



# City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

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

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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

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## **PLANNING COMMISSION SPECIAL MEETING AGENDA**

**Thursday, March 29, 2018 at 7:00 p.m.  
MEETING AGENDA**

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

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

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### **ADMINISTRATIVE AGENDA**

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1. **CALL TO ORDER**

2. **ROLL CALL**

Commissioners Adonna Brand, Michael Britton, Randy Chapman, Wyatt Jenkins, 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 February 22, 2018 regular Planning Commission meeting.

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**REGULAR AGENDA**

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**8. PUBLIC HEARINGS**

- 8.1 UP 18-01: Feather River Crossing Sign Program** - The Oroville Planning Commission will review and consider approving a proposed sign program for the Feather River Crossing shopping center at 355 Oro Dam Boulevard E (APN: 035-030-080).

Staff Report: Gary Layman, Chief Building Official

**Staff Recommendation:**

**Adopt Resolution No. P2018-03:** A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 18-01 APPROVING A SIGN PROGRAM FOR THE FEATHER RIVER CROSSING SHOPPING CENTER AT 355 ORO DAM BOULEVARD E (APN: 035-030-080)

- 8.2 UP 18-02: Quick-Service Drive Thru Restaurant** - The Oroville Planning Commission will review and consider approving Use Permit No. 18-02 for the operation of a quick-service drive thru restaurant at 1355 Washington Avenue (APN: 013-030-010). The subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed restaurant is a use permitted by right, subject to a zoning clearance. However, all drive thru establishments require approval of a conditional use permit in an MXC zone.

Staff Report: Gary Layman, Chief Building Official

**Staff Recommendation:**

**Adopt Resolution No. P2018-04:** A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 18-02 PERMITTING A QUICK-SERVICE DRIVE THRU RESTAURANT AT 1355 WASHINGTON AVENUE (APN: 013-030-010)

**9. REGULAR BUSINESS**

- 9.1 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 3464 Myers Street (APN: 035-103-011), the existing location of a neighborhood market.

Staff Report: Gary Layman, Chief Building Official

**Staff Recommendation:**

**Adopt Resolution No. P2017-17:** 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 3464 MYERS STREET, OROVILLE, CA 95966 (APN: 035-103-011)

**10. DISCUSSION ITEMS**

None.

**11. DIRECTOR’S REPORT**

None.

**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, April 26, 2018 at 7:00 P.M. in the Oroville City Council Chambers.

Respectfully submitted by,



Ruth Wright, Director  
Finance Department

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

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

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

*Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the City Council by filing with the Zoning Administrator within fifteen days from the date of the action. A written notice of appeal specifying the grounds and an appeal fee immediately payable to the City of Oroville must be submitted at the time of filing. The Oroville City Council may sustain, modify or overrule this decision.*



**CITY OF OROVILLE  
PLANNING COMMISSION SPECIAL MEETING MINUTES  
FEBRUARY 22, 2018 – 7:00 PM**

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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](mailto:cityclerk@cityoforoville.org) or by calling the Clerk's office at 530-538-2535.

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The agenda for the February 22, 2018 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](http://www.cityoforoville.org), on Tuesday, February 13, 2018, at 1:59 p.m.

**1. CALL TO ORDER**

The February 22, 2018 meeting of the Oroville Planning Commission was called to order by Chairperson Robison, at 7:05 p.m.

**2. ROLL CALL**

Present: Commissioners Brand, Chapman, Jenkins, Vice Chairperson Durling, Chairperson Robison

Absent: Commissioner Britton (excused), McDavitt (excused)

**Staff Present:**

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Donald Rust, Acting City Administrator  
Dawn Nevers, SBF Program Specialist/Clerk Recorder

Luis Topete, Associate Planner

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**3. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Chairperson Robison.

**4. RECOGNITION OF INDIVIDUALS WISHING TO SPEAK ON AGENDA ITEMS**

DeAnne Blankenship - Item No. 8.1  
Angela Clossom – Item No. 8.1  
Teresa Turner – Item No. 8.1  
Suresh Vasudeva – Item No. 8.1  
Annica Dykstea – Item No. 8.1  
Ashak Vasudeva – Item No. 8.1  
Stephen Shaheen – Item No. 8.1  
Sam Khalil – Item No. 8.1  
David Lock – Item No. 9.3

Kari Hess – Item No. 8.1  
Megan Armstrong – Item No. 8.1  
Kavinder (Kinny) Chatkara – Item No. 8.1  
Scott Hubbard – Item No. 8.1  
Michael Lasomnrsvive – Item No. 8.1  
Sam Sayegh– Item No. 8.1  
Richard Merhim – Item No. 8.1  
Kayla Laffoone – Item No. 8.1

5. **PUBLIC COMMENT** - None

6. **CORRESPONDENCE**

(correspondence provided to Commission at time of meeting)

- Ashak Vasudeva, A-1 Kwik Serv & Vasu Gas & Food, RE: Flavored Tobacco
- Manraj Natt, Chairman, American Petroleum and convenience, RE: Flavored Tobacco
- DeAnne Blankenship, California Health Collaborative, RE: Flavored Tobacco
- Jeff Sealy, Regional VP of Real Estate, Ross Stores, Inc., RE: Feather River Crossing Sign Program
- Scott Weingarten, Director of Real Estate, Harbor Freight Tools, RE: Feather River Crossing Sign Program

7. **APPROVAL OF MINUTES**

APPROVAL OF THE MINUTES OF THE JANUARY 18, 2018 SPECIAL PLANNING COMMISSION MEETING.

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

**Approve the minutes of the January 18, 2018 special Planning Commission meeting.**

The motion was passed by the following vote:

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

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**REGULAR AGENDA**

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8. **PUBLIC HEARINGS**

8.1 **ZC 17-02: Restricting the Sale of Menthol Cigarettes and Other Flavored Tobacco Products** – staff report

The Oroville Planning Commission conducted a public hearing to consider sending a recommendation to the Oroville City Council to restrict the sale of menthol cigarettes and other flavored tobacco products in the City of Oroville. ***(This item continued from the January 18, 2018 Planning Commission Meeting)*** (Luis A. Topete, Associate Planner)

Chairperson Robison opened the public hearing.

DeAnne Blankenship, Kari Hess, Angela Clossom, Megan Armstrong, Teresa Turner, Kavinder (Kinny) Chatkara, Suresh Vasudeva, Scott Hubbard, Annica Dykstea, Michael

Lasomnrsive, Ashak Vasudeva, Sam Sayegh, Stephen Shaheen, Richard Merhim, Sam Khali, and Kayla Laffoone provided comments to the Planning commission regarding the item.

Hearing no further comments, the public hearing was closed.

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

**Table the item indefinitely.**

The motion was passed by the following vote:

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

## **9. REGULAR BUSINESS**

### **9.1 Prioritization of the Transportation Capital Improvement Program (TCIP) Projects List – staff report**

The Oroville Planning Commission reviewed and considered prioritizing the City's TCIP projects list to forward its recommendations to the City Council. **(Luis A. Topete, Associate Planner)**

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

**Continue the item until all prioritized lists are received by the Planning Commissions.**

The motion was passed by the following vote:

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

### **9.2 Smart & Final: Finding of Public Convenience or Necessity (Type 21) – staff report**

The Oroville Planning Commission reviewed and considered 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 355 Oro Dam Boulevard (APN: 035-030-080), the future location to a new Smart & Final. **(Luis A. Topete, Associate Planner)**

Casey Lynch, applicant, answered questions for the Commission.

Al Zib, citizen, asked questions and provided comments to the Commission.  
**Following discussion, a motion was made by Commissioner Chapman, seconded by Vice Chairperson Durling, to:**

**Adopt Resolution No. P2018-02: 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 355 ORO DAM BOULEVARD, OROVILLE, CA 95965 (APN: 035-030-080).**

The motion was passed by the following vote:

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

The Planning Commission convened to a brief recess at 7:52 p.m.  
The Planning Commission reconvened from recess at 7:59 p.m.

### **9.3 Feather River Crossing Sign Program – staff report**

The Oroville Planning Commission reviewed and considered a proposed sign program for the Feather River Crossing shopping center at 355 Oro Dam Boulevard E (APN: 035-030-080), and providing staff direction to return with an amendment to the existing sign program to allow for greater flexibility. **(Luis A. Topete, Associate Planner)**

Sanjiv Chopra, applicant, Michael Udekwo, Ross Stores, Inc., Rick Martinez, Real Estate Agent, Casey Lynch, Smart & Final, and Jeff Farrar, developer/applicant, answered questions and provided comments to the Commission regarding the item.

David Lock, a manufacturer of Harbor Freight tools, spoke in support of the project.

Following discussion, the Commission directed staff to process the sign program as a conditional use permit and return with proposed amendments to the sign program section of the Zoning Ordinance.

### **10. DISCUSSION ITEMS - None**

### **DIRECTOR'S REPORT**

Donald Rust, Director of Community Development, reported on the following:

- Announcement of his resignation, effective March 8, 2018.

### **11. CHAIRPERSON/COMMISSIONERS REPORTS - None**



14. **ADJOURNMENT**

The meeting was adjourned at 9:14 p.m. A special meeting of the Oroville Planning Commission will be held on Thursday, March 29, 2018, at 7:00 p.m.

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Bill LaGrone, Interim Secretary

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Damon Robison, Chairperson

DRAFT





# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

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### PLANNING COMMISSION STAFF REPORT

March 29, 2018

**UP 18-01: Feather River Crossing Sign Program** – The Oroville Planning Commission will review and consider approving a proposed sign program for the Feather River Crossing shopping center at 355 Oro Dam Boulevard E (APN: 035-030-080).

**APPLICANT:** Feather River 350 LLC  
101 E. Vineyard Ave, Ste 201  
Livermore, CA 94550

**LOCATION:** 355 Oro Dam Boulevard E  
Oroville, CA 95965  
APN: 035-030-080

**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:

This action has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities" and Section 15311 "Accessory Structures."

#### REPORT PREPARED BY:

  
Luis A. Topete, Associate Planner  
Community Development Department

#### REVIEWED BY:

  
Ruth Wright, Director  
Finance Department

#### RECOMMENDED ACTIONS:

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

1. **HOLD** a public hearing and receive testimony on the proposed Use Permit No. 18-01 for a proposed sign program for the Feather River Crossing shopping center at 355 Oro Dam Boulevard E (APN: 035-030-080), as described herein; and

2. **ADOPT** the Class 1 Categorical Exemption – Existing Facilities; CCR, Title 14, §15301 and Class 11 Categorical Exemption – Accessory Structures; CCR, Title 14, §15311 as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) Statute and Guidelines (**Attachment C**); and
3. **ADOPT** the recommended Findings for Use Permit No. 18-01 (**Attachment D**); and
4. **APPROVE** the recommended Conditions of Approval for Use Permit No. 18-01 (**Attachment E**); and
5. **ADOPT** Resolution No. P2018-03 (**Attachments F**).

**SUMMARY**

The Oroville Planning Commission will review and consider approving a proposed sign program for the Feather River Crossing shopping center at 355 Oro Dam Boulevard E (APN: 035-030-080). The subject property is zoned Intensive Commercial (C-2) with a General Plan land use designation of Retail and Business Services.

**BAKGROUND**

At the December 14, 2017 Planning Commission meeting, the Commission reviewed and considered the proposed signage for the repurposing of the commercial property at 355 Oro Dam Boulevard, the previous location of Walmart and future location of Feather River Crossing shopping center. Following a discussion, the Commission directed staff to return with a proposal for a sign program.

At the February 22, 2017 Planning Commission meeting, the Commission reviewed the proposed sign program and directed staff to process the sign program as a Conditional Use Permit and return with an amendment to the existing sign program regulations at a future date.

**DISCUSSION**

The repurposing of the previous Walmart location at 355 Oro Dam Boulevard E is underway. The shopping center will be renamed to Feather River Crossing. The existing building will be separated into four different suites (A-D) and two additional detached buildings (Pads 1 & 2) will be constructed. The proposed retailers are as follows:

<b>Space Identification</b>	<b>Square Feet</b>	<b>Potential Tenants</b>
Retail A	29,580	Smart & Final
Retail B	18,012	Ross
Retail C	15,000	Harbor Freight
Suite D	27,960	Fit Republic
Pad 1	6,000	Mattress Firm
Pad 2	6,002	Chipotle

\* Total Square Feet = 100,602

The existing sign code applies maximum total sign area to a project site, and not by building. Currently, for sites between 80,000 to 140,000 square feet of gross floor area, the maximum total area for all signs is calculated at 1.5 square feet per linear foot of building frontage, or 450 square feet, whichever is less.

The maximum total sign area for the site is calculated as follows:

<b>Major Tenants (Retail A-C, and Suite D)</b>		
<b>Building Face</b>	<b>Roadway Frontage</b>	<b>Lineal Feet</b>
East	Feather River Boulevard	262
North	Oro Dam Boulevard	386
West	State Route 70	262
Subtotal		910
<b>Pads 1 and 2</b>		
<b>Building Face</b>	<b>Roadway Frontage</b>	<b>Lineal Feet</b>
Pad 1 - East	Feather River Boulevard	120
Pad 2 - West	State Route 70	118
Pad 2 - North	State Route 70	32
Subtotal		270
<b>Total</b>		<b>1,180</b>

\*\* Maximum Total Sign Area: (1.5 x 1,180 = 1,770 square feet) or 450 square feet, whichever is less

The applicant is proposing the following signage:

<b>Schedule</b>	<b>Type</b>	<b>Square Footage</b>
A	WALL SIGN	180.36
B	WALL SIGN	109.8
C	WALL SIGN	115
D	WALL SIGN	17.71
E	WALL SIGN	33.18
F	WALL SIGN	504
G	WALL SIGN	115
H	WALL SIGN	109.8
I	WALL SIGN	295.16
J	WALL SIGN	130.47
K	WALL SIGN	130.47
L	WALL SIGN	60.15
M	WALL SIGN	35.59
N	PLAQUE	8
O	UNDER CANOPY SIGN	7.22
P	WALL SIGN	50
Q	WALL SIGN	50
R	WALL SIGN	100

S	WALL SIGN	60
T	WALL SIGN	92
U	WALL SIGN	50
V	WALL SIGN	50
W	WALL SIGN	50
X	WALL SIGN	50
P1	PYLON SIGN	499.16
M1	MONUMENT SIGN	167.72
M2	MONUMENT SIGN	34.38
<b>Total</b>		<b>3,106</b>

Proposed Signage vs Existing Sign Regulations

If the existing sign code were to be strictly enforced, no more than 450 square feet of total signage is allowed. Based off the scale and nature of the development, it's apparent that the sign code needs to be amended. The sign area being proposed is 2,666 square feet above the maximum total sign area currently permitted.

The applicant is also proposing 20' and 10' tall monument signs, with 8' being the maximum height allowed, and an 80' tall freestanding sign with approximately 500 square feet per face. Per the current sign code, the maximum height of a freestanding freeway-oriented sign shall be 40 feet. Increased height, up to a maximum of 60 feet, may be permitted in order to provide motorists with direct vision of the sign from a distance of ¼ mile from a freeway exit ramp. The need for this increased height shall be demonstrated by means of a balloon test or other method approved by the zoning administrator. Maximum area of freestanding signs with a street frontage over 400' lineal feet is 100 square feet per face, with approximately 500 square feet per face proposed.

Based off the proposed sign program, the following areas of the sign program exceed maximum allowances if the strict and literal enforcement of the sign code was applied:

- the maximum total sign area permitted
- the maximum area of a freestanding sign
- the maximum height of monument signs (height of monument signs proposed are allowed under current regulations, subject to the approval of a sign program)
- the maximum height of a freestanding sign

Sign Program Regulations

The City's existing sign program regulations specify that "sign programs are specifically intended to address the unique needs of certain uses and properties that include multiple uses on a site, or multiple signs for uses with special sign needs. Sign programs shall be used to achieve aesthetic compatibility between the signs within a project and provide flexibility in the number, size, location and type of signs." Sign programs are intended specifically for the following uses:

- Multiple-tenant buildings.
- Uses with freeway-oriented signs.
- Automobile or other vehicle sales.
- All uses within a Planned Development (PD-O) Overlay District.

The modifications to standards currently allowed under the existing sign program regulations are limited. The total area of all signs in a sign program are allowed to exceed the maximum total sign area by 10%. Monument signs are allowed a height of up to 20 feet for establishments that are contiguous to Oroville Dam Boulevard, and 15 feet for all other establishments. Thus, the proposed monument signs would comply with the existing sign code if approved under a sign program.

At the February 22, 2017 Planning Commission meeting, in an effort to further promote the purpose of the sign code, the Commission recommended that the current sign program regulations be amended to require that all sign programs be approved by the Planning Commission, and that there be a far greater flexibility as to not overburden businesses and still protect the public interest. Amendments to the existing sign program are underway and will be brought back to the Planning Commission at a future date.

## **ENVIRONMENTAL REVIEW**

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 “Existing Facilities” and Section 15311 “Accessory Structures.” **(Attachment C)**

## **FISCAL IMPACT**

The total fees associated with this use permit request are as follows:

<b>Item</b>	<b>Price</b>	<b>Tech Fee</b>	<b>Total</b>	<b>Paid</b>
Use Permit	\$2,889.98	\$173.40	\$3,063.38	No
<b>Total</b>	<b>\$2,889.98</b>	<b>\$173.40</b>	<b>\$3,063.38</b>	<b>No</b>

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

## **PUBLIC NOTICE**

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

## **ATTACHMENTS**

- A – Proposed Sign Program
- B – Existing Sign Program Regulations
- C – Notice of Exemption
- D – Findings
- E – Conditions of Approval
- F – Resolution No. P2018-03
- G – Property Owner Notice
- H – Newspaper Notice



# Feather River Crossing

355 Oroville Dam Blvd. E., Oroville, CA 95965

LATEST UPDATE:  
February 19, 2018

## SIGN CRITERIA

Drawing #27858R3

Prepared by



**National Sign & Marketing Corporation**



ELECTRONIC SIGNS

# Feather River Crossing

355 Oroville Dam Blvd. E., Oroville, CA 95965

**APN:** 035-030-080

**Legal Description:** Real property in the City of Oroville, County of Butte, State of California described as follows:

**Recorded Book/Page:** In Book 121 of maps, at page 44

**Subdivision Name:** Feather River Crossing

**Lot/Parcel:** Parcel 1, as shown on that certain parcel map.

**Surrounding Zones:** Intensive Commercial (C-2)  
Airport Influence Area Overlay (AIA-O).

**Applicant:** Patrick Faranal  
c/o National Sign and Marketing  
13580 5th St.  
Chino, CA 91710

Tel 909.591.4742 Fax 909.591.9792  
Lic# 745030 - Exp. 01/31/18

**Exhibit Prepare:** Sean Duffy / Patrick Faranal  
C/O National Sign and Marketing  
13580 5th St.

Chino, CA 91710  
Tel 909.591.4742 Fax 909.591.9792  
Lic# 745030 - Exp. 01/31/18

**Land Owner:** Feather River 350, LLC  
101 E. Vineyard Ave.  
Ste #201  
Livermore, CA 94550

## PROJECT DIRECTORY

**Developer:** Sanjiv Chopra  
Tel: (209) 561-8445

**Signage Consultant:** National Sign & Marketing  
13580 Fifth Street  
Chino, CA 91710  
Contact:  
Tel: (909) 591-4742  
Fax: (909) 591-8792

**City Planning:** City of Oroville  
Planning Division - Community Development Dept.  
Director: Donald Rust  
1735 Montgomery St.  
Oroville, CA 95965-4897  
Tel: (530) 530-2420  
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355 Oroville Dam Blvd. E., Oroville, CA 95965

### Overview

1. These guidelines are designed to complement architectural elements or themes expressed by the architecture of the buildings within the development. The resulting signage will, by placement, dimensions, and materials, create a common and attractive sign presence within the Feather River Crossing plan area. The purpose of the following criteria is to establish a coordinated sign program that gives each tenant adequate identification, while achieving a unified and attractive appearance among all lease spaces. In order to maintain the integrity of the criteria and balance among all occupants, Deviations from the criteria will not generally be approved.
2. To secure Landlord's approval, the Tenant agrees to conform to the following:
  - a. Provide three (3) copies of the detailed sign design. One to be in full color of the proposed sign(s), submitted to Landlord prior to submitting the designs to the City of Oroville.
  - b. The detailed sign design shall be submitted on sheets no larger than 11" x 17".
  - c. Submit copies to:  
Feather River 350, LLC  
101 E. Vineyard Ave., Ste# 201, Livermore, CA 94550  
Sanjiv Chopra & Sandle Martin
3. Prior to sign fabrication, the Tenant shall submit drawings of the proposed sign or signs to the City of Oroville per the city requirements. Upon approval, tenant shall provide a copy of the permitted plans to Landlord.
4. The Tenant or the Tenant's sign contractor shall secure a sign permit from the City of Oroville by submitting three (3) copies of fully dimensioned scaled drawings as follows:
  - a. A site plan showing the location of the occupant space on the site.
  - b. A detailed elevation of the Tenant's lease space drawn to scale and showing sign or signs placement and Tenant's space width, showing all colors, materials, dimensions and copy.
  - c. Fabrication and installation details, including structural and engineering data, U.L. electrical specifications.
  - d. Any other drawings, details and information as required by the City of Oroville.
5. All permits for signs and the installation thereof shall be obtained by the Tenant's sign contractor and paid for by the Tenant.
6. All signs and the installation thereof shall comply with all current local zoning, building, and electrical codes.
7. A copy of the signed off permit job card shall be provided to the landlord.

355 Oroville Dam Blvd. E., Oroville, CA 95965

### Submittals and Approval (Part 1)

There is a formal process for the creation, review, and approval of the Tenant's signs at Feather River Crossing. All of the Tenant's signage is subject to the Landlord's or their managing agent's written approval. Approval will be granted based on the following:

1. Design, fabrication, and method of installation of all signs shall conform to this sign program.
2. Proposed signage is in harmony with adjacent signage conditions and conforms with the design standards for Feather River Crossing.

#### A. Submittal to Owner:

1. Tenant shall submit three (3) color copies of detailed shop drawings to Owner for approval prior to permit submittal or sign fabrication. Submit copies to: Feather River 350, LLC. Attn: Sandie Martin. Sign drawings are to be prepared by a California licensed sign contractor. All signs must conform to the requirements of the City of Oroville.

Submittals shall include the following:

1. Scaled elevation of Tenant's storefront depicting the proposed sign design and all dimensions as they relate to the Tenant's storefront.
2. Fully dimensioned and scaled shop drawings specifying exact dimensions, copy layout, type styles, materials, colors, means of attachment, illumination, electrical specifications, and all others details of construction. Section through letter and/or sign panel showing dimensioned projection of the face of the letter of the sign panel and the illumination.

If the shop drawings are denied, the Tenant must resubmit revised plans until Landlord's approval is obtained. Request to implement signs that vary from the provisions of this sign program shall be submitted to the Landlord's for approval, and then submitted to the City of Oroville for approval only if approved in writing by the Landlord. The Landlord may approve signs that depart from the specific provisions and constraints of this sign program in order to:

- a. Encourage exceptional design.
- b. Accommodate imaginative, unique and tasteful signs that capture the spirit and intent of this sign program.
- c. Mitigate problems in the application of this sign program.

#### B. Submittal to City:

1. The Tenant or their Sign Contractor must submit to the City of Oroville Planning and Building Department, and will be responsible for all necessary applications, due diligence, and permit fees as required in order to attain permits.
2. The Tenant and their Sign Contractor will not be permitted to commence installation of the exterior sign unless all of the following conditions have been met:
  - a. A copy of stamped or signed set of final drawings reflecting the Landlord's and the City of Oroville approval shall be on file in the Landlord's office.
  - b. All sign contractors must be fully insured and approved by the Landlord prior to installation. Landlord must receive the sign contractor's certificate of insurance naming the Landlord as additionally insured prior to commencement of any work. Coverage to be a minimum of three million dollars (\$3,000,000) general aggregate of insurance.
  - c. The Landlord must be notified 48 hours in advance prior to the installation of the signs.

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### **Submittals and Approval (Part 2)**

**C. Installation:**

1. The Tenant's sign contractor shall install permitted signage within 90 days after approval of shop drawings from the Landlord. If the sign(s) are not in place by that date, The Landlord may order sign fabrication and installation on the Tenant's behalf and at the Tenant's expense.

**D. The Tenant's Responsibility:**

1. The Landlord may, at their sole discretion and at the Tenant's expense, correct, replace, or remove any sign that is installed without written approval and/or that is deemed unacceptable pertaining to this sign program
2. If the Tenant chooses to change their exterior sign at anytime during the term of their lease, the Tenant must comply with the requirements set forth herein for any future modifications, revisions, or changes which have been made to sign program for this center after the execution of their lease agreement.
3. The Tenant shall be ultimately responsible for the fulfillment of all requirements and specifications, include those of the Landlord, City, U.L, and the Uniform Electrical Code.
4. Tenant shall be responsible for all expenses relating to any signage for their store, including but not limited to:
  - a. Design consultant fees (if applicable)
  - b. 100% of the permit processing cost and application fees.
  - c. 100% of the costs for sign fabrication and installation including review of shop drawings and patterns.
  - d. All costs relating to sign removal, including repair of any damage to the building.

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## **Construction Requirements**

1. All signs and their installation shall comply with all local building and electrical codes.
2. All electrical signs will be fabricated by a U.L. approved sign company in accordance with U.L. specifications and bear the U.L. label.
3. The sign contractor is to be fully licensed with the City of Oroville and California State and shall have full Workman's Compensation and General Liability insurance.
4. All penetrations of the building exterior surfaces are to be sealed and waterproofed in a color and finish to match existing exterior.
5. Internal illumination to be L.E.D. installed and labeled in accordance with the "National Electrical Code".
6. All painted surfaces are to have glossy or satin finish. Only paint containing acrylic or polyurethane products may be used.
7. All Logo and letter heights shall be specified and shall be determined by measuring the normal capital letter of a type font.
8. All sign fabrication shall be of excellent quality. All logo images and type-styles shall be accurately reproduced. Lettering that approximates type styles will not be acceptable. The Landlord reserves the right to reject any fabrication work deemed to be below standards.
9. All lighting must match the exact specifications of the Landlord approved working drawings. No exposed conduit or raceways will be allowed.
10. All signs must be made of a durable rust-inhibiting material that is appropriate and complimentary to the building.
11. Color coating shall match the colors specified on the approved plans exactly.
12. Joining materials (e.g., seams) shall be finished in a way as to be unnoticeable to the public eye. Visible welds shall be continuous and ground smooth. Rivets, screws, and other fasteners that extend to visible surfaces shall be flush, filled, and finished so as to be unnoticeable.
13. Finished surfaces of metal shall be free from oil canning or warping. All sign finishes shall be free from dust, orange peeling, drips, and runs and shall have a uniform surface conforming to the highest standards of the industry.
14. In no case shall any manufacturer's label be visible from the street or from normal viewing angles.
15. Exposed junction boxes, lamps, tubing, or neon crossovers of any type are not permitted.
16. All exposed raceways, conduits, or wireways that are installed on rock background, corrugated metal and/or back of parapets to be painted a specific color to be approved by the architect or Landlord.
17. Premises identification signs (address numerals) are subject to the approval of the City Engineering and Fire Department.

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### All Companies Bidding to Manufacture

1. All companies bidding to manufacture and install any of the Tenant's signs are advised that no substitutes will be accepted by the Landlord whatsoever, unless so indicated in the specifications which are approved in writing by the Landlord. Signs that deviate from these criteria without such approval must be removed at the Tenant's expense.
2. The Tenant's sign fabrication and installation company shall carry Worker's Compensation and General Liability Insurance against all damage suffered to any and all persons and/or property while engaged in the construction or erection of signs in the amount of three million dollars (\$3,000,000) general aggregate of insurance.
3. The Tenant's sign contractor shall completely erect and connect (including all wiring) the Tenant's sign in accordance with these criteria and all local zoning, building and electrical codes.

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### Sign Types

Creative and imaginative signage is strongly encouraged and will be subject for Landlords review and approval of all sign design submittals. There are many acceptable sign treatments, however, a mixed media three-dimensional approach combining several different fabrication and lighting techniques is preferred. Tenants are strongly encouraged to consider the specific architectural style of their facade, the overall concept of the project, the scale of the proposed sign, and the critical viewing angles and sight lines when designing appropriate graphics and signs for the storefront. Note that specific locations and surrounding architectural treatments can limit the maximum sign height and length, which may differ from the general guidelines proposed in this document. The Landlord reserves the right to approve or reject any proposed sign on the basis of its size and placement.

Acceptable sign styles may include:

1. 5" deep face and halo illuminated channel letters.
2. 3" deep halo illuminated letters.
3. 4" deep face illuminated channel letters.
4. Mixed media 3 dimensional signs using images, icons, logos, etc.
5. Sand blasted, textured and/or burnished metal-leaf faced dimensional letters, pin mounted from facade.
6. Signs mounted to hard canopies, eyebrows, or other projecting architectural elements.
7. Screens, grids, or mesh; Etched, polished, patina or abraded materials.

For Example:

- a. Prismatic face letter forms with full facet strokes.
- b. Rounded face letter forms with radius faces and eased edges.
- c. Layered letter forms with face and liner. Letter face must be at least one (1) inch thick and the liner must be a minimum of 1/2" inch thick.

Notes:

Mixed media signs are signs employing two or more illumination and fabrication methods (for example, halo lit reverse channel letters with exposed neon accents). Although simple rectangular cabinet signs are generally not allowed, mixed media signs may be composed of several elements, one of which may be a cabinet. Sculpted, contoured or rectangular cabinets are strongly encouraged. However, the cabinet sign should not exceed 50% of the total sign area.

With the Landlord's approval, complex shaped (i.e. polyhedron) sign cabinets may be used alone if they incorporate dimensional elements such as push-thru letters and/or exposed neon.



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### **Miscellaneous Restrictions**

1. Hours of Business and Telephone Numbers: Limited to no more than three (3) square feet or less than 10% of window area, whichever is less, for each business frontage with a customer entrance.
2. Animated, flashing or audible signs will not be permitted
3. Lettering painted directly on the building surface, including windows will not be permitted.
4. Projections above or below designated sign area will not be permitted.
5. Temporary signs shall be subject to Landlord review and approval and comply with city code requirements.
6. Sign cabinets (except logo elements) are not allowed.
7. Any item not addressed in this sign criteria shall be governed by the municipal, state or federal laws, and must be approved in writing by the Landlord.

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### Major Tenant A. B. C. & D Wall Signs

1. Approval Required:
  - a. All signs shall be attached to the building only at a location approved by the Landlord and the City of Oroville.
2. Primary Wall Sign:
  - a. The main business identification sign shall be located on the building fascia at the location shown on elevation pages.
3. Suite Address Number Sign:
  - a. The suite number or address of the lease space shall be centered above the door per fire department requirement with white vinyl film.
4. Sign type:
  - a. Tenants signs shall be composed of channel letters.
  - b. The aggregate sign area (all signs on one wall) shall not exceed paragraph #5 below.
  - c. Sandblasted or painted signs are not permitted.
5. Tenant Identification Signs:
  - a. The maximum sign area allowed for the Primary Wall Sign is one (1) square foot of signage for one square foot of lease space.
  - b. The maximum size for the Primary Wall Sign shall not exceed 550 square feet with a maximum height of twenty (20) feet. The Primary Wall sign can consist of channel letters, logos or icons. Product and/or services sign(s) (Pharmacy, Garden center, etc.) shall not exceed 36" in height. Secondary signs shall not exceed one (1) square foot for each lineal foot of building space.
  - c. Landlord shall reasonably approve location of Major Tenant signs which shall be in keeping with the architectural design of the building. Signs to be located only within the space and surface specifically provided for on the building.
6. Materials:
  - a. Face material shall be acrylic. Landlord must approve colors prior to sign permit submittal.
  - b. Letter returns shall be aluminum, painted to match building colors or Landlord approved colors.
  - c. Letter return depth shall not exceed 7" from the face of the building.
  - d. Trim cap size: 1" for letters and logo elements.
7. Lighting:
  - a. All signs shall be internal LED illuminated with no exposed lighting.
  - b. All signs shall be U.L. listed.

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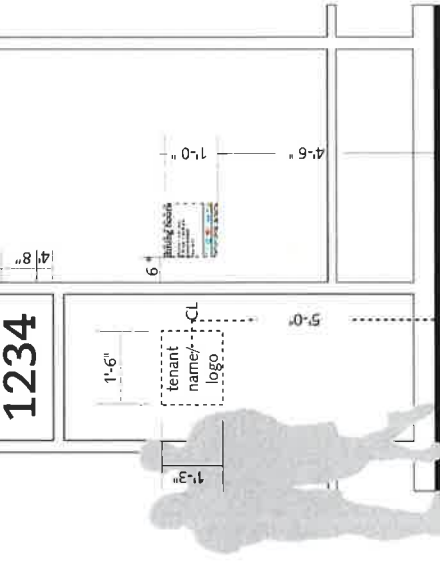
### Pad 1 & 2 Tenant Wall Signs

1. Approval Required:
  - a. All signs shall be attached to the building only at a location approved by the Landlord and the City of Oroville.
2. Main Building ID Sign:
  - a. The main business identification sign shall be located on the building fascia at a location approved by the Landlord and the City of Oroville.
3. Window Sign:
  - a. The business identification window sign shall be centered on the store front glass nearest the main pedestrian entrance. The sign shall not exceed three (3) square feet or less than 10% of the window area, whichever is less, and shall be composed of white vinyl Helvetica medium lettering. Copy shall consist of name of business, hours of operation and emergency phone numbers.
4. Suite Number Sign:
  - a. The suite number or address of the lease space shall be centered above the door 4" high with white vinyl film.
5. Sign type:
  - a. Tenants signs shall be composed of channel letters.
  - b. Sandblasted or painted signs are not permitted.
6. Tenant Identification Signs:
  - a. The maximum sign area allowed for the main identification sign is One (1) square foot for each lineal foot of lease frontage.
  - b. The maximum size for the main identification sign shall not exceed Pad 1: 100 square feet max/Pad 2: 100 square feet max with a maximum height of Pad 1: 5'-0" Max (H)/Pad 2: 4'-0" Max (H). The main ID sign can consist of channel letters, logos or icons. Secondary signs shall not exceed 24 inches.
  - c. Tenants with elevations that faces a street or parking lot shall be permitted signage on that elevation with a total of two (2) signs. Signs shall not exceed one (1) square foot of signage per one (1) foot of lease frontage.
  - d. Landlord shall reasonably approve location of Tenant signs which shall be in keeping with the architectural design of the building. Signs are to be located only within the space and surface specifically provided for on the building.
  - e. Every business with a drive thru facility is permitted a maximum of one (1) menu/order board signs. The sign shall be adjacent to the drive thru aisle. The sign shall not be located as to impair the vision of the driver of a vehicle traveling either into, out of, or through the drive thru aisle. The area of each sign shall not exceed thirty-two (32) square feet. The height of the sign including the pole or base shall not exceed six (6) feet from grade to the top of the sign.
  - f. Exit and Enter signs shall be placed as needed to insure traffic flow and will not be included in the overall square footage allowed. A plot plan showing all signs must be approved by the Landlord and City of Oroville.
  - g. Maximum length shall not exceed 80 percent of any street or parking lot frontage.
7. Materials:
  - a. Sign Face shall be Acrylic. Landlord must approve colors prior to sign permit submittal.
  - b. Letter return material shall be aluminum, painted to match building colors or Landlord approved colors.
  - c. Letter return depth shall not exceed 7" from the face of the building.
  - d. Trim cap size shall be 1" for letters and logo elements.
8. Lighting:
  - a. All signs shall be internal LED illuminated with no exposed lighting.
  - b. All signs shall be U.L. listed.

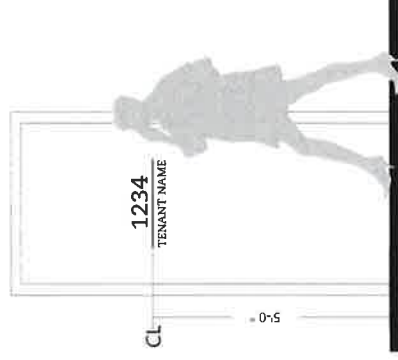
355 Oroville Dam Blvd. E., Oroville, CA 95965

## Permanent window and door signage is limited to the following: Tenant Entry Information

- Materials:** Matte white vinyl letters on entry glass.
- Copy:** 8" overall height of suite letter or address numerals  
 Tenant entry / Hours of operation information 12" x 12"  
 Credit card and social media information
- Sign Area:** 3.0 square foot maximum sign area
- Typeface:** Caecilia 55 Roman, Caecilia 75 Bold or other Property Owner approved corporate standard for typeface
- Location:** Address or suite number centered over the main entry door(s).  
 Tenant and/or hours of operation on entry glass panel on the same side as door handle or right side, as applicable.

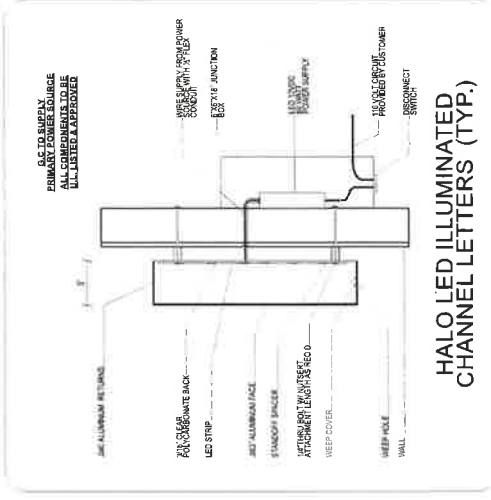
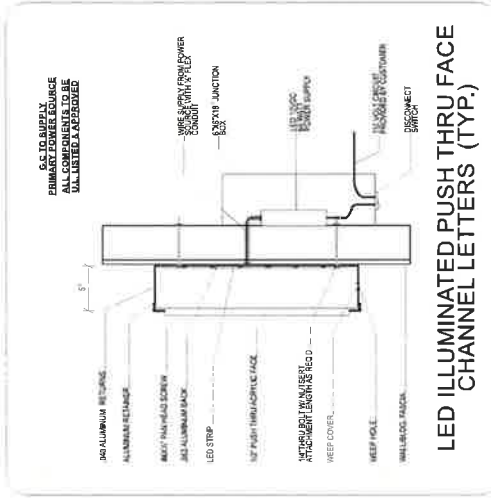
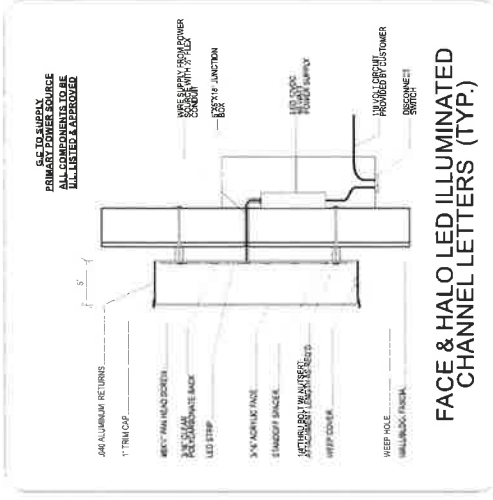
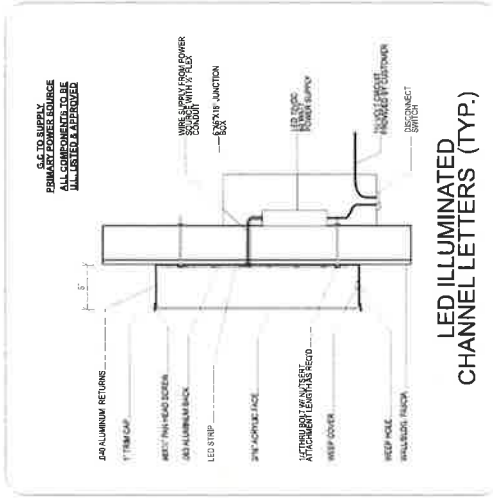


*Typical Elevation*



*Typical Elevation*

355 Oroville Dam Blvd. E., Oroville, CA 95965



Examples are provided for illustration purposes only. Other manufacturing methods may be allowed. All signage manufacturers shall provide project specific drawings with section views for approval by both landlord and the City of Oroville.

# Feather River Crossing

355 Oroville Dam Blvd. E., Oroville, CA 95965  
**Scope of Work**

## Site Map

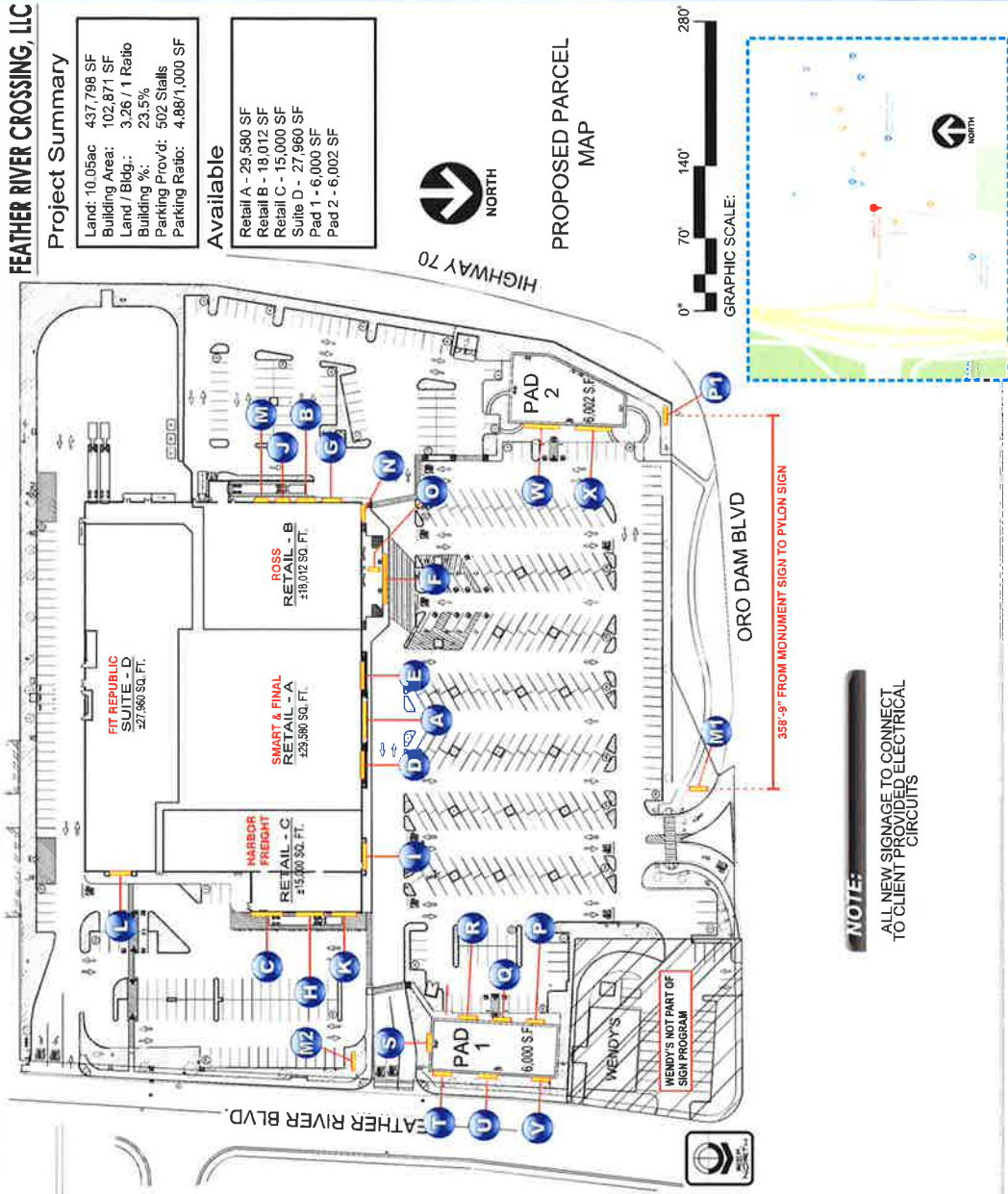
### FEATHER RIVER CROSSING, LLC

#### Project Summary

Land: 10.05ac 437,798 SF  
 Building Area: 102,871 SF  
 Land / Bldg.: 3.26 / 1 Ratio  
 Building %: 23.5%  
 Parking Provd: 502 Stalls  
 Parking Ratio: 4.88/1,000 SF

#### Available

Retail A - 29,580 SF  
 Retail B - 18,012 SF  
 Retail C - 15,000 SF  
 Suite D - 27,960 SF  
 Pad 1 - 6,000 SF  
 Pad 2 - 6,002 SF



SCHED.	TYPE	SQ. FOOTAGE	ALLOWED
A	WALL SIGN	180.36 SQ. FT.	180.36 SQ. FT.
B	WALL SIGN	109.8 SQ. FT.	109.8 SQ. FT.
C	WALL SIGN	115 SQ. FT.	115 SQ. FT.
D	WALL SIGN	17.71 SQ. FT.	17.71 SQ. FT.
E	WALL SIGN	33.18 SQ. FT.	33.18 SQ. FT.
F	WALL SIGN	504 SQ. FT.	504 SQ. FT.
G	WALL SIGN	115 SQ. FT.	115 SQ. FT.
H	WALL SIGN	109.8 SQ. FT.	109.8 SQ. FT.
I	WALL SIGN	295.16 SQ. FT.	295.16 SQ. FT.
J	WALL SIGN	130.47 SQ. FT.	130.47 SQ. FT.
K	WALL SIGN	130.47 SQ. FT.	130.47 SQ. FT.
L	WALL SIGN	60.15 SQ. FT.	60.15 SQ. FT.
M	WALL SIGN	35.59 SQ. FT.	35.59 SQ. FT.
N	PLAQUE	8 SQ. FT.	8 SQ. FT.
O	UNDER CANOPY SIGN	7.22 SQ. FT.	7.22 SQ. FT.
P	WALL SIGN	50 SQ. FT.	50 SQ. FT.
Q	WALL SIGN	50 SQ. FT.	50 SQ. FT.
R	WALL SIGN	39.15 SQ. FT.	100 SQ. FT.
S	WALL SIGN	60 SQ. FT.	60 SQ. FT.
T	WALL SIGN	92 SQ. FT.	92 SQ. FT.
U	WALL SIGN	50 SQ. FT.	50 SQ. FT.
V	WALL SIGN	50 SQ. FT.	50 SQ. FT.
W	WALL SIGN	50 SQ. FT.	50 SQ. FT.
X	WALL SIGN	50 SQ. FT.	50 SQ. FT.
P1	PYLON SIGN	499.16 SQ. FT.	499.16 SQ. FT.
M1	MONUMENT SIGN	167.72 SQ. FT.	167.72 SQ. FT.
M2	MONUMENT SIGN	34.38 SQ. FT.	34.38 SQ. FT.

- A WALL SIGN
- B WALL SIGN
- C WALL SIGN
- D WALL SIGN
- E WALL SIGN
- F WALL SIGN
- G WALL SIGN
- H WALL SIGN
- I WALL SIGN
- J WALL SIGN
- K WALL SIGN
- L WALL SIGN
- M WALL SIGN
- N PLAQUE
- O UNDER CANOPY SIGN
- P WALL SIGN
- Q WALL SIGN
- R WALL SIGN
- S WALL SIGN
- T WALL SIGN
- U WALL SIGN
- V WALL SIGN
- W WALL SIGN
- X WALL SIGN
- P1 PYLON SIGN
- M1 MONUMENT SIGN
- M2 MONUMENT SIGN

**Feather River Crossing - Oroville, CA. - Site Map**

SCALE: 1" = 100'-0"

27858  
R3

S I G N C R I T E R I A

# Feather River Crossing

## Multi Tenant Pylon Sign

355 Oroville Dam Blvd. E., Oroville, CA 95965

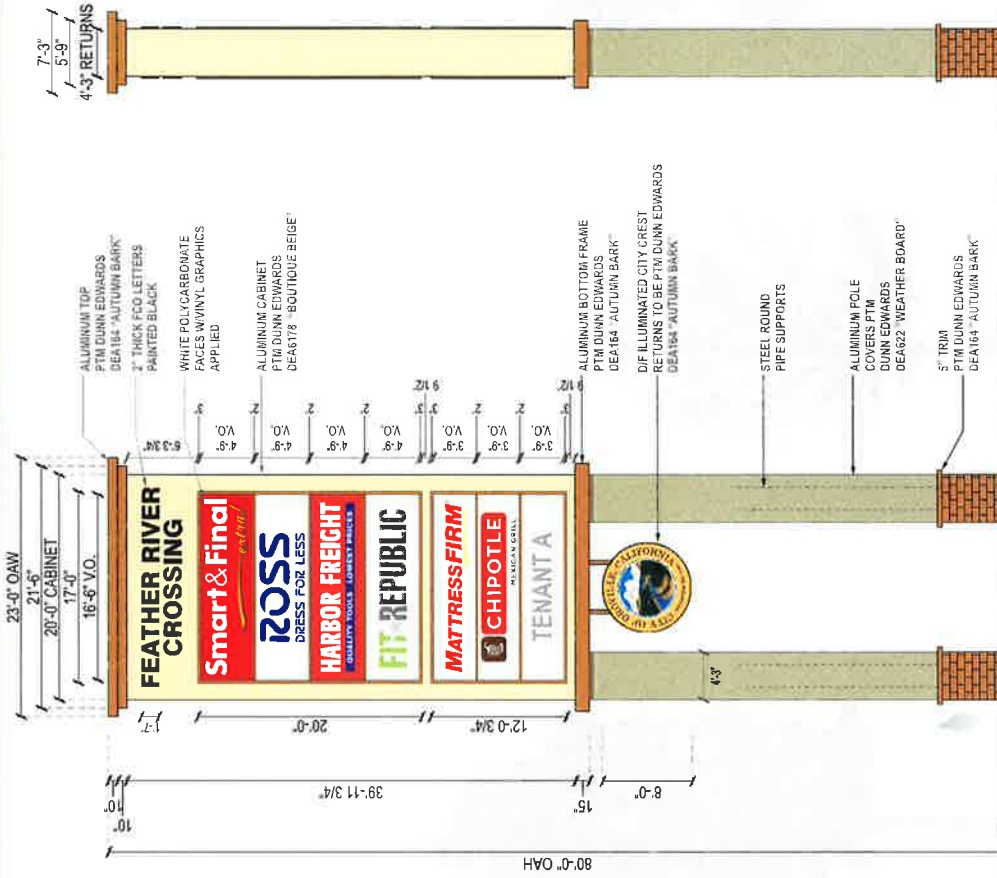
P1 - PYLON TENANT PANEL SQ. FOOTAGE CHART	
SMART & FINAL	78.38 SQ. FT.
ROSS	78.38 SQ. FT.
HARBOR FREIGHT	78.38 SQ. FT.
FIT REPUBLIC	78.38 SQ. FT.
MATRESS FIRM	61.88 SQ. FT.
CHIPOTLE	61.88 SQ. FT.
TENANT 4	61.88 SQ. FT.
<b>TOTAL SQ. FOOTAGE</b>	<b>499.16 TOTAL SQ. FT.</b>

### Specifications:

- CABINET:** FABRICATED ALUMINUM CABINET WITH TO BE TEXTURED AND PAINTED BOUTIQUE BEIGE
- TOP & BOTTOM FRAME:** FABRICATED ALUMINUM WITH TO BE TEXTURED AND PAINTED AUTUMN BARK
- FACES:** TO BE 3/16" WHITE POLYCARBONATE FACES WITH 3M TRANSLUCENT VINYL OVERLAY APPLIED FIRST SURFACE.
- RETAINERS:** 3" RETAINERS PAINTED AUTUMN BARK
- DIVIDER BAR:** 2" DIVIDER BAR PAINTED AUTUMN BARK
- POLE COVERS:** ALUMINUM POLE COVERS PAINTED WEATHER BOARD, BOTTOM TO BE MASONRY AND CAP TO MATCH BUILDING
- CITY LOGO:** DIF ILLUMINATED CABINET WITH DIGITAL PRINT OF CITY CREST.
- ILLUMINATION:** LED

ALL WIRING & COMPONENTS TO MEET U.L. STANDARDS

- WHITE POLYCARBONATE
- DUNN EDWARDS DEPT18 'BOUTIQUE BEIGE'
- DUNN EDWARDS DEAF164 'AUTUMN BARK'
- DUNN EDWARDS DE622 'WEATHER BOARD'



### NEW D/F ILLUMINATED PYLON SIGN

SCALE: 3/32" = 1'-0"

27858  
R3

S I G N C R I T E R I A

355 Oroville Dam Blvd. E., Oroville, CA 95965

M1 OPTION 1 - TENANT PANEL SQ. FOOTAGE CHART	
ROSS	30.20 SQ. FT.
SMART & FINAL	30.20 SQ. FT.
HARBOR FREIGHT	30.20 SQ. FT.
FIT REPUBLIC	30.20 SQ. FT.
MATTRESS FIRM	23.46 SQ. FT.
CHIPOTLE	23.46 SQ. FT.
<b>TOTAL SQ. FOOTAGE</b>	<b>167.72 TOTAL SQ. FT.</b>

**Specifications:**

**CABINET:** FABRICATED ALUMINUM CABINET WITH TO BE TEXTURED AND PAINTED BOUTIQUE BEIGE.

**TOP:** FABRICATED ALUMINUM WITH TO BE TEXTURED AND PAINTED AUTUMN BARK.

**FACES:** TO BE 3/16" WHITE POLYCARBONATE FACES WITH 3M TRANSLUCENT VINYL OVERLAY APPLIED FIRST SURFACE.

**RETAINERS:** 2" RETAINERS, PAINTED AUTUMN BARK

**DIVIDER BAR:** 1 1/2" DIVIDER BAR PAINTED AUTUMN BARK

**BASE COVERS:** MASONRY AND CAP TO MATCH BUILDING

**ILLUMINATION:** LED

ALL WIRING & COMPONENTS TO MEET U.L. STANDARDS

-  WHITE POLYCARBONATE
-  DUNN EDWARDS DEBRIS "BOUTIQUE BEIGE"
-  DUNN EDWARDS DEBRIS "AUTUMN BARK"



FRONTVIEW

SIDEVIEW



**NEW D/F ILLUMINATED MONUMENT SIGN**

SCALE: 1/4" = 1'-0"



355 Oroville Dam Blvd. E., Oroville, CA 95965

TENANT PANEL SQ. FOOTAGE CHART	
SMART & FINAL	6.28 SQ. FT.
ROSS	6.28 SQ. FT.
HARBOR FREIGHT	6.28 SQ. FT.
FIT REPUBLIC	6.28 SQ. FT.
MATTRESS FIRM	4.63 SQ. FT.
CHIPOTLE	4.63 SQ. FT.
<b>TOTAL SQ. FOOTAGE</b>	<b>34.38 TOTAL SQ. FT.</b>

**Specifications:**

**CABINET:** FABRICATED ALUMINUM CABINET WITH TO BE TEXTURED AND PAINTED BOUTIQUE BEIGE.

**TOP:** FABRICATED ALUMINUM WITH TO BE TEXTURED AND PAINTED AUTUMN BARK.

**FACES:** TO BE 3/16" WHITE POLYCARBONATE FACES WITH 3M TRANSLUCENT VINYL OVERLAY APPLIED FIRST SURFACE.

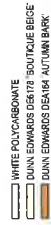
**RETAINERS:** 2" RETAINERS PAINTED AUTUMN BARK

**DIVIDER BAR:** 1 1/2" DIVIDER BAR PAINTED AUTUMN BARK

**BASE COVERS:** MASONRY AND CAP TO MATCH BUILDING

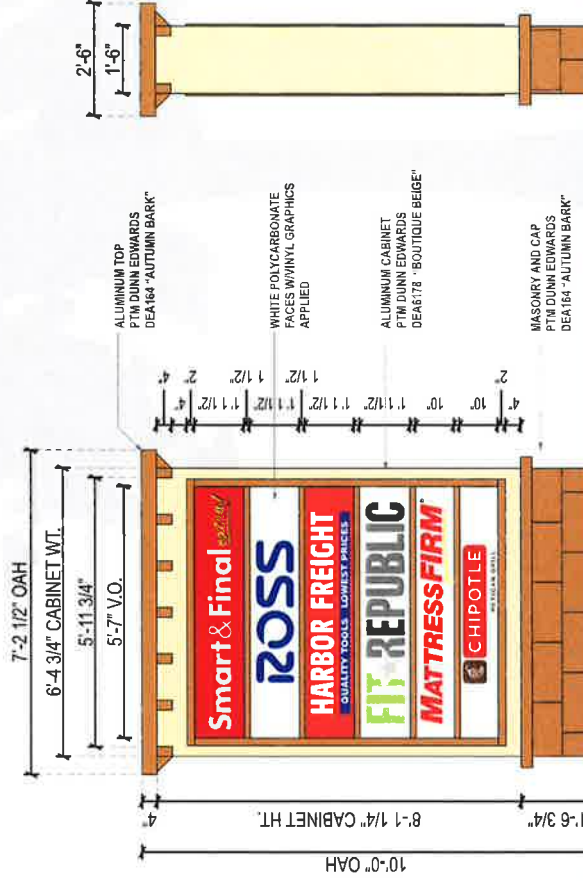
**ILLUMINATION:** LED

ALL WIRING & COMPONENTS TO MEET U.L. STANDARDS



**NEW D/F ILLUMINATED MONUMENT SIGN**

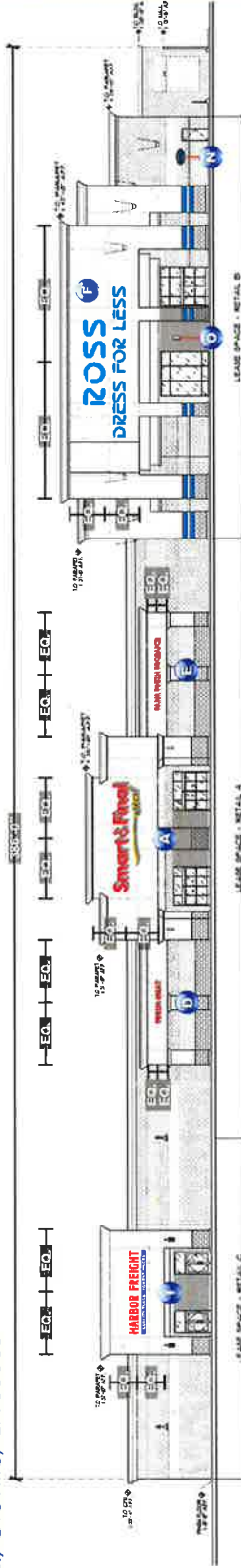
SCALE: 3/8" = 1'-0"



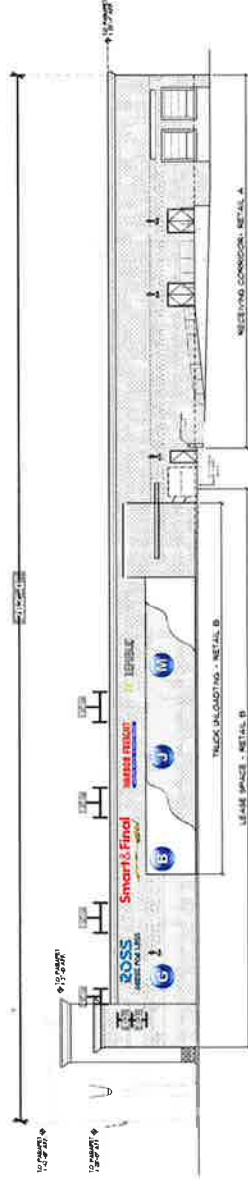
# Feather River Crossing

## Major Tenant Elevations

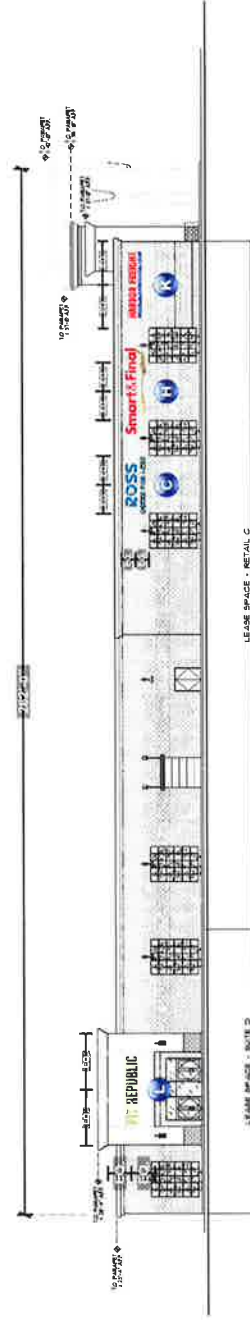
355 Oroville Dam Blvd. E., Oroville, CA 95965



**NORTH ELEVATION**  
SCALE: 1/32" = 1'-0"



**EAST ELEVATION**  
SCALE: 1/32" = 1'-0"



**WEST ELEVATION**  
SCALE: 1/32" = 1'-0"





## Oroville Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 17 ZONING](#)[Chapter 17.20 SIGN REGULATIONS](#)**17.20.080 Sign programs.**

A. **Purpose.** Sign programs are specifically intended to address the unique needs of certain uses and properties that include multiple uses on a site, or multiple signs for uses with special sign needs. Sign programs shall be used to achieve aesthetic compatibility between the signs within a project and provide flexibility in the number, size, location and type of signs.

B. **Applicability.** Sign programs are permitted, and may be required as a condition of approval for a use permit, specifically for the following uses:

1. Multiple-tenant buildings.
2. Uses with freeway-oriented signs.
3. Automobile or other vehicle sales.
4. All uses within a Planned Development (PD-O) Overlay District.

C. **Modification of Standards.** A sign program may modify any of the following standards of this section:

1. The number of signs allowed.
2. The size allowed for an individual sign; provided, however, that the total area of all signs in the sign program shall not exceed the total area allowed by this section by more than 10%.
3. The maximum height of monument and freestanding signs that display information for multiple tenants; provided, however, as follows:
  - a. The height shall not exceed 20 feet for establishments that are contiguous to Oroville Dam Boulevard, and 15 feet for all other establishments.
  - b. The maximum height shall not be increased for signs in a residential district.
4. The location and type of signs allowed; provided, however, as follows:
  - a. A sign program shall allow no more than one sign that is not located on the same site as its associated use, in addition to any such signs that may be allowed by this section.
  - b. A sign program shall not include a prohibited sign.

D. **Design Requirements.**

1. Sign programs shall be designed so that all signs have visually compatible themes and placement.
2. Signs shall draw from a common palette of materials, colors, shapes, lettering types and sizes, and illumination methods. This common palette shall be compatible with the architecture and scale of the site's buildings, as well as the architecture and design of buildings and signs on other nearby properties.

E. **Review of Sign Programs.** All sign programs shall be subject to development review, in accordance with the requirements of Chapter 17.52 and the requirements of this section. The review authority for development review shall approve a sign program only upon determining that:

1. The signs included in the sign program have one or more common design elements, such as their placement, colors, materials, illumination, sign type, sign shape, letter size and lettering type.

2. The colors, materials, size and placement of the signs included in the sign program are compatible with the materials, architecture and scale of the buildings and signs on the site, and on other sites in the area.
3. The number and placement of signs included in the sign program is compatible with the number and placement of signs on other nearby properties.
4. The signs included in the sign program conform to the requirements of this section, as well as any applicable specific plan or design guidelines adopted by the city council. (Ord. 1749 § 4)

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View the [mobile version](#).



# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

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

### NOTICE OF EXEMPTION

**TO:** Butte County Clerk  
 25 County Center Drive  
 Oroville CA, 95965

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

Project Title: UP 18-01: Feather River Crossing Sign Program

Project Location – Specific: 355 Oro Dam Boulevard E (APN: 035-030-080)

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, Feather River 350 LLC, has applied for a use permit (UP 18-01) for a sign program for the Feather River Crossing shopping center at 355 Oro Dam Boulevard E (APN: 035-030-080). The subject property is zoned Intensive Commercial (C-2) with a General Plan land use designation of Retail and Business Services.

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

Name of Person or Agency Carrying out Project: Feather River 350 LLC

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: State type & section number:
- Existing Facilities; Title 14, CCR, §15301
  - Accessory Structures; Title 14, CCR, §153011
- Statutory Exemption: State code number:

Reasons why project is exempt: This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities" and Section 15311 "Accessory Structures." Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to on-premise signs. The existing shell previously occupied by Walmart will be divided into four different units with no increase in total floor area. The new mattress store (PAD 1) is permitted by right and the proposed drive thru restaurant (PAD 2) will require a use permit and undergo its independent CEQA review. Aside from wall signs, the three main structures being considered under this sign program are the two monument signs and proposed freestanding sign.

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: Gary Layman

Telephone: (530) 538-2428

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

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

- Signed by Lead Agency
- Signed by Applicant



## FINDINGS

### Use Permit No. 18-01: Feather River Crossing Sign Program

#### A. INTRODUCTION

The project applicant, Feather River 350 LLC, has applied for a use permit (UP 18-01) for a sign program for the Feather River Crossing shopping center at 355 Oro Dam Boulevard E (APN: 035-030-080). The subject property is zoned Intensive Commercial (C-2) with a General Plan land use designation of Retail and Business Services.

#### B. CATEGORICAL EXEMPTION

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities" and Section 15311 "Accessory Structures."

#### C. USE PERMIT FINDINGS

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

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

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

*After a thorough review of the project, it has been determined that the project will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with section 17.48.010 of the City Code.*

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

*The proposed project is located at the southwest corner of Oro Dam Boulevard and Feather River Boulevard, adjacent to State Route 70. These roadways are identified as a Commercial Core Focus Area for regional serving and other destination retail commercial uses. This sign program supports the development/redevelopment of this site along these main commercial corridors in support of economic development efforts to further create these commercial corridors into a retail destination.*

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

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

*The sewer provider for the project site is the City of Oroville who owns the collection system. The agency that treats all wastewater is the Sewerage Commission – Oroville Region (SCOR). Power is provided by PG&E, telephone by AT&T, cable by Comcast, and water by the California Water Service Company (Cal Water). The proposed development will be required to pay all applicable development impact fees and be constructed according to current engineering, development and building code standards. Prior to the issuance of final building occupancy, the Building Division will inspect all on-site improvements and the Engineering Division will inspect all off-site improvements to ensure improvements were completed as identified on the City approved plans for issuance of building permits and other development related permits as applicable. If at the time of inspection any inadequacies in water, sanitation or utilities that are required to be supplied to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy.*

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

*The proposed project is located along Feather River Boulevard and Oro Dam Boulevard which are the City's two main commercial corridors. Additionally, the project is adjacent to State Route 70, and is surrounded by a mix of existing urban properties with either an identical zoning designation of C-2 or Corridor Mixed Use (MXC) zoning designation. The site was previously a Walmart, and will now be divided into four different uses with two new approximately 6,000 square foot buildings at the northwest and northeast corner of the properties. The sign program being proposed is for the purpose of effectively attracting business patrons to the commercial complex.*

*In the event the project results in any unforeseen adverse effects, pursuant to section 17.48.010(F) of the Zoning Code, the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any requirement in the Zoning Code, has been violated in connection with the permit; and finally, if the permit was obtained by fraud.*

*Thus, it has been determined that the location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.*

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

*The applicant has submitted a sign program demonstrating that, as proposed, the subject site is physically suitable for the type and intensity of land use being proposed.*

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

*The Economic Development Element of the City's 2030 General Plan identifies Feather River Boulevard and Oro Dam Boulevard as a Commercial Core Focus Area, and a Guiding Principle of the City's 2030 General Plan is to create a vibrant local economy by creating a sustainable economy that serves all segments of the population, engage in economic development to encourage and retain businesses that provide a variety of job opportunities, quality goods and services, and a dependable tax base. Goal LU-4 of the General Plan is to provide adequate land for and promote the development of attractive commercial areas and uses that provide goods and services to Oroville residents, employees, and visitors.*

*The project is believed to be a benefit to the City as it will redevelop/develop a lot along two of the City's main commercial corridors, benefit the local economy by providing new jobs, provide a new source of sales tax revenue to capture existing taxable sales leakage to other areas, and provide more retail options for local residents and visitors. The location and local economic benefits of the proposed project support the goals of the City's General Plan and the size, intensity, and location of the proposed use will provide retail options that are desirable for the neighborhood and community as a whole.*

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

*The permit application has been reviewed by staff and the proposed project has been found to comply with all applicable laws and regulations, including the applicable requirements of the City's 2030 General Plan, Zoning Code, and other applicable portions of the City's Municipal Code. As a condition of this permit, the applicants shall be required to ascertain and comply with the requirements of all California Department of Transportation standards, as well as all other applicable local, state and federal requirements that may be applicable to the proposed project. In addition, section 17.48.010(F) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, a law has been violated in connection with the permit, or if the permit was obtained by fraud.*

## CONDITIONS OF APPROVAL

### Use Permit No. 18-01: Feather River Crossing Sign Program

**Approved project:** The Planning Commission hereby approves Use Permit No. 18-01, approving a sign program for the Feather River Crossing shopping center at 355 Oro Dam Boulevard E (APN: 035-030-080), subject to the following:

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this variance or any environmental or other documentation related to approval of this variance. Applicant further agrees to provide a defense for the City in any such action.
2. The sign program shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the sign program (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the sign program (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. The applicant shall ascertain and comply with the requirements of all California Department of Transportation standards, as well as all other applicable local, state and federal requirements that may be applicable to the proposed project.
4. Unless otherwise specified in the approved sign program, this project shall fully comply with all City sign regulations as found in the Oroville Municipal Code.
5. All structures shall be properly maintained, kept in good repair and kept clean. The area occupied by such structure shall be kept free of weeds, debris, and graffiti.
6. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the Oroville Municipal Code to minimize any potential negative effects that the building, structure or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
7. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to start of any tenant improvements / construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
8. Pursuant to Section 17.48.010(F) of the City Code, the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:

- a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
  - b. Any of the terms or conditions of the permit have been violated.
  - c. A law, including any requirement in the Municipal Code Chapter 26, has been violated in connection with the permit.
  - d. The permit was obtained by fraud.
9. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this variance may be grounds for revocation.

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

## RESOLUTION NO. P2018-03

### A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 18-01 APPROVING A SIGN PROGRAM FOR THE FEATHER RIVER CROSSING SHOPPING CENTER AT 355 ORO DAM BOULEVARD E (APN: 035-030-080)

**WHEREAS**, At the December 14, 2017 Planning Commission meeting, the Commission reviewed and considered the proposed signage for the repurposing of the commercial property at 355 Oro Dam Boulevard, the previous location of Walmart and future location of Feather River Crossing shopping center. Following a discussion, the Commission directed staff to return with a proposal for a sign program; and

**WHEREAS**, at the February 22, 2017 Planning Commission meeting, the Commission reviewed the proposed sign program and directed staff to process the sign program as a Conditional Use Permit and return with an amendment to the existing sign program regulations at a future date; and

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

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

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

*After a thorough review of the project, it has been determined that the project will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with section 17.48.010 of the City Code.*

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

*The proposed project is located at the southwest corner of Oro Dam Boulevard and Feather River Boulevard, adjacent to State Route 70. These roadways are identified as a Commercial Core Focus Area for regional serving and other destination retail commercial uses. This sign program supports the development/redevelopment of this site along these main commercial corridors in support of economic development efforts to further create these commercial corridors into a retail destination.*

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

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

*The sewer provider for the project site is the City of Oroville who owns the collection system. The agency that treats all wastewater is the Sewerage Commission – Oroville Region (SCOR). Power is provided by PG&E, telephone by AT&T, cable by Comcast, and water by the California Water Service Company (Cal Water). The proposed development will be required to pay all applicable development impact fees and be constructed according to current engineering, development and building code standards. Prior to the issuance of final building occupancy, the Building Division will inspect all on-site improvements and the Engineering Division will inspect all off-site improvements to ensure improvements were completed as identified on the City approved plans for issuance of building permits and other development related permits as applicable. If at the time of inspection any inadequacies in water, sanitation or utilities that are required to be supplied to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy.*

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

*The proposed project is located along Feather River Boulevard and Oro Dam Boulevard which are the City's two main commercial corridors. Additionally, the project is adjacent to State Route 70, and is surrounded by a mix of existing urban properties with either an identical zoning designation of C-2 or Corridor Mixed Use (MXC) zoning designation. The site was previously a Walmart, and will now be divided into four different uses with two new approximately 6,000 square foot buildings at the northwest and northeast corner of the properties. The sign program being proposed is for the purpose of effectively attracting business patrons to the commercial complex.*



*In the event the project results in any unforeseen adverse effects, pursuant to section 17.48.010(F) of the Zoning Code, the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any requirement in the Zoning Code, has been violated in connection with the permit; and finally, if the permit was obtained by fraud.*

*Thus, it has been determined that the location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.*

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

*The applicant has submitted a sign program demonstrating that, as proposed, the subject site is physically suitable for the type and intensity of land use being proposed.*

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

*The Economic Development Element of the City's 2030 General Plan identifies Feather River Boulevard and Oro Dam Boulevard as a Commercial Core Focus Area, and a Guiding Principle of the City's 2030 General Plan is to create a vibrant local economy by creating a sustainable economy that serves all segments of the population, engage in economic development to encourage and retain businesses that provide a variety of job opportunities, quality goods and services, and a dependable tax base. Goal LU-4 of the General Plan is to provide adequate land for and promote the development of attractive commercial areas and uses that provide goods and services to Oroville residents, employees, and visitors.*

*The project is believed to be a benefit to the City as it will redevelop/develop a lot along two of the City's main commercial corridors, benefit the local economy by providing new jobs, provide a new source of sales tax revenue to capture existing taxable sales leakage to other areas, and provide more retail options for local residents and visitors. The location and local economic benefits of the proposed project support the goals of the City's General Plan and the size, intensity, and location of the proposed use will provide retail options that are desirable for the neighborhood and community as a whole.*

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

*The permit application has been reviewed by staff and the proposed project has been found to comply with all applicable laws and regulations, including the applicable requirements of the City's 2030 General Plan, Zoning Code, and other applicable portions of the City's Municipal Code. As a condition of this permit, the applicants shall be required to ascertain and comply with the requirements of all California Department of Transportation standards, as well as all other applicable local, state and federal requirements that may be applicable to the proposed project. In addition, section 17.48.010(F) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, a law has been violated in connection with the permit, or if the permit was obtained by fraud; and*

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

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

1. The Planning Commission finds that this action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities" and Section 15311 "Accessory Structures."
2. The Planning Commission adopts the findings required by Section 17.48.010(E)(4) of the Oroville City Code, as those findings are described in this Resolution.
3. The following conditions of approval have been deemed necessary to achieve the purpose of the Zoning Code, promote the general health, safety and public welfare of the City.

#### **CONDITIONS OF APPROVAL**

**Approved project:** The Planning Commission hereby approves Use Permit No. 18-01, approving a sign program for the Feather River Crossing shopping center at 355 Oro Dam Boulevard E (APN: 035-030-080), subject to the following:

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this variance or any

environmental or other documentation related to approval of this variance. Applicant further agrees to provide a defense for the City in any such action.

2. The sign program shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the sign program (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the sign program (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. The applicant shall ascertain and comply with the requirements of all California Department of Transportation standards, as well as all other applicable local, state and federal requirements that may be applicable to the proposed project.
4. Unless otherwise specified in the approved sign program, this project shall fully comply with all City sign regulations as found in the Oroville Municipal Code.
5. All structures shall be properly maintained, kept in good repair and kept clean. The area occupied by such structure shall be kept free of weeds, debris, and graffiti.
6. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the Oroville Municipal Code to minimize any potential negative effects that the building, structure or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
7. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to start of any tenant improvements / construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
8. Pursuant to Section 17.48.010(F) of the City Code, the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
  - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
  - b. Any of the terms or conditions of the permit have been violated.
  - c. A law, including any requirement in the Municipal Code Chapter 26, has been violated in connection with the permit.
  - d. The permit was obtained by fraud.
9. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and

belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this variance may be grounds for revocation.

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

**I HEREBY CERTIFY** that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 29<sup>th</sup> of March 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

\_\_\_\_\_  
RUTH WRIGHT, SECRETARY

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

ATTACHMENT  
Feather River Crossing Sign Program



# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

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

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

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

Please submit your comments to this department no later than **Thursday, March 29, 2018** to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. If you have no comment, a reply is not necessary.

**ASSESSOR**  
**PARCEL** 035-030-080  
**NUMBER:**

**FILE** Use Permit No. 18-01  
**NUMBER:**

**APPLICANT:** Feather River 350 LLC

**ZONING:** Intensive Commercial (C-2)

**LOCATION:** 355 Oro Dam Boulevard E

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

### **VICINITY MAP**



### **PROJECT DESCRIPTION:**

**UP 18-01: Feather River Crossing Sign Program** - The Oroville Planning Commission will review and consider approving a proposed sign program for the Feather River Crossing shopping center at 355 Oro Dam Boulevard E (APN: 035-030-080). The subject property is zoned Intensive Commercial (C-2) with a General Plan land use designation of Retail and Business Services.

**NOTICE IS HEREBY GIVEN** that the City of Oroville Planning Commission will hold a public hearing on the project described above. Said hearing will be held at **7:00 p.m. on Thursday, March 29, 2018** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.





# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

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

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

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Oroville will hold a public hearing on the projects described below. Said hearing will be held at **7:00 p.m. on Thursday, March 29, 2018** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **UP 18-01: Feather River Crossing Sign Program** – The Oroville Planning Commission will review and consider approving a proposed sign program for the Feather River Crossing shopping center at 355 Oro Dam Boulevard E (APN: 035-030-080).
2. **UP 18-02: Quick-Service Drive Thru Restaurant** - The Oroville Planning Commission will review and consider approving Use Permit No. 18-02 for the operation of a quick-service drive thru restaurant at 1355 Washington Avenue (APN: 013-030-010). The subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed restaurant is a use permitted by right, subject to a zoning clearance. However, all drive thru establishments require approval of a conditional use permit in an MXC zone.

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

Posted/Published: **Saturday, March 17, 2018**







# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

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

### PLANNING COMMISSION STAFF REPORT

Mach 29, 2018

**UP 18-02: Quick-Service Drive Thru Restaurant** - The Oroville Planning Commission will review and consider approving Use Permit No. 18-02 for the operation of a quick-service drive thru restaurant at 1355 Washington Avenue (APN: 013-030-010). The subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed restaurant is a use permitted by right, subject to a zoning clearance. However, all drive thru establishments require approval of a conditional use permit in an MXC zone.

**APPLICANTS:** 2585 Oro Dam LLC  
2585 Oro Dam Boulevard E  
Oroville, CA 95966  
(408) 396-8442

**LOCATION:** 1355 Washington Avenue  
Oroville, CA 95965  
APN: 013-030-010

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

### ENVIRONMENTAL DETERMINATION:

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities" and Section 15303 "New Construction or Conversion of Small Structures."

### REPORT PREPARED BY:

Luis A. Topete, Associate Planner  
Community Development Department

### REVIEWED BY:

Ruth Wright, Director  
Finance Department

### RECOMMENDED ACTIONS:

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

1. **HOLD** a public hearing and receive testimony on the proposed Use Permit No. 18-02 for the operation of a quick-service drive thru restaurant at 1355 Washington Avenue (APN: 013-030-010) as described herein; and
2. **ADOPT** the Class 1 Categorical Exemption – Existing Facilities; CCR, Title 14, §15301 and Class 3 Categorical Exemption – New Construction or Conversion of Small Structures; CCR, Title 14, §15303 as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) Statute and Guidelines (**Attachment B**); and
3. **ADOPT** the recommended Findings for Use Permit No. 18-02 (**Attachment C**); and
4. **APPROVE** the recommended Conditions of Approval for Use Permit No. 18-02 (**Attachment D**); and
5. **ADOPT** Resolution No. P2018-04 (**Attachments E**).

## **SUMMARY**

The Oroville Planning Commission will review and consider approving Use Permit No. 18-02 for the operation of a quick-service drive thru restaurant at 1355 Washington Avenue (APN: 013-030-010). The subject property has a zoning designation of Corridor Mixed Use (MXD) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, all drive thru establishments require approval of a conditional use permit in an MXC zone.

## **DISCUSSION**

This property has a long history of issues with the State Water Control Board and has been sitting idle for many years. The new property owner intends to renovate the property into a drive-thru restaurant. The property has recently been rezoned to MXC, which permits restaurants by right. However, due to drive-thru, the approval of a conditional use permit is required. 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, Table Mountain Boulevard and Washington Avenue.

The property has an existing building of approximately 1,008 square feet, with a proposed addition of 486 square feet, for a new building area of 1,494 square feet. Changes will be made to the exterior of the building and the roof, four parking spaces for employees will be provided, a new trash enclosure will be built, and the drive-thru will be able to accommodate a queue of ten vehicles.

## ENVIRONMENTAL REVIEW

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities" and Section 15303 "New Construction or Conversion of Small Structures." (**Attachment B**)

## FISCAL IMPACT

The total fees associated with this use permit request are as follows:

Item	Price	Tech Fee	Total	Paid
Use Permit	\$2,889.98	\$173.40	\$3,063.38	Yes
<b>Total</b>	<b>\$2,889.98</b>	<b>\$173.40</b>	<b>\$3,063.38</b>	<b>Yes</b>

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

## PUBLIC NOTICE

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

## ATTACHMENTS

- A – Drawings
- B – Notice of Exemption
- C – Findings
- D – Conditions of Approval
- E – Resolution No. P2018-04
- F – Property Owner Notice
- G – Newspaper Notice





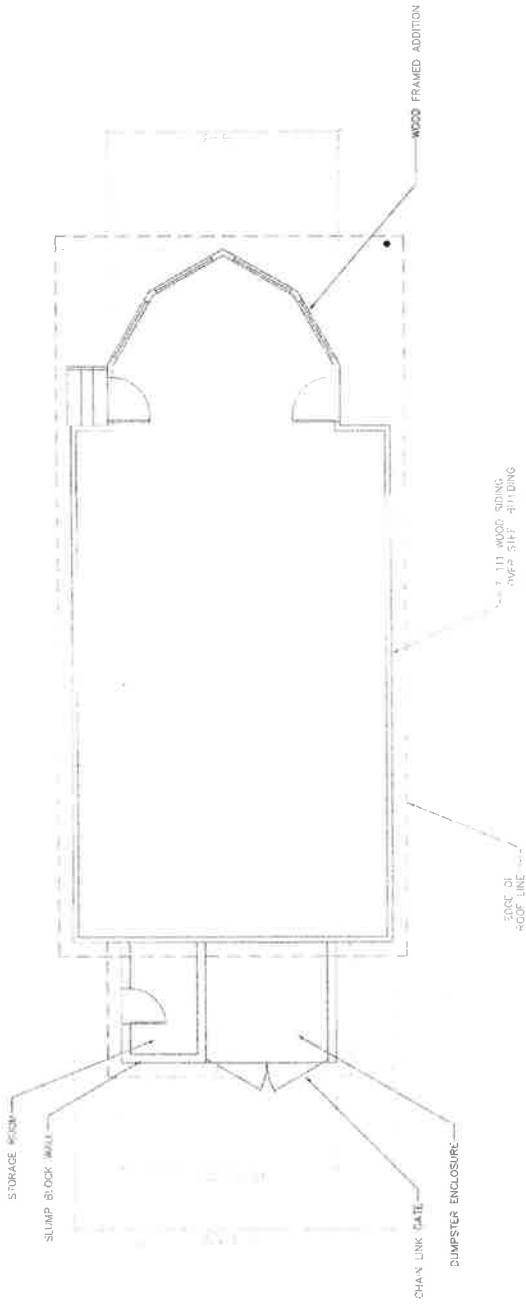


David G. Anderson, Architect  
 41 Butte Woods Drive, Oroville, CA 95966  
 Phone (530) 693-4546, Cell (530) 320-0211, E-mail dga@architectskryghal.net

drawn by  
 DGA  
 checked  
 date  
 12/9/2013

# Existing Floor Plan

JOB NUMBER  
 1355 Washington  
 SHEET NO.  
**A2**



Existing Floor Plan  
 Scale: 1/4" = 1'-0"  
 Existing Building: 1,105 Square Feet



David G. Anderson, Architect  
 41 Butte Woods Drive, Oroville, CA 95966  
 Phone: (530) 693-4546, Cell: (530) 520-0211, E-mail: dga@architect-shgkjobal.net

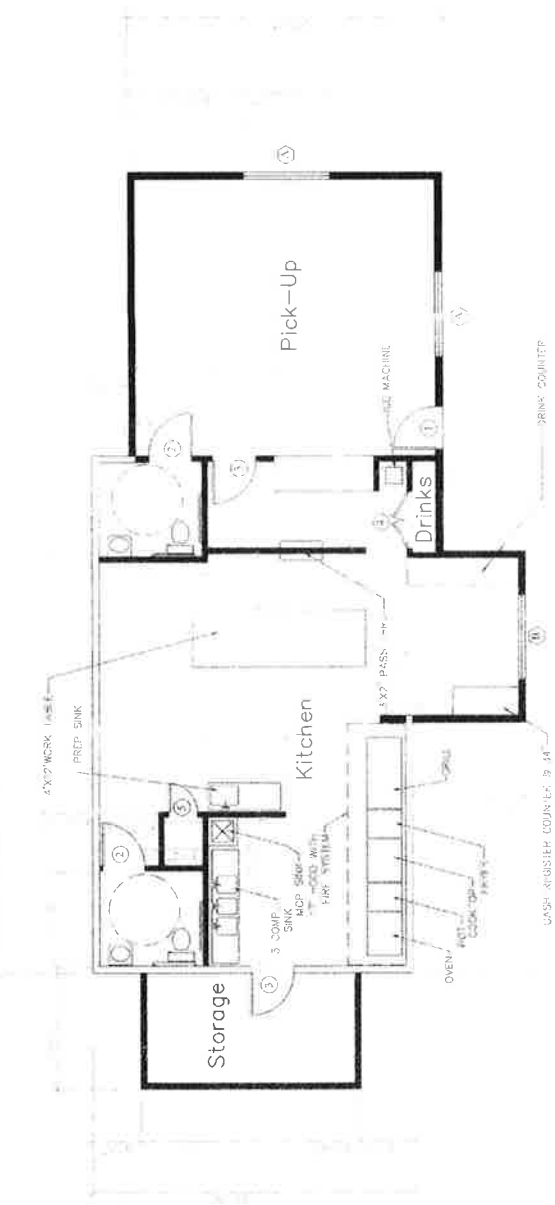
drawn by  
 DCA  
 checked  
 12/18/2017

# Proposed Floor Plan

JOB NUMBER  
 1355 Washington  
 SHEET NO.  
**A3**

**SCHEDULE OF SYMBOLS**

	EXISTING FULL HEIGHT WALL
	NEW FULL HEIGHT WALL
	NEW 2 HOUR RATED WALL
	EXISTING WINDOW
	NEW OR EXISTING FRAMED DOOR
	NEW DOOR NUMBER - SEE SCHEDULE
	NEW WINDOW NUMBER - SEE SCHEDULE
	COLUMN OR GRID LINE
	SECTION OR DETAIL / SHEET LOCATION
	ELEVATION - SHEET LOCATION
	BATH SINK
	TOILET



Proposed Floor Plan  
 Scale: 1/4" = 1'-0"  
 Building with Addition - 1,194 Square Feet





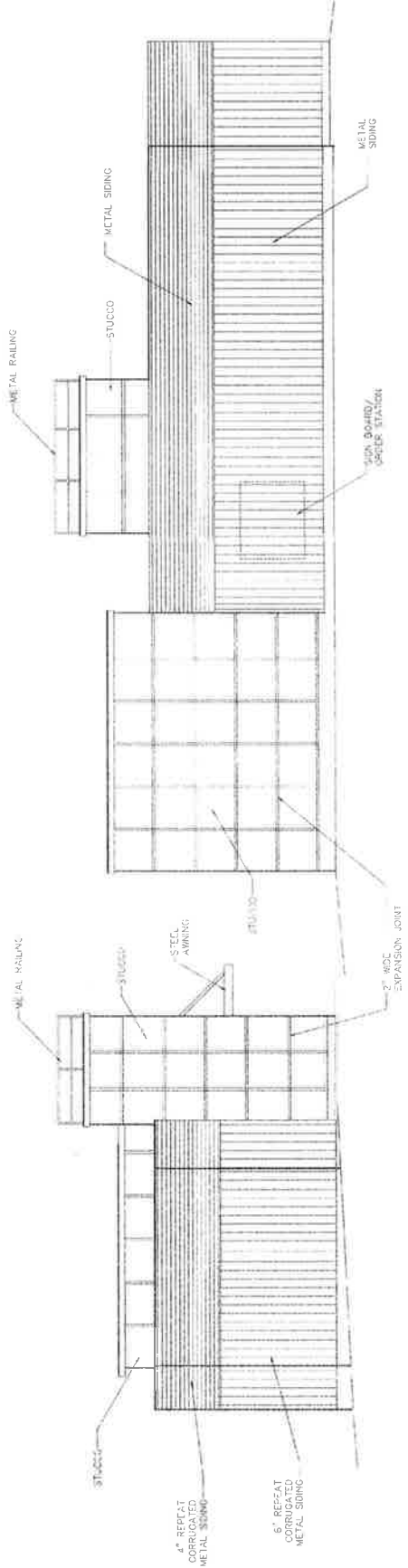


David G. Anderson, Architect  
 41 Butte Woods Drive, Oroville, CA 95966  
 Phone (530) 693-4546, Cell (530) 520-0211, E-mail dga@architectskglobal.net

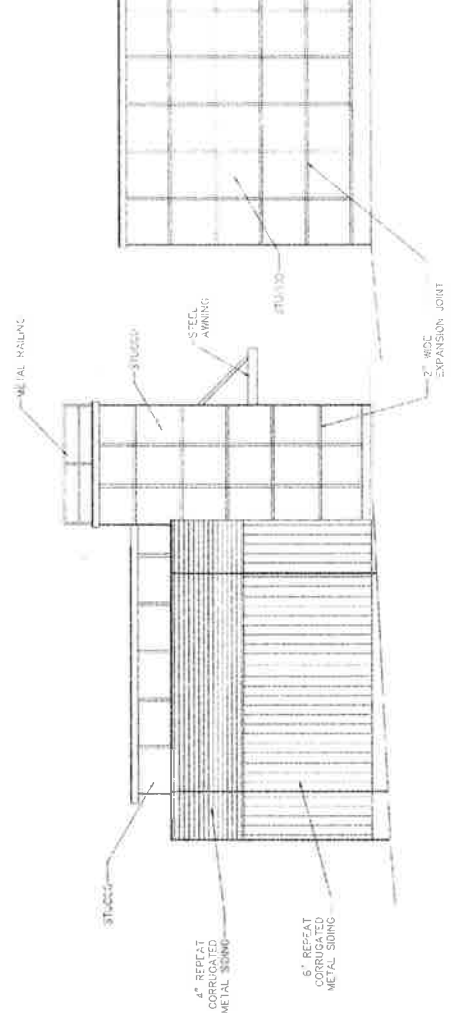
drawn by DGA  
 checked DGA  
 date 12/19/2017

Proposed Exterior Elevations

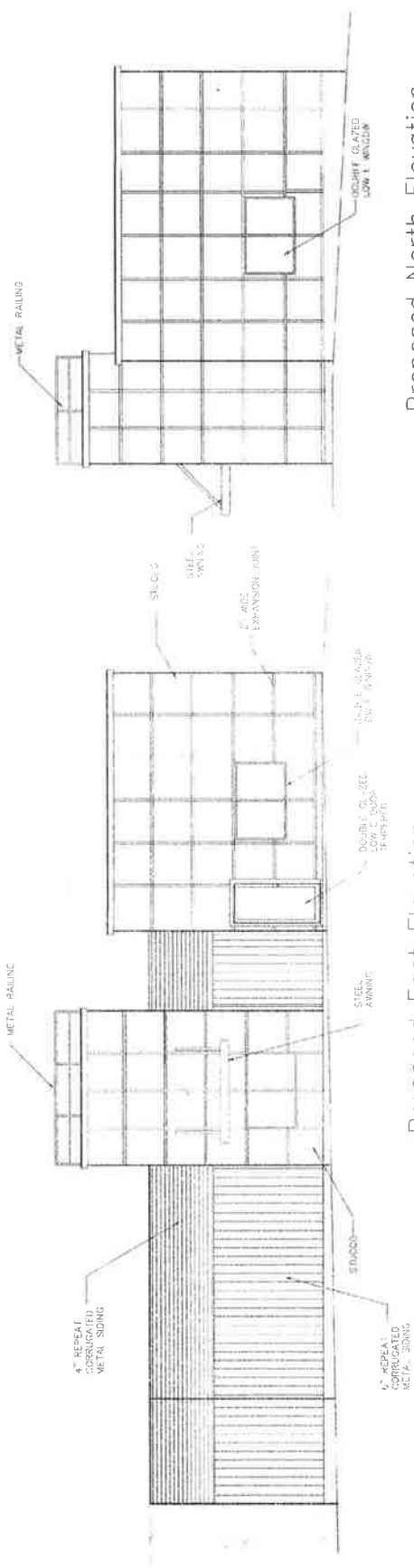
JOB NUMBER 1355  
 SHEET NO. A5



Proposed West Elevation  
 Scale 1/4" = 1'-0"



Proposed South Elevation  
 Scale 1/4" = 1'-0"



Proposed North Elevation  
 Scale 1/2" = 1'-0"

Proposed East Elevation  
 Scale 1/4" = 1'-0"





# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

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

### NOTICE OF EXEMPTION

**TO:** Butte County Clerk  
25 County Center Drive  
Oroville CA, 95965

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

Project Title: UP 18-02: Quick-Service Drive Thru Restaurant

Project Location – Specific: 1355 Washington Avenue (APN: 013-030-010)

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, 2585 Oro Dam LLC, has applied for a use permit (UP 18-02) for the operation of a quick-service drive thru restaurant at 1355 Washington Avenue (APN: 013-030-010). The subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed restaurant use is permitted by right, subject to a zoning clearance. However, all drive thru establishments require approval of a conditional use permit in an MXC zone.

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

Name of Person or Agency Carrying out Project: 2585 Oro Dam LLC

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: State type & section number:
  - Existing Facilities; Title 14, CCR, §15301
  - New Construction or Conversion of Small Structures; Title 14, CCR, §15303
- Statutory Exemption: State code number:

Reasons why project is exempt: This action has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities" and Section 15303 "New Construction or Conversion of Small Structures." Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

The addition to the existing structure will not result in an increase of more than 50 percent of the existing floor area and is less than 2,500 square feet in size. The property has an existing building of approximately 1,008 square feet, with a proposed addition of 486 square feet, for a new building area of 1,494 square feet. Changes will be made to the exterior of the building and the roof, four parking spaces for employees will be provided, a new trash enclosure will be built, and the drive-thru will be able to accommodate a queue of ten vehicles.

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: Gary Layman

Telephone: (530) 538-2428

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

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

- Signed by Lead Agency
- Signed by Applicant

## FINDINGS

### Use Permit No. 18-02: Quick-Service Drive Thru Restaurant

#### A. INTRODUCTION

The project applicant, 2585 Oro Dam LLC, has applied for a use permit (UP 18-02) for the operation of a quick-service drive thru restaurant 1355 Washington Avenue (APN: 013-030-010). The subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed restaurant use is permitted by right, subject to a zoning clearance. However, all drive thru establishments require approval of a conditional use permit in an MXC zone.

#### B. CATEGORICAL EXEMPTION

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities" and Section 15303 "New Construction or Conversion of Small Structures."

#### C. USE PERMIT FINDINGS

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

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

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

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

*include, but are not limited to, compliance with all Butte County Environmental Health for the permitting and inspection of retail food facilities. Additionally, this project will be required to comply with all City zoning, engineering, building, landscaping, and public work standards in addition to any other federal, State, or local regulations that may be applicable.*

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

*The proposed project 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, Table Mountain Boulevard and Washington Avenue. This proposed drive thru supports the development/redevelopment of underutilized properties and structures in support of the City's economic development efforts to revitalize the historic downtown into a retail destination. The proposed drive thru follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.*

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

*The sewer provider for the project site is the City of Oroville who owns the collection system. The agency that treats all wastewater is the Sewerage Commission – Oroville Region (SCOR). Power is provided by PG&E, telephone by AT&T, cable by Comcast, and water by the California Water Service Company (Cal Water). The proposed development will be required to pay all applicable development impact fees and be constructed according to current engineering, development and building code standards. Prior to the issuance of final building occupancy, the Building Division will inspect all on-site improvements and the Engineering Division will inspect all off-site improvements to ensure improvements were completed as identified on the City approved plans for issuance of building permits and other development related permits as applicable. If at the time of inspection any inadequacies in water, sanitation or utilities that are required to be supplied to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy.*

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

*The proposed project is surrounded by a mix of existing urban properties with most zoned Downtown Mixed Use (MXD). The City requires a use permit for all*

*drive thru establishments on properties with an MXC zoning designation. However, the restaurant use is permitted by right in all MXC zones. Thus, the requirement of the use permit is prompted due to the inclusion of the drive thru as part of the project design. The majority of surrounding properties are zoned to permit a restaurant by right.*

*In the event the project results in any unforeseen adverse effects, pursuant to section 17.48.010(F) of the Zoning Code, the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any requirement in the Zoning Code, has been violated in connection with the permit; and finally, if the permit was obtained by fraud.*

*Thus, it has been determined that the location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.*

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

*The applicant has submitted a set of drawings demonstrating that, as proposed, the subject site is physically suitable for the type and intensity of land use being proposed.*

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

*A Guiding Principle of the City's 2030 General Plan is to create a vibrant local economy. Goal LU-2 of the General Plan is to develop an economically vital, pedestrian-oriented Historic Downtown that includes retail, office, residential, civic, cultural, and recreational uses. Goal LU-4 of the General Plan is to provide adequate land for and promote the development of attractive commercial areas and uses that provide goods and services to Oroville residents, employees, and visitors.*

*Per the "Oroville Taxable Retail Potential Analysis" completed by the Center for Economic Development from the California State of University, Chico in June of 2007, there is an approximate taxable sales leakage from restaurants (with no sale of alcohol) in the Oroville market area of \$20,732,718 (Table 4; Page 9). The project is believed to be a benefit to the City as it will improve an underutilized at the fringes of the City's Historic Downtown commercial area, benefit the local economy by providing new jobs, provide a new source of sales tax revenue to capture existing taxable sales leakage to other areas, and provide more restaurant options for local residents and visitors. The location and local economic benefits of the proposed project support the goals of the City's General*

*Plan and the size, intensity, and location of the proposed use will provide retail food options that are desirable for the neighborhood and community as a whole.*

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

*The permit application has been reviewed by staff and the proposed project has been found to comply with all applicable laws and regulations, including the applicable requirements of the City's 2030 General Plan, Zoning Code, and other applicable portions of the City's Municipal Code. As a condition of this permit, the applicants shall be required to ascertain and comply with the requirements of all Federal, State, County, City and other local agencies as applicable to the proposed use and project site, including, but not limited to, compliance with all requirements of the Butte County Environmental Health for the permitting and inspection of retail food facilities. In addition, section 17.48.010(F) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, a law has been violated in connection with the permit, or if the permit was obtained by fraud.*



## CONDITIONS OF APPROVAL

### UP 18-02: Quick-Service Drive Thru Restaurant

**Approved project:** The project applicant, 2585 Oro Dam LLC, has applied for a use permit (UP 18-02) for the operation of a quick-service drive thru restaurant at 1355 Washington Avenue (APN: 013-030-010). The subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed restaurant use is permitted by right, subject to a zoning clearance. However, all drive thru establishments require approval of a conditional use permit in an MXC zone. The Planning Commission hereby approves UP 18-02, subject to the following:

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. The applicants shall have a current City of Oroville business license and any other applicable permit/license that may be required as part of their operations.
4. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the Oroville Municipal Code to minimize any potential negative effects that the building, structure or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
5. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to start of any tenant improvements / construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
6. The applicant shall ascertain and comply with all requirements of the Butte County Environmental Health.
7. A grease trap or interceptor shall be installed as required by the City. The trap or interceptor shall be cleaned weekly or more frequently as needed. A grease trap or interceptor maintenance log shall be kept to record cleanings and maintenance. The date, time, type of service, and the name of the person (and business if

performed by an outside contractor) performing the service shall be recorded. The trap or interceptor and maintenance log shall be made available for inspection as requested.

8. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
9. Under no circumstance shall vehicle queueing on the project site spillback onto the public right-of-way.
10. Pursuant to Section 17.48.010(F) of the City Code, the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
  - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
  - b. Any of the terms or conditions of the permit have been violated.
  - c. A law, including any requirement in the Municipal Code Chapter 26, has been violated in connection with the permit.
  - d. The permit was obtained by fraud.
11. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for revocation.

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

## RESOLUTION NO. P2018-04

### A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 18-02 PERMITTING A QUICK-SERVICE DRIVE THRU RESTAURANT AT 1355 WASHINGTON AVENUE (APN: 013-030-010)

**WHEREAS**, the City of Oroville has received a use permit application for the operation of a quick-service drive thru restaurant at 1355 Washington Avenue (APN: 013-030-010); and

**WHEREAS**, the subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use; and

**WHEREAS**, per the City of Oroville Municipal Code, the proposed restaurant is a use permitted by right, subject to a zoning clearance. However, all drive thru establishments require approval of a conditional use permit in an MXC zone; and

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

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

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

*After a thorough review of the project, the approval of this use permit has been conditioned to ensure that under no circumstance will the project be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with section 17.48.010 of the City Code. Conditions of approval include, but are not limited to, compliance with all Butte County Environmental Health for the permitting and inspection of retail food facilities. Additionally, this project will be required to comply with all City zoning, engineering, building,*

*landscaping, and public work standards in addition to any other federal, State, or local regulations that may be applicable.*

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

*The proposed project 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, Table Mountain Boulevard and Washington Avenue. This proposed drive thru supports the development/redevelopment of underutilized properties and structures in support of the City's economic development efforts to revitalize the historic downtown into a retail destination. The proposed drive thru follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.*

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

*The sewer provider for the project site is the City of Oroville who owns the collection system. The agency that treats all wastewater is the Sewerage Commission – Oroville Region (SCOR). Power is provided by PG&E, telephone by AT&T, cable by Comcast, and water by the California Water Service Company (Cal Water). The proposed development will be required to pay all applicable development impact fees and be constructed according to current engineering, development and building code standards. Prior to the issuance of final building occupancy, the Building Division will inspect all on-site improvements and the Engineering Division will inspect all off-site improvements to ensure improvements were completed as identified on the City approved plans for issuance of building permits and other development related permits as applicable. If at the time of inspection any inadequacies in water, sanitation or utilities that are required to be supplied to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy.*

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

*The proposed project is surrounded by a mix of existing urban properties with most zoned Downtown Mixed Use (MXD). The City requires a use permit for all drive thru establishments on properties with an MXC zoning designation. However, the restaurant use is permitted by right in all MXC zones. Thus, the requirement of the use permit is prompted due to the inclusion of the drive thru*

*as part of the project design. The majority of surrounding properties are zoned to permit a restaurant by right.*

*In the event the project results in any unforeseen adverse effects, pursuant to section 17.48.010(F) of the Zoning Code, the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any requirement in the Zoning Code, has been violated in connection with the permit; and finally, if the permit was obtained by fraud.*

*Thus, it has been determined that the location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.*

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

*The applicant has submitted a set of drawings demonstrating that, as proposed, the subject site is physically suitable for the type and intensity of land use being proposed.*

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

*A Guiding Principle of the City's 2030 General Plan is to create a vibrant local economy. Goal LU-2 of the General Plan is to develop an economically vital, pedestrian-oriented Historic Downtown that includes retail, office, residential, civic, cultural, and recreational uses. Goal LU-4 of the General Plan is to provide adequate land for and promote the development of attractive commercial areas and uses that provide goods and services to Oroville residents, employees, and visitors.*

*Per the "Oroville Taxable Retail Potential Analysis" completed by the Center for Economic Development from the California State of University, Chico in June of 2007, there is an approximate taxable sales leakage from restaurants (with no sale of alcohol) in the Oroville market area of \$20,732,718 (Table 4; Page 9). The project is believed to be a benefit to the City as it will improve an underutilized area at the fringes of the City's Historic Downtown commercial area, benefit the local economy by providing new jobs, provide a new source of sales tax revenue to capture existing taxable sales leakage to other areas, and provide more restaurant options for local residents and visitors. The location and local economic benefits of the proposed project support the goals of the City's General Plan and the size, intensity, and location of the proposed use will provide retail food options that are desirable for the neighborhood and community as a whole.*

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

*The permit application has been reviewed by staff and the proposed project has been found to comply with all applicable laws and regulations, including the applicable requirements of the City's 2030 General Plan, Zoning Code, and other applicable portions of the City's Municipal Code. As a condition of this permit, the applicants shall be required to ascertain and comply with the requirements of all Federal, State, County, City and other local agencies as applicable to the proposed use and project site, including, but not limited to, compliance with all requirements of the Butte County Environmental Health for the permitting and inspection of retail food facilities. In addition, section 17.48.010(F) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, a law has been violated in connection with the permit, or if the permit was obtained by fraud; and*

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

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

1. The Planning Commission finds that this action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities" and Section 15303 "New Construction or Conversion of Small Structures."
2. The Planning Commission adopts the findings required by Section 17.48.010(E)(4) of the Oroville City Code, as those findings are described in this Resolution.
3. The following conditions of approval have been deemed necessary to achieve the purpose of the Zoning Code, promote the general health, safety and public welfare of the City.

#### **CONDITIONS OF APPROVAL**

**Approved project:** The project applicant, 2585 Oro Dam LLC, has applied for a use permit (UP 18-02) for the operation of a quick-service drive thru restaurant at 1355 Washington Avenue (APN: 013-030-010). The subject property has a zoning

designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed restaurant use is permitted by right, subject to a zoning clearance. However, all drive thru establishments require approval of a conditional use permit in an MXC zone. The Planning Commission hereby approves UP 18-02, subject to the following:

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. The applicants shall have a current City of Oroville business license and any other applicable permit/license that may be required as part of their operations.
4. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the Oroville Municipal Code to minimize any potential negative effects that the building, structure or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
5. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to start of any tenant improvements / construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
6. The applicant shall ascertain and comply with all requirements of the Butte County Environmental Health.
7. A grease trap or interceptor shall be installed as required by the City. The trap or interceptor shall be cleaned weekly or more frequently as needed. A grease trap or interceptor maintenance log shall be kept to record cleanings and maintenance. The date, time, type of service, and the name of the person (and business if performed by an outside contractor) performing the service shall be recorded. The trap or interceptor and maintenance log shall be made available for inspection as requested.
8. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.

9. Under no circumstance shall vehicle queueing on the project site spillback onto the public right-of-way.
10. Pursuant to Section 17.48.010(F) of the City Code, the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
  - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
  - b. Any of the terms or conditions of the permit have been violated.
  - c. A law, including any requirement in the Municipal Code Chapter 26, has been violated in connection with the permit.
  - d. The permit was obtained by fraud.
11. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for revocation.

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

**I HEREBY CERTIFY** that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 29<sup>th</sup> of March 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

\_\_\_\_\_  
RUTH WRIGHT, SECRETARY

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





# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

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

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

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

Please submit your comments to this department no later than **Thursday, March 29, 2018** to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. If you have no comments, a reply is not necessary.

**ASSESSOR**  
**PARCEL** 013-030-010  
**NUMBER:**

**FILE** UP 18-02  
**NUMBER:**

**APPLICANT:** 2585 Oro Dam LLC

**ZONING:** Corridor Mixed Use (MXC)

**LOCATION:** 1355 Washington Avenue

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

### **VICINITY MAP**



### **PROJECT DESCRIPTION:**

**UP 18-02: Quick-Service Drive Thru Restaurant** - The Oroville Planning Commission will review and consider approving Use Permit No. 18-02 for the operation of a quick-service drive thru restaurant at 1355 Washington Avenue (APN: 013-030-010). The subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed restaurant is a use permitted by right, subject to a zoning clearance. However, all drive thru establishments require approval of a conditional use permit in an MXC zone.

**NOTICE IS HEREBY GIVEN** that the City of Oroville Planning Commission will hold a public hearing on the project described above. Said hearing will be held at **7:00 p.m. on Thursday, March 29, 2018** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.





# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

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

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Oroville will hold a public hearing on the projects described below. Said hearing will be held at **7:00 p.m. on Thursday, March 29, 2018** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **UP 18-01: Feather River Crossing Sign Program** – The Oroville Planning Commission will review and consider approving a proposed sign program for the Feather River Crossing shopping center at 355 Oro Dam Boulevard E (APN: 035-030-080).
2. **UP 18-02: Quick-Service Drive Thru Restaurant** - The Oroville Planning Commission will review and consider approving Use Permit No. 18-02 for the operation of a quick-service drive thru restaurant at 1355 Washington Avenue (APN: 013-030-010). The subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed restaurant is a use permitted by right, subject to a zoning clearance. However, all drive thru establishments require approval of a conditional use permit in an MXC zone.

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

Posted/Published: **Saturday, March 17, 2018**





# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street  
Oroville, CA 95965-4897  
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### PLANNING COMMISSION STAFF REPORT

March 29, 2018

**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 3464 Myers Street (APN: 035-103-011), the existing location of a neighborhood market.

**APPLICANTS:** Joe Singh  
3464 Myers Street  
Oroville, CA 95966  
(530) 534-3875

**LOCATION:** 3464 Myers Street  
Oroville, CA 95966  
APN: 035-103-011

**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:**

Ruth Wright, Director  
Finance Department

### RECOMMENDED ACTIONS:

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

**ADOPT** Resolution No. P2017-17: 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 3464 MYERS STREET, OROVILLE, CA 95966 (APN: 035-103-011) (**Attachment G**).

## 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 3464 Myers Street (APN: 035-103-011), the existing location of a neighborhood market. The business currently operates under a Type 20 (Off Sale Beer and Wine) license and is requesting approval to operate under a Type 21 (Off Sale General) license. 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 0030.01. A total of two off-sale licenses are authorized in the subject census tract **(Attachment B)** with 8 licenses issued and active as of November 7, 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.

"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 two off-sale licenses within this Census Tract (0030.01) where the subject property is located, with 8 licenses issued and active as of November 7, 2017. As a result, Census Tract 0030.01 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.

Per the California Business and Professions Code Section 23789, “(a) The department is specifically authorized to refuse the issuance, other than renewal or ownership transfer, of any retail license for premises located within the immediate vicinity of churches and hospitals;” and “(b)The department is specifically authorized to refuse the issuance, other than renewal or ownership transfer, of any retail license for premises located within at least 600 feet of schools and public playgrounds or nonprofit youth facilities, including, but not limited to, facilities serving girl scouts, boy scouts, or campfire girls. This distance shall be measured pursuant to rules of the department.” Myers Street is within 600 feet of the following land uses, as measured from the outside wall of the building of 3464 Myers Street to the nearest property line of the church or youth center:

<b>Name</b>	<b>Address</b>	<b>Distance</b>
Taylor Memorial Christian Methodist Episcopal Church	1957 B Street	Approximately 330ft
Pentecostal Free Trinity Church-Oroville	2180 C Street	Approximately 460ft
Youth For Change African American Cultural Center Community Action Agency	3300 Spencer Avenue	Approximately 540ft

## **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. The business currently operates under a Type 20 (Off Sale Beer and Wine) license and is requesting approval to operate under a Type 21 (Off Sale General) license.

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:

<b>Item</b>	<b>Price</b>	<b>Tech Fee</b>	<b>Total</b>	<b>Paid</b>
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 Off-Sale Licenses
- D – Census Tracts Map
- E – ABC Application
- F – Notice of Exemption
- G – Resolution No. P2017-17
- H – Map of Churches & Youth Centers Within 600ft



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

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



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

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### Note:

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



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

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 the Cities of  
OROVILLE

52 of 52 Licenses Displayed

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

Report as of 11/7/2017

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	<a href="#">503397</a>	ACTIVE	20	01/21/2011	5/31/2018	USA MINI MART INCORPORATED 2030 3RD ST OROVILLE, CA 95965-3416  Census Tract: 0025.00	USA MINI MART INC	1961 TAYLOR ST YUBA CITY, CA 95993-9705	0404
2)	<a href="#">544876</a>	ACTIVE	20	07/25/2014	6/30/2018	DOLGEN CALIFORNIA LLC 2084 3RD ST OROVILLE, CA 95965  Census Tract: 0025.00	DOLLAR GENERAL 15300	100 MISSION RIDGE, ATTN: TAX - LICENSING GOODLETTSVILLE, TN 37072-2171	0404
3)	<a href="#">487543</a>	ACTIVE	20	04/29/2010	3/31/2018	LAKE OROVILLE MARINA LLC 801 BIDWELL CANYON RD OROVILLE, CA 95966-3801  Census Tract: 0026.02	BIDWELL CANYON MARINA	7501 E MCCORMICK PKWY SCOTTSDALE, AZ 85258- 3495	0400
4)	<a href="#">573799</a>	ACTIVE	21	05/26/2017	6/30/2018	WAL MART STORES INC 465 CAL OAK RD OROVILLE, CA 95965  Census Tract: 0030.02	WAL MART STORE #1575	702 SW 8TH ST, DEPT 8916 ATTN: TIM FARRAR BENTONVILLE, AR 72716- 0500	0404
5)	<a href="#">551705</a>	ACTIVE	20	02/23/2015	1/31/2018	HUNT CONVENIENCE STORES LLC 1330 FEATHER RIVER BLVD OROVILLE, CA 95965  Census Tract: 0028.00		5750 S WATT AVE SACRAMENTO, CA 95829- 9349	0404
6)	<a href="#">561848</a>	ACTIVE	20	12/01/2015	11/30/2017	ROYAL MINI MART INC 2970 FEATHER RIVER BLVD OROVILLE, CA 95965  Census Tract: 0030.02	ROYAL MINI MART		0404
7)	<a href="#">450424</a>	ACTIVE	20	04/02/2007	3/31/2018	LALLY, KULWINDER SINGH 3296 FOOTHILL BLVD OROVILLE, CA 95966-7720  Census Tract: 0031.00	EAZY STOP MARKET	1961 TAYLOR RD YUBA CITY, CA 95993	0400
8)	<a href="#">422245</a>	ACTIVE	21	04/26/2005	3/31/2018	DHANOYA, AMARJIT KAUR 841 GRAND AVE OROVILLE, CA 95965  Census Tract: 0037.00	BILLY BOB MARKET		0400
9)	<a href="#">520798</a>	ACTIVE	20	06/06/2012	5/31/2018	KARA, SHIRAZ 4855 LINCOLN BLVD OROVILLE, CA 95966-6924  Census Tract: 0030.02			0400
10)	<a href="#">540450</a>	ACTIVE	20	03/11/2014	2/28/2018	DOLGEN CALIFORNIA LLC 2626 LINCOLN ST OROVILLE, CA 95966  Census Tract:	DOLLAR GENERAL #14506	100 MISSION RIDGE, ATTN: TAX - LICENSING GOODLETTSVILLE, TN 37072-2171	0404
11)	<a href="#">364695</a>	ACTIVE	20	05/26/2000	4/30/2018	CONCOW MAIDU TRIBE OF THE MOORETOWN RANCHERIA THE 6023 LOWER WYANDOTTE RD OROVILLE, CA 95966  Census Tract: 0033.00	FEATHER FALLS MINI MART	1 ALVERDA DR OROVILLE, CA 95966	0404
12)	<a href="#">527658</a>	ACTIVE	21	03/29/2013	2/28/2018	BEZ, KAYED Y 5291 LOWER WYANDOTTE RD OROVILLE, CA 95966	ROBERTSONS MARKET		0400

						Census Tract: 0031.00			
13)	<a href="#">408653</a>	ACTIVE	20	02/17/2004	1/31/2018	LAKE OROVILLE MARINA LLC PENTZ MAGALIA RD 2M N HWY 70 15M N OROVILLE, CA 95965	LAKE OROVILLE MARINA LLC	7501 E MCCORMICK PKWY SCOTTSDALE, AZ 85258- 3495	0400
						Census Tract: 0029.00			
14)	<a href="#">546945</a>	ACTIVE	20	08/26/2014	6/30/2018	7 ELEVEN INC 2125 MONTE VISTA AVE OROVILLE, CA 95966-6968	7 ELEVEN STORE 21324C	PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088	0400
						Census Tract: 0030.02			
15)	<a href="#">437372</a>	ACTIVE	20	05/30/2006	4/30/2018	BIRK, SARBJIT KAUR 671 MONTGOMERY ST OROVILLE, CA 95965	FOOD EXPRESS		0404
						Census Tract: 0028.00			
16)	<a href="#">232091</a>	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
						Census Tract: 0028.00			
→ 17)	<a href="#">357750</a>	ACTIVE	21	10/14/1999	9/30/2018	SINGH, DALBIR 3110 MYERS ST OROVILLE, CA 95966-6555	SOUTHSIDE MINI MART		0400
						Census Tract: 0030.01			
→ 18)	<a href="#">510667</a>	ACTIVE	21	07/01/2011	4/30/2018	DORGHALLI, ELIAS 3046 MYERS ST OROVILLE, CA 95966-5940	PIGGS LIQUOR STORE		0404
						Census Tract: 0030.01			
→ 19)	<a href="#">581604</a>	ACTIVE	20	07/31/2017	6/30/2018	SINGH, JOE 3464 MYERS ST OROVILLE, CA 95966	JAS MARKET		0400
						Census Tract: 0030.01			
20)	<a href="#">270188</a>	ACTIVE	20	03/24/1992	8/31/2018	R & D BUTLER INC 4607 OLIVE HWY OROVILLE, CA 95966-5671	WAGON WHEEL MARKET		0400
						Census Tract: 0026.02			
→ 21)	<a href="#">485797</a>	ACTIVE	21	02/09/2010	6/30/2018	SAYEGH, MARIAM 2546 OLIVE HWY OROVILLE, CA 95966-6102	TOWN & COUNTRY LIQUOR & VIDEO		0404
						Census Tract: 0030.01			
22)	<a href="#">551258</a>	ACTIVE	20	03/12/2015	2/28/2018	DOLGEN CALIFORNIA LLC 5240 OLIVE HWY OROVILLE, CA 95966	DOLLAR GENERAL #15507	100 MISSION RIDGE, ATTN: TAX - LICENSING GOODLETTSVILLE, TN 37072-2171	0404
						Census Tract: 0026.01			
→ 23)	<a href="#">564089</a>	ACTIVE	21	03/17/2016	2/28/2018	COLONIAL ENERGY, LLC 2970 OLIVE HWY OROVILLE, CA 95966	CE 20117	2860 N SANTIAGO BLVD, 2ND FLOOR ORANGE, CA 92867-1722	0404
						Census Tract: 0030.01			
24)	<a href="#">572315</a>	ACTIVE	20	12/22/2016	11/30/2017	BERRY CREEK RANCHERIA 3900 OLIVE HWY OROVILLE, CA 95966		4020 OLIVE HWY OROVILLE, CA 95966	0404
						Census Tract: 0031.00			
25)	<a href="#">411452</a>	ACTIVE	21	05/06/2004	4/30/2018	SINGH, RANVIR 5250 OLIVE HWY 4 OROVILLE, CA 95966	DISCOUNT LIQUOR & BEER	5250 OLIVE HWY D OROVILLE, CA 95966	0404
						Census Tract: 0026.01			
26)	<a href="#">358256</a>	ACTIVE	21	12/06/1999	11/30/2017	HAYER, AMRIK SINGH 5250 OLIVE HWY, STE B OROVILLE, CA 95966-5650	LAKESIDE MARKET & GAS		0400
						Census Tract: 0026.01			
27)	<a href="#">483447</a>	ACTIVE	20	10/09/2009	11/30/2017	GRESHAM, LINDA MARIE 3290 ORANGE AVE OROVILLE, CA 95966-5051	NICKS STUFF N THINGS		0404



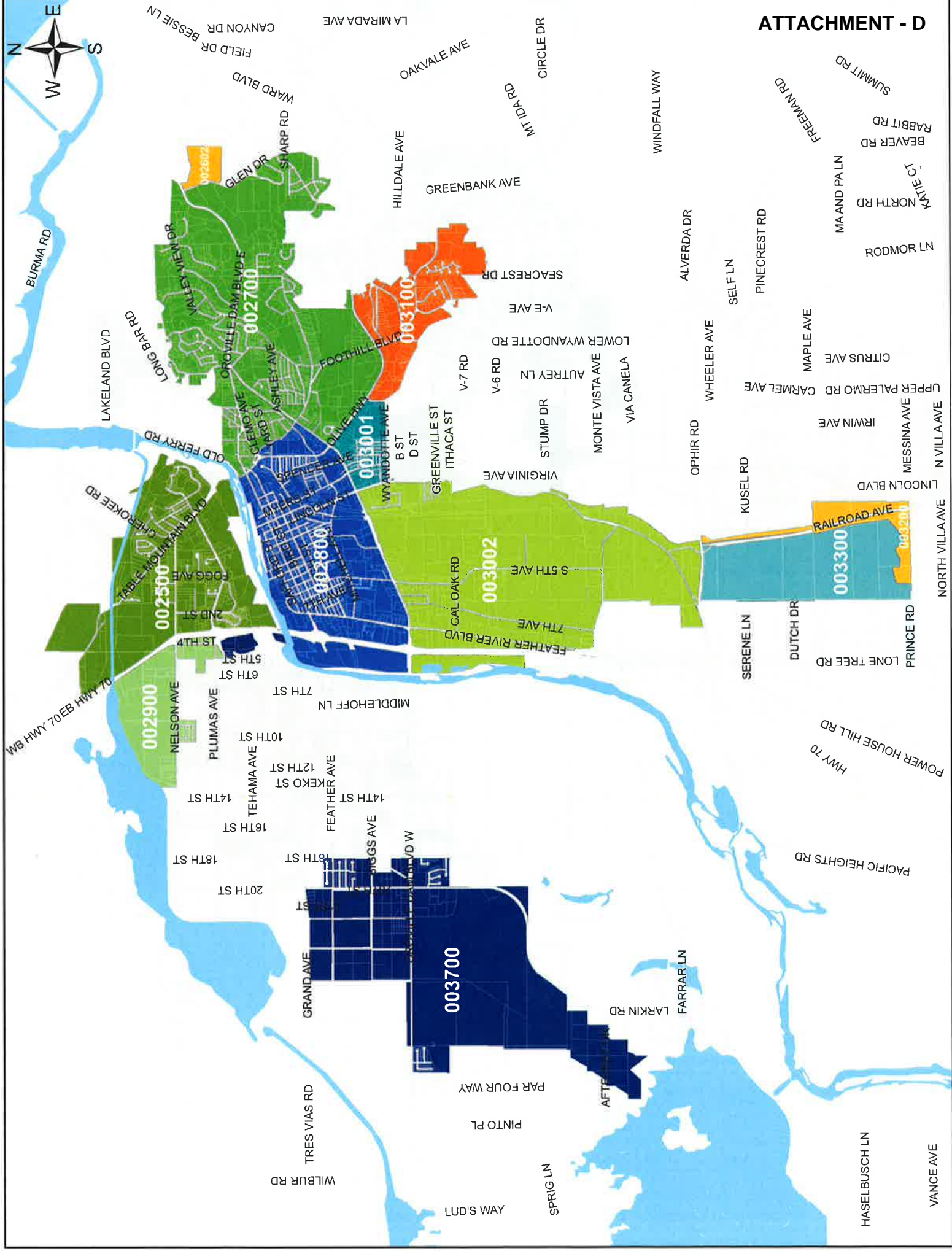
						Census Tract: 0027.00			
28)	<a href="#">481957</a>	ACTIVE	20	10/21/2009	6/30/2018	GROCERY OUTLET INC 1060 ORO DAM OROVILLE, CA 95965-5834	GROCERY OUTLET	5650 HOLLIS ST EMERYVILLE, CA 94608- 2597	0404
						Census Tract: 0028.00			
29)	<a href="#">395810</a>	ACTIVE	21	08/21/2003	7/31/2018	SAVE MART SUPERMARKETS 1160 ORO DAM BLVD OROVILLE, CA 95965-5836	FOOD MAXX 474	PO BOX 4278, ATTN: NIKKI BORUP MODESTO, CA 95352-4278	0404
						Census Tract: 0029.00			
30)	<a href="#">400545</a>	ACTIVE	20	07/31/2003	6/30/2018	RAEANN MARKETING INC 1408 ORO DAM BLVD OROVILLE, CA 95965	JIFFY FOOD STORES	2450 ROSS RD PALO ALTO, CA 94303	0404
						Census Tract: 0029.00			
→ 31)	<a href="#">489410</a>	ACTIVE	20	08/11/2010	7/31/2018	VASUDEVA, ASHOK KUMAR 2405 ORO DAM BLVD , # E OROVILLE, CA 95966	KWIK SERV		0404
						Census Tract: 0030.01			
32)	<a href="#">446900</a>	ACTIVE	20	12/07/2006	11/30/2017	AITAN INC 410 ORO DAM BLVD E OROVILLE, CA 95965	ARCO AM PM	12 WILLIAMSBURG LN CHICO, CA 95926-2225	0404
						Census Tract: 0028.00			
33)	<a href="#">547346</a>	ACTIVE	20	09/02/2014	8/31/2018	INAYA & ZAID LLC 555 ORO DAM BLVD E OROVILLE, CA 95965-5716	NAZ FOOD MART		0404
						Census Tract: 0030.02			
34)	<a href="#">577060</a>	ACTIVE	21	03/30/2017	2/28/2018	KOONER, AMARJIT SINGH 1055 ORO DAM BLVD E OROVILLE, CA 95965-5833	ORO DAM LIQUOR	671 MONTGOMERY ST OROVILLE, CA 95965	0400
						Census Tract: 0030.02			
→ 35)	<a href="#">109873</a>	ACTIVE	20	07/24/1981	3/31/2018	FRANK BELSER INC 2301 ORO DAM BLVD E OROVILLE, CA 95966	FRANKS BEACON		0404
						Census Tract: 0030.01			
36)	<a href="#">349669</a>	ACTIVE	21	02/01/1999	6/30/2018	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
						Census Tract: 0028.00			
→ 37)	<a href="#">413298</a>	ACTIVE	20	06/15/2004	6/30/2018	DOLLAR TREE STORES INC 1911 ORO DAM BLVD E OROVILLE, CA 95966	DOLLAR TREE STORE 1219	500 VOLVO PKWY CHESAPEAKE, VA 23320- 1604	0404
						Census Tract: 0030.01			
38)	<a href="#">426034</a>	ACTIVE	20	07/01/2005	6/30/2018	7 ELEVEN INC 3560 ORO DAM BLVD E OROVILLE, CA 95966	7 ELEVEN STORE 2235 14063A	PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088	0404
						Census Tract: 0027.00			
39)	<a href="#">514599</a>	ACTIVE	20	11/18/2011	6/30/2018	WALGREEN CO 2703 ORO DAM BLVD E OROVILLE, CA 95966-5116	WALGREENS 6141	PO BOX 901, ATTN: LICENSING DEERFIELD, IL 60015-0901	0404
						Census Tract: 0027.00			
40)	<a href="#">555777</a>	ACTIVE	20	07/13/2015	6/30/2018	NMSO INC 2014 ORO DAM BLVD E OROVILLE, CA 95966		1040 N BENSON AVE UPLAND, CA 91786-2157	0404
						Census Tract: 0028.00			
41)	<a href="#">537103</a>	ACTIVE	20	10/17/2013	1/31/2018	LALLY INVESTMENTS INC 2639 ORO DAM BLVD W OROVILLE, CA 95965	OROVILLE AM PM	1961 TAYLOR ST YUBA CITY, CA 95993-9705	0404
						Census Tract: 0037.00			
42)	<a href="#">576781</a>	ACTIVE	20	05/16/2017	4/30/2018	GHOMAN, MANJET SINGH 751 ORO DAM BLVD W OROVILLE, CA 95965	GOLDEN FEATHER MARKET PLACE		0400
						Census Tract: 0029.00			

43)	585005	ACTIVE	21	10/17/2017	9/30/2018	JERRY'S MARKET OF OROVILLE, INC. 2257 ORO QUINCY HWY OROVILLE, CA 95966  Census Tract: 0027.00	JERRYS MARKET		0404
44)	532814	ACTIVE	21	12/23/2013	5/31/2018	GARFIELD BEACH CVS LLC 850 OROVILLE DAM BLVD E OROVILLE, CA 95965-5722  Census Tract: 0028.00	CVS PHARMACY STORE 9158	ONE CVS DR, MAIL CODE 1160 WOONSOCKET , RI 02895	0404
45)	259923	ACTIVE	20	05/16/1991	3/31/2018	PANDIT, GIAN 1710 PINE ST OROVILLE, CA 95965  Census Tract: 0028.00			0404
46)	555117	ACTIVE	20	04/28/2015	3/31/2018	GOLD STAR GROCERY INC. 434 PLUMAS AVE OROVILLE, CA 95965-3219  Census Tract: 0029.00	COLLINS & DENNY MARKET		0404
47)	568209	ACTIVE	20	08/04/2016	7/31/2018	SOHNREY FAMILY FOODS LLC 41 SKILLIN LN OROVILLE, CA 95965  Census Tract: 0015.00	SOHNREY FAMILY FOODS		0400
48)	449410	ACTIVE	21	04/17/2008	1/31/2018	MUBARAKA, ADEL 3610 SKYCREST DR OROVILLE, CA 95965-8002  Census Tract: 0024.00	CANYON LAKES MARKET GAS & LIQUOR		0400
49)	387175	ACTIVE	20	05/28/2002	6/30/2018	7 ELEVEN INC 98 TABLE MOUNTAIN BLVD OROVILLE, CA 95965  Census Tract: 0025.00	7 ELEVEN 2235 22474C	PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088	0404
50)	464261	ACTIVE	20	04/28/2008	3/31/2018	GHOMAN, RAGHBIR SINGH 102 TABLE MOUNTAIN BLVD OROVILLE, CA 95965  Census Tract: 0025.00	QUIK SHOP 2		0404
51)	512227	ACTIVE	20	09/28/2011	8/31/2018	VASUDEVA, NIRMALA RANI 133 TABLE MOUNTAIN BLVD OROVILLE, CA 95965-3503  Census Tract: 0025.00	ALLIANCE FOOD & GAS		0404
52)	362750	ACTIVE	21	04/12/2000	3/31/2018	KHALIL, SOUHEL ATAALLAH 240 TABLE MOUNTAIN BLVD, STE B & C OROVILLE, CA 95965  Census Tract: 0025.00	TONYS FOOD & LIQUOR		0404

--- End of Report ---

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

ATTACHMENT - D





INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- 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: Joe Singh

2 PREMISES ADDRESS (Street number and name, city, zip code): 3464 Myers St. Oroville 95966

3 LICENSE TYPE: Bottle

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 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: 302.01

9 NO. OF LICENSES ALLOWED IN CENSUS TRACT: 2

10 NO. OF LICENSES EXISTING IN CENSUS TRACT: 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 filing 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 filing 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)

**PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)**

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do not proceed to Part 3.

22 APPLICANT SIGNATURE

23 DATE SIGNED

**PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)**

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance.

Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24 WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

Yes

No

See Attached (i.e., letter, resolution, etc.)

25 ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26 CITY/COUNTY OFFICIAL NAME

27 CITY/COUNTY OFFICIAL TITLE

28 CITY/COUNTY OFFICIAL PHONE NUMBER

29 CITY/COUNTY OFFICIAL SIGNATURE

30 DATE SIGNED



# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

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

### NOTICE OF EXEMPTION

**TO:** Butte County Clerk  
 25 County Center Drive  
 Oroville CA, 95965

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

Project Title: Finding of Public Convenience or Necessity (Type 21)

Project Location – Specific: 3464 Myers Street (APN: 035-103-011)

Project Location - City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, Joe Singh, 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 3464 Myers Street (APN: 035-103-011), the existing location a neighborhood market. The business currently operates under a Type 20 (Off Sale Beer and Wine) license and is requesting approval to operate under a Type 21 (Off Sale General) license. 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

Name of Person or Agency Carrying Out Project: Joe Singh

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. The business currently operates under a Type 20 (Off Sale Beer and Wine) license and is requesting approval to operate under a Type 21 (Off Sale General) license.

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: Gary Layman

Telephone: (530) 538-2428

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

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

Signed by Lead Agency

Signed by Applicant



## RESOLUTION NO. P2017-17

**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 3464 MYERS STREET, OROVILLE, CA 95966 (APN: 035-103-011)**

**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 3464 Myers Street (APN: 035-103-011), the existing location of a neighborhood market; and

**WHEREAS**, the subject business is located in Census Tract 0030.01 with a population such that the Department of Alcoholic Beverage Control authorizes up to two (2) off-sale licenses before an undue concentration would exist, and there are currently eight (8) 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 3464 Myers Street (APN: 035-103-011).

**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. The business currently operates under a Type 20 (Off Sale Beer and Wine) license and is requesting approval to operate under a Type 21 (Off Sale General) license.

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.

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**I HEREBY CERTIFY** that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 29<sup>th</sup> of March, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

\_\_\_\_\_  
RUTH WRIGHT, SECRETARY

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

**EXHIBIT**

*A – Letter of Public Convenience or Necessity*



# City of Oroville

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## COMMUNITY DEVELOPMENT DEPARTMENT

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

March 30, 2018

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 3464 MYERS STREET, OROVILLE, CA 95966 (APN: 035-103-011)**

To Whom It May Concern:

This letter shall serve to notify the California Department of Alcoholic Beverage Control that on December 14, 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 3464 Myers Street (APN: 035-103-011). The City of Oroville supports the efforts of community businesses to expand the local economy and finds no cause to oppose the requested license.

Sincerely,

Ruth Wright, Director  
Finance Department



