



# City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust  
DIRECTOR

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

---

---

## *City of Oroville PLANNING COMMISSION*

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

---

---

## **PLANNING COMMISSION MEETING** **AGENDA**

**Monday, June 9, 2014 at 7:00 p.m.**  
**MEETING AGENDA**

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

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

---

### **ADMINISTRATIVE AGENDA**

---

1. **CALL TO ORDER**

2. **ROLL CALL**

Commissioners Adonna Brand, Michael Britton, Randy Chapman, 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 May 12, 2014 Special Planning Commission Meeting.

8. **PUBLIC HEARINGS**

- 8.1 **ZC 13-04 and Amendment to UP 10-05 (Digital Display Signs)** – The Oroville Planning Commission will conduct a public hearing to review and consider approving an amendment to UP 10-05 for the purpose of converting a 12' X 24' double sided off premise/outdoor advertising sign structure (billboard) located at 555 Oro Dam Blvd (APN: 035-030-067) into a 12' X 24' double sided digital display sign and sending a recommendation to the City Council to amend the City's Municipal Code Sections 26-04.020, 26-19.030 and 26-19.045 regarding digital display signs.

Staff Report: Luis A. Topete, Associate Planner

**Staff Recommendation:**

**Adopt Resolution No. P2014-10:** A RESOLUTION OF THE OROVILLE PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING AN AMENDMENT TO USE PERMIT NO. 10-05 FOR THE PURPOSE OF MODIFYING AN EXISTING 12' X 24' DOUBLE SIDED OFF PREMISE SIGN LOCATED AT 555 ORO DAM BLVD (APN: 035-030-067) INTO A 12' X 24' DOUBLE SIDED DIGITAL DISPLAY SIGN AND RECOMMENDING THE CITY COUNCIL APPROVE THE AMENDMENTS TO THE CITY'S ZONING CODE §26-04.020, §26-19.030, AND §26-19.045 REGARDING DIGITAL DISPLAY SIGNS

9. **REGULAR BUSINESS**

- 9.1 **Finding of Public Convenience or Necessity for Dollar General** – The Oroville Planning Commission will review and consider adopting a finding of public convenience or necessity for a Type-20 Off-Sale Beer and Wine license for a new Dollar General store to be located at 2084 3<sup>rd</sup> Street (APN: 031-161-072)

Staff Report: Luis A. Topete, Associate Planner

**Staff Recommendation:**

**Adopt Resolution No. P2014-11:** 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 2084 3RD STREET, OROVILLE CA 95965 (APN: 031-161-072)

**10. DISCUSSION ITEMS**

None

**11. DIRECTOR'S REPORT**

April 2014, Monthly Report

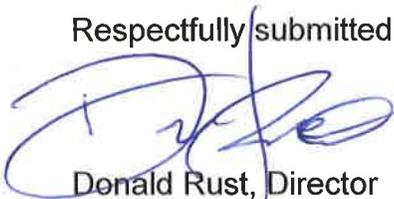
**12. COMMISSION REPORTS**

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

**13. ADJOURNMENT**

Adjourn to Monday, July 28, 2014 at 7:00 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](mailto:rustdl@cityoforoville.org), or at the following address: City of Oroville Planning and Development Services Department, 1735 Montgomery Street, Oroville, CA 95965.*

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

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

**CITY OF OROVILLE PLANNING COMMISSION MEETING MINUTES  
MAY 12, 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](mailto:cityclerk@cityoforoville.org) or by calling the Clerk's office at 530-538-2535.

---

The agenda for the May 12, 2014 special meeting of the Oroville Planning Commission was posted on the bulletin board at the front of City Hall on Friday, May 9, 2014, at 3:40 p.m.

**1. SPECIAL BUSINESS**

**OATH OF OFFICE FOR NEW PLANNING COMMISSIONER**

Donald Rust, Director of Community Development, administered the Oath of Office for the newly appointed Planning Commissioner, Michael Britton.

**OATH OF OFFICE FOR RE-APPOINTED PLANNING COMMISSIONERS**

Donald Rust, Director of Community Development, administered the Oath of Office to re-appointed Planning Commissioners Wyatt Jenkins, Tua Vang, and Vice Chairperson Carl Durling.

**2. CALL TO ORDER**

The May 12, 2014 special meeting of the Oroville Planning Commission was called to order by Chairperson Robison at 7:00 p.m.

**3. ROLL CALL**

Present: Commissioners Brand, Britton, Jenkins, Vang, Chapman (arrived at 7:10 pm),  
Vice Chairperson Durling, Chairperson Robison  
Absent: None

---

**Staff Present:**

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

---

**4. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Chairperson Robison.

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

6. PUBLIC COMMENT - None

7. CORRESPONDENCE - None

8. APPROVAL OF MINUTES

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

**Approve the minutes of the April 28, 2014 Planning Commission meeting.**

The motion was passed by the following vote:

Ayes: Commissioners Brand, Vang, Jenkins, Vice Chairperson Durling, Chairperson Robison

Noes: None

Abstain: Britton

Absent: Commissioner Chapman

Commissioner Chapman arrived at 7:10 p.m.

9. PUBLIC HEARINGS

9.1 **GPA 14-01: 2014-2022 HOUSING ELEMENT UPDATE.**

The Oroville Planning Commission conducted a public hearing to consider sending a recommendation to the City Council to adopt an amendment to the Housing Element of the General Plan for the 2014-2022 planning period. **(Staff Report: Luis A. Topete, Associate Planner)**

Chairperson Robison opened the Public Hearing. Hearing no further public comment, Chairperson Robison closed the Public Hearing.

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

**Adopt Resolution No. P2014-09: A RESOLUTION OF INTENTION BY THE OROVILLE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT AN AMENDMENT TO THE HOUSING ELEMENT OF THE GENERAL PLAN FOR THE 2014-2022 PLANNING PERIOD**

The motion was passed by the following vote:

Ayes: Commissioners, Vang, Britton, Jenkins, Brand, Vice Chairperson Durling

Noes: None

Abstain: None

Absent: Chairperson Robison

Chairperson Robison left at 7:48 p.m. due to feeling ill and Vice Chairperson Durling chaired the remainder of the meeting.

10. **DISCUSSION ITEMS** - None

11. **DIRECTOR'S REPORT**

Director of Community Development, Donald Rust provided an update on the following:

- Super Wal-Mart update
- Orange Tree Senior Apartments update
- Martin Ranch update

12. **CHAIRPERSON/COMMISSIONERS REPORTS** - None

13. **ADJOURNMENT**

The meeting was adjourned at 8:15 p.m. An adjourned meeting of the Oroville Planning Commission will be held on Monday, June 9, 2014, at 7:00 p.m.



Donald Rust, Secretary  
Planning Commission

Damon Robison, Chairperson  
Planning Commission



# City of Oroville

**Donald Rust**  
DIRECTOR

## COMMUNITY DEVELOPMENT DEPARTMENT

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

### PLANNING COMMISSION STAFF REPORT

**June 9, 2014**

**ZC 13-04 and Amendment to UP 10-05 (Digital Display Signs)** – The Oroville Planning Commission will conduct a public hearing to review and consider approving an amendment to UP 10-05 for the purpose of converting a 12' X 24' double sided off premise/outdoor advertising sign structure (billboard) located at 555 Oro Dam Blvd (APN: 035-030-067) into a 12' X 24' double sided digital display sign and sending a recommendation to the City Council to amend the City's Municipal Code Sections 26-04.020, 26-19.030 and 26-19.045 regarding digital display signs.

**APPLICANT:** Stott Outdoor Advertising / Jim Moravec  
P.O. Box 7209  
Chico CA, 95927

**LOCATION:**

UP 10-05 Amendment:  
555 Oro Dam Blvd  
(APN: 035-030-067)

ZC 13-04: Citywide

**GENERAL PLAN:** Mixed Use

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

**FLOOD ZONE:**

Zone X (Unshaded): Areas determined to be outside the 0.2% annual chance floodplain; and

Zone X (Shaded): Areas of 0.2% annual chance flood (500-year flood); areas of 1% annual chance flood (100-year flood) with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood (100-year flood).

**ENVIRONMENTAL DETERMINATION:**

UP 10-05 Amendment: Categorical Exemption (Replacement or Reconstruction); Title 14, CCR, §15302

ZC 13-04: General Rule Exemption; Title 14, CCR, §15061(b)(3)

**REPORT PREPARED BY:**

Luis A. Topete, Associate Planner  
Community Development Department

**REVIEWED BY:**

Donald Rust, Director  
Community Development Department

## RECOMMENDED ACTIONS:

That the Planning Commission take the following actions:

1. **HOLD** a public hearing and receive testimony on the proposed amendment to UP 10-05 for the purpose of modifying an existing 12' X 24' double sided off premise sign at 555 Oro Dam Blvd into a 12' x 24' double sided digital display sign and amending sections 26-04.020, 26-19.030, and 26-19.045 of the City's Municipal Code regarding digital/video display signs; and
2. **ADOPT** the Categorical Exemption (Replacement or Reconstruction; Title 14, CCR, §15302 ) for the amendment to UP 10-05 and the General Rule Exemption (Title 14, CCR, §15061(b)(3)) for the zoning code amendments as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment A**);
3. **ADOPT** the recommended Findings (**Attachment B**);
4. **ADOPT** Resolution No. P2014-10 (**Attachment C**);
5. **APPROVE** the Conditions of Approval (**Attachments D**).

## SUMMARY

The Planning Commission may consider approving an amendment to UP 10-05 for the purpose of converting a 12' X 24' double sided off premise/outdoor advertising sign structure (billboard) located at 555 Oro Dam Blvd (APN: 035-030-067) into a 12' X 24' double sided digital display sign and sending a recommendation to the City Council to amend the City's Municipal Code Sections 26-04.020, 26-19.030 and 26-19.045 regarding digital display signs, as specified in Resolution No. P2014-10 (**Attachment C**).

## BACKGROUND

The current Zoning Code allows for "Video Display Signs" along Highway 70 only and requires a spacing of at least one mile between such signs. Although the current Zoning Code allows for "Video Display Signs," true "video" display signs, in regards to the display of actual videos, are not allowed within the City limits. Thus, the existing language creates a misunderstanding between the intent and interpretation of the Zoning Code regarding these signs. Additionally, section 26-19.045 "Video Display Signs," has other ambiguities that require clarification. The proposed amendments corrects these ambiguities, renames video display signs to digital display signs, and more clearly defines their design standards and sign use regulations and allows such signs to be placed on any state route within City limits, subject to certain spacing requirements which includes doubling the existing spacing requirement on Highway 70 from one mile to two miles. These changes create an avenue to allow a limited number of digital display signs within the City limits with appropriate regulations to protect the general health, safety and public welfare of the surrounding area and of the City as a whole.

The approval of the use permit amendment to modify an existing 12' X 24' double sided off premise sign at 555 Oro Dam Blvd into a 12' x 24' double sided digital display sign would be subject to the approval of the Zoning Code amendments by the City Council. This sign change will not increase

the height, area or general characteristics of the existing sign (off premise sign/outdoor advertising/billboard), but will simply utilize technology to more efficiently change the message on the sign face through digital means. The sign will continue to display static messages (minimum of 8 seconds or more) and will continue to be used as an off premise sign structure.

## **DISCUSSION**

If the proposed zone changes are approved, the following is an explanation of the number of digital display signs that could potentially be placed within City limits:

### Highway 70

There is an existing digital display sign at 350 Grand Avenue, which lies approximately 1.17 miles from the north end of the City limits. If the proposed zone changes are approved, no additional digital display sign would be allowed north of this sign as it would not meet the minimum spacing requirement of two miles (current spaces is one mile minimum distance). Any sign placed south of this sign, assuming it was placed exactly two miles away, would only leave approximately 0.96 miles between that sign and the south end of the City limits. If a digital display was placed at the southern limits of the City, there would not be enough space between the signs to allow a third sign to be placed. Thus, due to the location of the existing approved sign at 350 Grand Avenue, only one additional digital display sign would be allowed to be placed along Highway 70.

### Highway 162 (Oro Dam Boulevard)

The maximum number of signs that could be placed along this roadway segment is four, assuming the signs are spaced out effectively. Depending on the placement of the signs, the number could lower to no more than three signs.

### Highway 162 (Olive Highway)

The maximum number of signs that could be placed along this roadway segment is two, assuming the signs are placed at the ends of the roadway. However, if a sign is placed more than approximately 0.34 miles in from either end of the roadway, the maximum number of digital display signs allowed would be one as any additional sign would not meet the spacing requirement of a one mile minimum.

## **ENVIRONMENTAL REVIEW**

The proposed Zoning Code amendments have been determined to be exempt from CEQA review pursuant to Title 14, CCR, §15061(b)(3), commonly known as the “general rule.” A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. It has been determined that there is no possibility that the Zoning Code amendments will have a significant effect on the environment. Thus, this action is exempt from CEQA review.

The use permit amendment has been determined to be exempt from CEQA review pursuant to Title 14, CCR, §15302, “replacement or reconstruction.” This exemption applies to the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. This sign change will not increase the height, size, or general type of sign

(static off premise sign), but will simply utilize technology to more efficiently change the message on the sign face through digital means. The sign being displayed will continue to be a static, off premise sign. Therefore, this action is exempt from further CEQA review.

**FISCAL IMPACT**

The total fees associated with the use permit and Zoning Code amendments are as follows:

Item	Price	Tech Fee	Total	Paid
Use Permit Amendment/Modification	\$1,000.00	\$60.00	\$1,060.00	Yes
Code Amendments	\$3,031.00	\$181.86	\$3,212.86	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 by the Planning Commission.

**PUBLIC COMMENTS**

A Request for Comments was prepared and circulated to the local agencies and surrounding property owners within 300 feet of the property (**Attachment G**) and the meeting date, time, and project description were specified in the notices and published in the local newspaper and posted at City Hall (**Attachment H**). All Comments received during the review period are attached (**Attachment I**).

**ATTACHMENTS**

- A – Notice of Exemption
- B – Findings
- C – Resolution No. P2014-10
- D – Conditions of Approval
- E – Existing Sign
- F – Vicinity Map
- G – Project Notice
- H – Newspaper Notice
- I – Project Comments



# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

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

**Donald Rust**  
DIRECTOR

### 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: ZC 13-04 and Amendment to UP 10-05 (Digital Display Signs)

Project Location - Specific: The existing off premise sign to be converted to digital display sign is located at 555 Oro Dam Blvd (APN: 035-030-067). The Amendments to the City's Zoning Code are applicable citywide.

Project Location - City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: This project involves amending UP 10-05 for the purpose of modifying an existing 12' X 24' double sided off premise sign at 555 Oro Dam Blvd into a 12' x 24' double sided digital display sign and amending sections of the City's Zoning Code regarding digital/video display signs.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying Out Project: Stott Outdoor Advertising

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: State type & section number: General Rule Exemption; Title 14, CCR, §15061(b)(3) and Replacement or Reconstruction Exemption; Title 14, CCR, §15302
- Statutory Exemption: State code number:

Reasons why project is exempt: These Zoning Code amendments have been determined to be exempt from CEQA review pursuant to Title 14, CCR, §15061(b)(3), commonly known as the "general rule." A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. It has been determined that there is no possibility that the Zoning Code amendments will have a significant effect on the environment. Thus, this action is exempt from CEQA review.

The use permit amendment has been determined to be exempt from CEQA review pursuant to Title 14, CCR, §15302, "replacement or reconstruction." This exemption applies to the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure

replaced. This sign change will not increase the height, size, or general type of sign (static off premise sign), but will simply utilize technology to more efficiently change the message on the sign face through digital means. The sign being displayed will continue to be a static, off premise sign. Therefore, this action is exempt from further CEQA review.

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: \_\_\_\_\_

Title: Associate Planner

- Signed by Lead Agency
- Signed by Applicant

## FINDINGS

### USE PERMIT AMENDMENT: UP 10-05 DIGITAL DISPLAY SIGNS

#### A. INTRODUCTION

The applicant, Jim Moravec, a representative of Stott Outdoor Advertising, has applied to the City of Oroville to amend an existing use permit for the purpose of converting a 12' X 24' double sided Off Premise/Outdoor Advertising Sign structure (traditional billboard) at 555 Oro Dam Boulevard (APN: 035-030-067) into a 12' X 24' double sided Digital Display Sign (DDS). The applicant will construct, operate, maintain and control the marketing of any approved DDS. The approval of this use permit amendment is subject to the City Council's approval of the Zoning Code amendments regarding Digital Display Signs (ZC 13-04).

#### B. CATEGORICAL EXEMPTION

The proposed Zoning Code amendments have been determined to be exempt from CEQA review pursuant to the California Code of Regulations, Title 14, Section 15061(b)(3), commonly known as the "general rule." A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The proposed use permit amendment has been determined to be exempt from CEQA review pursuant to the California Code of Regulations, Title 14, Section 15302, "Replacement or Reconstruction." Under the California Public Resources Code there are established 32 classes of Categorical Exemptions. Class 2, Replacement or Reconstruction, consists of the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

The proposed Digital Display Sign will be located on the same property of the existing Off Premise/Outdoor Advertising Sign structure and will have the same area available for advertising (288 sq. ft. per side) which is in compliance with the City's requirement of less than 300 sq. ft. of sign area on each face. This sign upgrade will not increase the height, size, or general type of sign (static off premise sign), but will simply utilize technology to more efficiently change the message on the sign face through digital means. The sign being displayed will continue to be a static, off premise sign. Therefore, this action is exempt from further CEQA review

## C. USE PERMIT

This 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 City of Oroville Planning Commission.

The Zoning Administrator has determined that the proposed amendment to the existing use permit (UP 10-05) is considered to be a substantive change to what was approved by the Planning Commission at the time the original use permit was approved, thus requiring discretionary review by the Planning Commission. Therefore, the proposed substantive change to UP 10-05 may be approved by the Planning Commission only upon making all of the following findings as found in section 26-50.010(E)(4) of the City Code, 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.

*The characteristics of the proposed sign are compatible with the surrounding area. Oro Dam Boulevard is the City's main commercial corridor and the properties adjacent to Oro Dam Blvd are primarily zoned Intensive Commercial (C-2), which is the most intensive zoning designation for commercial uses. This portion of Oro Dam Boulevard is classified as an arterial, which are roadways designed to move large volumes of traffic and are intended to provide a high level of mobility between freeways/highways, other arterials and local/collector roadways and provide non-freeway/highway connections between major residential, employment, and activity centers. Thus, Oro Dam Blvd is an ideal location for the placement of Digital Display Signs.*

*The Outdoor Advertising Association of America (OAAA) is the lead trade association representing the Out of Home advertising industry, of which Stott Outdoor Advertising is a member. With nearly 800 member companies, OAAA represents more than 90 percent of industry revenues. In addition to adhering to external laws and regulations, as a member of OAAA, Stott Outdoor Advertising adheres to a set of voluntarily adopted industry principles by the OAAA. These principles include ensuring that the ambient light conditions associated with standard-size digital billboards are monitored by a light sensing device at all times and that display brightness will be appropriately adjusted as ambient light levels change.*

*The Federal Highway Administration (FHWA) contracted the Science Applications International Corporation to study the effects of digital billboards on driver attention and distraction in 2007. The study was completed in early 2010, and a draft report was subjected to peer review in 2012. On December 30, 2013, FHWA released its*

*final report. Findings included a determination that the presence of digital billboards does not appear to be related to a decrease in looking toward the road ahead, which is consistent with earlier industry sponsored field research studies, and that the longest fixation to a digital billboard was 1.34 seconds, and to a standard billboard it was 1.28 seconds, both of which are well below the accepted standard (According to the National Highway Traffic Safety Administration, safety concerns arise when a driver's eyes are diverted from the roadway by glances that continue for more than 2.0 seconds). All Digital Display Signs within the City of Oroville are required to fully comply with all requirements applicable to the proposed project, including applicable federal standards.*

*The proposed sign will replace an existing 12' X 24' double sided Off Premise/Outdoor Advertising Sign structure with the same area per side of 288 sq. ft., which is in compliance with the City's requirement of no more than 300 sq. ft. on each face. The new digital sign faces will be an upgrade in sign technology but will have the same purpose as the structure replaced. City Code section 26-19.045 specifies the regulations applying to Digital Display Signs which are in place for the purpose of providing an avenue for the placement of such signs and ensuring the general health, safety and public welfare are protected in the process. The sign will be required to comply with all requirements of this section.*

*Additionally, per City Code section 26-50.010(F)(2), the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted if any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, a law, including any requirement in the Zoning Code, has been violated in connection with the permit, or if the permit was obtained by fraud.*

- 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.

*In conformance with City Code section 26-19.045(B), the proposed Digital Display Sign will be located within 150 feet of a State Route right of way (Highway 162), will not exceed 300 sq. ft. of sign area on each face and will be separated by a distance of at least 1.25 miles (6,600 feet) from another Digital Display Sign along Highway 162 (Oro Dam Boulevard). The sign will be required, as part of the Conditions of Approval, to comply with all other requirements of City Code section 26-19.045(B), including, but not limited to lighting, maintenance, and safety requirements.*

*Before issuing building permits, the construction plans for the sign will be sent to Caltrans for review and will be required to meet all Caltrans regulations and other applicable standards. Additionally, as mentioned above, Oro Dam Boulevard is the main commercial corridor within the Oroville City limits, and as a result of the large traffic volumes experienced daily, it is an ideal location for the placement of Digital Display Signs within City limits. Oro Dam Boulevard is primarily zoned C-2 and the*

*ideal location for the most intensive types of commercial uses.*

- 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.

*At the time the applicant submits a building permit application, the City's Building Division will require complete electrical plans showing that the proposed electrical needs will be adequately supplied. The applicant will be required to identify the location, type, amperage, and voltage of the electrical service and any related sub-panels, as well as a panel schedule/load calculations for any electrical panels. As part of the building permit, the applicant is required to obtain a City inspection from the Building Division prior to final approval. If at the time of inspection any inadequacies in the utility supply to the site are found, the applicant will be required to meet the minimum standards prior to the issuance of the final approval.*

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

*The surrounding neighborhood is developed with commercial uses and the existing sign does not adversely affect the abutting properties. The proposed sign will simply replace the existing sign faces with a digital technology and will continue to be consistent with these uses and not adversely affect the surrounding properties. Additionally, the proposed Digital Display Sign will be required to comply with all location, height, design, and operating characteristics required by the City Code and any other applicable agencies.*

*Outdoor Advertising Association of America (OAAA) and the International Sign Association (ISA) have recommended criteria for brightness standards for outdoor LED signs. The guidelines highlight the importance of ensuring appropriate brightness settings, which the applicant shall comply with as specified in the Conditions of Approval.*

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

*The subject property is currently developed with an existing Off Premise/Outdoor Advertising Sign structure (traditional billboard). The proposed Digital Display Sign will be located on the same property of the existing Off Premise/Outdoor Advertising Sign structure and will have the same area available for advertising. This sign change will not increase the height, size, or general type of sign (static off premise sign), but will simply utilize technology to more efficiently change the message on the sign face through digital means. The sign being displayed will continue to be a static, off premise sign.*

- 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.

*As stated previously, this section of Oro Dam Boulevard serves as the City's main commercial corridor and experiences a large volume of daily traffic. Per the City's 2030 General Plan vision statement and guiding principles, a guiding principle is to create a vibrant local economy. The proposed Digital Display Sign will provide businesses with an opportunity to better market themselves. As a result of better marketing opportunities, businesses may be more inclined to pay for advertisements that may increase their business activities which will benefit not only themselves but the City as the business environment within the City improves.*

- g. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, of this chapter and of the City Code.

*This permit complies with the applicable laws and regulations of the City's General Plan and Zoning Code, including section 26-19.045(B) and 26-50.010. Before the issuance of building permits, any DDS will be reviewed for compliance with applicable laws and regulations, including any applicable development standards and Building Code standards. Additionally, Caltrans review and approval is required prior to the issuance of building permits.*

## RESOLUTION NO. P2014-10

**A RESOLUTION OF THE OROVILLE PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING AN AMENDMENT TO USE PERMIT NO. 10-05 FOR THE PURPOSE OF MODIFYING AN EXISTING 12' X 24' DOUBLE SIDED OFF PREMISE SIGN LOCATED AT 555 ORO DAM BLVD (APN: 035-030-067) INTO A 12' X 24' DOUBLE SIDED DIGITAL DISPLAY SIGN AND RECOMMENDING THE CITY COUNCIL APPROVE THE AMENDMENTS TO THE CITY'S ZONING CODE §26-04.020, §26-19.030, AND §26-19.045 REGARDING DIGITAL DISPLAY SIGNS**

**WHEREAS**, the property located at 555 Oro Dam Blvd (APN: 035-030-067) is zoned Intensive Commercial (C-2) and has a General Plan land use designation of Mixed Use; and

**WHEREAS**, the current Zoning Code allows for "Video Display Signs" along Highway 70 only and requires a spacing of at least one mile between such signs; and

**WHEREAS**, although the current Zoning Code allows for "Video Display Signs," true "video" display signs, in regards to displaying actual videos, are not allowed within the City limits, thus the existing language creates a misunderstanding between the actual intent and interpretation of the Zoning Code regarding these signs; and

**WHEREAS**, the proposed amendments correct these ambiguities, renames "Video Display Signs" to "Digital Display Signs," and more clearly defines their design standards and sign uses and allows such signs to be placed on any state route within City limits, subject to certain spacing requirements which includes doubling the existing spacing requirement on Highway 70 from one mile to two miles; and

**WHEREAS**, Use Permit No. 10-05 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; and

**WHEREAS**, the Zoning Administrator has determined that the proposed changes to the existing use permit (UP 10-05) is considered to be a substantive change to what was approved by the Planning Commission at the time the original use permit was approved, thus requiring discretionary review by the Planning Commission; and

**WHEREAS**, the proposed substantive change to UP 10-05 may be approved by the Planning Commission only upon making all of the following findings as found in section 26-50.010(E)(4) of the City Code, 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.

*The characteristics of the proposed sign are compatible with the surrounding area. Oro Dam Boulevard is the City's main commercial corridor and the properties adjacent to Oro Dam Blvd are primarily zoned Intensive Commercial (C-2), which is the most intensive zoning designation for commercial uses. This portion of Oro Dam Boulevard is classified as an arterial, which are roadways designed to move large volumes of traffic and are intended to provide a high level of mobility between freeways/highways, other arterials and local/collector roadways and provide non-freeway/highway connections between major residential, employment, and activity centers. Thus, Oro Dam Blvd is an ideal location for the placement of Digital Display Signs.*

*The Outdoor Advertising Association of America (OAAA) is the lead trade association representing the Out of Home advertising industry, of which Stott Outdoor Advertising is a member. With nearly 800 member companies, OAAA represents more than 90 percent of industry revenues. In addition to adhering to external laws and regulations, as a member of OAAA, Stott Outdoor Advertising adheres to a set of voluntarily adopted industry principles by the OAAA. These principles include ensuring that the ambient light conditions associated with standard-size digital billboards are monitored by a light sensing device at all times and that display brightness will be appropriately adjusted as ambient light levels change.*

*The Federal Highway Administration (FHWA) contracted the Science Applications International Corporation to study the effects of digital billboards on driver attention and distraction in 2007. The study was completed in early 2010, and a draft report was subjected to peer review in 2012. On December 30, 2013, FHWA released its final report. Findings included a determination that the presence of digital billboards does not appear to be related to a decrease in looking toward the road ahead, which is consistent with earlier industry sponsored field research studies, and that the longest fixation to a digital billboard was 1.34 seconds, and to a standard billboard it was 1.28 seconds, both of which are well below the accepted standard (According to the National Highway Traffic Safety Administration, safety concerns arise when a driver's eyes are diverted from the roadway by glances that continue for more than 2.0 seconds). All Digital Display Signs within the City of Oroville are required to fully comply with all requirements applicable to the proposed project, including applicable federal standards.*

*The proposed sign will replace an existing 12' X 24' double sided Off Premise/Outdoor Advertising Sign structure with the same area per side of 288 sq. ft., which is in compliance with the City's requirement of no more than 300 sq. ft. on each face. The new digital sign faces will be an upgrade in sign technology but will have the same purpose as the structure replaced. City Code section 26-19.045 specifies the regulations applying to Digital Display Signs which are in place for the purpose of providing an avenue for the placement of such signs and ensuring the general health, safety and public welfare are protected in the process. The sign will*

*be required to comply with all requirements of this section.*

*Additionally, per City Code section 26-50.010(F)(2), the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted if any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, a law, including any requirement in the Zoning Code, has been violated in connection with the permit, or if the permit was obtained by fraud.*

- 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.

*In conformance with City Code section 26-19.045(B), the proposed Digital Display Sign will be located within 150 feet of a State Route right of way (Highway 162), will not exceed 300 sq. ft. of sign area on each face and will be separated by a distance of at least 1.25 miles (6,600 feet) from another Digital Display Sign along Highway 162 (Oro Dam Boulevard). The sign will be required, as part of the Conditions of Approval, to comply with all other requirements of City Code section 26-19.045(B), including, but not limited to lighting, maintenance, and safety requirements.*

*Before issuing building permits, the construction plans for the sign will be sent to Caltrans for review and will be required to meet all Caltrans regulations and other applicable standards. Additionally, as mentioned above, Oro Dam Boulevard is the main commercial corridor within the Oroville City limits, and as a result of the large traffic volumes experienced daily, it is an ideal location for the placement of Digital Display Signs within City limits. Oro Dam Boulevard is primarily zoned C-2 and the ideal location for the most intensive types of commercial uses.*

- 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.

*At the time the applicant submits a building permit application, the City's Building Division will require complete electrical plans showing that the proposed electrical needs will be adequately supplied. The applicant will be required to identify the location, type, amperage, and voltage of the electrical service and any related sub-panels, as well as a panel schedule/load calculations for any electrical panels. As part of the building permit, the applicant is required to obtain a City inspection from the Building Division prior to final approval. If at the time of inspection any inadequacies in the utility supply to the site are found, the applicant will be required to meet the minimum standards prior to the issuance of the final approval.*

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

*The surrounding neighborhood is developed with commercial uses and the existing sign does not adversely affect the abutting properties. The proposed sign will simply replace the existing sign faces with a digital technology and will continue to be consistent with these uses and not adversely affect the surrounding properties. Additionally, the proposed Digital Display Sign will be required to comply with all location, height, design, and operating characteristics required by the City Code and any other applicable agencies.*

*Outdoor Advertising Association of America (OAAA) and the International Sign Association (ISA) have recommended criteria for brightness standards for outdoor LED signs. The guidelines highlight the importance of ensuring appropriate brightness settings, which the applicant shall comply with as specified in the Conditions of Approval.*

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

*The subject property is currently developed with an existing Off Premise/Outdoor Advertising Sign structure (traditional billboard). The proposed Digital Display Sign will be located on the same property of the existing Off Premise/Outdoor Advertising Sign structure and will have the same area available for advertising. This sign change will not increase the height, size, or general type of sign (static off premise sign), but will simply utilize technology to more efficiently change the message on the sign face through digital means. The sign being displayed will continue to be a static, off premise sign.*

- 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.

*As stated previously, this section of Oro Dam Boulevard serves as the City's main commercial corridor and experiences a large volume of daily traffic. Per the City's 2030 General Plan vision statement and guiding principles, a guiding principle is to create a vibrant local economy. The proposed Digital Display Sign will provide businesses with an opportunity to better market themselves. As a result of better marketing opportunities, businesses may be more inclined to pay for advertisements that may increase their business activities which will benefit not only themselves but the City as the business environment within the City improves.*

- g. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, of this chapter and of the City Code.

*This permit complies with the applicable laws and regulations of the City's General Plan and Zoning Code, including section 26-19.045(B) and 26-50.010. Before the issuance of building permits, any DDS will be reviewed for compliance with applicable laws and regulations, including any applicable development standards*

*and Building Code standards. Additionally, Caltrans review and approval is required prior to the issuance of building permits.*

**WHEREAS**, the approval by the Planning Commission to amend UP 10-05 as specified herein is subject to the approval of the Zoning Code amendments (ZC 13-04) by the City Council regarding Digital Display Signs; 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 approval of the project described herein, and also considered City staff's report regarding the project.

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

1. The Planning Commission finds that the amendment to UP 10-05 is exempt from CEQA via a Categorical Exemption as found in Title 14, CCR, §15302, Replacement or Reconstruction, and the amendments to the Zoning Code (ZC 13-04) regarding Digital Display Signs are exempt from CEQA via a General Rule Exemption as found in Title 14, CCR, §15061(b)(3).
2. The Planning Commission adopts the findings required by §26-50.010 of the City Code, as those findings are described in this Resolution, based upon the following facts:
  - A. The granting of the use permit amendments 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.
  - 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.
  - C. Public utilities and facilities, including streets and highways, water and sanitation, are adequate to serve the proposed use.
  - 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.
  - E. 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.

- G. The use permit amendments comply with all applicable laws and regulations, including the requirements of the General Plan and City's Municipal Code.
- 3. The attached conditions of approval have been deemed necessary to achieve the purposes of the Zoning Code, and also promote the general health, safety and public welfare of the City.

## CONDITIONS OF APPROVAL

**Approved project:** The Commission hereby approves amending UP 10-05 for the purpose of modifying an existing 12' X 24' double sided off-premise sign (traditional billboard) at 555 Oro Dam Blvd (APN: 035-030-067) into a 12' X 24' double sided digital display sign, subject to the following conditions:

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 project. 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 City of Oroville Planning Commission.
3. All private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety, and general welfare.
4. All graffiti and vandalism shall be removed and repaired on a regular basis.
5. The applicant shall ascertain and comply with the requirements of all Federal, State, County and Local agencies as applicable to the proposed use and project area.
6. Applicant shall comply with the recommended criteria for brightness standards for outdoor LED signs from the Outdoor Advertising Sign Association of America and the International Sign Association.

7. All costs of operation and maintenance of private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be the responsibility of the applicant.
8. The applicant shall annually pay for and obtain a City of Oroville business license.
9. Pursuant to Section 26-13.010, the proposed use of the site shall conform to the performance standards of the code of the City of Oroville to minimize any negative impacts that the use may have on the surrounding uses.
10. Pursuant to Section 26-50.010(F), a use permit may be evaluated for revocation if the use permit has not been used within one year of its approval.
11. 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.
12. The applicant may be required to provide a pole cover for the sign. Once a sign face has been converted into a digital display, the Zoning Administrator shall assess the aesthetics of the site and determine if a pole cover would substantially contribute to the overall attractiveness of the property and surrounding area. If so, a pole cover would be required. In the event the applicant disapproves with the determination of the Zoning Administrator, the decision may be appealed to the Planning Commission. A pole cover, if required, shall not substantially deviate from the design of the pole cover required for the digital display sign approved under Use Permit #12-06.
13. The approval of this use permit amendment is subject to the City Council’s approval of the Zoning Code amendments regarding Digital Display Signs (ZC 13-04).

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

A recommendation shall be forwarded to the Oroville City Council that the City’s Municipal Code should be amended in the following manner, with all additions shown in an underlined format and all deletes shown in a ~~strikethrough~~ format:

**26-04.020 Definitions.**

**O. Definitions, “O”.**

Official Sign. A sign erected by a governmental agency, public utility or service, or one of their designee, setting forth information pursuant to law.

**S. Definitions, “S”.**

Sign, digital display. An off-premise advertising sign/billboard that can be automated,

by digital means, to change its message. The duration of each message shall be displayed for a minimum of 8 seconds. Signs displaying messages for a duration of less than 8 seconds shall be considered a video display sign.

*Sign, off-premise.* A sign that contains a message chosen by a person other than the person who controls the premises on which the sign is located. A sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually on the premises and/or property upon which the sign is located, excluding directional or official signs authorized by law and real estate signs.

*Sign, video display.* A sign that changes its message or background in a manner or method of display characterized by continuous motion or pictorial imagery, which may or may not include text, and depicts action or a special effect to imitate continuous movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns, or bands of light, or expanding or contracting shapes.

### **26-19.030 General provisions.**

**E. Prohibited Signs.** The following types of signs shall be prohibited:

1. Signs that bear or contain statements, words or pictures of an obscene, indecent or immoral character that offends public morals or decency.
2. Roof signs.
3. Rotating signs.
4. Wind-driven signs, "A" frame signs, sandwich boards and portable signs except as specifically permitted in Section 26-19.090 of this chapter.
5. ~~Pole signs where more than 5 feet of the pole's length is visible.~~
6. Video or any other electronic display signs with continuous motion.
7. Signs affixed to structures in the public right-of-way, such as telephone poles, light ~~standards~~ poles, utility fixtures, posts and fences; provided, however, as follows:
  - a. Temporary signs may be posted on any public kiosk that provides space intended for the posting of signs.
  - b. Official signs posted or required by a government agency, or a public utility or service, may be affixed to structures in the public right-of-way.
8. Vehicle signs that advertise a business, service or product, whether that business, service or product is located on the same site or a different site. This prohibition shall not apply to standard identification practices where these signs are painted on or permanently attached to a commercial vehicle used to conduct a land use located on the site, or to bumper stickers.

9. Signs that attempt or appear to attempt to direct traffic, or that interfere with, imitate or resemble any official traffic device.

**26-19.045 Signs Requiring a Use Permit**

**B. ~~Video~~ Digital Display Signs.**

Except as otherwise provided in this section, all ~~video display signs~~ digital display signs (~~VDS~~) (DDS) shall comply with the requirements of this section.

1. Area: The maximum sign area for a ~~VDS~~ DDS shall not exceed three hundred (300) square feet on each face.
2. Height: A ~~VDS~~ DDS shall not exceed a maximum height of forty (40) feet measured from ground surface to the top of the sign.
3. Location: ~~The sign shall not be used to provide advertisement for any businesses located on the same property as the sign. Therefore these signs shall be considered off-premise signs.~~ VDS's DDS's shall only be allowed to be located within 150 feet of the a State Route 70 right of way within the City limits. All VDS's DDS's shall be located such that no part of the VDS DDS encroaches into any public right of way. VDS's DDS's shall not be placed within any legal easements, unless such easements were specifically created for the placement of signs. The applicant for a ~~VDS~~ DDS shall demonstrate that the proposed ~~VDS~~ DDS location is free of any legal such easements.
  - a. All proposed signs adjacent to state highways 70 shall meet the requirements of the State of California Department of Transportation Outdoor Advertising standards for outdoor signs.
4. ~~Setbacks~~ Spacing from other ~~VDS~~ DDS: Signs of this type must be separated from other ~~video~~ digital display signs by a distance of at least 1 mile. as follows:

<b>State Route</b>	<b>Distance (miles)</b>
<u>Highway 70</u>	<u>2.0</u>
<u>Highway 162 (Oro Dam Boulevard)</u>	<u>1.25</u>
<u>Highway 162 (Olive Highway)</u>	<u>1.0</u>

5. Lighting: ~~Signs of this type must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness. Signs shall be required to meet all Caltrans regulations and other applicable standards.~~ Signs which contain, include, or are illuminated by flashing, intermittent, or moving light or lights are prohibited. A DDS that utilizes lighting technologies (such as light emitting diodes) to create digital messages shall be equipped with a light sensor that automatically adjusts the lighting of the sign face as ambient lighting changes. In no event shall a digital display sign face

increase ambient illumination by more than 0.3 footcandles when measured perpendicular to the message sign face at a distance based on the sign face size as follows:

<b><u>Changeable message sign face size (sq. ft.)</u></b>	<b><u>Measurement Distance (ft.)</u></b>
<u>50 ft<sup>2</sup></u>	<u>71</u>
<u>100 ft<sup>2</sup></u>	<u>100</u>
<u>150 ft<sup>2</sup></u>	<u>122</u>
<u>200 ft<sup>2</sup></u>	<u>141</u>
<u>250 ft<sup>2</sup></u>	<u>158</u>
<u>300 ft<sup>2</sup></u>	<u>173</u>

*\* For signs with an area in square feet other than those specifically listed in the table, the measurement distance shall be calculated with the following formula:  $\text{Measurement Distance} = \sqrt{\text{Area of Sign Sq. Ft.} \times 100}$*

6. Safety: The Community Development Director, or his/her designee, shall approve the location of all ~~videe~~ digital display signs to ensure that they do not introduce unsafe driving conditions to the roadway system.
7. Maintenance: All structures shall be properly maintained, kept in good repair and kept clean. The area occupied by such structure shall be kept free of weeds, ~~and debris, and graffiti.~~ If violations of this paragraph occur, the Planning Commission may start proceedings to revoke the permit.
8. Permits: A use permit will be required for all ~~VDS~~ DDS. All requests for building permits for these signs shall be accompanied by construction and design plans stamped by a California registered civil engineer, in addition, a lighting plan shall be required showing the brightness of the proposed sign and the message intervals between individual advertisements.
9. Messages shall be displayed for a minimum of 8 seconds.
10. Transition during messages shall be two seconds or less and shall either be instantaneous or fade out/in. Flashing is prohibited.
11. Signs shall be required to meet all Caltrans requirements, permits and other applicable standards.

\*\*\*\*\*

**I HEREBY CERTIFY** that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 9<sup>th</sup> of June, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

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

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

## CONDITIONS OF APPROVAL

**Approved project:** The Commission hereby approves amending UP 10-05 for the purpose of modifying an existing 12' X 24' double sided off-premise sign (traditional billboard) at 555 Oro Dam Blvd (APN: 035-030-067) into a 12' X 24' double sided digital display sign, subject to the following conditions:

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 project. 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 City of Oroville Planning Commission.
3. All private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety, and general welfare.
4. All graffiti and vandalism shall be removed and repaired on a regular basis.
5. The applicant shall ascertain and comply with the requirements of all Federal, State, County and Local agencies as applicable to the proposed use and project area.
6. Applicant shall comply with the recommended criteria for brightness standards for outdoor LED signs from the Outdoor Advertising Sign Association of America and the International Sign Association.
7. All costs of operation and maintenance of private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be the responsibility of the applicant.
8. The applicant shall annually pay for and obtain a City of Oroville business license.
9. Pursuant to Section 26-13.010, the proposed use of the site shall conform to the performance standards of the code of the City of Oroville to minimize any negative impacts that the use may have on the surrounding uses.

10. Pursuant to Section 26-50.010(F), a use permit may be evaluated for revocation if the use permit has not been used within one year of its approval.
11. 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.
12. The applicant may be required to provide a pole cover for the sign. Once a sign face has been converted into a digital display, the Zoning Administrator shall assess the aesthetics of the site and determine if a pole cover would substantially contribute to the overall attractiveness of the property and surrounding area. If so, a pole cover would be required. In the event the applicant disapproves with the determination of the Zoning Administrator, the decision may be appealed to the Planning Commission. A pole cover, if required, shall not substantially deviate from the design of the pole cover required for the digital display sign approved under Use Permit #12-06.
13. The approval of this use permit amendment is subject to the City Council's approval of the Zoning Code amendments regarding Digital Display Signs (ZC 13-04).

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

**Location of Existing Off Premise/Outdoor Advertising (Billboard)**

**UP 10-05: 555 Oro Dam Blvd (APN: 035-030-067)**



# 555 Oro Dam Boulevard (APN: 035-030-067)

ATTACHMENT - F

Project Site  
Properties Within 300ft



Produced By: City of Oroville  
July 3, 2013



# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

**Donald Rust**  
DIRECTOR

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

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

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

Please submit your comments to this department no later than **Monday, June 9, 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. Please refer to this project by the Applicant's name and the Assessor Parcel Number indicated below. If you have no comment, a reply is not necessary.

### **VICINITY MAP**

**ASSESSOR  
PARCEL  
NUMBER:** 035-030-067

**FILE  
NUMBER:** UP 10-05 Amendment

**APPLICANT:** Stott Outdoor Advertising

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

**LOCATION:** 555 Oro Dam Boulevard

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



### **PROJECT DESCRIPTION:**

**UP 10-05 Amendment: Digital Display Sign** - The project applicant, Stott Outdoor Advertising, has applied to amend an existing use permit for the purpose of converting an existing 12' X 24' double sided off premise/outdoor advertising (billboard) sign structure into a 12' X 24' double sided digital display sign. The property is zoned Intensive Commercial (C-2) and has a General Plan land use designation of Mixed Use.

**NOTICE IS HEREBY GIVEN** that the City of Oroville Planning Commission will hold a public hearing on the project described above. Said hearing will be held at **7:00 p.m. on Monday, June 9, 2014** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.





# City of Oroville

**Donald Rust**  
DIRECTOR

## COMMUNITY DEVELOPMENT DEPARTMENT

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

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

NOTICE IS HEREBY GIVEN that the City of Oroville Planning Commission will hold a public hearing on the projects described below. Said hearing will be held at **7:00 p.m. on Monday, June 9, 2014** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **ZC 13-04 and Amendment to UP 10-05 and UP 99-03: Digital Display Signs** – The City of Oroville Planning Commission will conduct a public hearing to consider amending Use Permit 10-05 and Use Permit 99-03 for the purpose of modifying two existing 12' X 24' double sided off premise signs at 2340 Oro Dam Blvd and 555 Oro Dam Blvd into 12' x 24' double sided digital display signs and send a recommendation to the Oroville City Council to approve or deny amendments to the City's Zoning Code regarding digital/video display signs.

Additional information regarding the projects described in this notice can be obtained from the Oroville Community Development Department at 1735 Montgomery Street, Oroville, CA. Anyone desiring to submit information, opinions or objections is requested to submit them in writing to the 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, May 30, 2014**

## DEPARTMENT OF TRANSPORTATION

703 B STREET  
MARYSVILLE, CA 95901  
PHONE (530) 741-5452  
FAX (530) 741-5346  
TTY 711



*Flex your power!  
Be energy efficient!*

July 19, 2013

FMP # 032013-BUT-0026  
03-BUT-162/PM 16.179  
UP #10-05 Amendment

Mr. Luis A. Topete  
Planning & Development Services  
City of Oroville  
1735 Montgomery Street  
Oroville, CA 95965-4897

**Use Permit #10-05 Amendment – Digital Display Sign**

Dear Mr. Topete:

Thank you for including the California Department of Transportation (Caltrans) in the application review process for the project referenced above. The applicant proposes to amend an existing use permit for the purpose of converting an existing 12' X 24' double sided off premise outdoor advertising sign structure into a 12' X 24' double sided digital display sign. The project is located on State Route (SR) 162/Oro Dam Boulevard at 555 Oro Dam Boulevard in Oroville. The following comments are based on the application.

***Outdoor Advertising***

The existing sign display is on file with Outdoor Advertising (ODA) under Permit #N03-0089. The display is in a conforming location and the permit is currently valid. Any upgrade to the existing display will require a new application with ODA and is considered a "new placing."

Sign plans for any proposed displays should be provided to Caltrans for review and approval. The plans should depict the layout, roadway setback, orientation, glare intensity, and sign size.

The outdoor advertising permit application is available at the following website:

[http://www.dot.ca.gov/oda/download/Permit\\_Application\\_New.pdf](http://www.dot.ca.gov/oda/download/Permit_Application_New.pdf)

Mr. Luis A. Topete/City of Oroville  
July 19, 2013  
Page 2

Completed outdoor advertising permit applications should be submitted to:

Tom Austen  
Caltrans  
Division of Traffic Operations  
Outdoor Advertising Program  
P.O. Box 94287 (MS-36)  
Sacramento, CA 94274-0001.

For assistance related to Outdoor Advertising, please contact Tom Austen at (916) 651-1250 or by email at [tom.austen@dot.ca.gov](mailto:tom.austen@dot.ca.gov).

***Encroachment Permit***

Please be advised that any work or traffic control that would encroach onto the State right of way (ROW) requires an encroachment permit issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to the address below:

Bruce Capaul, Chief  
Office of Permits  
Caltrans – District 3  
703 B Street  
Marysville, CA 95901

Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website below for more information.

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this project.

If you have any questions regarding these comments or require additional information, please contact Shannon Culbertson, Intergovernmental Review Coordinator for Butte County at (530) 741-5435 or by email at [shannon.culbertson@dot.ca.gov](mailto:shannon.culbertson@dot.ca.gov).

Sincerely,



DAVID R. VAN DYKEN, Chief  
Office of Transportation Planning – North

**Luis A.Topete**

---

**From:** Austen, Thomas J@DOT <tom.austen@dot.ca.gov>  
**Sent:** Tuesday, May 27, 2014 7:13 AM  
**To:** Luis A.Topete  
**Subject:** Review

**Hi,**

**At this time Caltrans Outdoor Advertising Program has no comments.**

**Tom Austen  
Field Inspector  
Outdoor Advertising Program  
Dist 1, 2 & 3, MS-36  
916-651-1250  
916-207-8267 (Cell)  
916-653-3924 (Fax)**



# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust  
DIRECTOR

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

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

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

Please submit your comments to this department no later than **Monday, June 9, 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. Please refer to this project by the Applicant's name and the Assessor Parcel Number indicated below. If you have no comment, a reply is not necessary.

**ASSESSOR  
PARCEL  
NUMBER:** 035-030-067

**FILE  
NUMBER:** UP 10-05 Amendment

**APPLICANT:** Stott Outdoor Advertising

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

**LOCATION:** 555 Oro Dam Boulevard

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

### **VICINITY MAP**

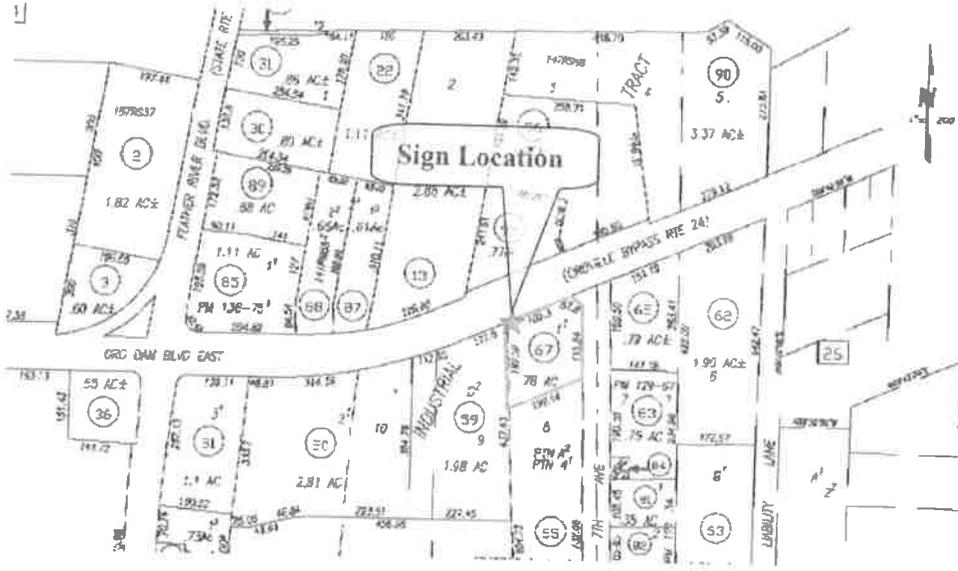


### **PROJECT DESCRIPTION:**

**UP 10-05 Amendment: Digital Display Sign** - The project applicant, Stott Outdoor Advertising, has applied to amend an existing use permit for the purpose of converting an existing 12' X 24' double sided off premise/outdoor advertising (billboard) sign structure into a 12' X 24' double sided digital display sign. The property is zoned Intensive Commercial (C-2) and has a General Plan land use designation of Mixed Use.

**NOTICE IS HEREBY GIVEN** that the City of Oroville Planning Commission will hold a public hearing on the project described above. Said hearing will be held at **7:00 p.m. on Monday, June 9, 2014** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

**GENERAL PARCEL MAP:**



**RECOMMENDED CONDITIONS OF APPROVAL / COMMENTS** (Please attach additional pages, if needed)

Holiday INN EXPRESS would be concerned about the light "flashing" from the sign at night. It may cause complaints from our guests, lost revenue, lost TOT, or additional cost to counter guest complaints.

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

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

Agency/Affiliation: \_\_\_\_\_

LOTUS MANAGEMENT

**PLEASE RETURN COMPLETED FORM TO 1735 MONTGOMERY STREET OR VIA E-MAIL AT [topetela@cityoforville.org](mailto:topetela@cityoforville.org)**

**Luis A.Topete**

---

**From:** Dean Hill <dhill@orofd.org>  
**Sent:** Tuesday, May 20, 2014 10:38 AM  
**To:** Luis A.Topete  
**Subject:** RE: Project Notice (Digital Display Signs)

Hi Luis

Maintain Fire Department access and Police Department access

Dean Hill

---

**From:** Luis A.Topete [<mailto:topetela@cityoforoville.org>]  
**Sent:** Friday, May 16, 2014 2:42 PM  
**To:** Randy Murphy; Don Rust; Gary D. Layman; Bill Lagrone; Dean J. Hill; Rick Walls; Ron Belser; David G. Goyer  
**Subject:** Project Notice (Digital Display Signs)

All,

Please review the attached and provide any comments you may have.

**Luis A. Topete**  
City of Oroville | Associate Planner  
530.538.2408 | [topetela@cityoforoville.org](mailto:topetela@cityoforoville.org)



# City of Oroville

**Donald Rust**  
DIRECTOR

## COMMUNITY DEVELOPMENT DEPARTMENT

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

### PLANNING COMMISSION STAFF REPORT

**June 9, 2014**

The Oroville Planning Commission will review and consider adopting a finding of public convenience or necessity for a Type-20 Off-Sale Beer and Wine license for a new Dollar General store to be located at 2084 3<sup>rd</sup> Street (APN: 031-161-072).

**APPLICANTS:** Jeanette Carvajal (Representative of Dolgen California LLC)  
Alcoholic Beverage Consulting Services  
26023 Jefferson Ave, Ste. D  
Murrieta, CA 92562

**LOCATION:** 2084 3<sup>rd</sup> Street  
Oroville, CA 95965  
APN: 031-161-072

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

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

**REPORT PREPARED BY:**

  
Luis A. Topete, Associate Planner  
Community Development Department

**REVIEWED BY:**

  
Donald Rust, Director  
Community Development Department

### RECOMMENDED ACTIONS:

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

1. **ADOPT** Resolution No. P2014-11: 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 2084 3<sup>RD</sup> STREET, OROVILLE CA 95965 (APN: 031-161-072) (**Attachment F**).

## SUMMARY

Jeanette Carvajal, a representative of Dolgen California LLC , has applied for a Finding of Public Convenience or Necessity for the issuance of a Type 20 Off-Sale Beer and Wine license at 2084 3<sup>rd</sup> Street (APN: 031-161-072), the future location of a new Dollar General. Business & Professional Code §23958.4 requires a finding of public convenience "or" necessity in order for the California Department of Alcoholic Beverage Control (ABC) application to be approved. It is not legally necessary to demonstrate both a finding of convenience "and" necessity.

## ANALYSIS

Findings of Public Convenience or Necessity are a tool for local governments and communities that directly ties them into the state liquor licensing process. Current state law limits the issuance of new licenses in geographical regions (census tracts) defined as high crime areas or in areas of "undue concentration" of retail alcohol outlets. However, the law also states these restrictions can be sidestepped in specified circumstances when the state ABC or the local jurisdiction makes a determination that the applicant license proves that the proposed outlet would serve "public convenience or necessity" by demonstrating that the business operation will provide some kind of benefit to the surrounding community. The applicant's reasoning that public convenience or necessity will be served is detailed in **Attachment 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 four (4) off sale licenses within this Census Tract (0025.00) where Dollar General is located, with five (5) currently authorized. Currently, Census Tract 0025.00 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 of the license.

## 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. 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. Therefore, the project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) "General Rule Exemption".

**FISCAL IMPACT**

The total fees associated with Variance 14-02 are as follows:

<b>Item</b>	<b>Price</b>	<b>Tech Fee</b>	<b>Total</b>	<b>Paid</b>
Finding of Public Convenience or Necessity	\$155.00	\$9.30	\$164.30	Yes
Filing of Notice of Exemption Butte County Clerks Filing Fee	\$50.00	-	\$50.00	No

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

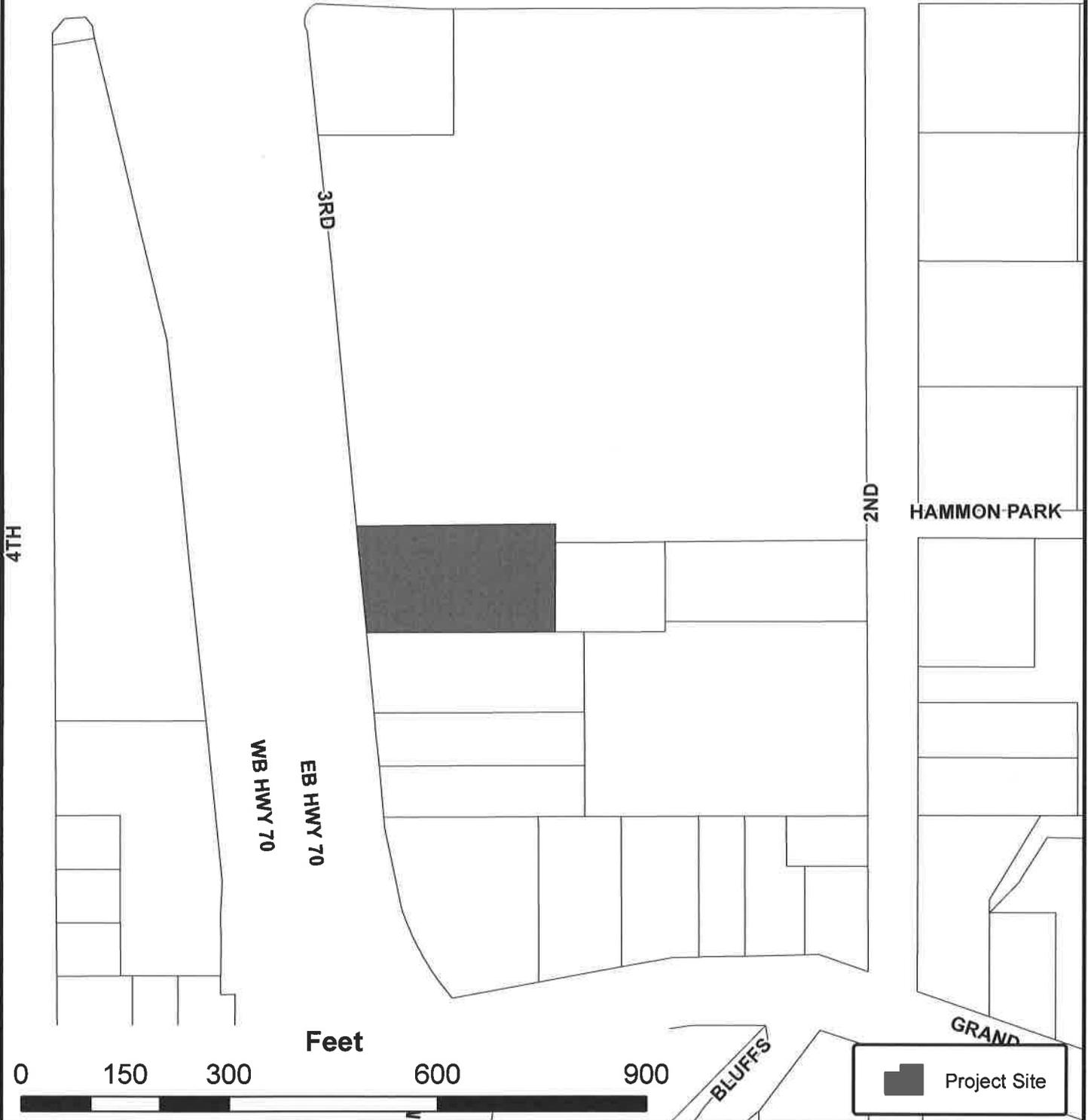
**ATTACHMENTS**

- A – Vicinity Map
- B – Request for Finding of Public Convenience or Necessity
- C – ABC Application
- D – Notice of Exemption
- E – ABC License Types
- F – Resolution No. P2014-11

# VICINITY MAP

ATTACHMENT - A

NELSON



## CITY OF OROVILLE PLANNING DIVISION

<i>Applicant:</i> Alcoholic Beverage Consulting Service		<i>Project Title:</i> Request for Finding of Public Convenience or Necessity		 <b>N</b>
<i>Project Location:</i> 2084 3rd Street, Oroville, CA 95965				
<i>Hearing Date:</i> June 9, 2014	<i>Zoning Designation:</i> Intensive Commercial (C-2)	<i>General Plan Land Use Designation:</i> Retail and Business Services		
<i>TRAKiT #</i> Project#: PL1405-010	<i>Assessor's Parcel #:</i> 031-161-072			



May 22, 2014

City of Oroville  
Associate Planner

Re: Dolgen California LLC  
2084 3<sup>rd</sup> St.  
Oroville CA 95965

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 along 3<sup>rd</sup> St., 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



26023 Jefferson Ave, Suite D, Murrieta, CA 92562  
951-698-6868 / Fax: 951-600-2726 / www.calabc.com  
a division of Brewer Consulting, Inc

RECEIVED

MAY 27 2014

CITY OF OROVILLE  
PLANNING DEPT

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 shopping 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

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  
*Dodgen California, LLC*

2. PREMISES ADDRESS (Street number and name, city, zip code)  
*2084 3rd St., Oroville, CA 95965*

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		

Supermarket

Liquor Store

Drug/Variety Store

Other - describe:

Membership Store

Department Store

Florist/Gift Shop

Service Station

Convenience Market

Convenience Market w/Gasoline

Swap Meet/Flea Market

Drive-in Dairy

5. COUNTY POPULATION

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

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

8. CENSUS TRACT NUMBER  
*0025*

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT  
*4*  On-Sale  Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT  
*5*  On-Sale  Off-Sale

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

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

13. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

16. AVERAGE NO. OF OFFENSES PER DISTRICT

17. 120% OF AVERAGE NUMBER OF OFFENSES

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

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

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

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

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

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

Governing Body/Designated Subordinate Name:

RECEIVED

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

*CM*

MAY 27 2014





# City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

**Donald Rust**  
DIRECTOR

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

## NOTICE OF EXEMPTION

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

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

Project Title: Finding of Public Convenience or Necessity

Project Location – Specific: 2084 3<sup>rd</sup> Street

Project Location - City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, Alcoholic Beverage Consulting Service, a representative of Dolgen California LLC, has applied for a Finding of Public Convenience or Necessity for a Type-20 Off-Sale Beer and Wine license for a new Dollar General store to be located at 2084 3rd Street (APN: 031-161-072).

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

Name of Person or Agency Carrying Out Project: Alcoholic Beverage Consulting Service (Representative of Dolgen California LLC)

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)  
 Declared Emergency (Sec. 21080(b)(3); 15269(a))  
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c))  
 Categorical Exemption: State type & section number: General Rule Exemption; Title 14, CCR, §15061(b)(3)  
 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 15061(b)(3), commonly known as the "general rule." A project is Exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. 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. Therefore, the project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) "General Rule Exemption".

If filed by applicant:

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

Lead Agency Contact Person: Luis A. Topete

Telephone: (530) 538-2408

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

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

- Signed by Lead Agency  
 Signed by Applicant

Department of Alcoholic Beverage Control

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

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



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



## SPECIAL EVENTS

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

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

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

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

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

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

---

### 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).

## RESOLUTION NO. P2014-11

**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 2084 3<sup>RD</sup> STREET, OROVILLE, CA 95965 (APN: 031-161-072)**

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

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

**WHEREAS**, Section 23958.4 of the Business and Professions Code provides that, notwithstanding the limitations of Section 23958, the Department of Alcoholic Beverage Control shall issue a license if the applicant demonstrates 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 2084 3<sup>rd</sup> Street (APN: 031-161-072) has petitioned the Department of Alcoholic Beverage Control for an Off-Sale Beer and Wine (Type 20) License; and

**WHEREAS**, under state law Section 23790 of the Business and Professions Code, the Department of Alcoholic Beverage Control 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 0025.00 with a population such that the Department of Alcoholic Beverage Control permits up to four (4) off-sale licenses before an undue concentration would exist, and there are currently five (5) off-sale licenses authorized; and

**WHEREAS**, the request for a Finding of Public Convenience or Necessity is exempt from California Environmental Quality Act (CEQA) review under §15061(b)(3) of the CEQA Guidelines because a Finding of Public Convenience or Necessity will not with reasonable certainty have any significant 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. 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 a Finding of Public Convenience or Necessity Determination is hereby approved.

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

\*\*\*\*\*

**I HEREBY CERTIFY** that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 9<sup>th</sup> of June 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

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

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



# City of Oroville

Donald Rust  
DIRECTOR

## COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street  
Oroville, CA 95965-4897  
(530) 538-2402 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

**TO: MAYOR AND COUNCIL MEMBERS  
RANDY MURPHY, CITY ADMINISTRATOR**

**FROM: DONALD RUST, DIRECTOR (530) 538-2433  
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: MONTHLY REPORT – APRIL 2014 FOR THE COMMUNITY DEVELOPMENT  
DEPARTMENT**

**DATE: MAY 20, 2014**

### SUMMARY

This report is provided to the Mayor, Members of the City Council, and City Administrator to keep them informed regarding the activities within the Community Development Department, which includes: Building, Code Enforcement, Parks & Trees, Planning, and Public Works Division during the month of April 2014.

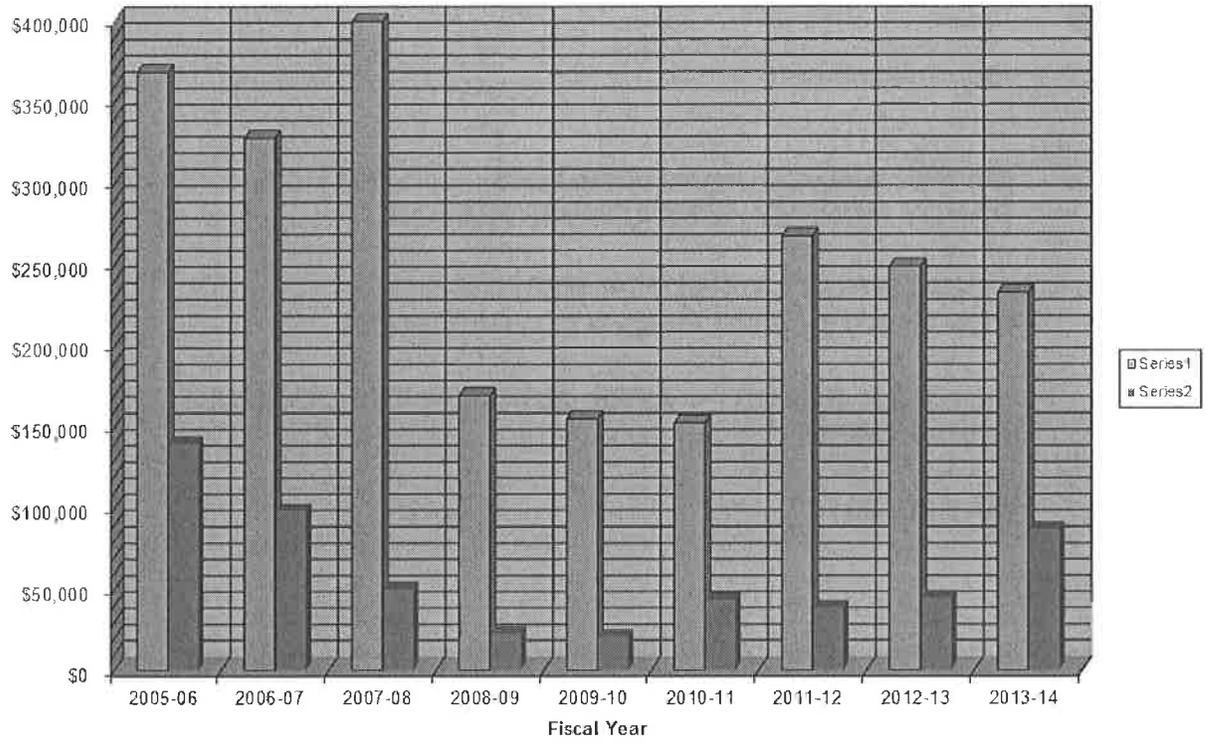
### REVENUES

Table 1: REVENUES FOR FY 2013/2014 – EXPECTED vs. ACTUAL, below shows the revenues for the Planning & Development Services Department for the Current Fiscal Year (FY 2012-2013). With **83%** of the Fiscal Year completed, the combined revenues for the Building & Planning Divisions are **103%** of its expected revenues.

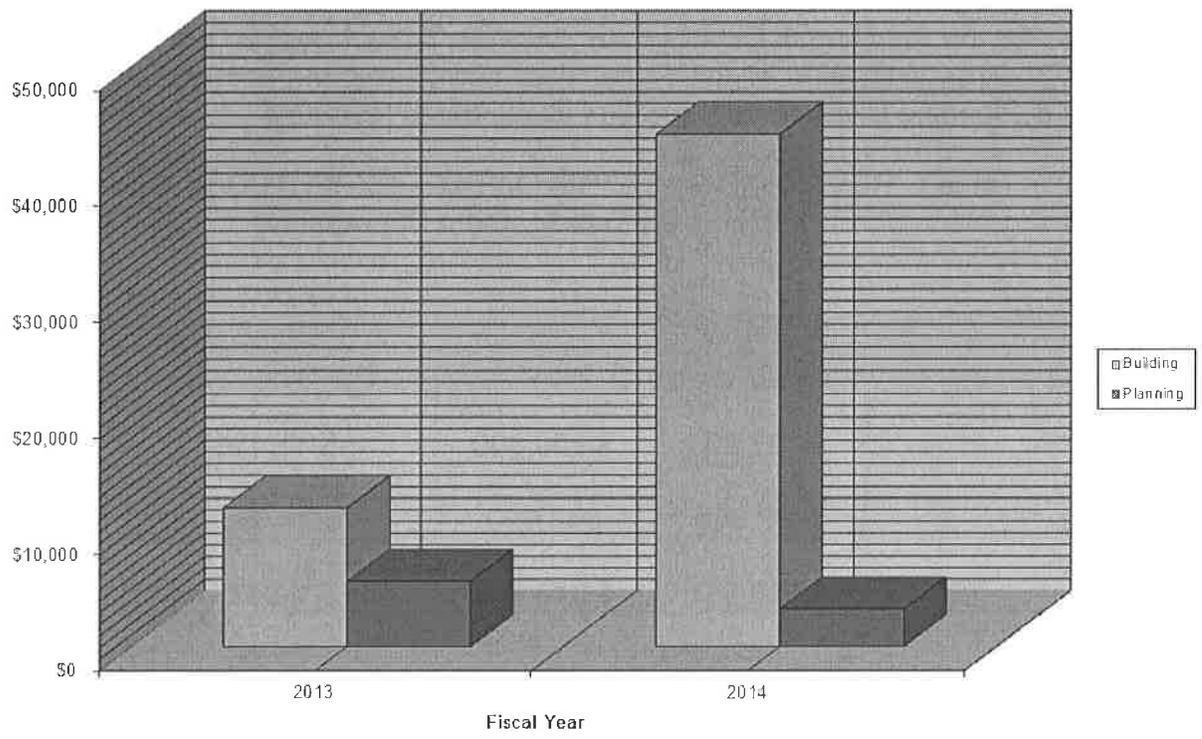
Table 1: REVENUES FOR FY 2013/2014 – EXPECTED vs. ACTUAL  
(Community Development Department)

Division	Actual Revenues	Expected Revenues	Difference btw Expected / Actual	Percentages
Building	\$ 232,805	\$ 250,000	(-\$ 17,195)	93%
Planning	\$ 87,062	\$60,000	\$ 27,062	145%
<b>TOTAL</b>	<b>\$ 319,867</b>	<b>\$ 310,000</b>	<b>\$ 9,867</b>	<b>103%</b>

**REVENUES FOR FISCAL YEAR (FY) 2006 – APRIL 30, 2014  
BUILDING & PLANNING DIVISIONS**



**REVENUES FOR APRIL (2013 vs. 2014)**



### TCRF Account

The following is the current balance of the technology cost recovery fee account (116-4666-7660) and the expenditures made by the City:

Description	Revenues	Expenditures	Balance
TCRF Account on October 18, 2011	\$ 17,846		
Equipment Replace Fund (Transfer into TCRF)	\$ 59,154		\$ 77,000
<b>Total Revenue received for FY 2011-12</b>	<b>\$ 31,112</b>	<b>(-\$ 32,637)</b>	
July 2012	\$ 2,459		
August 2012	\$ 1,285		
Payment to CRW August 9, 2012		(-\$ 30,000)	
Payment to CRW August 9, 2012		(-\$13,250)	
September 2012	\$ 2,054		
October 2012	\$ 802		
November 2012	\$ 993		
Computer Purchase November 2012		(-\$ 2,000)	
December 2012	\$ 564		
Payment to CRW December 12, 2012		(-\$ 2,000)	
January 2013	\$ 1,004		
Payment to CRW January 23, 2013		(-\$ 19,250)	
February 2013	\$ 12,644		
March 2013	\$ 1,717		
April 2013	\$ 1,175		
May 2013	\$ 12,635		
Credit from CRW June 18, 2013		\$ 2,000	
June 2013	\$ 2,931		
Outside Services (Visa processing fee)		(-\$ 75)	
<b>Total Revenue received for FY 2012-13</b>	<b>\$ 40,250</b>	<b>(-\$ 64,575)</b>	
July 2013	\$ 3,066		
August 2013	\$ 2,476		
September 2013	\$ 3,628		
October 2013	\$ 6,319		
November 2013	\$ 1,070		
December 2013	\$ 1,648		
January 2014	\$ 1,610		
February 2014	\$ 6,596		
March 2014	\$ 1,823		
April 2014	\$ 5,426		
May 2014			
June 2014			
<b>Total Revenue received for FY 2013-14</b>	<b>\$ 33,659</b>		

**BUILDING DIVISION**

In April 2014, the Building Division has received applications for building permits for several new projects; those specific projects are as follows:

- ▶ Three New Single Family Homes to be built in **Calle Vista Phase II** have been issued and are currently under construction.
- ▶ New Single Family Master Plan for **Vista Del Oro Subdivision** has been reviewed and is ready to be issued.
- ▶ New Storage building (3200 sq. ft.) for **Jerome Johnson**, located at 2790 Feather River Blvd. has been issued and is currently under construction.
- ▶ New Storage Building at **Briggs Firestone**, located at 1600 Feather River Blvd. is currently under review.

**APRIL 2014 – BUILDING DIVISION**

<u>BUILDING PERMIT ACTIVITIES</u>	
Total Permits Issued	56
Total Applications Received	54
Total Permits Finalized	42
Business License Occupancies Issued	7
Total Number of Expired Permits	89
Total Monthly Revenue	\$44,189

**BUILDING DIVISION  
MONTHLY REVENUES FY 2013-2014 – EXPECTED vs. ACTUAL**



MAJOR BUILDING PROJECTS

PERMIT No.	DESCRIPTION/LOCATION	STATUS
B1102-007	Interior tenant improvement and change of building use to a restaurant/bar on the first floor and residence on the second floor located at <b>1359 Huntoon Street</b> .	Permit Issued & Currently Under Construction
B1107-010	Addition to production warehouse for <b>Pacific Coast Producers (PCP)</b> located at 1601 Mitchell Avenue.	Permits Issued & Currently Under Construction
B1202-031	2 <sup>nd</sup> phase of construction for installation of equipment and construction of catwalks and mezzanines for <b>Pacific Coast Producers</b> .	Permit Issued & Currently Under Construction
B1209-013 B1209-014 B1209-015	<b>PEP Housing</b> construction project consisting of 50 senior housing apartment units with 6 separate multistory buildings including a community building located at <b>1511 Robinson Street</b> .	Permits Issued & Currently Under Construction
B1306-045	Addition to existing Market located at 450 Oroville Dam Blvd.	Pending Plan Review Resubmittal
B1308-012	Construction of New Single Family Home to be located at 2226 Perkins Ave.	Building Permit Issued & Currently Under Construction
B1308-032	Tenant Improvement for <b>Dove's Landing Medical Building</b> located at 2450 Oroville Dam Blvd.	Building Permit Issued & Currently Under Construction
B1310-049	Construction of Free Standing Open Lattice Patio Cover for <b>Table Mountain Golf Course</b> , located at 1115 Wes Barrett.	Building Permit Issued & Currently Under Construction
B1312-039	New Warehouse building (3200 sq. ft.) for <b>Jerome Johnson</b> , located at 2790 Feather River Blvd.	Building Permit Issued & Currently Under Construction
B1401-024	New Business: <b>Live Wish Bath and Beauty Bar</b> , located at 1440 Myers St. Suite B	Occupancy Issued
B1401-025	Addition of Pre-Engineering Metal Building (2647 sq. ft) at <b>Graphic Packaging</b> , located at 525 Airport Parkway.	Building Permit Issued & Currently Under Construction
B1401-040	Fire Damage Repairs at <b>Robert Hewitt, Attorney at Law</b> , located at 1876 Bird St.	Building Permit Issued & Currently Under Construction
B1402-001	New Owner: <b>Advance Til Payday</b> , located at 459 Oroville Dam Blvd. Suite D.	Occupancy Issued
B1402-005	Fire Damage Repairs at <b>Crown Jewelry</b> , located at 1880 Bird St.	Building Permit Issued & Currently Under Construction
B1402-008	Remodel existing lobby area at <b>Motel 6</b> , located at 505 Montgomery St.	Building Permit Issued & Currently Under Construction

B1402-013	Installation of Pre-Fabricated Recycling Kiosk, located within the Raley's parking lot area close to Myers St.	Building Permit Issued & Currently Under Construction
B1403-002	Installation of New Heat Treating Chamber at <b>Sierra Pacific Industries</b> , located at 3025 S. 5 <sup>th</sup> Ave.	Building Permit Issued & Currently Under Construction
B1403-003	Fire Damage Repairs at <b>Pho Noodle House</b> , located at 1898 Bird St.	Building Permit Issued & Currently Under Construction
B1403-025	New Location: <b>K &amp; K Motorsports</b> , located at 2014 Lincoln St.	Occupancy Issued
B1403-030 B1403-031 B1404-014	Construction of New Single Family Homes to be located on Russell Proctor Way & Vaquero Dr. (3 new single-family homes)	Building Permit Issued & Currently Under Construction
B1403-033	New Business: <b>OCC International LLC</b> , located at 2862 Olive Hwy. Suites D & E	Occupancy Issued
B1403-043	New Location: <b>Tangled Salon &amp; Boutique</b> , located at 2059 Mitchell Ave.	Occupancy Issued
B1404-006	New Business: <b>Viiking</b> , located at 1751 Oroville Dam Blvd. E Suite 8.	Occupancy Issued
B1404-008	Tenant Improvement at <b>Mary Lake Thompson</b> located at 1870 Montgomery St., to rebuild bathroom to ADA requirements.	Building Permit Issued & Currently Under Construction
B1404-013	Submittal of New Single Family Master Plan (1527 SF) at Vista Del Oro, Located off of Larkin Rd.	Building Plans approved
B1404-043	New Business: <b>Hair Chix</b> , located at 1900 Oroville Dam Blvd. E. Suite 5.	Occupancy Issued
B1404-045	New Storage Building at <b>Briggs Firestone</b> , located at 1600 Feather River Blvd.	Building Plans currently under review

### Code Enforcement DIVISION

In April 2014, the Code Enforcement Division has received numerous complaints for trash, transients, graffiti and continues an aggressive approach to collecting the abandoned shopping carts, responding to complaints, monitoring non-permitted building and cleaning the city. See below for the activities for the month of April;

### APRIL 2014 – CODE ENFORCEMENT DIVISION

<u>CODE ENFORCEMENT ACTIVITIES</u>	
Total Active Code Enforcement Cases	223
Cases Closed	51
New Cases Opened	66
Citations Issued	0
Total Monthly Revenue	\$531.00

NEW CODE ENFORCEMENT CASES/ CASE DESIGNATIONS	
Abandoned Vehicle Abatement	4
Building Code Violation(s)	5
Graffiti	12
Multi-Family Inspection Program	0
Public Nuisance(s)	46
Shopping Carts	154
Sub-Standard Housing	5
Vacant Building Monitoring	1

## **PLANNING DIVISION**

In April 2014, the Planning Division received the following 12 applications:

- ▶ 1 Use Permit Amendment
- ▶ 2 Street Closure
- ▶ 1 Pre-Application
- ▶ 1 Home Occupation
- ▶ 4 Development Reviews
- ▶ 1 Cottage Food Operation
- ▶ 2 Special Event

## **City Council**

In April 2014, the Planning Division took the following 4 items to the City Council:

- ▶ Participation in the Ygrene Property Assessed Clean Energy Program: on April 1, 2014, the Council adopted a Resolution No. 8201 authorizing and granting consent for the inclusion of land within the territorial jurisdiction of the City of Oroville in the County of Butte Community Facilities District 2013-1 (Clean Energy)
- ▶ Fee Refund Policy: on April 15, 2014, the Council adopted Resolution No. 8206 to adopt a fee refund policy for permit issuance and other services performed by the City.
- ▶ Lease Agreement Extension with Binderup Investments, Inc.: on April 15, 2014, the Council adopted Resolution No. 8207 authorizing and directing the Mayor to execute an amendment to the lease agreement with Binderup Investments, Inc. relating to the "Welcome to Oroville" gateway sign to allow a time extension of the terms of the agreement.
- ▶ ZC 14-01: Housing Element Code Amendments: on April 15, 2014, the Council approved the first reading of Ordinance No. 1804 amending Chapter 26 of the Oroville Municipal Code for the purpose of fulfilling City objectives as specified in the 2009-2014 Housing Element of the General Plan.

## Planning Commission

On April 28, 2014, the Planning Division took 3 items to the Planning Commission. The following items were reviewed and the actions taken by the Planning Commission were as follows:

- ▶ VAR 14-01: New Oroville Ford Sign Variance  
*The Planning Commission adopted Resolution No. P2014-06, making findings and conditionally approving Variance No. 14-01 granting Oroville Ford a variance from the City's sign regulations to exceed the maximum allowable total sign area, to exceed the maximum allowable area of freestanding signs, and to exceed the maximum allowable height of wall signs.*
  
- ▶ UP 14-03: Voodoo Tattoo & Brew  
*The Planning Commission adopted Resolution No. P2014-07, making findings and conditionally approving Use Permit No. 14-03 to allow Voodoo Tattoo & Brew to operate a restaurant/brewery/tattoo parlor with minor retail sales at 2053 Montgomery Street (APN: 012-035-017)*
  
- ▶ ZC 14-02: Distributive Antenna Systems  
*The Planning Commission adopted Resolution No. P2014-08, sending a recommendation to the City Council to adopt the proposed amendments to Chapter 26 of the Oroville Municipal Code for the purpose of specifying City regulations regarding distributive antenna systems in the City right of way.*

## Development Review Committee

On April 4, 2014, the Planning Division took the following items to the Development Review Committee:

- ▶ DRC #14-02: 110 and 122 Mono Avenue: The Development Review Committee (DRC) reviewed and provided comments on a potential affordable housing development at 110 and 122 Mono Avenue (APN: 031-051-013 AND 031-051-060).
  
- ▶ DRC #14-03: 1270 Robinson Street: The Development Review Committee (DRC) reviewed and provided comments on the proposed replacement of old windows and the installation of a new rain cover at 1270 Bird Street (APN: 012-079-007).

On April 29, 2014, the Planning Division took the following items to the Development Review Committee:

- ▶ DRC #14-04: 1600 Feather River Boulevard: The Development Review Committee (DRC) reviewed and provided comments on the proposed construction of a new storage building at 1600 Feather River Boulevard (APN: 012-050-033).
  
- ▶ DRC #14-06: 1356 6<sup>th</sup> Avenue: The Development Review Committee (DRC) reviewed and provided comments on the proposed construction of a new opening for a wall air conditioner, repair of siding, and placement of roof mount solar at 1356 6<sup>th</sup> Avenue (APN: 012-064-002).

## **Park Commission**

On April 14, 2014, the Planning Division took the following 2 items to the Park Commission:

- ▶ Letter of Appreciation to Butte County and Veteran's Memorial Park Committee: The Commission reviewed a letter of appreciation to Butte County and the Veterans Memorial Park Committee and directed staff to deliver a copy of the letter to the recipients.
- ▶ Current Status of Park Projects Recommended by Park Commission to the City Council: The Commission received a report regarding the current status of various Park Department projects that have been reviewed by the Park Commission and recommended to the City Council.

## **Arts Commission**

On April 14, 2014, the Planning Division took the following 2 items to the Arts Commission:

- ▶ Municipal Auditorium Mural Project: The Commission received a report on the potential to utilize the west wall of the Municipal Auditorium as a school mural project and the Commission forwarded a recommendation to the City Council to approve the recommendation.
- ▶ Development of a Mural Policy for the City of Oroville: The Commission received a report on the development of a mural policy for the City of Oroville and the Commission directed staff to establish an ad-hoc committee to develop a mural policy and procedures that ultimately could be recommended for review and adoption by the City Council.

## **Other Projects**

In addition, the Planning Division participated in the following activities during the month of March:

- ▶ The Division continues to work with Placeworks on the completion of targeted updates to the Oroville 2030 General Plan, Municipal Code, and Design Guidelines, as well as the Oroville Climate Action Plan and Balanced Mode Circulation Plan, which implement aspects of the 2030 General Plan.
- ▶ The Division continues to work with J.H. Douglas & Associates on the 5<sup>th</sup> cycle Housing Element update for the 2014-2022 planning period.
- ▶ The Division continues to work with Butte County on the annexation of South Oroville.
- ▶ The Division continues to work with Butte LAFCo on the update to the Sphere of Influence.

### **PLANNING DIVISION: Full Cost Recovery Projects**

The following is a list of current actual (full) cost recovery projects that are currently in process within the Division:

Description	Account No.	Initial Deposit	Cost Recovered	Balance
UP 10-05 & UP 99-03 Amendment & Zoning Code Changes (Stott Outdoor Video Display Signs)	620-2512	\$2,031.00	\$ 0.00	\$2,031.00
ANX 13-01: 161 Acacia Ave	620-2512	\$ 3,458.00	\$ 0.00	\$ 3,458.00

CURRENT PLANNING PROJECTS		
PROJECT No.	BRIEF DESCRIPTION	STATUS
UP 14-03	<b>Voodoo Tattoo &amp; Brew:</b> Potential operation of a restaurant / brewery / tattoo parlor with minor retail sales at 2053 Montgomery Street	Approved
UP 09-01	<b>Skate Park:</b> Use Permit to Allow Fence and Sign Structure at the Bedrock Skate Park	Hold
DRC 14-02	<b>110 &amp; 122 Mono Avenue:</b> Affordable Housing Developments	Approved
DRC 14-03	<b>1270 Robinson Street:</b> Replace Windows & New Rain Cover	Approved
DRC 14-04	<b>1600 Feather River Boulevard:</b> New Commercial Storage Building	Approved
DRC 14-06	<b>1356 6th Avenue:</b> New Opening for AC & Roof Mount Solar	Approved
VAR 14-01	<b>Oroville Ford:</b> Sign Variance	Approved
TSM 09-01	<b>Deer Creek Phase 2:</b> Subdivision Map	Hold
TSM 08-01	<b>Ford Drive:</b> Subdivision Map	Hold
TSM 07-05	<b>Meadowview Estates:</b> Subdivision Map	Hold
TSM 07-04	<b>Linkside 2:</b> Tentative Subdivision Map	Hold
TSM 07-03	<b>Oro Industrial Park:</b> Tentative Subdivision Map	Hold
TSM 07-02	<b>Canel View Estates:</b> Tentative Subdivision Map	Hold
TSM 07-01	<b>Palamino Place:</b> Tentative Subdivision Map	Hold
TSM 06-06	<b>Paula Court:</b> Tentative Subdivision Map	Hold
TSM 06-05	<b>Ruddy Creek:</b> Tentative Subdivision Map (to be annexed)	Hold
TSM 06-04	<b>Pilot Park:</b> Tentative Subdivision Map (Res & Ind)	Hold
TSM 06-03	<b>Los Olivos:</b> Tentative Subdivision Map (to be annexed)	Hold
TSM 06-02	<b>Dorr Lane:</b> Tentative Subdivision Map	Hold
TSM 06-01	<b>Oak Park:</b> Tentative Subdivision Map (to be annexed)	Hold
TSM 05-11	<b>Nelson 56:</b> Tentative Subdivision Map	Hold
TSM 05-10	<b>Highlands Place:</b> Tentative Subdivision Map	Hold
TSM 05-08	<b>Butte Woods Subdivision:</b> Tentative Subdivision Map	Hold
TSM 05-06	<b>Acacia Park:</b> Tentative Subdivision Map	Hold
TSM 05-05	<b>Highlands Estates:</b> Tentative Subdivision Map	Hold
TSM 05-04	<b>Riverview:</b> Tentative Subdivision Map	Hold
TSM 05-02	<b>Baker Estates:</b> Tentative Subdivision Map	Hold
TSM 05-01	<b>Heritage Oaks:</b> Tentative Subdivision Map	Hold
TSM 04-09	<b>Martin Ranch:</b> Tentative Subdivision Map	Hold
TSM 04-04	<b>Calle Vista Unit 2, Phases 2 &amp; 3:</b> Tentative Subdivision Map	Hold
TSM 04-03	<b>Forebay Estates:</b> Tentative Subdivision Map	Hold
TSM 04-07	<b>Westelle Estates:</b> Tentative Subdivision Map	Hold
TSM 03-01	<b>Oro Garden Ranch:</b> Tentative Subdivision Map	Hold
TPM 08-02	<b>Feather River Blvd:</b> Parcel Map	Hold

TPM 06-02	<b>Parsons: Parcel Map</b>	Hold
ZC 14-02	<b>Distributive Antenna Systems:</b> Amendments to Zoning Code for the purpose of specifying the City's regulations regarding distribute antenna systems, aka "Small Cells"	Active
ZC 14-01	<b>Housing Element Update:</b> Fulfillment of City Goals as specified in the City's Housing Element of the General Plan	Active
ZC 13-04	<b>Video Display Signs:</b> Changes to Video Display Sign Ordinance	Active
ZC 11-01	<b>1950 Kitrick Ave:</b> Zone Change from CLM to C-2	Active
SOI Update	<b>SOI Update:</b> Sphere of Influence Update.	Active
N/A	<b>FRRPD 4<sup>th</sup> Soccer Field:</b> Development of the 4 <sup>th</sup> soccer field at Riverbend Park.	Hold

## **PUBLIC WORKS DEPARTMENT**

### **Engineering Division**

The Division manages capital and grant funded contracts for the City. A capital project involves the construction of infrastructure for the community that adds long term-value, and improves the quality of life. The primary source of funding is usually through public grants, taxes, revenues, or bonds.

In addition, the Division reviews plans and maps for new land development activities. These projects often involve the construction of capital infrastructure to serve the development, although funding is most often through private sources. However, because much of the infrastructure will be turned over to the City for long-term ownership and maintenance, the Division must ensure that the design and construction meets the City's standards for function and quality. The following is a list activities the that the Engineering Division completed during April 2014:

- Continued work managing the development of plans and specifications (P&S) for the Table Mountain Boulevard Roundabout Project. Currently the City is awaiting the acceptance of a Right-of-Way purchase offer. Project is on schedule and on budget.
- Continued work managing the development of P&S for the Oro Dam Boulevard Safe Routes to School sidewalk project.
- Completed the condition assessment review of sewer videos for pipes televised between 2009 and 2013. This completed effort represents 1,015 pipes (44 miles) and 70% of the City's system. More detail on this completed work will be presented to the Council soon.
- Continued work on completion of the storm drain system GIS field surveying inventory. This project was completed in April 2014.
- Continued coordination efforts with Butte County to chip seal certain City roads. The Council heard an update to this project on May 6, 2014.
- Continued work on the Oro Dam Boulevard Bike Lanes Project. Staff completed a project planning meeting with Caltrans on April 14, 2014 to kick off the design work for the Project.
- Continued work and monitoring of progress on the Graphic Packaging land release project.
- Initiated work on a PG&E Agreement to convert approximately 600 City street lights to LED's.
- Presented a staff report to the Council to increase the price of full service jet fuel at the Airport.

- Continued work with the Thermalito Water and Sewer District on the East Trunk Line Replacement Project.
- Prepared and advertised a Request for Bids for uniform cleaning services. The bid opening date was set for June 5, 2014.
- Completed civil plan check for the Oroville Ford project.
- Received 1 lot line adjustment application and collected a fee of \$689.80.
- Issued 9 encroachment permits; collected \$2,215 in fees.
- Issued 10 transportation permits; collected \$478 in fees.

Operations and Maintenance is breakdown into six (6) Divisions that provide maintenance services, such as: (1) City airport, including shoulder work, signs, drainage, building and hanger maintenance, weed abatement and mowing, electrical and navigations systems maintenance, including the PAPI, rotating beacon, non-direction beacon, wind direction system, and security gates; (2) Sewer collection system and lift stations, including sewer line repairs, manhole rehabilitation, sewer tap installations, smoke and dye testing, pump repair, electrical systems maintenance, emergency response, and general system cleaning, including flushing and televising; (3) Storm drainage system, including general system cleaning, detention basin maintenance, storm system pump maintenance, weed abatement, debris and trash removal, channel regarding, slope stabilization, and monitoring and control of floods during heavy rains; (4) Maintenance and repair of city parking lots, alleys, abandoned railroad corridors, and dedicated right-of-way properties; (5) City street system; including maintenance of street pavement, curb, gutter sidewalks, bridges, traffic signals, street lighting, traffic signs, pavement markings, and other traffic appurtenances, street sweeping, debris removal, and weed abatement; and (6) Provides vehicle fleet maintenance for all city departments. The following is a highlight of the activities and services that were provided the Public Works Operation and Maintenance Divisions during August 2013:

### **Sewer Division**

- Cleaned 11,017 feet of sewer main on the City's 3-year cleaning program.
- Televised 10,848 feet of sewer main.
- Completed 112 regularly scheduled inspections for the City's 7 lift stations.

### **Electrical Division**

- Completed the scheduled monthly inspections of the City's street lights.
- Completed the scheduled monthly inspections of the City's traffic signals.
- Completed the scheduled monthly inspections of the City's building solar systems.
- Completed the scheduled monthly inspections of the Airport lighting systems.
- Replaced 9 City street light luminaires.
- Completed electrical system repairs or upgrades at 3 City locations (City Hall, Police and Fire Department).
- Completed repair of the City Hall solar system.
- Completed 2 traffic signal repairs for Butte County.

### **Oroville Municipal Airport**

- Completed the scheduled monthly inspections for the Airport taxiway and runway lighting systems and PAPI's.
- Completed 1 Airport lighting repair.
- Repaired and completed needed maintenance on the City's T-Hangar entry doors (ongoing).

### **Vehicle Maintenance**

- Completed 42 vehicle repairs for various departments during the month.
- 137 vehicle repairs completed year to date.

### **Parks & Trees Division**

- Clean parks and restrooms minimum of 4 days per week
- Mowed all parks once a week
- Clean, change marquee, and work several events at State Theater
- Clean, work numerous events at Municipal Auditorium and in the parks
- Continued irrigation maintenance and repairs. Working on reducing overall consumption by 20% in 2014
- Clean, prune shrubs, and pull weeds in various green areas
- Open and close museums on a routine basis
- Continued work on upgrades in the Nancy Price Room at Sank Park funded by the Friends of the Parks
- Attended numerous trainings, seminars, and tailgate safety discussions
- Continued with sidewalk assessment with the goal of finishing in early Spring
- Trimmed 196 trees
- Removed 4 dead, dying, or invasive trees
- Assisted Public Works on several jobs
- Make repairs to gazebo at Sank Park
- Paint over or clean numerous areas of graffiti
- Repair multiple drinking fountains in parks
- Clean grounds and plant annuals at Sank Park
- Check first aid kits in all facilities
- Flail mow and clean Hewitt Park for large Easter Egg hunt
- Inspect trees and write memo regarding tree assessment for proposed annexation areas
- Drain and clean pond thoroughly at Chinese Temple
- Responded to 9 service requests or inquiries from citizens

### **Street Division**

- Roadside cleanup of trash and debris in numerous locations
- Sprayed pre and post emergent herbicides at airport
- Installed or repaired 10 street signs
- Spray post emergent herbicide along roadsides
- Made sidewalk and or curb repairs at Pine St, Mitchell Ave, Hammon Ave, Robinson St. Poured 15 yards of concrete
- Grinded 145 raised sidewalk panels in the downtown area
- Filled or alleviated 90 locations of raised sidewalks with hydropatch
- Inspected numerous encroachment letters for overgrown private trees choking alley access
- Filled 46 potholes in numerous locations around city
- Ran the street sweeper 11 days in April
- Clear drains to prevent flooding during rains
- Attended numerous trainings, seminars, and tailgate safety discussions
- Inspect roads for conditioning and for leveling courses, resurfacing, and overlay options
- Clean drop inlets for storm drain assessment
- Screen ditch spoils in corporation yard turning it into usable soil
- Start cleaning and grading alleys
- Responded to 4 service requests or inquiries from citizens

# ADDITIONAL INFORMATION FOR APRIL 2014

## THREE (3) FLUSH PROGRAM – APRIL 2014

City of Oroville  
Public Works Department ~ Sewer Division  
Three Year Cleaning Program Progress Report  
April 2014

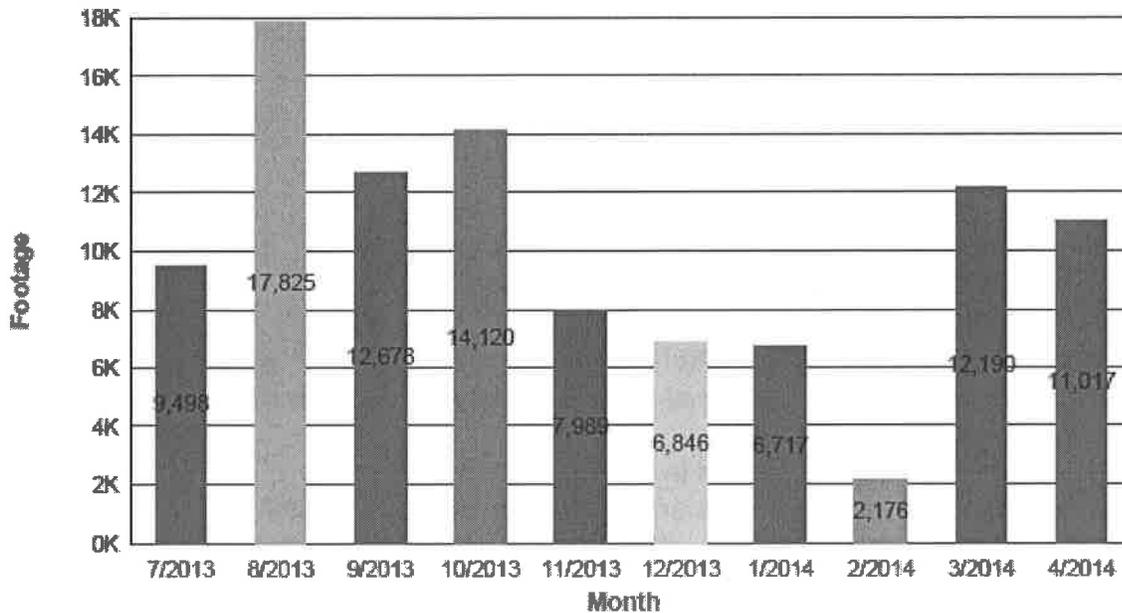


### Cleaning Program Summary

2013/14 Monthly Progress	
7/2013	9,498.04'
8/2013	17,825.47
9/2013	12,677.93
10/2013	14,120.14
11/2013	7,989.44'
12/2013	6,845.99'
1/2014	6,716.95'
2/2014	2,175.83'
3/2014	12,190.01
4/2014	11,016.63'
<b>Average Monthly Goal: 8,100'</b>	

Cleaning Year	Footage Goal	% of System	Status
Year 1	122,262.85'	38.59%	Complete
Year 2	97,235.43'	30.89%	In Progress
Year 3	97,328.05'	30.72%	Future
<b>Program Total: 316,826.32'</b>			

### Monthly Progress (feet)



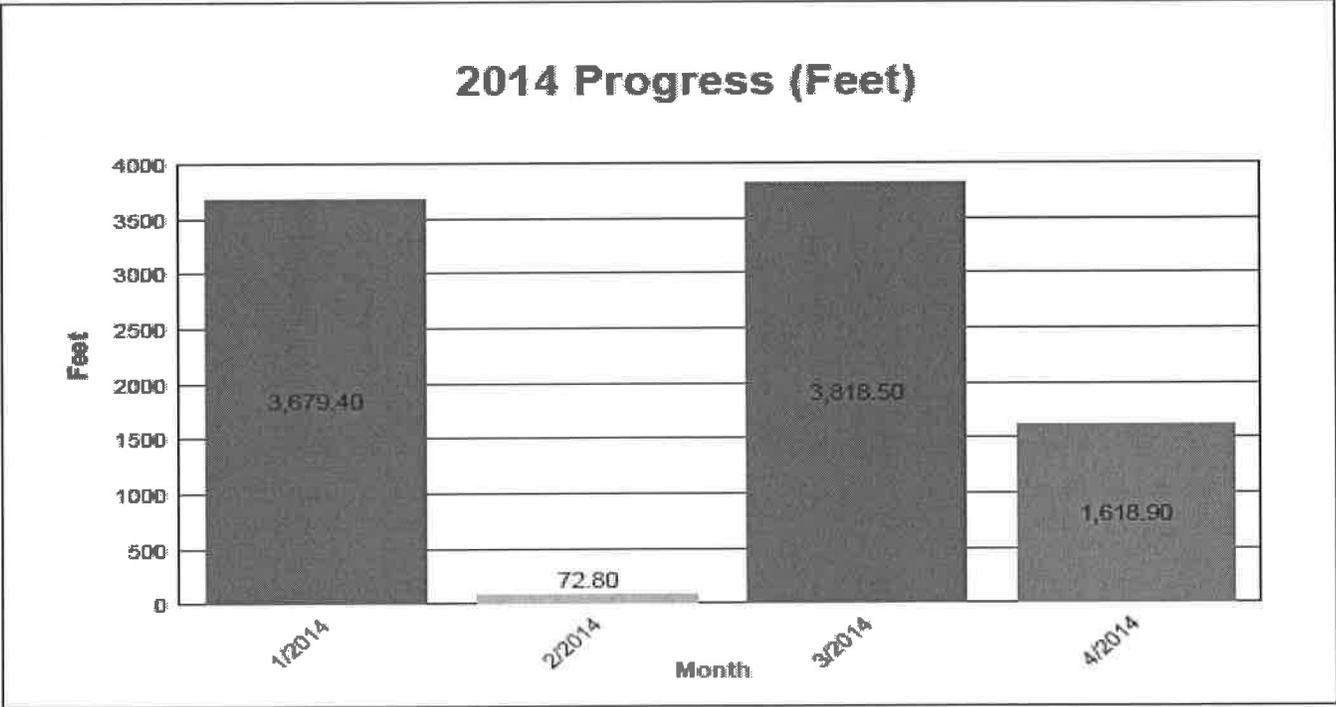
# CCTV PROGRAM – APRIL 2014

City of Oroville  
 Public Works Department ~ Sewer Division  
 CCTV Condition Assessment Program  
 Progress Report  
 April 2014



<b>2014 Inspection Summary</b>	
1/2014	3,679.40
2/2014	72.80
3/2014	3,818.50
4/2014	1,618.90
2014 Total: 9,189.60'	

<b>Yearly Summary</b>	
Year	Footage
2009	14,222.40
2010	80,830.30
2011	62,012.30
2012	37,708.10
2013	62,574.10
2014	9,189.60
Project Total to date: 266,536.80'	
System Total: 351,266'	
76% Complete	



ELECTRICAL FIELD WORK (GIESE) - APRIL 2014

A	B	C	D	E	F	G	H	I
Public Works Department - Electrical Division								
Monthly WO Summary								
ID	Description	Status	Start Date	Finish Date	AssetGroup	Category	Total Assets	Location
2	21280	CLOSED	4/1/2014	4/22/2014	Traffic Signals	ELEC	7	
3	21300	CLOSED	4/1/2014	4/28/2014	Misc Electrical	ELEC	1	
4	21307	CLOSED	4/2/2014	4/2/2014	Misc Electrical	ELEC	1	
5	21278	CLOSED	4/3/2014	4/28/2014	Airport	AIR	9	
6	21286	CLOSED	4/3/2014	4/25/2014	Street Lights	ELEC	5	
7	21279	CLOSED	4/7/2014	4/28/2014	Airport	AIR	1	
8	21308	CLOSED	4/9/2014	4/16/2014	Airport	AIR	1	
9	21287	CLOSED	4/10/2014	4/10/2014	Misc Electrical	ELEC	6	
10	21288	CLOSED	4/17/2014	4/17/2014	Assessment District	ELEC	14	
11	21309	CLOSED	4/22/2014	4/29/2014	Misc Electrical	ELEC	1	City Hall
12	21310	CLOSED	4/29/2014	4/30/2014	Misc Electrical	ELEC	3	City Hall/OPD/OFD
13	21311	CLOSED	4/29/2014	4/30/2014	Traffic Signals	ELEC	1	
14								
15								
16								
17								
18								

If you have any questions regarding the information contained in this report, please contact me by phone at: (530) 538-2433 or email: [rustdl@cityofroville.org](mailto:rustdl@cityofroville.org).

Respectfully Submitted,



Donald Rust, Director  
Community Development Department

