



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

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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; Justin McDavitt

SPECIAL PLANNING COMMISSION **MEETING AGENDA**

Thursday, October 26, 2017 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.*

ADMINISTRATIVE AGENDA

1. **CALL TO ORDER**

2. **ROLL CALL**

Commissioners Adonna Brand, Michael Britton, Randy Chapman, Wyatt Jenkins, Justin McDavitt, 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 July 27, 2017 regular Planning Commission meeting.

REGULAR AGENDA

8. **PUBLIC HEARINGS**

None

9. **REGULAR BUSINESS**

- 9.1 **ARCO – am/pm Station: Finding of Public Convenience or Necessity (Type 21)** – The Oroville Planning Commission will review and consider adopting a Finding of Public Convenience or Necessity for a Type-21 “Off Sale General – Package Store” alcoholic beverage license for the property identified as 410 Oro Dam Boulevard (APN: 035-030-085), the existing location of the ARCO – am/pm station.

Staff Report: Luis A. Topete, Associate Planner

Staff Recommendation:

ADOPT Resolution No. P2017-15: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION FINDING AND DETERMINING THAT THE PUBLIC CONVENIENCE OR NECESSITY WOULD BE SERVED BY THE ISSUANCE OF AN OFF SALE GENERAL – PACKAGE STORE (TYPE-21) ALCOHOLIC BEVERAGE LICENSE FOR THE PROPERTY IDENTIFIED AS 410 ORO DAM BOULEVARD, OROVILLE, CA 95965 (APN: 035-030-085).

- 9.2 **Prioritization of the Transportation Capital Improvement Program (TCIP) Projects List** – The Oroville Planning Commission will review and prioritize the City’s TCIP projects list to forward its recommendations to the City Council.

Staff Report: Luis A. Topete, Associate Planner

Staff Recommendation:

Staff recommends the Planning Commissioners take the information provided with them to consider and review. At the next scheduled Planning Commission meeting, after review and consideration of the information provided, the Planning Commissioners can discuss their ranking priorities until a consensus is reached to send as a final recommendation to Council.

- 9.3 Potential Drive-Thru Restaurant at 1355 Washington Ave – The Oroville Planning Commission will review and consider providing direction on the application process for the proposed project.**

Staff Report: Luis A. Topete, Associate Planner

Staff Recommendation:

Provide staff direction.

10. DISCUSSION ITEMS

Planning Commission meeting dates for November and December.

11. DIRECTOR'S REPORT

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

12. 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.

13. ADJOURNMENT

Adjourn to Thursday, November 30, 2017 at 7:00 P.M. in 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, 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
JULY 27, 2017 – 7:00 PM**

These minutes detail the action which was taken related to each 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 or by calling the Clerk's office at 530-538-2535.

The agenda for the July 27, 2017 regular meeting of the Oroville Planning Commission was posted on the bulletin board at the front of City Hall and in the City Council Chambers, and on the City of Oroville's website located at www.cityoforoville.org, on Monday, July 24, 2017, at 10:30 a.m.

1. CALL TO ORDER

The July 27, 2017 regular meeting of the Oroville Planning Commission was called to order by Chairperson Robison at 7:01 p.m.

2. ROLL CALL

Present: Commissioners Brand, Britton, Chapman, Jenkins, McDavitt, Chairperson Robison

Absent: Vice Chairperson Durling (excused)

Staff Present:

Donald Rust, Acting City Administrator
Dawn Nevers, Assistant Planner

Luis Topete, Associate Planner
Jamie Hayes, Assistant City Clerk

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Robison.

4. RECOGNITION OF INDIVIDUALS WISHING TO SPEAK ON AGENDA ITEMS

Jim Stevens – Item No. 9.2

5. PUBLIC COMMENT - None

6. CORRESPONDENCE - None

7. **APPROVAL OF MINUTES**

A motion was made by Commissioner Britton, seconded by Commissioner Chapman, to:
Approve the minutes of the June 22, 2017 regular Planning Commission meeting.

The motion was passed by the following vote:

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

REGULAR AGENDA

8. **PUBLIC HEARINGS** - None

9. **REGULAR BUSINESS**

- 9.1 **American Planning Association California Conference** – The Oroville Planning Commission considered informing staff which Planning Commissioners would like to attend the American Planning Association California Conference. **(Luis A. Topete, Associate Planner)**

Following discussion, Commission informed staff that a rotation of Planning Commission members would attend the 2017 American Planning Association California Conference.

- 9.2 **TPM 10-01: Two Year Extension** – The Oroville Planning Commission considered approving a two-year extension to Tentative Parcel Map No. 10-01. **(Luis A. Topete, Associate Planner)**

Jim Stevens, a representative of the Applicant, addressed questions for the Commission relating to the two-year extension request to Tentative Parcel Map No. 10-01.

Following further discussion, a motion was made by Commissioner Jenkins, seconded by Commissioner Chapman, to:

Adopt Resolution No. P2017-14: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION APPROVING A TWO-YEAR EXTENSION OF TENTATIVE PARCEL MAP NO. 10-01

The motion was passed by the following vote:

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

10. DISCUSSION ITEMS

The Commission discussed the following:

- City Council's July 18, 2017 approval of Planning Commission's Review of Roadway Projects
- City Road Repair Project
- Sewer Projects to Upgrade City's Sewer System
- Potential for Public Safety Tax to be Placed on the November 2018 General Municipal Election Ballot
- Update on the Old Walmart Property

11. DIRECTOR'S REPORT

- Oroville Veteran's Memorial Park Grand Opening
- Two (2) Vacancies on the Oroville Park Commission

12. CHAIRPERSON/COMMISSIONERS REPORTS

Commissioner Chapman gave a brief update on the Sign Ordinance Ad hoc Committee.

14. ADJOURNMENT

The meeting was adjourned at 7:47 p.m. A regular meeting of the Oroville Planning Commission will be held on Thursday, August 24, 2017, at 7:00 p.m.

Donald Rust, Secretary

Damon Robison, Chairperson



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION STAFF REPORT

October 26, 2017

ARCO – am/pm Station: Finding of Public Convenience or Necessity (Type 21) – The Oroville Planning Commission will review and consider adopting a Finding of Public Convenience or Necessity for a Type-21 “Off Sale General – Package Store” alcoholic beverage license for the property identified as 410 Oro Dam Boulevard (APN: 035-030-085), the existing location of the ARCO – am/pm station.

APPLICANTS: Scottlynn Hubbard
12 Williamsburg Lane
Chico, CA 95926
(530) 895-3252

LOCATION: 410 Oro Dam Boulevard
Oroville, CA 95965
APN: 035-030-085

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

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

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:

ADOPT Resolution No. P2017-15: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION FINDING AND DETERMINING THAT THE PUBLIC CONVENIENCE OR NECESSITY WOULD BE SERVED BY THE ISSUANCE OF AN OFF SALE GENERAL – PACKAGE STORE (TYPE-21) ALCOHOLIC BEVERAGE LICENSE FOR THE PROPERTY IDENTIFIED AS 410 ORO DAM BOULEVARD, OROVILLE, CA 95965 (APN: 035-030-085) (**Attachment H**).

SUMMARY

The Oroville Planning Commission will review and consider adopting a Finding of Public Convenience or Necessity for a Type-21 “Off Sale General – Package Store” alcoholic beverage license for the property identified as 410 Oro Dam Boulevard (APN: 035-030-085), the existing location of the ARCO – am/pm station. A Type-21 license authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premise under a Type-21 license. **(Attachment A)**.

The issuance of this license would increase the “undue concentration” of off-sale licenses authorized in census tract 0028.00. A total of three off-sale licenses are authorized in the subject census tract **(Attachment B)** with 45 licenses issued and active as of September 29, 2017 **(Attachment C)**. As an undue concentration of licenses currently exists in the subject census tract, the Business and Professions Code Section 23958.4 requires a finding of public convenience "or" necessity in order for the California Department of Alcoholic Beverage Control (ABC) application to be approved. It is not legally necessary to demonstrate both a finding of convenience “and” necessity.

ANALYSIS

Findings of Public Convenience or Necessity are a tool for local governments and communities that directly ties them into the state liquor licensing process. Current state law limits the issuance of new licenses in geographical regions (census tracts) defined as high crime areas or in areas of “undue concentration” of retail alcohol outlets. However, the law also states these restrictions can be sidestepped in specified circumstances when the Department of ABC or the local jurisdiction makes a determination that the license in question would serve the “public convenience or necessity” by demonstrating that the business operation will provide some kind of benefit to the surrounding community. The applicant’s reasoning that public convenience or necessity will be served is detailed in **Attachment D**.

"Undue concentration" (also referred to as "over concentration") is defined, with respect to on-sale retail alcoholic beverage license applications, in the Business and Professions Code Section 23958.4 as a ratio of the number of licenses in a census tract compared to the average number of licenses in a county, as a whole. It does not mean that a particular census tract necessarily has too many licenses for the needs of convenience of residents in that tract. "Over concentration" also does not mean that the State, or anyone else, has previously looked at this census tract and determined that it has suffered any adverse effects from the actual number of licenses existing or that it will suffer any adverse effects if a new license is issued.

The California Department of ABC allows three off-sale licenses within this Census Tract (0028.00) where the subject property is located, with 45 licenses issued and active as of September 29, 2017. As a result, Census Tract 0028.00 is identified as having an undue concentration of off-sale licenses, as defined by Section 23958.4 of the Business and Professions Code. Sections 23958 and 23958.4 of the Business and Professions Code requires ABC to deny the application unless the City determines within 90 days of

notification of a completed application that public convenience or necessity would be served by the issuance of the license.

ENVIRONMENTAL REVIEW

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15061(b)(3), commonly known as the "general rule." A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This request for a Finding of Public Convenience or Necessity is for the purposes of being able to sell beer, wine and distilled spirits for consumption off the premises where sold. There are no site or building alterations proposed with this request.

There is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment. Therefore, the project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) "General Rule Exemption."

FISCAL IMPACT

The total fees associated with this request are as follows:

Item	Price	Tech Fee	Total	Paid
Finding of Public Convenience or Necessity	\$158.73	\$9.52	\$168.25	Yes
Filing of Notice of Exemption Butte County Clerks Filing Fee	\$50.00	-	\$50.00	Yes

ATTACHMENTS

- A – ABC License Types
- B – Licenses Authorized
- C – Issued On-Sale Licenses
- D – Request for Finding of Public Convenience or Necessity
- E – Census Tracts Map
- F – ABC Application
- G – Notice of Exemption
- H – Resolution No. P2017-15

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

LICENSE TYPE	DESCRIPTION
01	BEER MANUFACTURER - (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	WINEGROWER - (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	OFF SALE BEER & WINE - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
21	OFF SALE GENERAL - (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	SMALL BEER MANUFACTURER - (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	ON SALE BEER - (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	ON SALE BEER & WINE – EATING PLACE - (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	ON SALE BEER & WINE – PUBLIC PREMISES - (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	ON SALE GENERAL – EATING PLACE - (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	ON SALE GENERAL – PUBLIC PREMISES - (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	ON SALE GENERAL – SEASONAL - 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	CLUB - 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	VETERAN'S CLUB - 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	SPECIAL ON SALE GENERAL - 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	ON SALE BEER AND WINE – SEASONAL - Authorizes the same privileges as a Type 41. Issued for a specific season. Inclusive dates of operation are listed on the license certificate.
60	ON SALE BEER – SEASONAL - 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	ON SALE BEER – PUBLIC PREMISES - (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	BED AND BREAKFAST INN - 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	ON SALE GENERAL – RESTRICTIVE SERVICE - 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	ON SALE GENERAL – BREWPUB - (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	BED AND BREAKFAST INN – GENERAL - 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	INSTRUCTIONAL TASTING LICENSE –Issued to the holder of and premises of a Type 20 or Type 21 licensee, 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.

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).

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
NUMBER OF LICENSES AUTHORIZED
BY CENSUS TRACT

B

County Name	County Population	County Ratio On Sale	County Ratio Off Sale	Census Tract #	Census Tract Population	On Sale	Off Sale
AMADOR	37,707	346	686	2.00	4,672	13	6
AMADOR	37,707	346	686	3.01	5,871	16	8
AMADOR	37,707	346	686	3.03	5,073	14	7
AMADOR	37,707	346	686	3.04	3,946	11	5
AMADOR	37,707	346	686	4.01	5,020	14	7
AMADOR	37,707	346	686	4.02	4,740	13	6
AMADOR	37,707	346	686	5.00	2,995	8	4
BUTTE	224,601	674	1,080	1.02	3,900	5	3
BUTTE	224,601	674	1,080	1.03	3,902	5	3
BUTTE	224,601	674	1,080	1.04	5,636	8	5
BUTTE	224,601	674	1,080	2.01	4,052	6	3
BUTTE	224,601	674	1,080	2.02	3,723	5	3
BUTTE	224,601	674	1,080	3.00	4,410	6	4
BUTTE	224,601	674	1,080	4.01	1,771	2	1
BUTTE	224,601	674	1,080	4.02	7,030	10	6
BUTTE	224,601	674	1,080	5.01	4,333	6	4
BUTTE	224,601	674	1,080	5.02	4,204	6	3
BUTTE	224,601	674	1,080	6.01	3,304	4	3
BUTTE	224,601	674	1,080	6.03	3,130	4	2
BUTTE	224,601	674	1,080	6.04	4,217	6	3
BUTTE	224,601	674	1,080	7.00	4,694	6	4
BUTTE	224,601	674	1,080	8.00	5,295	7	4
BUTTE	224,601	674	1,080	9.01	2,142	3	1
BUTTE	224,601	674	1,080	9.03	6,117	9	5
BUTTE	224,601	674	1,080	9.04	6,071	9	5
BUTTE	224,601	674	1,080	10.00	4,801	7	4
BUTTE	224,601	674	1,080	11.00	4,572	6	4
BUTTE	224,601	674	1,080	12.00	3,556	5	3
BUTTE	224,601	674	1,080	13.00	4,169	6	3
BUTTE	224,601	674	1,080	14.00	5,797	8	5
BUTTE	224,601	674	1,080	15.00	5,297	7	4
BUTTE	224,601	674	1,080	16.00	5,266	7	4
BUTTE	224,601	674	1,080	17.02	5,739	8	5
BUTTE	224,601	674	1,080	17.03	2,852	4	2
BUTTE	224,601	674	1,080	17.04	3,060	4	2
BUTTE	224,601	674	1,080	18.00	5,640	8	5
BUTTE	224,601	674	1,080	19.00	3,373	5	3
BUTTE	224,601	674	1,080	20.00	5,184	7	4
BUTTE	224,601	674	1,080	21.00	4,599	6	4
BUTTE	224,601	674	1,080	22.00	5,156	7	4
BUTTE	224,601	674	1,080	23.00	5,331	7	4
BUTTE	224,601	674	1,080	24.00	5,157	7	4
BUTTE	224,601	674	1,080	25.00	4,930	7	4
BUTTE	224,601	674	1,080	26.01	2,324	3	2
BUTTE	224,601	674	1,080	26.02	3,455	5	3
BUTTE	224,601	674	1,080	27.00	5,478	8	5
BUTTE	224,601	674	1,080	28.00	4,275	6	3
BUTTE	224,601	674	1,080	29.00	3,060	4	2
BUTTE	224,601	674	1,080	30.01	3,140	4	2
BUTTE	224,601	674	1,080	30.02	3,531	5	3
BUTTE	224,601	674	1,080	31.00	4,396	6	4
BUTTE	224,601	674	1,080	32.00	4,234	6	3





**California Department of Alcoholic
Beverage Control
Off-Sale Licenses
For Census Tract 0028**

Report as of 9/28/2017

45 of 45 Licenses Displayed

*To create a downloadable CSV
File go back
and check the Create CSV
Download Option.*

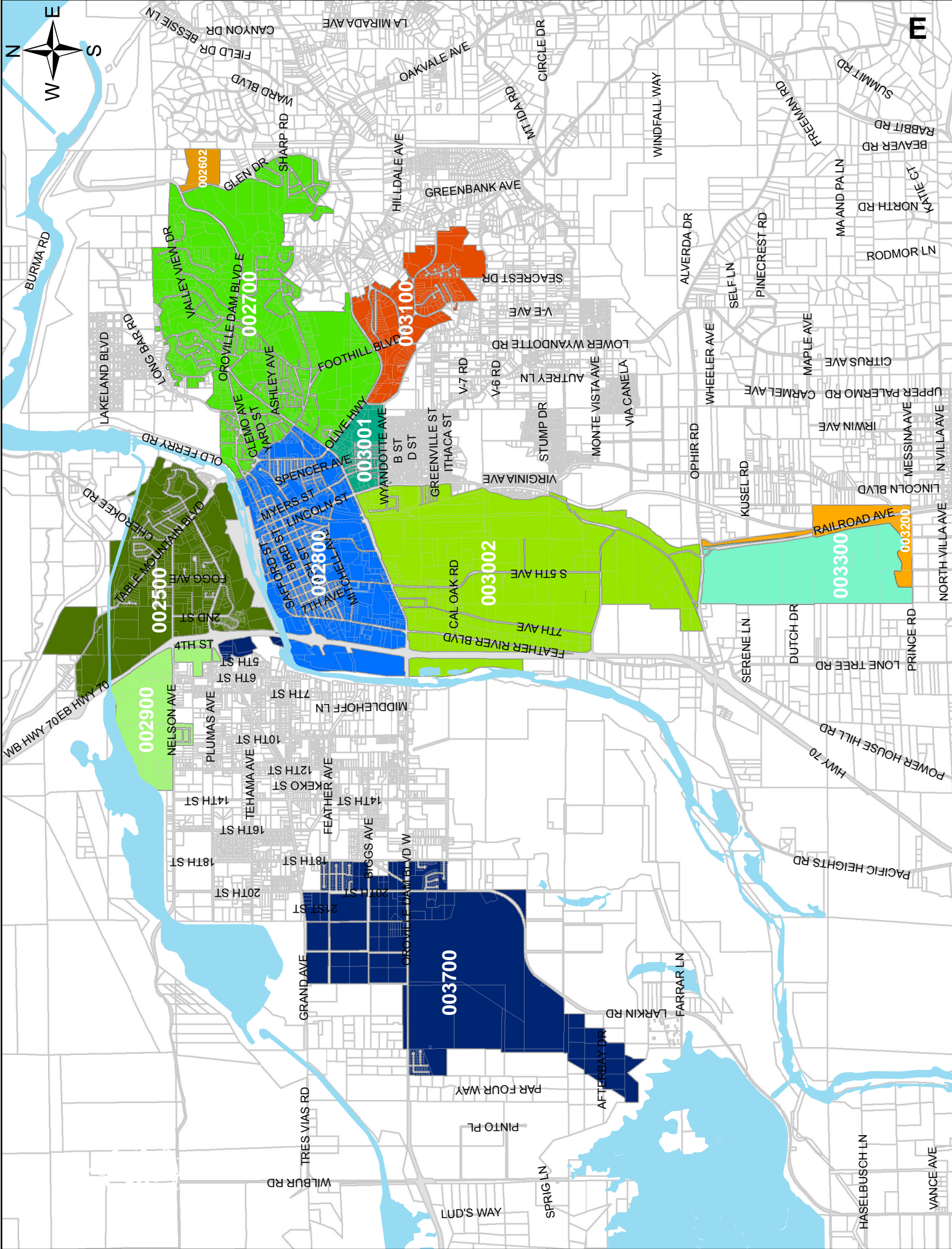
License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1) 232091	ACTIVE	21	05/22/1989	6/30/2018	RALEYS 2325 MYERS ST OROVILLE, CA 95966	RALEYS 236	PO BOX 15618, ATTN: PERMITS & LICENSES SACRAMENTO, CA 95852-0618	0404
2) 259923	ACTIVE	20	05/16/1991	3/31/2018	Census Tract: 0028.00 PANDIT, GIAN 1710 PINE ST OROVILLE, CA 95965			0404
3) 349669	ACTIVE	21	02/01/1999	6/30/2018	Census Tract: 0028.00 THRIFTY PAYLESS INC 2700 ORO DAM BLVD E OROVILLE, CA 95966-5117	RITE AID 6091	2600 CAPITOL AVE, STE 300 SACRAMENTO, CA 95816-5930	0404
4) 437372	ACTIVE	20	05/30/2006	4/30/2018	Census Tract: 0028.00 BIRK, SARBJIT KAUR 671 MONTGOMERY ST OROVILLE, CA 95965	FOOD EXPRESS		0404
5) 446900	ACTIVE	20	12/07/2006	11/30/2017	Census Tract: 0028.00 AITAN INC 410 ORO DAM BLVD E OROVILLE, CA 95965	ARCO AM PM	12 WILLIAMSBURG LN CHICO, CA 95926-2225	0404
6) 481957	ACTIVE	20	10/21/2009	6/30/2018	Census Tract: 0028.00 GROCERY OUTLET INC 1060 ORO DAM OROVILLE, CA 95965-5834	GROCERY OUTLET	5650 HOLLIS ST EMERYVILLE, CA 94608-2597	0404
7) 532814	ACTIVE	21	12/23/2013	5/31/2018	Census Tract: 0028.00 GARFIELD BEACH CVS LLC 850 OROVILLE DAM BLVD E OROVILLE, CA 95965-5722	CVS PHARMACY STORE 9158	ONE CVS DR, MAIL CODE 1160 WOONSOCKET , RI 02895	0404
8) 551705	ACTIVE	20	02/23/2015	1/31/2018	Census Tract: 0028.00 HUNT CONVENIENCE STORES LLC 1330 FEATHER RIVER BLVD OROVILLE, CA 95965		5750 S WATT AVE SACRAMENTO, CA 95829-9349	0404
9) 555777	ACTIVE	20	07/13/2015	6/30/2018	Census Tract: 0028.00 NMSO INC 2014 ORO DAM BLVD E OROVILLE, CA 95966		1040 N BENSON AVE UPLAND, CA 91786-2157	0404
10) 279768	ACTIVE	21	02/22/1993	1/31/2018	Census Tract: 0028.00 KUMAR, JIWAN 4778 E OLIVE AVE FRESNO, CA 93702			1005
11) 339201	ACTIVE	20	03/09/1998	2/28/2018	Census Tract: 0028.00 GILL, AJIT S 4206 E WHITE AVE FRESNO, CA 93702-2361	HANDI STOP MARKET 8		1005
12) 379815	ACTIVE	20	01/22/2002	12/31/2017	Census Tract: 0028.00 GILL, NIRMAL SINGH 4591 E BELMONT AVE FRESNO, CA 93702	ARCO MINI MART		1005
13) 414594	ACTIVE	20	08/16/2004	7/31/2018	Census Tract: 0028.00 SEKHON, MAJOR SINGH 4205 E OLIVE AVE FRESNO, CA 93702	BAG O BAG	5575 W ACACIA AVE FRESNO, CA 93722	1005
14) 428600	ACTIVE	20	08/30/2005	9/30/2017	Census Tract: 0028.00 RANA PROPERTIES INC 4204 E OLIVE AVE FRESNO, CA 93702	QUIK FOODS & U BAKE PIZZA		1005

15)	441572	ACTIVE	20	07/24/2006 6/30/2018	Census Tract: 0028.00 EL MERCADO INC 4707 E BELMONT AVE FRESNO, CA 93702	EL MERCADO		1005
16)	450580	ACTIVE	20	04/16/2007 3/31/2018	Census Tract: 0028.00 ALZAMZAMI, ESKANDAR TOWFICK 1408 N CEDAR AVE FRESNO, CA 93703-4318	FATBOY MARKET		1005
17)	551762	ACTIVE	20	02/03/2015 1/31/2018	Census Tract: 0028.00 CVR INC. 4594 E OLIVE AVE FRESNO, CA 93702-1534	COUNTRY COUSIN FOODS		1005
18)	446442	ACTIVE	20	10/13/2006 8/31/2018	Census Tract: 0028.00 DHILLON, RAJWANT KAUR 4000 12TH AVE SACRAMENTO, CA 95817-3708	BETTER TRADE MARKET		3405
19)	538468	ACTIVE	20	03/21/2014 2/28/2018	Census Tract: 0028.00 MUTHANA, MOHAMED SALEH 1412 RALPH AVE STOCKTON, CA 95206	AIRPORT WAY MARKET		3905
20)	461282	ACTIVE	20	05/22/2008 4/30/2018	Census Tract: 0028.00 HUSSAIN, ALMAS 122 W HERMOSA ST LINDSAY, CA 93247-2031	QUALITY MART		5403
21)	483172	ACTIVE	20	11/03/2009 10/31/2017	Census Tract: 0028.00 MENDEZ, PEDRO 138 W HONOLULU ST LINDSAY, CA 93247-2412	CARNICERIA DEL SOL DEL VALLE		5403
22)	517090	ACTIVE	21	02/08/2012 1/31/2018	Census Tract: 0028.00 LINDSAY LIQUOR & MARKET INC. 700 E HONOLULU ST LINDSAY, CA 93247-2612	JS MINI MART		5403
23)	520427	ACTIVE	20	07/03/2012 6/30/2018	Census Tract: 0028.00 MAXIMO'S INC. 408 S MIRAGE AVE LINDSAY, CA 93247-2548	MAXIMOS	168 S MAIN ST PORTERVILLE, CA 93257-4763	5403
24)	535647	ACTIVE	20	11/15/2013 10/31/2017	Census Tract: 0028.00 PHUM, SOPHIA 235 N FREMONT DR LINDSAY, CA 93247-9458	LINDSAY FOOD MART		5403
25)	538250	ACTIVE	21	11/27/2013 10/31/2017	Census Tract: 0028.00 KAUR, MOHINDER 340 W HERMOSA ST LINDSAY, CA 93247-1912	G 1 MART		5403
26)	551880	ACTIVE	21	02/04/2015 1/31/2018	Census Tract: 0028.00 ALREZAKI, SHUKRI A 508 S MIRAGE AVE LINDSAY, CA 93247-2550	SIERRA EXPRESS MART		5403
27)	552593	ACTIVE	20	02/26/2015 1/31/2018	Census Tract: 0028.00 CALDERON, MARIA G 344 W HONOLULU ST LINDSAY, CA 93247-2435	EL REGALO DISCOUNT STORE		5403
28)	555137	ACTIVE	20	03/10/2015 1/31/2018	Census Tract: 0028.00 SINGH, JAGMOHAN 206 E HONOLULU ST LINDSAY, CA 93247-2566	CITY FOOD MART LINDSAY		5403
29)	561828	ACTIVE	20	11/13/2015 10/31/2017	Census Tract: 0028.00 LINDSAY FOOD CENTER, LLC 455 S MIRAGE AVE LINDSAY, CA 93247-2547	LINDSAY FOOD CENTER	455 S MIRAGE AVE LINDSAY, CA 93247	5403
30)	228106	ACTIVE	21	02/27/1989 6/30/2018	Census Tract: 0028.00 THRIFTY PAYLESS INC 2738 E THOMPSON BLVD VENTURA, CA 93003	RITE AID STORE 5772	2600 CAPITOL AVE, STE 300 SACRAMENTO, CA 95816-5930	5606
					Census Tract: 0028.00			

31)	295713	ACTIVE	21	07/15/1994	6/30/2018	CIRCLE K STORES INC 3506 E MAIN ST VENTURA, CA 93003	CIRCLE K 5211	255 E RINCON ST, STE 100 CORONA, CA 92879-1368	5606
32)	394218	ACTIVE	21	03/11/2003	6/30/2018	Census Tract: 0028.00 VONS COMPANIES INC THE 2764 E THOMPSON BLVD VENTURA, CA 93003	VONS 2677	PO BOX 29096, MAIL STOP 6515 PHOENIX, AZ 85038-9096	5606
33)	452454	ACTIVE	20	05/25/2007	4/30/2018	Census Tract: 0028.00 G & M OIL CO LLC 2314 E THOMPSON BLVD VENTURA, CA 93003-2702	G & M OIL 152	16868 A LN HUNTINGTON BEACH, CA 92647-4831	5606
34)	456430	ACTIVE	21	05/20/2008	6/30/2018	Census Tract: 0028.00 SMART & FINAL STORES LLC 2750 E MAIN ST VENTURA, CA 93003	SMART & FINAL 390	600 CITADEL DR LOS ANGELES, CA 90040-1562	5606
35)	457636	ACTIVE	20	10/02/2007	12/31/2017	Census Tract: 0028.00 G & G TRADING COMPANY 2175 GOODYEAR AVE, STE 106 VENTURA, CA 93003-7761	G & G TRADING CO		5606
36)	460113	ACTIVE	20	03/06/2008	2/28/2018	Census Tract: 0028.00 FISHER, WILLIAM NICHOLAS 4435 MCGRATH ST, STE 301-303 VENTURA, CA 93003-7736	VENTURA WINE CO		5606
37)	507256	ACTIVE	20	10/18/2011	9/30/2017	Census Tract: 0028.00 TARGET CORPORATION 4200 E MAIN ST VENTURA, CA 93003-5230	TARGET T0298	33 S 6TH ST, CC-1028 ATTN: ERIN COPA MINNEAPOLIS, MN 55402	5606
38)	510578	ACTIVE	20	10/18/2011	9/30/2017	Census Tract: 0028.00 VENTURA PETRO INC 5669 VALENTINE RD VENTURA, CA 93003	ARCO AM PM	5450 RALSTON ST, STE 105B VENTURA, CA 93003-6789	5606
39)	515267	ACTIVE	21	04/11/2013	3/31/2018	Census Tract: 0028.00 WINCO FOODS LLC 4750 TELEPHONE RD VENTURA, CA 93003-5200	WINCO FOODS 116	PO BOX 5756 BOISE, ID 83705	5606
40)	520377	ACTIVE	21	04/02/2012	6/30/2018	Census Tract: 0028.00 ABDULHAI, BASSAM 2783 E THOMPSON BLVD VENTURA, CA 93003-2720	FIVE POINTS LIQUOR		5606
41)	521302	ACTIVE	20	06/06/2012	5/31/2018	Census Tract: 0028.00 SPARKLING IMAGE CORP. 4411 MARKET ST VENTURA, CA 93003-7756	MARKET STREET CARWASH & GAS	14 SUMMER ST STE 302 MALDEN, MA 02148-3994	5606
42)	543256	ACTIVE	20	04/25/2014	8/31/2018	Census Tract: 0028.00 CALIFORNIA WINE CLUB THE 2781 GOLF COURSE DR, UNIT B VENTURA, CA 93003-7640	CALIFORNIA WINE CLUB THE		5606
43)	543467	ACTIVE	21	05/30/2014	4/30/2018	Census Tract: 0028.00 HANNA, JOHNNY 4744 TELEPHONE RD, STE 6 VENTURA, CA 93003-5243	WINE CASTLE		5606
44)	574236	ACTIVE	85	11/09/2016	10/31/2017	Census Tract: 0028.00 OVERNIGHT WINE LLC 2368 EASTMAN AVE, SUITE 16 VENTURA, CA 93003-5772	OVERNIGHT WINE		5606
45)	581973	ACTIVE	21	08/10/2017	7/31/2018	Census Tract: 0028.00 PMD CARPINTERIA, INC. 4160 MARKET ST, STE 1 VENTURA, CA 93003-5622	DR DANS MIRACLE ELIXIRS & TASTY VITTLES	444 E SANTA CLARA ST VENTURA, CA 93001	5606
						Census Tract: 0028.00			

For a definition of codes, view our [glossary](#).

Arco-AM/PM at 410 Oro Dam Blvd would like to expand its current selection of beer and wine to include distilled spirits. Briefly, we are a small (family-run) business that currently employs ten individuals in one of Oroville's busier commercial zones. We do not have problems with homelessness or crime; and are not located next to a neighborhood, school, church, hospital or other areas where families congregate. To maintain our economic viability, we need stay competitive, especially with larger neighbors who already offer distilled spirits (e.g., Walmart, CVS), and are thus seeking to expand our selection. Please note: this is not a new location for alcohol sales but, rather, the expansion of an existing site. Once the new license for beer, wine and distilled spirits is approved, our existing license for beer and wine *only* will go into suspension.



INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

F

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1 APPLICANT'S NAME
Aitan, Inc.

2 PREMISES ADDRESS (Street number and name, city, zip code)
410 Oro Dam Blvd Oroville 95965

3 LICENSE TYPE
21

4 TYPE OF BUSINESS

<input type="checkbox"/> Full Service Restaurant	<input type="checkbox"/> Hofbrau/Cafeteria	<input type="checkbox"/> Cocktail Lounge	<input type="checkbox"/> Private Club
<input type="checkbox"/> Deli or Specialty Restaurant	<input type="checkbox"/> Comedy Club	<input type="checkbox"/> Night Club	<input type="checkbox"/> Veterans Club
<input type="checkbox"/> Cafe/Coffee Shop	<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Tavern: Beer	<input type="checkbox"/> Fraternal Club
<input type="checkbox"/> Bed & Breakfast:	<input type="checkbox"/> Theater	<input type="checkbox"/> Tavern: Beer & Wine	<input type="checkbox"/> Wine Tasting Room
<input type="checkbox"/> Wine only	<input type="checkbox"/> All		

<input type="checkbox"/> Supermarket	<input type="checkbox"/> Membership Store	<input checked="" type="checkbox"/> Service Station	<input type="checkbox"/> Swap Meet/Flea Market
<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Department Store	<input type="checkbox"/> Convenience Market	<input type="checkbox"/> Drive-In Dairy
<input type="checkbox"/> Drug/Variety Store	<input type="checkbox"/> Florist/Gift Shop	<input type="checkbox"/> Convenience Market w/Gasoline	
<input type="checkbox"/> Other - describe:			

5 COUNTY POPULATION

6 TOTAL NUMBER OF LICENSES IN COUNTY
 On-Sale Off-Sale

7 RATIO OF LICENSES TO POPULATION IN COUNTY
 On-Sale Off-Sale

8 CENSUS TRACT NUMBER
28.0

9 NO OF LICENSES ALLOWED IN CENSUS TRACT
3
 On-Sale Off-Sale

10 NO OF LICENSES EXISTING IN CENSUS TRACT
9
 On-Sale Off-Sale

11 IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)
 Yes, the number of existing licenses exceeds the number allowed
 No, the number of existing licenses is lower than the number allowed

12 DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?
 Yes (Go to Item #13) No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

14 TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

16 AVERAGE NO OF OFFENSES PER DISTRICT

17 120% OF AVERAGE NUMBER OF OFFENSES

18 TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

19 IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)
 Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
 No, the total number of offenses in the reporting district is lower than the total number in item #17

20 CHECK THE BOX THAT APPLIES (check only one box)

a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filling the application.

b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filling the application or as soon as possible thereafter.

c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)



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

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: ARCO – am/pm Station: Finding of Public Convenience or Necessity (Type 21)

Project Location – Specific: 410 Oro Dam Boulevard (APN: 035-030-085)

Project Location - City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, Scottlynn Hubbard, has applied for a Finding of Public Convenience or Necessity for a Type-21 "Off Sale General – Package Store" alcoholic beverage license for the property identified as 410 Oro Dam Boulevard (APN: 035-030-085), the existing location of the ARCO – am/pm station. A Type-21 license authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premise under a Type-21 license.

Name of Public Agency Approving Project: City of Oroville – Community Development Department

Name of Person or Agency Carrying Out Project: Scottlynn Hubbard

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:
- Statutory Exemption: State code number:
- Other: General Rule Exemption; Title 14, CCR, §15061(b)(3)

Reasons why project is exempt: This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15061(b)(3), commonly known as the "general rule." A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This request for a Finding of Public Convenience or Necessity is for the purposes of being able to sell beer, wine and distilled spirits for consumption off the premises where sold. There are no site or building alterations proposed with this request.

There is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment. Therefore, the project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) "General Rule Exemption."

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

RESOLUTION NO. P2017-15

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION FINDING AND DETERMINING THAT THE PUBLIC CONVENIENCE OR NECESSITY WOULD BE SERVED BY THE ISSUANCE OF AN OFF SALE GENERAL – PACKAGE STORE (TYPE-21) ALCOHOLIC BEVERAGE LICENSE FOR THE PROPERTY IDENTIFIED AS 410 ORO DAM BOULEVARD, OROVILLE, CA 95965 (APN: 035-030-085)

WHEREAS, pursuant to applicable provisions of the Business and Professions Code of the State of California, the Department of Alcoholic Beverage Control is charged with the responsibility of reviewing applications and issuance of licenses for the sale and/or manufacture of alcoholic beverages in the State of California; and

WHEREAS, Section 23958 of the Business and Professions Code provides that the Department of Alcoholic Beverage Control shall deny an application for a license or for a transfer of a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except as provided in Section 23958.4 of said Business and Professions Code; and

WHEREAS, Section 23958.4 of the Business and Professions Code provides that, notwithstanding the limitations of Section 23958, the Department of Alcoholic Beverage Control may issue a license if the local governing body of the area in which the applicant premises are located determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance; and

WHEREAS, the applicant has petitioned the Department of Alcoholic Beverage Control for a Type-21 “Off Sale General – Package Store” alcoholic beverage license for the property identified as 410 Oro Dam Boulevard (APN: 035-030-085), the existing location of the ARCO – am/pm station; and

WHEREAS, the subject business is located in Census Tract 0028.00 with a population such that the Department of Alcoholic Beverage Control authorizes up to three off-sale licenses before an undue concentration would exist, and there are currently 45 licenses issued and active; and

WHEREAS, the City of Oroville has prepared a Letter of Public Convenience or Necessity provided as EXHIBIT “A” attached hereto.

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

SECTION 1. The foregoing recitals are incorporated herein and made a part hereof.

SECTION 2. That the public convenience or necessity would be served by the issuance of a Type-21 “Off Sale General – Package Store” alcoholic beverage license for the property identified as 410 Oro Dam Boulevard (APN: 035-030-085), the existing location of the ARCO – am/pm station.

SECTION 3. The Planning Commission finds and has determined that the use and operation of the site as proposed will assist in the generation of additional sales tax revenues to the City, as well as, assist in the creation and maintenance of additional jobs and economic opportunities for the residents of the City.

SECTION 4. This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15061(b)(3), commonly known as the “general rule.” A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This request for a Finding of Public Convenience or Necessity is for the purposes of being able to sell beer, wine and distilled spirits for consumption off the premises where sold. There are no site or building alterations proposed with this request.

There is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment. Therefore, the project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) "General Rule Exemption."

SECTION 5. The request for a Finding of Public Convenience or Necessity Determination is hereby approved.

SECTION 6. The Zoning Administrator is hereby authorized to sign and transmit Exhibit A to the Department of Alcoholic Beverage Control on behalf of the City.

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 26th of October, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

DONALD L. RUST, SECRETARY

DAMON ROBISON, CHAIRPERSON

EXHIBIT
A – Letter of Public Convenience or Necessity



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

October 27, 2017

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

RE: LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR A TYPE-21 "OFF SALE GENERAL – PACKAGE STORE" ALCOHOLIC BEVERAGE LICENSE FOR THE PROPERTY IDENTIFIED AS 410 ORO DAM BOULEVARD, OROVILLE, CA 95965 (APN: 035-030-085)

To Whom It May Concern:

This letter shall serve to notify the California Department of Alcoholic Beverage Control that on October 26, 2017, the City of Oroville Planning Commission adopted a finding of public convenience or necessity and authorized the Zoning Administrator to sign this letter conveying the City's support for issuing an alcoholic beverage license (Type-21 "Off Sale General – Package Store") for the property located at 410 Oro Dam Boulevard (APN: 035-030-085), the existing location of the ARCO – am/pm station. The City of Oroville supports the efforts of community businesses to expand the local economy and finds no cause to oppose the requested license.

If there are any questions regarding the matters described in this letter, please contact Donald Rust, Director of Community Development, by phone at (530) 538-2433 or by e-mail at drust@cityoforoville.org

Sincerely,

Donald Rust, Director
Community Development Department



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

PLANNING COMMISSION STAFF REPORT

October 26, 2017

Prioritization of the Transportation Capital Improvement Program (TCIP) Projects List - The Oroville Planning Commission will review and prioritize the City's TCIP projects list to forward its recommendations to the City Council.

APPLICANT: Oroville Planning Commission
1735 Montgomery Street
Oroville, CA 95965

LOCATION: Citywide

GENERAL PLAN: N/A

ZONING: N/A

FLOOD ZONE: N/A

REPORT PREPARED BY:

REVIEWED BY:

Luis A. Topete, Associate Planner
Community Development Department

Donald Rust, Director
Community Development Department

RECOMMENDED ACTIONS:

Staff recommends the Planning Commissioners take the information provided with them to consider and review. At the next scheduled Planning Commission meeting, after review and consideration of the information provided, the Planning Commissioners can discuss their ranking priorities until a consensus is reached to send as a final recommendation to Council.

BACKGROUND

At the May 18, 2017 Planning Commission meeting, the Commission directed staff to draft a letter to the Council recommending that the Planning Commission be granted the authority to provide review and prioritization recommendations to the City Council regarding

certain “roadway” improvement projects (e.g. intersection improvements, roadway repairs, curb, gutter and sidewalk installations, etc.). The review would take the form of the Planning Commission’s analysis of the “roadway” specific projects in the City’s Capital Improvement projects list and forwarding a prioritization of the projects list to the City Council for recommendations of where monies should be first allocated when available. Review and comments would not occur for storm drains, sewer, and other utilities. The City Council approved this request at their July 18, 2017 regular Council meeting.

DISCUSSION

The TCIP has identified 28 intersection improvements, 22 roadway improvements, and 8 bicycle facility improvements as part of the 2012 TCIP and Impact Fee Update Report. This report was prepared prior to the South Oroville Annexation. Transportation needs were based off the build out and growth projections of the City’s 2030 General Plan, and the Butte County Association of Governments (BCAG) travel demand model would be used to determine buildout improvement needs for this TCIP update. The proposed improvements would ensure that the minimum acceptable Level of Service (LOS) that has been assigned to each roadway/intersection will be maintained at full General Plan buildout. The existing lists are not in order of priority.

On October 3, 2017, the City Council approved the submittal of a list of roads and streets prioritized for rehabilitation to the California Transportation Commission (CTC) for compliance with CTC guidelines. The CTC required submittal by October 16, 2017, for the City to be eligible for additional funding under Senate Bill 1 (SB 1) and Assembly Bill 135 (AB 135). This list was only a draft and submitted to meet state mandated deadlines. The CTC does not “approve” or “deny” project lists, they simply gather all of the cities project lists. Future road rehabilitation lists will be brought to the Planning Commission for review and recommendation to the City Council for final approval. Therefore, the attached list (**Attachment D**) of projects will be reviewed and revised going forward.

Staff recommends the Planning Commissioners take the information provided with them to consider and review. At the next scheduled Planning Commission meeting, after review and consideration of the information provided, the Planning Commissioners can discuss their ranking priorities until a consensus is reached to send as a final recommendation to Council.

FISCAL IMPACT

Varies by project and when construction occurs.

ATTACHMENTS

- A – TCIP Projects Map
- B – TCIP Facility Improvements
- C – City Council Staff Report for 10/03/2017
- D – Projects List

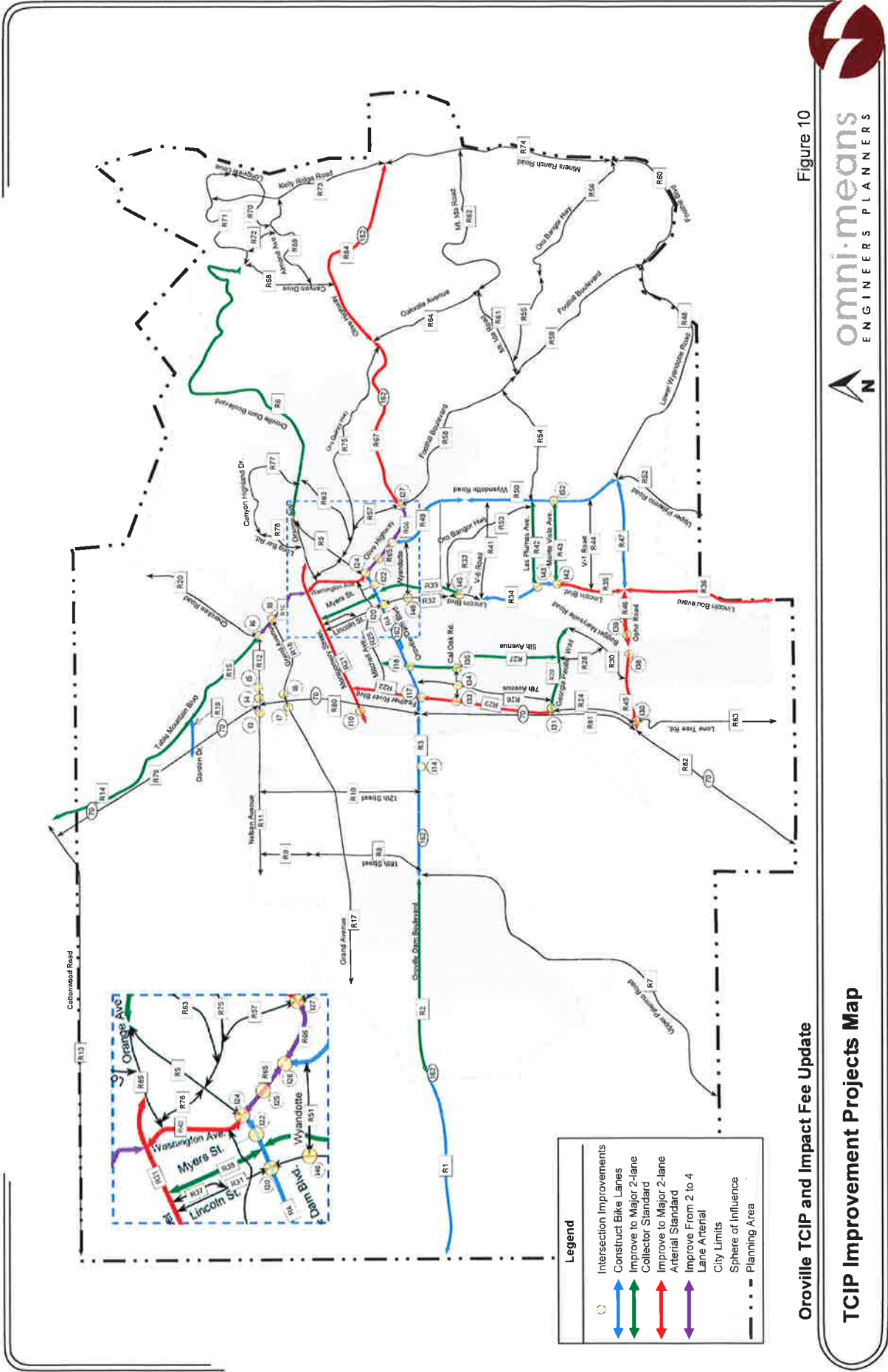


Figure 10



R:\HS\TCIP_Map.pdf

Oroville TCIP and Impact Fee Update

TCIP Improvement Projects Map

Legend	
	Intersection Improvements
	Construct Bike Lanes
	Improve to Major 2-lane Collector Standard
	Improve to Major 2-lane Arterial Standard
	Improve From 2 to 4 Lane Arterial
	City Limits
	Sphere of Influence
	Planning Area

TABLE 22:
TCIP INTERSECTION IMPROVEMENTS

ID	Intersection Name (1)	Improvement Description	Developer		Non-TCIP		Total Cost
			Cost	Cost	Fee Cost	Cost	
13	Nelson Avenue / SR 70 SB Ramps	Install Roundabout or Install Signal & Add Left Turn Pockets in All Directions	\$0	\$1,300,000	\$0	\$0	\$1,300,000
14	Nelson Avenue / SR 70 NB Ramps	Install Roundabout or Install Signal	\$0	\$1,300,000	\$0	\$0	\$1,300,000
15	Nelson Avenue / Country Center Drive	Install Roundabout or Install Signal	\$0	\$0	\$660,000	\$0	\$660,000
16	Nelson Avenue / Table Mountain Blvd / Cherokee Rd. (2)	Install Roundabout or Install Signal & Add Eastbound & Westbound Left Turn Pockets	\$0	\$1,300,000	\$0	\$0	\$1,300,000
17	Grand Avenue / SR 70 SB Ramps	Install Roundabout or Install Signal	\$0	\$1,300,000	\$0	\$0	\$1,300,000
18	Grand Avenue / SR 70 NB Ramps	Install Roundabout or Install Signal & Add Left Turn Pockets & a Northbound Right Turn Pocket	\$0	\$1,300,000	\$0	\$0	\$1,300,000
110	Montgomery Street / SR 70 SB Ramps	Install All-Way Stop Sign	\$0	\$60,000	\$0	\$0	\$60,000
114	Oroville Dam Boulevard / 10th Street	Install Roundabout or Install Signal	\$0	\$660,000	\$0	\$0	\$660,000
117	Oroville Dam Boulevard / Feather River Boulevard	Add Eastbound Right Turn Pocket, Second Northbound Left Turn Pocket, Southbound Right Turn Pocket, and Restripe Southbound Left-Right as a Left-Through. Modify Signal to Accommodate Reconfiguration & Restripe Intersection	\$0	\$1,100,000	\$0	\$0	\$1,100,000
118	Oroville Dam Boulevard / 5th Avenue	Add Dual Northbound Right Turn Pockets and Dedicated Southbound Right Turn Pocket. Modify Signal to Accommodate Reconfiguration & Restripe Intersection	\$0	\$1,040,000	\$0	\$0	\$1,040,000
120	Lincoln Boulevard / Oro Dam Boulevard	Add Second Northbound Through Lane and Second Southbound Left Turn Pocket. Modify Signal to Accommodate Reconfiguration & Restripe Intersection	\$0	\$1,040,000	\$0	\$0	\$1,040,000
122	Oroville Dam Boulevard / Spencer	Add Dedicated Northbound and Southbound Right Turn Pockets. Modify Signal to Accommodate Reconfiguration & Restripe Intersection	\$0	\$970,000	\$0	\$0	\$970,000
124	Oroville Dam Boulevard / Olive Highway	Add Second Eastbound Right Turn Pocket and Second Southbound Through Lane. Modify Signal to Accommodate Reconfiguration & Restripe Intersection	\$0	\$1,040,000	\$0	\$0	\$1,040,000
125	Olive Highway / Hospital Access	Modify Traffic Signal to Accommodate Roadway Widening on Olive Highway	\$0	\$200,000	\$0	\$0	\$200,000
126	Lower Wyandotte Road / Olive Highway	Modify Traffic Signal to Accommodate Roadway Widening on Olive Highway	\$0	\$200,000	\$0	\$0	\$200,000
127	Foothill Boulevard / Olive Highway	Modify Traffic Signal to Accommodate Roadway Widening on Olive Highway	\$0	\$200,000	\$0	\$0	\$200,000
130	Ophir Road / Feather River Boulevard	Install Roundabout or Install Signal & Add Left Turn Pockets in All Directions	\$0	\$0	\$1,300,000	\$0	\$1,300,000
131	Feather River Boulevard / Georgia Pacific Way	Install Roundabout or Install Signal & Left Turn Pockets in All Directions and a Westbound Right Turn Pocket	\$0	\$0	\$1,300,000	\$0	\$1,300,000
133	Feather River Boulevard / Cal Oak Road (3)	Install Roundabout or Install Signal & Northbound & Westbound Right Turn Pockets & Southbound Left Turn Pocket	\$0	\$660,000	\$0	\$0	\$660,000
134	7th Avenue / Cal Oak Road	Install All-Way Stop Sign & Add Eastbound & Westbound Left Turn Pockets	\$0	\$0	\$200,000	\$0	\$200,000
135	5th Avenue / Cal Oak Road	Install Roundabout or Install Signal & Add Left Turn Pockets in All Directions	\$0	\$0	\$660,000	\$0	\$660,000
138	Ophir Road / Baggett Palermo Road	Install Roundabout or Install Signal	\$0	\$0	\$1,300,000	\$0	\$1,300,000
139	Ophir Road / Kussel Road	Install Roundabout or Install Signal	\$0	\$0	\$1,300,000	\$0	\$1,300,000
142	Lincoln Boulevard / Monte Vista Avenue	Install Roundabout or Install Signal	\$0	\$0	\$660,000	\$0	\$660,000
143	Lincoln Boulevard / Walmer Road	Install Roundabout or Install Signal	\$0	\$0	\$660,000	\$0	\$660,000
145	Lincoln Boulevard / Greenville	Install Roundabout or Install Signal	\$0	\$0	\$660,000	\$0	\$660,000
146	Lincoln Boulevard / Wyandotte Avenue	Install Roundabout or Install Signal	\$0	\$0	\$660,000	\$0	\$660,000
152	Lower Wyandotte Road / Monte Vista Avenue	Install Roundabout or Install Signal	\$0	\$0	\$660,000	\$0	\$660,000
			TOTAL:	\$0	\$13,670,000	\$10,020,000	\$23,690,000

Notes: (1) Improvements to intersections 28 and 29 have not been identified in this report and are not included in the updated TCIP or fee program. These locations are at-grade intersections with State Route 70. Long-term planning of the SR 70 corridor at this stage is subject to Caltrans planning and may include grade separated interchanges one or both of these locations. (2) Improvements to intersection 6 will also not be included in the TCIP as it will be constructed with outside funding sources. (3) Improvements to intersection 33 will be constructed as mitigations to the approved Walmart project and will not be included in the fee program.

TABLE 23:
TCIP ROADWAY IMPROVEMENTS

ID	Roadway Name	From	To	Improvement Description	Developer		Non-TCIP		Total Cost
					Cost	Cost	Fee Cost	Cost	
R2	Oroville Dam Boulevard	Wilbur Road/Larkin Avenue	Feather Avenue/Larkin Road	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$0	\$12,310,000	\$0	\$0	\$12,310,000
R6	Oroville Dam Boulevard	Orange Avenue/Acacia Avenue	Canyon Drive	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$17,389,167	\$0	\$12,420,833	\$0	\$29,810,000
R15	Boulevard	Table Mountain Garden Drive	Nelson Avenue/Cherokee Road	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$3,816,296	\$0	\$3,543,704	\$0	\$7,360,000
R16	Boulevard	Table Mountain Avenue/Cherokee Road	Montgomery Street	Widen to 4-Lane Arterial Standard by Adding Additional Travel Lanes, Bike Lanes, Sidewalk & Landscaping	\$0	\$0	\$4,440,000	\$0	\$4,440,000
R21	Montgomery Street	Montgomery Street	Park Entrance/Orange Avenue	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$0	\$0	\$5,320,000	\$0	\$5,320,000
R22	Feather River Boulevard	Montgomery Street	Oroville Dam Boulevard	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$0	\$0	\$1,580,000	\$0	\$1,580,000
R23	Feather River Boulevard	Oroville Dam Boulevard	Georgia Pacific Way	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$4,625,185	\$0	\$4,294,815	\$0	\$8,920,000
R27	5th Avenue	Mitchell Avenue	Georgia Pacific Way	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$5,908,889	\$0	\$5,171,111	\$0	\$11,080,000
R29	Georgia Pacific Way	SR 70	Baggett Marysville Road	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$3,142,222	\$0	\$2,917,778	\$0	\$6,060,000
R35	Lincoln Boulevard	Monte Vista Avenue	Ophir Road	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$2,538,261	\$0	\$1,631,739	\$0	\$4,170,000
R36	Lincoln Boulevard	Ophir Road	Alexis Avenue	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$5,533,043	\$0	\$3,556,957	\$0	\$9,090,000
R38	Meyers Street	Montgomery Street	Oroville Dam Boulevard	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$0	\$0	\$1,930,000	\$0	\$1,930,000
R39	Meyers Street	Oroville Dam Boulevard	Lincoln Boulevard	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$0	\$0	\$3,250,000	\$0	\$3,250,000
R40	Washington Avenue	Montgomery Street	Oroville Dam Boulevard	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$0	\$0	\$1,860,000	\$0	\$1,860,000
R42	Las Palmas Avenue	Walmer Road	Lower Wyandotte Road	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$3,603,704	\$0	\$3,346,296	\$0	\$6,950,000
R43	Monte Vista Avenue	Lincoln Road	Lower Wyandotte Road	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$3,251,111	\$0	\$3,018,889	\$0	\$6,270,000
R45	Ophir Road	SR 70	Baggett Palermo Road	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$5,910,435	\$0	\$3,799,565	\$0	\$9,710,000
R46	Ophir Road	Baggett Palermo Road	Lincoln Boulevard	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$10,700,870	\$0	\$6,879,130	\$0	\$17,580,000
R65	Olive Highway	Oro Dam Boulevard	Lower Wyandotte Road	Widen to 4-Lane Arterial Standard by Adding Additional Travel Lanes, Bike Lanes, Sidewalk & Landscaping	\$0	\$2,010,000	\$0	\$0	\$2,010,000
R66	Olive Highway	Lower Wyandotte Road	Foothill Boulevard	Widen to 4-Lane Arterial Standard by Adding Center Turn Lane, Additional Travel Lanes, Bike Lanes, Sidewalk & Landscaping	\$0	\$3,000,000	\$0	\$0	\$3,000,000
R67	Olive Highway	Foothill Boulevard	Oakvale Avenue	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$0	\$10,740,000	\$0	\$0	\$10,740,000
R84	Olive Highway	Oakvale Avenue	Miners Ranch Road	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$0	\$10,970,000	\$0	\$0	\$10,970,000
					TOTAL:	\$66,079,183	\$39,030,000	\$68,960,817	\$174,070,000

TABLE 24:
TCIP BICYCLE FACILITY IMPROVEMENTS

ID	Roadway Name	From	To	Improvement Description	Developer		Non-TCIP		Total Cost
					Cost	Cost	Fee Cost	Cost	
R19	Garden Drive	Park Entrance	Table Mountain Boulevard	Construct Bike Lanes	\$0	\$0	\$630,000	\$0	\$630,000
R34	Lincoln Boulevard	Baggett Marysville Road	Monte Vista Avenue	Add Bike Lanes (Striping)	\$0	\$0	\$60,000	\$0	\$60,000
R49	Lower Wyandotte Road	Olive Highway	V-7 Road	Add Bike Lanes (Striping)	\$0	\$0	\$60,000	\$0	\$60,000
R50	Lower Wyandotte Road	V-7	Ophir Road	Add Bike Lanes (Striping)	\$0	\$0	\$60,000	\$0	\$60,000
R47	Ophir Road	Lincoln Boulevard	Lower Wyandotte Road	Add Bike Lanes (Striping)	\$0	\$0	\$60,000	\$0	\$60,000
R1	Oroville Dam Boulevard	SR 99	Wilbur Road/Larkin Avenue	Add Bike Lanes (Striping)	\$0	\$60,000	\$0	\$0	\$60,000
R3	Oroville Dam Boulevard	Feather Avenue/Larkin Road	SR 70	Add Bike Lanes (Striping)	\$0	\$60,000	\$0	\$0	\$60,000
R4	Oroville Dam Boulevard	SR 70	Olive Highway	Add Bike Lanes (Striping)	\$0	\$140,000	\$0	\$0	\$140,000
					TOTAL:	\$0	\$260,000	\$870,000	\$1,130,000

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS

**FROM: MIKE MASSARO, CONTRACT CITY ENGINEER
PUBLIC WORKS DEPARTMENT**

**RE: PAVEMENT REHABILITATION LIST FOR SUBMITTAL TO
CALIFORNIA TRANSPORTATION COMMISSION FOR FUNDING**

DATE: OCTOBER 3, 2017

SUMMARY

The Council may consider approving the submittal of a list of roads and streets prioritized for rehabilitation to the California Transportation Commission (CTC) for compliance with CTC guidelines. The CTC requires submittal by October 16, 2017, for the City to be eligible for additional funding under Senate Bill 1 (SB 1) and Assembly Bill 135 (AB 135).

DISCUSSION

Initial unofficial estimated Maintenance of Effort (MOE) amounts of required annual general fund spending for receipt of funds under the Road Repair and Accountability Act of 2017 (SB1 Beall) are now available. The Road Repair and Accountability Act of 2017 (SB1 Beall) includes a substantial boost in Local Streets and Roads Funding over the Highway Users Tax Account allocations that cities and counties have been receiving. The Act establishes a new "Road Maintenance and Rehabilitation Account (RMRA) in the state treasury and allocates amounts to cities and counties from that account based on statutory formulas.

The Road Repair and Accountability Act contains a local agency maintenance of effort (MOE) requirement that applies to funds allocated through the RMRA. The Act states that the MOE requirement is to ensure that these new roads funds do not supplant existing levels of city and county general revenue spending on streets and roads. The MOE for the receipt of RMRA funds state that a city or county must maintain general fund spending for street, road, and highway purposes at no less than average of 2009–10, 2010–11, and 2011–12 years. In making this calculation certain one-time funds may be excluded. A city or county that fails to comply in a particular year may make it up with in additional expenditures in the following year.

The Act provides that the State Controller may perform audits to ensure compliance with these MOE rules. If the State Controller determines that a city or county has not met it's MOE, the agency will be required to reimburse the state for the funds it received

during that fiscal year. However, a city or county that fails to comply in a particular fiscal year may expend during that fiscal year and the following fiscal year a total amount that is sufficient to comply. Any funds withheld or returned as a result of a failure to comply will be reapportioned to the other counties and cities whose expenditures are in compliance.

In order to maintain compliance with state requirements and assure that the City of Oroville continues to receive its share of funding, City Staff must submit our prioritized list of roads and streets for rehabilitation and repair. This list should be considered a DRAFT and is merely submitted at this time to meet state mandated deadlines. The CTC does not “approve” or “deny” project lists, they simply gather all of the cities project lists.

City Staff have affirmed that future road rehabilitation lists will be brought to the Planning Commission for comment and to the City Council for confirmation and approval. Therefore, the attached list of projects will be reviewed and revised going forward. The list provided to CTC can and will be updated in a few months with Planning Commission and City Council comments.

FISCAL IMPACT

No immediate impact to the City’s local transportation fund or general fund. However, submittal of list to CTC will assure future allocations of funding from the State to the City for road repair and rehabilitation.

RECOMMENDATIONS

Approve the submittal of the draft prioritization list of roads and streets for rehabilitation to the California Transportation Commission.

ATTACHMENTS

A – Local Streets and Roads Forms List for CTC

Senate Bill (SB) 1 Proposed Project List Form**Part 1: General Information****Local Streets and Roads Program***** Agency Name:** (Select from dropdown list)**LoCode:**

Oroville

5142

*** Agency Address:***** City:***** ZIP Code:**

1735 Montgomery Street

Oroville

CA

95965

*** Agency Contact:***** Agency Contact Title:**

Michael Massaro

Contract City Engineer

*** Agency Contact Phone No.:** (i.e. 1234567890)*** Agency Contact Email Address:**

(916) 549-6935

mmassaro@ben-en.com

Funding for Fiscal Year:

FY 17/18

*** Budget Support Documentation:?**

Please briefly describe the budget support documentation being provided.

Spreadsheet from Pavement Management System

Average Network PCI:**Measurement Date:**

(Month)

(Year)

Additional Information: ?

Project List is based on prior condition assessment and prioritization list from pavement management system.

Project Flexibility:

Pursuant to SHC Section 2034(a)(1), this project list shall not limit the flexibility of an eligible city or county to fund projects in accordance with local needs and priorities, so long as the projects are consistent with SHC Section 2030(b). After submittal of the project list to the Commission, in the event a city or county elects to make changes to the project list pursuant to the statutory provision noted above, formal notification of the Commission is not required. However, the Project Expenditure Report form that is due to the Commission by October 1st each year, will provide an opportunity for jurisdictions to annually communicate such changes to the Commission as part of the regular reporting process.

*** Required information**

Part 2. Project Information
Local Streets and Roads Program

* Required

Proposed Project (PPP)	LoCode	Project Title	Project ID (if any)	Project Type		Project Description	Project Location	Estimated Completion Date		Estimated Useful Life (in Yr)	Legislative Districts		Additional Project Elements				
				Type (Select from dropdown list)	Explanation (If "Other" is selected, please explain)			Pre-Construction (mm/yyyy)	Construction (mm/yyyy)		State Senate	State Assembly	Sustainability	Technologies	Climate Change	Complete Streets Elements	Description of Elements
PP01	5142	ORO DAM BL		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Highlands to Valley View Dr	12/2018	06/2019	5	15						
PP02	5142	ORANGE AV		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Long Bar	01/2018	06/2018	5	15						
PP03	5142	ORANGE AV		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Juarez Ave to Long Bar	01/2018	06/2018	5	15						
PP04	5142	ORANGE AV		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Hillside Ct to Azalea Ave	01/2018	06/2018	5	15						
PP05	5142	ORANGE AV		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Long Bar	01/2018	06/2018	5	15						
PP06	5142	ORANGE AV		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Bridge St. to Linden Ave.	01/2018	06/2018	5	15						
PP07	5142	ORO QUINCY HY		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Myrtle Dr to Casa Loma Way			5	15						
PP08	5142	MONTGOMERY ST		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Washington Ave to Northon Ave			5	15						
PP09	5142	HIGHLANDS BL		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Rockridge Rd to Canyon Highlands Dr			5	15						
PP10	5142	FEATHER RIVER BL		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Pomona Ave to High St.			5	15						
PP11	5142	SPENCER AV		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Michigan to Wilson			5	15						
PP12	5142	BAGGETT MARKESVILLE RD		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Georgia Pacific Wy to City Limits			5	15						
PP13	5142	HEATON ST		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Soto Dam			5	15						
PP14	5142	3TH AV		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Georgia Pacific Wy to Simpson Lane			5	15						
PP15	5142	FEATHER RIVER BL		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Dro Dam Bl to Mitchell Ave			5	15						
PP16	5142	3TH AV		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	High St. to Spruce St.			5	15						
PP17	5142	CHEROKEE RD		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	to Colina Dr to City Limits			5	15						
PP18	5142	CASEY CT		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Nelson Bl			5	15						
PP19	5142	LARKIN RD		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Mineral Way to Oro Dam Bl			5	15						
PP20	5142	GLEN DR		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Dro Dam Bl			5	15						
PP21	5142	WORTHY AV		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Grand Ave to end			5	15						
PP22	5142	MOONSHINE CT		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Burns Woods Dr			5	15						
PP23	5142	WOODCHEST DR		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Dro Quimby Hwy			5	15						
PP24	5142	GLEN DR		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Shen Circle Dr to Glen view way			5	15						
PP25	5142	SPENCER AV		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Wyndolite Ave to Costa St.			5	15						
PP26	5142	BAGGETT FALLMERE RD		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Haines Ave to Opbir Rd			5	15						
PP27	5142	3TH AV		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Dro Hwy to Bay Way			5	15						
PP28	5142	PAK PARK AV		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Azalea Ave to Valley View Dr.			5	15						
PP29	5142	STAUSS AV		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Stanford Ave to Canyon Highlands Dr			5	15						
PP30	5142	WHITCOMB AV		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Monticlar Ave to Worthy Ave			5	15						
PP31	5142	3TH AV		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Simpco Ln to Hains Way			5	15						
PP32	5142	COVENTRY DR		Road Maintenance & Rehabilitation	repair - resurface	repair - resurface	Rockridge Rd to Linda Dr			5	15						

Local Streets and Roads Program

Agency Name:	Agency Contact:	
Oroville	Michael Massaro	FY
	(916) 549-6935	17/18
LoCode:	5142	
	mmassaro@ben-en.com	

Summary of Proposed Project List

Project No.	Project Title	Project Description	Project Location	Estimated Completion Date (mm/dd/yyyy)		Estimated Useful Life (# of yrs)	
				Pre-Construction	Construction	Min.	Max.
PP01	ORO DAM BL	repave - resurface	Highlands to Valley View Dr	12/2018	06/2019	5	15
PP02	ORANGE AV	repave - resurface	Long Bar	01/2018	06/2018	5	15
PP03	ORANGE AV	repave - resurface	Laurel Ave to Long Bar	01/2018	06/2018	5	15
PP04	ORANGE AV	repave - resurface	Felice Ct to Acacia Ave	01/2018	06/2018	5	15
PP05	ORANGE AV	repave - resurface	Long Bar	01/2018	06/2018	5	15
PP06	ORANGE AV	repave - resurface	Bridge St. to Linden Ave.	01/2018	06/2018	5	15
PP07	ORO QUINCY HY	repave - resurface	Myrtle Dr to Casa Loma Way			5	15
PP08	MONTGOMERY ST	repave - resurface	Washington Ave to Norton Ave			5	15
PP09	HIGHLANDS BL	repave - resurface	Rockridge Rd to Canyon Highlands Dr			5	15
PP10	FEATHER RIVER BL	repave - resurface	Pomona Ave to High St.			5	15
PP11	SPENCER AV	repave - resurface	Mitchell to Wilcox			5	15
PP12	BAGGETT MARYSVILLE RD	repave - resurface	Georgia Pacific Wy to City limits			5	15
PP13	VEATCH ST	repave - resurface	Oro Dam			5	15
PP14	5TH AV	repave - resurface	Georgia Pacific Wy to Simpro Lane			5	15
PP15	FEATHER RIVER BL	repave - resurface	Oro Dam Bl to Mitchell Ave			5	15
PP16	5TH AV	repave - resurface	High St. to Spruce St.			5	15
PP17	CHEROKEE RD	repave - resurface	la Colina Dr to city limits			5	15
PP18	CASEY CT	repave - resurface	Nelson Bl			5	15
PP19	LARKIN RD	repave - resurface	Mineral Way to Oro Dam Bl			5	15
PP20	GLEN DR	repave - resurface	Oro Dam Bl			5	15
PP21	WORTHY AV	repave - resurface	Grand Ave to end			5	15
PP22	MOONSHINE CT	repave - resurface	Butte Woods Dr			5	15
PP23	WOODCREST DR	repave - resurface	Oro Quincy Hwy			5	15

Local Streets and Roads Program

Agency Name:	Agency Contact:	
Oroville	Michael Massaro	<div style="border: 1px solid black; padding: 5px; margin: 0 auto; width: 80%;"> FY 17/18 </div>
	(916) 549-6935	
LoCode: 5142	mmassaro@ben-en.com	

Summary of Proposed Project List

Project No.	Project Title	Project Description	Project Location	Estimated Completion Date (mm/dd/yyyy)		Estimated Useful Life (# of yrs)	
				Pre-Construction	Construction	Min.	Max.
PP24	GLEN DR	repave - resurface	Glen Circle Dr to Glen view way			5	15
PP25	SPENCER AV	repave - resurface	Wyandotte Ave to Corto St			5	15
PP26	BAGGETT PALMERO RD	repave - resurface	Railroad Ave to Ophir Rd			5	15
PP27	FAY WY	repave - resurface	Olive Hwy to Fay Way			5	15
PP28	OAK PARK AV	repave - resurface	Acacia Ave to Valley View Dr.			5	15
PP29	STAUSS AV	repave - resurface	Stanford Ave to Canyon Highlands Dr			5	15
PP30	WHITCOMB AV	repave - resurface	Morningstar Ave to Worthly Ave			5	15
PP31	5TH AV	repave - resurface	Simpco Ln to Rainys Way			5	15
PP32	COVENTRY DR	repave - resurface	Rockridge Rd to Linda Dr			5	15
PP33	OAK AV	repave - resurface	Oro Quincy Hwy to Pine Oaks Rd			5	15
PP34	SAFFORD ST	repave - resurface	Feather River Bl to Service St.			5	15
PP35	VALLEY VIEW DR	repave - resurface	Oro Dam Bl to Service St.			5	15
PP36	COARSE GOLD RD	repave - resurface	Sutter Mill Rd to Nelson Ave			5	15
PP37	MOURNING DOVE LN	repave - resurface	Coarse Gold Rd to Golden Eagle Rd			5	15
PP38	BUTTE WOODS DR	repave - resurface	End to Pleasant Oak Ln			5	15
PP39	GOLDEN EAGLE RD	repave - resurface	Sutter Mill Rd			5	15
PP40							
PP41							
PP42							
PP43							
PP44							
PP45							
PP46							

TABLE 22:
TCIP INTERSECTION IMPROVEMENTS

ID	Intersection Name (1)	Improvement Description	Developer Cost	Non-TCIP Cost	Fee Cost	Total Cost
13	Nelson Avenue / SR 70 SB Ramps	Install Roundabout or Install Signal & Add Left Turn Pockets in All Directions	\$0	\$1,300,000	\$0	\$1,300,000
14	Nelson Avenue / SR 70 NB Ramps	Install Roundabout or Install Signal	\$0	\$1,300,000	\$0	\$1,300,000
15	Nelson Avenue / Country Center Drive	Install Roundabout or Install Signal	\$0	\$0	\$660,000	\$660,000
16	Nelson Avenue / Table Mountain Blvd / Cherokee Rd. (2)	Install Roundabout or Install Signal & Add Eastbound & Westbound Left Turn Pockets	\$0	\$1,300,000	\$0	\$1,300,000
17	Grand Avenue / SR 70 SB Ramps	Install Roundabout or Install Signal	\$0	\$1,300,000	\$0	\$1,300,000
18	Grand Avenue / SR 70 NB Ramps	Install Roundabout or Install Signal & Add Left Turn Pockets & a Northbound Right Turn Pocket	\$0	\$1,300,000	\$0	\$1,300,000
110	Montgomery Street / SR 70 SB Ramps	Install All-Way Stop Sign	\$0	\$60,000	\$0	\$60,000
114	Oroville Dam Boulevard / 10th Street	Install Roundabout or Install Signal	\$0	\$660,000	\$0	\$660,000
117	Oroville Dam Boulevard / Feather River Boulevard	Add Eastbound Right Turn Pocket, Second Northbound Left Turn Pocket, Southbound Right Turn Pocket, and Restripe Southbound Left-Right as a Left- Through. Modify Signal to Accommodate Reconfiguration & Restripe Intersection.	\$0	\$1,100,000	\$0	\$1,100,000
118	Oroville Dam Boulevard / 8th Avenue	Add Dual Northbound Right Turn Pockets and Dedicated Southbound Right Turn Pocket. Modify Signal to Accommodate Reconfiguration & Restripe Intersection.	\$0	\$1,040,000	\$0	\$1,040,000
120	Lincoln Boulevard / Oro Dam Boulevard	Add Second Northbound Through Lane and Second Southbound Left Turn Pocket. Modify Signal to Accommodate Reconfiguration & Restripe Intersection	\$0	\$1,040,000	\$0	\$1,040,000
122	Oroville Dam Boulevard / Spencer	Add Dedicated Northbound and Southbound Right Turn Pockets. Modify Signal to Accommodate Reconfiguration & Restripe Intersection.	\$0	\$970,000	\$0	\$970,000
124	Oroville Dam Boulevard / Olive Highway	Add Second Eastbound Right Turn Pocket and Second Southbound Through Lane. Modify Signal to Accommodate Reconfiguration & Restripe Intersection.	\$0	\$1,040,000	\$0	\$1,040,000
125	Olive Highway / Hospital Access	Modify Traffic Signal to Accommodate Roadway Widening on Olive Highway	\$0	\$200,000	\$0	\$200,000
126	Lower Wvandotte Road / Olive Highway	Modify Traffic Signal to Accommodate Roadway Widening on Olive Highway	\$0	\$200,000	\$0	\$200,000
127	Foothill Boulevard / Olive Highway	Install Traffic Signal to Accommodate Roadway Widening on Olive Highway	\$0	\$200,000	\$0	\$200,000
130	Ophir Road / Feather River Boulevard	Install Roundabout or Install Signal & Add Left Turn Pockets in All Directions	\$0	\$0	\$1,300,000	\$1,300,000
131	Feather River Boulevard / Georgia Pacific Way	Install Roundabout or Install Signal & Left Turn Pockets in All Directions and a Westbound Right Turn Pocket	\$0	\$0	\$1,300,000	\$1,300,000
133	Feather River Boulevard / Cal Oak Road (3)	Install Roundabout or Install Signal & Northbound & Westbound Right Turn Pockets & Southbound Left Turn Pocket	\$0	\$660,000	\$0	\$660,000
134	7th Avenue / Cal Oak Road	Install All-Way Stop Sign & Add Eastbound & Westbound Left Turn Pockets	\$0	\$0	\$200,000	\$200,000
135	5th Avenue / Cal Oak Road	Install Roundabout or Install Signal & Add Left Turn Pockets in All Directions	\$0	\$0	\$660,000	\$660,000
138	Ophir Road / Baquet Palermo Road	Install Roundabout or Install Signal	\$0	\$0	\$1,300,000	\$1,300,000
139	Ophir Road / Kusel Road	Install Roundabout or Install Signal	\$0	\$0	\$1,300,000	\$1,300,000
142	Lincoln Boulevard / Monte Vista Avenue	Install Roundabout or Install Signal	\$0	\$0	\$660,000	\$660,000
143	Lincoln Boulevard / Walmer Road	Install Roundabout or Install Signal	\$0	\$0	\$660,000	\$660,000
145	Lincoln Boulevard / Greenville	Install Roundabout or Install Signal	\$0	\$0	\$660,000	\$660,000
146	Lincoln Boulevard / Wvandotte Avenue	Install Roundabout or Install Signal	\$0	\$0	\$660,000	\$660,000
152	Lower Wvandotte Road / Monte Vista Avenue	Install Roundabout or Install Signal	\$0	\$0	\$660,000	\$660,000
TOTAL:			\$0	\$13,670,000	\$10,020,000	\$23,690,000

Notes: (1) Improvements to intersections 28 and 29 have not been identified in this report and are not included in the updated TCIP or fee program. These locations are at-grade intersections with State Route 70. Long-term planning of the SR 70 corridor at this stage is subject to Caltrans planning and may include grade separated interchanges one or both of these locations. (2) Improvements to intersection 6 will also not be included in the TCIP as it will be constructed with outside funding sources. (3) Improvements to intersection 33 will be constructed as mitigations to the approved Walmart project and will not be included in the fee program.

TABLE 23:
TCIP ROADWAY IMPROVEMENTS

ID	Roadway Name	From	To	Improvement Description	Developer Cost	Non-TCIP Cost	Fee Cost	Total Cost
R2	Oroville Dam Boulevard	Wilbur Road/Larkin Avenue	Feather Avenue/Larkin Road	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$0	\$12,310,000	\$0	\$12,310,000
R6	Oroville Dam Boulevard	Orange Avenue/Acacia Avenue	Canyon Drive	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$17,389,167	\$0	\$12,420,833	\$29,810,000
R15	Table Mountain Boulevard	Garden Drive	Nelson Avenue/Cherokee Road	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$3,816,296	\$0	\$3,543,704	\$7,360,000
R16	Table Mountain Boulevard	Nelson Avenue/Cherokee Road	Montgomery Street	Widen to 4-Lane Arterial Standard by Adding Additional Travel Lanes, Bike Lanes, Sidewalk & Landscaping	\$0	\$0	\$4,440,000	\$4,440,000
R21	Montgomery Street	Park Entrance	Orange Avenue	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$0	\$0	\$5,320,000	\$5,320,000
R22	Feather River Boulevard	Montgomery Street	Oroville Dam Boulevard	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$0	\$0	\$1,580,000	\$1,580,000
R23	Feather River Boulevard	Oroville Dam Boulevard	Georgia Pacific Way	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$4,625,185	\$0	\$4,294,815	\$8,920,000
R27	5th Avenue	Mitchell Avenue	Georgia Pacific Way	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$5,568,889	\$0	\$5,171,111	\$10,740,000
R29	Georgia Pacific Way	SR 70	Baggett Marysville Road	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$3,142,222	\$0	\$2,917,778	\$6,060,000
R35	Lincoln Boulevard	Monte Vista Avenue	Ophir Road	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$2,538,261	\$0	\$1,631,739	\$4,170,000
R36	Lincoln Boulevard	Ophir Road	Messina Avenue	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$5,533,043	\$0	\$3,556,957	\$9,090,000
R38	Meyers Street	Montgomery Street	Oroville Dam Boulevard	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$0	\$0	\$1,930,000	\$1,930,000
R39	Meyers Street	Oroville Dam Boulevard	Lincoln Boulevard	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$0	\$0	\$3,250,000	\$3,250,000
R40	Washington Avenue	Montgomery Street	Oroville Dam Boulevard	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$0	\$0	\$1,860,000	\$1,860,000
R42	Las Plumas Avenue	Walmer Road	Lower Wyandotte Road	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$3,603,704	\$0	\$3,346,296	\$6,950,000
R43	Monte Vista Avenue	Lincoln Road	Lower Wyandotte Road	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$3,251,111	\$0	\$3,018,889	\$6,270,000
R45	Ophir Road	SR 70	Baggett Palermo Road	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$5,910,435	\$0	\$3,799,565	\$9,710,000
R46	Ophir Road	Baggett Palermo Road	Lincoln Boulevard	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$10,700,870	\$0	\$6,879,130	\$17,580,000
R65	Olive Highway	Oro Dam Boulevard	Lower Wyandotte Road	Widen to 4-Lane Arterial Standard by Adding Additional Travel Lanes, Bike Lanes, Sidewalk & Landscaping	\$0	\$2,010,000	\$0	\$2,010,000
R66	Olive Highway	Lower Wyandotte Road	Foothill Boulevard	Widen to 4-Lane Arterial Standard by Adding Center Turn Lane, Additional Travel Lanes, Bike Lanes, Sidewalk & Landscaping	\$0	\$3,000,000	\$0	\$3,000,000
R67	Olive Highway	Foothill Boulevard	Oakvale Avenue	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$0	\$10,740,000	\$0	\$10,740,000
R84	Olive Highway	Oakvale Avenue	Miners Ranch Road	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$0	\$10,970,000	\$0	\$10,970,000
TOTAL:					\$66,079,183	\$39,030,000	\$68,960,817	\$174,070,000

**TABLE 24:
TCIP BICYCLE FACILITY IMPROVEMENTS**

ID	Roadway Name	From	To	Improvement Description	Developer Cost	Non-TCIP Cost	Fee Cost	Total Cost
R19	Garden Drive	Park Entrance	Table Mountain Boulevard	Construct Bike Lanes	\$0	\$0	\$630,000	\$630,000
R34	Lincoln Boulevard	Baggett Marysville Road	Monte Vista Avenue	Add Bike Lanes (Striping)	\$0	\$0	\$60,000	\$60,000
R49	Lower Wyandotte Road	Olive Highway	V-7 Road	Add Bike Lanes (Striping)	\$0	\$0	\$60,000	\$60,000
R50	Lower Wyandotte Road	V-7	Ophir Road	Add Bike Lanes (Striping)	\$0	\$0	\$60,000	\$60,000
R47	Ophir Road	Lincoln Boulevard	Lower Wyandotte Road	Add Bike Lanes (Striping)	\$0	\$0	\$60,000	\$60,000
R1	Oroville Dam Boulevard	SR 99	Wilbur Road/Larkin Avenue	Add Bike Lanes (Striping)	\$0	\$60,000	\$0	\$60,000
R3	Oroville Dam Boulevard	Feather Avenue/Larkin Road	SR 70	Add Bike Lanes (Striping)	\$0	\$60,000	\$0	\$60,000
R4	Oroville Dam Boulevard	SR 70	Olive Highway	Add Bike Lanes (Striping)	\$0	\$140,000	\$0	\$140,000
TOTAL:					\$0	\$260,000	\$870,000	\$1,130,000



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

PLANNING COMMISSION STAFF REPORT

October 26, 2017

Potential Drive-Thru Restaurant at 1355 Washington Ave - The Oroville Planning Commission will review and consider providing direction on the application process for the proposed project.

APPLICANT: Application(s) Pending

LOCATION: 1355 Washington Avenue
(APN: 013-030-010)

GENERAL PLAN: Mixed Use
ZONING: Downtown Mixed Use (MXD)
FLOOD ZONE: ZONE X: Areas determined to be outside the 0.2% annual chance floodplain (500-year floodplain).

REPORT PREPARED BY:

Luis A. Topete, Associate Planner
Community Development Department

REVIEWED BY:

Donald Rust, Director
Community Development Department

RECOMMENDED ACTIONS:

Provide staff direction.

BACKGROUND

The property located at 1355 Washington Avenue has been purchased by a new property owner. The property has a long history of issues with the State Water Control Board and has been sitting vacant for many years. The new property owner intends to renovate the property into a drive-thru restaurant. However, the property has a zoning designation of Downtown Mixed Use (MXD) which permits restaurants by right, subject to a zoning clearance, but does not permit the approval of a drive-thru restaurant.

This property is located at the northeastern edge of what is considered the City's downtown commercial district, on the east end of the roundabout at Montgomery Street and

Washington Avenue, further separating this property from what is considered the commercial downtown area.

DISCUSSION

Staff had a meeting with the new property owner prior to purchasing the property and it appears that a miscommunication occurred. As a result, the new owner purchased the property believing the drive-thru operation could be approved, and is now running into the problem that drive-thru restaurants are not permitted in an MXD zone.

Section 17.08.090 of the Oroville Municipal Code titled "Interpretations Regarding Allowable Uses of Land" specifies that if a proposed use of land is not allowed as of right, or allowed subject to a permit, the use shall not be allowed, except as otherwise permitted in this section (**Attachment B**).

Another option considered was the potential to apply for a variance. However, Section 17.48.080(B) specifies that "a variance shall not permit any land use that is not allowed in the applicable zoning district."



It appears that the most applicable process might be the need to rezone the property. Corridor Mixed Use (MXC) allows drive-thru restaurants, subject to the approval of a Use Permit. Applications could be processed concurrently. Depending of the level of environmental review that is required, a Minor Use Permit may be applied for.

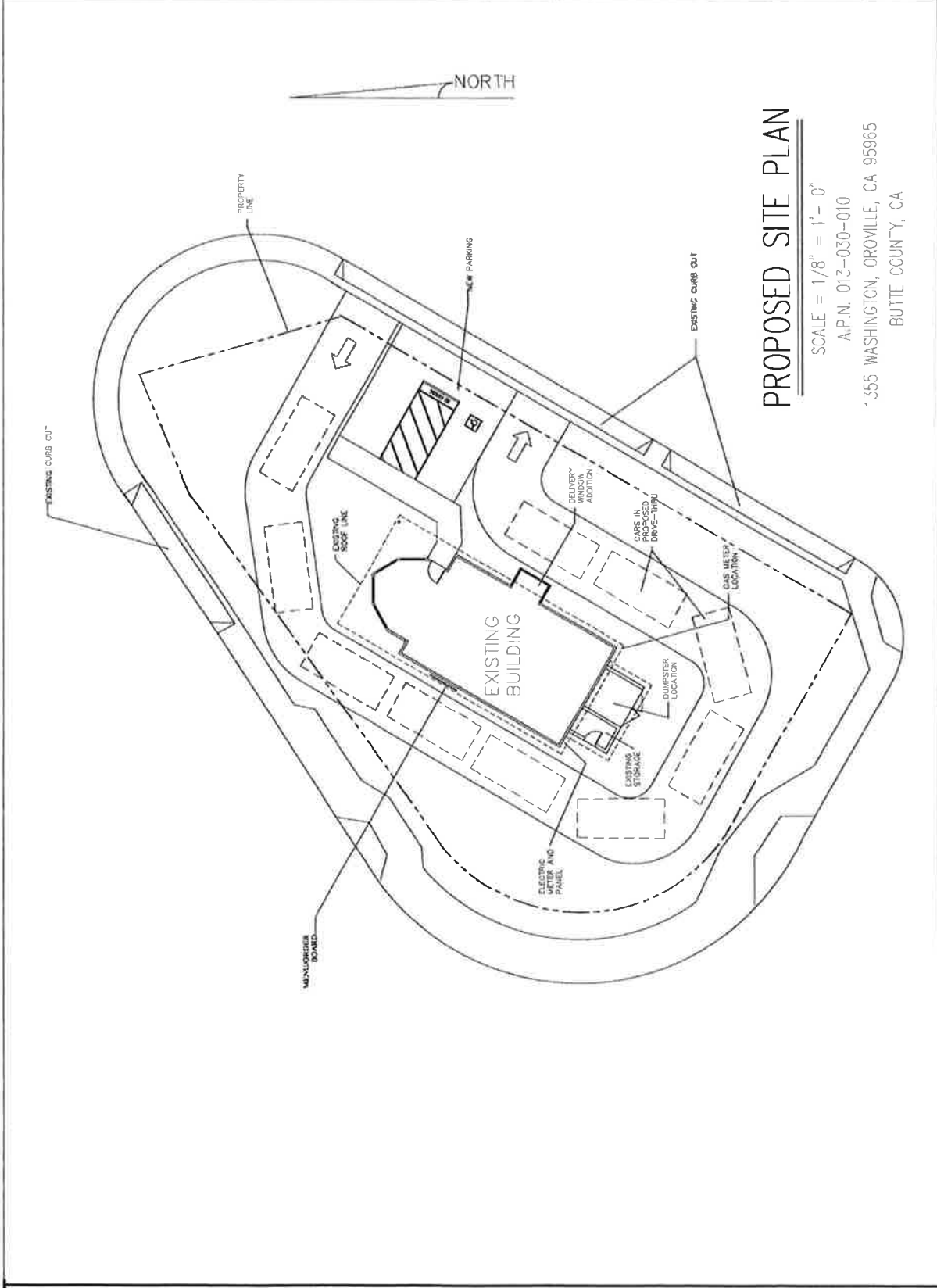
FISCAL IMPACT

Unknown at this time. Depends on permit process required.

ATTACHMENTS

- A – Proposed Site Plan
- B – Section 17.08.090 "Interpretations Regarding Allowable Uses of Land"

 	David G. Anderson, Architect 41 Butte Woods Drive, Oroville, CA 95966 Phone (530) 693-4546, Cell (530) 520-0211, E-mail dgaarchitect@bcglobal.net	Drawn by DGA Checked Date 9/26/2017	Drive Thru Plan	JOB NUMBER 1355 Washington SHEET NO. A2
	David G. Anderson, Architect 41 Butte Woods Drive, Oroville, CA 95966 Phone (530) 693-4546, Cell (530) 520-0211, E-mail dgaarchitect@bcglobal.net			Drive Thru Plan



Oroville Municipal Code							
Up	Previous	Next	Main		Search	Print	No Frames
Title 17 ZONING							
Chapter 17.08 GENERAL REGULATIONS							

17.08.090 Interpretations regarding allowable uses of land.

A. **Unlisted Uses Not Allowed.** If a proposed use of land is not allowed as of right, or allowed subject to a permit, according to the regulations set forth in this title for the applicable district, the use shall not be allowed, except as follows:

1. The zoning administrator may determine that a proposed use not listed for any zoning district is allowable as of right, subject to a zoning clearance, or that it is allowable subject to an administrative permit or use permit, if all of the following findings are made, based on substantial evidence:
 - a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the allowable uses for the zoning district.
 - b. The proposed use will not involve a higher level of activity, density or intensity than other allowable uses for the district.
 - c. The proposed use will meet the purpose and intent of the applicable zoning district.
 - d. The proposed use will be consistent with the goals, objectives and policies of the general plan.
2. When the zoning administrator determines that a proposed use is equivalent to a listed use, the proposed use shall be treated in the same manner as the listed use for the purposes of determining where it is allowed, what permits are required and what other requirements of this title apply. A record of the determination shall be made in accordance with the procedures set forth in this section.

B. **Procedures for Interpretations.** The zoning administrator shall respond in writing to any written request for interpretation of the regulations set forth in this title.

1. The written request shall state which provision is to be interpreted, and it shall provide any information that the zoning administrator deems necessary to assist in the review.
2. The zoning administrator shall respond to an interpretation request within 30 days of receiving the request. As an alternative to issuing an official interpretation, the zoning administrator may refer any request for interpretation to the planning commission for a determination.
3. Whenever the zoning administrator determines that the meaning or applicability of any of the requirements set forth in these regulations is subject to interpretation generally or as applied to a specific case, the zoning administrator shall issue an official interpretation. Official interpretations shall be:
 - a. In writing, and shall quote the provisions of the regulations set forth in this title that are being interpreted and explain their meaning or applicability in the particular or general circumstances that caused the need for interpretation; and
 - b. Maintained on file by the zoning administrator.
4. Any provisions of the regulations set forth in this title that are determined by the zoning administrator to need refinement or revision will be corrected by amending the regulations in accordance with Section 17.56.090, as soon as is practical. Until amendments can occur, the zoning

administrator will maintain a complete record of all official interpretations, as made by the zoning administrator or as made in accordance with the appeal process described in Section 17.56.100. The record of official interpretations shall be available for public review, and it shall be indexed by the number of the section that is the subject of the interpretation.

5. Any interpretation by the zoning administrator of the regulations set forth in this title may be appealed as provided in Section 17.56.100. (Ord. 1749 § 4; Ord. 1762 §§ 2, 3)

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