



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

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City of Oroville PLANNING COMMISSION

CHAIR: Damon Robison
VICE-CHAIR: Carl Durling
MEMBERS: Adonna Brand; Randy Chapman; Hardeep Singh; Tua Vang;
Wyatt Jenkins

PLANNING COMMISSION MEETING **AGENDA**

Monday, February 24, 2014 at 6:00 P.M.
MEETING AGENDA

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

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

ADMINISTRATIVE AGENDA

1. **CALL TO ORDER**

2. **ROLL CALL**

Commissioners Adonna Brand, Randy Chapman, Hardeep Singh, Tua Vang, Wyatt Jenkins, Vice Chairperson Carl Durling, Chairperson Damon Robison

3. **PLEDGE OF ALLEGIANCE**

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

This is the time the Chairperson will remind persons in the audience who wish to address the Commission on a matter that is on the agenda to fill out one of the cards located in the lobby and hand it to the clerk of the meeting. The

Chairperson will also remind persons in the audience that under Government Code Section 54954.3, the time allotted for each presentation may be limited.

5. **PUBLIC COMMENTS**

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

6. **CORRESPONDENCE**

None

7. **APPROVAL OF MINUTES**

Approve the minutes of the January 27, 2014 Planning Commission Meeting.

REGULAR AGENDA

8. **PUBLIC HEARINGS**

- 8.1 **UP 14-02: Lundberg Family Farms Research Center** - The City of Oroville Planning Commission will conduct a public hearing to consider a use permit for the operation of a research laboratory at 2001 Challenger Avenue (APN: 030-260-064).

Staff Report: Luis A. Topete, Associate Planner

Staff Recommendation:

Adopt Resolution No. P2014-03: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 14-02 TO ALLOW LUNDBERG FAMILY FARMS TO OPERATE A RESEARCH LABORATORY/CENTER AT 2001 CHALLENGER AVENUE (APN: 030-260-064)

- 8.2 **PCN for DOLLAR GENERAL:** The Oroville Planning Commission will conduct a discussion to consider adopting findings of public convenience or necessity for a Type-20 Off-Sale Beer and Wine license at Dollar General located at 2626 Lincoln Boulevard (APN: 035-050-107).

Staff Report: Luis A. Topete, Associate Planner

Staff Recommendation:

Adopt Resolution No. P2014-02: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION FINDING AND DETERMINING THAT THE PUBLIC

CONVEIENCE OR NECESSITY WOULD BE SERVED BY THE ISSUANCE OF AN OFF-SALE BEER AND WINE (TYPE-20) ALCOHOLIC BEVERAGE CONTROL LICENSE FOR THE DOLLAR GENERAL LOCATED AT 2626 LINCOLN BOULEVARD, OROVILLE CA 95966 (APN: 035-050-107)

9. **DISCUSSION ITEMS**

Planning Commission Meeting format

10. **DIRECTOR'S REPORT**

Verbal Report

11. **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.

12. **ADJOURNMENT**

Adjourn to Monday, March 24, 2014 at 6:00 P.M. at Oroville City Hall.

Respectfully submitted by,



Donald Rust, Director
Community Development Department

***** NOTICE *****

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

***** NOTICE *****

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

**CITY OF OROVILLE PLANNING COMMISSION MEETING MINUTES
JANUARY 27, 2014**

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

The agenda for the January 27, 2014 regular meeting of the Oroville Planning Commission was posted on the bulletin board at the front of City Hall on Friday, January 14, 2014 at 2:50 p.m.

1. CALL TO ORDER

The January 27, 2014 regular meeting of the Oroville Planning Commission was called to order by Vice Chairperson Durling at 6:02 p.m.

2. ROLL CALL

Present: Commissioners Brand, Chapman, Jenkins, Vang, Vice Chairperson Durling
Absent: Commissioner Singh, Chairperson Robison (excused)

Staff Present:

Donald Rust, Director of Community Development
Luis Topete, Associate Planner
Suzanne Fuentes, Administrative Assistant

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Chairperson Durling.

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

5. PUBLIC COMMENT - None

6. CORRESPONDENCE - None

7. APPROVAL OF MINUTES

A motion was made by Commissioner Chapman, seconded by Commissioner Brand to:
Approve the minutes of the November 13, 2013 Planning Commission meeting.

The motion passed by the following vote:

Ayes: Commissioner Brand, Chapman, Jenkins, Vang, Vice Chairperson Durling,
Noes: None
Abstain: None
Absent: Commissioner Singh, Chairperson Robison

8. PUBLIC HEARINGS

8.1 UP 14-01: rePLANET Recycling Center

The City of Oroville Planning Commission conducted a public hearing to consider a use permit for construction and operation of a recycling facility in the Currier's Square shopping center. Per City Code Table 26-33.0010-1, all recycling facilities or centers in a limited Commercial (C-1) zone require a use permit. This facility will be located at 2325 Myers Street (APN: 013-170-061) which is zoned C-1.

Staff Report: Luis A. Topete, Associate Planner

Vice Chairperson Durling opened the Public Hearing.

Nancy Mertz, applicant, spoke in favor of the item.

Hearing no further comments or questions from the public, Vice Chairperson Durling closed the Public Hearing.

Due to a possible conflict of interest, Commissioner Chapman recused himself.

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

Adopt Resolution No. P2014-01: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 14-01 TO ALLOW THE CONSTRUCTION AND OPERATION OF A RECYCLING FACILITY/CENTER IN THE CURRIER'S SQUARE SHOPPING CENTER AT 2325 MYERS STREET (APN: 013-170-061), with modifications as discussed at the meeting.

The motion passed by the following vote:

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

9. DISCUSSION ITEMS

- Director, Donald Rust, advised that at the next Planning Commission meeting it will be time for the regular rotation of a Planning Commissioner to sit on the Development Review Committee (DRC).

10. **DIRECTOR'S REPORT**

Director, Donald Rust provided an update on the following:

- Super Wal-Mart
- Preservoir

11. **COMMISSION REPORTS** - None

12. **ADJOURNMENT**

The meeting was adjourned at 6:33 p.m. The next regular meeting of the Oroville Planning Commission will be held on Monday, February 24, at 6:00 p.m.



Donald Rust, Director
Community Development

Vice Chairperson Durling



City of Oroville

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COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION STAFF REPORT

February 24, 2014

UP 14-02: Lundberg Family Farms Research Center - The City of Oroville Planning Commission will conduct a public hearing to consider a use permit for the operation of a research laboratory at 2001 Challenger Avenue (APN: 030-260-064).

APPLICANT: Hassan Dwidar
Lundberg Family Farms
5311 Midway
P.O. Box 369
Richvale, CA 95974-0369

LOCATION: 2001 Challenger Avenue
(APN: 030-260-064) (**Attachment A**)

GENERAL PLAN: Airport Business Park
ZONING: Airport Business Park (ABP)
FLOOD ZONE: ZONE X: Areas determined to be outside the 0.2% annual chance floodplain (500-year floodplain).

ENVIRONMENTAL DETERMINATION:

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

REPORT PREPARED BY:


Luis A. Topete, Associate Planner
Community Development Department

REVIEWED BY:


Donald Rust, Director
Community Development Department

RECOMMENDED ACTIONS:

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

1. **HOLD** a public hearing and receive testimony on the proposed Use Permit No. 14-02 for the operation of a research laboratory at 2001 Challenger Avenue (APN: 030-260-064); and
2. **ADOPT** the Class 1 Categorical Exemption – Existing Facilities; CCR, Title 14, §15301 (**Attachment D**), as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines; and

3. **ADOPT** the recommended Findings for Use Permit No. 14-02 (**Attachment E**);
4. **ADOPT** Resolution No. P2014-03 (**Attachment F**); and
5. **APPROVE** the Conditions of Approval for Use Permit No. 14-02 (**Attachment G**).

SUMMARY

The project applicant, Hassan Dwidar, a representative of Lundberg Family Farms, has applied for a use permit for the operation of a research center at 2001 Challenger Avenue (APN: 030-260-064). Per City Code Table 26-36.010-1, all research laboratories in an Airport Business Park (ABP) zone require a use permit. The subject property has a zoning designation and General Plan land use designation of ABP. The Lundberg Research Center is a small size pilot plant designed as a miniature rice snacks manufacturing facility primarily focused on developing new products and testing the shelf life of these products.

DISCUSSION

Lundberg Research Center is a small size pilot plant designed as miniature rice snacks manufacturing facility. Use of the facility will include small size processing equipment for the production of rice cakes of different thickness, shapes and flavors. The processing operation is mostly a dry process with minimum water usage (maximum 30-40 gallons/day including the floor and equipment cleaning). No steam generators or harsh chemicals will be used as part of the operation. The plant's main activities will include developing new products and testing the shelf life of these products.

ISSUES

Per City Code Table 26-36.010-1, all research laboratories in an ABP zone require a use permit. The subject property has a zoning designation of ABP and therefore requires a use permit. Additionally, the property also lies within the B-2 and C Airport Influence Area Overlays (AIA-O) which place limitations on the density, intensity, height, and other aspects of the use of property within the Oroville Municipal Airport overflight area that are necessary to protect persons on the ground and in the air from adverse impacts that may result from operation of an airport, in the manner described in the 1990 Master Plan for the Oroville Municipal Airport and consistent with the Airport Compatibility Criteria described in the Butte County Airport Land Use Commission's 2000 Airport Land Use Compatibility Plan.

This property is currently developed and this use permit request is to allow the use of a research laboratory. In all AIA-O properties, all uses may be provided that are allowed in the underlying zoning district, to the extent that those uses are consistent with the compatibility criteria under Section 26-42.050 of the City Code (**Attachment C**). For the purposes of evaluating consistency with the compatibility criteria set forth in Section 26-42.050, any parcel that is split by compatibility zone boundaries, as this parcel is, shall be considered as if it were multiple parcels divided at the compatibility zone boundary line. Since this property has been developed, the number of allowable persons per acre and ensuring that prohibited uses are not allowed are the principal concerns for the AIA-O. This proposed use (research laboratory) is not a specified prohibited use for a B2 or

C AIA-O and the above persons/ac requirement and prohibited land uses have been incorporated as conditions of approval for this use permit. The applicant has stated that no more than 10 people will be on-site at any given time.

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 15301 “Existing Facilities.” A Class 1 categorical exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The key consideration is whether the project involves negligible or no expansion of an existing use. This project involves the leasing of space on a property intended to provide for business and commercial opportunities near the Oroville Municipal Airport that will neither be detrimental to the airport’s growth, efficiency or safety. This property has historically been used for manufacturing related purposes.

FISCAL IMPACT

The total fees associated with Use Permit No. 14-02 are as follows:

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

Pursuant to Public Resources Code Section 21089, and as defined by the Fish and 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.

PUBLIC NOTICE

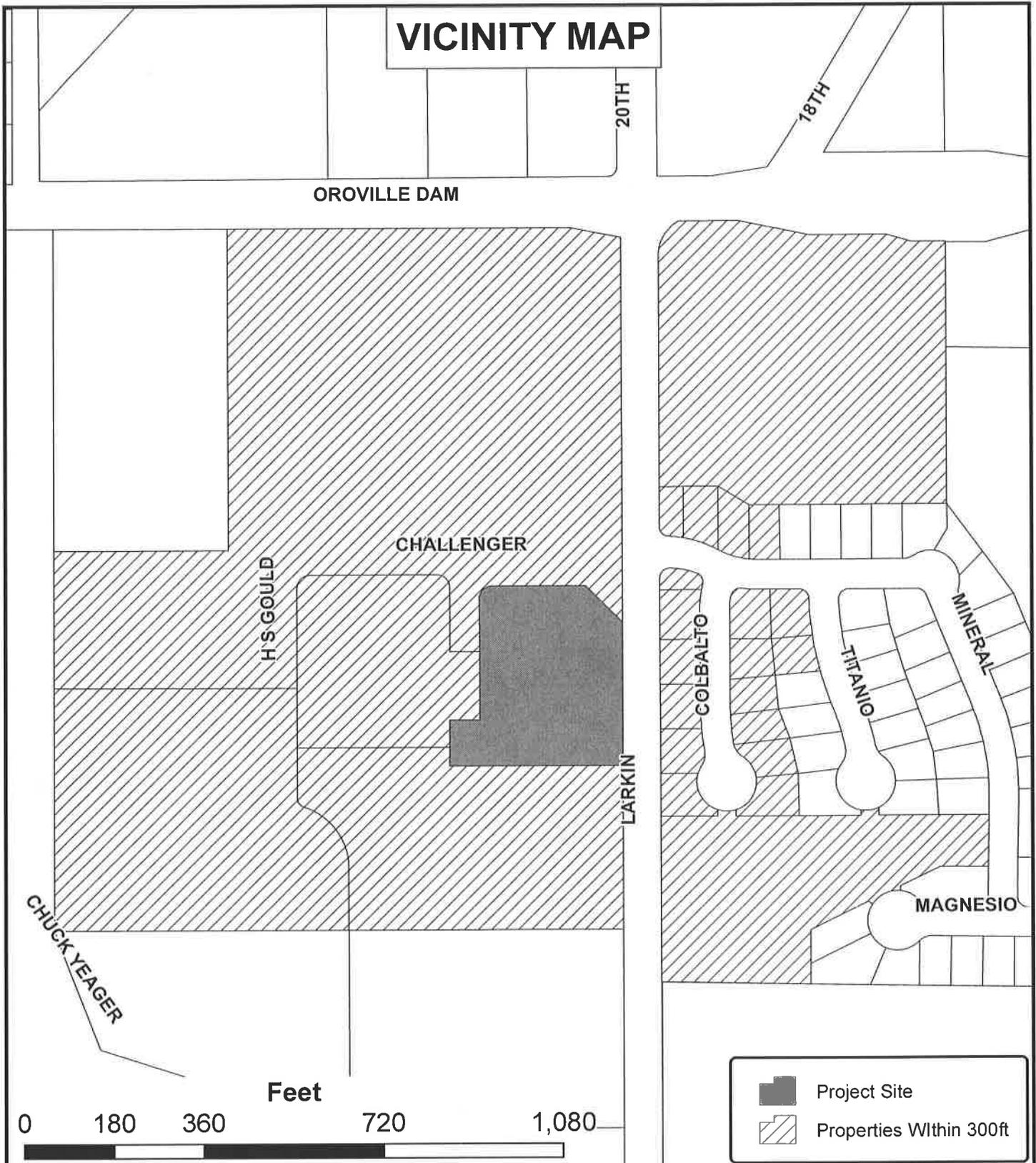
A request for comments was prepared and circulated to the local agencies and surrounding property owners within 300 feet of the property (**Attachment J**). Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register (**Attachment K**) and posted at City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

ATTACHMENTS

- A – Vicinity Map
- B – Airport Influence Overlay Map
- C – Compatibility Criteria for AIA-O Zones
- D – Notice of Exemption
- E – Findings
- F – Resolution No. P2014-03
- G – Conditions of Approval
- H – Drawings
- I – Applicant Letter
- J – Property Owner Notice
- K – Newspaper Notice

ATTACHMENT A

VICINITY MAP

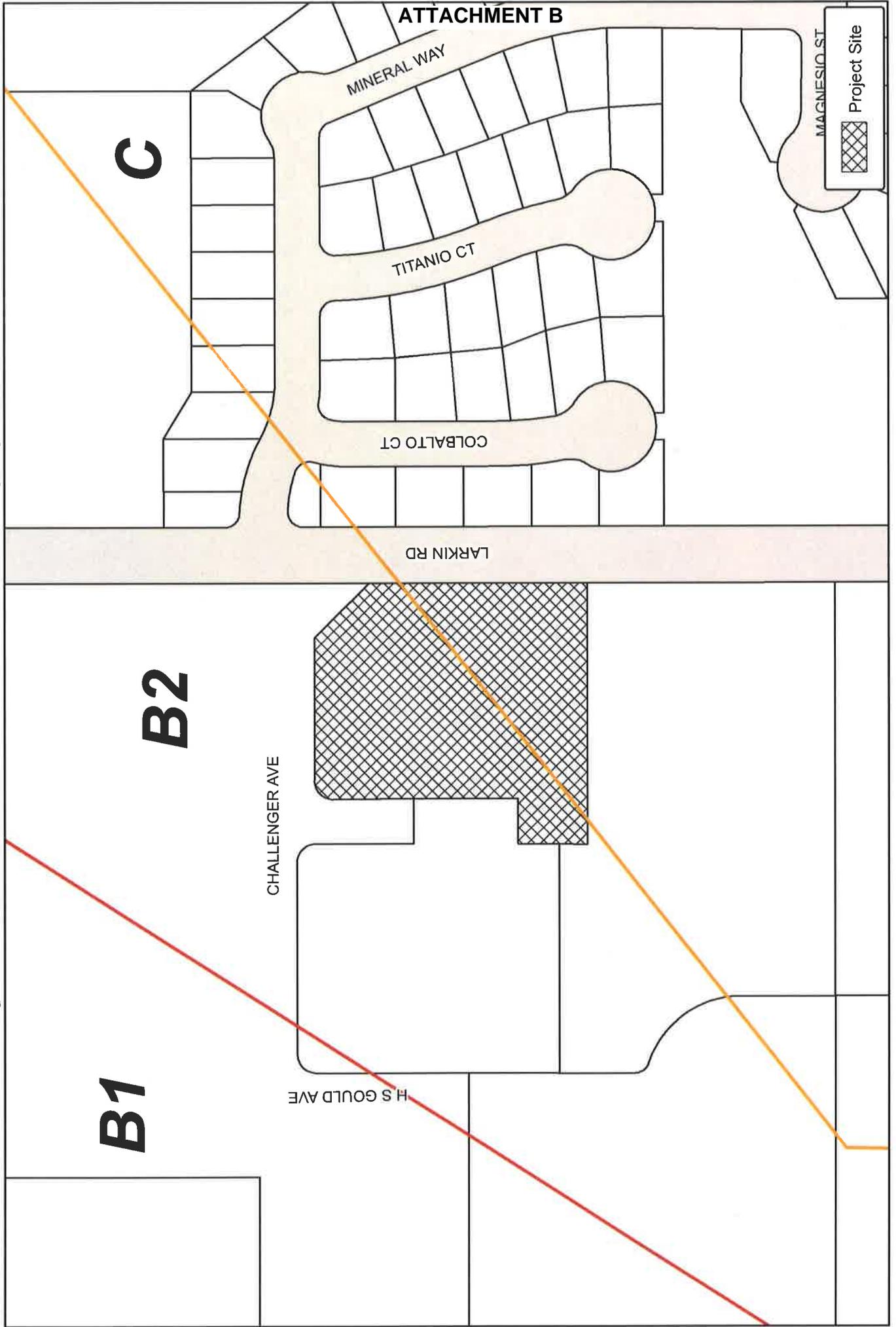


CITY OF OROVILLE PLANNING DIVISION

| | | | |
|---|---|--|-------------------------|
| <i>Applicant:</i> Lundberg Family Farms (Hassan Dwidar) | | <i>Owner:</i> City of Oroville | |
| <i>Project Location:</i> 2325 Myers Street, Oroville, CA 95966 | | | |
| <i>Hearing Date:</i> February 24, 2014 | <i>Zoning Designation:</i> Airport Business Park (ABP) | <i>General Plan Land Use Designation:</i> Airport Business Park | |
| <i>TRAKiT #</i> Project#: PL1402-001 | <i>Assessor's Parcel #:</i> 030-260-064 | | <i>File #:</i> UP 14-02 |



Airport Influence Area Overlay (AIA-O)



ATTACHMENT B

C

B2

B1

MINERAL WAY

TITANIO CT

COLBALTO CT

LARKIN RD

CHALLENGER AVE

H S GOULD AVE

MAGNESIO ST

Project Site

Produced By: Luis A. Topete
February 13, 2014



ATTACHMENT C

Table 26-42.050: Compatibility Criteria for Airport Influence Area Overlay Zones

| Zone | Maximum Densities/Intensities | | | | Additional Requirements | | |
|-----------|--|--------------------------------------|-----------------|---------------|------------------------------------|---------------------------------|--------------------------|
| | Residential (du/ac) | Other Uses (persons/ac) ¹ | | | Required Open Land ² | Prohibited Uses ³ | Other |
| | | Average | Per Acre | With Bonus | | | |
| A | 0 | 10 | n/a | n/a | All remaining | A, B, C, D, E | A |
| B1 | 0.1 (10 ac minimum) | 25 | 50 | n/a | 30% | D, E, F, G | A, B, C, D, E |
| B2 | 0.2 (average lot size 5 ac) | 50 | 100 | 130 | 20% | E, F, G | B, D, E |
| C | (1) 0.2 or (2) 4.0 | 100 | 300 | 390 | 10% | E, F | B, E |
| D | No limit | No limit | No limit | n/a | None | E | E |

1. Calculations of persons per acre shall be consistent with the criteria described in paragraph G of this section.

2. Open land shall conform to the requirements in paragraph H of this section.

3. Prohibited uses are those that correspond to the same letter in the list in paragraph I of this section.

4. Other requirements shall be those that correspond to the same letter in the list in paragraph J of this section.

F. Compatibility Criteria.

The airport compatibility criteria for land uses within Airport Influence Area Zones "A," "B1," "B2," "C" and "D" shall be as provided in Table 26-42.050. For the purposes of this section, calculation of the minimum lot size for residential use in B1 and B2 zones shall be based upon the gross acreage of a lot, with the gross acreage to include the area in any abutting publicly-owned vacant land such as stormwater detention facilities, and any area between the lot line and the center line of abutting streets.

G. Persons Per Acre.

1. Calculations of the number of persons per acre shall include all people who may be on the property, such as employees, customers and visitors, both indoors and outdoors. The calculations shall be based upon 1 or more criteria that include the number of parking spaces provided for the use, the maximum occupancy allowed by adopted building codes, and, for non-standard types of development, a survey of similar uses in other jurisdictions. Sample calculation based upon parking spaces and upon building codes are provided in Appendix D of the December 2000 Butte County Airport Land Use Compatibility Plan. (ALUCP Table 2A, Note 2; Appendix D)
2. "Average" density is the usage intensity indicated in this section times the gross acreage of the site. The total number of people permitted on a project site at any time shall not exceed the indicated average density for the zone in which the project site is located, except for rare special events, such as an air show at an airport, for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate. (ALUCP Table 2A, note 6) Clustered development shall not result in density or intensity of use on any single acre that exceeds the indicated average density. (ALUCP Table 2A, note 7; policy 4.2.6)
3. "1 acre" density is the maximum number of people who may occupy any single acre of the project site. This limitation also applies to clustered development. For the purposes of this requirement, areas to be evaluated shall be squares (for example, an area measuring 209 feet by 209 feet for a one-acre area) to the extent possible, given the shape of the property being evaluated. (ALUCP policy 4.2.6).
4. "Bonus" is the increase in persons per acre that may be permitted upon approval of a use permit by the Planning Commission if the building design reduces risks to occupants in the event of an aircraft collision with the building by incorporating features that include, but are not limited to, the following: (ALUCP Table 2A, note 8; policy 4.2.7)
 - a. Concrete walls;
 - b. Minimal number and size of windows;
 - c. Upgraded strength of the building roof;

- d. No skylights;
 - e. Enhanced fire sprinkler system;
 - f. Single story construction;
 - g. Increased number of emergency exits.
5. The provisions of Section 26-50.010 of this chapter shall apply to the approval of a use permit for a bonus in the number of persons per acre in an AIA-O district, in addition to which the Commission shall make specific findings showing why the exception is being made and that the land use will not create a safety hazard to people on the ground or aircraft in flight.

H. Open Land.

(ALUCP Table 2A, note 3; policy 4.2.5)

1. New discretionary development of every property in an AIA-O district shall provide open land in the manner described in this section when the property is large enough to reasonably accommodate the required open land. The required open land may be provided on the property to be developed, or the property owner may pay an in-lieu Airport Open Space Mitigation Fee in an amount to be established by resolution of the City Council.
2. The amount of open land required for new development of every property shall be that percentage of the total gross area of the property that is indicated in this section.
3. An open land area shall be consistent with all of the following characteristics:
 - a. It shall have minimum dimensions of at least 75 feet by 300 feet.
 - b. It shall be free of structures and other major obstacles such as walls, trees or poles that are greater than 4 inches in diameter at a point 4 feet above the ground, and overhead wires.
 - c. It shall be reserved as airport safety open land by deeded easement that prohibits development that is not consistent with this section.
 - d. Roads are acceptable as open land areas if they met the above criteria, particularly with respect to the arrangement of light fixtures and the placement and height of street trees.

I. Prohibited Uses.

Where the letter or letters listed in Table 26-42.050 correspond to the uses listed below, those uses shall be explicitly prohibited, regardless of whether it meets the intensity criteria, unless the prohibition is precluded by applicable State statutes:

1. Use A: All structures except facilities with location set by FAA criteria.
2. Use B: Assemblages of people.
3. Use C: Objects exceeding the Federal Aviation Administration's FAR Part 77 height limits. (ALUCP policy 4.3.2).
4. Use D: Above-ground bulk storage of hazardous materials, except as described herein.
5. Use E: Hazards to flight, including physical (such as tall objects), visual (such as glare, distracting lights, dust, steam or smoke), and electronic forms of interference with the safety of aircraft operations. Also included is land use development such as landfills that may attract birds to the site. (ALUCP Table 2A, note 9; policy 4.2.4). Storage of fuel and other hazardous materials is prohibited in Zone A. In Zones B1 and B2, these substances must be stored in underground tanks, except that on-airport storage of aviation fuel and other aviation-related flammable materials is allowed, as is storage of up to 2,000 gallons of nonaviation flammable materials. (ALUCP Table 2A, note 12; policy 4.3.6).
6. Use F: Children's schools (kindergarten through twelfth grade), day care centers (provided, however, that non-commercial centers ancillary to a place of business are permitted in Zones B2 and C, so long as the overall use of the property meets the intensity requirement indicated in this section), libraries, hospitals and residential care facilities with 7 units or more. (ALUCP Table 2A, notes 10 and 11).
7. Use G: Highly noise-sensitive uses, such as outdoor theaters. (ALUCP Table 2A)

J. Other Requirements.

Other requirements shall be only those for which the letter or letters listed in Table 26-42.050 correspond to the letter or letters listed below:

1. Requirement A: Dedication of an "aviation easement" is required, using forms provided by the City (ALUCP Appendix G2). The aviation easement shall do all of the following: (ALUCP policy 4.3.4)
 - a. Provide the right of flight in the airspace above the property.
 - b. Allow the generation of noise and other impacts associated with aircraft overflight.
 - c. Restrict the height of structures, trees and other objects.
 - d. Permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit.
 - e. Prohibit electrical interference, glare and other potential hazards to flight from being created on the property.
2. Requirement B: Deed notice of airport proximity and the potential for aircraft overflights is required, using forms provided by the City. (ALUCP Appendix G3)
3. Requirement C: Locate structures the maximum distance from the extended runway centerline. (ALUCP Table 2A)
4. Requirement D: A minimum noise level reduction of 20 dB is required for properties within the B1 Zone, and a minimum noise level reduction of 20 dB is required for properties within the B2 Zone. "Noise level reduction" refers to outside-to-inside sound level attenuation provided by a structure (ALUCP Table 2A, note 13), as measured with windows closed. The requirement applies to residences (including mobile homes) and buildings with noise-sensitive uses, including hotels and motels, hospitals and residential care facilities with 7 or more units, churches, meeting halls, office buildings, mortuaries, schools, libraries and museums. Evidence, such as building plans or conditions of approval of planning permits, shall be provided that new structures will be designed to comply with the stated criteria. (ALUCP policy 4.1.5).
5. Requirement E: Airspace review is required for tall objects as follows: B1 Zones, greater than 35 feet; B2 Zones, greater than 70 feet; C and D Zones, greater than 100 feet. The applicant shall notify the Federal Aviation Administration regarding the height of any proposed structures or objects, as required by federal or State regulations. (ALUCP policy 4.3.5). The Federal Aviation Administration may require marking and lighting of certain objects less than 35 feet in height. (ALUCP policy 4.3.2 and 4.3.3).

K. Clustering.

In all zones except Zone A, development of a site or within a subdivision may be concentrated in a portion of the overall project site for purposes of achieving required open land, subject to the following limitations:

1. In no case shall the applicable maximum overall density criteria indicated in this section be exceeded on any 1 acre of the project site as a result of clustering.
2. With clustering, some lots may be much smaller than others, although approval of a Planned Development (PD-O) overlay zone may be required if the proposed clustering of structures or lots is not consistent with development standards applicable to the underlying zoning district with which the AIA-O district is combined. (ALUCP Table 2, notes 1, 6, and 7; policy 4.2.6).

L. Development by Right.

Nothing in these policies prohibits construction or alteration of a single-family home on a legal lot of record if such use is permitted by this chapter. (ALUCP 2.4.4 d).

M. Parcels Lying within Multiple Compatibility Zones.

(ALUCP policy 2.4.4e)

1. For the purposes of evaluating consistency with the compatibility criteria set forth in this section, any parcel that is split by compatibility zone boundaries shall be considered as if it were multiple parcels divided at the compatibility zone boundary line.



ATTACHMENT D

City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

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

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 14-02: Lundberg Family Farms Research Center

Project Location – Specific: 2001 Challenger Avenue (APN: 030-260-064)

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, Hassan Dwidar, a representative of Lundberg Family Farms, has applied for a use permit for the operation of a research center at 2001 Challenger Avenue (APN: 030-260-064). Per City Code Table 26-36.010-1, all research laboratories in an Airport Business Park (ABP) zone require a use permit. The subject property has a zoning designation and General Plan land use designation of ABP. The Lundberg Research Center is a small size pilot plant designed as a miniature rice snacks manufacturing facility primarily focused on developing new products and testing the shelf life of these products.

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

Name of Person or Agency Carrying out Project: Hassan Dwidar – Lindberg Family Farms

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
- Statutory Exemption: State code number:

Reasons why project is exempt: This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities." A Class 1 categorical exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. This project involves the leasing of space on a property intended to provide for business and commercial opportunities near the Oroville Airport that will neither be detrimental to the airport's growth, efficiency or safety. This property has historically been used for manufacturing related purposes.

If filed by applicant:

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

Lead Agency Contact Person: Luis A. Topete

Telephone: (530) 538-2408

Signature: _____

Date: _____

- Signed by Lead Agency
- Signed by Applicant

ATTACHMENT E

FINDINGS

UP 14-02: Lundberg Family Farms Research Center

A. INTRODUCTION

The project applicant, Hassan Dwidar, a representative of Lundberg Family Farms, has applied for a use permit for the operation of a research center at 2001 Challenger Avenue (APN: 030-260-064). Per City Code Table 26-36.010-1, all research laboratories in an Airport Business Park (ABP) zone require a use permit. The subject property has a zoning designation and General Plan land use designation of ABP. The Lundberg Research Center is a small size pilot plant designed as a miniature rice snacks manufacturing facility primarily focused on developing new products and testing the shelf life of these products.

B. CATEGORICAL EXEMPTION

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities." A Class 1 categorical exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. This project involves the leasing of space on a property intended to provide for business and commercial opportunities near the Oroville Airport that will neither be detrimental to the airport's growth, efficiency or safety. This property has historically been used for manufacturing related purposes.

C. USE PERMIT FINDINGS

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 26-50.010, 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 26-50.010 of the City Code. 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 purpose of an ABP land use designation is to provide for business and commercial opportunities near the Oroville Airport that will neither be detrimental to the airport's growth, efficiency and safety nor create substantial conflict with the development of other industrial lands in the City, and that will be consistent with the General Plan land use designation of Airport Business Park. This property is currently developed and this use permit request is for a small size pilot plant research laboratory designed as a miniature rice snacks manufacturing facility primarily focused on developing new products and testing the shelf life of these products. These activities will be fully contained within the building and fully comply with all local, State, and federal regulations applicable to these operations. As a result, the intended use will neither be detrimental to the airport's growth, efficiency and safety nor create substantial conflict with the development of other industrial lands in the City. Additionally, this use will be consistent with its General Plan land use designation of ABP which allows for light manufacturing, limited industrial, food processing, wholesale trade and offices.

The property also lies within the B-2 and C Airport Influence Area Overlay (AIA-O) which places limitations on the density, intensity, height, and other aspects of the use of property within the Oroville Municipal Airport overflight area that are necessary to protect persons on the ground and in the air from adverse impacts that may result from operation of an airport, in the manner described in the 1990 Master Plan for the Oroville Municipal Airport and consistent with the Airport Compatibility Criteria described in the Butte County Airport Land Use Commission's 2000 Airport Land Use Compatibility Plan. As previously mentioned, this property is currently developed and this use permit request is to allow the use of a research laboratory. In all AIA-O properties, all uses may be provided that are allowed in the underlying zoning district, to the extent that those uses are consistent with the compatibility criteria under Section 26-42.050 of the City Code. For the purposes of evaluating consistency with the compatibility

criteria set forth in Section 26-42.050, any parcel that is split by compatibility zone boundaries, as this parcel is, shall be considered as if it were multiple parcels divided at the compatibility zone boundary line. Since this property has been developed, the number of allowable persons per acre and ensuring that prohibited uses are not allowed are the principal concerns for the AIA-O, which are as follows:

Table 26-42.050: Compatibility Criteria for Airport Influence Area Overlay Zones

| Zone | Maximum Densities/Intensities | | | | Additional Requirements | | |
|-----------|------------------------------------|--------------------------------------|------------|------------|---------------------------------|------------------------------|----------------|
| | Residential (du/ac) | Other Uses (persons/ac) ¹ | | | Required Open Land ² | Prohibited Uses ³ | Other |
| | | Average | Per Acre | With Bonus | | | |
| A | 0 | 10 | n/a | n/a | All remaining | A, B, C, D, E | A |
| B1 | 0.1 (10 ac minimum) | 25 | 50 | n/a | 30% | D, E, F, G | A, B, C, D, E |
| B2 | 0.2 (average lot size 5 ac) | 50 | 100 | 130 | 20% | E, F, G | B, D, E |
| C | (1) 0.2 or (2) 4.0 | 100 | 300 | 390 | 10% | E, F | B, E |
| D | No limit | No limit | No limit | n/a | None | E | E |

1. Calculations of persons per acre shall be consistent with the criteria described in paragraph G of this section.

2. Open land shall conform to the requirements in paragraph H of this section.

3. Prohibited uses are those that correspond to the same letter in the list in paragraph I of this section.

4. Other requirements shall be those that correspond to the same letter in the list in paragraph J of this section.

This proposed use (research laboratory) is not a specified prohibited use for a B2 or C AIA-O and the above persons/ac requirement and prohibited land uses have been incorporated as conditions of approval for this use permit. The applicant has stated that no more than 10 people will be on-site at any given time. This project has adequate access to the City's transportation network through direct access to Challenger Avenue and Larkin Road with Highway 162 being less than 750 feet from the property, and the property lies within a development cluster of buildings designed for the "Airport Business Park" with the purpose as specified above in item a). As a result, the proposed use follows sound principles of land use.

- 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 proposed research laboratory will be occupying an existing building that has been designed/built for the purpose of accommodating light manufacturing, limited industrial, wholesale trade and offices, and other uses of like kind or character. The applicant will be required to obtain a zoning clearance/occupancy inspection from the Building Division prior to building occupancy. If at the time of inspection any inadequacies in 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. Additionally, as specified above, this project has adequate access to the City's transportation network through direct access to Challenger Avenue and Larkin Road with Highway 162 being less than 750 feet from the property.

- 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.

Please reference item a) and b) above.

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

The project site is approximately 2.45 acres (106,722 square feet) in size. The project does not involve any new development but use of the existing development that is currently onsite. Of the existing buildings onsite, this project will utilize approximately 12,534 square feet of building space, with 899 sq. ft. being utilized as laboratory space, 2,805 sq. ft. as production space, 7,306 sq. ft. for warehousing, 280 sq. ft. as office space, and 240 sq. ft. as a testing room.

The applicant has provided a site plan displaying how they intend to use the building and where they intend to place their equipment, with the building space that is available adequately serving the needs of this research center. Additionally, the property lies within a development cluster of buildings designed for the "Airport Business Park" intended to accommodate light manufacturing, limited industrial, wholesale trade and offices, and other uses of like kind or character. 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 City of Oroville's 2030 General Plan vision statement and guiding principles emphasize the necessity of ensuring the availability of high quality job opportunities within the City of Oroville. Additionally, a Goal of the General Plan (LU-8) also emphasized the need of creating high quality jobs that enhance the Oroville economy by encouraging diversification in future industrial and business development for increased employment opportunities from entry level jobs to high-skilled and professional jobs. By bringing their operations into Oroville, Lundberg Family Farms will be contributing into the City's vision of attracting and retaining job opportunities in all sectors of the economy. For information regarding the size, intensity, and location of the proposed use, please reference items a), b) and d) above.

- g. The permit complies with all applicable laws and regulations, including the

requirements of the General Plan, Zoning Code, and of the City's Municipal Code.

The permit application has been reviewed by staff and the project has been found to comply with all applicable laws and regulations, including the applicable requirements of the City's 2030 General Plan, Zoning Code, and other applicable portions of the City's Municipal Code. As a condition of this permit, the applicant shall be required to ascertain and comply with the requirements of all Federal, State, County and Local agencies as applicable to the proposed use and project site. In addition, section 26.50-010(F)(2) 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, if a law has been violated in connection with the permit, or if the permit was obtained by fraud.

ATTACHMENT F

RESOLUTION NO. P2014-03

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 14-02 TO ALLOW LUNDBERG FAMILY FARMS TO OPERATE A RESEARCH LABORATORY/CENTER AT 2001 CHALLENGER AVENUE (APN: 030-260-064)

WHEREAS, the City of Oroville has received a use permit application from Lundberg Family Farms for the operation of a research laboratory/center at 2001 Challenger Avenue (APN: 030-260-064); and

WHEREAS, the subject property identified as APN: 030-260-064 has a zoning designation of Airport Business Park (ABP) and General Plan land use designation of Airport Business Park; and

WHEREAS, per City Code Table 26-36.010-1, all research laboratories in an ABP zone require a use permit; and

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

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

1. This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities." A Class 1 categorical exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. This project involves the leasing of space on a property intended to provide for business and commercial opportunities near the Oroville Municipal Airport that will neither be detrimental to the airport's growth, efficiency or safety. This property has historically been used for manufacturing related purposes.
2. According to the City's Municipal Code section 26-50.010(E)(4), the Planning Commission may grant this use permit only upon making all of the following findings, based on substantial evidence, as described below.
 - 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 26-50.010, 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 26-50.010 of the City Code. 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 purpose of an ABP land use designation is to provide for business and commercial opportunities near the Oroville Airport that will neither be detrimental to the airport's growth, efficiency and safety nor create substantial conflict with the development of other industrial lands in the City, and that will be consistent with the General Plan land use designation of Airport Business Park. This property is currently developed and this use permit request is for a small size pilot plant research laboratory designed as a miniature rice snacks manufacturing facility primarily focused on developing new products and testing the shelf life of these products. These activities will be fully contained within the building and fully comply with all local, State, and federal regulations applicable to these operations. As a result, the intended use will neither be detrimental to the airport's growth, efficiency and safety nor create substantial conflict with the development of other industrial lands in the City. Additionally, this use will be consistent with its General Plan land use designation of ABP which allows for light manufacturing, limited industrial, food processing, wholesale trade and offices.

The property also lies within the B-2 and C Airport Influence Area Overlay (AIA-O) which places limitations on the density, intensity, height, and other aspects of the use of property within the Oroville Municipal Airport overflight area that are necessary to protect persons on the ground and in the air from adverse impacts

that may result from operation of an airport, in the manner described in the 1990 Master Plan for the Oroville Municipal Airport and consistent with the Airport Compatibility Criteria described in the Butte County Airport Land Use Commission's 2000 Airport Land Use Compatibility Plan. As previously mentioned, this property is currently developed and this use permit request is to allow the use of a research laboratory. In all AIA-O properties, all uses may be provided that are allowed in the underlying zoning district, to the extent that those uses are consistent with the compatibility criteria under Section 26-42.050 of the City Code. For the purposes of evaluating consistency with the compatibility criteria set forth in Section 26-42.050, any parcel that is split by compatibility zone boundaries, as this parcel is, shall be considered as if it were multiple parcels divided at the compatibility zone boundary line. Since this property has been developed, the number of allowable persons per acre and ensuring that prohibited uses are not allowed are the principal concerns for the AIA-O, which are as follows:

Table 26-42.050: Compatibility Criteria for Airport Influence Area Overlay Zones

| Zone | Maximum Densities/Intensities | | | Additional Requirements | | | |
|------|-------------------------------|--------------------------------------|----------|---------------------------------|------------------------------|---------------|---------------|
| | Residential (du/ac) | Other Uses (persons/ac) ¹ | | Required Open Land ² | Prohibited Uses ³ | Other | |
| | | Average | Per Acre | With Bonus | | | |
| A | 0 | 10 | n/a | n/a | All remaining | A, B, C, D, E | A |
| B1 | 0.1 (10 ac minimum) | 25 | 50 | n/a | 30% | D, E, F, G | A, B, C, D, E |
| B2 | 0.2 (average lot size 5 ac) | 50 | 100 | 130 | 20% | E, F, G | B, D, E |
| C | (1) 0.2 or (2) 4.0 | 100 | 300 | 390 | 10% | E, F | B, E |
| D | No limit | No limit | No limit | n/a | None | E | E |

1. Calculations of persons per acre shall be consistent with the criteria described in paragraph G of this section.
2. Open land shall conform to the requirements in paragraph H of this section.
3. Prohibited uses are those that correspond to the same letter in the list in paragraph I of this section.
4. Other requirements shall be those that correspond to the same letter in the list in paragraph J of this section.

This proposed use (research laboratory) is not a specified prohibited use for a B2 or C AIA-O and the above persons/ac requirement and prohibited land uses have been incorporated as conditions of approval for this use permit. The applicant has stated that no more than 10 people will be on-site at any given time. This project has adequate access to the City's transportation network through direct access to Challenger Avenue and Larkin Road with Highway 162 being less than 750 feet from the property, and the property lies within a development cluster of buildings designed for the "Airport Business Park" with the purpose as specified above in item a). As a result, the proposed use follows sound principles of land use.

- 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 proposed research laboratory will be occupying an existing building that has been designed/built for the purpose of accommodating light manufacturing, limited industrial, wholesale trade and offices, and other uses of like kind or character. The applicant will be required to obtain a zoning clearance/occupancy inspection from the Building Division prior to building occupancy. If at the time of inspection any inadequacies in 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. Additionally, as specified above, this project has adequate access to the City's transportation network through direct access to Challenger Avenue and Larkin Road with Highway 162 being less than 750 feet from the property.

- 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.

Please reference item a) and b) above.

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

The project site is approximately 2.45 acres (106,722 square feet) in size. The project does not involve any new development but use of the existing development that is currently onsite. Of the existing buildings onsite, this project will utilize approximately 12,534 square feet of building space, with 899 sq. ft. being utilized as laboratory space, 2,805 sq. ft. as production space, 7,306 sq. ft. for warehousing, 280 sq. ft. as office space, and 240 sq. ft. as a testing room.

The applicant has provided a site plan displaying how they intend to use the building and where they intend to place their equipment, with the building space that is available adequately serving the needs of this research center. Additionally, the property lies within a development cluster of buildings designed for the "Airport Business Park" intended to accommodate light manufacturing, limited industrial, wholesale trade and offices, and other uses of like kind or character. 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 City of Oroville's 2030 General Plan vision statement and guiding principles emphasize the necessity of ensuring the availability of high quality job opportunities within the City of Oroville. Additionally, a Goal of the General Plan (LU-8) also emphasized the need of creating high quality jobs that enhance the

Oroville economy by encouraging diversification in future industrial and business development for increased employment opportunities from entry level jobs to high-skilled and professional jobs. By bringing their operations into Oroville, Lundberg Family Farms will be contributing into the City's vision of attracting and retaining job opportunities in all sectors of the economy. For information regarding the size, intensity, and location of the proposed use, please reference items a), b) and d) above.

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

The permit application has been reviewed by staff and the project has been found to comply with all applicable laws and regulations, including the applicable requirements of the City's 2030 General Plan, Zoning Code, and other applicable portions of the City's Municipal Code. As a condition of this permit, the applicant shall be required to ascertain and comply with the requirements of all Federal, State, County and Local agencies as applicable to the proposed use and project site. In addition, section 26.50-010(F)(2) 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, if a law has been violated in connection with the permit, or if the permit was obtained by fraud.

CONDITIONS OF APPROVAL

Approved project: The Planning Commission hereby conditionally approves Use Permit No. 14-02, permitting the operation of a research laboratory at 2001 Challenger Avenue (APN: 030-260-064). Per City Code Table 26-36.010-1, all research laboratories in an Airport Business Park (ABP) zone require a use permit. The subject property has a zoning designation and General Plan land use designation of ABP. The Lundberg Research Center is a small size pilot plant designed as a miniature rice snacks manufacturing facility primarily focused on developing new products and testing the shelf life of these products.

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

subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.

3. The applicant shall fully comply with all requirements of Section 26-42.050 (Airport Influence Area Overlay) of the City Code, and shall under no circumstance exceed the maximum allowable persons per acre or conduct a prohibited use as specified in this section.
4. Except as otherwise provided in the City Code, no person shall discharge into the City sewer facilities any of the prohibited wastes identified in Section 20-27 of the City Code.
5. Any chemicals or other hazardous substances that may be used as part of this research laboratory shall be handled and disposed of as required by the applicable regulatory agencies.
6. The applicant shall pay for and obtain a zoning clearance / occupancy inspection from the Building Division and Fire Department prior to building occupancy.
7. The applicant shall have a current City of Oroville business license and any other applicable permit/license that may be required as part of their operations.
8. Applicable construction plans, calculations, specifications, applications, forms, etc shall be submitted to the Building Department for review prior to start of construction. All applicable plan review fees shall be paid at time of submittal.
9. 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 by the Planning Commission.
10. 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.
11. General hours of operation are Monday through Friday from 8:00 a.m. to 5:00 p.m. On occasion, the operations may necessitate additional work after hours.
12. Pursuant to Section 26-50.010 (F), the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
 - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
 - b. Any of the terms or conditions of the permit have been violated.

- c. A law, including any requirement in the Municipal Code Chapter 26, has been violated in connection with the permit.
- d. The permit was obtained by fraud.

--- End of Conditions ---

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 24th of February 2014, by the following vote:

AYES: COMMISSIONERS _____

NOES: COMMISSIONERS _____

ABSTAIN: COMMISSIONERS _____

ABSENT: COMMISSIONERS _____

ATTEST:

APPROVE:

DONALD L. RUST, DIRECTOR

DAMON ROBISON, CHAIRPERSON

ATTACHMENT G

CONDITIONS OF APPROVAL

Approved project: The Planning Commission hereby conditionally approves Use Permit No. 14-02, permitting the operation of a research laboratory at 2001 Challenger Avenue (APN: 030-260-064). Per City Code Table 26-36.010-1, all research laboratories in an Airport Business Park (ABP) zone require a use permit. The subject property has a zoning designation and General Plan land use designation of ABP. The Lundberg Research Center is a small size pilot plant designed as a miniature rice snacks manufacturing facility primarily focused on developing new products and testing the shelf life of these products.

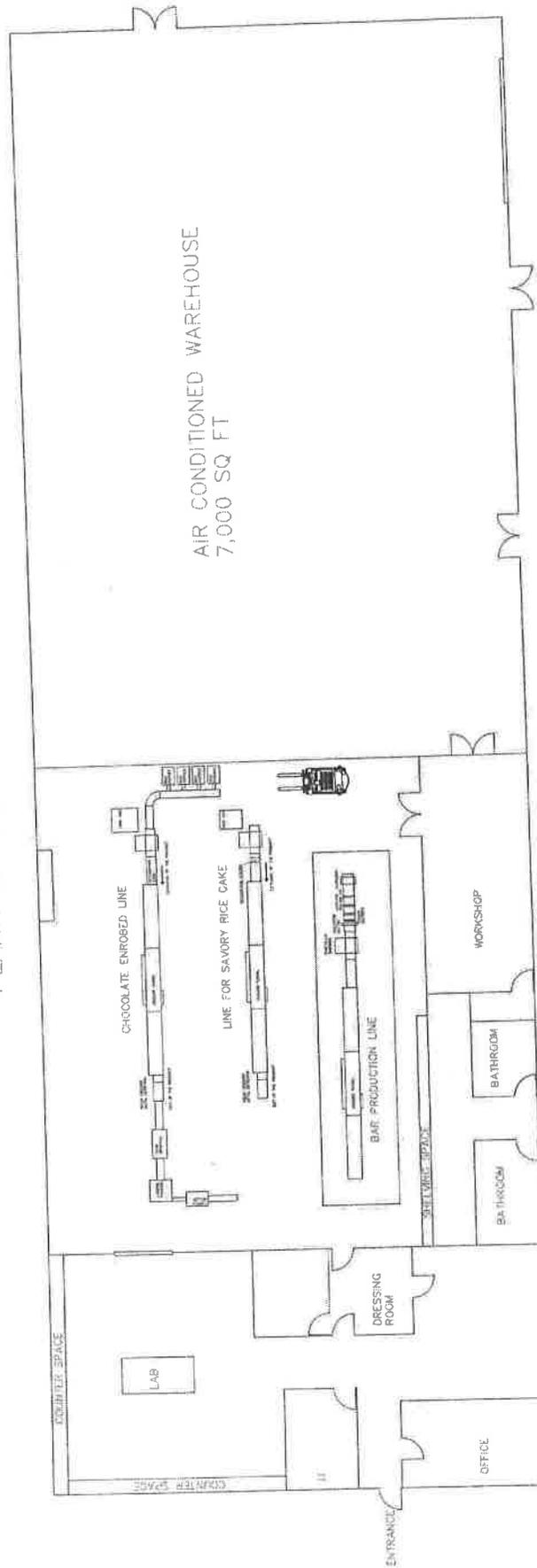
1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. The applicant shall fully comply with all requirements of Section 26-42.050 (Airport Influence Area Overlay) of the City Code, and shall under no circumstance exceed the maximum allowable persons per acre or conduct a prohibited use as specified in this section.
4. Except as otherwise provided in the City Code, no person shall discharge into the City sewer facilities any of the prohibited wastes identified in Section 20-27 of the City Code.
5. Any chemicals or other hazardous substances that may be used as part of this research laboratory shall be handled and disposed of as required by the applicable regulatory agencies.
6. The applicant shall pay for and obtain a zoning clearance / occupancy inspection from the Building Division and Fire Department prior to building occupancy.
7. The applicant shall have a current City of Oroville business license and any other applicable permit/license that may be required as part of their operations.
8. Applicable construction plans, calculations, specifications, applications, forms, etc shall be submitted to the Building Department for review prior to start of construction. All applicable plan review fees shall be paid at time of submittal.

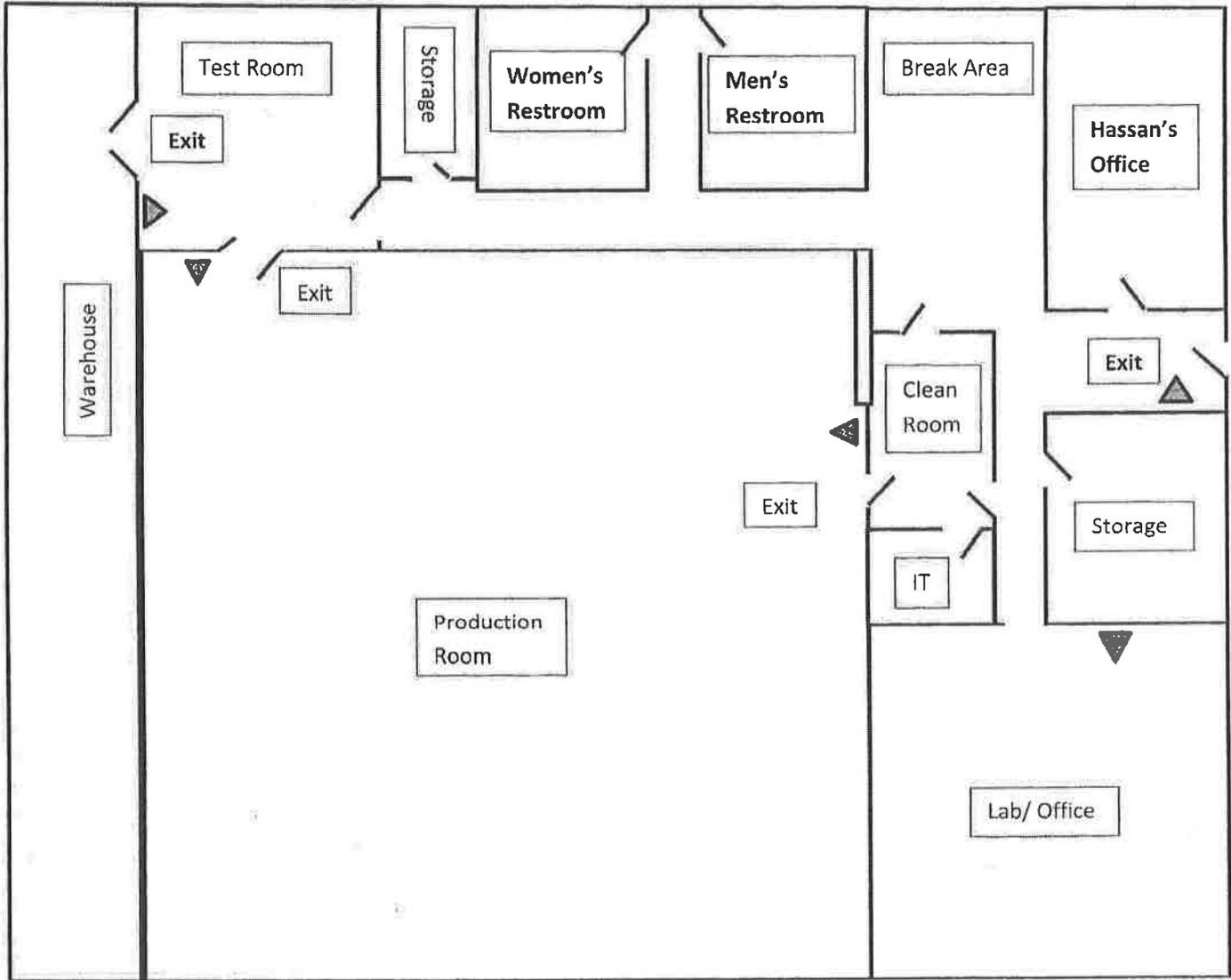
9. Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, fees (\$50) are payable by the project applicant to file the Notice of Exemption with Butte County by the City of Oroville – Community Development Department within five working days of approval of this project by the Planning Commission.
10. 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.
11. General hours of operation are Monday through Friday from 8:00 a.m. to 5:00 p.m. On occasion, the operations may necessitate additional work after hours.
12. Pursuant to Section 26-50.010 (F), the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
 - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
 - b. Any of the terms or conditions of the permit have been violated.
 - c. A law, including any requirement in the Municipal Code Chapter 26, has been violated in connection with the permit.
 - d. The permit was obtained by fraud.

--- End of Conditions ---

ATTACHMENT H

LUNDBERG FAMILY FARMS
PILOT PLANT
PLANNING AND DEVELOPEMENT





Pilot Plant Building

- Every Area Is Labeled
- ▲ - Fire Extinguishers
- **Exit** - Exit Signs
- **Exit** - Emergency Exits

LUNDBERG
 PILOT PLANT RESEARCH CENTER
 2001 CHALLENGER AVE. OROVILLE CA. 95965



- LEGEND**
- ① FIRE EXTINGUISHER
 - 🚒 FIRE PULL STATION
 - EXIT: EXIT SIGN
 - EXIT: EMERGENCY EXIT
 - 🚑 FIRST AID
 - 🚒 EMERGENCY EXIT
 - 🚒 SPILL KIT
 - 🚒 EMERGENCY EYEWASH

ATTACHMENT I

Dear Mr. Luis,

Many thanks for taking time to meet me at your office today. I appreciate your valuable advice.

Lundberg Research Center is a small size Pilot plant designed as miniature rice snacks manufacturing facility.

We have small size processing equipment for the production of rice cakes of different thickness, shapes and flavors. Our processing operation is almost dry process with minimum water usage maximum 30-40 gallons/ day including the floor and equipment cleaning. No steam generators or harsh chemicals implemented in our operation.

Our main activities are developing new products and testing the shelf life of these products aiming to meet the prospected market requirement. Total square footage is less than 6500Ft² including our offices.

I welcome the opportunity of your visit to our facility at the beautiful city of Oroville, so you can see and taste our new products once we start our operation.

I would highly appreciate facilitating the issuance of our permit so we can proceed with our plans for the new products development, and present it our samples to our customers as soon as possible.

Thanking your cooperation.

Best regards.

*Hassan Dwidar
Senior Research Scientist
Lundberg Family Farms
2001 Challenger Ave, Oroville
530-370-1069.*

ATTACHMENT J



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

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

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 **Monday, February 24, 2014** 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.

VICINITY MAP

**ASSESSOR
PARCEL
NUMBER:** 030-260-064

**FILE
NUMBER:** UP 14-02

APPLICANT: Hassan Dwidar – Lundberg
Family Farms

ZONING: Airport Business Park (ABP)

LOCATION: 2001 Challenger Avenue

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



PROJECT DESCRIPTION:

UP 14-02: Lundberg Family Farms Research Center – The City of Oroville Planning Commission will conduct a public hearing to consider a use permit for the operation of a research laboratory at 2001 Challenger Avenue (APN: 030-260-064). Per City Code Table 26-36.010-1, all research laboratories in an Airport Business Park (ABP) zone require a use permit. The subject property has a zoning designation and General Plan land use designation of ABP. The Lundberg Research Center is a small size pilot plant designed as a miniature rice snacks manufacturing facility primarily focused on developing new products and testing the shelf life of these products.

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 **6:00 p.m. on Monday, February 24, 2014** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

ATTACHMENT K



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

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

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

NOTICE IS HEREBY GIVEN that the City of Oroville Planning Commission will hold a public hearing on the projects described below. Said hearing will be held at **6:00 p.m. on Monday, February 24, 2014** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **UP 14-02: Lundberg Family Farms Research Center** – The City of Oroville Planning Commission will conduct a public hearing to consider a use permit for the operation of a research laboratory at 2001 Challenger Avenue (APN: 030-260-064). Per City Code Table 26-36.010-1, all research laboratories in an Airport Business Park (ABP) zone require a use permit. The subject property has a zoning designation and General Plan land use designation of ABP. The Lundberg Research Center is a small size pilot plant designed as a miniature rice snacks manufacturing facility primarily focused on developing new products and testing the shelf life of these products.

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

Posted/Published: **Friday, February 14, 2014**



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

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

PLANNING COMMISSION STAFF REPORT

February 24, 2014

The Oroville Planning Commission will conduct a discussion to consider adopting findings of public convenience or necessity for a Type-20 Off-Sale Beer and Wine license at Dollar General located at 2626 Lincoln Boulevard (APN: 035-050-107).

APPLICANTS: Jeanette Carvajal
Alcoholic Beverage Consulting Services
26023 Jefferson Ave, Ste. D
Murrieta, CA 92562

LOCATION: 2626 Lincoln Boulevard
Oroville, CA 95966
APN: 035-050-107

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

ENVIRONMENTAL DETERMINATION: N/A

REPORT PREPARED BY:

REVIEWED BY:

Luis A. Topete, Associate Planner
Community Development Department

Donald Rust, Director
Community Development Department

RECOMMENDED ACTIONS:

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

1. **HOLD** a public hearing and receive testimony on the request for a finding of Public Convenience or Necessity for a Type 20 Off-Sale Beer and Wine license at 2626 Lincoln Boulevard (APN: 035-050-107); and
2. **ADOPT** Resolution No. P2014-02: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION FINDING AND DETERMINING THAT THE PUBLIC CONVEIENCE OR NECESSITY WOULD BE SERVED BY THE ISSUANCE OF AN OFF-SALE BEER AND WINE (TYPE-20) ALCOHOLIC BEVERAGE CONTROL

LICENSE FOR THE DOLLAR GENERAL LOCATED AT 2626 LINCOLN BOULEVARD, OROVILLE CA 95966 (APN: 035-050-107) (**Attachment G**).

SUMMARY

Dollar General has applied for a finding of Public Convenience or Necessity for a Type 20 Off-Sale Beer and Wine license at 2626 Lincoln Boulevard (APN: 035-050-107). Business & Professional Code § 23958.4 requires a positive finding of public convenience "or" necessity in order for an onsite 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 government 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 state ABC or the local jurisdiction makes a determination that the applicant license proves that the proposed outlet would serve "public convenience or necessity" which is when the liquor license applicant proves that the business operation will provide some kind of benefit to the surrounding community. The applicant's argument that public convenience or necessity will be served is detailed in **Attachment B**.

"Undue concentration" (also referred to as "over concentration") is defined in Business and Professional Code § 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 if a new license is issued.

The California Department of Alcoholic Beverage Control allows three (3) off sale licenses within this Census Tract 0030.02 where Dollar General is located, with 3 currently authorized. Currently, Census Tract 0030.02 has 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.

ENVIRONMENTAL REVIEW

Pursuant to §15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, an activity is covered by the general rule that CEQA only applies to projects that 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 review. Making a Determination of Public Convenience or Necessity will not bring about any physical change to the environment. Therefore, in light of the whole record, it can be seen with certainty that the project has no potential to cause a significant effect on the environment. As such, the project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) ("general rule exemption").

FISCAL IMPACT

The use and operation of the site as proposed will assist in the generation of additional sales tax revenues to City, as well as, assist in the creation and maintenance of additional jobs and economic opportunities for the residents of the City.

ATTACHMENTS

- A – Location Map
- B – Applicant Justification for PC or N Findings
- C – Letter of Public Convenience or Necessity
- D – ABC Application
- E – Existing Licenses
- F – ABC License Types
- G – Resolution No. P2014-02

ATTACHMENT A

2626 Lincoln Boulevard (APN: 035-050-107)



ATTACHMENT B
Alcoholic Beverage Consulting Service
California's Liquor Licensing Experts

January 17, 2014

City of Oroville
Associate Planner

Re: Dolgen California LLC
SWC Lincoln St. & Oro Dam Blvd. E
Oroville, CA 95966

Dear City Planner:

Please consider this letter our official request for a finding of Public Convenience or Necessity required by the Department of Alcoholic Beverage Control pursuant to § 23958.4 of the Business and Professions Code. Please consider the following as justification of Public Convenience and Necessity, for the approval of our application for a type 20 Off-Sale Beer and Wine license, at the above location.

Premises Description

The proposed premise will be located at the SWC Lincoln St. & Oro Dam Blvd. East, in the City of Oroville, Butte County. This area attracts countless residents, tourists, businesspersons, and retail employees. As a result of the large number of visitors drawn to this thoroughfare, the public demand substantiates a need for a greater number of stores than are indicated by census tract ratios.

Public Convenience or Necessity

First, it is important to emphasize that Business & Professional Code § 23958.4 require a positive finding of public convenience **"or"** necessity in order for an on-site ABC application to be approved. This it is legally sufficient if Dolgen California LLC shows **either** public convenience **or** public necessity. It is **not** legally necessary to show both.

Second, it is only necessary to show public convenience or necessity where there is an "undue concentration" of licensees in the census tract. The term "undue concentration" (also referred to as "over concentration") is specifically defined in Business and Professional Code § 23958.4 as simply 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 deleterious effects from the actual number of licenses existing; or that it will suffer if a new license is issued. It merely provides a guideline for making such a determination, in the form of determining whether in a particular situation, the ABC license would serve the “public convenience or necessity”.

Thus the fact that the census tract in which the Dolgen California LLC, (DBA: Dollar General) site is located is statutorily “over concentrated” does not mean that the selling of alcoholic beverages at a store selling a small amount of alcoholic beverages at a discount box store will have adverse impacts. Rather, it simply means that either public convenience or public necessity will be served by the sale of alcoholic beverages at this site in conjunction with the sales of other items carried.

BASIS FOR SUPPORTING OFFSITE ALCOHOLIC BEVERAGES SALES AS AN INTEGRAL PART OF THE PROPOSED PROJECT.

1. The convenience of Dollar General’s Concept:

Dollar General the nation’s largest small – box discount retailer; they make shopping for everyday needs simpler and hassle – free by offering a carefully edited assortment of the most popular brands at low everyday prices in small, convenient locations. Dollar General ranks among the largest retailers of top quality brands made by America’s most – trusted manufactures, such as Proctor & Gamble, Kimberly Clark, Unilever, Kellogg’s, General Mills and Nabisco.

They stand for convenience, quality brands and low process. The successful Dollar General prototype makes shipping a truly hassle-free experience. They may not carry every brand or size, but can assure you they will have the most popular ones helping to save you time by staying focused on life’s simple necessities.

In Dollar General, consumers can find everyday low prices on products they use every day with out the need of a membership. The goal of Dollar General is to provide their customers a better life and their employee’s opportunity and a great working environment.

2. A Good Neighbor:

Dolgen California LLC thinks it is important to be a neighbor. That is why they will be keeping their stores, parking lots, and backyards clean and tidy, and their deliveries will be scheduled to minimize noise and disruption. That means no night deliveries to stores with homes nearby and no driving through school zones during student pickup and drop-off times.

3. Security and Control:

Dolgen California LLC is committed to taking all feasible steps to address law enforcement concerns about the site. In addition, Dollar General recognizes the seriousness of loitering, delinquency, crime, and underage drinking and has an aggressive minor policy which has proven to be successful for their company. They comply with all education/certificate requirements for each state they are in, and conduct internal training and refresher training programs in addition to state required education.

Dollar General Stores are designed to provide a safe environment for patrons and employees. To that end, the following design elements are incorporated into our security plan. The storefront includes a significant number of windows so that the interior of the store is visible from the exterior of the building. Additional security measures include; adequate lighting levels both on the interior and exterior of the store, employee supervision of the facility, closed circuit video monitoring system with cameras located strategically throughout the property, and careful window signage and landscaping placement to avoid obstruction of visibility into and out of the facility.

Dollar General understands the importance of maintaining the appearance of a facility to both expanding their customer base and preventing criminal activity. Dolgen California LLC's property maintenance program includes timely graffiti and litter removal, repairs to structures and replacement of dead or diseased plant material, signs and curb painting to encourage parking in designated parking spaces, and strategic trash receptacle placement.

4. The site will not result in an adverse impact on public health, safety, or welfare:

Dollar General acquisition of this site will have a positive impact on public health, safety, and welfare. In fact, by providing a new, safe, and convenient location to make grocery purchases, public health, safety, and welfare will be advanced by this site. The addition of selling alcoholic beverages will not change this.

5. Community Service and Investment:

At Dolgen California LLC, they believe in promoting a spirit of involvement, and carry Dollar General's mission to serve deep into the communities they call home.

Literacy is the foundation for improving the quality of life for many Americans. Nationwide, more than 40 million adults can't read well enough to fill out a job application or read a book to their children. Inspired by one of the company's founders, who had only a third-grade education, Dollar General today helps thousands of individuals take their first steps toward literacy, a general education diploma or English proficiency

When you shop Dollar General, you join an effort to make our communities and our world a better place. They are committed to conducting business in a way that promotes healthy families, thriving communities and a cleaner environment. At Dollar General, corporate responsibility is built into their mission to serve others. By providing safe products, supporting our communities and enforcing environmentally-friendly practices, they proudly display the values that make their company great.

CONCLUSION

Dolgen California LLC has been a responsible retailer of alcoholic beverages for over 20 years in over 25 different locations. Permitting the sale of alcoholic beverages at this site will not change this, but will allow Dollar General's concept at this site, providing customers the added convenience to make purchases of alcoholic beverages. Dolgen California LLC by reason of its location, character, manner, and method of operation, merchandise, and potential clientele, will serve the community of Oroville. To that end, Dolgen California, LLC respectfully requests that they are granted a finding of Public Convenience for the alcoholic beverage license.

Thank you for your attention to this matter.

Sincerely,



Jeanette Carvajal
For Dolgen California LLC

ATTACHMENT C



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

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

February 24, 2014

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

**RE: LETTER OF PUBLIC CONVENIENCE OR NECESSITY – DOLLAR GENERAL,
2626 LINCOLN BOULEVARD, OROVILLE, CA 95966 (APN: 035-050-107)**

To Whom It May Concern:

This letter shall serve to notify the California Department of Alcoholic Beverage Control that on February 24, 2014, the City of Oroville Planning Commission adopted the 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-20 "Off Sale Beer & Wine") to Dollar General, located at 2626 Lincoln Boulevard (035-050-107) at the southwest corner of Oro Dam Boulevard, E and Lincoln Boulevard, that will serve the public convenience or necessity. The City of Oroville supports the efforts of community businesses to expand the local economy and finds no cause to oppose the requested license.

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

Sincerely,

Donald Rust, Director
Community Development Department

ATTACHMENT D

Department of Alcoholic Beverage Control

State of California
Edmund G. Brown Jr., Governor

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 Dolgen California LLC | | | |
| 2 PREMISES ADDRESS (Street number and name, city, zip code) SWC Lincoln St + Oro Dam Blvd E, Oroville | | 3 LICENSE TYPE 20 | |
| 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 checked="" 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 1079 <input type="checkbox"/> On-Sale <input checked="" type="checkbox"/> Off-Sale | 7. RATIO OF LICENSES TO POPULATION IN COUNTY <input type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale | |
| 8 CENSUS TRACT NUMBER 0030.02 | 9. NO. OF LICENSES ALLOWED IN CENSUS TRACT 4 <input type="checkbox"/> On-Sale <input checked="" type="checkbox"/> Off-Sale | 10. NO. OF LICENSES EXISTING IN CENSUS TRACT 6 <input type="checkbox"/> On-Sale <input checked="" type="checkbox"/> Off-Sale | |
| 11. 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?) <input checked="" type="checkbox"/> Yes, the number of existing licenses exceeds the number allowed <input type="checkbox"/> No, the number of existing licenses is lower than the number allowed | | | |
| 12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS? <input type="checkbox"/> Yes (Go to Item #13) <input type="checkbox"/> 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) <input type="checkbox"/> Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17 <input type="checkbox"/> 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 <u>and</u> item #19, <u>Section 23958.4 B&P does not apply</u> 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 <u>or</u> item #19, <u>and</u> 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 <u>applicant to complete Section 2</u> 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 <u>or</u> item #19, <u>and</u> 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 <u>applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3</u> . 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)

S. Whittington

ATTACHMENT E

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

| COUNTY | CENSUS TRACT | POPULATION | ON SALE | OFF SALE |
|--------|--------------|------------|---------|----------|
| AMADOR | 0002.00 | 4,672 | 13 | 6 |
| AMADOR | 0003.01 | 5,871 | 16 | 8 |
| AMADOR | 0003.03 | 5,073 | 14 | 7 |
| AMADOR | 0003.04 | 3,946 | 11 | 5 |
| AMADOR | 0004.01 | 5,020 | 14 | 7 |
| AMADOR | 0004.02 | 4,740 | 13 | 7 |
| AMADOR | 0005.00 | 2,995 | 8 | 4 |
| BUTTE | 0001.02 | 3,900 | 5 | 3 |
| BUTTE | 0001.03 | 3,902 | 5 | 3 |
| BUTTE | 0001.04 | 5,636 | 7 | 5 |
| BUTTE | 0002.01 | 4,052 | 5 | 3 |
| BUTTE | 0002.02 | 3,723 | 4 | 3 |
| BUTTE | 0003.00 | 4,410 | 5 | 4 |
| BUTTE | 0004.01 | 1,771 | 2 | 1 |
| BUTTE | 0004.02 | 7,030 | 9 | 6 |
| BUTTE | 0005.01 | 4,333 | 5 | 3 |
| BUTTE | 0005.02 | 4,204 | 5 | 3 |
| BUTTE | 0006.01 | 3,304 | 4 | 3 |
| BUTTE | 0006.03 | 3,130 | 4 | 2 |
| BUTTE | 0006.04 | 4,217 | 5 | 3 |
| BUTTE | 0007.00 | 4,694 | 6 | 4 |
| BUTTE | 0008.00 | 5,295 | 7 | 4 |
| BUTTE | 0009.01 | 2,142 | 2 | 1 |
| BUTTE | 0009.03 | 6,117 | 8 | 5 |
| BUTTE | 0009.04 | 6,071 | 8 | 5 |
| BUTTE | 0010.00 | 4,801 | 6 | 4 |
| BUTTE | 0011.00 | 4,572 | 6 | 4 |
| BUTTE | 0012.00 | 3,556 | 4 | 3 |
| BUTTE | 0013.00 | 4,169 | 5 | 3 |
| BUTTE | 0014.00 | 5,797 | 7 | 5 |
| BUTTE | 0015.00 | 5,297 | 7 | 4 |
| BUTTE | 0016.00 | 5,266 | 6 | 4 |
| BUTTE | 0017.02 | 5,739 | 7 | 5 |
| BUTTE | 0017.03 | 2,852 | 3 | 2 |
| BUTTE | 0017.04 | 3,060 | 4 | 2 |
| BUTTE | 0018.00 | 5,640 | 7 | 5 |
| BUTTE | 0019.00 | 3,373 | 4 | 3 |
| BUTTE | 0020.00 | 5,184 | 6 | 4 |
| BUTTE | 0021.00 | 4,599 | 6 | 4 |
| BUTTE | 0022.00 | 5,156 | 6 | 4 |
| BUTTE | 0023.00 | 5,331 | 7 | 4 |
| BUTTE | 0024.00 | 5,157 | 6 | 4 |
| BUTTE | 0025.00 | 4,930 | 6 | 4 |
| BUTTE | 0026.01 | 2,324 | 3 | 2 |
| BUTTE | 0026.02 | 3,455 | 4 | 3 |
| BUTTE | 0027.00 | 5,478 | 7 | 5 |
| BUTTE | 0028.00 | 4,275 | 5 | 3 |
| BUTTE | 0029.00 | 3,060 | 4 | 2 |
| BUTTE | 0030.01 | 3,140 | 4 | 2 |
| BUTTE | 0030.02 | 3,531 | 4 | 3 |
| BUTTE | 0031.00 | 4,396 | 5 | 4 |
| BUTTE | 0032.00 | 4,234 | 5 | 3 |

ATTACHMENT F

Department of Alcoholic Beverage Control

State of California

COMMON ABC LICENSE TYPES AND THEIR BASIC PRIVILEGES

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



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



SPECIAL EVENTS

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

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

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

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

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

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

Note:

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

ATTACHMENT G

RESOLUTION NO. P2014-02

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION FINDING AND DETERMINING THAT THE PUBLIC CONVEIENCE OR NECESSITY WOULD BE SERVED BY THE ISSUANCE OF AN OFF-SALE BEER AND WINE (TYPE-20) ALCOHOLIC BEVERAGE CONTROL LICENSE FOR THE DOLLAR GENERAL LOCATED AT 2626 LINCOLN BOULEVARD, OROVILLE CA 95966 (APN: 035-050-107)

WHEREAS, pursuant to applicable provisions of the Business and Professions Code of the State of California, the Department of Alcoholic Beverage Control (hereinafter the "ABC") is charged with the responsibility of reviewing applications and issuance of licenses ("license") 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 ABC shall deny an application for 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 ABC shall issue a license if the applicant shows that public convenience or necessity would be served by the issuance of such license; and

WHEREAS, pursuant to Section 23958.4 of the Business and Professions Code, the local governing body has the discretion to determine when public convenience or necessity would be served by allowing an alcohol license in an area where there is an over concentration of licenses or where there is high crime; and

WHEREAS, On January 1, 1998, Section 23817.5 of the Business and Professions Code was amended to permanently establish a moratorium on the issuance of off-sale beer and wine licenses (Type 20) in cities and counties where the ratio on Type 20 licenses exceeds one for each 2,500 inhabitants; and

WHEREAS, the ABC issued a notice of Moratorium on May 9, 2011, for cities and counties that meet the overconcentration ratio criteria, and said list did not identify the City of Oroville as a Type 20 Moratorium City; and

WHEREAS, the Dollar General located at 2626 Lincoln Boulevard (APN: 035-050-107) has petitioned the ABC for an Off-Sale Beer and Wine (Type 20) License; and

WHEREAS, under state law Section 23790 of the Business and Professions Code, the ABC may not issue a liquor license if it violates an existing local zoning ordinance; and

WHEREAS, the subject property has a zoning designation of Intensive Commercial (C-2) which provides for more intensive commercial establishments. Under the City's Zoning Code, establishments whose primary business is to sell alcoholic beverages for off-premise consumption, such as a liquor store, requires a use permit. Establishments who sale alcoholic beverages as a subsidiary business activity are classified as general retail which is a permitted use in a C-2 zone; and

WHEREAS, the subject business is located in Census Tract 0030.02 with a population such that the ABC permits up to three (3) off-sale licenses before an undue concentration would exist, and there are currently three (3) off-sale liquor licenses authorized; and

WHEREAS, the request for Determination of Public Convenience or Necessity is exempt from California Environmental Quality Act (CEQA) review under §15061(b)(3) of the CEQA Guidelines because a Determination of Public Convenience or Necessity will not with reasonable certainty have any possible effect on the environment; 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 proposed sale of beer and wine for off-premises consumption by Dollar General.

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 City, as well as, assist in the creation and maintenance of additional jobs and economic opportunities for the residents of the City.

SECTION 4. Pursuant to §15061(b)(3) of the CEQA Guidelines, an activity is covered by the general rule that CEQA only applies to projects that 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 review. Making a Determination of Public Convenience or Necessity will not bring about any physical change to the environment. Therefore, in light of the whole record, it can be seen with certainty that the project has no potential to cause a significant effect on the environment. As such, the City finds that 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 Public Convenience or Necessity Determination is hereby approved.

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

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 24th of February 2014, by the following vote:

AYES: COMMISSIONERS _____

NOES: COMMISSIONERS _____

ABSTAIN: COMMISSIONERS _____

ABSENT: COMMISSIONERS _____

ATTEST:

APPROVE:

DONALD L. RUST, DIRECTOR

DAMON ROBISON, CHAIRPERSON