Permit (UP 16-04) for the operation of Nature's Solution (Environment Celebration Institute) at the property identified as 2330 Bird Street (APN: 012-042-037). The project site has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. The Environment Celebration Institute is a non-profit organization looking to primarily use the subject property as a manufacturing and distribution facility to make and package their organic fertilizer products. There will be a storefront and portable classroom onsite. The outside area will be used for a demonstration garden where the community can come and buy fruits and vegetables and learn how to grow edible plants at their own homes.

#### B. CATEGORICAL EXEMPTION

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

##### *Existing Facilities; Title 14, CCR, Section 15301*

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 1 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.

##### *New Construction or Conversion of Small Structures; Title 14, CCR, Section 15303*

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

The proposed use of the subject property will utilize the existing 2,048 square foot building with no proposed expansion to its existing gross floor area, and a portable classroom will be provided onsite as part of the proposed business operations. No other structures have been proposed as part of this use permit request. The majority of the anticipated business activities will take place inside the existing building and proposed portable classroom, with the exception of the outdoor demonstration garden. It has therefore been determined that the use permit request will not have a significant effect on the environment. Thus, this project is exempt from the provisions

of CEQA.

### C. USE PERMIT FINDINGS

Pursuant to Section 17.48.010(E)(4), the Planning Commission may grant a use permit only upon making all of the following findings, based on substantial evidence:

- a. 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.*

- b. 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 an existing building located at 2330 Bird Street (APN: 012-042-037), which is in a Downtown Mixed Use (MXD) zone. The proposed business has several land use classifications from the City's Zoning Ordinance that apply, including: "Manufacturing" for the proposed processing and packaging of organic fertilizer products; "Plant Nursery or Garden Supply;" "Meeting Facility" for the classes being offered; "General Retail;" and "Food or Beverage Production" for the processing and packaging of organic compost tea. The manufacturing, plant nursery or garden supply, and food or beverage production land use classifications all require a use permit in MXD districts. All of the surrounding parcels are zoned MXD, as this is the City of Oroville's downtown area. The applicant will therefore be following sound principles of land use by being located in an area of similar land uses, and in a zoning district where the City Code has planned for this type of land use to be located through the appropriate permitting process which the applicant has applied for.*

*Additionally, the project fronts Bird Street giving it direct access to the City's local transportation network and there are no known public services that will be significantly impacted by the operations of the proposed business.*

- c. 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. As part of this permit, the applicant is required to obtain a zoning clearance/occupancy inspection from the Building Division prior to building occupancy. If at the time of inspection any inadequacies in the conditions of water, sanitation or utility supply to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy.*

- d. 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 proposed use is harmonious with the surrounding land uses and the subject property, zoned a MXD, is an appropriate location for the requested business operations per the City Code, subject to a use permit. All of the surrounding parcels are zoned MXD with a mixed assortment of uses in the immediate vicinity. The parcels directly to the east and west are vacant properties, Western Motor Lodge is located to the southwest, Sprint Communications Company facility to the southeast, John's Sewing Center, a vacant commercial building and several residential structures to the north.*

*As proposed and conditioned, the operating characteristics of the proposed use will not conflict with the surrounding neighborhood, nor will the proposed use 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 in this chapter, has been violated in connection with the permit; and finally, if the permit was obtained by fraud. The project has been conditioned to comply all requirements of the City's noise ordinance as found in Chapter 9.20. and the City's Nuisance Code as found in Chapter 9.08.*

- e. 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 written description demonstrating that the subject*

*site has adequate space for the desired uses. Additionally, a parking survey conducted by Wood Rogers (transportation planning, traffic analysis and civil engineer) in 2013 found that there is currently a significant oversupply of parking in the Historic Downtown.*

- f. 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 which is currently vacant. Allowing this business to locate into a vacant building will bring a new business into a building that is not currently being utilized. With the City's goal (Goal LU-2 of the City's 2030 General Plan) to develop an economically vital downtown, this proposed business helps the City towards achieving this land use goal of the General Plan. Thus, it is believed that the proposed use will provide services that are desirable for the neighborhood and community as a whole. Additionally, as stated above, the size, intensity and location of the proposed use will not have any negative impact on the neighborhood or community as a whole and is a suitable use for the property and zoning district in which it is located.*

- g. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, Zoning Code, and of the City's Municipal Code.

*The permit application has been reviewed by staff and the project, as conditioned, 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. In addition, section 17.48.010(F) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that any of the conditions of the permit 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 has been violated in connection with the permit, or if the permit was obtained by fraud.*

## RESOLUTION NO. P2016-12

### A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 16-04 TO ALLOW THE ENVIRONMENT CELEBRATION INSTITUTE TO OPERATE AT 2330 BIRD STREET (APN: 012-042-037)

**WHEREAS**, the project applicant, Carole Rollins, has applied for a Use Permit (UP 16-04) for the operation of Nature's Solution (Environment Celebration Institute) at the property identified as 2330 Bird Street (APN: 012-042-037); and

**WHEREAS**, the project site has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use; and

**WHEREAS**, the Environment Celebration Institute is a non-profit organization looking to primarily use the subject property as a manufacturing and distribution facility to make and package their organic fertilizer products; and

**WHEREAS**, the proposed use will also include a storefront for retail sales, portable classroom, and outdoor demonstration garden; and

**WHEREAS**, the proposed business has several land use classifications from the City's Zoning Ordinance that apply, including: "Manufacturing" for the proposed processing and packaging of organic fertilizer products, "Plant Nursery or Garden Supply," "Meeting Facility" for the classes being offered, "General Retail," and "Food or Beverage Production" for the processing and packaging of organic compost tea; and

**WHEREAS**, the manufacturing, plant nursery or garden supply, and food or beverage production land use classifications all require a use permit in MXD districts; and

**WHEREAS**, at a 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 City staff's report regarding the project.

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

1. This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities" and Section 15303 "New Construction or Conversation of Small Structures."
2. Pursuant to the City's Municipal Code section 17.48.010(E)(4), the Planning Commission may grant a use permit only upon making all of the following

findings, based on substantial evidence:

- a. 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.*

- b. 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 an existing building located at 2330 Bird Street (APN: 012-042-037), which is in a Downtown Mixed Use (MXD) zone. The proposed business has several land use classifications from the City's Zoning Ordinance that apply, including: "Manufacturing" for the proposed processing and packaging of organic fertilizer products; "Plant Nursery or Garden Supply;" "Meeting Facility" for the classes being offered; "General Retail;" and "Food or Beverage Production" for the processing and packaging of organic compost tea. The manufacturing, plant nursery or garden supply, and food or beverage production land use classifications all require a use permit in MXD districts. All of the surrounding parcels are zoned MXD, as this is the City of Oroville's downtown area. The applicant will therefore be following sound principles of land use by being located in an area of similar land uses, and in a zoning district where the City Code has planned for this type of land use to be located through the appropriate permitting process which the applicant has applied for. Additionally, the project fronts Bird Street giving it direct access to the City's local transportation network and there are no known public services that will be significantly impacted by the operations of the proposed business.*

- c. 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. As part of this permit, the applicant is required to obtain a zoning clearance/occupancy inspection from the Building Division prior to building occupancy. If at the time of inspection any inadequacies in the conditions of water, sanitation or utility supply to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy.*

- d. 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 proposed use is harmonious with the surrounding land uses and the subject property, zoned a MXD, is an appropriate location for the requested business operations per the City Code, subject to a use permit. All of the surrounding parcels are zoned MXD with a mixed assortment of uses in the immediate vicinity. The parcels directly to the east and west are vacant properties, Western Motor Lodge is located to the southwest, Sprint Communications Company facility to the southeast, John's Sewing Center, a vacant commercial building and several residential structures to the north.*

*As proposed and conditioned, the operating characteristics of the proposed use will not conflict with the surrounding neighborhood, nor will the proposed use 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 in this chapter, has been violated in connection with the permit; and finally, if the permit was obtained by fraud. The project has been conditioned to comply all requirements of the City's noise ordinance as found in Chapter 9.20. and the City's Nuisance Code as found in Chapter 9.08.*

- e. 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 written description demonstrating that the subject site has adequate space for the desired uses. Additionally, a parking survey conducted by Wood Rogers (transportation planning, traffic*

*analysis and civil engineer) in 2013 found that there is currently a significant oversupply of parking in the Historic Downtown.*

- f. 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 which is currently vacant. Allowing this business to locate into a vacant building will bring a new business into a building that is not currently being utilized. With the City's goal (Goal LU-2 of the City's 2030 General Plan) to develop an economically vital downtown, this proposed business helps the City towards achieving this land use goal of the General Plan. Thus, it is believed that the proposed use will provide services that are desirable for the neighborhood and community as a whole. Additionally, as stated above, the size, intensity and location of the proposed use will not have any negative impact on the neighborhood or community as a whole and is a suitable use for the property and zoning district in which it is located.*

- g. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, Zoning Code, and of the City's Municipal Code.

*The permit application has been reviewed by staff and the project, as conditioned, 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. In addition, section 17.48.010(F) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that any of the conditions of the permit 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 has been violated in connection with the permit, or if the permit was obtained by fraud.*

### **CONDITIONS OF APPROVAL**

**Approved project:** The Planning Commission hereby conditionally approves Use Permit No. 16-04 for the operation of Nature's Solution (Environment Celebration Institute) at the property identified as 2330 Bird Street (APN: 012-042-037). The project site has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. The Environment Celebration Institute is a non-profit organization looking to primarily use the subject property as a manufacturing and distribution facility to make and package their organic fertilizer products. There will be a

storefront and portable classroom onsite. The outside area will be used for a demonstration garden where the community can come and buy fruits and vegetables and learn how to grow edible plants at their own homes.

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 have a current City of Oroville business license and any other applicable permit/license that may be required as part of their operations.
4. The applicant shall pay for and obtain a zoning clearance / occupancy inspection from the Building Division and Fire Department prior to building occupancy.
5. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the code of the City of Oroville to minimize any potential negative effects that the building, structure or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
6. Applicable construction plans, calculations, specifications, applications, forms, etc shall be submitted to the Building Department for review prior to start of any tenant improvements / construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
7. Manure shall not be sold or stored on the subject property.
8. The project shall comply with all requirements of the City's Noise Ordinance as found in Chapter 9.20. and the City's Nuisance Code as found in Chapter 9.08.
9. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
10. Pursuant to Section 17.48.010(F), 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:

- a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
- b. Any of the terms or conditions of the permit have been violated.
- c. A law, including any requirement in the Zoning Code, has been violated in connection with the permit.
- d. The permit was obtained by fraud.

**--- End of Conditions ---**

**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 28<sup>th</sup> of July, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

\_\_\_\_\_  
DONALD L. RUST, SECRETARY

\_\_\_\_\_  
DAMON ROBISON, CHAIRPERSON

## CONDITIONS OF APPROVAL

**Approved project:** The Planning Commission hereby conditionally approves Use Permit No. 16-04 for the operation of Nature's Solution (Environment Celebration Institute) at the property identified as 2330 Bird Street (APN: 012-042-037). The project site has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. The Environment Celebration Institute is a non-profit organization looking to primarily use the subject property as a manufacturing and distribution facility to make and package their organic fertilizer products. There will be a storefront and portable classroom onsite. The outside area will be used for a demonstration garden where the community can come and buy fruits and vegetables and learn how to grow edible plants at their own homes.

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.
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6. Applicable construction plans, calculations, specifications, applications, forms, etc shall be submitted to the Building Department for review prior to start of any tenant improvements / construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
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9. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
10. Pursuant to Section 17.48.010(F), 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:
  - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
  - b. Any of the terms or conditions of the permit have been violated.
  - c. A law, including any requirement in the Zoning Code, has been violated in connection with the permit.
  - d. The permit was obtained by fraud.

**--- End of Conditions ---**

**Luis A. Topete**

---

**From:** michelle@environmentcelebration.com  
**Sent:** Tuesday, February 2, 2016 9:23 AM  
**To:** Luis A. Topete  
**Subject:** Environment Celebration Institute Business License.

Hello Luis,

This is Michelle Cahill and I was in your office last week speaking with you and David Goyer in regards to a business license for Environment Celebration located over here at 2330 Birds St. Oroville. I have inquired on the remaining question that you needed to be clarified and below are the answers. Please review and let me know what else if anything that you may need so that we can move forward with completion of our business license. You can contact me as well at 530-712-9035 and/or via email.

1. What kind of product and about how much is and will be on location?

**Organic fertilizers, mycorrhizae (60 lbs), humic acid (55 gallons), sea kelp (40-100 lbs), compost tea (10-20 cases at a time-50-100 gallon), worm castings (approx 1 pallet at a time, 1 ton)**

2. How often the classes will take place and approx. how many students?

**10 students, about 10 Saturdays during the Spring, Summer, and Fall.**

3. Square footage of the gardening area outside and if it is only going to be outside gardening or do you plan on having any inside or in a green house?

**Approximately 800 sq ft. Some seedlings will start under grow lights inside, no greenhouse is planned currently.**

4. More details on your items that are going to be sold in the store

**Organic gardening products, fertilizers, books, manuals, posters, seedlings, produce from the garden.**

5. He needs to know the exact use for the warehouse part and what is in it and how much?

**Manufacturing items to make our organic compost tea and package up our other organic fertilizer products: compost tea machines, boxes, plastic bags, plastic bottles, labels, tables, chairs, shelving, fork lift, cleaning supplies, cabinets.**

He would also like a quick paragraph/summary of the actual use of the property (Main Use) and if everything else is just an accessory to the business?

**Main use of the property at 2330 Bird Street: The property is mainly used as a manufacturing and distribution facility to make and package our organic fertilizer products. There will be a storefront and portable classroom developed in part of the facility. The outside area will be used for a demonstration garden where the community can come and buy fruits and vegetables and learn how to grow edible plants in their own homes.**

*Michelle Cahill  
 Administrative Assistant  
 Environment Celebration Institute  
 2330 Bird Street  
 Oroville, CA 95965  
 530-589-9947*



BIRD ST. PROPERTIES

2330 BIRD ST.

64'-0"

24'-0"

KITCHEN

BATHROOM

5'X6'

CEILING FAN



2,048 SQ. FT.

37'6"

26'-6"

32'-0"

OFFICE

6'X9'

CEILING FAN



220/120 VOLT  
100 AMP  
SINGLE PHASE

10'X10'  
ROLL UP  
DOORS

10'-0"

SEWER  
CLEAN OUT

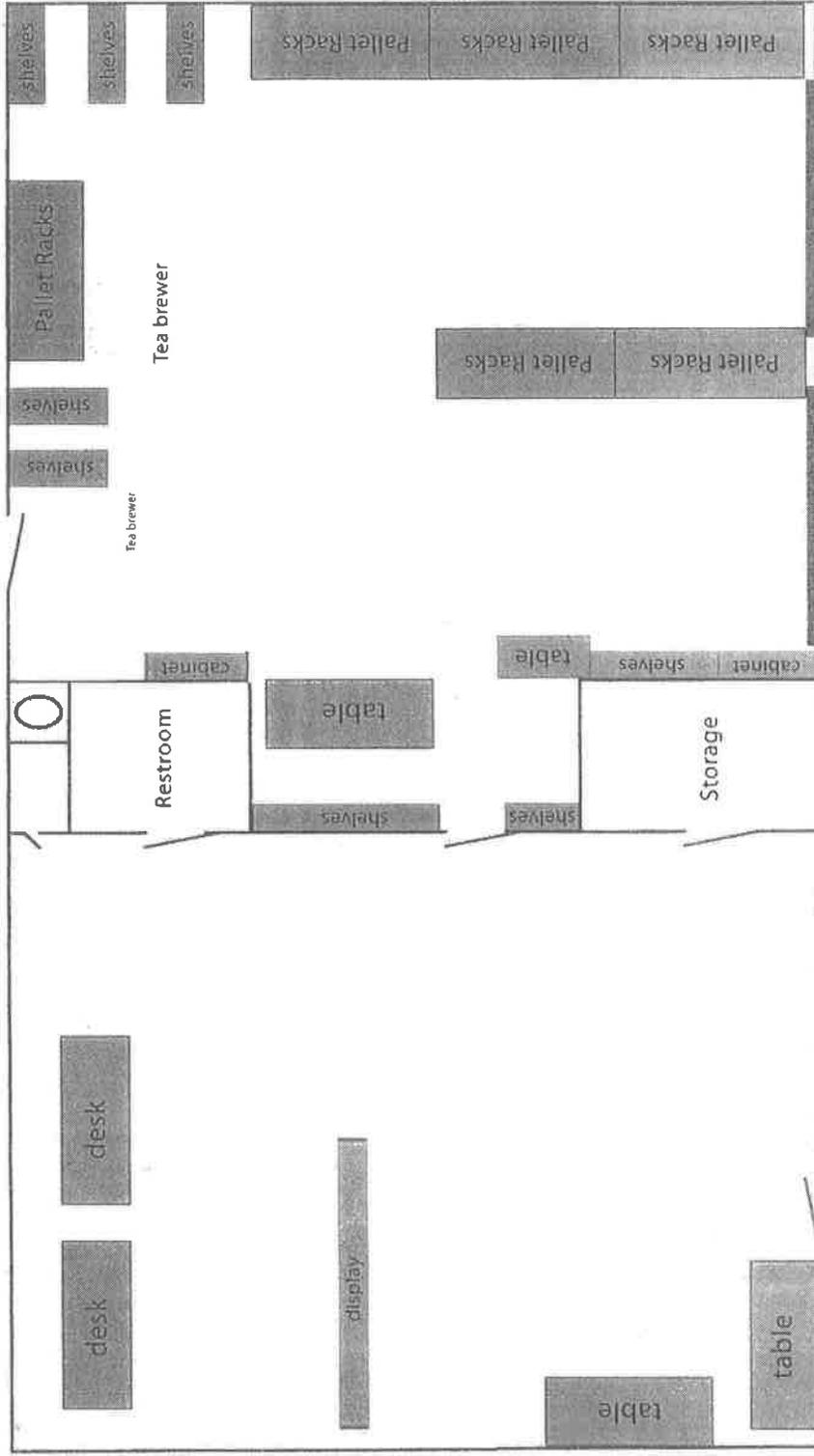
CEILING HEIGHTS 13'2" - 10'-9"



NORTH

|                                |
|--------------------------------|
| STEVEN SEIDENGLANZ ENGINEERING |
| BIRD ST. 2330 MAIN BUILDING    |
| Rev. 3/6/13/13                 |
| FM                             |
| PAGE 2 OF 2                    |

# Environment Celebration Institute, Inc.



Facility Map for 2330 Bird St., Oroville, CA 95965



# City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust  
DIRECTOR

1735 Montgomery Street  
Oroville, CA 95965-4897  
(530) 538-2401 – FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

## ZONING CLEARANCE/OCCUPANCY PERMIT APPLICATION

Date Submitted

4-4-16

Trakit Number

B1604-006

2330 Bird St, Oroville, CA 95965

New Business Address

Old Business Address

**INDICATE PROPOSED USE/USES:**

We are a non-profit. We will use property for general retail, garden supply store, meeting facility.

Zoning Clearance

(For Planning Department Use Only)

Proposed Use

(check all that apply)

Finance Dept.

Verify SC-OR Code

APN: \_\_\_\_\_

Property Zoning: MXD

Use allowed by zoning?  Yes  No If not allowed at all, is use nonconforming?  Yes  No

Is Use Permit required?  Yes  No Has Use Permit been obtained?  Yes (permit # \_\_\_\_\_)  No

If permit has been obtained, is new use substantially different from use for which permit was issued (expanded in intensity, longer hours, etc)?

If yes, modified Use Permit may be required.

Does site conform to current development standards?  Yes  No

Parking lot shade?  Yes  No other landscaping?  Yes  No

If no, site improvements may be required (City staff will review response if building/lease space has been vacant more than one year & if building/lease space is not part of larger complex of similar uses.) Comments (Note: All comments are typed on the Certificate of Occupancy.):

Signature of Planner

Date

## ZONING CLEARANCE/OCCUPANCY PERMIT APPLICATION

This application is NOT a Certificate of Occupancy. The building for which this application is submitted shall NOT be occupied until such time as the necessary inspections have been made and all corrections accomplished, and the Certificate of Occupancy approved by the appropriate departments. At that time a City business license will be issued. Any variance from these requirements shall be authorized only by the City of Oroville, Building Department. Violation of occupancy requirements (Oroville City Code Section 6-1.1) constitutes an infraction and may result in legal action. To avoid delays in processing this application, please complete it in its entirety. Return the completed application to the Building Department at 1735 Montgomery Street, Oroville, CA 95965-4897, so that an inspection date and time can be conveniently scheduled.

**Business Name:** Nature's Solution (Environment Celebration

**Type of Business:** general retail, garden supply store, meeting facility  
Institute)

| Site Address of Business & Suite No. |   | Business Phone No.     |
|--------------------------------------|---|------------------------|
| Board of Director                    |   |                        |
| Business Owner #1                    | Home Address (Owner #1)                       | Home or Cell Phone No. |
| Carole Rollins                       | 13193 Oro Quincy Hwy<br>Berry Creek, CA 95916 | 530-589-9947           |
| Business Owner #2                    | Home Address (Owner #2)                       | Home or Cell Phone No. |
| James Eddington                      | 13193 Oro Quincy Hwy<br>Berry Creek, CA 95916 | 530-589-9947           |
| Applicant's Name                     | Home Applicant's Address                      | Home or Cell Phone No. |
| Carole Rollins                       | 13193 Oro Quincy Hwy<br>Berry Creek, CA 95916 | 330-589-9947           |

Will there be any remodeling done? If so, please explain in detail – permits may be required.

Carole Rollins  
**Signature of Owner/Applicant**

9/4/16  
**Date**

**For Office Use Only:**  
 Business License Occupancy Fee: \$143.10

*CP* *JH*

|                       |  |  |
|-----------------------|--|--|
| Credit Card Payment:  | <input checked="" type="checkbox"/> VISA | <input type="checkbox"/> Cash          |
| Expiration Date _____ | <input type="checkbox"/> MC              | <input type="checkbox"/> Check # _____ |



# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

**Donald Rust**  
DIRECTOR

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

### ATTENTION: AGENCIES AND INTERESTED PARTIES

The project listed below has been filed with the Community Development Department. You are invited to comment because your property is located near the proposed project. Please comment in the space below. You may attach additional pages as necessary.

Please submit your comments to this department no later than **Thursday, July 28, 2016** to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. If you have no comment, a reply is not necessary.

**ASSESSOR**  
**PARCEL** 012-042-037  
**NUMBER:**

**FILE** Use Permit No. 16-04  
**NUMBER:**

**APPLICANT:** Carole Rollins

**ZONING:** Downtown Mixed Use (MXD)

**LOCATION:** 2330 Bird Street

**CONTACT** Luis A. Topete,  
**PERSON:** Associate Planner  
530 538-2408  
530 538-2426 Fax  
[topetela@cityoforoville.org](mailto:topetela@cityoforoville.org)

### VICINITY MAP



### PROJECT DESCRIPTION:

**UP 16-04: Environment Celebration Institute** – The City of Oroville Planning Commission will conduct a public hearing to review and consider approving Use Permit No. 16-04 for the operation of Nature's Solution (Environment Celebration Institute) at the property identified as 2330 Bird Street (APN: 012-042-037). The Environment Celebration Institute is a non-profit organization looking to primarily use the subject property as a manufacturing and distribution facility to make and package their organic fertilizer products. There will be a storefront and portable classroom onsite. The outside area will be used for a demonstration garden where the community can come and buy fruits and vegetables and learn how to grow edible plants at their own homes.

**NOTICE IS HEREBY GIVEN** that the City of Oroville Planning Commission will hold a public hearing on the project described above. Said hearing will be held at **7:00 p.m. on Thursday, July 28, 2016** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.





# City of Oroville

*Donald Rust*  
DIRECTOR

## 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 PUBLIC HEARING BEFORE THE CITY OF OROVILLE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Oroville will hold a public hearing on the projects described below. Said hearing will be held at **7:00 p.m. on Thursday, July 28, 2016** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **TPM 16-03: Separate Two Existing HUD Public Housing Projects** – The City of Oroville Planning Commission will conduct a public hearing to consider approving Tentative Parcel Map No. 16-03 to separate two existing U.S. Department of Housing and Urban Development (HUD) public housing projects: “Gardella” – HUD Project No. CA30-P043-014 and “Seventh and Pomona” – HUD Project No. CA30-P043-015. The subject property is generally bounded by Pomona Avenue to the north, 7<sup>th</sup> Avenue to the east, 8<sup>th</sup> Avenue to the west, and bisected by Gardella Avenue, on the parcel identified as APN: 012-174-018. The purpose of this land division is to separate the projects onto their own, respective parcels. The Housing Authority is required to separate these projects as each requires its own unique encumbrances.
2. **UP 16-04: Environment Celebration Institute** – The City of Oroville Planning Commission will conduct a public hearing to review and consider approving Use Permit No. 16-04 for the operation of Nature’s Solution (Environment Celebration Institute) at the property identified as 2330 Bird Street (APN: 012-042-037). The Environment Celebration Institute is a non-profit organization looking to primarily use the subject property as a manufacturing and distribution facility to make and package their organic fertilizer products. There will be a storefront and portable classroom onsite. The outside area will be used for a demonstration garden where the community can come and buy fruits and vegetables and learn how to grow edible plants at their own homes.
3. **UP 16-05: The Axiom Youth Center** – The City of Oroville Planning Commission will conduct a public hearing to review and consider approving Use Permit No. 16-05 for the operation of the Axiom youth center at the property identified as 1420 Myers Street (APN: 012-092-004). The project site has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. The Axiom is a non-profit afterschool program for 6<sup>th</sup> – 12<sup>th</sup> graders that will be open Monday – Fridays from 3:00 p.m. to 6:00 p.m. Services provided include on the job training with a student ran café, study and work space, workshops, tutoring, counseling, and a gaming area for the participants which includes video games and pool tables. The Axiom will also offer their

facility, for a monthly rate and outside of their aforementioned operational hours, to be used as co-working/office space for free-lancers, business owners, and telecommuters.

Additional information regarding the projects described in this notice can be obtained from the Oroville Community Development Department at 1735 Montgomery Street, Oroville, CA. Anyone desiring to submit information, opinions or objections is requested to submit them in writing to the Community Development Department prior to the hearing. In accordance with Government Code Section 65009, if you challenge an action on these projects in court, you may be limited to raising only those issues you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public meetings.

Posted/Published: **Monday, July 18, 2016**



# City of Oroville

Donald Rust  
DIRECTOR

## 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

July 28, 2016

**UP 16-05: The Axiom Youth Center** - The Oroville Planning Commission will review and consider approving Use Permit No. 16-05 for the operation of the Axiom youth center at the property identified as 1420 Myers Street (APN: 012-092-004). The project site has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. The Axiom is a non-profit afterschool program for 6<sup>th</sup> – 12<sup>th</sup> graders that will be open Monday – Fridays from 3:00 p.m. to 6:00 p.m. Services provided include on the job training with a student ran café, study and work space, workshops, tutoring, counseling, and a gaming area for the participants which includes video games and pool tables. The Axiom will also offer their facility, for a monthly rate and outside of their aforementioned operational hours, to be used as co-working/office space for free-lancers, business owners, and telecommuters.

**APPLICANTS:** The Axiom Project Inc.  
2130 Montgomery Street  
Oroville, CA 95965  
(530) 533-8010

**LOCATION:** 1420 Myers Street  
Oroville, CA 95965  
APN: 012-092-004  
(Attachment A)

**GENERAL PLAN:** Mixed Use  
**ZONING:** Downtown Mixed Use (MXD)  
**FLOOD ZONE:** ZONE X: Areas determined to be outside the 0.2% annual chance floodplain.

### ENVIRONMENTAL DETERMINATION:

Class 1 Categorical Exemption - Existing Facilities; Title 14, CCR, §15301

### REPORT PREPARED BY:

  
Luis A. Topete, Associate Planner  
Community Development Department

### REVIEWED BY:

  
Donald Rust, Director  
Community Development Department

## 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. 16-05 for the operation of the Axiom non-profit youth center at the property identified as 1420 Myers Street (APN: 012-092-004), as described herein; and
2. **ADOPT** the Class 1 Categorical Exemption – Existing Facilities, Title 14, CCR, Section 15301 as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) Statute and Guidelines (**Attachment B**); and
3. **ADOPT** the recommended Findings for Use Permit No. 16-05 (**Attachment C**);
4. **ADOPT** Resolution No. P2016-13 (**Attachments D**); and
5. **APPROVE** the Conditions of Approval for Use Permit No. 16-05 (**Attachment E**).

## SUMMARY

The Oroville Planning Commission will review and consider approving Use Permit No. 16-05 for the operation of the Axiom youth center at the property identified as 1420 Myers Street (APN: 012-092-004). The project site has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. The Axiom is a non-profit afterschool program for 6<sup>th</sup> – 12<sup>th</sup> graders that will be open Monday – Fridays from 3:00 p.m. to 6:00 p.m. Services provided include on the job training with a student ran café, study and work space, workshops, tutoring, counseling, and a gaming area for the participants which includes video games and pool tables. The Axiom will also offer their facility, for a monthly rate and outside of their aforementioned operational hours, to be used as co-working/office space for free-lancers, business owners, and telecommuters. The hours for the co-working/office space will be from 7:30 a.m. to 2:30 p.m. and 6:30 p.m. to 10:00 p.m.

## BACKGROUND

The Axiom is proposing to occupy an existing building located at 1420 Myers Street (APN: 012-092-004), which is in a Downtown Mixed Use (MXD) zone. All of the surrounding parcels are zoned MXD, as this is the City of Oroville's downtown area. There are several land use classifications of the City's Zoning Ordinance that apply to the proposed use, including meeting facility, commercial recreational facility – indoor, restaurant or café, and office. All the aforementioned land uses are permitted by right in an MXD zone, with the exception of commercial recreational facility – indoor, which requires a use permit in all MXD zones.

## DISCUSSION

The operating characteristics of the proposed use, non-profit youth center, has met some public opposition from surrounding businesses/property owners expressing their concerns

that the location of the Axiom may not be compatible with surrounding land uses and the that the building would be better served by a retailer. To date, the building has been vacant for many years, with the City's records indicating the last occupant of a portion of the building being the "District Attorney Family Support Division." The proposed relocation offers an opportunity for a long-standing vacant building to be occupied by a rent paying tenant and their previous building to be occupied by a new or expanding business.

One area of concern from surrounding businesses/property owners is the presence of alcohol serving establishments. There are several existing and proposed businesses within 600ft of the project site that have active California Department of Alcoholic Beverage Control (ABC) licenses, which includes:

- Casa Vieja at 1560 Huntoon Street (Type 47)
- Copa De Oro at 1445 Myers Street (Type 47)
- Tong Fong Low at 2051 Robinson Street (Type 41)
- Pho Express at 2025 Bird Street (Type 41)
- Miners Alley Brewing Company at 1368 Myers Street (Type 47)
- Butte County Wine Company at 1440 Myers Street, Suite A (Type 42)
- Eagles Lodge at 2010 Montgomery Street (Type 51)

The California Alcoholic Beverage Control Act § 23789 specifies that ABC "is specifically authorized to refuse the issuance, other than renewal or ownership transfer, of any retail license for premises located within at least 600 feet of schools and public playgrounds or nonprofit youth facilities, including, but not limited to, facilities serving Girl Scouts, Boy Scouts, or Campfire Girls" (**Attachment I**). Generally, ABC will deny a license in the above situations when there is evidence that normal operation of the licensed premises will be contrary to public welfare and morals. However, mere proximity by itself is not sufficient to deny the license<sup>1</sup>. For example, the licensing of the Miners Alley Brewing Company (both their indoor and outdoor venue), and the licensing of the Butte County Wine Company were both within 600ft of the Axiom's previous location but did not prevent them from obtaining their ABC licenses. Additionally, as stated above, § 23789 of the Act does not impact renewal or ownership transfers as seen in the transfer of licenses from Bird Street Café to Pho Express and the renewal of existing licenses that has been ongoing.

The services provided by the Axiom can help students' academic performance, reduce risky behaviors, and provide a safe, structured environment for the children of working parents. There are many documented examples of the benefits that can result from afterschool youth programs<sup>2</sup>. The project has been conditioned to comply all requirements of the City's Noise Ordinance as found in Chapter 9.20 and the City's Nuisance Code as found in Chapter 9.08 of the Municipal Code. Additionally, pursuant to Section 17.48.010(F), 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 if it finds, based on substantial evidence, that any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, or a

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<sup>1</sup> [http://www.abc.ca.gov/questions/licenses\\_faq.html#Q.18](http://www.abc.ca.gov/questions/licenses_faq.html#Q.18).

<sup>2</sup> <http://youth.gov/youth-topics/afterschool-programs/benefits-youth-families-and-communities>

law, including any requirement in the Zoning Code, has been violated in connection with the permit. Thus, in addition to the general code enforcement mechanisms (citations, fines, etc.) available to address a violation of the City’s nuisance or noise ordinance, the ability to review the use permit for revocation serves as an additional enforcement mechanism should substantial evidence warrant such action.

**ENVIRONMENTAL REVIEW**

This project has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 “Existing Facilities.” Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 1 (Existing Facilities) 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 proposed relocation of the Axiom involves the use of an existing building with some interior improvements for the setup of their operations. The relocation of their existing operations to this proposed location is a matter of permitting, leasing, and interior alterations to an existing building with no proposed expansion to the existing structure. It has therefore been determined that the use permit request will not have a significant effect on the environment. Thus, this project is exempt from the provisions of CEQA.

**FISCAL IMPACT**

The total fees associated with this project are as follows:

| Item         | Price             | Tech Fee        | Total             | Paid       |
|--------------|-------------------|-----------------|-------------------|------------|
| Use Permit   | \$2,822.00        | \$169.32        | \$2,991.32        | Yes        |
| <b>Total</b> | <b>\$2,822.00</b> | <b>\$169.32</b> | <b>\$2,991.32</b> | <b>Yes</b> |

Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife 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 – Community Development Department within five working days of approval of this project. These fees will be paid for through the funds deposited.

**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 J**). Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register (**Attachment K**) and posted at City Hall.

## **ATTACHMENTS**

- A – Vicinity Map
- B – Notice of Exemption
- C – Findings
- D – Resolution No. P2016-13
- E – Conditions of Approval
- F – Project Description
- G – Floor Plan
- H – ABC License Types
- I – California Alcoholic Beverage Control Act § 23789
- J – Property Owner Notice
- K – Newspaper Notice





**CITY OF OROVILLE PLANNING DIVISION**

|   |  |  |  |   |
|---|--|--|--|---|
| <i>Applicant:</i><br>The Axiom Project Inc.                       |  | <i>Project Title:</i><br>The Axiom Youth Center        |  | <br><b>N</b> |
| <i>Project Location:</i><br>1420 Myers Street, Oroville, CA 95965 |  |  |  |   |
| <i>Hearing Date:</i><br>July 28, 2016                             | <i>Zoning Designation:</i><br>Downtown Mixed Use (MXD) | <i>Requested Entitlements:</i><br>Use Permit No. 16-05 |  |   |
| <i>TRAKiT #</i><br>Project#: PL1606-015                           | <i>Assessor's Parcel #:</i><br>012-092-004             |  |  | UP 16-05  |





# City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust  
DIRECTOR

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  
25 County Center Drive  
Oroville CA, 95965

**FROM:** City of Oroville  
1735 Montgomery Street  
Oroville, CA, 95965

Project Title: UP 16-05: The Axiom Youth Center

Project Location – Specific: 1420 Myers Street (APN: 012-092-004)

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, the Axiom Project Inc., has applied for a Use Permit (UP 16-05) for the operation of the Axiom youth center at the property identified as 1420 Myers Street (APN: 012-092-004). The project site has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. The Axiom is a non-profit afterschool program for 6<sup>th</sup> – 12<sup>th</sup> graders that will be open Monday – Fridays from 3:00 p.m. to 6:00 p.m. Services provided include on the job training with a student ran café, study and work space, workshops, tutoring, counseling, and a gaming area for the participants which includes video games and pool tables. The Axiom will also offer their facility, for a monthly rate and outside of their aforementioned operational hours, to be used as co-working/office space for free-lancers, business owners, and telecommuters.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying out Project: The Axiom Project Inc.

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:
- Existing Facilities; Title 14, CCR, Section 15301
- Statutory Exemption: State code number:

Reasons why project is exempt: This project has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities." Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 1 (Existing Facilities) 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 proposed relocation of the Axiom involves the use of an existing building with some

interior improvements for the setup of their operations. The relocation of their existing operations to this proposed location is a matter of permitting, leasing, and interior alterations to an existing building with no proposed expansion to the existing structure. It has therefore been determined that the use permit request will not have a significant effect on the environment. Thus, this project is exempt from the provisions of 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: Luis A. Topete

Telephone: (530) 538-2408

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

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

- Signed by Lead Agency
- Signed by Applicant

## FINDINGS

### UP 16-05: The Axiom Youth Center

#### A. INTRODUCTION

The project applicant, the Axiom Project Inc., has applied for a Use Permit (UP 16-05) for the operation of the Axiom youth center at the property identified as 1420 Myers Street (APN: 012-092-004). The project site has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. The Axiom is a non-profit afterschool program for 6<sup>th</sup> – 12<sup>th</sup> graders that will be open Monday – Fridays from 3:00 p.m. to 6:00 p.m. Services provided include on the job training with a student ran café, study and work space, workshops, tutoring, counseling, and a gaming area for the participants which includes video games and pool tables. The Axiom will also offer their facility, for a monthly rate and outside of their aforementioned operational hours, to be used as co-working/office space for free-lancers, business owners, and telecommuters.

#### B. CATEGORICAL EXEMPTION

This project has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 “Existing Facilities.” Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 1 (Existing Facilities) 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 proposed relocation of the Axiom involves the use of an existing building with some interior improvements for the setup of their operations. The relocation of their existing operations to this proposed location is a matter of permitting, leasing, and interior alterations to an existing building with no proposed expansion to the existing structure. It has therefore been determined that the use permit request will not have a significant effect on the environment. Thus, this project is exempt from the provisions of CEQA.

#### C. USE PERMIT FINDINGS

Pursuant to Section 17.48.010(E)(4), the Planning Commission may grant a use permit only upon making all of the following findings, based on substantial evidence:

- a. 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.*

- b. 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 Axiom will be occupying an existing building located at 1420 Myers Street (APN: 012-092-004), which is in a Downtown Mixed Use (MXD) zone. All of the surrounding parcels are zoned MXD, as this is the City of Oroville's downtown area. There are several land use classifications of the City's Zoning Ordinance that apply to the proposed use, including meeting facility, commercial recreational facility – indoor, restaurant or café, and office. All the aforementioned land uses are permitted by right in an MXD zone, with the exception of commercial recreational facility – indoor, which requires a use permit in all MXD zones. The applicant will therefore be following sound principles of land use by being locating in a zoning district where the City Code has planned for this type of land use to be located through the appropriate permitting process which the applicant has applied for. Additionally, the project fronts Bird Street and Myers Street giving it direct access to the City's local transportation network, and there are no known public services that will be significantly impacted by the operations of the proposed business.*

- c. 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. As part of this permit, the applicant is required to obtain a zoning clearance/occupancy inspection from the Building Division prior to building occupancy. If at the time of inspection any inadequacies in the conditions of water, sanitation or utility supply to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of*

*occupancy.*

- d. 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.

*As the relocation of the Axiom to 1420 Myers Street involves the use of an existing building, with no proposed increase in building area or exterior alterations, the size and design of the existing structure is and will remain harmonious and compatible with the surrounding neighborhood. The operating characteristics of the proposed use, non-profit youth center, has met some public opposition from surrounding businesses/property owners expressing their concerns that the location of the Axiom may not be compatible with surrounding land uses and the that the building would be better served by a retailer. To date, the building has been vacant for many years, with the City's records indicating the last occupant of a portion of the building being the "District Attorney Family Support Division." The proposed relocation offers an opportunity for a long-standing vacant building to be occupied by a rent paying tenant and their previous building to be occupied by a new or expanding business.*

*One area of concern from surrounding businesses/property owners is the presence of alcohol serving establishments. There are several existing and proposed businesses within 600ft of the project site that have active California Department of Alcoholic Beverage Control (ABC) licenses, which includes:*

- Casa Vieja at 1560 Huntoon Street (Type 47)*
- Copa De Oro at 1445 Myers Street (Type 47)*
- Tong Fong Low at 2051 Robinson Street (Type 41)*
- Pho Express at 2025 Bird Street (Type 41)*
- Miners Alley Brewing Company at 1368 Myers Street (Type 47)*
- Butte County Wine Company at 1440 Myers Street, Suite A (Type 42)*
- Eagles Lodge at 2010 Montgomery Street (Type 51)*

*The California Alcoholic Beverage Control Act § 23789 specifies that ABC "is specifically authorized to refuse the issuance, other than renewal or ownership transfer, of any retail license for premises located within at least 600 feet of schools and public playgrounds or nonprofit youth facilities, including, but not limited to, facilities serving Girl Scouts, Boy Scouts, or Campfire Girls." Generally, ABC will deny a license in the above situations when there is evidence that normal operation of the licensed premises will be contrary to public welfare and morals. However, mere proximity by itself is not sufficient to deny the license. For example, the licensing of the Miners Alley Brewing Company (both their indoor and outdoor venue), and the licensing of the Butte County Wine Company were both within 600ft of the Axiom's previous location but did not prevent them from obtaining their ABC licenses. Additionally, as stated above, § 23789 of the Act does not impact renewal or ownership transfers as seen in the transfer of licenses from Bird Street Café to Pho Express and the renewal of existing*

licenses that has been ongoing.

*As proposed and conditioned, the operating characteristics of the proposed use will not conflict with the surrounding neighborhood, nor will the proposed use 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 in this chapter, has been violated in connection with the permit; and finally, if the permit was obtained by fraud. The project has been conditioned to comply all requirements of the City's noise ordinance as found in Chapter 9.20. and the City's Nuisance Code as found in Chapter 9.08.*

- e. 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 written description demonstrating that the existing building has adequate space for the desired uses. Additionally, a parking survey conducted by Wood Rogers (transportation planning, traffic analysis and civil engineer) in 2013 found that there is currently a significant oversupply of parking in the Historic Downtown. In addition to available curb-side parking, the project site is less than 400ft away from three public parking lots (Lot B with 74 spaces at the SE corner Downer St and Bird St; Lot C with 50 spaces at the NW corner of Downer St and Robinson St; and Lot D with 85 spaces at the SW corner of Robinson St and Downer St). With the age group being served being 6<sup>th</sup> – 12<sup>th</sup> graders, it is likely that the majority of the youth they serve will not be driving vehicles.*

- f. 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 Axiom is a non-profit afterschool program for 6<sup>th</sup> – 12<sup>th</sup> graders that will be open Monday – Fridays from 3:00 p.m. to 6:00 p.m. The services provided by the Axiom can help students' academic performance, reduce risky behaviors, and provide a safe, structured environment for the children of working parents. The following are additional examples of the benefits that can result from afterschool youth programs:*

- Effective afterschool programs can improve classroom behavior (Wisconsin Department of Public Instruction, 2010), school attendance, academic aspirations, and can reduce the likelihood that a student will drop out (Huang, Leon, La Torre, Mostafavi, 2008).*
- Participation in afterschool programs has been associated with reduced drug use (Investing in Our Young People, University of Chicago, 2006) and criminal behavior (UCLA National Center for Research on Evaluation,*

*Standards and Student Testing, 2007).*

- *Afterschool programs can play an important role in encouraging physical activity and good dietary habits. Participation in afterschool programs has been associated with positive health outcomes, including reduced obesity (Mahoney, J., Lord, H., & Carryl, 2005).*
- *Working families and businesses also derive benefits from afterschool programs that ensure that youth have a safe place to go while parents are at work. Parents concerned about their children's afterschool care miss an average of eight days of work per year, and this decreased worker productivity costs businesses up to \$300 billion annually (Brandeis University, Community, Families and Work Program, 2004 and Catalyst & Brandeis University, 2006).*

*(Source: <http://youth.gov/youth-topics/afterschool-programs/benefits-youth-families-and-communities>)*

*For the aforementioned reasons, it is believed that the Axiom provides services that are necessary and desirable for the neighborhood and community as a whole. Additionally, to date, the building has been vacant for many years, with the City's records indicating the last occupant of a portion of the building being the "District Attorney Family Support Division." The proposed relocation offers an opportunity for a long-standing vacant building to be occupied by a rent paying tenant and their previous building to be occupied by a new or expanding business. As stated above (b.), the size, intensity and location of the proposed use will not have any negative impact on the neighborhood or community as a whole and is a suitable use for the property and zoning district in which it is located.*

- g. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, Zoning Code, and of the City's Municipal Code.

*The permit application has been reviewed by staff and the project, as conditioned, 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. In addition, section 17.48.010(F) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that any of the conditions of the permit 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 has been violated in connection with the permit, or if the permit was obtained by fraud.*



**RESOLUTION NO. P2016-13**

**A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 16-05 TO ALLOW THE AXIOM YOUTH CENTER TO OPERATE AT 1420 MYERS STREET (APN: 012-092-004)**

**WHEREAS**, the project applicant, the Axiom Project Inc., has applied for a Use Permit (UP 16-05) for the operation of the Axiom youth center at the property identified as 1420 Myers Street (APN: 012-092-004); and

**WHEREAS**, the project site has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use; and

**WHEREAS**, the Axiom is a non-profit afterschool program for 6<sup>th</sup> – 12<sup>th</sup> graders that will be open Monday – Fridays from 3:00 p.m. to 6:00 p.m.; and

**WHEREAS**, services provided include on the job training with a student ran café, study and work space, workshops, tutoring, counseling, and a gaming area for the participants which includes video games and pool tables; and

**WHEREAS**, the Axiom will also offer their facility, for a monthly rate and outside of their aforementioned operational hours, to be used as co-working/office space for free-lancers, business owners, and telecommuters; and

**WHEREAS**, at a 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 City staff's report regarding the project.

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

1. This action has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities."
2. Pursuant to the City's Municipal Code section 17.48.010(E)(4), the Planning Commission may grant a use permit only upon making all of the following findings, based on substantial evidence:
  - a. 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.*

- b. 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 Axiom will be occupying an existing building located at 1420 Myers Street (APN: 012-092-004), which is in a Downtown Mixed Use (MXD) zone. All of the surrounding parcels are zoned MXD, as this is the City of Oroville's downtown area. There are several land use classifications of the City's Zoning Ordinance that apply to the proposed use, including meeting facility, commercial recreational facility – indoor, restaurant or café, and office. All the aforementioned land uses are permitted by right in an MXD zone, with the exception of commercial recreational facility – indoor, which requires a use permit in all MXD zones. The applicant will therefore be following sound principles of land use by being locating in a zoning district where the City Code has planned for this type of land use to be located through the appropriate permitting process which the applicant has applied for. Additionally, the project fronts Bird Street and Myers Street giving it direct access to the City's local transportation network, and there are no known public services that will be significantly impacted by the operations of the proposed business.*

- c. 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. As part of this permit, the applicant is required to obtain a zoning clearance/occupancy inspection from the Building Division*

*prior to building occupancy. If at the time of inspection any inadequacies in the conditions of water, sanitation or utility supply to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy.*

- d. 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.

*As the relocation of the Axiom to 1420 Myers Street involves the use of an existing building, with no proposed increase in building area or exterior alterations, the size and design of the existing structure is and will remain harmonious and compatible with the surrounding neighborhood. The operating characteristics of the proposed use, non-profit youth center, has met some public opposition from surrounding businesses/property owners expressing their concerns that the location of the Axiom may not be compatible with surrounding land uses and the that the building would be better served by a retailer. To date, the building has been vacant for many years, with the City's records indicating the last occupant of a portion of the building being the "District Attorney Family Support Division." The proposed relocation offers an opportunity for a long-standing vacant building to be occupied by a rent paying tenant and their previous building to be occupied by a new or expanding business.*

*One area of concern from surrounding businesses/property owners is the presence of alcohol serving establishments. There are several existing and proposed businesses within 600ft of the project site that have active California Department of Alcoholic Beverage Control (ABC) licenses, which includes:*

- Casa Vieja at 1560 Huntoon Street (Type 47)*
- Copa De Oro at 1445 Myers Street (Type 47)*
- Tong Fong Low at 2051 Robinson Street (Type 41)*
- Pho Express at 2025 Bird Street (Type 41)*
- Miners Alley Brewing Company at 1368 Myers Street (Type 47)*
- Butte County Wine Company at 1440 Myers Street, Suite A (Type 42)*
- Eagles Lodge at 2010 Montgomery Street (Type 51)*

*The California Alcoholic Beverage Control Act § 23789 specifies that ABC "is specifically authorized to refuse the issuance, other than renewal or ownership transfer, of any retail license for premises located within at least 600 feet of schools and public playgrounds or nonprofit youth facilities, including, but not limited to, facilities serving Girl Scouts, Boy Scouts, or Campfire Girls." Generally, ABC will deny a license in the above situations when there is evidence that normal operation of the licensed premises will be contrary to public welfare and morals. However, mere proximity by itself is not sufficient to deny the license. For example, the licensing of the Miners*

*Alley Brewing Company (both their indoor and outdoor venue), and the licensing of the Butte County Wine Company were both within 600ft of the Axiom's previous location but did not prevent them from obtaining their ABC licenses. Additionally, as stated above, § 23789 of the Act does not impact renewal or ownership transfers as seen in the transfer of licenses from Bird Street Café to Pho Express and the renewal of existing licenses that has been ongoing.*

*As proposed and conditioned, the operating characteristics of the proposed use will not conflict with the surrounding neighborhood, nor will the proposed use 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 in this chapter, has been violated in connection with the permit; and finally, if the permit was obtained by fraud. The project has been conditioned to comply all requirements of the City's noise ordinance as found in Chapter 9.20. and the City's Nuisance Code as found in Chapter 9.08.*

- e. 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 written description demonstrating that the existing building has adequate space for the desired uses. Additionally, a parking survey conducted by Wood Rogers (transportation planning, traffic analysis and civil engineer) in 2013 found that there is currently a significant oversupply of parking in the Historic Downtown. In addition to available curb-side parking, the project site is less than 400ft away from three public parking lots (Lot B with 74 spaces at the SE corner Downer St and Bird St; Lot C with 50 spaces at the NW corner of Downer St and Robinson St; and Lot D with 85 spaces at the SW corner of Robinson St and Downer St). With the age group being served being 6th – 12th graders, it is likely that the majority of the youth they serve will not be driving vehicles.*

- f. 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 Axiom is a non-profit afterschool program for 6th – 12th graders that will be open Monday – Fridays from 3:00 p.m. to 6:00 p.m. The services provided by the Axiom can help students' academic performance, reduce risky behaviors, and provide a safe, structured environment for the children of working parents. The following are additional examples of the benefits that can result from afterschool youth programs:*

- *Effective afterschool programs can improve classroom behavior (Wisconsin Department of Public Instruction, 2010), school attendance, academic aspirations, and can reduce the likelihood that a student will drop out (Huang, Leon, La Torre, Mostafavi, 2008).*
- *Participation in afterschool programs has been associated with reduced drug use (Investing in Our Young People, University of Chicago, 2006) and criminal behavior (UCLA National Center for Research on Evaluation, Standards and Student Testing, 2007).*
- *Afterschool programs can play an important role in encouraging physical activity and good dietary habits. Participation in afterschool programs has been associated with positive health outcomes, including reduced obesity (Mahoney, J., Lord, H., & Carryl, 2005).*
- *Working families and businesses also derive benefits from afterschool programs that ensure that youth have a safe place to go while parents are at work. Parents concerned about their children's afterschool care miss an average of eight days of work per year, and this decreased worker productivity costs businesses up to \$300 billion annually (Brandeis University, Community, Families and Work Program, 2004 and Catalyst & Brandeis University, 2006).*

*(Source: <http://youth.gov/youth-topics/afterschool-programs/benefits-youth-families-and-communities>)*

*For the aforementioned reasons, it is believed that the Axiom provides services that are necessary and desirable for the neighborhood and community as a whole. Additionally, to date, the building has been vacant for many years, with the City's records indicating the last occupant of a portion of the building being the "District Attorney Family Support Division." The proposed relocation offers an opportunity for a long-standing vacant building to be occupied by a rent paying tenant and their previous building to be occupied by a new or expanding business. As stated above (b.), the size, intensity and location of the proposed use will not have any negative impact on the neighborhood or community as a whole and is a suitable use for the property and zoning district in which it is located.*

- g. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, Zoning Code, and of the City's Municipal Code.

*The permit application has been reviewed by staff and the project, as conditioned, 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. In addition, section 17.48.010(F) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that any of the conditions of the permit*

*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 has been violated in connection with the permit, or if the permit was obtained by fraud.*

## CONDITIONS OF APPROVAL

**Approved project:** The Planning Commission hereby conditionally approves Use Permit No. 16-05 for the operation of the Axiom youth center at the property identified as 1420 Myers Street (APN: 012-092-004). The project site has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. The Axiom is a non-profit afterschool program for 6th – 12th graders that will be open Monday – Fridays from 3:00 p.m. to 6:00 p.m. Services provided include on the job training with a student ran café, study and work space, workshops, tutoring, counseling, and a gaming area for the participants which includes video games and pool tables. The Axiom will also offer their facility, for a monthly rate and outside of their aforementioned operational hours, to be used as co-working/office space for free-lancers, business owners, and telecommuters.

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 have a current City of Oroville business license and any other applicable permit/license that may be required as part of their operations.
4. The applicant shall pay for and obtain a zoning clearance / occupancy inspection from the Building Division and Fire Department prior to building occupancy.
5. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the code of the City of Oroville to minimize any potential negative effects that the building, structure or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
6. The project site shall not be used for concerts, performances, or other large special events / public assemblies.

7. The main entrance for the students shall be on Bird Street.
8. Applicable construction plans, calculations, specifications, applications, forms, etc shall be submitted to the Building Department for review prior to start of any tenant improvements / construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
9. Students of the Axiom must comply with the Oroville Municipal Code Section 12.28.020 *“Roller skating on city streets—Prohibited except within crosswalks and on designated streets”* which specifies that no person shall roller skate upon any city street, except as follows:
  - A. Within a marked crosswalk or within any unmarked crosswalk at an intersection;
  - B. Any street not designated as a prohibited area, as outlined in Section 12.28.030. (Ord. 1501 § 1)

*(Note: Section 12.28.010 of the Oroville Municipal Code specifies that “for purposes of this chapter, the terms “roller skate” and “roller skater” mean and include any person propelling him or herself or being propelled while on roller skates or on a skateboard.” (Ord. 1501 § 1))*

10. Students of the Axiom must comply with the Oroville Municipal Code Section 12.28.030 *“Roller skating on public sidewalks—Prohibited within designated areas of the downtown business district”* which specifies that no person shall roller skate on the sidewalks within the following areas of the downtown business district of the city between the hours of 9:00 a.m. and 9:00 p.m. Monday through Saturday:
  - A. That area bounded on and inclusive of Arline Rhine Drive to the north and Mitchell Avenue to the south; Bridge Street to the east and Oak Street to the west;
  - B. Any other roadway which is so posted with signs no less than every 250 feet containing the words “No skateboarding allowed” and this section contained therein. (Ord. 1501 § 1)
11. Every person roller skating on a street designated for roller skating by Chapter 12.28 of the Oroville Municipal Code shall comply with all “rules of the road” as specified in Section 12.28.050.
12. Except as otherwise provided by Chapter 12.28 of the Oroville Municipal Code, every person roller skating on any public street, sidewalk, or bicycle path, or within any of the ways and places of the City, shall comply with all rules of the road applicable to pedestrians established by this Code or by the Vehicle Code of the State. (Ord. 1501 § 1)

13. Students shall not ride or park bicycles on the sidewalk and the use of bicycles shall be in full compliance with applicable sections of the California Vehicle Code.
14. The project shall comply with all requirements of the City's Noise Ordinance as found in Chapter 9.20 and the City's Nuisance Code as found in Chapter 9.08 of the Oroville Municipal Code.
15. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
16. Pursuant to Section 17.48.010(F), 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:
  - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
  - b. Any of the terms or conditions of the permit have been violated.
  - c. A law, including any requirement in the Zoning Code, has been violated in connection with the permit.
  - d. The permit was obtained by fraud.

**--- End of Conditions ---**

**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 28<sup>th</sup> of July, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

\_\_\_\_\_  
DONALD L. RUST, SECRETARY

\_\_\_\_\_  
DAMON ROBISON, CHAIRPERSON

## CONDITIONS OF APPROVAL

**Approved project:** The Planning Commission hereby conditionally approves Use Permit No. 16-05 for the operation of the Axiom youth center at the property identified as 1420 Myers Street (APN: 012-092-004). The project site has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. The Axiom is a non-profit afterschool program for 6th – 12th graders that will be open Monday – Fridays from 3:00 p.m. to 6:00 p.m. Services provided include on the job training with a student ran café, study and work space, workshops, tutoring, counseling, and a gaming area for the participants which includes video games and pool tables. The Axiom will also offer their facility, for a monthly rate and outside of their aforementioned operational hours, to be used as co-working/office space for free-lancers, business owners, and telecommuters.

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 have a current City of Oroville business license and any other applicable permit/license that may be required as part of their operations.
4. The applicant shall pay for and obtain a zoning clearance / occupancy inspection from the Building Division and Fire Department prior to building occupancy.
5. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the code of the City of Oroville to minimize any potential negative effects that the building, structure or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
6. The project site shall not be used for concerts, performances, or other large special events / public assemblies.
7. The main entrance for the students shall be on Bird Street.
8. Applicable construction plans, calculations, specifications, applications, forms, etc shall be submitted to the Building Department for review prior to start of any tenant

improvements / construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.

9. Students of the Axiom must comply with the Oroville Municipal Code Section 12.28.020 *“Roller skating on city streets—Prohibited except within crosswalks and on designated streets”* which specifies that no person shall roller skate upon any city street, except as follows:
  - A. Within a marked crosswalk or within any unmarked crosswalk at an intersection;
  - B. Any street not designated as a prohibited area, as outlined in Section 12.28.030. (Ord. 1501 § 1)

*(Note: Section 12.28.010 of the Oroville Municipal Code specifies that “for purposes of this chapter, the terms “roller skate” and “roller skater” mean and include any person propelling him or herself or being propelled while on roller skates or on a skateboard.” (Ord. 1501 § 1))*

10. Students of the Axiom must comply with the Oroville Municipal Code Section 12.28.030 *“Roller skating on public sidewalks—Prohibited within designated areas of the downtown business district”* which specifies that no person shall roller skate on the sidewalks within the following areas of the downtown business district of the city between the hours of 9:00 a.m. and 9:00 p.m. Monday through Saturday:
  - A. That area bounded on and inclusive of Arline Rhine Drive to the north and Mitchell Avenue to the south; Bridge Street to the east and Oak Street to the west;
  - B. Any other roadway which is so posted with signs no less than every 250 feet containing the words “No skateboarding allowed” and this section contained therein. (Ord. 1501 § 1)
11. Every person roller skating on a street designated for roller skating by Chapter 12.28 of the Oroville Municipal Code shall comply with all “rules of the road” as specified in Section 12.28.050.
12. Except as otherwise provided by Chapter 12.28 of the Oroville Municipal Code, every person roller skating on any public street, sidewalk, or bicycle path, or within any of the ways and places of the City, shall comply with all rules of the road applicable to pedestrians established by this Code or by the Vehicle Code of the State. (Ord. 1501 § 1)
13. Students shall not ride or park bicycles on the sidewalk and the use of bicycles shall be in full compliance with applicable sections of the California Vehicle Code.

14. The project shall comply with all requirements of the City's Noise Ordinance as found in Chapter 9.20 and the City's Nuisance Code as found in Chapter 9.08 of the Oroville Municipal Code.
15. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
16. Pursuant to Section 17.48.010(F), 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:
  - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
  - b. Any of the terms or conditions of the permit have been violated.
  - c. A law, including any requirement in the Zoning Code, has been violated in connection with the permit.
  - d. The permit was obtained by fraud.

**--- End of Conditions ---**



# THE AXIOM

2130 Montgomery Street - Oroville, CA - 95965 - 530.533.8010

To whom it may concern,

We are writing this letter in hopes that you might consider waving the fee for the use permit of \$2,991.32 or possibly reduce the fee, or allow a payment plan to be arranged for the amount.

We are requesting this because we are a non profit organization with the goal of creating platforms of success for students. Our goal is to give as much as the funding as possible directly to serving the students. A lot of our students are disadvantaged, we believe in going the extra mile to show them that they have support, that could mean attending a school play, or sporting event, purchasing track shoes, providing a home or supporting their spaghetti dinner fundraiser. What ever the need is we do our very best to meet it. We did not know that our current use permit was tied to the land not our business and we have not planned for an expense such as this along with the expenses of moving. Please consider our request.

Here is an overview of scope of actual use at axiom 1420 Myers St. The maximum number of people in the building is not expected to exceed 150 individuals (or the maximum determined by occupancy permit.) Axiom office personnel will not exceed 15.

Primary hours of use will be Monday - Friday 3:00 pm to 6:00 pm. Operation entails activities of the Axiom Youth Center including but not limited to: Video games, billiards, a cafe, study and work space, workshops, tutoring and promotional events.

Additionally, 1420 Myers St. will be used as co-working space for subscribers. This includes free lancers, business owners, and telecommuters that pay a monthly rate in order to use the Axiom facilities as workspace outside of our operational hours.

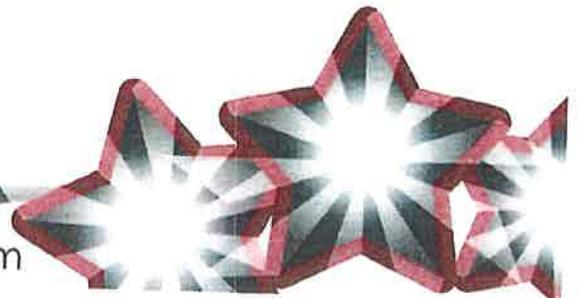
Overall the building will be used primarily to fulfill the mission of the Axiom, to build platforms of success for students to realize and utilize their untapped potential.

Thank you for your time and consideration.

Sincerely,

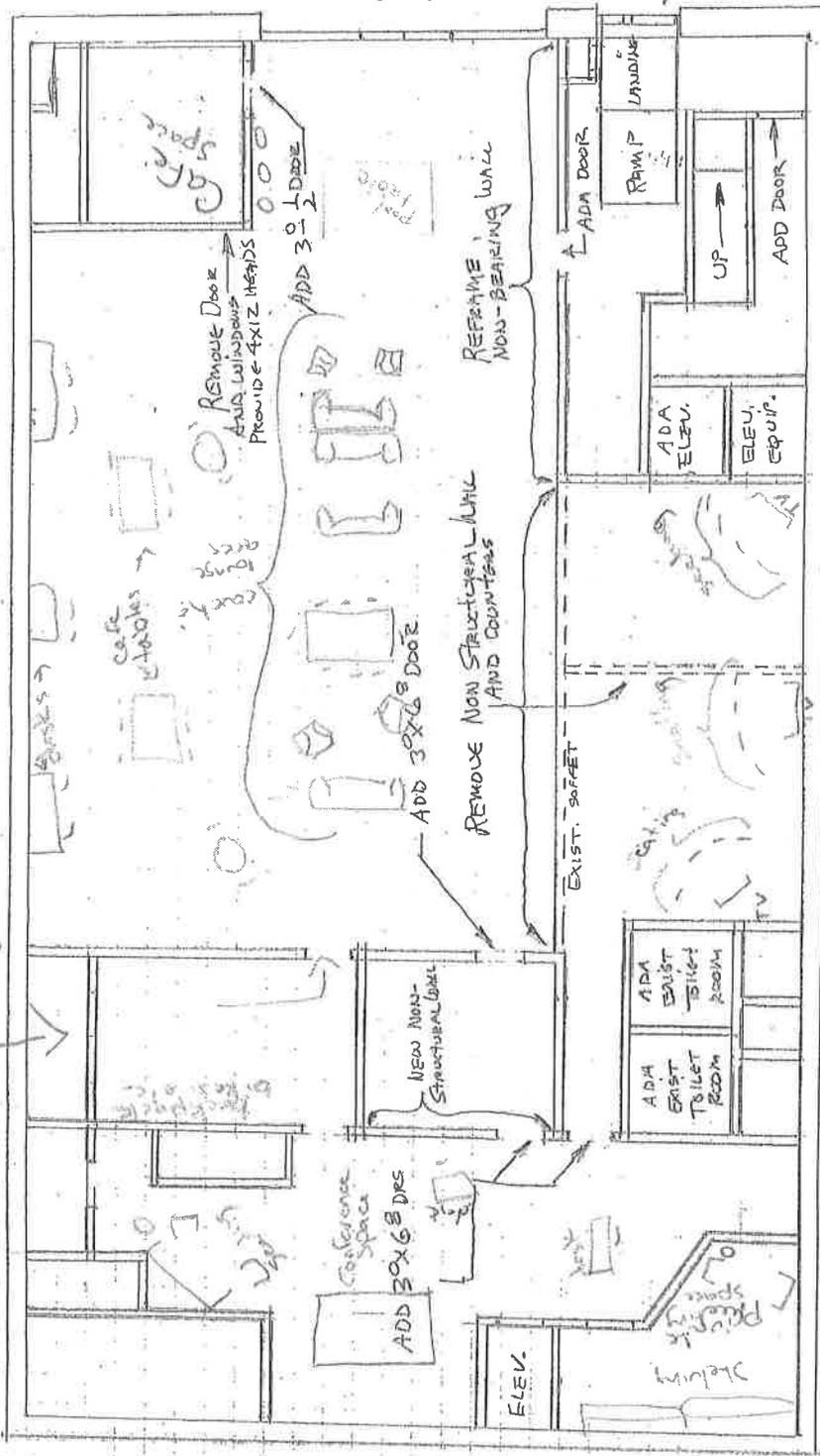


Rachel M. Cowan  
Axiom Manager  
530-520-6454  
[rachel@theaxiom.org](mailto:rachel@theaxiom.org)  
[www.theaxiom.org](http://www.theaxiom.org)





Handwritten note: Main Entrance



OWNER - CHARLES AND LINDA CAREY  
 ADDRESS - 1979 BIRD - 1710 MYERS ST.  
 SCALE - 1/8" = 12"  
 SHEET ONE







Department of Alcoholic Beverage Control

State of California

**COMMON ABC LICENSE TYPES  
AND THEIR BASIC PRIVILEGES**

| LICENSE TYPE | DESCRIPTION  |
|--------------|--|
| 01           | <b>BEER MANUFACTURER</b> - (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer's licensed premises. Without any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer's licensed premises or at a bona fide eating place contiguous to the manufacturer's licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.  |
| 02           | <b>WINEGROWER</b> - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises. |
| 20           | <b>OFF SALE BEER &amp; WINE</b> - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.  |
| 21           | <b>OFF SALE GENERAL</b> - (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.   |
| 23           | <b>SMALL BEER MANUFACTURER</b> - (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.  |
| 40           | <b>ON SALE BEER</b> - (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.  |
| 41           | <b>ON SALE BEER &amp; WINE – EATING PLACE</b> - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.  |
| 42           | <b>ON SALE BEER &amp; WINE – PUBLIC PREMISES</b> - (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.   |
| 47           | <b>ON SALE GENERAL – EATING PLACE</b> - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.  |
| 48           | <b>ON SALE GENERAL – PUBLIC PREMISES</b> - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.  |
| 49           | <b>ON SALE GENERAL – SEASONAL</b> - Authorizes the same privileges and restrictions as provided for a Type 47 license except it is issued for a specific season. Inclusive dates of operation are listed on the license certificate.   |



| LICENSE TYPE | DESCRIPTION   |
|--------------|---|
| 51           | <b>CLUB</b> - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. No off-sale privileges. Food service is not required. Minors are allowed on the premises.  |
| 52           | <b>VETERAN'S CLUB</b> - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guest only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.  |
| 57           | <b>SPECIAL ON SALE GENERAL</b> - Generally issued to certain organizations who cannot qualify for club licenses. Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guests only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.  |
| 59           | <b>ON SALE BEER AND WINE – SEASONAL</b> - Authorizes the same privileges as a Type 41. Issued for a specific season. Inclusive dates of operation are listed on the license certificate.  |
| 60           | <b>ON SALE BEER – SEASONAL</b> - Authorizes the sale of beer only for consumption on or off the premises where sold. Issued for a specific season. Inclusive dates of operation are listed on the license certificate. Wine or distilled spirits may not be on the premises. Minors are allowed on the premises.  |
| 61           | <b>ON SALE BEER – PUBLIC PREMISES</b> - (Bar, Tavern) Authorizes the sale of beer only for consumption on or off the licensed premises. Wine or distilled spirits may not be on the premises. Minors are not allowed to enter and remain (warning signs required). Food service is not required.  |
| 67           | <b>BED AND BREAKFAST INN</b> - Authorizes the sale of wine purchased from a licensed winegrower or wine wholesaler only to registered guests of the establishment for consumption on the premises. No beer or distilled spirits may be on the premises. Wine shall not be given away to guests, but the price of the wine shall be included in the price of the overnight transient occupancy accommodation. Removal of wine from the grounds is not permitted. Minors are allowed on the premises.                         |
| 70           | <b>ON SALE GENERAL – RESTRICTIVE SERVICE</b> - Authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. This license is normally issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour. Minors are allowed on the premises.  |
| 75           | <b>ON SALE GENERAL – BREWPUB</b> - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on a bona fide eating place plus a limited amount of brewing of beer. Also authorizes the sale of beer and wine only for consumption off the premises where sold. Minors are allowed on the premises.   |
| 80           | <b>BED AND BREAKFAST INN – GENERAL</b> - Authorizes the sale of beer, wine and distilled spirits purchased from a licensed wholesaler or winegrower only to registered guests of the establishment for consumption on the premises. Alcoholic beverages shall not be given away to guests, but the price of the alcoholic beverage shall be included in the price of the overnight transient occupancy accommodation. Removal of alcoholic beverages from the grounds is not permitted. Minors are allowed on the premises. |
| 86           | <b>INSTRUCTIONAL TASTING LICENSE</b> —Issued to the holder of and premises of a Type 20 or Type 21 license, authorizes the tasting of alcoholic beverages as authorized to be sold from the off-sale premises, on a limited basis. Requires physical separation from the off-sale premises while tasting is taking place and generally requires the participation of a specifically-authorized manufacturer or wholesaler licensee.   |



## SPECIAL EVENTS

The Department also issues licenses and authorizations for the retail sale of beer, wine and distilled spirits on a temporary basis for special events. The most common are listed below. Other less common ones are found in Business and Professions Code Section 24045.2, et seq.

**SPECIAL DAILY BEER AND/OR WINE LICENSE** - (Form ABC-221) Authorizes the sale of beer and/or wine for consumption on the premises where sold. No off-sale privileges. Minors are allowed on the premises. May be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State. In some instances, the local ABC office may require the applicant to obtain prior written approval of the local law enforcement agency. Issued to non-profit organizations. (Rule 59, California Code of Regulations)

**DAILY ON SALE GENERAL LICENSE** - (Form ABC-221) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. No off-sale privileges. Minors are allowed on the premises. May be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State. In some instances, the local ABC office may require the applicant to obtain prior written approval of the local law enforcement agency. Issued to political parties or affiliates supporting a candidate for public office or a ballot measure or charitable, civic, fraternal or religious organizations. (Section 24045.1 and Rule 59.5 California Code of Regulations)

**CATERING AUTHORIZATION** - (Form ABC-218) Authorizes Type 47, 48, 51, 52, 57, 75 and 78 licensees (and catering businesses that qualify under Section 24045.12) to sell beer, wine and distilled spirits for consumption at conventions, sporting events, trade exhibits, picnics, social gatherings, or similar events. Type 47, 48 and 57 licensees may cater alcoholic beverages at any ABC-approved location in the State. Type 51 and 52 licensees may only cater alcoholic beverages at their licensed premises. All licensees wishing to cater alcoholic beverages must obtain prior written authorization from the Department for each event. At all approved events, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises and violation of those provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though the violation occurred on the licensed premises. (Section 23399 and Rule 60.5 California Code of Regulations)

**EVENT AUTHORIZATION** - (Form ABC-218) Authorizes Type 41, 42, 47, 48, 49, 57, 75 and 78 licensees to sell beer, wine and distilled spirits for consumption on property adjacent to the licensed premises and owned or under the control of the licensee. This property shall be secured and controlled by the licensee and not visible to the general public. *The licensee shall obtain prior approval of the local law enforcement agency.* At all approved events, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises (including any license conditions) and violations of those provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though the violation occurred on the licensed premises. (Section 23399)

**WINE SALES EVENT PERMIT** - (Form ABC-239) Authorizes Type 02 licensees to sell bottled wine produced by the winegrower for consumption off the premises where sold and only at fairs, festivals or cultural events sponsored by designated tax exempt organizations. The licensee must notify the city and/or county where the event is being held and obtain approval from ABC for each event (Form ABC-222). The licensee must also comply with all restrictions listed in Business and Professions Code Section 23399.6.

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### Note:

1. "Minor" means any person under 21 years of age.
2. Consult Section 25663(b) regarding age of employees in off-sale premises; consult Sections 25663(a) and 25663.5 regarding age of employees in on-sale premises.
3. In certain situations, ABC may place reasonable conditions upon a license, such as restrictions as to hours of sale, employment of designated persons, display of signs, restrictions on entertainment or dancing, etc. If a license has been conditioned, it will be endorsed as such on the face of the license. (Conditional licenses, Sections 23800-23805.)
4. Licensees whose license allows minors on the premises may have a "house policy" restricting minors from entering certain areas of the premises or prohibiting minors in the premises during certain hours.
5. This handout contains only abbreviated information. Contact your local ABC office for full information before doing anything which may jeopardize your license. Also available from the ABC: Quick Summary of Selected ABC Laws (form ABC-608); Alcoholic Beverage Control Act (complete laws); Rules & Regulations; and P-90 (describes privileges of non-retail licenses).



**Attorney General's Opinions:**

Issuance of on-sale license "for record purposes only". 23 Ops. Cal. Atty. Gen. 262.

Prohibition against liquor licensee, holding general on-sale license for bona fide eating place, to lease or make concession agreement subletting restaurant operations on his licensed premises. 29 Ops. Cal. Atty. Gen. 95.

**§ 23788. [Section repealed 1967.]**

Added Stats 1953 ch 152 § 1. Amended Stats 1957 ch 1267 § 1. Repealed Stats 1967 ch 567 § 1. The repealed section related to on-sale licenses for general or seasonal business.

**Historical Derivation:**

Stats 1935 ch 330 § 12, as amended Stats 1945 ch 1401 § 10, Stats 1947 ch 1566 § 4.

**§ 23788.5. Employees of onsale licensee; Qualifications**

No on-sale licensee shall knowingly employ any person to manage, direct, or conduct the business who does not have the qualifications required of a holder of the license. Any on-sale licensee requesting the department to make a determination of qualifications of a proposed manager shall submit with an application for such services a fee of one hundred dollars (\$100) which shall be deposited in the Alcohol Beverage Control Fund as provided in Section 25761.

Added Stats 1957 ch 1267 § 2. Amended Stats 1963 ch 1000 § 1; Stats 1978 ch 656 § 2; Stats 1992 ch 900 § 10 (AB 432), effective September 24, 1992.

**Amendments:**

**1963 Amendment:** Deleted (1) "general" after "onsale"; and (2) "or on-sale general licensee for seasonal business" after "licensee".

**1978 Amendment:** Added the second sentence.

**1992 Amendment:** Substituted "Alcohol Beverage Control Fund as provided in Section 25761" for "General Fund in the State Treasury" at the end of the last sentence.

**Historical Derivation:**

(a) Former B & P C § 23788, as added Stats 1953 ch 152 § 1.

(b) Stats 1935 ch 330 § 12, as amended Stats 1945 ch 1401 § 10, Stats 1947 ch 1566 § 4.

**Note—**Stats 1992 ch 900 provides:

SECTION 1. The Legislature finds and declares that the regulation of the sale and use of alcoholic beverages is among the highest priorities of state government. The abuse of alcohol can lead to a myriad of other criminal, legal, social, and economic problems. The fair, stable, and effective administration and enforcement of the Alcoholic Beverage Control Act and related laws, therefore, must be insured.

**Collateral References:**

Cal. Legal Forms, (Matthew Bender) §§ 18.01[2], 18.200[1].

**Attorney General's Opinions:**

Propriety of agreement between on-sale general public premises licensee and licensed card room operator for operation of card room; propriety of sublease agreement with operator of vending machines. 47 Ops. Cal. Atty. Gen. 182.

**NOTES OF DECISIONS**

1. Generally
2. Licensee/Manager Relationship

**1. Generally**

Each of words "manage, direct, or conduct," as used in section, suggest control. *Ciro's of San Francisco v. State Board of Equalization* (1956, Cal App 1st Dist) 142 Cal App 2d 636, 299 P2d 703, 1956 Cal App LEXIS 2028.

**2. Licensee/Manager Relationship**

Although a liquor licensee who permits his license to be used by another will not be held absolutely liable for debts to the user's suppliers, the fact that the license is so used is one factor to be considered in determining whether there was an ostensible agency between the licensee and the user; the maxim "the law has been obeyed," may be applied to protect third persons who deal with another person in reliance upon what appears to be a legal relationship between him and a second person, so that creditors of a concessionaire who operated a bar and restaurant under his own name, but used the liquor license of the partners from whom he leased the premises, were entitled to rely on the appearances created by the use of the license and assume that, rather than the illegal relationship established by the agreement, there was a relationship of licensee and manager. *Associated Creditors' Agency v. Davis* (1975) 13 Cal 3d 374, 118 Cal Rptr 772, 530 P2d 1084, 1975 Cal LEXIS 175.

**§ 23789. On-sale retail license for premises located near church, hospital, schools and public playgrounds, or nonprofit youth facilities**

(a) The department is specifically authorized to refuse the issuance, other than renewal or ownership transfer, of any retail license for premises located within the immediate vicinity of churches and hospitals.

(b) The department is specifically authorized to refuse the issuance, other than renewal or ownership transfer, of any retail license for premises located within at least 600 feet of schools and public playgrounds or nonprofit youth facilities, including, but not limited to, facilities serving Girl Scouts, Boy Scouts, or Campfire Girls. This distance shall be measured pursuant to rules of the department.

Added Stats 1953 ch 152 § 1. Amended Stats 1955 ch 447 § 52; Stats 1959 ch 803 § 1; Stats 1984 ch 273 § 1, effective July 3, 1984; Stats 1992 ch 678 § 1 (SB 1315).

**Amendments:**

**1955 Amendment:** Substituted "The department" for "The board".

**1959 Amendment:** (1) Added "other than renewal or ownership transfer," in the first paragraph; (2) added "and" before, and deleted "schools, and children's public playgrounds" after, "hospital" at the end of the first paragraph; and (3) added the last paragraph.

**1984 Amendment:** Added "or nonprofit youth facilities, including, but not limited to, facilities serving girl scouts, boy scouts, or campfire girls" in the second paragraph.

**1992 Amendment:** (1) Added subdivision designations (a)





# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

**Donald Rust**  
DIRECTOR

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

### ATTENTION: PROPERTY OWNERS AND INTERESTED PARTIES

The project listed below has been filed with the Community Development Department. You are invited to comment because your property is located near the proposed project. Please comment in the space below. You may attach additional pages as necessary.

Please submit your comments to this department no later than **Thursday, July 28, 2016** to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. If you have no comment, a reply is not necessary.

**ASSESSOR  
PARCEL  
NUMBER:** 012-092-004

**FILE  
NUMBER:** Use Permit No. 16-05

**APPLICANT:** The Axiom Project Inc.

**ZONING:** Downtown Mixed Use (MXD)

**LOCATION:** 1420 Myers Street

**CONTACT  
PERSON:** Luis A. Topete,  
Associate Planner  
530 538-2408  
530 538-2426 Fax  
[topetela@cityoforoville.org](mailto:topetela@cityoforoville.org)

### VICINITY MAP



### PROJECT DESCRIPTION:

**UP 16-05: The Axiom Youth Center** – The City of Oroville Planning Commission will conduct a public hearing to review and consider approving Use Permit No. 16-05 for the operation of the Axiom youth center at the property identified as 1420 Myers Street (APN: 012-092-004). The project site has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. The Axiom is a non-profit afterschool program for 6th – 12th graders that will be open Monday – Fridays from 3:00 p.m. to 6:00 p.m. Services provided include on the job training with a student ran café, study and work space, workshops, tutoring, counseling, and a gaming area for the participants which includes video games and pool tables. The Axiom will also offer their facility, for a monthly rate and outside of their aforementioned operational hours, to be used as co-working/office space for free-lancers, business owners, and telecommuters.

**NOTICE IS HEREBY GIVEN** that the City of Oroville Planning Commission will hold a public hearing on the project described above. Said hearing will be held at **7:00 p.m. on Thursday, July 28, 2016** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.





# City of Oroville

Donald Rust  
DIRECTOR

## COMMUNITY DEVELOPMENT DEPARTMENT

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### NOTICE OF PUBLIC HEARING BEFORE THE CITY OF OROVILLE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Oroville will hold a public hearing on the projects described below. Said hearing will be held at **7:00 p.m. on Thursday, July 28, 2016** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **TPM 16-03: Separate Two Existing HUD Public Housing Projects** – The City of Oroville Planning Commission will conduct a public hearing to consider approving Tentative Parcel Map No. 16-03 to separate two existing U.S. Department of Housing and Urban Development (HUD) public housing projects: “Gardella” – HUD Project No. CA30-P043-014 and “Seventh and Pomona” – HUD Project No. CA30-P043-015. The subject property is generally bounded by Pomona Avenue to the north, 7<sup>th</sup> Avenue to the east, 8<sup>th</sup> Avenue to the west, and bisected by Gardella Avenue, on the parcel identified as APN: 012-174-018. The purpose of this land division is to separate the projects onto their own, respective parcels. The Housing Authority is required to separate these projects as each requires its own unique encumbrances.
2. **UP 16-04: Environment Celebration Institute** – The City of Oroville Planning Commission will conduct a public hearing to review and consider approving Use Permit No. 16-04 for the operation of Nature’s Solution (Environment Celebration Institute) at the property identified as 2330 Bird Street (APN: 012-042-037). The Environment Celebration Institute is a non-profit organization looking to primarily use the subject property as a manufacturing and distribution facility to make and package their organic fertilizer products. There will be a storefront and portable classroom onsite. The outside area will be used for a demonstration garden where the community can come and buy fruits and vegetables and learn how to grow edible plants at their own homes.
3. **UP 16-05: The Axiom Youth Center** – The City of Oroville Planning Commission will conduct a public hearing to review and consider approving Use Permit No. 16-05 for the operation of the Axiom youth center at the property identified as 1420 Myers Street (APN: 012-092-004). The project site has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. The Axiom is a non-profit afterschool program for 6<sup>th</sup> – 12<sup>th</sup> graders that will be open Monday – Fridays from 3:00 p.m. to 6:00 p.m. Services provided include on the job training with a student ran café, study and work space, workshops, tutoring, counseling, and a gaming area for the participants which includes video games and pool tables. The Axiom will also offer their

facility, for a monthly rate and outside of their aforementioned operational hours, to be used as co-working/office space for free-lancers, business owners, and telecommuters.

Additional information regarding the projects described in this notice can be obtained from the Oroville Community Development Department at 1735 Montgomery Street, Oroville, CA. Anyone desiring to submit information, opinions or objections is requested to submit them in writing to the Community Development Department prior to the hearing. In accordance with Government Code Section 65009, if you challenge an action on these projects in court, you may be limited to raising only those issues you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public meetings.

Posted/Published: **Monday, July 18, 2016**