



# City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

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## *City of Oroville PLANNING COMMISSION*

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

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

Wednesday, May 27, 2015 at 7:00 p.m.  
MEETING AGENDA

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

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

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#### **ADMINISTRATIVE AGENDA**

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 March 23, 2015 Planning Commission Meeting.

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**REGULAR AGENDA**

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8. **PUBLIC HEARINGS**

**8.1 TSM 15-01; UP 15-01 & 15-02; VAR 15-02: New Drive-Through Restaurant and Coffeehouse** - The City of Oroville Planning Commission will conduct a public hearing to consider a tentative parcel map (TSM 15-01), two (2) use permits (UP 15-01 & 15-02) and a variance (VAR 15-02) request for the construction of a new drive-through restaurant and a new drive-through coffeehouse on the vacant lot identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north side of State Route (SR) 162. The property has a zoning land use designation of Corridor Mixed-Use (MXC). The proposed land division is to subdivide the existing 2.89 acre parcel into three parcels; Parcel 1 - 0.72 acres and proposed location of a new drive-through restaurant; Parcel 2 - 0.55 acres and proposed location of a new drive-through coffeehouse; Parcel 3 - 1.56 acres and proposed to remain vacant for future development and entitlements. The proposed restaurant and coffeehouse are uses permitted by right in an MXC district. However, any drive-through in an MXC district requires a use permit. The variance request is to exceed the maximum total area allowed for all signs, to exceed the maximum sign area of a freestanding sign and to exceed the maximum height of a freestanding sign.

Staff Report: Luis A. Topete, Associate Planner

**Staff Recommendation:**

**Adopt Resolution No. P2015-03:** A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. 15-01 DIVIDING A 2.89 ACRE PARCEL (APN: 035-030-013) INTO THREE PARCELS FOR THE DEVELOPMENT OF A DRIVE-THROUGH COFFEEHOUSE, DRIVE-THROUGH

RESTAURANT, AND REMAINDER PARCEL FOR FUTURE DEVELOPMENT AND ENTITLEMENTS

**Adopt Resolution No. P2015-04:** A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING TWO (2) USE PERMITS NO. 15-01 & 15-02 FOR THE CONSTRUCTION OF A NEW DRIVE-THROUGH COFFEEHOUSE AND NEW DRIVE-THROUGH RESTAURANT ON THE VACANT PROPERTY IDENTIFIED AS APN: 035-030-013

**Adopt Resolution No. P2015-05:** A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING VARIANCE NO. 15-02 GRANTING THE DEVELOPMENT OF A NEW DRIVE-THROUGH COFFEEHOUSE AND NEW DRIVE-THROUGH RESTAURANT ON THE VACANT PROPERTY IDENTIFIED AS APN: 035-030-013 TO EXCEED THE MAXIMUM TOTAL AREA ALLOWED FOR ALL SIGNS, TO EXCEED THE MAXIMUM SIGN AREA OF A FREESTANDING SIGN AND TO EXCEED THE MAXIMUM HEIGHT OF A FREESTANDING SIGN

9. **REGULAR BUSINESS**

None

10. **DISCUSSION ITEMS**

Live Green Recycling Center located at 1345 Feather River Boulevard

11. **DIRECTOR'S REPORT**

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

12. **COMMISSION REPORTS**

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

13. **ADJOURNMENT**

Adjourn to Monday, June 22, 2015 at 7:00 P.M. at the Oroville City Council Chambers.

Respectfully submitted by,



Donald Rust, Director  
Community Development Department

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

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

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

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



**CITY OF OROVILLE  
PLANNING COMMISSION MEETING MINUTES  
MARCH 23, 2015 – 7:00 PM**

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

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The agenda for the March 23, 2015 regular meeting of the Oroville Planning Commission was posted on the bulletin board at the front of City Hall and on the City of Oroville's website located at [www.cityoforoville.org](http://www.cityoforoville.org) on Friday, March 20, 2015, at 4:01 p.m.

**1. CALL TO ORDER**

The March 23, 2015 regular meeting of the Oroville Planning Commission was called to order by Vice Chairperson Durling at 7:01 p.m.

**2. ROLL CALL**

Present: Commissioners Britton, Chapman, Jenkins, Vang, Vice Chairperson Durling, Chairperson Robison (arrived at 7:05 p.m.)

Absent: Commissioner Brand (excused)

**Staff Present:**

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Donald Rust, Director of Community Development  
Dawn Nevers, Administrative Assistant

Luis Topete, Associate Planner  
Gary Layman, Building Official

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**3. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Vice Chairperson Durling.

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

Sam Harsoun – Item 8.2  
Bret Batchman – Item 8.2

**5. PUBLIC COMMENT - None**

6. CORRESPONDENCE - None

7. APPROVAL OF MINUTES

A motion was made by Commissioner Jenkins, seconded by Commissioner Chapman, to:

**Approve the minutes of the January 26, 2015 regular Planning Commission meeting.**

The motion was passed by the following vote:

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

\*Chairperson Robison arrived at 7:05 p.m.

8. PUBLIC HEARINGS

**8.1 VAR 15-01: Oroville Hospital Sign Variance** - The Planning Commission of the City of Oroville conducted a public hearing to review and consider approving a variance of the City's sign regulations as found in Section 26-19 of the Oroville Municipal Code (OMC). The Oroville Hospital and medical campus have a zoning designation of Limited Commercial (C-1) and a General Plan land use designation of Public. Per the OMC Table 26-19.120-2, one monument sign is allowed per frontage for properties zoned C-1, with a maximum height of 8 feet per monument sign. The applicant is proposing to replace the existing 14.5 foot tall monument sign with an approximately 19.5 foot tall monument sign with a light-emitting diode (LED) display. Per the OMC Table 26-19.120-2, internal illumination is permitted for monument signs in C-1 zoning districts. This variance request is to exceed the permitted height of a monument sign by approximately 11.5 feet. **(Staff Report: Luis A. Topete, Associate Planner)**

Chairperson Robison opened the Public Hearing.

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

Following discussion, a motion was made by Vice Chairperson Durling, seconded by Commissioner Jenkins, to:

**Adopt Resolution No. P2015-01: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OROVILLE MAKING FINDINGS AND CONDITIONALLY APPROVING VARIANCE NO. 15-01 GRANTING THE OROVILLE HOSPITAL MEDICAL CENTER LOCATED AT 2767 OLIVE HIGHWAY (APNs: 013-260-062, 063, 068, 079 & 080) A VARIANCE FROM THE CITY'S SIGN REGULATIONS TO EXCEED THE MAXIMUM ALLOWABLE HEIGHT OF A MONUMENT SIGN BY 11.5 FEET**

The motion was passed by the following vote:

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

**8.2 Oroville Sustainable Code Updates** - The Planning Commission of the City of Oroville conducted a public hearing to review and consider sending a recommendation to the Oroville City Council for the approval of updates to the City's Zoning Ordinance to bring it into conformance with the 2030 General Plan, changes to the Zoning Map to bring it into conformance with the City's 2030 General Plan land use designations, adding a chapter on low-impact development and resource-efficient design to the City's Design Guidelines, new Climate Action Plan, new Balanced Mode Circulation Plan, targeted updates to the 2030 General Plan to strengthen the environmental, community, and economic sustainability of Oroville, and other updates to the Oroville Municipal Code, including solar energy ordinance revisions, local and healthy food amendments, development incentives for community benefits, Crime Prevention Through Environmental Design, park provision standards, and a new oak tree loss mitigation ordinance. (Staff Report: Luis A. Topete, Associate Planner)

Chairperson Robison opened the Public Hearing.

Sam Haroun, owner of parcel number 031-072-081 (Collins and Denny Market), requested the zoning designation to change from RR-20 to C2 for the parcel.

Bret Batchman, representing the owner of parcel number 068-040-050, requested the zoning designation to change from RL to C2 for the parcel. .

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

Following discussion, a motion was made by Vice Chairperson Durling, seconded by Commissioner Britton, to:

**Adopt Resolution No. P2015-02: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OROVILLE FORWARDING A RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF OROVILLE TO ADOPT ALL PROPOSED NEW AND AMENDED DOCUMENTS COLLECTIVELY KNOWN AS THE "OROVILLE SUSTAINABLE CODE UPDATES," CERTIFY THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, ADOPT THE AMENDED MITIGATION MONITORING AND REPORTING PROGRAM, AND AUTHORIZE THE EXPENDITURE FOR THE FILING OF THE NOTICE OF DETERMINATION. WITH THE ADDITION OF MODIFICATIONS TO ITEM NUMBER 6 AND AMENDMENTS TO ATTACHMENT H.**

The motion was passed by the following vote:

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

9. **REGULAR BUSINESS**

- 9.1 **Installation of Soda Machines at Fuel Islands** - The Planning Commission reviewed and considered directing staff on the appropriate ministerial controls for the installation of soda dispensers and other similar machines at fuel islands. **(Staff Report: Luis A. Topete, Associate Planner)**

**Staff Recommendation:** The Planning Commission directed staff to draft an ordinance prohibiting the installation of soda dispensers and other similar vending machines at fuel islands. Ordinance will be brought back to the Planning Commission for review and recommendation to the City Council.

10. **DISCUSSION ITEMS** –

- Leaf Pick-Up Ordinance
- Recycle Center at Feather River Blvd. & Montgomery Street

11. **DIRECTOR'S REPORT**

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

- Status of the Super Wal-Mart and current Wal-Mart location.
- Attended ICSC Conference March 11<sup>th</sup> & 12<sup>th</sup>, 2015 in Monterey, CA.
- Anticipating two new building permits for drive-through restaurants in near future.

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

- Vice Chairperson Durling reported on the DRC meeting held

13. **ADJOURNMENT**

The meeting was adjourned at 8:58 p.m. A regular meeting of the Oroville Planning Commission will be held on Monday, April 27, 2015, at 7:00 p.m.

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Donald Rust, Secretary

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Damon Robison, Chairperson



# City of Oroville

Donald Rust  
DIRECTOR

## COMMUNITY DEVELOPMENT DEPARTMENT

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### PLANNING COMMISSION STAFF REPORT

MAY 27, 2015

**TSM 15-01; UP 15-01 & 15-02; VAR 15-02: New Drive-Through Restaurant and Coffeehouse** – The City of Oroville Planning Commission will conduct a public hearing to consider a tentative parcel map (TSM 15-01), two (2) use permits (UP 15-01 & 15-02) and a variance (VAR 15-02) request for the construction of a new drive-through restaurant and a new drive-through coffeehouse on the vacant lot identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north side of State Route (SR) 162. The property has a zoning land use designation of Corridor Mixed-Use (MXC). The proposed land division is to subdivide the existing 2.89 acre parcel into three parcels; Parcel 1 - 0.72 acres and proposed location of a new drive-through restaurant; Parcel 2 - 0.55 acres and proposed location of a new drive-through coffeehouse; Parcel 3 - 1.56 acres and proposed to remain vacant for future development and entitlements. The proposed restaurant and coffeehouse are uses permitted by right in an MXC district. However, any drive-through in an MXC district requires a use permit. The variance request is to exceed the maximum total area allowed for all signs, to exceed the maximum sign area of a freestanding sign and to exceed the maximum height of a freestanding sign.

**APPLICANT:** Engstrom Properties, Inc.  
837 Jefferson Boulevard  
West Sacramento, CA 95691  
(916) 617-4244

**LOCATION:**  
Vacant lot identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north side of State Route 162 (**Attachment A**)

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

### ENVIRONMENTAL DETERMINATION:

Class 32 Categorical Exemption – In-Fill Development Projects; Title 14, CCR, §15332

### REPORT PREPARED BY:

Luis A. Topete, Associate Planner  
Community Development Department

### REVIEWED BY:

Donald Rust, Director  
Community Development Department

## RECOMMENDED ACTIONS:

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

1. **HOLD** a public hearing and receive testimony on the proposed Tentative Parcel Map (TPM 15-01), two (2) Use Permits (UP 15-01 & 15-02) and Variance (VAR 15-02) request associated with the development of a new drive-through coffeehouse and drive-through restaurant on the vacant lot currently identified as APN: 035-030-013; and
2. **ADOPT** the Class 32 Categorical Exemption – In-Fill Development Projects; Title 14, CCR, §15332 (**Attachment B**), as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) Statute and Guidelines; and
3. **ADOPT** Resolution No. P2015-03 (**Attachment I**), the approving resolution for TPM 15-01; and
4. **ADOPT** Resolution No. P2015-04 (**Attachment J**), the approving resolution for UP 15-01 & 15-02; and
5. **ADOPT** Resolution No. P2015-05 (**Attachment K**), the approving resolution for VAR 15-02; and

## SUMMARY

The Planning Commission will conduct a public hearing to consider a Tentative Parcel Map (TSM 15-01), two (2) Use Permits (UP 15-01 & 15-02) and a Variance (VAR 15-02) request for the construction of a new drive-through restaurant and a new drive-through coffeehouse on the vacant lot identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north side of SR 162. The property has a zoning land use designation of Corridor Mixed-Use (MXC). The proposed land division is to subdivide the existing 2.89 acre parcel into three parcels; Parcel 1 - 0.72 acres and proposed location of a new drive-through restaurant; Parcel 2 - 0.55 acres and proposed location of a new drive-through coffeehouse; Parcel 3 - 1.56 acres and proposed to remain vacant for future development and entitlements. The proposed restaurant and coffeehouse are uses permitted by right in an MXC district. However, any drive-through in an MXC district requires a use permit. The variance request is to exceed the maximum total area allowed for all signs, to exceed the maximum sign area of a freestanding sign and to exceed the maximum height of a freestanding sign.

## USE PERMITS

The City requires a use permit for all drive-through establishments on properties with an MXC zoning designation. However, the restaurant and coffeehouse are both permitted uses, subject to a zoning clearance. Thus, the requirement of the use permits is prompted due to the inclusion of the drive-throughs as part of the development design.

To analyze the impacts of the project on SR 162 (Oro Dam Boulevard), the applicant contracted Omni-Means who prepared an initial circulation study for Oro Dam Boulevard. The analysis assumes that left turns are allowed into the proposed project and prohibited for the driveway across from the proposed project. The report analyzed and discussed the following items:

- Quantification of the trip generation and trip distribution associated with the proposed project, and the resulting impacts on existing weekday AM and PM peak hour intersection operations.
- Potential circulation issues related to the development of the proposed project along Oro Dam Boulevard at the study intersections.

An agreement with the owners of the property (Feather River Village) across the street from the proposed project has been reached to restrict their "middle" driveway to right turns only. This agreement will reduce conflict points along Oro Dam Boulevard and is required to safely accommodate left turn access into and out of the project site. The easternmost driveway of the property across the street will also be consolidated with the adjacent gas station's driveway, further reducing conflict points by reducing the number of driveways on Oro Dam Boulevard.

#### Trip Generation

Due to the nature of the proposed project, a significant portion of the vehicular traffic entering and exiting the site already exists on the adjacent street (Oro Dam Boulevard). The circulation study identified these trips as pass-by trips, and are counted as new turning movements at the project driveway, but do not contribute to new traffic at adjacent intersections. These trips are contrast with "primary trips", or "new project trips", which are trips made specifically to visit the site that would not have been made if the proposed project did not exist. The study found that the project is projected to generate 1,445 new daily trips, 157 new AM peak hour trips, and 85 new PM peak hour trips. It is estimated that a significant majority of the project traffic will be directionally consistent with commute patterns, and consist largely of pass-by trips travelling to or from State Route 70.

#### Intersection Level of Service (LOS) Analysis

Intersection Level-of-Service (LOS) were calculated for all control types using the methods documented in the Transportation Research Board publications Highway Capacity Manual, Fifth Edition, 2010. Traffic operations have been quantified through the determination of LOS. LOS determinations are presented on a letter grade scale from "A" to "F", whereby LOS "A" represents free-flow operating conditions and LOS "F" represents over-capacity conditions.

The City of Oroville General Plan Circulation Element contains the following policy pertaining to LOS standards in the City:

- P2.1 Maintain a minimum operating standard of LOS D as defined in the most current edition of the Highway Capacity Manual or subsequent revisions for all arterial, collector streets and intersections, except the following facilities where a LOS E will be acceptable. LOS E operations will be considered acceptable for

intersection and roadway segment operations along Oroville Dam Boulevard between Highway 70 and Olive Highway.

Consistent with City policy, the study considered LOS "E" as the standard acceptable threshold for all intersections and roadway segments.

AM and PM peak hour intersection operations were analyzed for the following four intersections for Existing Conditions, and Existing Plus Project conditions:

- 1) Oro Dam Boulevard / Feather River Boulevard
- 2) Oro Dam Boulevard / 7<sup>th</sup> Avenue
- 3) Oro Dam Boulevard / 5<sup>th</sup> Avenue
- 4) Oro Dam Boulevard / Project Driveway

Intersection	Control Type	Target LOS	Existing Conditions (Peak Hour)		Existing Plus Project (Peak Hour)	
			AM	PM	AM	PM
Oro Dam Blvd / Feather River Blvd	Signal	E	C	D	C	D
Oro Dam Blvd / 7 <sup>th</sup> Ave (HCM 2000)	TWSC	E	C	C	C	C
Oro Dam Blvd / 7 <sup>th</sup> Ave (HCM 2010)	TWSC	E	F	F	F	F
Oro Dam Blvd / 5 <sup>th</sup> Ave	Signal	E	B	B	B	B
Oro Dam Blvd / Driveways (HCM 2000)	TWSC	E	B	B	C	D
Oro Dam Blvd / Driveways (HCM 2010)	TWSC	E	C	C	E	E

Note: TWSC = Two Way Stop Control

Intersection LOS was calculated using the methods documented in the Transportation Research Board publications Highway Capacity Manual (HCM), Fifth Edition, 2010. As shown above, the stop-controlled intersection of Oro Dam Boulevard and 7th Avenue operates at unacceptable LOS during the AM and PM peak hour, when using HCM 2010 methodologies. However, HCM 2010 methodologies are unable to perform a "two-stage gap analysis" to account for the two-left turn lane on Oro Dam Boulevard. A "two-stage gap" represents, in this case, the ability for outbound left turns from driveways along Oro Dam Boulevard to use the two-way left turn lane as a refuge prior to merging into traffic. For this reason, an HCM 2000 analysis was also performed for intersection 2 and 4, which reveals acceptable operations at both locations.

Queuing / Available Storage

Intersection	Movement	95 <sup>th</sup> Percentile Queue Length (ft) (Peak Hour)		Existing Plus Project (ft) (Peak Hour)		Available Storage (ft) <sup>1</sup>
		AM	PM	AM	PM	
Oro Dam Blvd / Feather River Blvd	Westbound Left	158	303	168	284	400
	Westbound Thru	187	234	173	251	N/A
	Westbound Right	64	124	61	144	200
Oro Dam Blvd / Driveway	Eastbound Left	-	-	66	49	150
	Northbound Right	-	-	34	62	
	Southbound Left / Thru / Right	-	-	111	112	

<sup>1</sup> Storage length for thru movements is distance to prior intersection

<sup>2</sup> Northbound approach is driveway to parking lot, with limited storage

As seen above, all queues are accommodated within the available storage lengths.

Conclusions

The conclusions of the circulation study were that full-access at the proposed project driveway can be safely accommodated under the proposed intersection and roadway modifications presented in Figure 4 of the study and analyzed under the Existing Plus Project conditions scenario. The proposed improvements across the street of the proposed project will not only allow for safe ingress and egress from the proposed project but will also generally improve safety on Oro Dam Boulevard by reducing conflict points at closely spaced driveways.

**VARIANCE**

Section 26-50.080 specifies that the sole purpose of a variance shall be to prevent discrimination and undue hardship, and no variance shall be granted that would provide a special privilege not shared by other property in the same vicinity. When the strict and literal enforcement of the provisions of the Zoning Code results in unreasonable and unnecessary hardships, or in results inconsistent with the general purposes of this the Code, the Planning Commission shall have the authority to grant variances that are in harmony with the purposes of the Zoning Code.

The City acknowledges the need to amend portions of the Sign Code, as demonstrated by the history of sign variance requests and the City Council’s agreement on March 5, 2013 for staff to return with a comprehensive amendment to the Sign Code, which was supported by a Planning Commission recommendation on February 25, 2013.

Exceed Maximum Total Area for All Signs

The orientation of the buildings is such that the narrow face of each building fronts the public right-of-way. This was determined to be the best layout to accommodate parking, circulation, and queuing at the drive-through. Per the OMC Table 26-19.120-3 “Allowed Signs in C-2, CH, CLM and MXC Districts,” the maximum total are for all signs, for buildings less than 20,000 square feet of gross floor area, shall be 1.5 square feet per lineal foot of building frontage, or 300 square feet, whichever is less. The total maximum allowable signage calculation for each building is as follows:

Starbucks  
33.3’ x 1.5 = 49.95 square feet

Panda Express  
39.2’ x 1.5 = 58.8 square feet

The strict enforcement of the Code would allow a maximum total area for all signs of 109 square feet. The total signage being proposed is as follows:

<b>Proposed Sign</b>	<b>Dimensions</b>	<b>Area</b>	<b>Height</b>
Freestanding/Pylon (north face)	20'-0" x 15'-0"	300 ft <sup>2</sup>	85'-0"
Freestanding/Pylon (south face)	20'-0" x 15'-0"	300 ft <sup>2</sup>	85'-0"
Monument	8'-0" x 5'-0"	40 ft <sup>2</sup>	8'-0"
<b>Subtotal:</b>		<b>640 ft<sup>2</sup></b>	
Starbucks Wall Sign: North	-	44 ft <sup>2</sup>	-
* Starbucks Wall Sign: South	-	44 ft <sup>2</sup>	-
Starbucks Wall Sign Logo: East	-	44 ft <sup>2</sup>	-
Starbucks Wall Sign Text: East	-	44 ft <sup>2</sup>	-
Starbucks Wall Sign Logo: West	-	44 ft <sup>2</sup>	-
Starbucks Wall Sign Text: West	-	44 ft <sup>2</sup>	-
<b>Subtotal:</b>		<b>264 ft<sup>2</sup></b>	
Panda Wall Sign A: North	7'-0" x 7'-0"	49 ft <sup>2</sup>	-
* Panda Wall Sign D: South	7'-0" x 7'-0"	49 ft <sup>2</sup>	-
Panda Wall Sign B: East	7'-0" x 7'-0"	49 ft <sup>2</sup>	-
Panda Wall Sign C: East	5'-10" x 16'-1"	94 ft <sup>2</sup>	-
Panda Wall Sign E: West	7'-0" x 7'-0"	49 ft <sup>2</sup>	-
Panda Wall Sign F: West	5'-10" x 16'-1"	94 ft <sup>2</sup>	-
<b>Subtotal:</b>		<b>384 ft<sup>2</sup></b>	
<b>Total:</b>		<b>1,288 ft<sup>2</sup></b>	

\* Cannot be viewed from public right-of-way. Thus, is not considered as sign per the OMC Section 26-04.020.

Per Section 26-04.020 of the OMC, a sign is defined as “*lettered, numbered, symbolic, pictorial or illuminated display, including any decorative or supporting structure associated with the display, that is designed to identify, announce, direct or inform, and that is visible from a public right-of-way.*” Because both signs on the south elevations cannot be viewed from the public right-of-way, they will not be considered as signage. Thus, the total signage proposed is 1,195 ft<sup>2</sup>, which is 1,086 ft<sup>2</sup> above the maximum total allowable signage of 109 ft<sup>2</sup>. As proposed, the wall signs and monument sign comply with all other requirements of the OMC Chapter 26 (Zoning Code).

As currently drafted, the Sign Code does not provide exceptions or special provisions for developments that choose to orient the building with the narrow end facing the public right-of-way and does not consider how requiring maximum allowable signage to be calculated based on building frontage might disproportionately restrict such developments. Thus, it is believed that the strict and literal enforcement of the provisions of the Zoning Code would result in unreasonable and unnecessary hardships for the applicant.

#### Exceed Maximum Sign Area of a Freestanding Sign

City Code Section 26-19.070(D) specifies that the maximum freestanding sign area is based on the total linear street frontage of the front side of the site, with street frontages of 200 to 400 lineal feet permitted to have a maximum of 75 square feet of sign area per side. The project site has an approximate street frontage of 227 lineal feet. The applicant is proposing a double sided freestanding sign with 300 square feet per side, 225 square feet above the maximum allowable permitted per side.

As currently drafted, the Sign Code does not provide exceptions or special provisions for properties that are adequately sized to support development but might be disproportionately restricted in their freestanding sign face allowance due to a narrow street frontage and long depth. Thus, it is believed that the strict and literal enforcement of the provisions of the Zoning Code would result in unreasonable and unnecessary hardships for the applicant.

Exceed Maximum Height of a Freestanding Sign

Per Section 26-19.070 of the OMC, the maximum height of a freestanding freeway-oriented sign shall be 40 feet. Increased height, up to a maximum of 60 feet, may be permitted in order to provide motorists with direct vision of the sign from a distance of 1/4 mile from a freeway exit ramp. The need for this increased height shall be demonstrated by means of a balloon test or other method approved by the Zoning Administrator. The maximum permitted height shall be specified in the sign permit. The applicant is proposing a freestanding sign 85 feet in height.

On May 21, 2012, inconsistent with staff's recommendation, the Planning Commission approved Variance No. 12-02 allowing McDonalds, located at 445 Oro Dam Boulevard (APN: 035-030-051), and approximately 280 feet away from the project site to the southwest, to construct an 85 foot tall freestanding sign. The approving resolution (Resolution No. P2012-11) specifies the principal reason for why the applicant requested the variance was that the existing pole sign was visually restricted by surrounding vegetation which prevented freeway visibility. A visibility test was conducted which demonstrated that vegetation and elevation shift in the terrain also was a factor in the lack of visibility of the sign.

Grounds for the approval, as specified in Resolution No. P2012-11, include, but are not limited to, the following:

- the increased 25 feet in height will allow the sign to be more visible from the freeway
- the proposed project will benefit the residents of the City of Oroville by boosting the local economy by attracting more people into the City through advertising
- the economic benefit of this application will serve the greater good of the City of Oroville
- granting the proposed variance would not grant a special privilege to the applicant that is not currently enjoyed by surrounding property owners

The applicant for this project (VAR 15-02) is requesting the variance for the same purpose of obtaining visibility to drivers on California State Route 70, their main target audience for the freestanding sign. The northbound visibility is obstructed by the existing landscaping and vegetation. Southbound visibility is partially obstructed by the landscaping and shift in terrain. The reasoning behind why the variance in sign height is being requesting is the same as that of McDonalds, with the requested 85 foot height equivalent to McDonalds' existing freestanding sign. Thus, approval of this variance would not grant a special privilege not shared by other property in the same vicinity.

## TENTATIVE PARCEL MAP

Per the Oroville City Code §23-110, parcel maps shall be required for any subdivision of land that does not require a subdivision map, which includes the case of subdivisions creating fewer than five parcels. This land division is proposing a total of three parcels. The existing parcel to be divided is 2.89 acres in size and the proposed parcel division is as follows:

- Parcel 1: 0.72 acres – Panda Express
- Parcel 2: 0.55 acres – Starbucks
- Parcel 3: 1.56 acres – Vacant Lot / Future Development and Entitlements
- There will be a 10' dedication to the California Department of Transportation at the south end of Parcel 1 and 2 that will extend the full width of both parcels

There is no proposed development/improvements associated with Parcel 3 at this time. Any development/improvement on all parcels will be required to obtain all appropriate permits and comply with all applicable City, State, Federal, and other applicable laws and regulations at the time of development. A preliminary soils report or geological hazard report was not required for this land division. Prior to construction, any geological and soils related issues shall be properly addressed in compliance with all applicable City engineering standards and applicable portions of the 2013 California Building Code as adopted by the City of Oroville.

### Easements

The land division is proposing the following easements:

- A 23' wide PG&E easement at the north end of Parcel 3.
- A 30' reciprocal access and utility easement equally divided between Parcel 1 and 2 for access to and from SR 162 from Parcel 3.

### Exceptions From City Design Standards

The OMC Section 23-183 specifies the parcel design standards for newly created lots. Note #16 on the parcel map specifies that the parcel map has been prepared with two exceptions to the City's parcel design standards as follows:

- Depth-to-Width Ratios: Parcels 1 slightly exceeds the 3:1 depth-to-width ratio. The proposed parcel design best fits the commercial development plan.
- Lot Frontage: Parcel 3 does not front on a public or private street. The proposed parcel design best fits the commercial development plan. A reciprocal access easement will be established to ensure access to all parcels. Future development of Parcel 3 will be subject to acquiring access to and from Feather River Boulevard.

The project design proposed took into consideration comments from City staff and Caltrans to ensure that drive-through queueing would not impact SR 162. Because the existing lot, depending on where measurements are taken, exceeds the 3:1 depth-to-width ratio, compliance with this standard places an undue hardship on the applicant that would result in parcels that would not be suitable for the proposed development, due to vehicle

circulation and vehicle queueing, which may impact SR 162 if strict and literal enforcement of this provision was required.

**ENVIRONMENTAL REVIEW**

This action has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) review pursuant to the California Code of Regulations, Title 14, Section 15332, "In-fill Development Projects" exemption (**Attachment B**).

**FISCAL IMPACT**

The total fees associated with this project are as follows:

Item	Price	Tech Fee	Total	Paid
Tentative Parcel Map	\$3,418.00 (deposit)	\$205.08	\$3,623.08	Yes
* Two (2) Use Permits	\$2,822.00 (deposit)	\$169.32	\$2,991.32	Yes
Variance	\$2,263.00 (deposit)	\$135.78	\$2,398.78	Yes
<b>Total</b>	<b>\$8,503.00 (deposit)</b>	<b>\$510.18</b>	<b>\$9,013.18</b>	<b>Yes</b>

*\* As the use permits are being processed concurrently, only the initial deposit for one application was collected*

The above "deposit" amounts are full cost recovery items for which staff charges for their time and materials used for processing the permits (e.g. staff time, newspaper notice, property owner mailings, etc.). Any remaining funds at the end of the process are returned to the applicant. For more complex projects where the initial deposit gets depleted, staff would put the project on hold until additional funds are deposited.

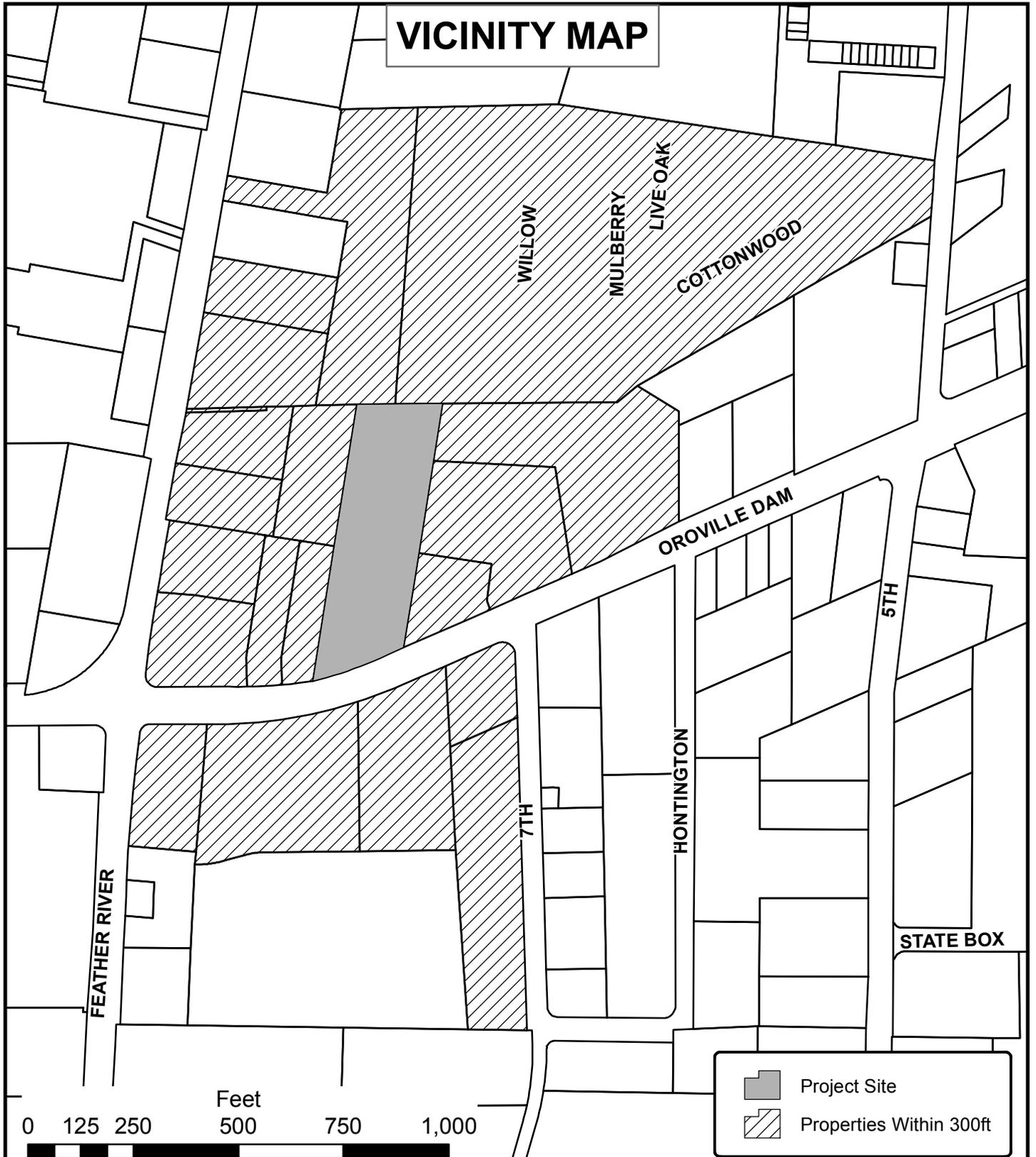
Additionally, pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, fees (\$50) are payable by the project applicant to file the Notice of Exemption with Butte County by the City of Oroville – Community Development Department within five working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

**PUBLIC NOTICE**

A request for comments was prepared and circulated to the local agencies and surrounding property owners within 300 feet of the property on May 13, 2015 (**Attachment P**). Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register on May 16, 2015 and posted at City Hall on May 11, 2015 (**Attachment Q**).

## ATTACHMENTS

- A – Vicinity Map
- B – Notice of Exemption
- C – Findings: TPM 15-01
- D – Findings: UP 15-01 & UP 15-02
- E – Findings: VAR 15-02
- F – Conditions of Approval: TPM 15-01
- G – Conditions of Approval: UP 15-01 & 15-02
- H – Conditions of Approval: VAR 15-02
- I – Resolution No. P2015-03
- J – Resolution No. P2015-04
- K – Resolution No. P2015-05
- L – Tentative Parcel Map
- M – Drawings
- N – Map of Surrounding Development
- O – Circulation Study
- P – Property Owner Notice
- Q – Newspaper Notice



## CITY OF OROVILLE PLANNING DIVISION

<i>Applicant:</i> Engstrom Properties, Inc.		<i>Project Title:</i> New Drive-Through Restaurant & Coffehouse		 <b>N</b>
<i>Project Location:</i> Vacant lot located west of Sonic Drive-In and east of La Esmeralda Market on the north end of Oro Dam Blvd				
<i># of Lots Proposed:</i> 3	<i>Zoning Designation:</i> Corridor Mixed-Use (MXC)	<i>Requested Entitlements:</i> TSM 15-01; UP 15-01; VAR 15-02		
<i>TRAKiT #</i> Project#: PL1504-005	<i>Assessor's Parcel #:</i> 035-030-013			





# 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

<b>TO:</b>	Butte County Clerk 25 County Center Drive Oroville CA, 95965	<b>FROM:</b>	City of Oroville 1735 Montgomery Street Oroville, CA, 95965
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Project Title: TSM 15-01; UP 15-01 & 15-02; VAR 15-02: New Drive-Through Restaurant and Coffeehouse

Project Location – Specific: Vacant lot identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north side of State Route 162

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant has applied for a tentative parcel map (TSM 15-01), two (2) use permits (UP 15-01 & 15-02) and a variance (VAR 15-02) request for the construction of a new drive-through restaurant and a new drive-through coffeehouse on the vacant lot identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north side of State Route 162. The property has a zoning land use designation of Corridor Mixed-Use (MXC). The proposed land division is to subdivide the existing 2.89 acre parcel into three parcels; Parcel 1 - 0.91 acres and proposed location of a new drive-through restaurant; Parcel 2 - 0.73 acres and proposed location of a new drive-through coffeehouse; Parcel 3 - 1.20 acres and proposed to remain vacant for future development and entitlements. The proposed restaurant and coffeehouse are uses permitted by right in an MXC district. However, any drive-through in an MXC district requires a use permit. The variance request is to exceed the maximum total area allowed for all signs, to exceed the maximum sign area of a freestanding sign and to exceed the maximum height of a freestanding sign.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying out Project: Engstrom Properties, Inc.

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: State type & section number:
  - In-Fill Development Projects; Title 14, CCR, §15332
- 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 15332 "In-Fill Development Projects." Class 32 consists of projects characterized as in-fill development meeting the following conditions:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The subject property has a zoning designation of Corridor Mixed-Use (MXC) and a General Plan land use designation of Mixed Use. The City of Oroville Municipal Code (OMC) Table 26-34.020-1 specifies that a restaurant or café is a use that is permitted by right, subject to a zoning clearance, in all mixed-use districts. However, all drive-through establishments in an MXC zone require a use permit. As a condition of approval, the applicant will be required to comply with all requirements of the City's Zoning Code as found in the OMC Chapter 26, including, but not limited to, development standards, permit requirements and development review.

The General Plan land use designation allows, but does not require mixed uses to be incorporated into the project. The Economic Development Element of the City's 2030 General Plan identifies Oro Dam Boulevard as a Commercial Core Focus Area. Goal LU-4 of the General Plan specifies that it is a goal of the City to provide adequate land for and promote the development of attractive commercial areas and uses that provide goods and services to Oroville residents, employees and visitors. This goal reflects a Guiding Principle of the General Plan to create a vibrant local economy by creating a sustainable economy that serves all segments of the population, engage in economic development to encourage and retain businesses that provide a variety of job opportunities, quality goods and services, and a dependable tax base.

The applicant has indicated that the proposed coffeehouse and restaurant will require 40 employees in total, 20 employees per business. In addition, the proposed project will benefit the residence of the City of Oroville by attracting more people into the City as business patrons for the proposed project and surrounding businesses. Thus, the location and economic benefits of the proposed project support the goals of the City's General Plan. This project is consistent with the applicable General Plan land use designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The subject property is within the City of Oroville and 2.89 acres in size with an approximate outer perimeter of 1,680 lineal feet. The property is surrounded by a mix of existing urban properties which includes Cottonwood Estates Manufactured Home Community to the north, Sonic Drive-In, Holiday Inn Express and Suites, and America's Best Value Inn and Suites to the east, Feather River Village commercial complex to the south, and La Esmeralda Market to the west. The subject property has been determined to be abutting the surrounding urban uses as follows:

- Cottonwood Estate Manufactured Home Community (114 feet)
- La Esmeralda Market (323 feet)
- Feather River Village commercial complex (227 feet)
- Sonic Drive-In (230 feet)
- Holiday Inn Express & Suites (222 feet)
- America's Best Value Inn Express & Suites (136 feet)

With an outer perimeter of approximately 1,680 lineal feet, 1,256 lineal feet (75%) of the project site is abutting surrounding urban uses. Thus, the project site of the proposed development is substantially surrounded by urban uses.

- (c) The project site has no value as habitat for endangered, rare or threatened species.

There is currently no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan applicable to the project site. Additionally there are no local policies or ordinances protecting biological resources affecting the project site, no wildlife movement

corridors or nursery sites identified on the project site, no areas of riparian habitat or sensitive natural communities on the project site, and no special-status plants or animals are known to be present on the project site. Thus, it has been determined that the project site has no value as habitat for endangered, rare or threatened species.

- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic: To analyze the impacts of the project on California State Route 162 (Oro Dam Boulevard), the applicant contracted Omni-Means who prepared an initial circulation study for Oro Dam Boulevard. The analysis assumes that left turns are allowed into the proposed project and prohibited for the driveway across from the proposed project. The report analyzed and discussed the following items:

- Quantification of the trip generation and trip distribution associated with the proposed project, and the resulting impacts on exiting weekday AM and PM peak hour intersection operations.
- Potential circulation issues related to the development of the proposed project along Oro Dam Boulevard at the study intersections.

An agreement with the owners of the property (Feather River Village) across the street from the proposed project has been reached to restrict their "middle" driveway to right turns only. This agreement will reduce conflict points along Oro Dam Boulevard and is required to safely accommodate left turn access into and out of the project site. The easternmost driveway of the property across the street will also be consolidated with the adjacent gas station's driveway, further reducing conflict points by reducing the number of driveways on Oro Dam Boulevard.

#### Trip Generation

Due to the nature of the proposed project, a significant portion of the vehicular traffic entering and exiting the site already exists on the adjacent street (Oro Dam Boulevard). The circulation study identified these trips as pass-by trips, and are counted as new turning movements at the project driveway, but do not contribute to new traffic at adjacent intersections. These trips are contrast with "primary trips", or "new project trips", which are trips made specifically to visit the site that would not have been made if the proposed project did not exist. The study found that the project is projected to generate 1,445 new daily trips, 157 new AM peak hour trips, and 85 new PM peak hour trips. It is estimated that a significant majority of the project traffic will be directionally consistent with commute patterns, and consist largely of pass-by trips en route to or from State Route 70.

#### Intersection Level of Service (LOS) Analysis

Intersection Level-of-Service (LOS) were calculated for all control types using the methods documented in the Transportation Research Board publications Highway Capacity Manual, Fifth Edition, 2010. Traffic operations have been quantified through the determination of LOS. LOS determinations are presented on a letter grade scale from "A" to "F", whereby LOS "A" represents free-flow operating conditions and LOS "F" represents over-capacity conditions.

The City of Oroville General Plan Circulation Element contains the following policy pertaining to LOS standards in the City:

- P2.1 Maintain a minimum operating standard of LOS D as defined in the most current edition of the Highway Capacity Manual or subsequent revisions for all arterial, collector streets and intersections, except the following facilities where a LOS E will be acceptable. LOS E operations will be considered acceptable for intersection and roadway segment operations along Oroville Dam Boulevard between Highway 70 and Olive Highway.

Consistent with City policy, the study considered LOS "E" as the standard acceptable threshold for all intersections and roadway segments.

AM and PM peak hour intersection operations were analyzed for the following four intersections for Existing Conditions, and Existing Plus Project conditions:

- 1) Oro Dam Boulevard / Feather River Boulevard
- 2) Oro Dam Boulevard / 7<sup>th</sup> Avenue
- 3) Oro Dam Boulevard / 5<sup>th</sup> Avenue
- 4) Oro Dam Boulevard / Project Driveway

Intersection	Control Type	Target LOS	Existing Conditions (Peak Hour)		Existing Plus Project (Peak Hour)	
			AM	PM	AM	PM
Oro Dam Blvd / Feather River Blvd	Signal	E	C	D	C	D
Oro Dam Blvd / 7 <sup>th</sup> Ave (HCM 2000)	TWSC	E	C	C	C	C
Oro Dam Blvd / 7 <sup>th</sup> Ave (HCM 2010)	TWSC	E	F	F	F	F
Oro Dam Blvd / 5 <sup>th</sup> Ave	Signal	E	B	B	B	B
Oro Dam Blvd / Driveways (HCM 2000)	TWSC	E	B	B	C	D
Oro Dam Blvd / Driveways (HCM 2010)	TWSC	E	C	C	E	E

Note: TWSC = Two Way Stop Control

Intersection LOS was calculated using the methods documented in the Transportation Research Board publications Highway Capacity Manual (HCM), Fifth Edition, 2010. As shown above, the stop-controlled intersection of Oro Dam Boulevard and 7th Avenue operates at unacceptable LOS during the AM and PM peak hour and PM peak hour, when using HCM 2010 methodologies. However, HCM 2010 methodologies are unable to perform a "two-stage gap analysis" to account for the two-left turn lane on Oro Dam Boulevard. A "two-stage gap" represents, in this case, the ability for outbound left turns from driveways along Oro Dam Boulevard to use the two-way left turn lane as a refuge prior to merging into traffic. For this reason, an HCM 2000 analysis was also performed for intersection 2 and 4, which reveals acceptable operations at both locations.

Queuing / Available Storage

Intersection	Movement	95 <sup>th</sup> Percentile Queue Length (ft) (Peak Hour)		Existing Plus Project (ft) (Peak Hour)		Available Storage (ft) <sup>1</sup>
		AM	PM	AM	PM	
Oro Dam Blvd / Feather River Blvd	Westbound Left	158	303	168	284	400
	Westbound Thru	187	234	173	251	N/A
	Westbound Right	64	124	61	144	200
Oro Dam Blvd / Driveway	Eastbound Left	-	-	66	49	150
	Northbound Right	-	-	34	62	
	Southbound Left / Thru / Right	-	-	111	112	

<sup>1</sup> Storage length for thru movements is distance to prior intersection

<sup>2</sup> Northbound approach is driveway to parking lot, with limited storage

As seen above, all queues are accommodated within the available storage lengths.

Conclusions

The conclusions of the circulation study were that full-access at the proposed project driveway can be safely accommodated under the proposed intersection and roadway modifications presented in Figure 4 of the study and analyzed under the Existing Plus Project conditions scenario. The proposed improvements across the street of the proposed project will not only allow for safe ingress and egress from the proposed project but will also generally improve safety on Oro Dam Boulevard by reducing conflict points at closely spaced driveways.

Noise: Noise data developed for the 2030 General Plan serves as a basis for addressing noise issues, primarily by promoting development patterns that recognize identified sources of noise and by regulation of the location of noise-sensitive uses. The City of Oroville has developed maximum allowable noise exposure levels for interior and exterior spaces for various land use categories. As the City's main commercial corridor, the General Plan identifies Oro Dam Blvd as one of the areas where the greatest increase in noise is expected. The Noise Element's comprehensive framework of goals, policies, and actions address Oroville's noise issues through compatibility, planning and permitting process, and noise source reduction. The Noise Element establishes objectives and implementing policies intended to limit community exposure to excessive noise levels.

Goal NOI-1 of the Noise Element is to minimize exposure to excessive noise by ensuring compatible land uses relative to noise sources. Action 1.1 of this goal is to develop and adopt an appropriate and consistent Community Noise Ordinance to control noise impacts and to ensure that residents are not exposed to excessive noise levels from stationary and mobile sources. This project will be conditioned to comply with the City's current noise ordinance as found in the OMC Section 13A. Per the City Code, no person shall produce, suffer or allow to be produced by any machine or device, or any combination of same, on commercial or industrial property, a noise level more than eight dB above the local ambient at any point outside of the property plane. As the applicant will be required to comply with all City regulations as a condition of approval for the use permits, any violation of the City's noise ordinance may be grounds for revocation of the permit. Additionally, the applicant will be required to comply with Goal NOI-2, Policy 2.4, which requires a list of standard construction noise control measures be included as requirements at construction sites in order to minimize construction noise impacts.

Air Quality: Oroville is located in central Butte County, in the Sacramento Valley Air Basin (SVAB). The SVAB has a Mediterranean climate characterized by hot, dry summers and cool, rainy winters. During summer, the wide, flat expanse of the Sacramento Valley provides an ideal environment for the formation of photochemical smog. Hot, cloudless days of low-velocity winds allow sunlight to combine with photochemically reactive hydrocarbons, or ozone precursors (reactive organic gases [ROG]), along with nitrogen oxides (NOx) produced throughout the Valley, resulting in an increase in ozone, particularly during late afternoons. Winds arising later may help disperse pollutants, but may also transfer it to other areas from Sacramento to Oroville.

The SVAB's climate and topography contribute to the formation and transport of photochemical pollutants throughout the region. The region experiences temperature inversions that limit atmospheric mixing and trap pollutants, resulting in high pollutant concentrations near the ground surface. The highest concentrations of photochemical pollutants occur from late spring to early fall, when photochemical reactions are greatest because of more intense sunlight and the lower altitude of daytime inversion layers.

The Open Space, Natural Resources, and Conservation Element of the City's 2030 General Plan has specified certain goals, policies and actions. Goal OPS-12, Policy 12.3 specifies that all construction projects are required to implement dust control measures to reduce particulate matter emissions due to disturbance of exposed top-soils. Such measures would include watering of active areas where disturbance occurs, covering haul loads, maintaining clean access roads, and cleaning the wheels of construction vehicles accessing disturbed areas of the site. Action 12.2 of this same goal requires all road improvements and parking areas to be built to City standards to reduce dust and particulate matter. Additionally, all grading and paving shall be conducted in compliance with the Butte County Air Quality Management District's Indirect Source Guidelines, in order to prevent degradation of ambient air quality. The project will be conditioned to ensure all these measures are complied with.

Goal OPS-13, Policy 13.3, aims to promote expansion of employment opportunities within Oroville to reduce commuting to areas outside Oroville. With the project providing 40 new jobs, this project will help in the implementation of this policy.

Water Quality: The State Water Resources Control Board (SWRCB) has jurisdiction over nine Regional Water Quality Control Boards, whose charge it is to identify and implement water quality objectives. The Oroville area falls under the authority of the Central Valley Regional Water Quality Control Board (CVRWQCB), Region 5, and is located within the Sacramento River Basin (Basin SA). There are no identified waterways on or adjacent to the project site. As a condition of approval, all grading, paving, excavation and site clearance, including that which is exempt from obtaining a permit, shall be performed in conformance with the City's Engineering Design Standards; the Municipal Code; the requirements of the State Regional Water Quality Control Board; and any other applicable local, state and federal requirements. This includes, as specified in Goal PUB-8, Policy 8.10, the requirement to install stormwater collection systems concurrently with construction of new roadways to maximize efficiency and minimize disturbance due to construction activity.

(e) The site can be adequately served by all required utilities and public services.

The sewer provider is the City of Oroville who owns the collection system. The agency that treats all wastewater is the Sewerage Commission – Oroville Region (SCOR). Power is provided by PG&E, telephone by AT&T, cable by Comcast, and water by the California Water Service Company (Cal Water). There are no extraordinary circumstances preventing the proposed development from adequate provision of all required utilities and public services. Thus, the site can be adequately served by all required utilities and public services.

If filed by applicant:

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

Lead Agency Contact Person: Luis A. Topete

Telephone: (530) 538-2408

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

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

- Signed by Lead Agency
- Signed by Applicant

## FINDINGS

### Tentative Parcel Map No. 15-01

Per the Oroville City Code §23-131, the Planning Commission shall disapprove a tentative parcel map if it determines that any of the following conditions apply:

1. The proposed land division is inconsistent with the General Plan or applicable specific plans.

*The property has a General Plan land use designation of Mixed-Use, and a Zoning designation of Corridor Mixed-Use (MXC). The purpose of this subdivision is to develop Parcel 1 and 2 into a drive-through restaurant and drive-through coffeehouse. As required by the Zoning Code, the applicant has applied for two (2) Use Permits which are required for all drive-throughs in an MXC district.*

*One of the roles of the City's 2030 General (Pg.I-I), is to serve as the City's "constitution" for land use and community development. According to State law, the General Plan accomplishes this by providing the legal foundation for all zoning, subdivision, and public facilities ordinances, decisions and projects, all of which must be consistent with the General Plan.*

*The current Zoning Ordinance (OMC Chapter 26) and Subdivision Ordinance (OMC Chapter 23) are consistent with the 2030 General Plan. This proposed subdivision of land has been reviewed under the City's current regulations and found to be in compliance, and/or will be conditioned to comply, with other requirements that must be met prior to the recordation of the Final Map. Two exceptions to the design standards have been noted on the proposed tentative parcel map (Note #16), of which a Conditional Exception is being requested as permitted under Section 23-10 and as specified below under Finding #7. Thus, the proposed land division is consistent with the General Plan and there are not applicable specific plans that apply to the project.*

2. The site is not physically suitable for the proposed density or type of development.

*This land division is proposing a total of three parcels. The existing parcel to be divided is 2.89 acres in size and the proposed parcel division is as follows:*

- *Parcel 1: 0.72 acres – Panda Express*
- *Parcel 2: 0.55 acres – Starbucks*
- *Parcel 3: 1.56 acres – Vacant Lot / Future Development and Entitlements*
- *There will be a 10' dedication to the California Department of Transportation at the south end of Parcel 1 and 2 that will extend the full width of both parcels*

*The purpose of this subdivision is to develop Parcel 1 and 2 into a drive-through restaurant and drive-through coffeehouse. As proposed on the submitted site plan, the site is physically suitable to accommodate the proposed density and type of development.*

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

*This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15332 "In-Fill Development Projects." Class 32 consists of projects characterized as in-fill development meeting the following conditions:*

- (a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*
- (b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- (c) *The project site has no value as habitat for endangered, rare or threatened species.*
- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- (e) *The site can be adequately served by all required utilities and public services.*

*There is currently no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan applicable to the project site. There are no local policies or ordinances protecting biological resources affecting the project site, no wildlife movement corridors or nursery sites identified on the project site, no areas of riparian habitat or sensitive natural communities on the project site, and no special-status plants or animals are known to be present on the project site. Thus, it has been determined that the project site has no value as habitat for endangered, rare or threatened species. As specified in the Notice of Exemption, all the above conditions have been satisfied by this project.*

4. The design of the land division or the type of improvement is likely to cause serious public health problems.

*The proposed development will be required to comply with all City regulations, including, but not limited to, building, planning, engineering and fire code regulations. Additionally, all development/improvements are required to obtain all appropriate permits and comply with all applicable State, Federal, and other applicable laws and regulations. There is no evidence in record to believe that*

*the design of the land division or the type of improvement is likely to cause serious health problems.*

5. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions, and the subdivider has failed to demonstrate to the satisfaction of the City Engineer and Planning Commission that the conditions can be corrected.

*A preliminary soils report or geological hazard report was not required for this land division. Before a permit is issued by the City for the construction of a foundation system, the applicant will be required to submit a geotechnical report and will be required to demonstrate that the foundation systems have been properly designed, by a licensed engineer, for the soil conditions found on site. If existing soil conditions prove to be unsuitable, removal of existing material and backfill with appropriate soil may be required. Applicant shall be required to comply with all applicable City engineering standards and applicable portions of the 2013 California Building Code as adopted by the City of Oroville.*

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

*The preliminary title report identified two easements on the property to be subdivided:*

- *Easement reserved Oro Water, Light and Power Company, recorded on March 27, 1917, for transmission and distribution of electricity.*
- *Easement reserved by PG&E, recorded on June 7, 1947, for poles and wires.*

*The exact location of the above easements are not clearly defined in the record. The land division is proposing the following easements:*

- *A 23' wide PG&E easement at the north end of Parcel 3*
- *A 30' reciprocal access and utility easement equally divided between Parcel 1 and 2 for access to and from State Route (SR) 162 from Parcel 3.*

*The map has been conditioned to ensure that any future development on Parcel 3 shall be subject to acquiring and establishing access to and from Feather River Boulevard. The proposed reciprocal easements ensure that all new parcels will continue to have access to SR 162, and provides for future access to Feather River Blvd from all three parcels. The approval of this map*

*will not conflict with any easements acquired by the public at large for access through or use of the property.*

7. The proposed land division violates the provisions of this chapter, and no exception has been granted.

*Two exceptions to the design standards have been noted on the proposed tentative parcel map (Note #16), of which a Conditional Exception is being requested as permitted under Section 23-10 of the City Code which specifies that the Planning Commission or the City Council, in an action relative to a matter before it, may authorize conditional exceptions to any of this chapter's (Chapter 23) requirements and regulations related to the design of a subdivision; provided, however, that any modification of zoning requirements shall be subject to the provisions of the Zoning Code.*

*The conditional exceptions being requested are as follows:*

*Note #16 - Exception from Parcel Design Standards (OMC Section 23-183):*

- A. *Depth-to-Width Ratios:* *Parcels 1 slightly exceeds the 3:1 depth-to-width ratio. The proposed parcel design best fits the commercial development plan.*
- B. *Lot Frontage:* *Parcel 3 does not front on a public or private street. The proposed parcel design best fits the commercial development plan. A reciprocal access easement will be established to ensure access to all parcels. Future development of Parcel 3 will be subject to acquiring access to and from Feather River Boulevard.*

*For conditional exceptions to be allowed, the Planning Commission must find that all of the following facts apply with respect to the subject property:*

- A. *That there are special circumstances or conditions of topography, size, shape, location or environmental factors affecting the property.*

*The project design proposed took into consideration comments from City staff and Caltrans to ensure that drive-through queueing would not impact SR 162. Because the existing lot, depending on where measurements are taken, exceeds the 3:1 depth-to-width ratio, compliance with this standard places an undue hardship on the applicant that would result in parcels that would not be suitable for the proposed development, due to vehicle circulation and vehicle queueing, which may impact SR 162 if strict and literal enforcement of this provision was required. Additionally, the Economic Development Element of the City's 2030 General Plan identifies Oro Dam Boulevard as a Commercial Core Focus Area, with a Guiding Principle of the General Plan being to create a vibrant local economy. The*

*location and local economic benefits of the proposed project support the goals of the City's General Plan.*

- B. *That the granting of the exception will not be detrimental to the general welfare or injurious to other property in the territory in which the property is located.*

*See Findings #3 and 4 above. There is no evidence in record to believe that the granting of the exception will be detrimental to the general welfare or injurious to other property in the territory in which the property is located. As identified above, the reasoning behind why the exceptions are needed is for the purpose of ensuring the project will not have a detrimental impact to any surrounding property, specifically SR 162. It is believed that this project will benefit other properties in the territory of the proposed project by attracting more potential business patrons.*

- C. *All determinations regarding a conditional exception may be appealed to the City Council as provided in Section 23-16 of this chapter. (Ord. 1749 § 3)*

8. The proposed land division violates any provision of the Zoning Code and no variance has been granted.

*The proposed land division does not violate any known provisions of the Zoning Code. Therefore, no variance has been requested or granted for this land division request.*

9. The proposed land division would violate any other City ordinance or any City Code provision.

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

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

*The project as proposed will not violate any known requirements prescribed by the California Regional Water Quality Control Board. The proposed development is required to be in full compliance with the provisions of the Water Board.*



## FINDINGS

### Use Permit No. 15-01 & 15-02: New Drive-Through Restaurant and Coffeehouse

#### A. INTRODUCTION

The project applicant, Engstrom Properties Inc., has applied for two (2) use permits for the construction of a new drive-through coffeehouse and new drive-through restaurant on the vacant property currently identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north side of State Route 162. The property has a zoning land use designation of Corridor Mixed-Use (MXC). The proposed restaurant and coffeehouse are uses permitted by right in an MXC district. However, any drive-through in an MXC district requires a use permit.

#### B. USE PERMIT FINDINGS

Per the OMC Section 26-50.010(E)(4), the Planning Commission may grant a use permit only upon making all of the following findings, based on substantial evidence:

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

*Per City Code 26-50.010, the intent of use permits is to provide an opportunity to review the location, site development or conduct of certain land uses, activities and structural features that generally have a distinct impact on the area in which they are located or are capable of creating special problems for bordering properties unless given careful attention. For this reason, such uses are permitted through discretionary review and the powers granted to the Planning Commission include attaching any conditions to the use permit that are deemed necessary to achieve the purpose of the Zoning Code, Design Guidelines and promote the general health, safety, and public welfare of the City.*

*The proposed restaurant and coffeehouse are uses permitted by right in an MXC district. However, any drive-through in an MXC district requires a use permit. As identified in the Notice of Exemption, the project has been reviewed for consistency with applicable General Plan designation and all applicable General Plan policies, applicable zoning designation and regulations, potential impact to any habitat for endangered, rare or threatened species, and potential significant effects relating to traffic, noise, air quality, and water quality. No significant or potentially significant impacts have been identified with this project. Rather, the project is believed to be a benefit to the City as it will develop a vacant lot on the City's main commercial corridor, benefit the local economy by providing 40 new jobs and a new source of sales tax revenue, and provide more retail options for local residents.*

*After a thorough review of the project, the approval of these use permits has been conditioned to ensure that under no circumstance will the project be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with section 26-50.010 of the City Code. Additionally, this project will be required to comply with all City zoning, engineering, building, landscaping, and public work standards in addition to any other federal, State, or local regulations that may be applicable.*

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

*The proposed project is located on Oro Dam Boulevard which is identified as the City's main commercial corridor in the 2030 General Plan. As a drive-through restaurant and coffeehouse, being located along Oro Dam Boulevard, which has an approximate annual average daily traffic count of 30,000 per the 2013 Caltrans volume counts, is an ideal location in support of the General Plan, Goal LU-4, P4.1 to maintain Oroville Dam Boulevard and Olive Highway between Highway 70 and Foothill Boulevard as one of the Planning Area's primary retail districts. Additionally, the project site, zoned MXC, is directly adjacent to other MXC zoned properties and an Intensive Commercial (C-2) property, which have the following land uses:*

- *Cottonwood Estate Manufactured Home Community to the northeast*
- *Undeveloped property to the northwest and west*
- *La Esmeralda Market to the west*
- *Feather River Village commercial complex to the south*
- *Sonic Drive-In to the east*
- *Holiday Inn Express & Suites to the east*
- *America's Best Value Inn Express & Suites to the east*

*Thus, 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 or will be made adequate prior to the establishment of the proposed use.

*The sewer provider for the project site is the City of Oroville who owns the collection system. The agency that treats all wastewater is the Sewerage Commission – Oroville Region (SCOR). Power is provided by PG&E, telephone by AT&T, cable by Comcast, and water by the California Water Service Company (Cal Water). The proposed development will be required to pay all required*

development impact fees and be constructed according to current engineering, development and building code standards. Prior to the issuance of final building occupancy, the Building Division will inspect all on-site improvements and the Engineering Division will inspect all off-site improvements, with Caltrans approval also required for any work in their right-of-way. If at the time of inspection any inadequacies in water, sanitation or utilities that are required to be supplied to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy. Additionally, as specified above, this project has adequate access to the City's transportation network through direct access to Oro Dam Boulevard, and future development of Parcel 3 is subject to acquiring access to and from Feather River Boulevard.

To analyze the impacts of the project on California State Route 162 (Oro Dam Boulevard), the applicant contracted Omni-Means who prepared an initial circulation study for Oro Dam Boulevard. The analysis assumes that left turns are allowed into the proposed project and prohibited for the driveway across from the proposed project. The report analyzed and discussed the following items:

- Quantification of the trip generation and trip distribution associated with the proposed project, and the resulting impacts on existing weekday AM and PM peak hour intersection operations.
- Potential circulation issues related to the development of the proposed project along Oro Dam Boulevard at the study intersections.

An agreement with the owners of the property (Feather River Village) across the street from the proposed project has been reached to restrict their "middle" driveway to right turns only. This agreement will reduce conflict points along Oro Dam Boulevard and is required to safely accommodate left turn access into and out of the project site. The easternmost driveway of the property across the street will also be consolidated with the adjacent gas station's driveway, further reducing conflict points by reducing the number of driveways on Oro Dam Boulevard.

In summary, the conclusions of the circulation study were that full-access at the proposed project driveway can be safely accommodated under the proposed intersection and roadway modifications presented in Figure 4 of the study and analyzed under the Existing Plus Project conditions scenario. The proposed improvements across the street of the proposed project will not only allow for safe ingress and egress from the proposed project but will also generally improve safety on Oro Dam Boulevard by reducing conflict points at closely spaced driveways.

- 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 City requires a use permit for all drive-through establishments on properties with an MXC zoning designation. However, the restaurant and coffeehouse are both permitted uses, subject to a zoning clearance. Thus, the requirement of the use permits is prompted due to the inclusion of the drive-throughs as part of the development design.*

*The project site, as specified in Finding b) above, is located on Oro Dam Boulevard which is identified as the City's main commercial corridor, and is surrounded by a mix of existing urban properties with identical zoning designations and one C-2 zoned property. Surrounding land uses includes Cottonwood Estates Manufactured Home Community to the north, Sonic Drive-In, Holiday Inn Express and Suites, and America's Best Value Inn and Suites to the east, Feather River Village commercial complex to the south, and La Esmeralda Market to the west.*

*As identified above under Finding c), the applicant contracted Omni-Means who prepared an initial circulation study for Oro Dam Boulevard. The study accounted for intended land uses, size, design and operating characters of the proposed project. The conclusions of the circulation study were that full-access at the proposed project driveway can be safely accommodated under the proposed intersection and roadway modifications presented in Figure 4 of the study and analyzed under the Existing Plus Project conditions scenario. The proposed improvements across the street of the proposed project will not only allow for safe ingress and egress from the proposed project but will also generally improve safety on Oro Dam Boulevard by reducing conflict points at closely spaced driveways.*

*Additionally, in the event the project results in any unforeseen adverse effects, pursuant to section 26-50.010(F) of the Zoning Code, the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any requirement in the Zoning Code, has been violated in connection with the permit; and finally, if the permit was obtained by fraud.*

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

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

*The applicant has submitted a site plan and tentative parcel map demonstrating that, as proposed, the subject site is physically suitable for the type and intensity of land use being proposed. For additional information, please reference Findings c-d) above.*

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

*The Economic Development Element of the City's 2030 General Plan identifies Oro Dam Boulevard as a Commercial Core Focus Area, and a Guiding Principle of the City's 2030 General Plan is to create a vibrant local economy by creating a sustainable economy that serves all segments of the population, engage in economic development to encourage and retain businesses that provide a variety of job opportunities, quality goods and services, and a dependable tax base. Goal LU-4 of the General Plan is to provide adequate land for and promote the development of attractive commercial areas and uses that provide goods and services to Oroville residents, employees, and visitors. Policy 4.1 of this goal specifies that Oroville Dam Boulevard and Olive Highway between Highway 70 and Foothill Boulevard should be maintained as one of the Planning Area's primary retail districts.*

*Per the "Oroville Taxable Retail Potential Analysis" completed by the Center for Economic Development from the California State of University, Chico in June of 2007, there is an approximate taxable sales leakage from restaurants (with no sale of alcohol) in the Oroville market area of \$20,732,718 (Table 4; Page 9). The project is believed to be a benefit to the City as it will develop a vacant lot on the City's main commercial corridor, benefit the local economy by providing 40 new jobs, provide a new source of sales tax revenue to capture existing taxable sales leakage to other areas, and provide more retail options for local residents. The location and local economic benefits of the proposed project support the goals of the City's General Plan.*

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

*The use permit applications have been reviewed by staff and the proposed project, as designed and conditioned, has been found to comply with all applicable laws and regulations, including the applicable requirements of the City's 2030 General Plan, Zoning Code, and other applicable portions of the City's Municipal Code. As a condition of this permit, the applicant shall be required to ascertain and comply with the requirements of all Federal, State, County, City and other local agencies as applicable to the proposed use and project site. In addition, section 26.50-010(F)(2) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that, any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, if a law has been violated in connection with the permit, or if the permit was obtained by fraud.*



## FINDINGS

### Variance No. 15-02: Starbucks / Panda Express Signage Variance

#### A. INTRODUCTION

The project applicant, Engstrom Properties Inc., has applied for a variance to the City's Sign Code, as found in Section 26-19 of the Oroville Municipal Code (OMC), to exceed the maximum total area allowed for all signs, to exceed the maximum sign area of a freestanding sign and to exceed the maximum height of a freestanding sign for the development of a new drive-through coffeehouse (Starbucks) and drive-through restaurant (Panda Express) on the vacant property currently identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north side of State Route 162. The subject property has a zoning designation of Corridor Mixed-Use (MXC).

#### B. VARIANCE FINDINGS

Per the OMC Section 26-50.080(C)(3), the Planning Commission shall grant a variance only upon finding all of the following, based on substantial evidence:

- a. The granting of the variance is not inconsistent with the General Plan or any applicable specific plan.

*Per the City's 2030 General Plan, Goal OPS-5, Policy 5.2, it is the intent of the City of Oroville to limit freeway-oriented signs to maintain and enhance the quality of Oroville's scenic and visual resources. The policy requires combining freeway signs listing available accommodations and services, and allow only small identity signs on buildings adjoining freeway. This is the only reference to freeway-oriented signs in the General Plan, which is directed towards signs on scenic highway routes that informs motorists of available accommodations and services in Oroville. Since the signage in question does not fall under this policy, and the portion of State Route 162 where the subject property is located is not a scenic highway but rather the main commercial corridor of the City, the granting of this variance is not inconsistent with the General Plan. There are no specific plans overlaying this property.*

- b. There are exceptional and extraordinary circumstances or conditions applying to the land, building or use referred to in the application that does not generally apply to other land, buildings or uses in the same district.

*Section 26-50.080 specifies that the sole purpose of a variance shall be to prevent discrimination and undue hardship, and no variance shall be granted that would provide a special privilege not shared by other property in the same vicinity.*

*The City acknowledges the need to amend portions of the Sign Code, as*

demonstrated by the history of sign variance requests and the City Council's agreement on March 5, 2013 for staff to return with a comprehensive amendment to the Sign Code, which was supported by a Planning Commission recommendation on February 25, 2013.

Exceed Maximum Total Area for All Signs

The orientation of the buildings is such that the narrow face of each building fronts the public right-of-way. This was determined to be the best layout to accommodate parking, circulation, and queuing at the drive-through. Per the OMC Table 26-19.120-3 "Allowed Signs in C-2, CH, CLM and MXC Districts," the maximum total area for all signs, for buildings less than 20,000 square feet of gross floor area, shall be 1.5 square feet per lineal foot of building frontage, or 300 square feet, whichever is less. The total maximum allowable signage calculation for each building is as follows:

Starbucks  
33.3' x 1.5 = 49.95 square feet

Panda Express  
39.2' x 1.5 = 58.8 square feet

The strict enforcement of the Code would allow a maximum total area for all signs of 109 square feet. The total signage being proposed is 1,195 square feet, which is 1,086 square feet above the maximum total allowable signage of 109 square feet.

As currently drafted, the Sign Code does not provide exceptions or special provisions for developments that choose to orient the building with the narrow end facing the public right of way and does not consider how requiring maximum allowable signage to be calculated based on building frontage might disproportionately restrict such developments. Thus, it is believed that the strict and literal enforcement of the provisions of the Zoning Code would result in unreasonable and unnecessary hardships for the applicant.

Exceed Maximum Sign Area of a Freestanding Sign

City Code Section 26-19.070(D) specifies that the maximum freestanding sign area is based on the total linear street frontage of the front side of the site, with street frontages of 200 to 400 lineal feet permitted to have a maximum of 75 square feet of sign area per side. The project site has an approximate street frontage of 227 lineal feet. The applicant is proposing a double sided freestanding sign with 300 square feet per side, 225 square feet above the maximum allowable permitted per side.

As currently drafted, the Sign Code does not provide exceptions or special provisions for properties that are adequately sized to support development but might be disproportionately restricted in their freestanding sign face allowance due to a narrow street frontage and long depth. Thus, it is believed that the strict and literal enforcement of the provisions of the Zoning Code would result in

*unreasonable and unnecessary hardships for the applicant.*

*Exceed Maximum Height of a Freestanding Sign*

*Per Section 26-19.070 of the OMC, the maximum height of a freestanding freeway-oriented sign shall be 40 feet. Increased height, up to a maximum of 60 feet, may be permitted in order to provide motorists with direct vision of the sign from a distance of 1/4 mile from a freeway exit ramp. The need for this increased height shall be demonstrated by means of a balloon test or other method approved by the Zoning Administrator. The maximum permitted height shall be specified in the sign permit. The applicant is proposing a freestanding sign 85 feet in height.*

*On May 21, 2012, the Planning Commission approved Variance No. 12-02 allowing McDonalds, located at 445 Oro Dam Boulevard (APN: 035-030-051), and approximately 280 feet away from the project site to the southwest, to construct an 85 foot tall freestanding sign. The approving resolution (Resolution No. P2012-11) specifies the principal reason for why the applicant requested the variance was that the existing pole sign was visually restricted by surrounding vegetation which prevented freeway visibility. A visibility test was conducted which demonstrated that vegetation and elevation shift in the terrain also was a factor in the lack of visibility of the sign.*

*Grounds for the approval, as specified in Resolution No. P2012-11, include, but are not limited to, the following:*

- the increased 25 feet in height will allow the sign to be more visible from the freeway*
- the proposed project will benefit the residents of the City of Oroville by boosting the local economy by attracting more people into the City through advertising*
- the economic benefit of this application will serve the greater good of the City of Oroville*
- granting the proposed variance would not grant a special privilege to the applicant that is not currently enjoyed by surrounding property owners*

*The applicant for this project (VAR 15-02) is requesting the variance for the purpose of obtaining visibility to drivers on California State Route 70, their main target audience for the freestanding sign. The northbound visibility is obstructed by the existing landscaping and vegetation. Southbound visibility is partially obstructed by the landscaping and shift in terrain. The reasoning behind why the variance in sign height is being requesting is the same as that of McDonalds, with the requested 85 foot height equivalent to McDonalds' existing freestanding sign. Thus, approval of this variance would not grant a special privilege not shared by other property in the same vicinity.*

- c. The granting of the variance will not grant a special privilege to the property.

*Please reference Finding b) above.*

- d. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district, and that would otherwise be denied to the property in question.

*Please reference Finding b) above.*

- e. The granting of the variance will not be materially detrimental to the public welfare.

*The visibility test for the McDonalds sign demonstrated that the maximum 60 foot height restriction limited motorists on Highway 70 from viewing the sign at a distance that would provide for a safe exit onto Oro Dam Blvd. The 85 foot sign height allowed motorists to see the sign from a sufficient distance that would allow for a safe exit onto Oro Dam Blvd without the need to make an abrupt decision and potentially unsafe exit off the Highway. With this proposed development approximately 280 feet away from McDonalds and with a comparable elevation, the same safety element has been considered for this variance.*

*Additionally, the sign height and proposed sign areas will allow greater visibility from both State Route 70 and 162 which will benefit the local economy by attracting more people into the City through advertising which will capture retail sales tax dollars that may have otherwise not come into Oroville. There is no evidence in the record to demonstrate that the variance will be materially detrimental to the public welfare.*

- f. The granting of the variance will not be injurious to, or incompatible with, any nearby property or improvements.

*The variance being requested is to exceed the maximum total area allowed for all signs, to exceed the maximum sign area of a freestanding sign and to exceed the maximum height of a freestanding sign. The project site, zoned MXC, is directly adjacent to other MXC zoned properties and an Intensive Commercial (C-2) property. The adjacent properties are developed as follows:*

- Cottonwood Estate Manufactured Home Community to the northeast*
- Undeveloped property to the northwest and west*
- La Esmeralda Market to the west*
- Feather River Village commercial complex to the south*
- Sonic Drive-In to the east*
- Holiday Inn Express & Suites to the east*
- America's Best Value Inn Express & Suites to the east*

*The signage will not obstruct existing signs on nearby property and the subject property is adjacent to Oro Dam Boulevard which is identified as the City's main*

*commercial corridor in the 2030 General Plan. The subject property is approximately 280 feet from another property with an existing 85 foot tall freestanding sign and surrounded by other identically or similarly zoned parcels on the commercial corridor. The construction of the signs will be required to comply with all applicable requirements, including engineering, building, and zoning code requirements, other than the development standard variance expressly granted by the approval of this variance request. Thus, there is no known reason to believe that the variance will be injurious to, or incompatible with, any nearby property or improvements.*



## CONDITIONS OF APPROVAL

### Tentative Parcel Map No. 15-01

**Approved Project:** The project applicant, Engstrom Properties Inc., has applied for a Tentative Parcel Map to subdivide an existing 2.89 acre parcel (APN: 035-030-013) into three parcels; Parcel 1 - 0.72 acres and proposed location of a new drive-through restaurant; Parcel 2 - 0.55 acres and proposed location of a new drive-through coffeehouse; Parcel 3 - 1.56 acres and proposed to remain vacant for future development and entitlements. The Planning Commission hereby approves TPM 15-01, subject to the following:

1. These conditions of approval are to permit the land division of Tentative Parcel Map 15-01 No. (TPM 15-01) as generally described above.
2. This Tentative Parcel Map conditional approval shall become null and void unless all conditions have been complied with for recordation of the Final Parcel Map within thirty six (36) months after the approval of said Tentative Parcel Map. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation referenced herein, the Planning Commission may grant an extension of time for a period not to exceed an additional twenty-four (24) months. Applications for such extension of time must set forth in writing the reasons for the extension and shall be filed together with a fee, as established by the City Council, with the Planning Division thirty (30) calendar days before the expiration of the Tentative Parcel Map. The applicant will be responsible for initiating any extension request.
3. Upon application of the subdivider filed prior to the expiration of the conditionally approved tentative map, the time at which the map expires may be extended for a period or periods no exceeding a total of six years. This does not account for automatic extensions as specified in the Subdivision Map Act.
4. The applicant shall ascertain and comply with the requirements of all federal, state, county and local agencies as are applicable to the project areas. They include, but are not limited to: Butte County Environmental Health, California Department of Transportation, California Water Service Company, California Regional Water Quality Control Board, Butte County Air Quality Management District, and the City of Oroville's Planning Division, Building Division, Public Works Division, and Fire Department.
5. The land division shall comply with the State of California Subdivision Map Act and with all requirements of the City's Code, unless modified by the conditions listed herein, and with all other applicable State and Federal codes.
6. Two exceptions to the design standards are hereby granted as noted on the proposed tentative parcel map (Note #16). The Planning Commission hereby

authorizes the following two conditional exceptions to the requirements and regulations related to the design of a subdivision found in Chapter 23, Section 183, of the Oroville Municipal Code.

- Depth-to-Width Ratios: Parcels 1 slightly exceeds the 3:1 depth-to-width ratio.
  - Lot Frontage: Parcel 3 does not front on a public or private street
7. The Planning Commission approval date of this Tentative Parcel Map No. 15-01 occurred on May 27, 2015. All determinations of whether the land division is eligible for an extension of time shall be based on this original approval date.
  8. A grading plan shall be prepared by a registered Civil Engineer in accordance with City standards and approved by the City Engineer prior to commencement of any grading. The plan shall incorporate adequate erosion control measures to protect the site and adjoining properties from damage due to erosion.
  9. 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.
  10. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
  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 by the Planning Commission.
  12. This map shall run with the land and be binding upon all successors in interest to the maximum extent permitted by law.
  13. 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 properties.

14. All private facilities, improvements, infrastructure, systems, equipment, common areas, landscaping, irrigations systems, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety, and general welfare. All on-site "No Loitering" or other "Posted Area" signs shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular basis.

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

15. It shall be noted that any future development on Parcel 3 shall be subject to acquiring and establishing access to and from Feather River Boulevard.
16. The applicant shall be required to record a reciprocal ingress and egress easement, as identified on the map, for the newly created parcels in which the owners of the parcels agree to share the cost of maintenance for the ingress and egress areas being shared under the easement.
17. A parcel map is required with all appropriate easements to be dedicated (or offered for dedication in the case of drainage easements) in accordance with provisions of the Subdivision Map Act and the Butte County.
18. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.

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



## CONDITIONS OF APPROVAL

### Use Permit No. 15-01 & 15-02: New Drive-Through Restaurant and Coffeehouse

**Approved project:** The project applicant, Engstrom Properties Inc., has applied for two (2) use permits for the construction of a new drive-through coffeehouse and new drive-through restaurant on the vacant property currently identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north side of State Route 162. The property has a zoning designation of Corridor Mixed-Use (MXC). The proposed restaurant and coffeehouse are uses permitted by right in an MXC district. However, any drive-through in an MXC district requires a use permit. The Planning Commission hereby approves UP 15-01 & 15-02, subject to the following:

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. 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.
4. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
5. As specified in the circulation study prepared by Omni-Means, applicant shall provide a notarized copy of the agreement with the owners of the property (Feather River Village) across the street from the proposed project indicating their agreement to restrict their "middle" driveway to right turns only.
6. As specified in the circulation study prepared by Omni-Means, all proposed intersection and roadway modifications presented in Figure 4 of the study and analyzed under the Existing Plus Project conditions scenario shall be completed, to the satisfaction of the California Department of Transportation, for full-access at

the proposed project driveway without the need to restrict left turns into the project site.

7. The final design of the project shall not differ substantially from the project design characteristics used by Omni-Means for their circulation study analyses.
8. Under no circumstance shall vehicle queueing on the project site spill back onto Oro Dam Boulevard.
9. Pursuant to Section 26-50.010(F) of the City Code, the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
  - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
  - b. Any of the terms or conditions of the permit have been violated.
  - c. A law, including any requirement in the Municipal Code Chapter 26, has been violated in connection with the permit.
  - d. The permit was obtained by fraud.
10. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for revocation.

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

## CONDITIONS OF APPROVAL

### Variance No. 15-02: Starbucks / Panda Express Signage Variance

**Approved project:** The project applicant, Engstrom Properties Inc., has applied for a variance to the City's Sign Code, as found in Section 26-19 of the Oroville Municipal Code (OMC), to exceed the maximum total area allowed for all signs, to exceed the maximum sign area of a freestanding sign and to exceed the maximum height of a freestanding sign for the development of a new drive-through coffeehouse (Starbucks) and drive-through restaurant (Panda Express) on the vacant property currently identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north side of State Route 162. The subject property has a zoning designation of Corridor Mixed-Use (MXC). The Planning Commission hereby approves VAR 15-02, subject to the following:

1. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
2. Pursuant to Section 26-19.040, the applicant is required to apply for sign permits for any new signs to be installed on the property.
3. The applicant shall ascertain and comply with the requirements of all California Department of Transportation standards, as well as all other applicable local, state and federal requirements that may be applicable to the proposed project.
4. Unless otherwise specified in this variance (VAR 15-02; Resolution No. P2015-05), this project shall fully comply with all City sign regulations as found in the Oroville Municipal Code Section 26-19.
5. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this variance may be grounds for revocation.
6. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this variance or any environmental or other documentation related to approval of this variance. Applicant further agrees to provide a defense for the City in any such action.
7. All structures shall be properly maintained, kept in good repair and kept clean. The area occupied by such structure shall be kept free of weeds, debris, and graffiti.

--- End of Conditions ---

## RESOLUTION NO. P2015-03

**A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. 15-01 DIVIDING A 2.89 ACRE PARCEL (APN: 035-030-013) INTO THREE PARCELS FOR THE DEVELOPMENT OF A DRIVE-THROUGH COFFEEHOUSE, DRIVE-THROUGH RESTAURANT, AND REMAINDER PARCEL FOR FUTURE DEVELOPMENT AND ENTITLEMENTS**

**WHEREAS**, the City of Oroville has received an application to subdivide an existing 2.89 acre parcel (APN: 035-030-013) into three parcels; Parcel 1 - 0.72 acres and proposed location of a new drive-through restaurant; Parcel 2 - 0.55 acres and proposed location of a new drive-through coffeehouse; Parcel 3 - 1.56 acres and proposed to remain vacant for future development and entitlements; and

**WHEREAS**, the tentative parcel map (TPM) has been assigned the file number of TPM No. 15-01; and

**WHEREAS**, the City of Oroville, acting as the lead agency for the project pursuant to the requirements of the California Environmental Quality Act (CEQA), has reviewed the proposed project and finds that the project meets the requirements of a Categorical Exemption for In-Fill Development Projects pursuant to the California Code of Regulations, Title 14, Section 15332, exempting this action from CEQA review; and

**WHEREAS**, at a duly noticed public hearing the Planning Commission considered the comments and concerns of the public agencies, property owners, and member of the public, and also considered City Staff's report regarding the Map.

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

1. The Planning Commission finds that this action has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) review pursuant to the California Code of Regulations, Title 14, Section 15332, In-fill Development Projects exemption.
2. Per the Oroville City Code §23-131, the Planning Commission shall disapprove a tentative parcel map if it determines that any of the following conditions apply:
  - A. The proposed land division is inconsistent with the General Plan or applicable specific plans.

*The property has a General Plan land use designation of Mixed-Use, and a Zoning designation of Corridor Mixed-Use (MXC). The purpose of this subdivision is to develop Parcel 1 and 2 into a drive-through restaurant and drive-through coffeehouse. As required by the Zoning Code, the applicant has*

*applied for two (2) Use Permits which are required for all drive-throughs in an MXC district.*

*One of the roles of the City's 2030 General (Pg.1-1), is to serve as the City's "constitution" for land use and community development. According to State law, the General Plan accomplishes this by providing the legal foundation for all zoning, subdivision, and public facilities ordinances, decisions and projects, all of which must be consistent with the General Plan.*

*The current Zoning Ordinance (OMC Chapter 26) and Subdivision Ordinance (OMC Chapter 23) are consistent with the 2030 General Plan. This proposed subdivision of land has been reviewed under the City's current regulations and found to be in compliance, and/or will be conditioned to comply, with other requirements that must be met prior to the recordation of the Final Map. Two exceptions to the design standards have been noted on the proposed tentative parcel map (Note #16), of which a Conditional Exception is being requested as permitted under Section 23-10 and as specified below under Finding #7. Thus, the proposed land division is consistent with the General Plan and there are not applicable specific plans that apply to the project.*

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

*This land division is proposing a total of three parcels. The existing parcel to be divided is 2.89 acres in size and the proposed parcel division is as follows:*

- *Parcel 1: 0.72 acres – Panda Express*
- *Parcel 2: 0.55 acres – Starbucks*
- *Parcel 3: 1.56 acres – Vacant Lot / Future Development and Entitlements*
- *There will be a 10' dedication to the California Department of Transportation at the south end of Parcel 1 and 2 that will extend the full width of both parcels*

*The purpose of this subdivision is to develop Parcel 1 and 2 into a drive-through restaurant and drive-through coffeehouse. As proposed on the submitted site plan, the site is physically suitable to accommodate the proposed density and type of development.*

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

*This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15332 "In-Fill Development Projects." Class 32*

*consists of projects characterized as in-fill development meeting the following conditions:*

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- (c) The project site has no value as habitat for endangered, rare or threatened species.*
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- (e) The site can be adequately served by all required utilities and public services.*

*There is currently no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan applicable to the project site. There are no local policies or ordinances protecting biological resources affecting the project site, no wildlife movement corridors or nursery sites identified on the project site, no areas of riparian habitat or sensitive natural communities on the project site, and no special-status plants or animals are known to be present on the project site. Thus, it has been determined that the project site has no value as habitat for endangered, rare or threatened species. As specified in the Notice of Exemption, all the above conditions have been satisfied by this project.*

- D. The design of the land division or the type of improvement is likely to cause serious public health problems.

*The proposed development will be required to comply with all City regulations, including, but not limited to, building, planning, engineering and fire code regulations. Additionally, all development/improvements are required to obtain all appropriate permits and comply with all applicable State, Federal, and other applicable laws and regulations. There is no evidence in record to believe that the design of the land division or the type of improvement is likely to cause serious health problems.*

- E. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions, and the subdivider has failed to demonstrate to the satisfaction of the City Engineer and Planning Commission that the conditions can be corrected.

*A preliminary soils report or geological hazard report was not required for this land division. Before a permit is issued by the City for the construction of a foundation system, the applicant will be required to submit a geotechnical report and will be required to demonstrate that the foundation systems have*

*been properly designed, by a licensed engineer, for the soil conditions found on site. If existing soil conditions prove to be unsuitable, removal of existing material and backfill with appropriate soil may be required. Applicant shall be required to comply with all applicable City engineering standards and applicable portions of the 2013 California Building Code as adopted by the City of Oroville.*

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

*The preliminary title report identified two easements on the property to be subdivided:*

- *Easement reserved Oro Water, Light and Power Company, recorded on March 27, 1917, for transmission and distribution of electricity.*
- *Easement reserved by PG&E, recorded on June 7, 1947, for poles and wires.*

*The exact location of the above easements are not clearly defined in the record. The land division is proposing the following easements:*

- *A 23' wide PG&E easement at the north end of Parcel 3*
- *A 30' reciprocal access and utility easement equally divided between Parcel 1 and 2 for access to and from State Route (SR) 162 from Parcel 3.*

*The map has been conditioned to ensure that any future development on Parcel 3 shall be subject to acquiring and establishing access to and from Feather River Boulevard. The proposed reciprocal easements ensure that all new parcels will continue to have access to SR 162, and provides for future access to Feather River Blvd from all three parcels. The approval of this map will not conflict with any easements acquired by the public at large for access through or use of the property.*

- G. The proposed land division violates the provisions of this chapter, and no exception has been granted.

*Two exceptions to the design standards have been noted on the proposed tentative parcel map (Note #16), of which a Conditional Exception is being requested as permitted under Section 23-10 of the City Code which specifies that the Planning Commission or the City Council, in an action relative to a matter before it, may authorize conditional exceptions to any of this chapter's*

*(Chapter 23) requirements and regulations related to the design of a subdivision; provided, however, that any modification of zoning requirements shall be subject to the provisions of the Zoning Code.*

*The conditional exceptions being requested are as follows:*

*Note #16 - Exception from Parcel Design Standards (OMC Section 23-183):*

- *Depth-to-Width Ratios:* *Parcels 1 slightly exceeds the 3:1 depth-to-width ratio. The proposed parcel design best fits the commercial development plan.*
- *Lot Frontage:* *Parcel 3 does not front on a public or private street. The proposed parcel design best fits the commercial development plan. A reciprocal access easement will be established to ensure access to all parcels. Future development of Parcel 3 will be subject to acquiring access to and from Feather River Boulevard.*

*For conditional exceptions to be allowed, the Planning Commission must find that all of the following facts apply with respect to the subject property:*

- (a) That there are special circumstances or conditions of topography, size, shape, location or environmental factors affecting the property.*

*The project design proposed took into consideration comments from City staff and Caltrans to ensure that drive-through queueing would not impact SR 162. Because the existing lot, depending on where measurements are taken, exceeds the 3:1 depth-to-width ratio, compliance with this standard places an undue hardship on the applicant that would result in parcels that would not be suitable for the proposed development, due to vehicle circulation and vehicle queueing, which may impact SR 162 if strict and literal enforcement of this provision was required. Additionally, the Economic Development Element of the City's 2030 General Plan identifies Oro Dam Boulevard as a Commercial Core Focus Area, with a Guiding Principle of the General Plan being to create a vibrant local economy. The location and local economic benefits of the proposed project support the goals of the City's General Plan.*

- (b) That the granting of the exception will not be detrimental to the general welfare or injurious to other property in the territory in which the property is located.*

*See Findings #3 and 4 above. There is no evidence in record to believe that the granting of the exception will be detrimental to the general welfare or injurious to other property in the territory in which the property is located. As identified above, the reasoning behind why*

*the exceptions are needed is for the purpose of ensuring the project will not have a detrimental impact to any surrounding property, specifically SR 162. It is believed that this project will benefit other properties in the territory of the proposed project by attracting more potential business patrons.*

*(c) All determinations regarding a conditional exception may be appealed to the City Council as provided in Section 23-16 of this chapter. (Ord. 1749 § 3)*

- H. The proposed land division violates any provision of the Zoning Code and no variance has been granted.

*The proposed land division does not violate any known provisions of the Zoning Code. Therefore, no variance has been requested or granted for this land division request.*

- I. The proposed land division would violate any other City ordinance or any City Code provision.

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

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

*The project as proposed will not violate any known requirements prescribed by the California Regional Water Quality Control Board. The proposed development is required to be in full compliance with the provisions of the Water Board.*

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

### **CONDITIONS OF APPROVAL**

**Approved Project:** The project applicant, Engstrom Properties Inc., has applied for a Tentative Parcel Map to subdivide an existing 2.89 acre parcel (APN: 035-030-013) into three parcels; Parcel 1 - 0.72 acres and proposed location of a new drive-through restaurant; Parcel 2 - 0.55 acres and proposed location of a new drive-through coffeehouse; Parcel 3 - 1.56 acres and proposed to remain vacant for future

development and entitlements. The Planning Commission hereby approves TPM 15-01, subject to the following:

1. These conditions of approval are to permit the land division of Tentative Parcel Map No. 15-01 (TPM 15-01) as generally described above.
2. This Tentative Parcel Map conditional approval shall become null and void unless all conditions have been complied with for recordation of the Final Parcel Map within thirty six (36) months after the approval of said Tentative Parcel Map. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation referenced herein, the Planning Commission may grant an extension of time for a period not to exceed an additional twenty-four (24) months. Applications for such extension of time must set forth in writing the reasons for the extension and shall be filed together with a fee, as established by the City Council, with the Planning Division thirty (30) calendar days before the expiration of the Tentative Parcel Map. The applicant will be responsible for initiating any extension request.
3. Upon application of the subdivider filed prior to the expiration of the conditionally approved tentative map, the time at which the map expires may be extended for a period or periods no exceeding a total of six years. This does not account for automatic extensions as specified in the Subdivision Map Act.
4. The applicant shall ascertain and comply with the requirements of all federal, state, county and local agencies as are applicable to the project areas. They include, but are not limited to: Butte County Environmental Health, California Department of Transportation, California Water Service Company, California Regional Water Quality Control Board, Butte County Air Quality Management District, and the City of Oroville's Planning Division, Building Division, Public Works Division, and Fire Department.
5. The land division shall comply with the State of California Subdivision Map Act and with all requirements of the City's Code, unless modified by the conditions listed herein, and with all other applicable State and Federal codes.
6. Two exceptions to the design standards are hereby granted as noted on the proposed tentative parcel map (Note #16). The Planning Commission hereby authorizes the following two conditional exceptions to the requirements and regulations related to the design of a subdivision found in Chapter 23, Section 183, of the Oroville Municipal Code.
  - Depth-to-Width Ratios: Parcels 1 slightly exceeds the 3:1 depth-to-width ratio.
  - Lot Frontage: Parcel 3 does not front on a public or private street

7. The Planning Commission approval date of this Tentative Parcel Map No. 15-01 occurred on May 27, 2015. All determinations of whether the land division is eligible for an extension of time shall be based on this original approval date.
8. A grading plan shall be prepared by a registered Civil Engineer in accordance with City standards and approved by the City Engineer prior to commencement of any grading. The plan shall incorporate adequate erosion control measures to protect the site and adjoining properties from damage due to erosion.
9. 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.
10. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
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 by the Planning Commission.
12. This map shall run with the land and be binding upon all successors in interest to the maximum extent permitted by law.
13. 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 properties.
14. All private facilities, improvements, infrastructure, systems, equipment, common areas, landscaping, irrigations systems, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety, and general welfare. All on-site “No Loitering” or other “Posted Area” signs shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular basis.

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

15. It shall be noted that any future development on Parcel 3 shall be subject to acquiring and establishing access to and from Feather River Boulevard.
16. The applicant shall be required to record a reciprocal ingress and egress easement, as identified on the map, for the newly created parcels in which the owners of the parcels agree to share the cost of maintenance for the ingress and egress areas being shared under the easement.
17. A parcel map is required with all appropriate easements to be dedicated (or offered for dedication in the case of drainage easements) in accordance with provisions of the Subdivision Map Act and the Butte County.
18. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.

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

**I HEREBY CERTIFY** that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 27<sup>th</sup> of May 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

\_\_\_\_\_  
DONALD L. RUST, DIRECTOR

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



## RESOLUTION NO. P2015-04

**A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING TWO (2) USE PERMITS NO. 15-01 & 15-02 FOR THE CONSTRUCTION OF A NEW DRIVE-THROUGH COFFEEHOUSE AND NEW DRIVE-THROUGH RESTAURANT ON THE VACANT PROPERTY IDENTIFIED AS APN: 035-030-013**

**WHEREAS**, the City of Oroville has received two (2) use permit applications for the construction of a new drive-through coffeehouse and new drive-through restaurant on the vacant property currently identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north side of State Route 162; and

**WHEREAS**, the subject property has a zoning designation of Corridor Mixed-Use (MXC); and

**WHEREAS**, per the City of Oroville Municipal Code (OMC) Table 26-34.020-1, the proposed restaurant and coffeehouse are uses permitted by right, subject to a zoning clearance, in an MXC district; however, any drive-through in an MXC district requires a use permit; and

**WHEREAS**, per the OMC Section 26-50.010(E)(4), the Planning Commission may grant a use permit only upon making all of the following findings, based on substantial evidence:

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

*Per City Code 26-50.010, the intent of use permits is to provide an opportunity to review the location, site development or conduct of certain land uses, activities and structural features that generally have a distinct impact on the area in which they are located or are capable of creating special problems for bordering properties unless given careful attention. For this reason, such uses are permitted through discretionary review and the powers granted to the Planning Commission include attaching any conditions to the use permit that are deemed necessary to achieve the purpose of the Zoning Code, Design Guidelines and promote the general health, safety, and public welfare of the City.*

*The proposed restaurant and coffeehouse are uses permitted by right in an MXC district. However, any drive-through in an MXC district requires a use permit. As identified in the Notice of Exemption, the project has been reviewed for consistency with applicable General Plan designation and all applicable General Plan policies, applicable zoning designation and regulations, potential impact to any habitat for endangered, rare or threatened species, and potential significant*

*effects relating to traffic, noise, air quality, and water quality. No significant or potentially significant impacts have been identified with this project. Rather, the project is believed to be a benefit to the City as it will develop a vacant lot on the City's main commercial corridor, benefit the local economy by providing 40 new jobs and a new source of sales tax revenue, and provide more retail options for local residents.*

*After a thorough review of the project, the approval of these use permits has been conditioned to ensure that under no circumstance will the project be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with section 26-50.010 of the City Code. Additionally, this project will be required to comply with all City zoning, engineering, building, landscaping, and public work standards in addition to any other federal, State, or local regulations that may be applicable.*

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

*The proposed project is located on Oro Dam Boulevard which is identified as the City's main commercial corridor in the 2030 General Plan. As a drive-through restaurant and coffeehouse, being located along Oro Dam Boulevard, which has an approximate annual average daily traffic count of 30,000 per the 2013 Caltrans volume counts, is an ideal location in support of the General Plan, Goal LU-4, P4.1 to maintain Oroville Dam Boulevard and Olive Highway between Highway 70 and Foothill Boulevard as one of the Planning Area's primary retail districts. Additionally, the project site, zoned MXC, is directly adjacent to other MXC zoned properties and an Intensive Commercial (C-2) property, which have the following land uses:*

- *Cottonwood Estate Manufactured Home Community to the northeast*
- *Undeveloped property to the northwest and west*
- *La Esmeralda Market to the west*
- *Feather River Village commercial complex to the south*
- *Sonic Drive-In to the east*
- *Holiday Inn Express & Suites to the east*
- *America's Best Value Inn Express & Suites to the east*

*Thus, 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 or will be made adequate prior to the

establishment of the proposed use.

*The sewer provider for the project site is the City of Oroville who owns the collection system. The agency that treats all wastewater is the Sewerage Commission – Oroville Region (SCOR). Power is provided by PG&E, telephone by AT&T, cable by Comcast, and water by the California Water Service Company (Cal Water). The proposed development will be required to pay all required development impact fees and be constructed according to current engineering, development and building code standards. Prior to the issuance of final building occupancy, the Building Division will inspect all on-site improvements and the Engineering Division will inspect all off-site improvements, with Caltrans approval also required for any work in their right-of-way. If at the time of inspection any inadequacies in water, sanitation or utilities that are required to be supplied to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy. Additionally, as specified above, this project has adequate access to the City's transportation network through direct access to Oro Dam Boulevard, and future development of Parcel 3 is subject to acquiring access to and from Feather River Boulevard.*

*To analyze the impacts of the project on State Route 162 (Oro Dam Boulevard), the applicant contracted Omni-Means who prepared an initial circulation study for Oro Dam Boulevard. The analysis assumes that left turns are allowed into the proposed project and prohibited for the driveway across from the proposed project. The report analyzed and discussed the following items:*

- *Quantification of the trip generation and trip distribution associated with the proposed project, and the resulting impacts on existing weekday AM and PM peak hour intersection operations.*
- *Potential circulation issues related to the development of the proposed project along Oro Dam Boulevard at the study intersections.*

*An agreement with the owners of the property (Feather River Village) across the street from the proposed project has been reached to restrict their "middle" driveway to right turns only. This agreement will reduce conflict points along Oro Dam Boulevard and is required to safely accommodate left turn access into and out of the project site. The easternmost driveway of the property across the street will also be consolidated with the adjacent gas station's driveway, further reducing conflict points by reducing the number of driveways on Oro Dam Boulevard.*

*In summary, the conclusions of the circulation study were that full-access at the proposed project driveway can be safely accommodated under the proposed intersection and roadway modifications presented in Figure 4 of the study and analyzed under the Existing Plus Project conditions scenario. The proposed improvements across the street of the proposed project will not only allow for safe ingress and egress from the proposed project but will also generally improve*

safety on Oro Dam Boulevard by reducing conflict points at closely spaced driveways.

- 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 City requires a use permit for all drive-through establishments on properties with an MXC zoning designation. However, the restaurant and coffeehouse are both permitted uses, subject to a zoning clearance. Thus, the requirement of the use permits is prompted due to the inclusion of the drive-throughs as part of the development design.*

*The project site, as specified in Finding b) above, is located on Oro Dam Boulevard which is identified as the City's main commercial corridor, and is surrounded by a mix of existing urban properties with identical zoning designations and one C-2 zoned property. Surrounding land uses includes Cottonwood Estates Manufactured Home Community to the north, Sonic Drive-In, Holiday Inn Express and Suites, and America's Best Value Inn and Suites to the east, Feather River Village commercial complex to the south, and La Esmeralda Market to the west.*

*As identified above under Finding c), the applicant contracted Omni-Means who prepared an initial circulation study for Oro Dam Boulevard. The study accounted for intended land uses, size, design and operating characters of the proposed project. The conclusions of the circulation study were that full-access at the proposed project driveway can be safely accommodated under the proposed intersection and roadway modifications presented in Figure 4 of the study and analyzed under the Existing Plus Project conditions scenario. The proposed improvements across the street of the proposed project will not only allow for safe ingress and egress from the proposed project but will also generally improve safety on Oro Dam Boulevard by reducing conflict points at closely spaced driveways.*

*Additionally, in the event the project results in any unforeseen adverse effects, pursuant to section 26-50.010(F) of the Zoning Code, the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any requirement in the Zoning Code, has been violated in connection with the permit; and finally, if the permit was obtained by fraud.*

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

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

*The applicant has submitted a site plan and tentative parcel map demonstrating that, as proposed, the subject site is physically suitable for the type and intensity of land use being proposed. For additional information, please reference Findings c-d) above.*

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

*The Economic Development Element of the City's 2030 General Plan identifies Oro Dam Boulevard as a Commercial Core Focus Area, and a Guiding Principle of the City's 2030 General Plan is to create a vibrant local economy by creating a sustainable economy that serves all segments of the population, engage in economic development to encourage and retain businesses that provide a variety of job opportunities, quality goods and services, and a dependable tax base. Goal LU-4 of the General Plan is to provide adequate land for and promote the development of attractive commercial areas and uses that provide goods and services to Oroville residents, employees, and visitors. Policy 4.1 of this goal specifies that Oroville Dam Boulevard and Olive Highway between Highway 70 and Foothill Boulevard should be maintained as one of the Planning Area's primary retail districts.*

*Per the "Oroville Taxable Retail Potential Analysis" completed by the Center for Economic Development from the California State of University, Chico in June of 2007, there is an approximate taxable sales leakage from restaurants (with no sale of alcohol) in the Oroville market area of \$20,732,718 (Table 4; Page 9). The project is believed to be a benefit to the City as it will develop a vacant lot on the City's main commercial corridor, benefit the local economy by providing 40 new jobs, provide a new source of sales tax revenue to capture existing taxable sales leakage to other areas, and provide more retail options for local residents. The location and local economic benefits of the proposed project support the goals of the City's General Plan.*

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

*The use permit applications have been reviewed by staff and the proposed project, as designed and conditioned, has been found to comply with all applicable laws and regulations, including the applicable requirements of the City's 2030 General Plan, Zoning Code, and other applicable portions of the City's Municipal Code. As a condition of this permit, the applicant shall be required to ascertain and comply with the requirements of all Federal, State, County, City and other local agencies as applicable to the proposed use and*

*project site. In addition, section 26.50-010(F)(2) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that, any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, if a law has been violated in connection with the permit, or if the permit was obtained by fraud; and*

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

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

1. The Planning Commission finds that this action has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) review pursuant to the California Code of Regulations, Title 14, Section 15332, "In-fill Development Projects" exemption.
2. The Planning Commission adopts the findings required by Section 26-50.010(E)(4) of the Oroville City Code, as those findings are described in this Resolution.
3. The following conditions of approval have been deemed necessary to achieve the purpose of the Zoning Code, promote the general health, safety and public welfare of the City.

### **CONDITIONS OF APPROVAL**

**Approved project:** The project applicant, Engstrom Properties Inc., has applied for two (2) use permits for the construction of a new drive-through coffeehouse and new drive-through restaurant on the vacant property currently identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north side of State Route 162. The property has a zoning designation of Corridor Mixed-Use (MXC). The proposed restaurant and coffeehouse are uses permitted by right in an MXC district. However, any drive-through in an MXC district requires a use permit. The Planning Commission hereby approves UP 15-01 & 15-02, subject to the following:

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.

2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. 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.
4. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
5. As specified in the circulation study prepared by Omni-Means, applicant shall provide a notarized copy of the agreement with the owners of the property (Feather River Village) across the street from the proposed project indicating their agreement to restrict their "middle" driveway to right turns only.
6. As specified in the circulation study prepared by Omni-Means, all proposed intersection and roadway modifications presented in Figure 4 of the study and analyzed under the Existing Plus Project conditions scenario shall be completed, to the satisfaction of the California Department of Transportation, for full-access at the proposed project driveway without the need to restrict left turns into the project site.
7. The final design of the project shall not differ substantially from the project design characteristics used by Omni-Means for their circulation study analyses.
8. Under no circumstance shall vehicle queueing on the project site spill back onto Oro Dam Boulevard.
9. Pursuant to Section 26-50.010(F) of the City Code, the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
  - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
  - b. Any of the terms or conditions of the permit have been violated.
  - c. A law, including any requirement in the Municipal Code Chapter 26, has been violated in connection with the permit.
  - d. The permit was obtained by fraud.

10. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for revocation.

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

**I HEREBY CERTIFY** that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 27<sup>th</sup> of May 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

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

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

## RESOLUTION NO. P2015-05

**A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING VARIANCE NO. 15-02 GRANTING THE DEVELOPMENT OF A NEW DRIVE-THROUGH COFFEEHOUSE AND NEW DRIVE-THROUGH RESTAURANT ON THE VACANT PROPERTY IDENTIFIED AS APN: 035-030-013 TO EXCEED THE MAXIMUM TOTAL AREA ALLOWED FOR ALL SIGNS, TO EXCEED THE MAXIMUM SIGN AREA OF A FREESTANDING SIGN AND TO EXCEED THE MAXIMUM HEIGHT OF A FREESTANDING SIGN**

**WHEREAS**, the City of Oroville has received an application requesting a variance from the City's sign regulations as found in Section 26-19 of the Oroville Municipal Code (OMC) to exceed the maximum total area allowed for all signs, to exceed the maximum sign area of a freestanding sign and to exceed the maximum height of a freestanding sign; and

**WHEREAS**, the variance from the City's sign regulations is for the development of a new drive-through coffeehouse (Starbucks) and drive-through restaurant (Panda Express) on the vacant property currently identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north side of State Route 162; and

**WHEREAS**, the subject property has a zoning designation of Corridor Mixed-Use (MXC); and

**WHEREAS**, per the OMC Section 26-50.080(C)(3), the Planning Commission shall grant a variance only upon finding all of the following, based on substantial evidence:

- a. The granting of the variance is not inconsistent with the General Plan or any applicable specific plan.

*Per the City's 2030 General Plan, Goal OPS-5, Policy 5.2, it is the intent of the City of Oroville to limit freeway-oriented signs to maintain and enhance the quality of Oroville's scenic and visual resources. The policy requires combining freeway signs listing available accommodations and services, and allow only small identity signs on buildings adjoining freeway. This is the only reference to freeway-oriented signs in the General Plan, which is directed towards signs on scenic highway routes that informs motorists of available accommodations and services in Oroville. Since the signage in question does not fall under this policy, and the portion of State Route 162 where the subject property is located is not a scenic highway but rather the main commercial corridor of the City, the granting of this variance is not inconsistent with the General Plan. There are no specific plans overlaying this property.*

- b. There are exceptional and extraordinary circumstances or conditions applying to the land, building or use referred to in the application that does not generally apply to other land, buildings or uses in the same district.

*Section 26-50.080 specifies that the sole purpose of a variance shall be to prevent discrimination and undue hardship, and no variance shall be granted that would provide a special privilege not shared by other property in the same vicinity.*

*The City acknowledges the need to amend portions of the Sign Code, as demonstrated by the history of sign variance requests and the City Council's agreement on March 5, 2013 for staff to return with a comprehensive amendment to the Sign Code, which was supported by a Planning Commission recommendation on February 25, 2013.*

*Exceed Maximum Total Area for All Signs*

*The orientation of the buildings is such that the narrow face of each building fronts the public right-of-way. This was determined to be the best layout to accommodate parking, circulation, and queuing at the drive-through. Per the OMC Table 26-19.120-3 "Allowed Signs in C-2, CH, CLM and MXC Districts," the maximum total are for all signs, for buildings less than 20,000 square feet of gross floor area, shall be 1.5 square feet per lineal foot of building frontage, or 300 square feet, whichever is less. The total maximum allowable signage calculation for each building is as follows:*

*Starbucks*

*33.3' x 1.5 = 49.95 square feet*

*Panda Express*

*39.2' x 1.5 = 58.8 square feet*

*The strict enforcement of the Code would allow a maximum total area for all signs of 109 square feet. The total signage being proposed is 1,195 square feet, which is 1,086 square feet above the maximum total allowable signage of 109 square feet.*

*As currently drafted, the Sign Code does not provide exceptions or special provisions for developments that choose to orient the building with the narrow end facing the public right of way and does not consider how requiring maximum allowable signage to be calculated based on building frontage might disproportionately restrict such developments. Thus, it is believed that the strict and literal enforcement of the provisions of the Zoning Code would result in unreasonable and unnecessary hardships for the applicant.*

*Exceed Maximum Sign Area of a Freestanding Sign*

*City Code Section 26-19.070(D) specifies that the maximum freestanding sign area is based on the total linear street frontage of the front side of the site, with street frontages of 200 to 400 lineal feet permitted to have a maximum of 75 square feet of sign area per side. The project site has an approximate street frontage of 227 lineal feet. The applicant is proposing a double sided freestanding sign with 300 square feet per side, 225 square feet above the maximum allowable permitted per side.*

*As currently drafted, the Sign Code does not provide exceptions or special provisions for properties that are adequately sized to support development but might be disproportionately restricted in their freestanding sign face allowance due to a narrow street frontage and long depth. Thus, it is believed that the strict and literal enforcement of the provisions of the Zoning Code would result in unreasonable and unnecessary hardships for the applicant.*

### *Exceed Maximum Height of a Freestanding Sign*

*Per Section 26-19.070 of the OMC, the maximum height of a freestanding freeway-oriented sign shall be 40 feet. Increased height, up to a maximum of 60 feet, may be permitted in order to provide motorists with direct vision of the sign from a distance of 1/4 mile from a freeway exit ramp. The need for this increased height shall be demonstrated by means of a balloon test or other method approved by the Zoning Administrator. The maximum permitted height shall be specified in the sign permit. The applicant is proposing a freestanding sign 85 feet in height.*

*On May 21, 2012, the Planning Commission approved Variance No. 12-02 allowing McDonalds, located at 445 Oro Dam Boulevard (APN: 035-030-051), and approximately 280 feet away from the project site to the southwest, to construct an 85 foot tall freestanding sign. The approving resolution (Resolution No. P2012-11) specifies the principal reason for why the applicant requested the variance was that the existing pole sign was visually restricted by surrounding vegetation which prevented freeway visibility. A visibility test was conducted which demonstrated that vegetation and elevation shift in the terrain also was a factor in the lack of visibility of the sign.*

*Grounds for the approval, as specified in Resolution No. P2012-11, include, but are not limited to, the following:*

- the increased 25 feet in height will allow the sign to be more visible from the freeway*
- the proposed project will benefit the residents of the City of Oroville by boosting the local economy by attracting more people into the City through advertising*
- the economic benefit of this application will serve the greater good of the City of Oroville*
- granting the proposed variance would not grant a special privilege to the applicant that is not currently enjoyed by surrounding property owners*

*The applicant for this project (VAR 15-02) is requesting the variance for the purpose of obtaining visibility to drivers on California State Route 70, their main target audience for the freestanding sign. The northbound visibility is obstructed by the existing landscaping and vegetation. Southbound visibility is partially obstructed by the landscaping and shift in terrain. The reasoning behind why the variance in sign height is being requested is the same as that of McDonalds, with the requested 85 foot height equivalent to McDonalds' existing freestanding sign. Thus, approval of*

*this variance would not grant a special privilege not shared by other property in the same vicinity.*

- c. The granting of the variance will not grant a special privilege to the property.

*Please reference Finding b) above.*

- d. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district, and that would otherwise be denied to the property in question.

*Please reference Finding b) above.*

- e. The granting of the variance will not be materially detrimental to the public welfare.

*The visibility test for the McDonalds sign demonstrated that the maximum 60 foot height restriction limited motorists on Highway 70 from viewing the sign at a distance that would provide for a safe exit onto Oro Dam Blvd. The 85 foot sign height allowed motorists to see the sign from a sufficient distance that would allow for a safe exit onto Oro Dam Blvd without the need to make an abrupt decision and potentially unsafe exit off the Highway. With this proposed development approximately 280 feet away from McDonalds and with a comparable elevation, the same safety element has been considered for this variance.*

*Additionally, the sign height and proposed sign areas will allow greater visibility from both State Route 70 and 162 which will benefit the local economy by attracting more people into the City through advertising which will capture retail sales tax dollars that may have otherwise not come into Oroville. There is no evidence in the record to demonstrate that the variance will be materially detrimental to the public welfare.*

- f. The granting of the variance will not be injurious to, or incompatible with, any nearby property or improvements.

*The variance being requested is to exceed the maximum total area allowed for all signs, to exceed the maximum sign area of a freestanding sign and to exceed the maximum height of a freestanding sign. The project site, zoned MXC, is directly adjacent to other MXC zoned properties and an Intensive Commercial (C-2) property. The adjacent properties are developed as follows:*

- *Cottonwood Estate Manufactured Home Community to the northeast*
- *Undeveloped property to the northwest and west*
- *La Esmeralda Market to the west*
- *Feather River Village commercial complex to the south*
- *Sonic Drive-In to the east*
- *Holiday Inn Express & Suites to the east*
- *America's Best Value Inn Express & Suites to the east*

*The signage will not obstruct existing signs on nearby property and the subject property is adjacent to Oro Dam Boulevard which is identified as the City's main commercial corridor in the 2030 General Plan. The subject property is approximately 280 feet from another property with an existing 85 foot tall freestanding sign and surrounded by other identically or similarly zoned parcels on the commercial corridor. The construction of the signs will be required to comply with all applicable requirements, including engineering, building, and zoning code requirements, other than the development standard variance expressly granted by the approval of this variance request. Thus, there is no known reason to believe that the variance will be injurious to, or incompatible with, any nearby property or improvements.*

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

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

1. The Planning Commission finds that this action has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) review pursuant to the California Code of Regulations, Title 14, Section 15332, "In-fill Development Projects" exemption.
2. The Planning Commission adopts the findings required by Section 26-50.080(C)(3) of the Oroville Municipal Code, as those findings are described in this Resolution.
3. The approved variance to the City's sign regulations are as follows:
  - Applicant may install an 85 foot tall freestanding sign, which is 25 feet above the maximum allowed
  - Applicant may install a 300 square foot double sided freestanding sign, 225 square feet above the maximum permitted per side
  - Applicant may install 1,195 square feet of wall signage, which exceeds the maximum allowable total area for all signs by 1,086 square feet
4. The project applicant agrees to comply with all City sign regulations as found in Section 26-19 of the City's Municipal Code, except as otherwise granted by this variance.
5. The attached conditions of approval have been deemed necessary to achieve the purposes of the City's Zoning Code and promote the general health, safety and public welfare of the City.

## CONDITIONS OF APPROVAL

**Approved project:** The project applicant, Engstrom Properties Inc., has applied for a variance to the City's Sign Code, as found in Section 26-19 of the Oroville Municipal Code (OMC), to exceed the maximum total area allowed for all signs, to exceed the maximum sign area of a freestanding sign and to exceed the maximum height of a freestanding sign for the development of a new drive-through coffeehouse (Starbucks) and drive-through restaurant (Panda Express) on the vacant property currently identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north side of State Route 162. The subject property has a zoning designation of Corridor Mixed-Use (MXC). The Planning Commission hereby approves VAR 15-02, subject to the following:

1. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
2. Pursuant to Section 26-19.040, the applicant is required to apply for sign permits for any new signs to be installed on the property.
3. The applicant shall ascertain and comply with the requirements of all California Department of Transportation standards, as well as all other applicable local, state and federal requirements that may be applicable to the proposed project.
4. Unless otherwise specified in this variance (VAR 15-02; Resolution No. P2015-05), this project shall fully comply with all City sign regulations as found in the Oroville Municipal Code Section 26-19.
5. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this variance may be grounds for revocation.
6. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this variance or any environmental or other documentation related to approval of this variance. Applicant further agrees to provide a defense for the City in any such action.
7. All structures shall be properly maintained, kept in good repair and kept clean. The area occupied by such structure shall be kept free of weeds, debris, and graffiti.

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

**I HEREBY CERTIFY** that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 27<sup>th</sup> of May 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

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

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



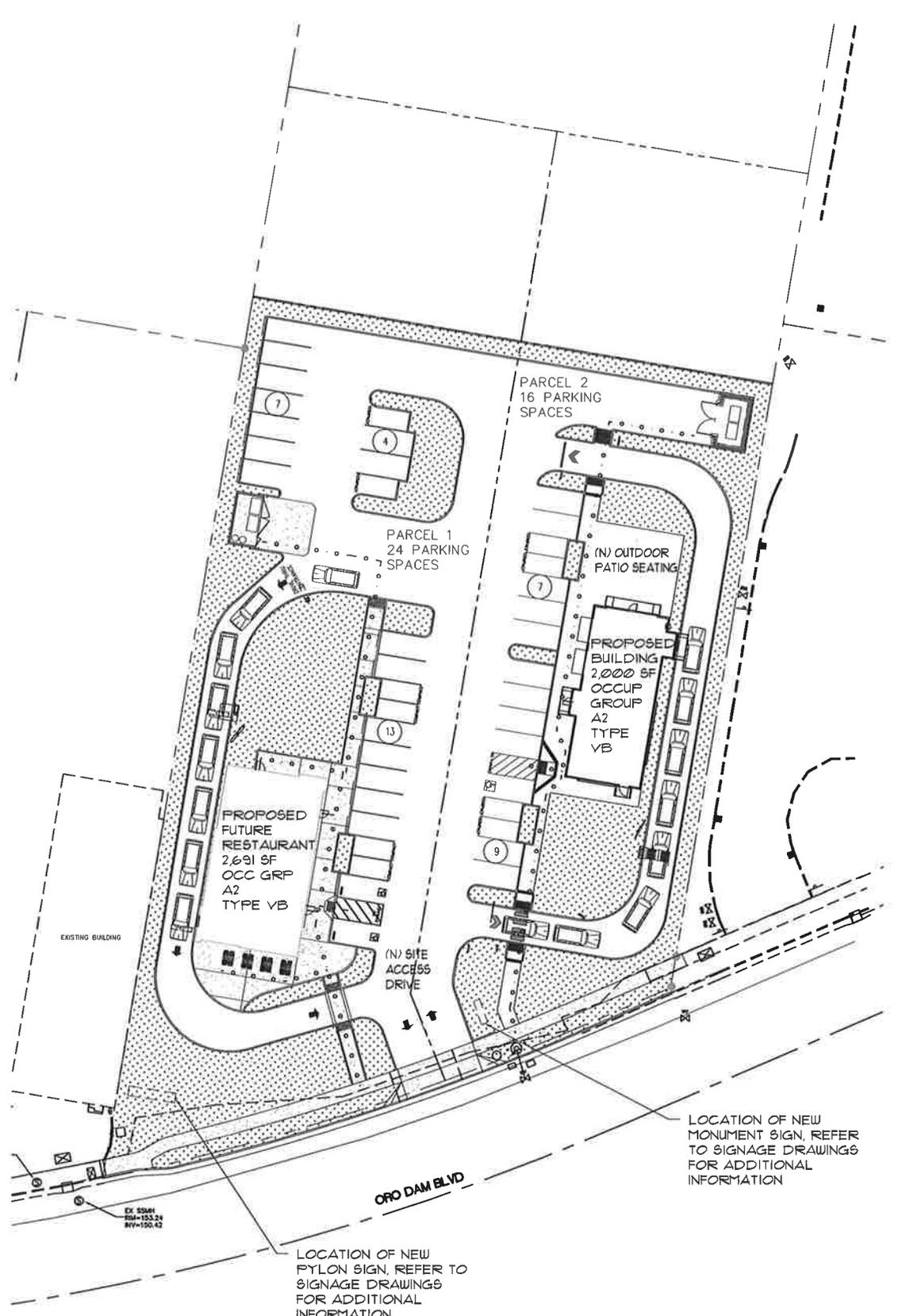












LOCATION OF NEW PYLON SIGN, REFER TO SIGNAGE DRAWINGS FOR ADDITIONAL INFORMATION

LOCATION OF NEW MONUMENT SIGN, REFER TO SIGNAGE DRAWINGS FOR ADDITIONAL INFORMATION

2699 Accelevy Way  
 Sacramento, California 95815  
 Tel: 916.972.9327  
 Fax: 916.972.6414  
 www.pacificneon.com

Project No: **15-6687-00**  
 Account Executive: **Ralph Cundiff**

Project: **Starbucks**  
**85' Pylon Sign (Alternate)**

Address: **Oro Dam Blvd,  
 Oroville, CA**

Drawn By: **William Dilson**  
 Date: **1.20.15**  
 Revision: **1.22.15  
 4.2.15  
 4.21.15**

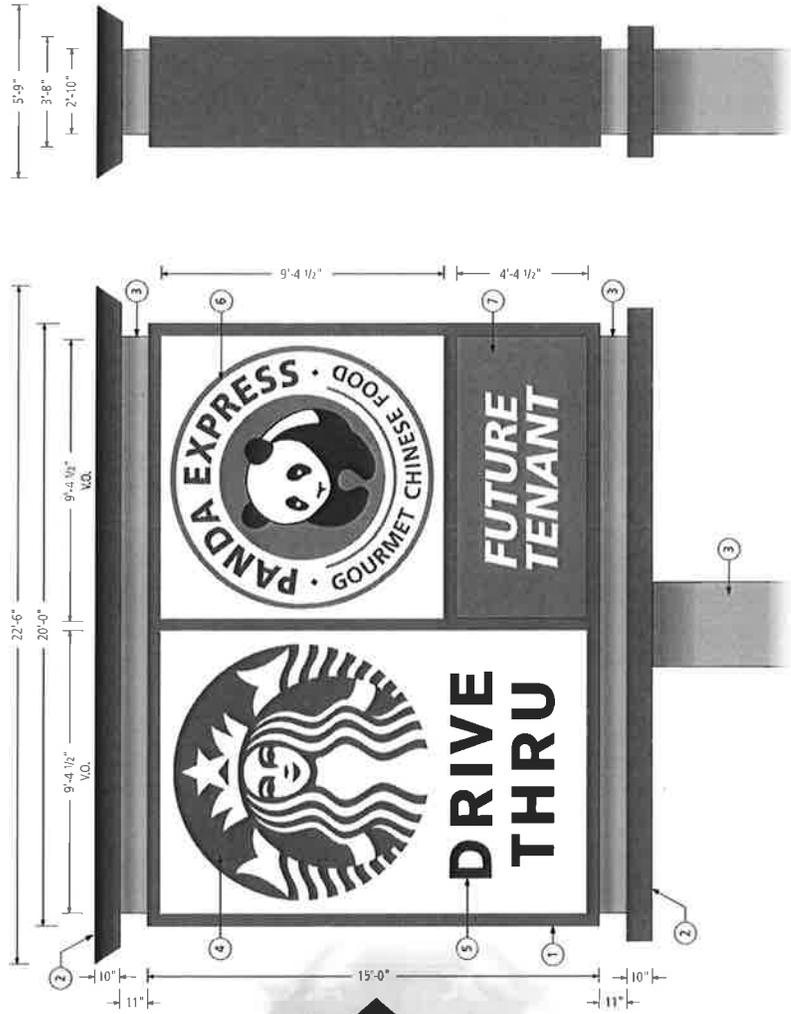
**NOTES:**  
 1. All work to be in accordance with the International Building Code and all applicable local codes. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for obtaining all necessary permits and approvals.

**Material/Finish:**  
 Cabinet: Sherwin Williams SW 7515 Homestead Brown, taxcoate finish. Faces to be White flex material with vinyl film graphics. Cabinet to be internally illuminated with H.O. fluorescent lamps.

**Comics:**  
 Sherwin Williams SW 7515 Homestead Brown, taxcoate finish. Faces to be White flex material with vinyl film graphics. Cabinet to be internally illuminated with H.O. fluorescent lamps.

**Graphic/Color:**  
 All text and graphics to be white, except where noted. All text and graphics to be white, except where noted. All text and graphics to be white, except where noted.

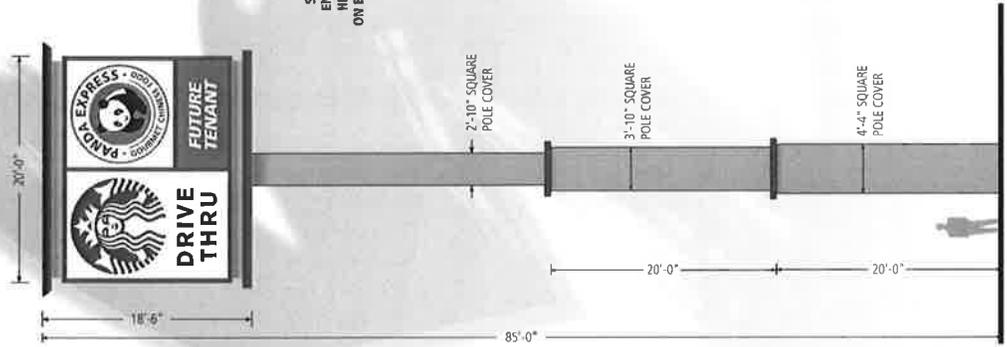
**California Title 24 Compliant**



**A Cabinet Detail - End View**  
 Scale 1/4" = 1'-0"

- 1 Cabinet: Fabricated aluminum construction with taxcoate finish. Paint color to match Sherwin Williams SW 7640 Fern Biddle.
- 2 Comics: Homestead Brown, taxcoate finish.
- 3 Pole Cover / Reveals: Fabricated aluminum construction with taxcoate finish. Paint color to match Sherwin Williams SW 7640 Fern Biddle.
- 4 Starbucks Siren logo. Loop sign to be reverse weeded with 3M 3630-76 Holly Green vinyl film overlay.
- 5 Drive Thru text. Copy to be 3M 3630-22 Black film.
- 6 Panda Express logo. White flex face. Graphics to be 3M 3630-22 and 3M Red (exact color to be specified) vinyl film overlays.
- 7 Future Tenant text. White flex face. Graphics to be 3M vinyl film overlays (to be specified).

**A Cabinet Detail**  
 Scale 1/4" = 1'-0"



**A D/F Illuminated Pylon Sign**  
 Scale 3/32" = 1'-0"

STARBUCKS  
 END TO FACE  
 HIGHWAY 70  
 ON BOTH SIDES



2455 Academy Way,  
 Sacramento, California 95815  
 Tel: 916.973.8527  
 Fax: 916.937.2414  
 www.pacificneon.com

Project No: **15-6687-00**  
 Account Executive: **Ralph Candiff**

Project:  
**Starbucks  
 85' Pylon Sign (Alternate)**

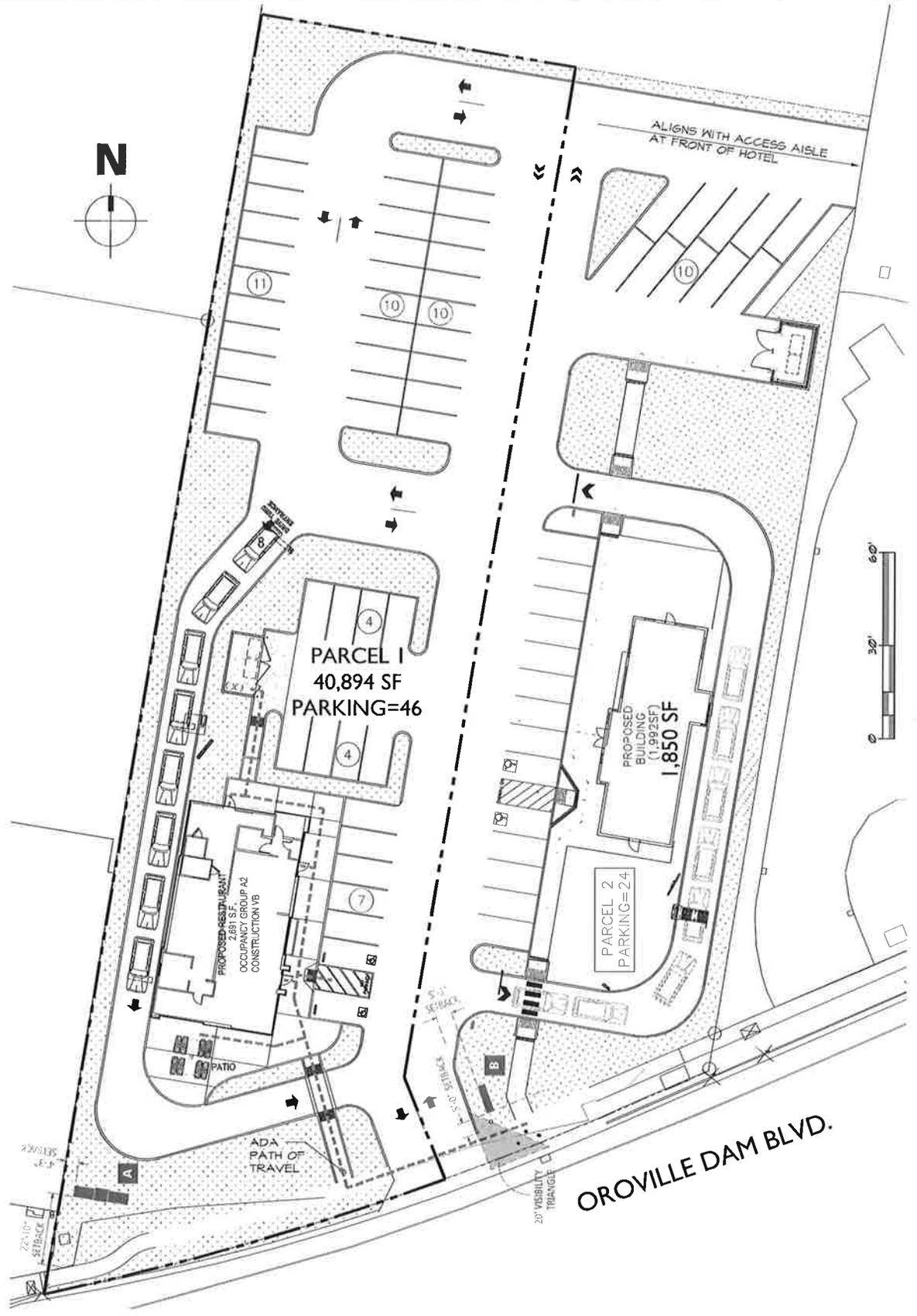
Address:  
**Oro Dam Blvd,  
 Oroville, CA**

Drawn By: **William Dickson**  
 Date: **1.2015**  
 Revision: **1.22.15  
 4.2.15**

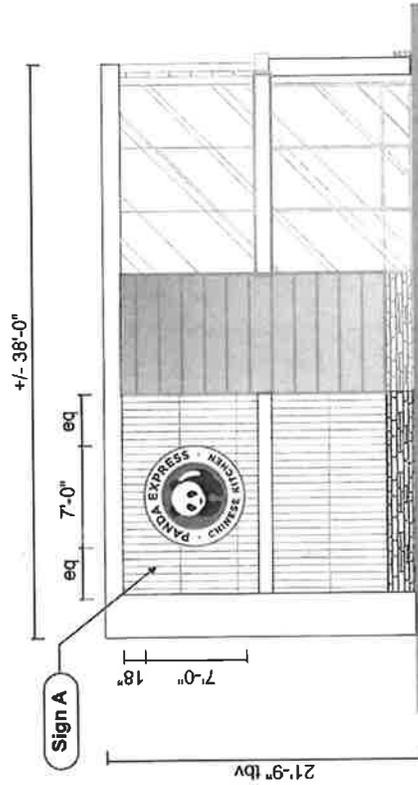
**ALL Work**  
 shall be performed in accordance with the applicable provisions of the California Building Code, and all work shall be done in accordance with the applicable provisions of the California Building Code, and all work shall be done in accordance with the applicable provisions of the California Building Code.

**General Notes**  
 1. All work shall be done in accordance with the applicable provisions of the California Building Code, and all work shall be done in accordance with the applicable provisions of the California Building Code.

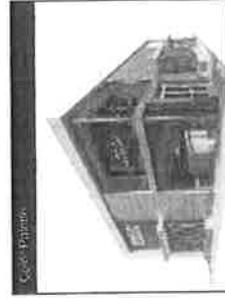
**California Title 24 Compliant**



SIGNS	LOCATION	HEIGHT	WIDTH	AGGRAGATE	PROPOSED	BALANCE
A	SHORT FRONT	7' LOGO	7'	83.225F	49SF	34.225F



**Short Storefront Elevation**  
Scale: 1/8" = 1'-0"



Allen Industries  
Corporate Identity Programs  
Architectural Signage Division  
4100 Sheraton Court, Greensboro, NC 27410  
Phone 888-294-2007 Fax 336-294-4333  
*Because Image Is Everything™*

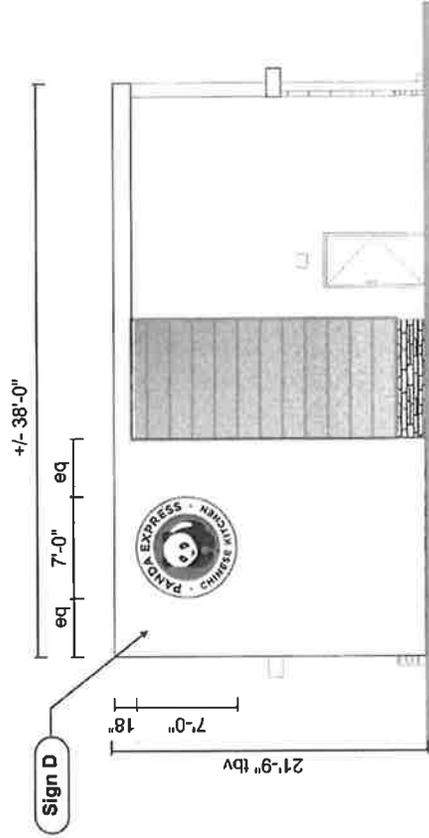
Client Review Status	Notes	Date	Description	Project Information
<input type="checkbox"/> Approved		03/20/15	Issue Date	Client Panda Express
<input type="checkbox"/> Approved as Noted		03/24/15	New Sign-Monument-Pylon	Orville Dorn & Heather River
<input type="checkbox"/> Revised & Resubmit		03/26/15	Monument (Pylon new design)	Orville, CA
		04/06/15	New Sign Plan	Plg. Orville, CA PANDA 479
				Site: CB Design: REBHAW for AR

**PANDA**  
EXPRESS

This is an original unpublished drawing. It is submitted for your personal use in connection with the project being planned for you by Allen Industries, Inc. It is not to be shown to anyone outside your organization, nor used, reproduced, copied or exhibited in any fashion whatsoever. All or part of this design (except for registered trademarks) remain the property of Allen Industries, Inc.



SIGNS	LOCATION	HEIGHT	WIDTH	AGGRAGATE	PROPOSED	BALANCE
D	REAR	7' LOGO	7'	83,225F	495F	34,225F



**Rear Elevation**  
Scale: 1/8" = 1'-0"



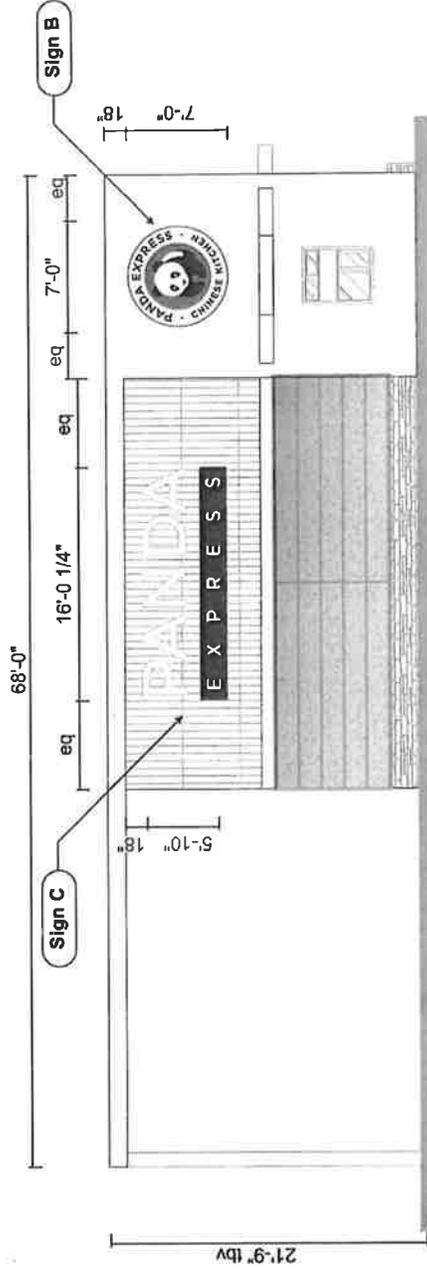
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Client/Review/Status	Date	Description	Project Information
02/20/15	Issue Draft		Client: Panda Express
02/24/15	Approved	New site - Monument-Pylon	Architect: Ornig & Fleisher Rowel
02/26/15	Approved	Monument/Pylon new design	Location: Orlando, CA
04/09/15	Approved	New Site Plan	Site: Orlando, CA PANDA U70
			Sign: CB Design: DEBBORN PH AR

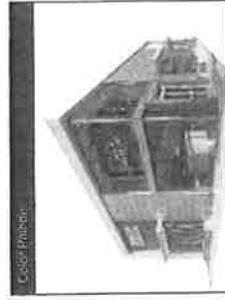
**PANDA EXPRESS**

**Notes:**  
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SIGNS	LOCATION	HEIGHT	WIDTH	AGGREGATE	PROPOSED	BALANCE
B	DRIVE THRU	7' LOGO 3' STACKED WHITE	7'	148.925SF	49SF	99.925SF
C	DRIVE THRU	LETTERSET	16'-0 1/4"	99.925SF	93.825SF	6.1SF



Drive Thru Elevation  
Scale: 1/8" = 1'-0"



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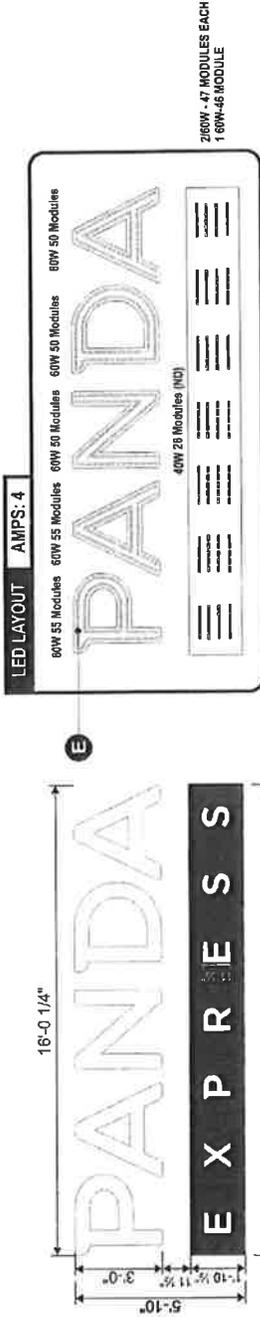
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**Project Information**

Client: Panda Express  
 Designer: Dawn & Frisler Power  
 City: Oroville, CA  
 State: CA  
 Project: PAN/DA-479  
 Date: 04/06/15  
 Designer: CB  
 Design: DEBRUN, IV, AR

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OA SQ FT: 93.92  
 TOTAL SQ FT: 78.21  
 PANDA SQ FT: 49.06  
 EXPRESS SQ FT: 30.15

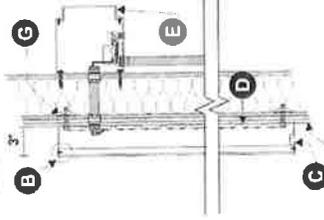
**FACELIT LETTERSET**  
 SCALE: 1/4" = 1'-0"

BLACK  
 PMS BLACK 7C  
 MAKROLON #7328 WHITE  
 WHITE

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE (NEC). THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.



<b>A</b>	<b>PLEX FACE MATERIAL</b> MANUFACTURER: BAYER MAKROLON SIZE/THICKNESS: 1/8" COLOR: (627) #7328 WHITE LD POLYCARBONATE FINISH: GLOSS NOTES:
<b>B</b>	<b>JEWELITE RETAINER</b> SIZE/THICKNESS: * COLOR: BLACK FINISH: GLOSS NOTES:
<b>C</b>	<b>RETURN MATERIAL</b> MANUFACTURER: ROBERT & SONS (OR EQUAL) ALUM. COIL SIZE/THICKNESS: 3" X .049" (2 and UNDER) 3" X .067" (2.5 and OVER) COLOR: PMS BLACK 7C FINISH: GLOSS NOTES: INTERIOR PAINTED ULTRA WHITE (MIN 95 BRIGHTNESS); BAFFLED DRAIN HOLES
<b>D</b>	<b>BACKING MATERIAL</b> MANUFACTURER: ALUMET (OR EQ) SIZE/THICKNESS: .063" COLOR: ULTRA WHITE FINISH: GLOSS NOTES: MIN 95 BRIGHTNESS; STAPLED CONSTRUCTION
<b>E</b>	<b>ILLUMINATION</b> MANUFACTURER: AALE ITEM#: LS-MZ0612 COLOR: (431) BLAZER HD WHITE POWER SUPPLY: MODE: 8-60W (12V) 1-40W (12V) CUSTOM MOUNTING: RACEWAY TO DOUBLE AS STRINGER IF REQUIRED.
<b>F</b>	<b>TAG LINE CABINET</b> FABRICATED .080" ALUM. CABINET; BREAK-FORMED ALUMINUM FACE w/ 1/2" RETURNS. GRAPHICS TO BE 3/4" CLEAR PUSH THRU w/ FROSTED EDGES AND 1/8" SURFACE 3M 3630-20A WHITE VINYL 2ND SURFACE DIFFUSER. IF INSTALLED BELOW ROOF-LINE WILL RECEIVE ITS OWN POWER SUPPLY AND TRANSFORMER BOX ABOVE DROP CEILING
<b>G</b>	<b>ATTACHMENT</b> MECHANICAL FASTENERS AS REQUIRED PER WALL CONSTRUCTION. IF INSTALLED OVER PANEL SYSTEM OR EIFS SYSTEM SPACERS REQUIRED



Typ. Exterior oceanic tile on 1/2" cement board on plywood sheathing

**PANDA LETTERSET**  
 SCALE: 1" = 1'-0"

**TAGLINE CABINET**  
 SCALE: 3/16" = 1'-0"



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 Title: \_\_\_\_\_

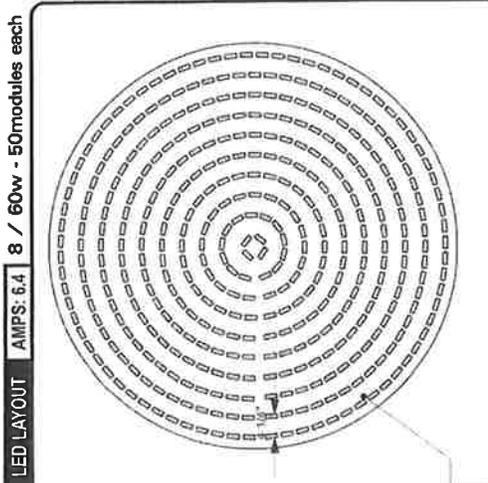
Date / Description	Notes
02/20/15	Issue Date
03/24/15	New site - Monument + Plycon
03/26/15	Monument Plycon new design
04/09/15	New Site Plan

Project Information  
 Client: Panda Express  
 Designer: DM & Feilner Blvd  
 Location: Oroville, CA  
 File: PANDA\_470  
 State: CA Designer: DEBBAN, PH, AR

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OA SQ FT: 49  
TOTAL SQ FT: 38.49

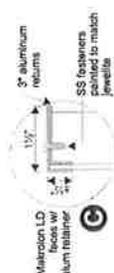
BLACK  
PMS BLACK 7C  
MARROLON #725 WHITE/  
WHITE

3M 18C-22 BLACK  
PMS 711C RED  
3M-SCOTCHCAL RED 3800-33

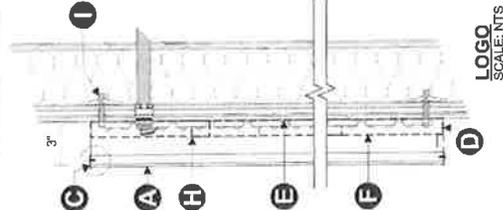
STANDARD PANDA VINYL COLOR SPECS



PLASTIC FACE LOGO  
SCALE: 1/2" = 1'-0"



4'-0" AND-OVER LOGO  
3 04/06/15



LOGO  
SCALE: NUTS

**Allen Industries**  
FILE NUMBER: ENR02

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STANDARD PANDA FACE, RETURNS AND TRIM CAP COLOR SPECS

- A** PLEX FACE MATERIAL  
MANUFACTURER: BAYER MARROLON  
SIZE/THICKNESS: 1/8"  
COLOR: 8677 #725B WHITE LD  
FINISH: GLOSS  
NOTES:  
BUMBERS AS REQUIRED TO PREVENT FACE DEFLECTION
- B** GRAPHIC APPLICATION  
COLOR: 1ST SURFACE DECORATED TRANSLUCENT VINYL IN PROJECT COLORS
- C** RETAINER  
LOGOS 3/8" AND UNDER: 1" JEWELITE BLACK  
LOGOS 4" AND OVER: FABRICATED ALUMINUM FACE  
RETURN PAINTED PMS BLACK 7C  
DRAIN HOLES TO HAVE MINIMUM OVERLAP NEEDED TO CONTAIN LOGO FACE
- D** RETURN MATERIAL  
MANUFACTURER: FABRICATED ALUMINUM  
SIZE/THICKNESS: 3" X .08"  
COLOR: PAINTED PMS BLACK 7C  
FINISH: GLOSS  
INTERIOR PAINTED ULTRA WHITE (MIN. 85 BRIGHTNESS); BAFLELED DRAIN HOLES
- E** BACKING MATERIAL  
MANUFACTURER: ALUMINUM  
SIZE/THICKNESS: .06"  
COLOR: ULTRA WHITE  
FINISH: GLOSS  
NOTES:  
MIN. 85 BRIGHTNESS
- F** FRAMING MATERIAL  
MATERIAL: ALUMINUM  
SIZE/THICKNESS: 1" X 1" X .125"  
COLOR: NONE  
FINISH: NONE  
NOTES:  
FIELD TO RETURNS
- G** ILLUMINATION MATERIAL SPEC  
MANUFACTURER: AA LED  
MODEL ITEM#: LS-AZ0612  
SIZE/THICKNESS: 1" X 1" X .125"  
LENGTH: 400 MODULES  
NOTES:  
VERSION 2 - 4 YEARS PARTS & LABOR WARRANTY WITH UL APPROVED DRIVER  
-ELEC OUT TO BE CENTERED IN SIGN, 6" FROM BASE.
- H** POWER SUPPLY SPEC  
MANUFACTURER: AA LED OR SIMIL  
UL APPROVED LED DRIVER  
MODEL ITEM#: 30W 12V  
NOTES:  
TOTAL NO. TRANSFORMERS:  
(8) 80W
- I** STD. FLUSH MOUNT SPEC  
SCREWS: 3/8" ALL THREAD W/ 3/8" NYLON NUTS  
WEIGHT: \_\_\_\_\_

**PANDA EXPRESS**

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 Approved as Noted  
 Revised & Resubmit

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**Project Information:**  
 Client: Panda Express  
 Location: Greenville, SC  
 Designer: DM/BAW  
 Date: 03/20/15  
 Issue Date: 03/24/15  
 Project Name: Monument Pylon new design  
 File Name: Monument Pylon new design  
 Scale: 1/4" = 1'-0"

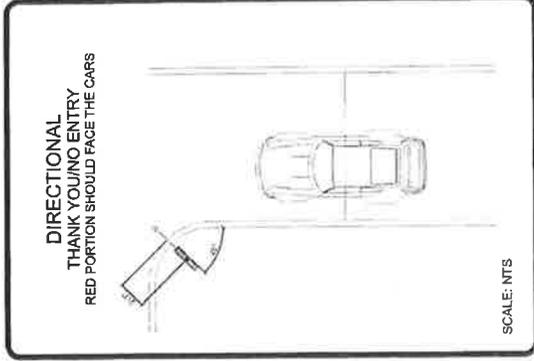
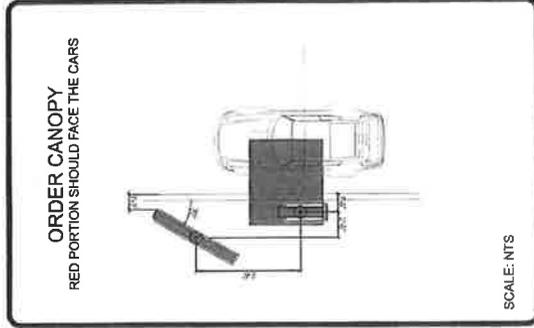
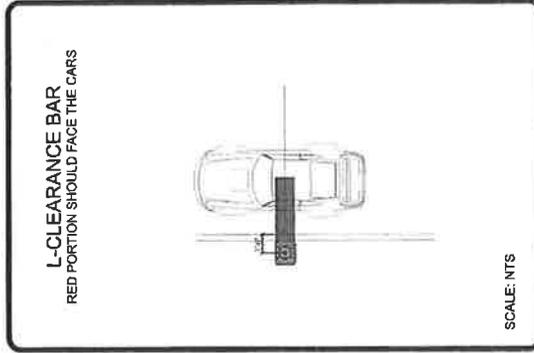








\* LOCATION TO BE VERIFIED PER SITE PLAN  
\*\* DIAGRAM DOES NOT MATCH SITE PLAN



\* Please advise if different arrangements are required for this site.

**PANDA**  
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**Date / Description**

Date	Description
03/20/15	New sign+Monument+Pylon
03/24/15	New sign+Monument+Pylon
03/26/15	Monument /Pylon new design
04/06/15	New Site Plan

**Project Information:**

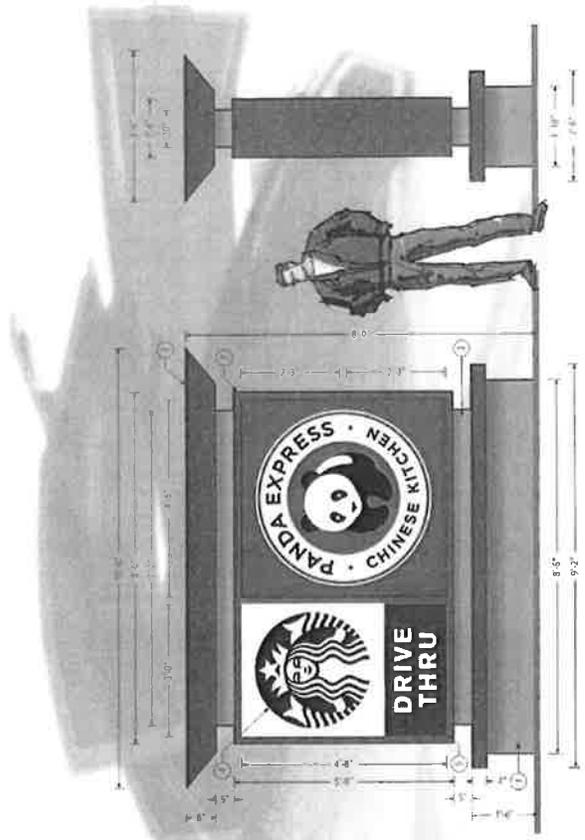
Client: Panda Express  
 Location: Durham & Frontier Tower  
 City: Charlotte, NC  
 State: NC  
 Project No: PANDA-179  
 Designer: DEBBY WADSWORTH



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- 1 Cabinet:  
Fabricated aluminum construction with recliner returns and to be painted Sherwin Williams SW 7515 Homestead Brown, Excess to be White. Lean with vinyl film graphics. Cabinet to be internally illuminated with LED light sources.
- 2 Cornice:  
Fabricated aluminum construction. Paint Sherwin Williams SW 7515 Homestead Brown, Excess finish.
- 3 Reels & Base:  
Fabricated aluminum construction with Excess finish. Paint color to match Sherwin Williams SW 7640 Fawn Briefe.
- 4 Starbucks:  
Logo area to be reverse vesseled with 3M 3630-76 Holly Green vinyl film overlay.
- 5 Drive Thru:  
White lex. face. Background to be 3M 3635-308 Brocade film. Copy over as cut white to illuminate.

UL listed  
Sign to be manufactured in U.S. Specifications and will conform to U.S. standards. All materials shall be of the highest quality. Color and finish to be as specified. Color and finish to be as specified. This includes proper priming and finishing of the sign.  
Bacterial Growth  
Contractor to provide primary dedicated electrical circuit with a 3000 watt ground for the electrical panel. I.E.D. shall be provided. Contractor shall provide all materials and labor for the sign. Contractor shall be responsible for the sign. Contractor shall be responsible for the sign. Contractor shall be responsible for the sign.



Monument/Tenant Panel  
Scale: NTS



Monument/Tenant Panel  
Scale: 1/2" = 1'-0"

**A**

**MATERIAL SPEC**  
MANUFACTURER: BAYER MAKROLON  
SIZE/THICKNESS: 177-59-404  
POLYCARBONATE  
COLOR: #7328 WHITE  
FINISH: SIGN GRADE  
NOTES: -FLAT FACES STANDARD

**B**

**VINYL MATERIAL SPEC**  
MANUFACTURER: ARLON OR 3M  
VINYL TYPE: CAST  
BLACK VINYL: 3M 180C-22 BLACK  
RED VINYL: PMS 711C RED  
3M-SCOTCHCAL RED 3630-33

STANDARD PANDA FACE, RETURNS AND TRIM CAP  
COLORS SPECS

**OPTION 1 (WITH LOGO) IS ALWAYS PREFERRED AS LONG AS VISIBILITY GUIDELINES CAN BE MET.**  
**OPTION 2 (WHEN AVAILABLE) WILL BE USED IF OPTION 1 CANNOT MEET VISIBILITY GUIDELINES.**  
FOR EXAMPLE: IF TYPICAL VIEWING DISTANCE IS DETERMINED TO BE 100 FT., THE LOGO DIAMETER CAN NOT BE SMALLER THAN 28" TO USE OPTION 1. IF IT IS SMALLER, USE OPTION 2 (IF AVAILABLE). TYPICAL VIEWING DISTANCE SHOULD BE DETERMINED BY PROJECT MANAGER ON SITE.

3M 180C-22 BLACK  
PMS 711C RED  
3M-SCOTCHCAL RED 3630-33

STANDARD PANDA VINYL COLOR SPECS

**Client Review Status:**

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Item:  Approved as Noted  Revisions & Resubmit

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

Title: \_\_\_\_\_

**PANDA**  
EXPRESS

**Project Information**

Client: Panda Express  
Company: Panda Express  
Address: 4100 Sheraton Court, Greensboro, NC 27410  
Phone: 888-294-2007 Fax: 336-294-4333

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# Surrounding Development

ATTACHMENT - N



Prepared: May 11, 2015





**Oro Dam Boulevard  
Commercial**

Draft Initial Circulation  
Study

Prepared for:

Engstrom Properties, Inc.

Prepared by:



**omni · means**  
ENGINEERING SOLUTIONS

**ORO DAM BOULEVARD COMMERCIAL  
DRAFT INITIAL CIRCULATION STUDY**

**Prepared For:  
Engstrom Properties, Inc.  
837 Jefferson Boulevard  
West Sacramento, California 95691**

**Prepared By:  
Omni-Means, Ltd.  
943 Reserve Drive, Suite 100  
Roseville, California 95678  
(916)-782-8688**

**FEBRUARY 2015**

**25-2829-01  
R1960TS003.docx**

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**APPENDIX**

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- Appendix A: Existing Turning Movement Counts
- Appendix B: Synchro & SimTraffic Analysis Worksheets

# Introduction

This report has been prepared to present the results of an Initial Circulation Study performed by Omni-Means for the proposed Oro Dam Boulevard Commercial Project for Engstrom Properties, Inc. This Initial Circulation Study will identify any potential circulation issues relative to the development of the proposed project site. The term "project" as used in this report refers to the proposed commercial development which consists of a 1,850 square foot coffee/donut shop with a drive-thru, and a 2,660 square foot fast-food restaurant with a drive-thru. The project is located on an empty lot, at 480 Oro Dam Boulevard, which is approximately 1,500 feet east of Interstate 70 (I-70) in the City of Oroville, CA. Figure 1 presents the project vicinity map.

Included in this report is the analysis and discussion of the following items:

- Quantification of the trip generation and trip distribution associated with the proposed project, and the resulting impacts on exiting weekday AM and PM peak hour intersection operations.
- Potential circulation issues related to the development of the proposed project along Oro Dam Boulevard at the study intersections.
- Potential base improvements and project-related mitigation measures, if needed, to alleviate unacceptable traffic operations at the study intersections.

## Study Intersections

Based on preliminary discussions between Engstrom Properties, Inc., Omni-Means, the City of Oroville, and Caltrans, four intersections have been identified and pre-selected for Phase 1 study. Turning movement counts were conducted on Thursday December 18th, 2014 for the following intersections:

1. Oro Dam Boulevard / Feather River Boulevard
2. Oro Dam Boulevard / 7th Avenue
3. Oro Dam Boulevard / 5th Avenue
4. Oro Dam Boulevard / Feather River Village (Middle) Driveway
5. Oro Dam Boulevard / Project Driveway

AM and PM peak hour intersection operations are analyzed for all study intersections as part of this report for the following scenarios:

- *Existing conditions*
- *Existing Plus Project conditions*

*Existing* conditions quantify the current year traffic operations at the study locations. The existing operations are analyzed at vicinity intersections including the "middle" driveway opposite the proposed project site to determine the delay and queuing characteristics along the corridor.

The *Existing Plus Project* conditions is an analysis scenario in which traffic impacts with the proposed project are investigated in comparison to the *Existing* conditions scenario. Within this scenario, the project generated peak hour traffic volumes have been added to the *Existing* conditions volumes to obtain the *Existing Plus Project* traffic volumes.

Project Location



Oro Dam Boulevard Commercial Circulation Study

Figure 1

Project Location and Vicinity Map



# Analysis Methodology and Technical Parameters

The following section outlines the methodology and analysis parameters used to quantify existing and existing plus project conditions.

## Intersection LOS Methodology

Intersection Level-of-Service (LOS) will be calculated for all control types using the methods documented in the Transportation Research Board publications *Highway Capacity Manual, Fifth Edition, 2010*. Traffic operations have been quantified through the determination of LOS. LOS determinations are presented on a letter grade scale from "A" to "F", whereby LOS "A" represents free-flow operating conditions and LOS "F" represents over-capacity conditions. For a signalized or all-way stop-controlled (AWSC) intersection, an LOS determination is based on the calculated averaged delay for all approaches and movements. For a two-way stop controlled (TWSC) intersection, an LOS determination is based upon the calculated average delay for all movements of the worst-performing approach. LOS definitions for different types of intersection controls are presented in Table 1.

## Level of Service Policy and Threshold

The City of Oroville General Plan Circulation Element contains the following policy pertaining to LOS standards in the City:

- P2.1 Maintain a minimum operating standard of LOS D as defined in the most current edition of the Highway Capacity Manual or subsequent revisions for all arterial, collector streets and intersections, except the following facilities where a LOS E will be acceptable. LOS E operations will be considered acceptable for intersection and roadway segment operations along Oroville Dam Boulevard between Highway 70 and Olive Highway.

Consistent with City policy, this study considers LOS "E" as the standard acceptable threshold for all intersections and roadway segments.

## Technical Parameters

The *Synchro 8.0* (Trafficware) integrated computer software program has been used to implement the HCM 2010 analysis methodologies at the study intersections. The *SimTraffic* computer software program has been used to determine the queuing characteristics at the study intersections. The Peak Hour Factor (PHF) and Heavy Vehicle Percentage (HV%) was determined using the overall intersection PHF and HV% from the existing turning movement counts, and is used for *Existing* conditions and *Existing Plus Project* conditions.

**TABLE 1  
LEVEL OF SERVICE CRITERIA**

Level of Service	Type of Flow	Delay	Maneuverability	Stopped Delay/Vehicle		
				Signalized	Un signalized	All-Way Stop
A	Stable Flow	Very slight delay. Progression is very favorable, with most vehicles arriving during the green phase not stopping at all.	Turning movements are easily made, and nearly all drivers find freedom of operation.	< 10.0	< 10.0	< 10.0
B	Stable Flow	Good progression and/or short cycle lengths. More vehicles stop than for LOS A, causing higher levels of average delay.	Vehicle platoons are formed. Many drivers begin to feel somewhat restricted within groups of vehicles.	>10.0 and < 20.0	>10.0 and < 15.0	>10.0 and < 15.0
C	Stable Flow	Higher delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures may begin to appear at this level. The number of vehicles stopping is significant, although many still pass through the intersection without stopping.	Back-ups may develop behind turning vehicles. Most drivers feel somewhat restricted	>20.0 and < 35.0	>15.0 and < 25.0	>15.0 and < 25.0
D	Approaching Unstable Flow	The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high volume-to-capacity ratios. Many vehicles stop, and the proportion of vehicles not stopping declines. Individual cycle failures are noticeable.	Maneuverability is severely limited during short periods due to temporary back-ups.	>35.0 and < 55.0	>25.0 and < 35.0	>25.0 and < 35.0
E	Unstable Flow	Generally considered to be the limit of acceptable delay. Indicative of poor progression, long cycle lengths, and high volume-to-capacity ratios. Individual cycle failures are frequent occurrences.	There are typically long queues of vehicles waiting upstream of the intersection.	>55.0 and < 80.0	>35.0 and < 50.0	>35.0 and < 50.0
F	Forced Flow	Generally considered to be unacceptable to most drivers. Often occurs with over saturation. May also occur at high volume-to-capacity ratios. There are many individual cycle failures. Poor progression and long cycle lengths may also be major contributing factors.	Jammed conditions. Back-ups from other locations restrict or prevent movement. Volumes may vary widely, depending principally on the downstream back-up conditions.	> 80.0	> 50.0	> 50.0

References: 2010 Highway Capacity Manual

## Existing Conditions

*Existing* conditions establishes baseline traffic conditions that currently exist in the study area. Currently, the study area along Oro Dam Boulevard is developed with various commercial land uses and numerous driveways. Figure 2 presents the study intersections and existing lane geometrics.

## Roadway Network

Roadways that provide primary circulation in the study area are as follows:

**State Route 70 (SR 70)** is an at-grade highway south of Oro Dam Boulevard and a grade-separated freeway north of Oro Dam Boulevard. SR 70 runs north-south through Oroville, connecting the City of Chico (via SR 149) to the north, and Yuba City to the south. The project site is located approximately 1,500 feet east of SR 70.

**Oro Dam Boulevard** is a four-lane arterial that runs east-west throughout the City, from west of the City at State Route 99 and to east of the City at the Oroville Dam. Within the study area, Oro Dam Boulevard is also designated as State Route 162 (SR 162). The posted speed limit in the study area is 35 mph.

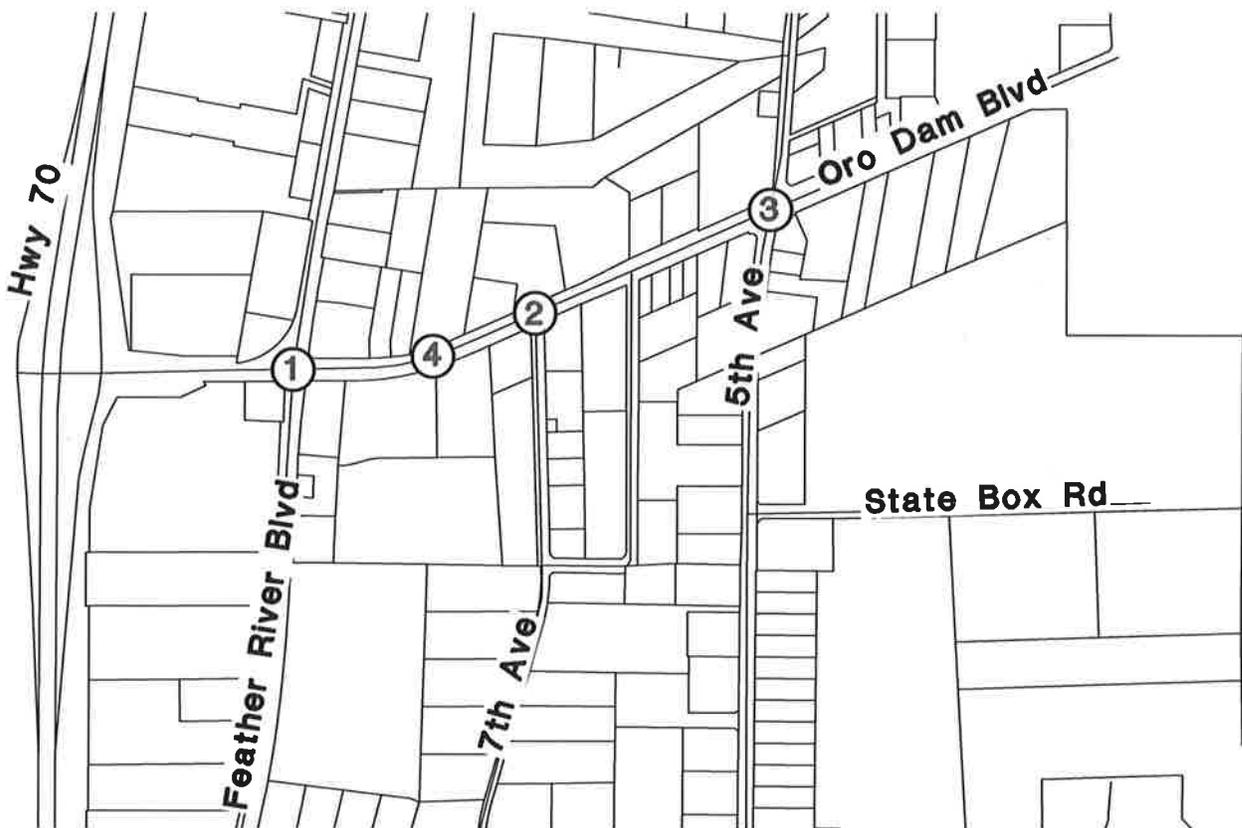
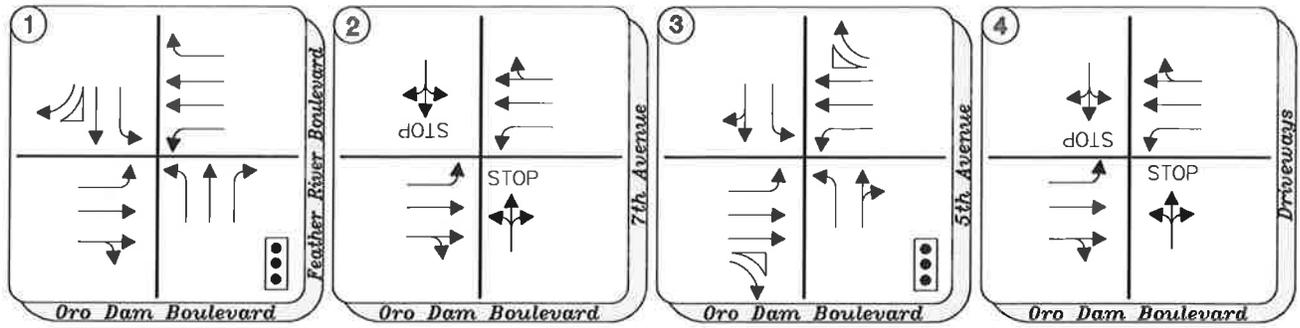
**Feather River Boulevard** is a two-lane major arterial that intersects Oro Dam Boulevard as a signalized intersection. The project site is located approximately 600 feet east of Feather River Boulevard. The posted speed limit in the study area is 35 mph.

**5th Avenue** is a two-lane major collector that intersects Oro Dam Boulevard as a signalized intersection. The posted speed limit in the study area is 35 mph.

**7th Avenue** is a two-lane minor collector that intersects Oro Dam Boulevard as a stop-controlled intersection. The project site is located approximately 400 feet west of 7th Avenue. The posted speed limit in the study area is 35 mph.

## Existing Conditions Operations

Existing turning movement count data was collected at the study intersections on December 18, 2014 for weekday AM and PM peak hours, provided in Appendix A. Table 2 provides a summary of the *Existing* conditions peak hour intersection delay and LOS. Appendix B provides the Synchro and SimTraffic analysis results. Figure 3 presents the existing traffic volumes.

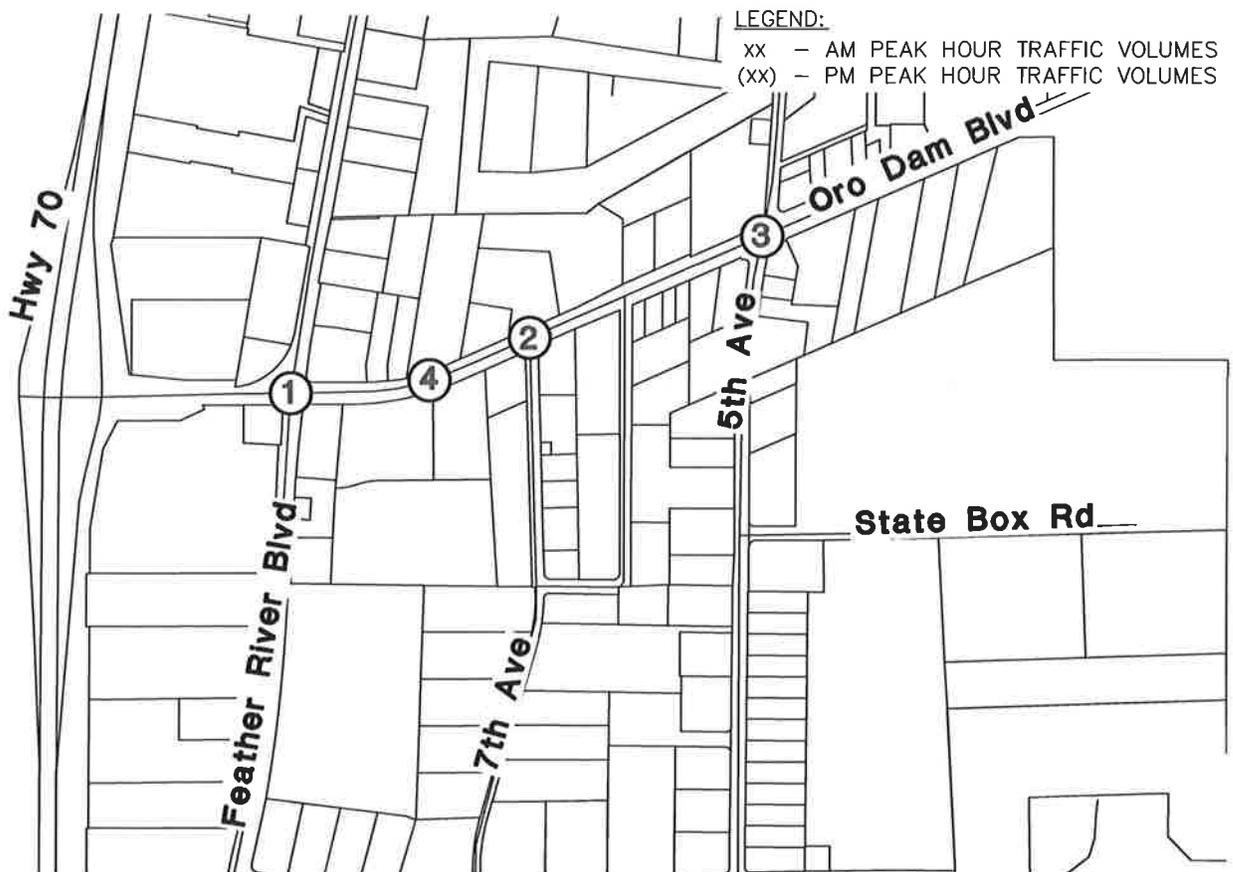
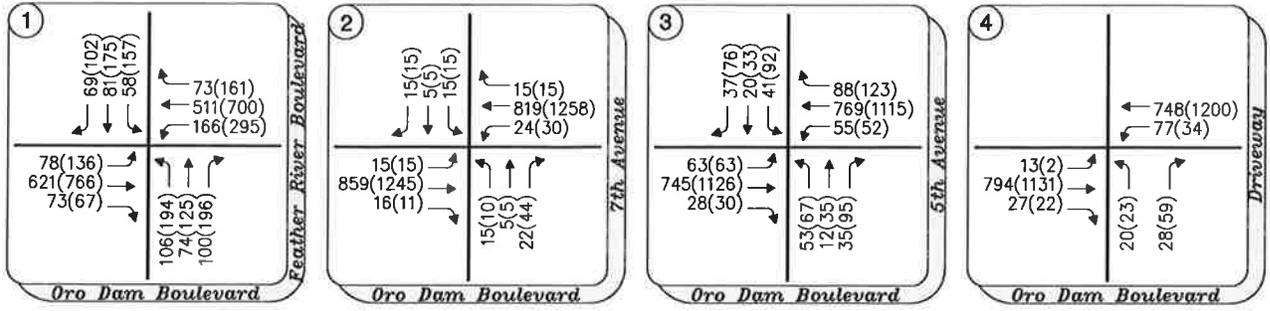


Oro Dam Boulevard Commercial Circulation Study

Figure 2

Existing Lane Geometrics and Control





Oro Dam Boulevard Commercial Circulation Study

Figure 3

Existing Peak Hour Traffic Volumes



**TABLE 2  
EXISTING INTERSECTION LOS**

#	Intersection	Control Type <sup>1,2</sup>	Target LOS	AM Peak Hour			PM Peak Hour		
				Delay	LOS	Warrant Met? <sup>3</sup>	Delay	LOS	Warrant Met? <sup>3</sup>
1	Feather River Blvd & Oro Dam Blvd	Signal	E	25.8	C	-	38.4	D	-
2	7th Ave & Oro Dam Blvd (HCM 2000)	TWSC	E	15.2	C	No	17.5	C	No
	<b>7th Ave &amp; Oro Dam Blvd (HCM 2010)</b>	<b>TWSC</b>	<b>E</b>	<b>92.5</b>	<b>F</b>	<b>No</b>	<b>OVR</b>	<b>F</b>	<b>No</b>
3	5th Ave & Oro Dam Blvd	Signal	E	15.2	B	-	16.3	B	-
4	Oro Dam Blvd & Driveways (HCM 2000)	TWSC	E	12.4	B	No	12.9	B	No
	<b>Oro Dam Blvd &amp; Driveways (HCM 2010)</b>	<b>TWSC</b>	<b>E</b>	<b>17.8</b>	<b>C</b>	<b>No</b>	<b>21.3</b>	<b>C</b>	<b>No</b>

Notes:

1. TWSC = Two Way Stop Control; RNDDBT = Roundabout

2. LOS = Delay based on worst minor street approach for TWSC intersections, average of all approaches for Signal

3. Warrant = Based on California MUTCD Warrant 3

As shown in Table 2, the stop-controlled intersection of Oro Dam Boulevard/7th Avenue operates at unacceptable LOS during the AM and PM peak hour and PM peak hour, when using HCM 2010 methodologies. However, HCM 2010 methodologies are unable to perform a "two-stage gap analysis" to account for the two-left turn lane on Oro Dam Boulevard. A "two-stage gap" represents, in this case, the ability for outbound left turns from driveways along Oro Dam Boulevard to use the two-way left turn lane as a refuge prior to merging into traffic. For this reason, an HCM 2000 analysis was also performed for intersection 2 and 4, which reveals acceptable operations at both locations.

Table 3 presents the 95th percentile queue lengths and the available storage for AM and PM peak hours at the study intersections.

**TABLE 3  
EXISTING QUEUE CHARACTERISTICS**

ID	Intersection	Movement	95th Percentile Queue Length (ft)		Available Storage (ft) <sup>1</sup>
			AM PEAK	PM PEAK	
1	Oro Dam Blvd/ Feather River Blvd	WBL	158	303	400
		WBT	187	234	N/A
		WBR	64	124	200

<sup>1</sup> Storage Length for thru movements is distance to prior intersection

As shown in Table 3, at the intersection of Oro Dam Boulevard/Feather River Boulevard, the westbound left turn queue is accommodated within the available storage length, as measured from the stop bar to the end of the raised curb.

# Project Description

The proposed project is located on a vacant parcel between Sonic Burger Drive-Thru and La Esmeralda Market along Oro Dam Boulevard in Oroville, CA. The proposed project consist of two drive-thru restaurant facilities, one approximately 2,660 square feet and one approximately 1,850 square feet. The current project site plan is presented in Figure 4, along with the proposed access configuration.

## Project Access

Determining safe and appropriate project access is one of the main concerns of this circulation study. The proposed project is seeking a full-access driveway off of Oro Dam Boulevard. Currently, the roadway has a striped two-way left turn lane that accommodates full access at two of the three driveways for the property directly across Oro Dam Boulevard from the proposed project. The analysis will evaluate whether there is sufficient queuing capacity within the start of the two-way left turn lane (located approximately 120 feet west of the project driveway entrance), and the project driveway entrance. The proposed project is analyzed with the desired access configuration that allows left turns into and out of the project site.

An agreement with the owners of the property across the street from the proposed project has been reached to restrict their "middle" driveway to right turns only. This agreement will reduce conflict points along Oro Dam Boulevard and is required to safely accommodate left turn access into and out of the project site. The easternmost driveway of the property across the street will also be consolidated with the adjacent gas station's driveway, further reducing conflict points by reducing the number of driveways on Oro Dam Boulevard.

Figure 4:  
Proposed Project Site Plan



## On-Site Circulation

An on-site queuing analysis of the drive-through aisles was not performed as part of this study. However, the proposed site plan presents concerns regarding on-site queuing under the proposed layout. The easternmost building has a proposed drive-through aisle with entry on the south side of the parcel, which during peak use, may extend beyond the provided aisle, into the parking lot, and potentially onto Oro Dam Boulevard. It is recommended that the drive-through aisle be moved to the northern side of the parcel, to mirror the building on the west side of the project, such that vehicles enter the drive-through aisle as far back from Oro Dam Boulevard as possible to minimize this potential conflict and safety issue.

## Trip Generation

Project trip generation forecasts were derived using the Institute of Transportation Engineers (ITE) studies on typical land use trip generation rates contained in the *ITE Trip Generation Manual (9th Edition)*.

Due to the nature of the proposed project land use, a significant portion of the vehicular traffic entering and exiting the site already exists on the adjacent street (Oro Dam Boulevard). These trips are referred to as pass-by trips, and are counted as new turning movements at the project driveway, but do not contribute to new traffic at adjacent intersections. These trips are contrast with "primary trips", or "new project trips", which are trips made specifically to visit the site that would not have been made if the proposed project did not exist.

The *ITE Trip Generation Handbook (3rd Edition)* includes "pass-by" and "primary" trip data for "Fast-Food Restaurant with Drive-Through Window" (49% pass-by in AM peak hour, 50% pass-by in PM peak hour) and for "Coffee/Donut Shop with Drive-Through Window and No Indoor Seating" (89% daily). Table 4 presents the estimated trip generation for the proposed project land uses, using the best available data from the *ITE Trip Generation Manual* and *ITE Trip Generation Handbook*.

**TABLE 4  
PROJECT TRIP GENERATION**

Land Use Category (ITE Code)	Unit <sup>1</sup>	Daily Trip Rate/Unit <sup>2</sup>	AM Peak Hour Trip Rate/Unit			PM Peak Hour Trip Rate/Unit		
			Total	In %	Out %	Total	In %	Out %
Coffee/Donut Shop with Drive-Thru (ITE 937)	ksf	818.58	100.58	51%	49%	42.80	50%	50%
Fast-Food Resaurant with Drive-Thru (ITE 934)	ksf	496.12	45.42	51%	49%	32.65	52%	48%
Project Name	Quantity (Units)	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
Lot 1 (Coffee Shop with Drive-Thru)	1.85	1,514	186	95	91	79	40	40
<i>Pass-By Trip Reduction<sup>3,4</sup></i>	89%	-742	-91	-46	-45	-39	-19	-19
Lot 2 (Quick Service Restaurant)	2.66	1,320	121	62	59	87	45	42
<i>Pass-By Trip Reduction<sup>3</sup></i>	49%	-647	-59	-30	-29	-43	-22	-20
<b>Net New Project Trips</b>		<b>1,445</b>	<b>157</b>	<b>80</b>	<b>77</b>	<b>85</b>	<b>43</b>	<b>41</b>

**Notes:**

1. 1ksf = 1,000 square feet

2. Project driveway trip generation rates based on ITE Trip Generation Manual 9th edition average rates

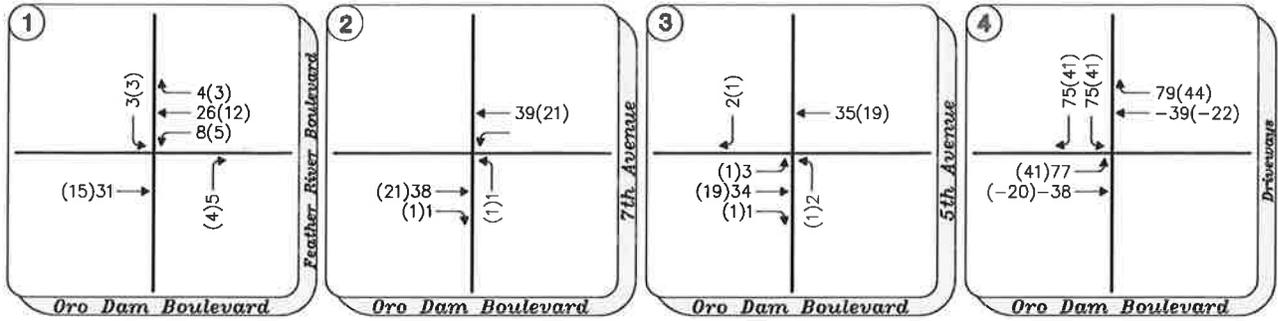
3. Pass-by trip percentages based on ITE Trip Generation Handbook 3rd Edition rates

4. Pass-by data for the coffee shop was based on the closest available match in the ITE Trip Generation Handbook, ITE 938, "Coffee/Esspresso Stand"

As presented in Table 4, the proposed project is projected to generate 1,445 new daily trips, 157 new AM peak hour trips, and 85 new PM peak hour trips.

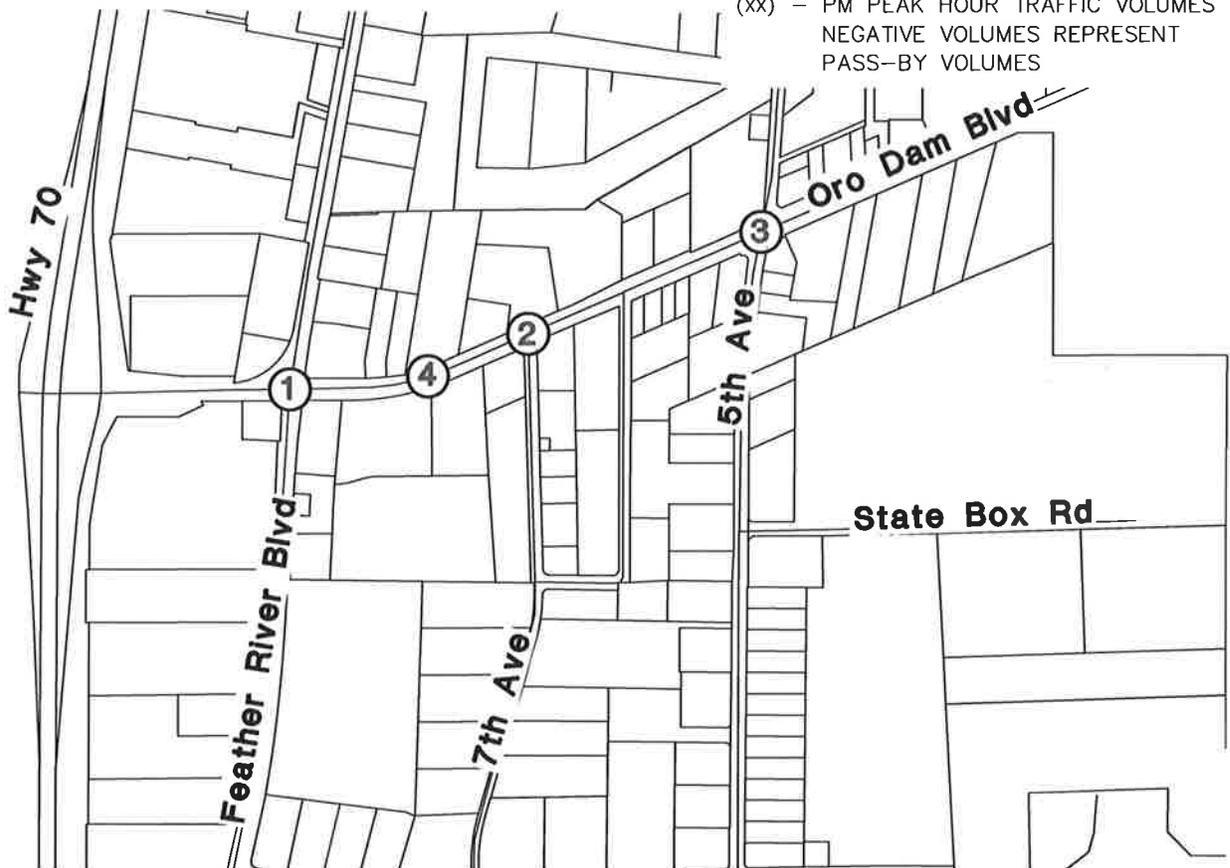
## **Trip Distribution**

The proposed project's directional trip distribution pattern is developed using The City of Oroville Travel Demand Model and supplemented by knowledge of the area, including existing traffic patterns and regional destinations. Based on preliminary review of the proposed project land uses and the City's model, it is estimated that a significant majority of the project traffic will be directionally consistent with commute patterns, and consist largely of pass-by trips en route to or from State Route 70. Appendix B provides the Synchro and SimTraffic analysis results. Figure 5 presents the Project Only peak hour traffic volumes.



**LEGEND:**

- xx - AM PEAK HOUR TRAFFIC VOLUMES
- (xx) - PM PEAK HOUR TRAFFIC VOLUMES
- NEGATIVE VOLUMES REPRESENT PASS-BY VOLUMES



Oro Dam Boulevard Commercial Circulation Study

Figure 5

**Project Only Peak Hour Traffic Volumes**



## Existing Plus Project Conditions

The *Existing Plus Project* conditions is an analysis scenario in which traffic impacts with the proposed project are investigated in comparison to the *Existing* conditions scenario. Within this scenario, the project generated peak hour traffic volumes have been added to the *Existing* conditions volumes to obtain the *Existing Plus Project* traffic volumes, with the existing lane geometrics. Appendix B provides the Synchro and SimTraffic analysis results. Figure 6 presents the *Existing Plus Project* peak hour traffic volumes.

## Existing Plus Project Intersection LOS Operations

As mentioned in the Project Access section, this analysis assumes that left turns are allowed into the proposed project and prohibited for the driveway across from the proposed project. Table 5 provides a summary of the *Existing Plus Project* projected intersection operations in terms of delay per vehicle and LOS.

TABLE 5  
EXISTING PLUS PROJECT INTERSECTION LOS

#	Intersection	Control Type <sup>1,2</sup>	Target LOS	AM Peak Hour			PM Peak Hour		
				Delay	LOS	Warrant Met? <sup>3</sup>	Delay	LOS	Warrant Met? <sup>3</sup>
1	Feather River Blvd & Oro Dam Blvd	Signal	E	27.7	C	-	41.7	D	-
2	7th Ave & Oro Dam Blvd (HCM 2000)	TWSC	E	16.8	C	No	17.7	C	No
	<b>7th Ave &amp; Oro Dam Blvd (HCM 2010)</b>	<b>TWSC</b>	<b>E</b>	<b>123.8</b>	<b>F</b>	<b>No</b>	<b>OVR</b>	<b>F</b>	<b>No</b>
3	5th Ave & Oro Dam Blvd	Signal	E	16.5	B	-	16.7	B	-
4	Oro Dam Blvd & Driveways (HCM 2000)	TWSC	E	23.4	C	No	28.4	D	No
	<b>Oro Dam Blvd &amp; Driveways (HCM 2010)</b>	<b>TWSC</b>	<b>E</b>	<b>42.8</b>	<b>E</b>	<b>Yes</b>	<b>43.8</b>	<b>E</b>	<b>No</b>

Notes:

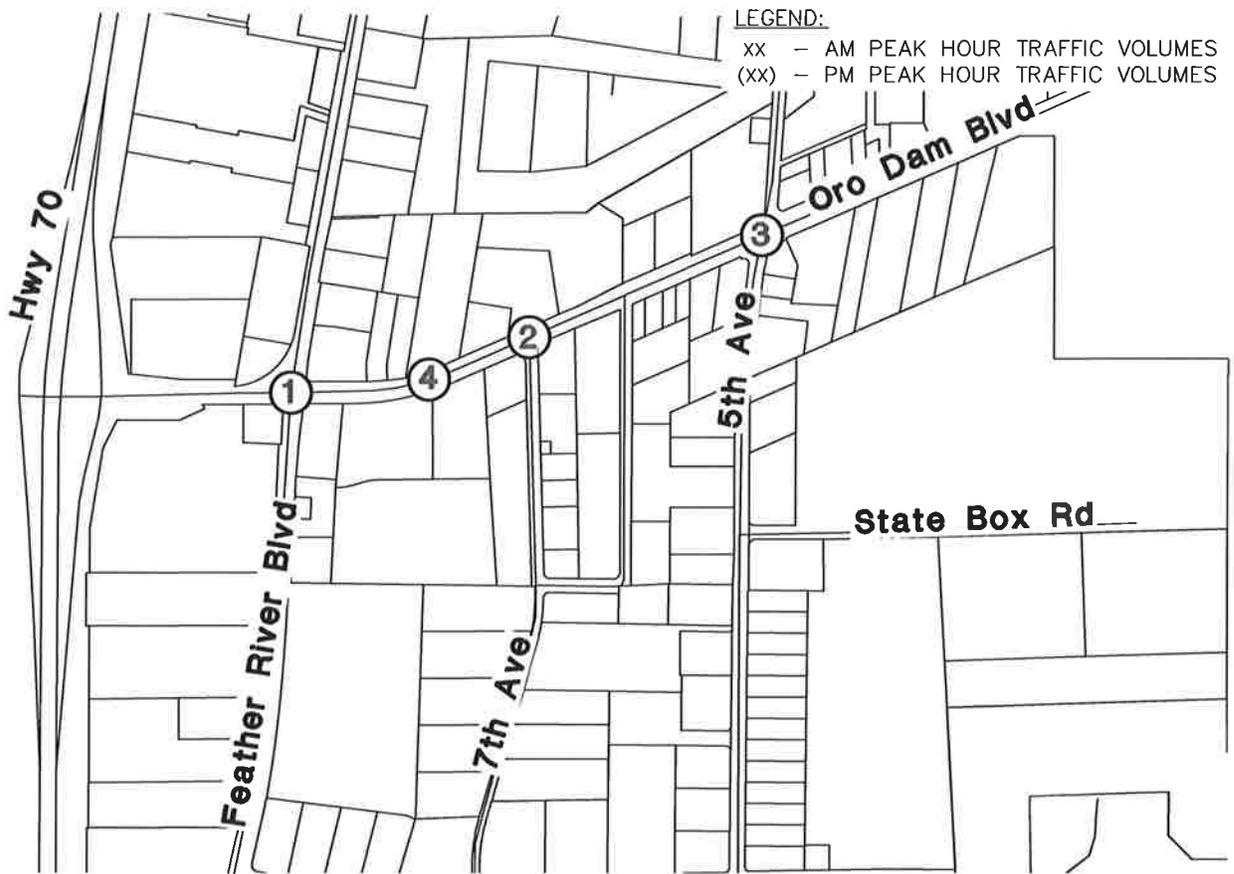
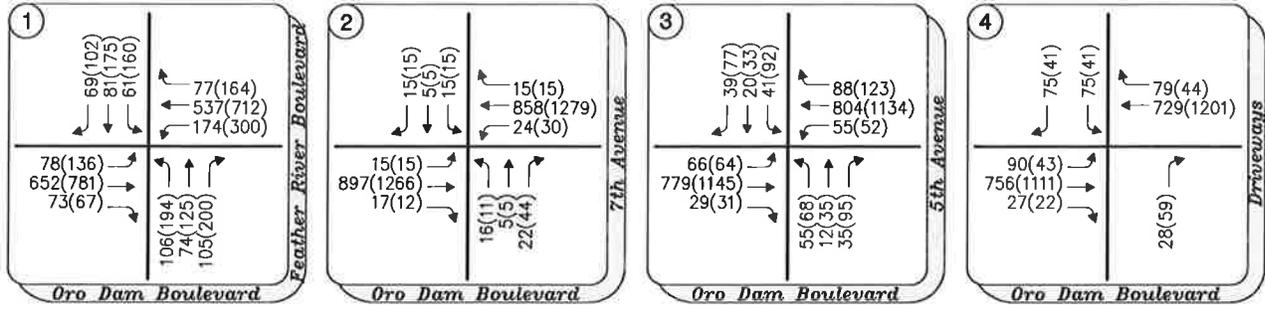
1. TWSC = Two Way Stop Control; RNCBT = Roundabout

2. LOS = Delay based on worst minor street approach for TWSC intersections, average of all approaches for Signal

3. Warrant = Based on California MUTCD Warrant 3

As shown in Table 5, the intersection of Oro Dam Boulevard/7th Avenue operates with unacceptable LOS during the AM and PM peak hour using HCM 2010 methodologies. As previously discussed under Table 2, however, HCM 2010 does not analyze the "two-stage gap" provided by the two-way left turn lane on Oro Dam Boulevard. The HCM 2000 analysis accounts for this and as shown in Table 5, provides acceptable LOS.

Table 6 presents the 95th percentile queue lengths and the available storage for AM and PM peak hours at the study intersections.



Oro Dam Boulevard Commercial Circulation Study

Figure 6

Existing Plus Project Peak Hour Traffic Volumes



**TABLE 6  
EXISTING PLUS PROJECT QUEUE CHARACTERISTICS**

ID	Intersection	Movement	95th Percentile Queue Length (ft)		Available Storage (ft) <sup>1</sup>
			AM PEAK	PM PEAK	
1	Oro Dam Blvd/ Feather River Blvd	WBL	168	284	350
		WBT	173	251	N/A
		WBR	61	144	200
4	Oro Dam Blvd/ Driveway	EBL	66	49	150
		NBR <sup>2</sup>	34	62	
		SBLTR	111	112	

<sup>1</sup> Storage Length for thru movements is distance to prior intersection

<sup>2</sup> Northbound approach is driveway to parking lot, with limited storage

<sup>3</sup> The queues associated with the Project Driveway Intersection

EB and WB values will use Intersection #4's values

As shown in Table 6, at the intersection of Oro Dam Boulevard/Feather River Boulevard, all queues are accommodated under the recommended intersection configurations, with the addition of project traffic.

## Conclusions

Full-access at the proposed project driveway can be safely accommodated under the proposed intersection and roadway modifications presented in Figure 4 and analyzed under the *Existing Plus Project* conditions scenario. The proposed improvements across the street of the proposed project will not only allow for safe ingress and egress from the proposed project but will also generally improve safety on Oro Dam Boulevard by reducing conflict points at closely spaced driveways.



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 www.metrotrafficdata.com

# Turning Movement Report

Prepared For:

OMNI-Means  
 943 Reserve Drive  
 Roseville, CA 95678

LOCATION Oro Dam Blvd @ Feather River Blvd

LATITUDE 39.498023°

COUNTY Butte

LONGITUDE -121.571926°

COLLECTION DATE Thursday, December 18, 2014

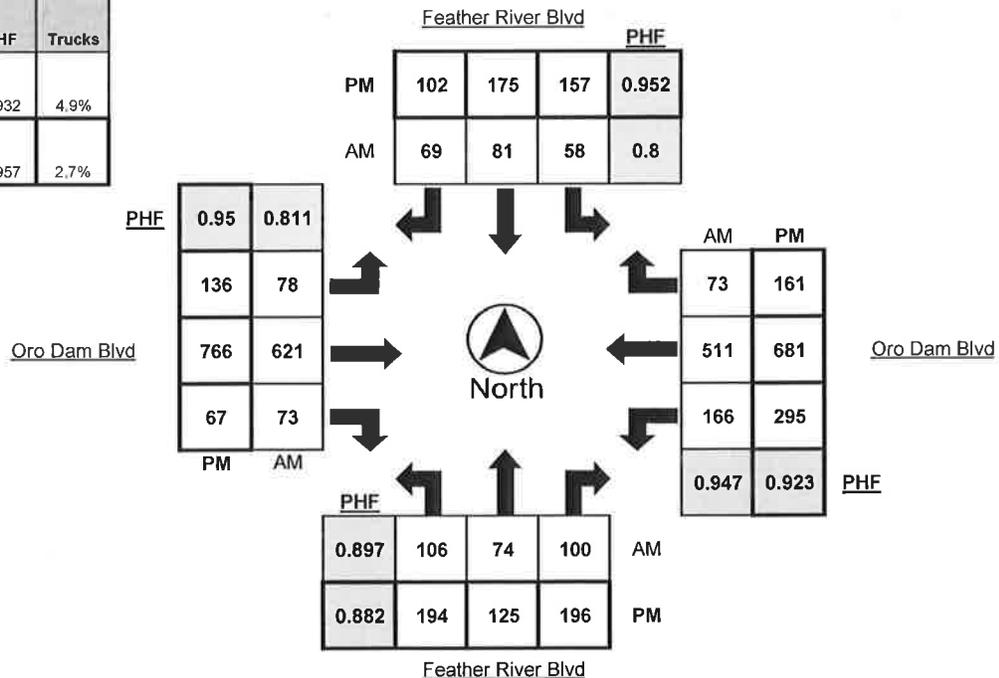
WEATHER AM - Wet Pavement, PM - Dry

Time	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
7:00 AM - 7:15 AM	15	16	14	1	9	6	13	3	6	95	19	9	19	75	10	9
7:15 AM - 7:30 AM	19	16	8	4	12	8	9	1	12	80	12	8	26	75	10	5
7:30 AM - 7:45 AM	18	11	20	0	11	13	21	1	24	126	16	9	19	122	11	7
7:45 AM - 8:00 AM	25	14	25	3	9	20	16	1	16	196	26	6	25	139	25	8
8:00 AM - 8:15 AM	22	20	25	4	20	22	23	4	21	172	16	7	47	132	19	10
8:15 AM - 8:30 AM	35	22	21	4	10	18	17	3	24	146	16	14	52	114	19	12
8:30 AM - 8:45 AM	24	18	29	2	19	21	13	1	17	107	15	10	42	126	10	9
8:45 AM - 9:00 AM	19	16	21	5	23	24	20	3	23	149	14	10	41	114	26	8
<b>TOTAL</b>	<b>177</b>	<b>133</b>	<b>163</b>	<b>23</b>	<b>113</b>	<b>132</b>	<b>132</b>	<b>17</b>	<b>143</b>	<b>1071</b>	<b>134</b>	<b>73</b>	<b>271</b>	<b>897</b>	<b>130</b>	<b>68</b>

Time	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
4:00 PM - 4:15 PM	52	29	65	2	48	33	21	2	27	198	10	11	69	135	34	9
4:15 PM - 4:30 PM	50	32	47	0	32	48	27	2	28	200	18	13	72	195	39	10
4:30 PM - 4:45 PM	48	35	41	1	41	47	23	2	37	198	20	8	71	183	54	5
4:45 PM - 5:00 PM	44	29	43	3	36	47	31	0	44	170	19	9	83	168	34	7
5:00 PM - 5:15 PM	42	20	56	2	26	53	23	2	22	187	14	7	70	170	31	4
5:15 PM - 5:30 PM	45	23	42	1	25	24	26	1	23	140	15	6	59	185	18	2
5:30 PM - 5:45 PM	51	18	37	1	22	37	14	0	27	187	16	5	51	178	21	2
5:45 PM - 6:00 PM	43	20	38	1	27	29	17	1	28	162	8	0	54	125	21	3
<b>TOTAL</b>	<b>375</b>	<b>206</b>	<b>369</b>	<b>11</b>	<b>257</b>	<b>318</b>	<b>182</b>	<b>10</b>	<b>236</b>	<b>1442</b>	<b>120</b>	<b>69</b>	<b>529</b>	<b>1339</b>	<b>252</b>	<b>42</b>

PEAK HOUR	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
7:45 AM - 8:45 AM	106	74	100	13	58	81	69	9	78	621	73	37	166	511	73	39
4:00 PM - 6:00 PM	194	125	196	6	157	175	102	6	136	766	67	41	295	681	161	31

	PHF	Trucks
AM	0.932	4.9%
PM	0.957	2.7%





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 www.metrotrafficdata.com

# Turning Movement Report

Prepared For:

OMNI-Means  
 943 Reserve Drive  
 Roseville, CA 95678

LOCATION Oro Dam Blvd @ Shopping Center Driveway

LATITUDE 39.498158°

COUNTY Butte

LONGITUDE -121.570024°

COLLECTION DATE Thursday, December 18, 2014

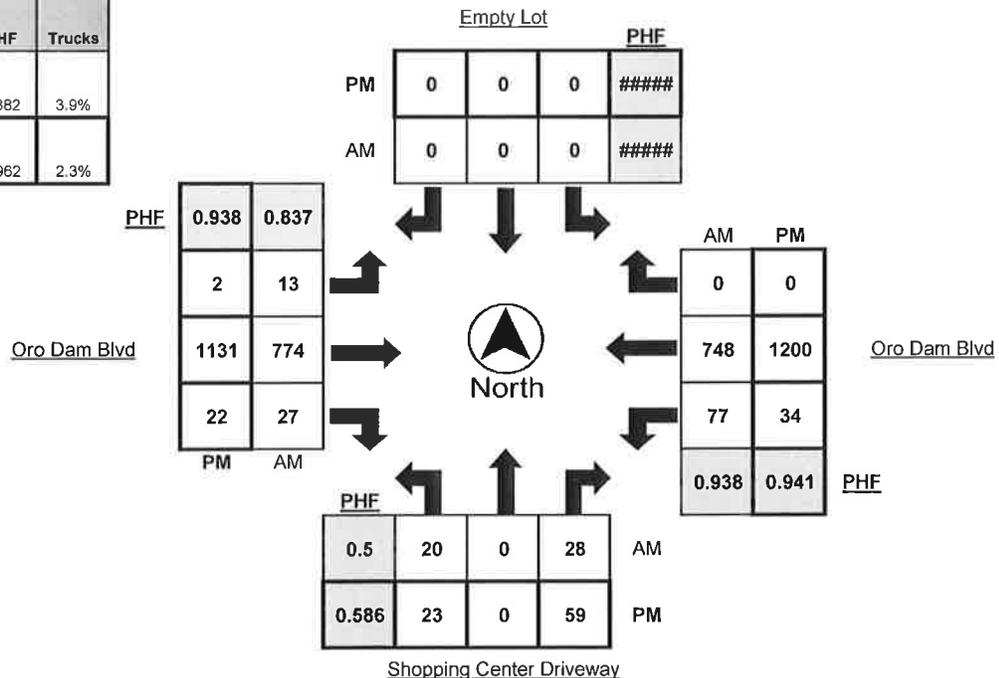
WEATHER AM - Wet Pavement, PM - Dry

Time	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
7:00 AM - 7:15 AM	2	0	0	0	0	0	0	0	0	114	1	9	2	114	0	5
7:15 AM - 7:30 AM	1	0	1	0	0	0	0	0	2	123	5	6	3	121	0	4
7:30 AM - 7:45 AM	4	0	2	1	0	0	0	0	3	176	3	6	10	160	0	5
7:45 AM - 8:00 AM	5	0	10	0	0	0	0	0	4	232	7	6	41	179	0	7
8:00 AM - 8:15 AM	11	0	13	0	0	0	0	0	6	218	7	5	29	179	0	12
8:15 AM - 8:30 AM	3	0	4	1	0	0	0	0	2	162	9	8	7	189	0	9
8:30 AM - 8:45 AM	1	0	1	0	0	0	0	0	1	162	4	9	0	201	0	9
8:45 AM - 9:00 AM	3	0	2	1	0	0	0	0	2	203	6	13	5	181	0	8
<b>TOTAL</b>	<b>30</b>	<b>0</b>	<b>33</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>20</b>	<b>1390</b>	<b>42</b>	<b>62</b>	<b>97</b>	<b>1324</b>	<b>0</b>	<b>59</b>

Time	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
4:00 PM - 4:15 PM	9	0	26	0	0	0	0	0	2	293	10	10	16	270	0	9
4:15 PM - 4:30 PM	5	0	14	0	0	0	0	0	0	269	4	7	13	315	0	8
4:30 PM - 4:45 PM	3	0	9	0	0	0	0	0	0	306	2	5	3	319	0	9
4:45 PM - 5:00 PM	6	0	10	0	0	0	0	0	0	263	6	5	2	296	0	4
5:00 PM - 5:15 PM	2	0	7	0	0	0	0	0	3	258	2	7	7	246	0	2
5:15 PM - 5:30 PM	4	0	7	0	0	0	0	0	3	245	2	2	5	245	0	2
5:30 PM - 5:45 PM	3	0	6	0	0	0	0	0	4	250	2	3	4	237	0	3
5:45 PM - 6:00 PM	3	0	5	0	0	0	0	0	2	221	1	1	4	212	0	2
<b>TOTAL</b>	<b>35</b>	<b>0</b>	<b>84</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14</b>	<b>2105</b>	<b>29</b>	<b>40</b>	<b>54</b>	<b>2140</b>	<b>0</b>	<b>39</b>

PEAK HOUR	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
7:45 AM - 8:45 AM	20	0	28	1	0	0	0	0	13	774	27	28	77	748	0	37
4:00 PM - 5:00 PM	23	0	59	0	0	0	0	0	2	1131	22	27	34	1200	0	30

	PHF	Trucks
AM	0.882	3.9%
PM	0.962	2.3%





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# Turning Movement Report

Prepared For:

OMNI-Means  
 943 Reserve Drive  
 Roseville, CA 95678

LOCATION Oro Dam Blvd @ 7th Avenue

LATITUDE 39.498596°

COUNTY Butte

LONGITUDE -121.568699°

COLLECTION DATE Thursday, December 18, 2014

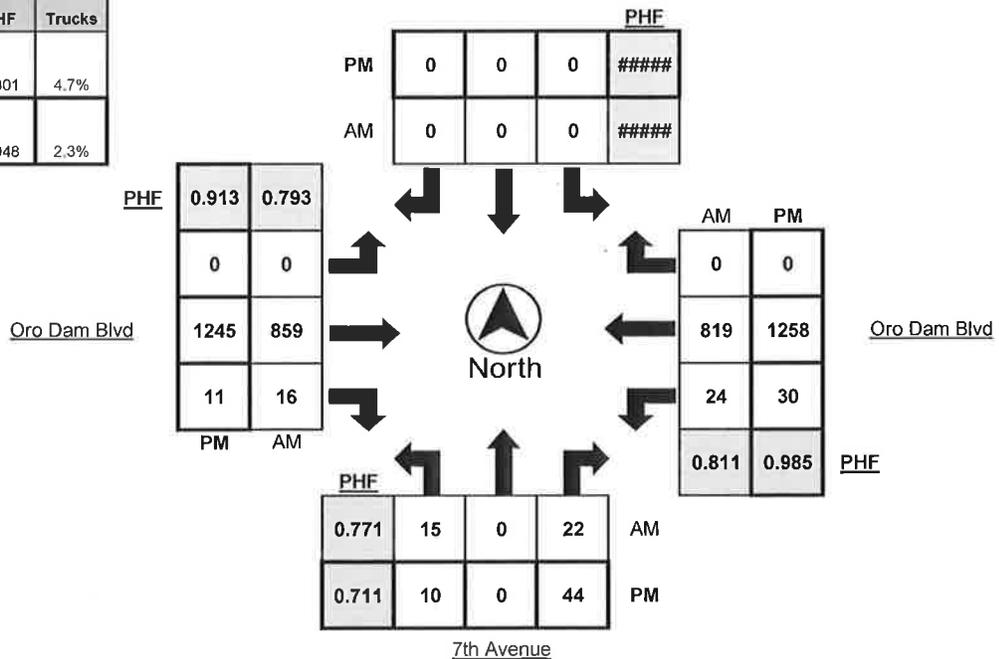
WEATHER AM - Wet Pavement, PM - Dry

Time	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
7:00 AM - 7:15 AM	0	0	3	0	0	0	0	0	0	91	3	10	8	101	0	3
7:15 AM - 7:30 AM	3	0	3	0	0	0	0	0	0	137	1	5	7	128	0	5
7:30 AM - 7:45 AM	2	0	5	1	0	0	0	0	0	187	3	6	9	172	0	5
7:45 AM - 8:00 AM	5	0	7	3	0	0	0	0	0	272	4	7	10	250	0	9
8:00 AM - 8:15 AM	2	0	5	0	0	0	0	0	0	239	7	11	5	186	0	13
8:15 AM - 8:30 AM	3	0	7	2	0	0	0	0	0	159	3	8	4	202	0	11
8:30 AM - 8:45 AM	5	0	3	2	0	0	0	0	0	189	2	11	5	181	0	5
8:45 AM - 9:00 AM	2	0	7	4	0	0	0	0	0	208	4	11	6	196	0	7
<b>TOTAL</b>	<b>22</b>	<b>0</b>	<b>40</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1482</b>	<b>27</b>	<b>69</b>	<b>54</b>	<b>1416</b>	<b>0</b>	<b>58</b>

Time	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
4:00 PM - 4:15 PM	1	0	18	0	0	0	0	0	0	342	2	8	8	314	0	11
4:15 PM - 4:30 PM	2	0	8	0	0	0	0	0	0	315	2	10	11	313	0	6
4:30 PM - 4:45 PM	4	0	13	0	0	0	0	0	0	310	3	5	7	320	0	11
4:45 PM - 5:00 PM	3	0	5	1	0	0	0	0	0	278	4	3	4	311	0	4
5:00 PM - 5:15 PM	4	0	10	0	0	0	0	0	0	281	4	7	7	252	0	4
5:15 PM - 5:30 PM	3	0	7	0	0	0	0	0	0	246	2	3	4	258	0	3
5:30 PM - 5:45 PM	3	0	9	0	0	0	0	0	0	261	2	2	4	238	0	5
5:45 PM - 6:00 PM	0	0	4	0	0	0	0	0	0	242	1	1	7	234	0	4
<b>TOTAL</b>	<b>20</b>	<b>0</b>	<b>74</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2275</b>	<b>20</b>	<b>39</b>	<b>52</b>	<b>2240</b>	<b>0</b>	<b>48</b>

PEAK HOUR	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
7:45 AM - 8:45 AM	15	0	22	7	0	0	0	0	0	859	16	37	24	819	0	38
4:00 PM - 5:00 PM	10	0	44	1	0	0	0	0	0	1245	11	26	30	1258	0	32

	PHF	Trucks
AM	0.801	4.7%
PM	0.948	2.3%





Metro Traffic Data Inc.  
 310 N. Irwin Street - Suite 20  
 Hanford, CA 93230  
 800-975-6938 Phone/Fax  
 www.metrotrafficdata.com

# Turning Movement Report

Prepared For:

OMNI-Means  
 943 Reserve Drive  
 Roseville, CA 95678

LOCATION Oro Dam Blvd @ 5th Avenue

LATITUDE 39.499752°

COUNTY Butte

LONGITUDE -121.565236°

COLLECTION DATE Thursday, December 18, 2014

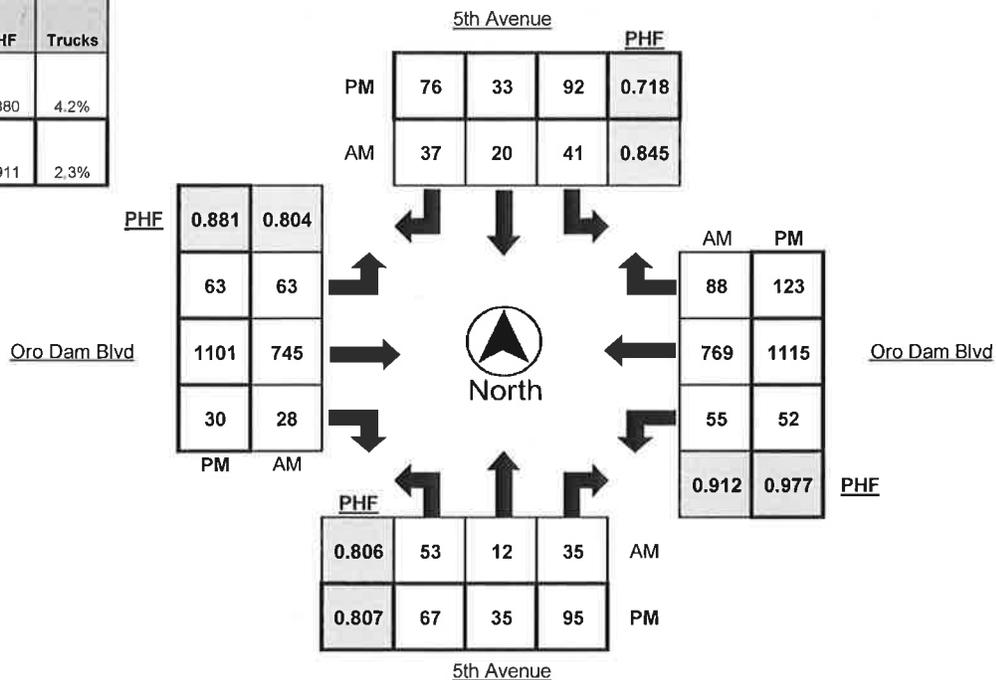
WEATHER AM - Wet Pavement, PM - Dry

Time	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
7:00 AM - 7:15 AM	2	3	10	1	0	7	8	0	8	92	7	9	7	108	3	7
7:16 AM - 7:30 AM	6	3	2	0	7	4	5	1	2	103	3	5	4	116	8	6
7:30 AM - 7:45 AM	9	1	7	4	12	4	9	1	4	151	3	7	15	158	11	4
7:45 AM - 8:00 AM	10	4	9	7	4	8	8	0	18	234	8	6	20	219	11	3
8:00 AM - 8:15 AM	12	3	10	3	17	3	9	1	17	200	12	5	12	196	27	11
8:15 AM - 8:30 AM	21	2	8	4	7	6	7	0	12	163	5	11	11	176	26	12
8:30 AM - 8:45 AM	10	3	8	4	13	3	13	0	16	148	3	7	12	178	24	7
8:45 AM - 9:00 AM	8	7	9	2	12	5	16	1	10	182	8	13	11	172	21	10
<b>TOTAL</b>	<b>78</b>	<b>26</b>	<b>63</b>	<b>25</b>	<b>72</b>	<b>40</b>	<b>75</b>	<b>4</b>	<b>87</b>	<b>1273</b>	<b>49</b>	<b>63</b>	<b>92</b>	<b>1323</b>	<b>131</b>	<b>60</b>

Time	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
4:00 PM - 4:15 PM	11	12	29	3	34	9	27	1	25	308	6	9	20	278	32	9
4:15 PM - 4:30 PM	26	8	27	0	15	8	13	2	9	256	12	9	19	269	32	6
4:30 PM - 4:45 PM	19	9	21	0	21	12	19	1	17	292	5	7	8	288	27	11
4:45 PM - 5:00 PM	11	6	18	1	22	4	17	0	12	245	7	5	5	280	32	3
5:00 PM - 5:15 PM	16	7	25	1	25	10	18	0	11	231	3	5	10	232	24	3
5:15 PM - 5:30 PM	13	4	9	0	25	3	8	0	9	215	2	3	6	238	20	2
5:30 PM - 5:45 PM	15	8	12	1	23	7	12	1	15	196	3	2	5	216	18	3
5:45 PM - 6:00 PM	0	6	8	0	17	3	19	1	6	193	1	1	7	207	22	1
<b>TOTAL</b>	<b>111</b>	<b>60</b>	<b>149</b>	<b>6</b>	<b>182</b>	<b>56</b>	<b>133</b>	<b>6</b>	<b>104</b>	<b>1936</b>	<b>39</b>	<b>41</b>	<b>80</b>	<b>2008</b>	<b>207</b>	<b>38</b>

PEAK HOUR	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
7:45 AM - 8:45 AM	53	12	35	18	41	20	37	1	63	745	28	29	55	769	88	33
4:00 PM - 5:00 PM	67	35	95	4	92	33	76	4	63	1101	30	30	52	1115	123	29

	PHF	Trucks
AM	0.880	4.2%
PM	0.911	2.3%





Metro Traffic Data Inc.  
 310 N. Irwin Street - Suite 20  
 Hanford, CA 93230  
 800-975-6938 Phone/Fax  
 www.metrotrafficdata.com

# Turning Movement Report

Prepared For:

OMNI-Means  
 943 Reserve Drive  
 Roseville, CA 95678

LOCATION Oro Dam Blvd @ Feather River Blvd  
 COUNTY Butte  
 COLLECTION DATE Thursday, December 18, 2014

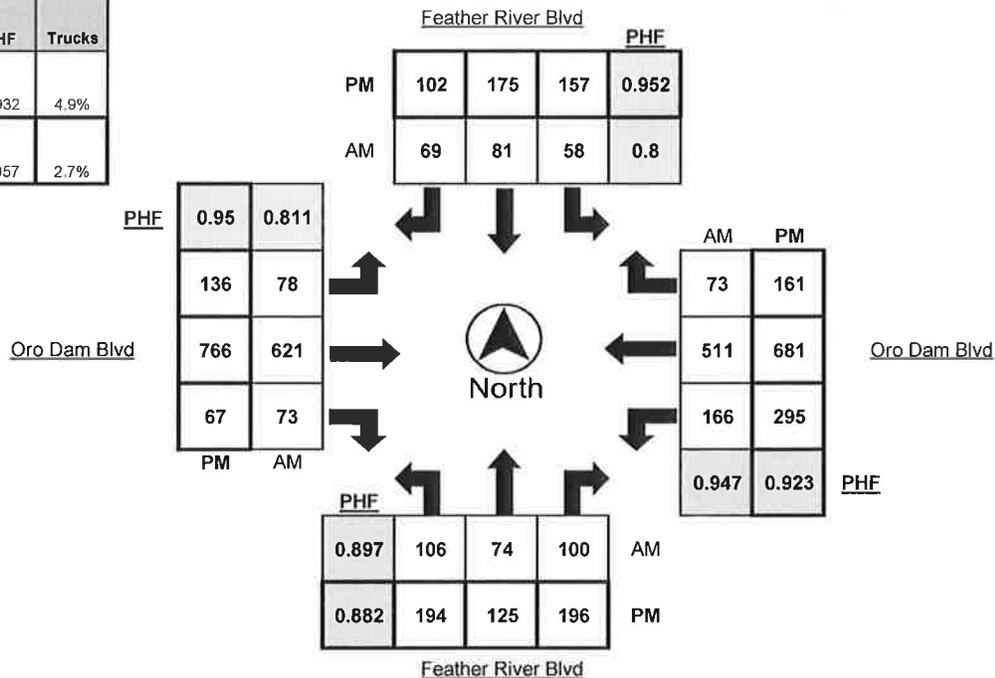
LATITUDE 39.498023°  
 LONGITUDE -121.571926°  
 WEATHER AM - Wet Pavement, PM - Dry

Time	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
7:00 AM - 7:15 AM	15	16	14	1	9	6	13	3	6	95	19	9	19	75	10	9
7:15 AM - 7:30 AM	19	16	8	4	12	8	9	1	12	80	12	8	26	75	10	5
7:30 AM - 7:45 AM	18	11	20	0	11	13	21	1	24	126	16	9	19	122	11	7
7:45 AM - 8:00 AM	25	14	25	3	9	20	16	1	16	196	26	6	25	139	25	8
8:00 AM - 8:15 AM	22	20	25	4	20	22	23	4	21	172	16	7	47	132	19	10
8:15 AM - 8:30 AM	35	22	21	4	10	18	17	3	24	146	16	14	52	114	19	12
8:30 AM - 8:45 AM	24	18	29	2	19	21	13	1	17	107	15	10	42	126	10	9
8:45 AM - 9:00 AM	19	16	21	5	23	24	20	3	23	149	14	10	41	114	26	8
<b>TOTAL</b>	<b>177</b>	<b>133</b>	<b>163</b>	<b>23</b>	<b>113</b>	<b>132</b>	<b>132</b>	<b>17</b>	<b>143</b>	<b>1071</b>	<b>134</b>	<b>73</b>	<b>271</b>	<b>897</b>	<b>130</b>	<b>68</b>

Time	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
4:00 PM - 4:15 PM	52	29	65	2	48	33	21	2	27	198	10	11	69	135	34	9
4:15 PM - 4:30 PM	50	32	47	0	32	48	27	2	28	200	18	13	72	195	39	10
4:30 PM - 4:45 PM	48	35	41	1	41	47	23	2	37	198	20	8	71	183	54	5
4:45 PM - 5:00 PM	44	29	43	3	36	47	31	0	44	170	19	9	83	168	34	7
6:00 PM - 6:15 PM	42	20	56	2	26	53	23	2	22	187	14	7	70	170	31	4
6:15 PM - 6:30 PM	45	23	42	1	25	24	26	1	23	140	15	6	59	185	18	2
6:30 PM - 6:45 PM	51	18	37	1	22	37	14	0	27	187	16	5	51	178	21	2
6:45 PM - 6:00 PM	43	20	38	1	27	29	17	1	28	162	8	0	54	125	21	3
<b>TOTAL</b>	<b>375</b>	<b>206</b>	<b>369</b>	<b>11</b>	<b>257</b>	<b>318</b>	<b>182</b>	<b>10</b>	<b>236</b>	<b>1442</b>	<b>120</b>	<b>69</b>	<b>529</b>	<b>1339</b>	<b>252</b>	<b>42</b>

PEAK HOUR	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
7:45 AM - 8:45 AM	106	74	100	13	58	81	69	9	78	621	73	37	166	511	73	39
4:00 PM - 5:00 PM	194	125	196	6	157	175	102	6	136	766	67	41	295	681	161	31

	PHF	Trucks
AM	0.932	4.9%
PM	0.957	2.7%





Metro Traffic Data Inc.  
 310 N. Irwin Street - Suite 20  
 Hanford, CA 93230  
 800-975-6938 Phone/Fax  
 www.metrotraffdata.com

# Turning Movement Report

Prepared For:

OMNI-Means  
 943 Reserve Drive  
 Roseville, CA 95678

LOCATION Oro Dam Blvd @ Shopping Center Driveway

LATITUDE 39.498158°

COUNTY Butte

LONGITUDE -121.570024°

COLLECTION DATE Thursday, December 18, 2014

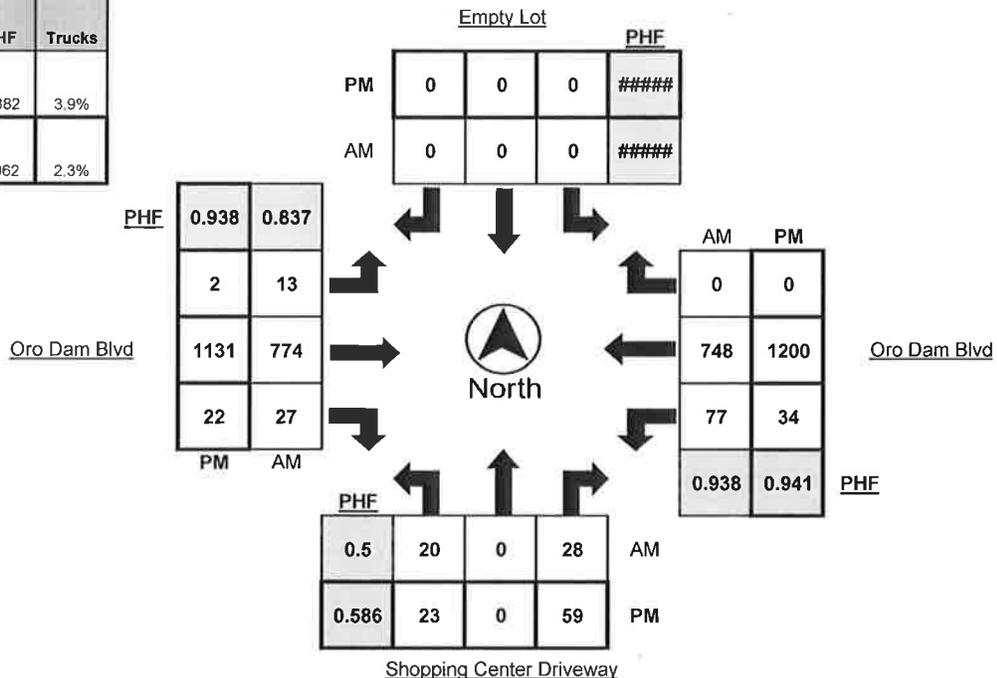
WEATHER AM - Wet Pavement, PM - Dry

Time	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
7:00 AM - 7:15 AM	2	0	0	0	0	0	0	0	0	114	1	9	2	114	0	5
7:15 AM - 7:30 AM	1	0	1	0	0	0	0	0	2	123	5	6	3	121	0	4
7:30 AM - 7:45 AM	4	0	2	1	0	0	0	0	3	176	3	6	10	160	0	5
7:45 AM - 8:00 AM	5	0	10	0	0	0	0	0	4	232	7	6	41	179	0	7
8:00 AM - 8:15 AM	11	0	13	0	0	0	0	0	6	218	7	5	29	179	0	12
8:15 AM - 8:30 AM	3	0	4	1	0	0	0	0	2	162	9	8	7	189	0	9
8:30 AM - 8:45 AM	1	0	1	0	0	0	0	0	1	162	4	9	0	201	0	9
8:45 AM - 9:00 AM	3	0	2	1	0	0	0	0	2	203	6	13	5	181	0	8
<b>TOTAL</b>	<b>30</b>	<b>0</b>	<b>33</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>20</b>	<b>1390</b>	<b>42</b>	<b>62</b>	<b>97</b>	<b>1324</b>	<b>0</b>	<b>59</b>

Time	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
4:00 PM - 4:15 PM	9	0	26	0	0	0	0	0	2	293	10	10	16	270	0	9
4:15 PM - 4:30 PM	5	0	14	0	0	0	0	0	0	269	4	7	13	315	0	8
4:30 PM - 4:45 PM	3	0	9	0	0	0	0	0	0	306	2	5	3	319	0	9
4:45 PM - 5:00 PM	6	0	10	0	0	0	0	0	0	263	6	5	2	296	0	4
5:00 PM - 5:15 PM	2	0	7	0	0	0	0	0	3	258	2	7	7	246	0	2
5:15 PM - 5:30 PM	4	0	7	0	0	0	0	0	3	245	2	2	5	245	0	2
5:30 PM - 5:45 PM	3	0	6	0	0	0	0	0	4	250	2	3	4	237	0	3
5:45 PM - 6:00 PM	3	0	5	0	0	0	0	0	2	221	1	1	4	212	0	2
<b>TOTAL</b>	<b>35</b>	<b>0</b>	<b>84</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14</b>	<b>2105</b>	<b>29</b>	<b>40</b>	<b>54</b>	<b>2140</b>	<b>0</b>	<b>39</b>

PEAK HOUR	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
7:45 AM - 8:45 AM	20	0	28	1	0	0	0	0	13	774	27	28	77	748	0	37
4:00 PM - 5:00 PM	23	0	59	0	0	0	0	0	2	1131	22	27	34	1200	0	30

	PHF	Trucks
AM	0.882	3.9%
PM	0.962	2.3%





Metro Traffic Data Inc.  
 310 N. Irwin Street - Suite 20  
 Hanford, CA 93230  
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 www.metrotrafficdata.com

# Turning Movement Report

Prepared For:

OMNI-Means  
 943 Reserve Drive  
 Roseville, CA 95678

LOCATION Oro Dam Blvd @ 7th Avenue

LATITUDE 39.498596°

COUNTY Butle

LONGITUDE -121.568699°

COLLECTION DATE Thursday, December 18, 2014

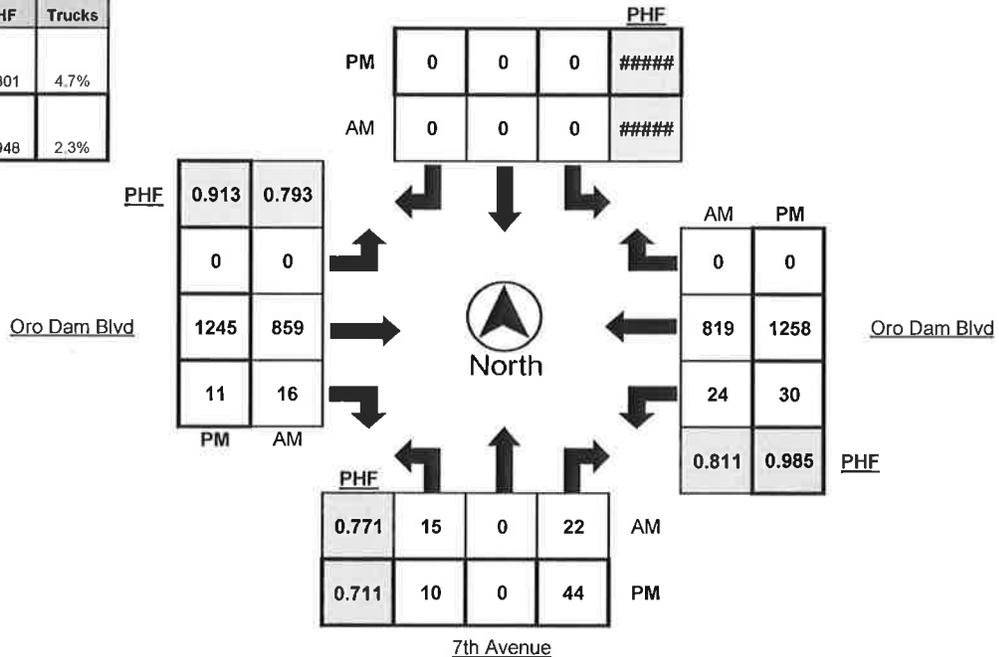
WEATHER AM - Wet Pavement, PM - Dry

Time	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
7:00 AM - 7:15 AM	0	0	3	0	0	0	0	0	0	91	3	10	8	101	0	3
7:15 AM - 7:30 AM	3	0	3	0	0	0	0	0	0	137	1	5	7	128	0	5
7:30 AM - 7:45 AM	2	0	5	1	0	0	0	0	0	187	3	6	9	172	0	5
7:45 AM - 8:00 AM	5	0	7	3	0	0	0	0	0	272	4	7	10	250	0	9
8:00 AM - 8:15 AM	2	0	5	0	0	0	0	0	0	239	7	11	5	186	0	13
8:15 AM - 8:30 AM	3	0	7	2	0	0	0	0	0	159	3	8	4	202	0	11
8:30 AM - 8:45 AM	5	0	3	2	0	0	0	0	0	189	2	11	5	181	0	5
8:45 AM - 9:00 AM	2	0	7	4	0	0	0	0	0	208	4	11	6	196	0	7
<b>TOTAL</b>	<b>22</b>	<b>0</b>	<b>40</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1482</b>	<b>27</b>	<b>69</b>	<b>54</b>	<b>1416</b>	<b>0</b>	<b>58</b>

Time	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
4:00 PM - 4:15 PM	1	0	18	0	0	0	0	0	0	342	2	8	8	314	0	11
4:15 PM - 4:30 PM	2	0	8	0	0	0	0	0	0	315	2	10	11	313	0	6
4:30 PM - 4:45 PM	4	0	13	0	0	0	0	0	0	310	3	5	7	320	0	11
4:45 PM - 5:00 PM	3	0	5	1	0	0	0	0	0	278	4	3	4	311	0	4
5:00 PM - 5:15 PM	4	0	10	0	0	0	0	0	0	281	4	7	7	252	0	4
5:15 PM - 5:30 PM	3	0	7	0	0	0	0	0	0	246	2	3	4	258	0	3
5:30 PM - 5:45 PM	3	0	9	0	0	0	0	0	0	261	2	2	4	238	0	5
5:45 PM - 6:00 PM	0	0	4	0	0	0	0	0	0	242	1	1	7	234	0	4
<b>TOTAL</b>	<b>20</b>	<b>0</b>	<b>74</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2275</b>	<b>20</b>	<b>39</b>	<b>52</b>	<b>2240</b>	<b>0</b>	<b>48</b>

PEAK HOUR	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
7:45 AM - 8:45 AM	15	0	22	7	0	0	0	0	0	859	16	37	24	819	0	38
4:00 PM - 5:00 PM	10	0	44	1	0	0	0	0	0	1245	11	26	30	1258	0	32

	PHF	Trucks
AM	0.601	4.7%
PM	0.948	2.3%





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# Turning Movement Report

Prepared For:

OMNI-Means  
 943 Reserve Drive  
 Roseville, CA 95678

LOCATION Oro Dam Blvd @ 5th Avenue  
 COUNTY Butte  
 COLLECTION DATE Thursday, December 18, 2014

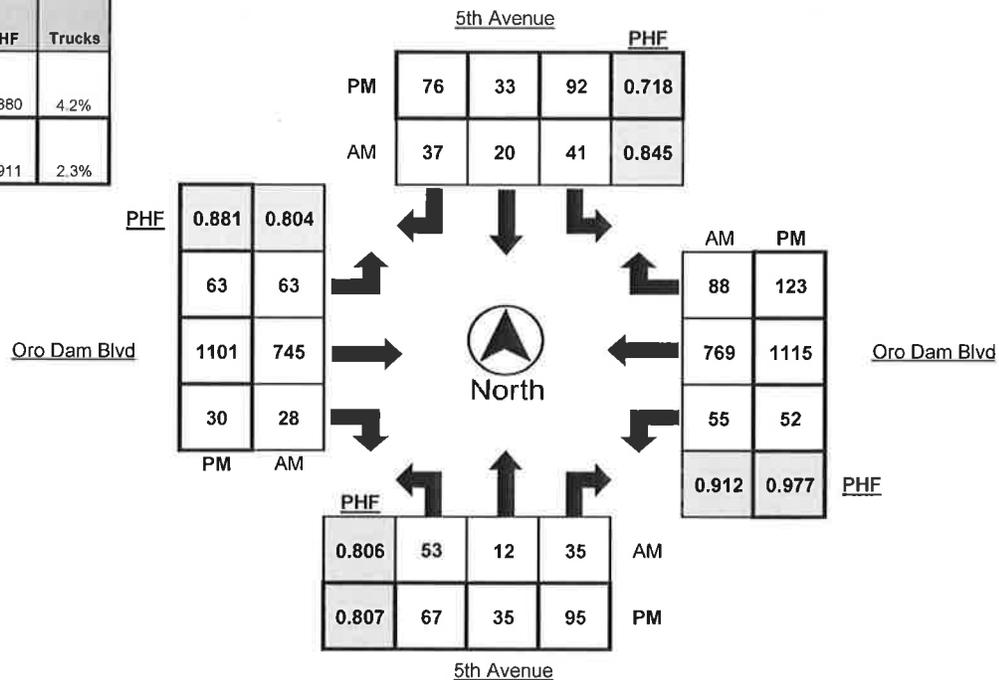
LATITUDE 39.499752°  
 LONGITUDE -121.565236°  
 WEATHER AM - Wet Pavement, PM - Dry

Time	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
7:00 AM - 7:15 AM	2	3	10	1	0	7	8	0	8	92	7	9	7	108	3	7
7:15 AM - 7:30 AM	6	3	2	0	7	4	5	1	2	103	3	5	4	116	8	6
7:30 AM - 7:45 AM	9	1	7	4	12	4	9	1	4	151	3	7	15	158	11	4
7:45 AM - 8:00 AM	10	4	9	7	4	8	8	0	18	234	8	6	20	219	11	3
8:00 AM - 8:15 AM	12	3	10	3	17	3	9	1	17	200	12	5	12	196	27	11
8:15 AM - 8:30 AM	21	2	8	4	7	6	7	0	12	163	5	11	11	176	26	12
8:30 AM - 8:45 AM	10	3	8	4	13	3	13	0	16	148	3	7	12	178	24	7
8:45 AM - 9:00 AM	8	7	9	2	12	5	16	1	10	182	8	13	11	172	21	10
<b>TOTAL</b>	<b>78</b>	<b>26</b>	<b>63</b>	<b>25</b>	<b>72</b>	<b>40</b>	<b>75</b>	<b>4</b>	<b>87</b>	<b>1273</b>	<b>49</b>	<b>63</b>	<b>92</b>	<b>1323</b>	<b>131</b>	<b>60</b>

Time	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
4:00 PM - 4:15 PM	11	12	29	3	34	9	27	1	25	308	6	9	20	278	32	9
4:15 PM - 4:30 PM	26	8	27	0	15	8	13	2	9	256	12	9	19	269	32	6
4:30 PM - 4:45 PM	19	9	21	0	21	12	19	1	17	292	5	7	8	288	27	11
4:45 PM - 5:00 PM	11	6	18	1	22	4	17	0	12	245	7	5	5	280	32	3
5:00 PM - 5:15 PM	16	7	25	1	25	10	18	0	11	231	3	5	10	232	24	3
5:15 PM - 5:30 PM	13	4	9	0	25	3	8	0	9	215	2	3	6	238	20	2
5:30 PM - 5:45 PM	15	8	12	1	23	7	12	1	15	196	3	2	5	216	18	3
5:45 PM - 6:00 PM	0	6	8	0	17	3	19	1	6	193	1	1	7	207	22	1
<b>TOTAL</b>	<b>111</b>	<b>60</b>	<b>149</b>	<b>6</b>	<b>182</b>	<b>56</b>	<b>133</b>	<b>6</b>	<b>104</b>	<b>1936</b>	<b>39</b>	<b>41</b>	<b>80</b>	<b>2008</b>	<b>207</b>	<b>38</b>

PEAK HOUR	Northbound				Southbound				Eastbound				Westbound			
	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks	Left	Thru	Right	Trucks
7:45 AM - 8:45 AM	53	12	35	18	41	20	37	1	63	745	28	29	55	769	88	33
4:00 PM - 5:00 PM	67	35	95	4	92	33	76	4	63	1101	30	30	52	1115	123	29

	PHF	Trucks
AM	0.880	4.2%
PM	0.911	2.3%







# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

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

**Donald Rust**  
DIRECTOR

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

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

Please submit your comments to this department no later than **Wednesday, May 27, 2015** to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. If you have no comment, a reply is not necessary.

**ASSESSOR**  
**PARCEL NUMBER:** 035-030-013

**FILE NUMBER:** TSM 15-01; UP 15-01;  
VAR 15-02

**APPLICANT:** Engstrom Properties, Inc.

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

**LOCATION:** West of Sonic Drive-In and  
east of La Esmeralda  
Market on the north end of  
Highway 162

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

### **VICINITY MAP**



### **PROJECT DESCRIPTION**

**TSM 15-01; UP 15-01; VAR 15-02: New Drive-Through Restaurant and Coffeehouse** - The City of Oroville Planning Commission will conduct a public hearing to consider a tentative parcel map (TSM 15-01), use permit (UP 15-01) and variance request (VAR 15-02) for the construction of a new drive-through restaurant and a new drive-through coffeehouse on the vacant lot identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north end of State Route 162. The property has a zoning land use designation of Corridor Mixed-Use (MXC). The proposed land division is to subdivide the existing 2.89 acre parcel into three parcels; Parcel 1 - 0.91 acres and proposed location of a new drive-through restaurant; Parcel 2 - 0.73 acres and proposed location of a new drive-through coffeehouse; Parcel 3 - 1.20 acres and proposed to remain vacant for future development. The proposed restaurant and coffeehouse are uses permitted by right in an MXC district. However, any drive-through in an MXC district requires a use permit. The variance request is to exceed the maximum total area allowed for all signs, to exceed the maximum sign area of a freestanding sign and to exceed the maximum height of a freestanding sign.

**NOTICE IS HEREBY GIVEN** that the City of Oroville Planning Commission will hold a public hearing on the project described above. Said hearing will be held on **Wednesday, May 27, 2015 at 7:00 p.m.** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.



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

**ATTACHMENT - Q**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Oroville will hold a public hearing on the projects described below. Said hearing will be held at 7:00 p.m. on Wednesday, May 27, 2015 in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **TSM 15-01; UP 15-01; VAR 15-02: New Drive-Through Restaurant and Coffeehouse** - The City of Oroville Planning Commission will conduct a public hearing to consider a tentative parcel map (TSM 15-01), use permit (UP 15-01) and variance request (VAR 15-02) for the construction of a new drive-through restaurant and a new drive-through coffeehouse on the vacant lot identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north end of State Route 162. The property has a zoning land use designation of Corridor Mixed-Use (MXC). The proposed land division is to subdivide the existing 2.89 acre parcel into three parcels; Parcel 1 - 0.91 acres and proposed location of a new drive-through restaurant; Parcel 2 - 0.73 acres and proposed location of a new drive-through coffeehouse; Parcel 3 - 1.20 acres and proposed to remain vacant for future development. The proposed restaurant and coffeehouse are uses permitted by right in an MXC district. However, any drive-through in an MXC district requires a use permit. The variance request is to exceed the maximum total area allowed for all signs, to exceed the maximum sign area of a freestanding sign and to exceed the maximum height of a freestanding sign.

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

Posted/Published: Saturday, May 16, 2015



# Live Green Recycling Center

1345 Feather River Blvd

Oroville, CA 95965

APN: 012-063-012

## Zoning

Limited Commercial (C-2)

## General Plan

Retail & Business Services

## OMC Section 26-04.020(R)

Recycling Facility or Center: A place of business for the acceptance by donation, redemption, or purchase of recyclable materials from the public, for suitable reuse such as paper, plastic, aluminum cans, household electronics, other recyclable materials. All recycling facilities and/or centers shall be a certified recycling facility or certified processor that are certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986, as may be amended from time to time. These shall not include Scrap and Dismantling yards which are primarily used for the recycling of automobiles and/or industrial wastes.

## OMC Table 26-33.010-1: Allowed Uses in Commercial and Mixed-Use Districts

Table 26-33.010-1: Allowed Uses in Commercial and Mixed-Use Districts

Land Use	Zoning Districts									Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	MXD	MXN	MXC	
Manufacturing, Wholesale, Repair and Storage										
Recycling Facility or Center	—	UP	P	—	P	—	—	—	—	—

### Key

- P Permitted use, subject to zoning clearance
- AP Administrative permit required
- UP Use permit required
- S See use-specific regulations for permit requirement
- Use not allowed

## Occupancy Application

- Applied on 09/30/2010
- Approved by City on 10/04/2010
- Issued by City on 10/08/2010
- Finalized by City on 10/13/2010