



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

City of Oroville PLANNING COMMISSION

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

PLANNING COMMISSION MEETING **AGENDA**

Monday, January 25, 2016 at 7:00 p.m.
MEETING AGENDA

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

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

ADMINISTRATIVE AGENDA

1. **CALL TO ORDER**

2. **ROLL CALL**

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

3. **PLEDGE OF ALLEGIANCE**

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

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

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

5. PUBLIC COMMENTS

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

6. CORRESPONDENCE

None

7. APPROVAL OF MINUTES

Approve the minutes of the November 23, 2015 regular Planning Commission meeting.

REGULAR AGENDA

8. PUBLIC HEARINGS

- 8.1 UP 479 Amendment: Used Car Sales** – The City of Oroville Planning Commission will conduct a public hearing to consider an amendment to Use Permit No. 479 to operate a used car sales lot on the property identified as 1859 Ehmann Street (APN: 012-212-080). The project site has a current zoning designation of Corridor Mixed Use (MXC) and General Plan land use designation of Mixed Use. The Oroville Municipal Code (OMC) Table 26-34.020-1: “Allowed Uses in Mixed-Use Districts,” permits the sale of new automobiles by right, subject to a zoning clearance, and requires a use permit for the sale of all other vehicles in an MXC zone.

Staff Report: Luis A. Topete, Associate Planner

Staff Recommendation:

Adopt Resolution No. P2016-02: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING AN AMENDMENT TO USE PERMIT NO. 479 TO ALLOW THE OPERATION OF A USED CAR LOT AT 1859 EHMANN STREET (APN: 012-212-080)

9. REGULAR BUSINESS

- 9.1 Finding of Public Convenience or Necessity** – The Oroville Planning Commission will review and consider adopting a finding of public convenience or necessity for a Type-48 “On Sale General – Public Premises” alcoholic beverage license for the property identified as 2021 Baldwin Avenue (APN: 012-160-001).

Staff Report: Luis A. Topete, Associate Planner

Staff Recommendation:

Adopt Resolution No. P2016-01: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION FINDING AND DETERMINING THAT THE PUBLIC CONVENIENCE OR NECESSITY WOULD BE SERVED BY THE ISSUANCE OF AN ON SALE GENERAL – PUBLIC PREMISES (TYPE-48) ALCOHOLIC BEVERAGE LICENSE FOR THE PROPERTY IDENTIFIED AS 2021 BALDWIN AVENUE, OROVILLE, CA 95966 (APN: 012-160-001)

10. DISCUSSION ITEMS

None

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, February 22, 2016 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, 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
NOVEMBER 23, 2015 – 7:00 PM**

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

The agenda for the November 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 on Friday, November 20, 2015, at 1:11 p.m.

1. CALL TO ORDER

The November 23, 2015 regular meeting of the Oroville Planning Commission was called to order by Vice Chairperson Durling at 7:04 p.m.

2. ROLL CALL

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

Staff Present:

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

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Chairperson Durling.

4. RECOGNITION OF INDIVIDUALS WISHING TO SPEAK ON AGENDA ITEMS

Jim Moravec, representative of Stott Outdoors – Item 8.1

5. PUBLIC COMMENT - None

6. CORRESPONDENCE – None

7. **APPROVAL OF MINUTES**

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

Approve the minutes of the July 27, 2015 regular Planning Commission meeting and the October 12, 2015 joint Park, Planning, and Arts Commission meeting.

The motion was passed by the following vote:

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

8. **PUBLIC HEARINGS**

8.1 **UP 12-03 Amendment: “Welcome to Oroville” Digital Display Sign – staff report**

The City of Oroville Planning Commission conducted a public hearing to consider an amendment to Use Permit No. 12-03 approved by the City of Oroville Planning Commission on March 16, 2012 allowing the replacement of the existing “Welcome to Oroville” sign with a digital display sign. Use Permit No. 12-03 authorized the construction, operation, maintenance, and marketing of a digital display sign at the northwest corner of Georgia Pacific Road and Feather River Boulevard, just east of Highway 70. The proposed amendments include a name change on the entitlements and changes to the previous design of the sign structure while maintaining compliance with the City’s regulations for signs requiring a use permit as found in Section 26-19.045 of the Oroville Municipal Code. **(Staff Report: Luis A. Topete, Associate Planner)**

Vice Chairperson Durling opened the Public Hearing.

Jim Moravec, representative of Stott Outdoors, spoke in favor of the project amendment and answered questions for the Commission.

Hearing no additional public comments, Vice Chairperson Durling closed the Public Hearing.

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

Adopt Resolution No. P2015-09: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING AN AMENDMENT TO USE PERMIT NO. 12-03 TO ALLOW THE CONSTRUCTION, OPERATION, MAINTENANCE, AND MARKETING OF A DIGITAL DISPLAY SIGN LOCATED AT THE NORTHWEST CORNER OF GEORGIA PACIFIC ROAD AND FEATHER RIVER BOULEVARD, JUST EAST OF HIGHWAY 70

The motion was passed by the following vote:

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

9. **REGULAR BUSINESS**

9.1 **Finding of Public Convenience or Necessity** – staff report

The Oroville Planning Commission reviewed and considered adopting a finding of public convenience or necessity for a Type-20 Off-Sale Beer and Wine license for Royal Mini Mart located at 2970 Feather River Boulevard (APN: 035-480-043). **(Luis A. Topete, Associate Planner)**

Sourau Sharma, applicant, spoke in favor of adopting the finding of public convenience.

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

Adopt Resolution No. P2015-11: **A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION FINDING AND DETERMINING THAT THE PUBLIC CONVENIENCE OR NECESSITY WOULD BE SERVED BY THE ISSUANCE OF AN OFF-SALE BEER AND WINE (TYPE-20) ALCOHOLIC BEVERAGE CONTROL LICENSE FOR ROYAL MINI MART LOCATED AT 2970 FEATHER RIVER BOULEVARD, OROVILLE, CA 95965 (APN: 035-480-043)**

The motion was passed by the following vote:

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

9.2 **UP 14-04 (Used Car Sales): Two Year Extension** - staff report

The Planning Commission received an update on the two year extension approved administratively for Use Permit No. 14-04. **(Luis A. Topete, Associate Planner)**

For informational purposes only.

9.3 **Starbucks / Panda Express Revised Circulation Study** – staff report

The Planning Commission will receive an update on the development of a new drive-through restaurant (Panda Express) and a new drive-through coffeehouse (Starbucks) 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 (SR 162). **(Luis A. Topete, Associate Planner)**

For informational purposes only. The Commission discussed the updates presented by staff.

10. **DISCUSSION ITEMS**

Ad Hoc Subcommittee for the Sign Ordinance Update.

- Vice Chairperson Durling appointed: Vice Chairperson Durling (himself), Commissioner Britton, and Commissioner Chapman.

11. **DIRECTOR'S REPORT**

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

- Super Wal-Mart update
- RDA dissolution meeting held in Sacramento to discuss Enhanced Infrastructure Financial District and Assembly Bill 2 updates, the State financial programs replacing the Redevelopment Agencies.
- Brownsfield updates
- BCAG and the release of BRCP for comments
- Discussed the five (5) recent conferences attended by himself and staff.

12. **CHAIRPERSON/COMMISSIONERS REPORTS**

Vice Chairperson Durling discussed the Office of Planning and research meeting.

13. **ADJOURNMENT**

The meeting was adjourned at 8:20 p.m. A regular meeting of the Oroville Planning Commission will be held on Monday, January 25, 2015, at 7:00 p.m.

Donald Rust, Secretary

Damon Robison, Chairperson



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

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

PLANNING COMMISSION STAFF REPORT

January 25, 2016

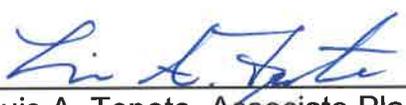
UP 479 Amendment: Used Car Sales – The project applicants, Glen and Shelly King, have applied for an amendment to Use Permit No. 479 to operate a used car sales lot on the property identified as 1859 Ehmann Street (APN: 012-212-080). The project site has a current zoning designation of Corridor Mixed Use (MXC) and General Plan land use designation of Mixed Use. The Oroville Municipal Code (OMC) Table 26-34.020-1: "Allowed Uses in Mixed-Use Districts," permits the sale of new automobiles by right, subject to a zoning clearance, and requires a use permit for the sale of all other vehicles in an MXC zone.

APPLICANT: Glen and Shelly King
2017 Lincoln Street
Oroville, CA 95966

LOCATION: 1859 Ehmann Street
Oroville, CA 95966
APN: 012-212-080
(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:
Existing Facilities Exemption; Title 14, CCR, §15301

REPORT PREPARED BY:

Luis A. Topete, Associate Planner
Community Development Department

REVIEWED BY:

Donald Rust, Director
Community Development Department

RECOMMENDED ACTIONS:

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

1. **HOLD** a public hearing and receive testimony on the proposed amendment to Use Permit No. 479 for the operation of a used car lot at 1859 Ehmann Street (APN: 012-212-080);

2. **ADOPT** the Existing Facilities Categorical Exemption, (**Attachment B**) as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) Statute and Guidelines;
3. **ADOPT** the Findings for the amendment to UP 479 (**Attachment C**);
4. **ADOPT** Resolution No. P2016-02 (**Attachment D**);
5. **APPROVE** the Conditions of Approval for the amendment to UP 479 (**Attachment E**).

SUMMARY

The project applicants, Glen and Shelly King, have applied for an amendment to Use Permit No. 479 to operate a used car sales lot on the property identified as 1859 Ehmann Street (APN: 012-212-080). The project site is currently being used as a storage yard for towed vehicles.

BACKGROUND

On December 9, 1970 the City of Oroville received an application (**Attachment F**) requesting the approval of use permit (Use Permit No. 479) for the operation of an auto repair shop at 1859 Ehmann Street (APN: 012-212-080). The use permit was subsequently approved by the City of Oroville Planning Commission on December 15, 1970 with no special conditions (**Attachment G**).

DISCUSSION

On December 17, 2015 the City of Oroville received an application requesting an amendment to Use Permit No. 479 for the operation of a used car lot at 1859 Ehmann Street (APN: 012-212-080). The project site has a current zoning designation of Corridor Mixed Use (MXC) and General Plan land use designation of Mixed Use. The Oroville Municipal Code (OMC) Table 26-34.020-1: "Allowed Uses in Mixed-Use Districts," permits the sale of new automobiles by right," subject to a zoning clearance, and requires a use permit for the sale of all other vehicles.

The current use permit (UP 479) allows the operation of a vehicle services or repair facility, defined by OMC Section 26-04.020(V) as follows:

Vehicle service or repair. An establishment that provides any repair, alteration, servicing, restoration or finishing of any vehicle as a primary use, including but not limited to body repair, collision repair, muffler and radiator shops, oil change and quick-lube shops, painting, tire and battery sales and installation, and towing. The term "vehicle service or repair" does not include repair shops that are part of a vehicle sales establishment on the same site.

As permitted under the current use permit, the property's present use is for the storage of towed vehicles. Per the current zoning code adopted by the City Council on March 31, 2015, vehicle services or repair is not an allowed use in MXC districts. Thus, the request

to sale used cars on a property currently being used for the storage of towed vehicles is a less intensive, yet similar use with a greater potential for producing sales tax. Additionally, 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 a sales leakage from used motor vehicle dealers in the Oroville market area of approximately \$3,966,088 (Table 4; Page 9). Thus, this project will capture taxable retail sales in the City of Oroville which are currently being leaked into surrounding communities.

ENVIRONMENTAL REVIEW

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 “Existing Facilities.” A Class 1 categorical exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The key consideration is whether the project involves negligible or no expansion of an existing use. As the present use of the property is for the storage of towed vehicles, and the proposed use of the property is for the storage of used vehicles for sale, it has been determined that the project involves negligible or no expansion of an existing use. Thus, this action is exempt from CEQA.

FISCAL IMPACT

The total fees associated with amending Use Permit No. 479 are as follows:

Item	Price	Tech Fee	Total	Paid
Use Permit Amendment	\$1,000.00	\$60.00	\$1,060.00	Yes
Filing of Notice of Exemption				
Butte County Clerks Filing Fee	\$50.00	-	\$50.00	No

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

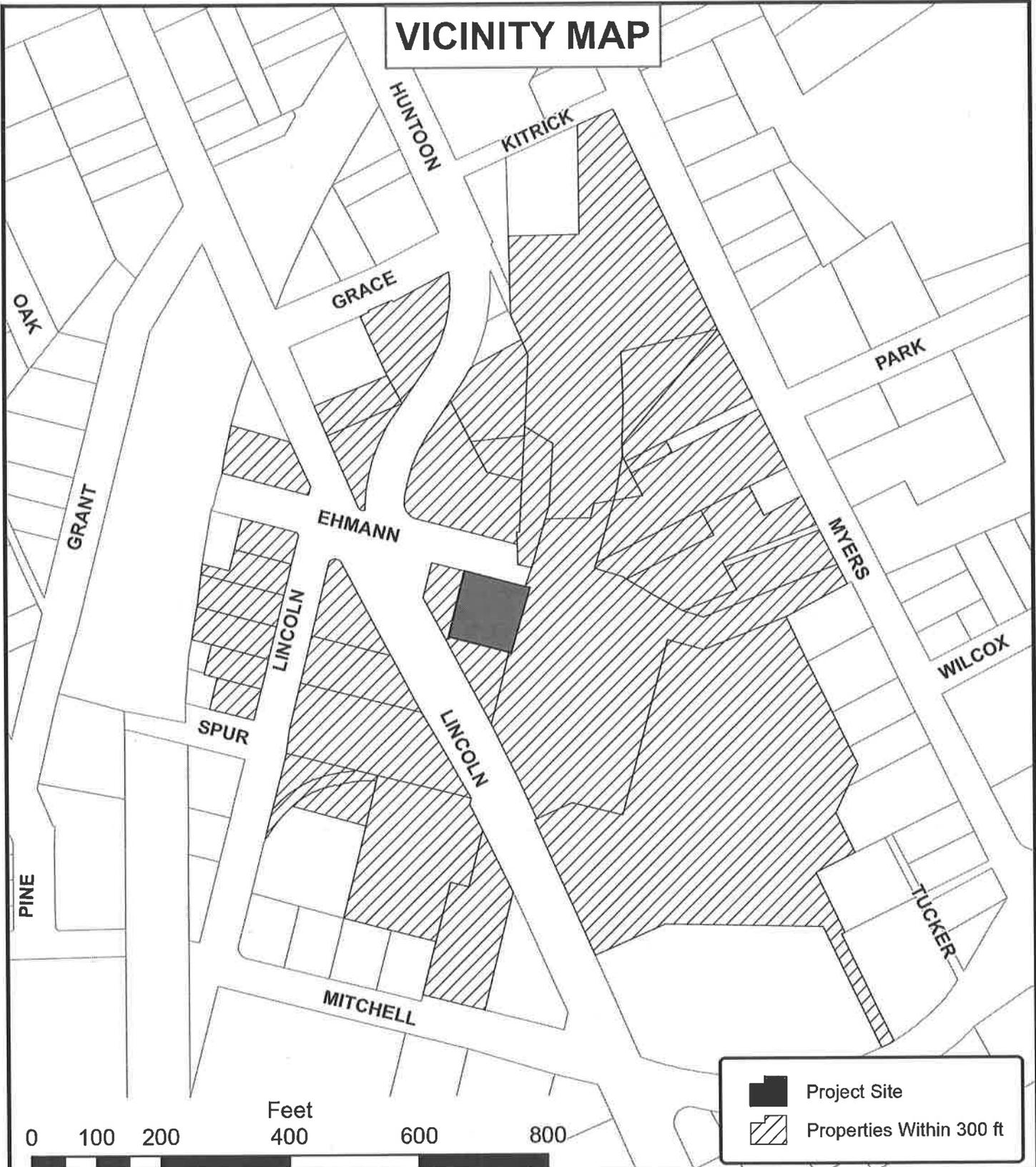
PUBLIC NOTICE

A request for comments was prepared and circulated to the local agencies and surrounding property owners within 300 feet of the property on January 5, 2016 (**Attachment H**). Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register on January 15, 2016 and posted at City Hall on January 5, 2016 (**Attachment I**).

ATTACHMENTS

- A – Vicinity Map
- B – Notice of Exemption
- C – Findings
- D – Resolution No. P2016-02
- E – Conditions of Approval
- F – Application for Use Permit No. 479
- G – Approval of Use Permit No. 479
- H – Property Owner Notice
- I – Newspaper Notice

VICINITY MAP



	Project Site
	Properties Within 300 ft

CITY OF OROVILLE PLANNING DIVISION

<i>Applicant:</i> Glen and Shelly King		<i>Project Title:</i> Used Car Sales		 N
<i>Project Location:</i> 1859 Ehmman Street, Oroville, CA 95966				
<i>Hearing Date:</i> January 25, 2016	<i>Zoning Designation:</i> Corridor Mixed Use (MXC)	<i>Requested Entitlements:</i> Use Permit No. 479 Amendment		
<i>TRAKiT #</i> Project#: PL1512-004	<i>Assessor's Parcel #:</i> 012-212-080		UP 479 Amend	



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

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

NOTICE OF EXEMPTION

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

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

Project Title: UP 479 Amendment: Used Car Sales

Project Location – Specific: 1859 Ehmann Street (APN: 012-212-080)

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicants, Glen and Shelly King, have applied for an amendment to Use Permit No. 479 to operate a used car sales lot on the property identified as 1859 Ehmann Street (APN: 012-212-080). The project site is currently being used as a storage yard for towed vehicles.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying out Project: Glen and Shelly King

Exempt Status (Check One):

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

Reasons why project is exempt: This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities." A Class 1 categorical exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. As the present use of the property is for the storage of towed vehicles, and the proposed use of the property is for the storage of used vehicles for sale, it has been determined that the project involves negligible or no expansion of an existing use. Thus, this action is exempt from CEQA.

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

UP 479 Amendment: Used Car Sales

A. INTRODUCTION

The project applicants, Glen and Shelly King, have applied for an amendment to Use Permit No. 479 to operate a used car sales lot on the property identified as 1859 Ehmann Street (APN: 012-212-080). The project site has a current zoning designation of Corridor Mixed Use (MXC) and General Plan land use designation of Mixed Use. The Oroville Municipal Code (OMC) Table 26-34.020-1: Allowed Uses in Mixed-Use Districts, permits the sale of new automobiles by right, subject to zoning clearance, and requires a use permit for the sale of all other vehicles in an MXC zone.

B. USE PERMIT FINDINGS

The Planning Commission may grant a use permit only upon making all of the following findings, based on substantial evidence:

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

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

The subject property has an approved use permit (UP 479) for "vehicle services or repair," defined as an establishment that provides any repair, alteration, servicing, restoration or finishing of any vehicle as a primary use, including but not limited to body repair, collision repair, muffler and radiator shops, oil change and quick-lube shops, painting, tire and battery sales and installation, and towing. The term "vehicle service or repair" does not include repair shops that are part of a vehicle sales establishment on the same site. The property is currently being used as an impoundment lot. The proposed use is expected to generate more sales tax, increase the visual appearance of the property, and be overall less intensive than what is currently permitted under the existing use permit (see "b" and "d" below). As a used car lot in an MXC zone requires a use permit, it has been determined that an amendment of the existing use permit (UP 479) is appropriate since the general use of the property "storage of vehicles" will remain the same.

After a thorough review of the project, the approval of this use permit amendment 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 requirements 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 applicant is requesting to use a lot for the storage and sale of used vehicles that is currently used for the storage of towed vehicles. Considering that impoundment lots, which hold vehicles until they are either placed back in the control of the owner, or auctioned off, are strictly used for the purpose of storage, owners of such yards generally have less incentive to bring the appearance of such a facility to a level of appearance that is desired for a used car lot where business patrons will be visiting the property and the business owner has more incentive to ensure the property is welcoming in appearance. Thus, aesthetically, it is anticipated that the proposed land use will be less intensive than the use currently permitted.

As the subject property is surrounded by properties whose operating characteristics involves activities that are generally more intensive than the land use being proposed (see "d" below), the proposed project therefore follows sound principles of land use by having a suitable location relative to the community as a whole, and in a zoning district where the General Plan and City Code have planned for this type of land use to be located.

- 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 applicant is proposing to use the subject property as a used car lot. The office for the used car lot will be located on the adjacent property identified as 2017 Lincoln Street. As part of this permit, the applicant is required to obtain a zoning clearance/occupancy inspection from the Building Division prior to occupancy. If at the time of inspection any inadequacies in the conditions of water, sanitation or utility supply to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy. In addition, the site has direct access to Ehmman Street which connects to Huntoon Way and Lincoln Street, giving the site adequate connectivity to the local transportation network.

- 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 project site is abutting the following properties with the following zoning designations:

- *MJB Welding Supply (2013 Ehmman St) to the west zoned MXC*
- *King Muffler (2017 Lincoln St) to the south zoned MXC*
- *City of Oroville Police/Fire Department (2055 Lincoln St) to the east and zoned Public or Quasi-Public (PQ)*
- *Cox Glass Co. to the north (1860 Ehmman St) zoned Downtown Mixed Use (MXD)*

The operating characteristics of the proposed use involves activities that are generally less intensive than the surrounding land uses and the proposed project will not conflict with the surrounding neighborhood nor adversely impact any of the surrounding properties. Pursuant to section 26-50.010(F) of the OMC, 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 of the Zoning Code, has been violated in connection with the permit; and finally, if the permit was obtained by fraud. The project, as proposed, is harmonious and compatible with the surrounding land uses 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 is requesting to use the subject property for the storage and sale of used vehicles that is currently used for the storage of towed vehicles. With the site being approximately 0.25 acres in size, current being used for the storage of vehicles, and utilizing an adjacent property for its office needs, the subject site is physically suitable for the type and intensity of land use being proposed.

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

The City of Oroville Municipal Code Section 26-34.010 specifies that the intent of an MXC zoning designation is to support an integrated and attractive network of commercial, employment, and residential uses along Oroville's major thoroughfares. With this intent, the use of the property as a used car lot more closely conforms to the intent of an MXC district than an impound lot. Additionally, a used car lot has a greater potential for producing sales tax than an impound lot. 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 a sales leakage from used motor vehicle dealers in the Oroville market area of approximately \$3,966,088 (Table 4; Page 9). Thus, this project will capture taxable retail sales in the City of Oroville which are currently being leaked into surrounding communities. It is therefore believed that the proposed use will provide services that are desirable for the neighborhood and community as a whole.

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

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

RESOLUTION NO. P2016-02

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING AN AMENDMENT TO USE PERMIT NO. 479 TO ALLOW THE OPERATION OF A USED CAR LOT AT 1859 EHMANN STREET (APN: 012-212-080)

WHEREAS, the Community Development Department has received an application requesting an amendment to Use Permit No. 479 for the operation of a used car lot at 1859 Ehmann Street (APN: 012-212-080); and

WHEREAS, the approval of Use Permit No. 479 was for “vehicle services or repair” as defined by the Oroville Municipal Code (OMC) 26-04.020(V); and

WHEREAS, the project site has a current zoning designation of Corridor Mixed Use (MXC) and General Plan land use designation of Mixed Use; and

WHEREAS, the OMC Table 26-34.020-1: “Allowed Uses in Mixed-Use Districts,” permits the sale of new automobiles by right, subject to a zoning clearance, and requires a use permit for the sale of all other vehicles; and

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

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

1. This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 “Existing Facilities.”
2. Per the City’s Municipal Code 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, and also promote the general health, safety, and public welfare of the City.

The subject property has an approved use permit (UP 479) for "vehicle services or repair," defined as an establishment that provides any repair, alteration, servicing, restoration or finishing of any vehicle as a primary use, including but not limited to body repair, collision repair, muffler and radiator shops, oil change and quick-lube shops, painting, tire and battery sales and installation, and towing. The term "vehicle service or repair" does not include repair shops that are part of a vehicle sales establishment on the same site. The property is currently being used as an impoundment lot. The proposed use is expected to generate more sales tax, increase the visual appearance of the property, and be overall less intensive than what is currently permitted under the existing use permit (see "b" and "d" below). As a used car lot in an MXC zone requires a use permit, it has been determined that an amendment of the existing use permit (UP 479) is appropriate since the general use of the property "storage of vehicles" will remain the same.

After a thorough review of the project, the approval of this use permit amendment 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 requirements 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 applicant is requesting to use a lot for the storage and sale of used vehicles that is currently used for the storage of towed vehicles. Considering that impoundment lots, which hold vehicles until they are either placed back in the control of the owner, or auctioned off, are strictly used for the purpose of storage, owners of such yards generally have less incentive to bring the appearance of such a facility to a level of appearance that is desired for a used car lot where business patrons will be visiting the property and the business owner has more incentive to ensure the property is welcoming in appearance. Thus, aesthetically, it is anticipated that the proposed land use will be less intensive than the use currently permitted.

As the subject property is surrounded by properties whose operating characteristics involves activities that are generally more intensive than the land use being proposed (see "d" below), the proposed project therefore follows sound principles of land use by having a suitable location relative to the community as a whole, and in a zoning district where the General Plan and City Code have planned for this type of land use to be located.

- 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 applicant is proposing to use the subject property as a used car lot. The office for the used car lot will be located on the adjacent property identified as 2017 Lincoln Street. As part of this permit, the applicant is required to obtain a zoning clearance/occupancy inspection from the Building Division prior to occupancy. If at the time of inspection any inadequacies in the conditions of water, sanitation or utility supply to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy. In addition, the site has direct access to Ehmman Street which connects to Huntoon Way and Lincoln Street, giving the site adequate connectivity to the local transportation network.

- 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 project site is abutting the following properties with the following zoning designations:

- MJB Welding Supply (2013 Ehmman St) to the west zoned MXC*
- King Muffler (2017 Lincoln St) to the south zoned MXC*
- City of Oroville Police/Fire Department (2055 Lincoln St) to the east and zoned Public or Quasi-Public (PQ)*
- Cox Glass Co. to the north (1860 Ehmman St) zoned Downtown Mixed Use (MXD)*

The operating characteristics of the proposed use involves activities that are generally less intensive than the surrounding land uses and the proposed project will not conflict with the surrounding neighborhood nor adversely impact any of the surrounding properties. Pursuant to section 26-50.010(F) of the OMC, 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 of the Zoning Code, has been violated in connection with the permit; and

finally, if the permit was obtained by fraud. The project, as proposed, is harmonious and compatible with the surrounding land uses 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 is requesting to use the subject property for the storage and sale of used vehicles that is currently used for the storage of towed vehicles. With the site being approximately 0.25 acres in size, current being used for the storage of vehicles, and utilizing an adjacent property for its office needs, the subject site is physically suitable for the type and intensity of land use being proposed.

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

The City of Oroville Municipal Code Section 26-34.010 specifies that the intent of an MXC zoning designation is to support an integrated and attractive network of commercial, employment, and residential uses along Oroville's major thoroughfares. With this intent, the use of the property as a used car lot more closely conforms to the intent of an MXC district than an impound lot. Additionally, a used car lot has a greater potential for producing sales tax than an impound lot. 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 a sales leakage from used motor vehicle dealers in the Oroville market area of approximately \$3,966,088 (Table 4; Page 9). Thus, this project will capture taxable retail sales in the City of Oroville which are currently being leaked into surrounding communities. It is therefore believed that the proposed use will provide services that are desirable for the neighborhood and community as a whole.

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

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

3. The Planning Commission hereby adopts the findings required by the Oroville Municipal Code §26-50.010(E)(4) as described in this Resolution.
4. The following 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 Planning Commission hereby conditionally approves an Amendment to Use Permit No. 479 to operate a used car sales lot on the property identified as 1859 Ehmann Street (APN: 012-212-080). The project site has a current zoning designation of Corridor Mixed Use (MXC) and General Plan land use designation of Mixed Use. The Oroville Municipal Code (OMC) Table 26-34.020-1: Allowed Uses in Mixed-Use Districts, permits the sale of new automobiles by right, subject to a zoning clearance, and requires a use permit for the sale of all other vehicles in an MXC zone.

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. The applicant shall pay for and obtain a zoning clearance/occupancy inspection from the Building Division and Fire Department prior to occupancy.
4. The applicant shall have a current City of Oroville business license and any other applicable permit/license that may be required as part of their operations.
5. Pursuant to Section 26-13 of the City Code, the proposed use of the site shall conform to the development and performance standards of the code of the City of Oroville to minimize any potential negative effects that a building, structure or use

could have on its surroundings, and to promote compatibility with surrounding uses and areas.

6. 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.
7. 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.
8. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
9. Pursuant to Section 26-50.010 (F), the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
 - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
 - b. Any of the terms or conditions of the permit have been violated.
 - c. A law, including any requirement in the Municipal Code Chapter 26, has been violated in connection with the permit.
 - d. The permit was obtained by fraud.

--- End of Conditions ---

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 25th of January, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

DONALD L. RUST, SECRETARY

DAMON ROBISON, CHAIRPERSON

CONDITIONS OF APPROVAL

UP 479 Amendment: Used Car Sales

Approved project: The Planning Commission hereby conditionally approves an Amendment to Use Permit No. 479 to operate a used car sales lot on the property identified as 1859 Ehmann Street (APN: 012-212-080). The project site has a current zoning designation of Corridor Mixed Use (MXC) and General Plan land use designation of Mixed Use. The Oroville Municipal Code (OMC) Table 26-34.020-1: Allowed Uses in Mixed-Use Districts, permits the sale of new automobiles by right, subject to a zoning clearance, and requires a use permit for the sale of all other vehicles in an MXC zone.

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. The applicant shall pay for and obtain a zoning clearance/occupancy inspection from the Building Division and Fire Department prior to occupancy.
4. The applicant shall have a current City of Oroville business license and any other applicable permit/license that may be required as part of their operations.
5. Pursuant to Section 26-13 of the City Code, the proposed use of the site shall conform to the development and performance standards of the code of the City of Oroville to minimize any potential negative effects that a building, structure or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
6. 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.
7. 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.

8. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
9. Pursuant to Section 26-50.010(F), the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
 - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
 - b. Any of the terms or conditions of the permit have been violated.
 - c. A law, including any requirement in the Municipal Code Chapter 26, has been violated in connection with the permit.
 - d. The permit was obtained by fraud.

--- End of Conditions ---

APPLICATION FOR VARIANCE PERMIT
OROVILLE PLANNING COMMISSION

File Number 479

Townsend, Franklin & Wallace
Name of Owner

1859 Ehmann Street
Street Address

Vern Britton
Name of Applicant

Lot 5 Block 12 Sub *Crays Addition*

December 9, 1970
Date Filed

Hearing Date

ZONING DISTRICT C-2

FIRE ZONE 2

GROUP OCCUPANCY

TYPE CONSTRUCTION

Request for Variance: Wish to have an auto repair shop at this location.

DEC -9-70 MS21055A

CS***10.00 *****10.00%

Applicant's Name: Vern Britton Phone: 534-6464

Address: 2043 Rt. 2 *Clark* Road, Oroville

Status of Applicant's Interest in Property: Larkin Rent only

Owner's Name: Townsend, Franklin & Wallace

Address:

Description of Property: East End of Ehmann Street

Give Reasons for Variance Request: Wish to have an auto repair shop at this location.

(Additional sheets may be attached to and made a part of this application.)

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.

Vern Britton
Applicant

ACTION OF PLANNING COMMISSION

Date Submitted Recommendation Date referred to Council

Signature: BUILDING OFFICIAL & ZONING ADMINISTRATOR

ACTION OF CITY COUNCIL

Date Denied Date Granted

NOTE: Please submit herewith a check or money order in amount of ~~\$25.00~~ ^{10.00} payable to City of Oroville. Also a statement, plans, and evidence showing reasons as outlined on attached accompanying sheet.

~~\$25.00~~

Receipt No.

Received By

OFFICE FILL I

APPLICANT FILL IN

OFFICE USE

USE PERMIT

CITY OF OROVILLE
PLANNING COMMISSION

December 15, 1970

Date

479

Permit No.

Pursuant to the Provisions of the Zoning Ordinance of the City of Oroville and the special conditions set forth below: Vern Britton, 1859 Ehmman Street is hereby ~~denied~~ ^{granted} a Use Permit in accordance with application filed: December 9, 1970

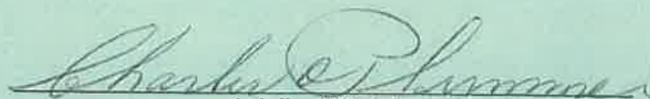
NAME

DATE

Failure to comply with the conditions specified herein as the basis for approval of application and issuance of Permit, constitutes cause for Commission to revoke said permit in accordance with procedures set forth in Zoning Ordinance.

SPECIAL CONDITIONS: This use permit is granted for an auto repair shop at this location. No Special Conditions.

NOTE: Issuance of this Use Permit does not waive requirement of obtaining Building Permit before starting construction.


Building Official & Zoning Administrator



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

ATTENTION: PROPERTY OWNERS AND INTERESTED PARTIES

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

Please submit your comments to this department no later than **Monday, January 25, 2016** to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. If you have no comment, a reply is not necessary.

VICINITY MAP



**ASSESSOR
PARCEL
NUMBER:** 012-212-080

**FILE
NUMBER:** UP 479 Amendment

APPLICANT: Glen and Shelly King

ZONING: Corridor Mixed Use (MXC)

LOCATION: 1859 Ehmann Street

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

PROJECT DESCRIPTION:

UP 479 Amendment: Used Car Sales – The City of Oroville Planning Commission will conduct a public hearing to consider an amendment to Use Permit No. 479 to operate a used car sales lot on the property identified as 1859 Ehmann Street (APN: 012-212-080). The project site has a current zoning designation of Corridor Mixed Use (MXC) and General Plan land use designation of Mixed Use. The Oroville Municipal Code (OMC) Table 26-34.020-1: Allowed Uses in Mixed-Use Districts, permits the sale of new automobiles by right, subject to a zoning clearance, and requires a use permit for the sale of all other vehicles in an MXC zone.

NOTICE IS HEREBY GIVEN that the City of Oroville Planning Commission will hold a public hearing on the project described above. Said hearing will be held at **7:00 p.m. on Monday, January 25, 2016** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

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

NOTICE OF PUBLIC HEARING BEFORE THE CITY OF OROVILLE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Oroville will hold a public hearing on the projects described below. Said hearing will be held at **7:00 p.m. on Monday, January 25, 2016** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **UP 479 Amendment: Used Car Sales** – The City of Oroville Planning Commission will conduct a public hearing to consider an amendment to Use Permit No. 479 to operate a used car sales lot on the property identified as 1859 Ehmann Street (APN: 012-212-080). The project site has a current zoning designation of Corridor Mixed Use (MXC) and General Plan land use designation of Mixed Use. The Oroville Municipal Code (OMC) Table 26-34.020-1: Allowed Uses in Mixed-Use Districts, permits the sale of new automobiles by right, subject to a zoning clearance, and requires a use permit for the sale of all other vehicles in an MXC zone.

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

Posted/Published: **Friday, January 15, 2016**



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

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

PLANNING COMMISSION STAFF REPORT

January 25, 2015

The Oroville Planning Commission will review and consider adopting a finding of public convenience or necessity for a Type-48 "On Sale General – Public Premises" alcoholic beverage license for the property identified as 2021 Baldwin Avenue (APN: 012-160-001).

APPLICANTS: Corey and Cricket Johnson
2021 Baldwin Avenue
Oroville, CA 95966
(530) 957-4807

LOCATION: 2021 Baldwin Avenue
Oroville, CA 95966
APN: 012-160-001

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

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

REPORT PREPARED BY:

REVIEWED BY:

Luis A. Topete, Associate Planner
Community Development Department

Donald Rust, Director
Community Development Department

RECOMMENDED ACTIONS:

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

1. **ADOPT** Resolution No. P2016-01: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION FINDING AND DETERMINING THAT THE PUBLIC CONVENIENCE OR NECESSITY WOULD BE SERVED BY THE ISSUANCE OF AN ON SALE GENERAL – PUBLIC PREMISES (TYPE-48) ALCOHOLIC BEVERAGE LICENSE FOR THE PROPERTY IDENTIFIED AS 2021 BALDWIN AVENUE, OROVILLE, CA 95966 (APN: 012-160-001) (**Attachment G**).

SUMMARY

The Oroville Planning Commission will review and consider adopting a finding of public convenience or necessity for a Type-48 "On Sale General – Public Premises" alcoholic beverage license for the property identified as 2021 Baldwin Avenue (APN: 012-160-001). A Type 48 license authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold, authorizes the sale of beer and wine for consumption off the premises where sold, and prohibits minors to enter and remain at the premises, with an exception for musicians per the California Business and Professions Code Section 25663.5 (**Attachment A**).

The issuance of this license would cause an undue concentration of On Sale licenses authorized in census tract 0028.00. A total of six On Sale licenses are authorized in the subject census tract with thirteen currently issued as of December 13, 2015 (**Attachment B & C**). As a result, the Business and Professional Code Section 23958.4 requires a finding of public convenience "or" necessity in order for the California Department of Alcoholic Beverage Control (ABC) application to be approved. It is not legally necessary to demonstrate both a finding of convenience "and" necessity.

ANALYSIS

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

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

The California Department of Alcoholic Beverage Control allows six On Sale licenses within this Census Tract (0028.02) where the subject property is located, with thirteen currently authorized. As a result, Census Tract 0028.00 is identified as having an undue-concentration of On Sale licenses, as defined by Section 23958.4 of the Business and

Professions Code. Sections 23958 and 23958.4 of the Business and Professions Code requires ABC to deny the application unless the City determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance of the license.

ENVIRONMENTAL REVIEW

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15061(b)(3), commonly known as the “general rule.” A project is Exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In light of the whole record, it can be seen with certainty that the project has no potential to cause a significant effect on the environment. Therefore, the project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) "General Rule Exemption".

FISCAL IMPACT

The total fees associated with this request are as follows:

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

ATTACHMENTS

- A – ABC License Types
- B – Existing On Sale Licenses Issued
- C – On Sale Licenses Permitted
- D – Request for Finding of Public Convenience or Necessity
- E – ABC Application
- F – Notice of Exemption
- G – Resolution No. P2016-01

COMMON ABC LICENSE TYPES AND THEIR BASIC PRIVILEGES

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



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



SPECIAL EVENTS

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

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

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

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

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

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

Note:

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



**California Department of Alcoholic Beverage Control
For the County of BUTTE - (On-Sale Licenses)
and Census Tract = 28**

Report as of 12/13/2015

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	171309	ACTIVE	47	7/1/1985	9/30/2016	REYES, ALBERTO N 1560 HUNTOON ST OROVILLE, CA 95965 Census Tract: 0028.00	CASA VIEJA		0404
2)	218244	ACTIVE	41	5/10/1988	4/30/2016	OROPEZA, FELIPE JOSEPH 2280 MYERS ST OROVILLE, CA 95966 Census Tract: 0028.00	FRANCISCO RESTAURANT		0404
3)	230621	ACTIVE	47	3/28/1991	1/31/2016	TAYLOR, ROBERT M 1445 MYERS ST OROVILLE, CA 95965 Census Tract: 0028.00	COPA DE ORO	505 S VILLA REAL, STE 201 ANAHEIM HILLS, CA 92807	0404
4)	343977	ACTIVE	41	9/9/1998	8/31/2016	WONG, BRIAN Y 2051 ROBINSON ST OROVILLE, CA 95965 Census Tract: 0028.00	TONG FONG LOW		0404
5)	444890	ACTIVE	47	1/23/2008	12/31/2015	APPLE AB ENTERPRISES INC 2160 FEATHER RIVER BLVD OROVILLE, CA 95965 Census Tract: 0028.00	APPLEBEES BAR & GRILL	930 EXECUTIVE WAY, STE 200 REDDING, CA 96002-0635	0404
6)	446430	ACTIVE	41	12/22/2006	11/30/2016	BARNES, GAIL JEAN 515 MONTGOMERY ST OROVILLE, CA 95965-4510 Census Tract: 0028.00	CORNUCOPIA RESTAURANT	PO BOX 6267 OROVILLE, CA 95966-1267	0404
7)	468423	REVPEN	48	7/14/2008	6/30/2015	SMITH, SHILO WILLIAM ELLIOT 1933 MONTGOMERY ST, # A OROVILLE, CA 95965-4952 Census Tract: 0028.00	MONTGOMERY STREET PUB		0404
8)	470515	ACTIVE	47	1/20/2009	1/31/2016	DAVID F DEAKINS CONSTRUCTION COMPANY 2191 HIGH ST OROVILLE, CA 95965-4917 Census Tract: 0028.00	WESTERN PACIFIC BREWING & DINING		0404
9)	538641	ACTIVE	41	9/3/2014 5:15:48 PM	8/31/2016	ORO BULLDOG LLC 450 ORO DAM BLVD E OROVILLE, CA 95965-5715 Census Tract: 0028.00	LA ESMERALDA MARKET	2012 CHAMBERS CIRCLE BRENTWOOD, CA 94513	0404
10)	543131	ACTIVE	47	9/16/2014 9:54:05 AM	9/30/2016	PARKERVORT FARMS INC 2053 MONTGOMERY ST OROVILLE, CA 95965-4947 Census Tract: 0028.00	MINERS ALLEY BREWING COMPANY	1368 MYERS ST OROVILLE, CA 95965-4928	0404
11)	556821	ACTIVE	40	7/24/2015 2:24:06 PM	6/30/2016	VASUDEVA, ASHOK KUMAR 2401 5TH AVE	VASU GAS & FOOD		0404

						OROVILLE, CA 95965 Census Tract: 0028.00			
12)	83884	ACTIVE	41	1/30/1980	12/31/2015	SISCO ENTERPRISES INC 1124 ORO DAM BLVD E OROVILLE, CA 95965 Census Tract: 0028.00	ROUND TABLE PIZZA	500 W EAST AVE CHICO, CA 95926- 7238	0404
13)	9226	ACTIVE	51	9/7/1955	6/30/2016	EAGLES LODGE OROVILLE AERIE 196 2010 MONTGOMERY ST OROVILLE, CA 95965 Census Tract: 0028.00	EAGLES LODGE OROVILLE AERIE 196	PO BOX 306 OROVILLE, CA 95965	0404

- - - End of Report - - -

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

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

County Name	County Population	County Ratio On Sale	County Ratio Off Sale	Census Tract #	Census Tract Population	On Sale	Off Sale
AMADOR	36,312	339	672	2.00	4,672	13	6
AMADOR	36,312	339	672	3.01	5,871	17	8
AMADOR	36,312	339	672	3.03	5,073	14	7
AMADOR	36,312	339	672	3.04	3,946	11	5
AMADOR	36,312	339	672	4.01	5,020	14	7
AMADOR	36,312	339	672	4.02	4,740	13	7
AMADOR	36,312	339	672	5.00	2,995	8	4
BUTTE	224,323	703	1,084	1.02	3,900	5	3
BUTTE	224,323	703	1,084	1.03	3,902	5	3
BUTTE	224,323	703	1,084	1.04	5,636	8	5
BUTTE	224,323	703	1,084	2.01	4,052	5	3
BUTTE	224,323	703	1,084	2.02	3,723	5	3
BUTTE	224,323	703	1,084	3.00	4,410	6	4
BUTTE	224,323	703	1,084	4.01	1,771	2	1
BUTTE	224,323	703	1,084	4.02	7,030	10	6
BUTTE	224,323	703	1,084	5.01	4,333	6	3
BUTTE	224,323	703	1,084	5.02	4,204	5	3
BUTTE	224,323	703	1,084	6.01	3,304	4	3
BUTTE	224,323	703	1,084	6.03	3,130	4	2
BUTTE	224,323	703	1,084	6.04	4,217	5	3
BUTTE	224,323	703	1,084	7.00	4,694	6	4
BUTTE	224,323	703	1,084	8.00	5,295	7	4
BUTTE	224,323	703	1,084	9.01	2,142	3	1
BUTTE	224,323	703	1,084	9.03	6,117	8	5
BUTTE	224,323	703	1,084	9.04	6,071	8	5
BUTTE	224,323	703	1,084	10.00	4,801	6	4
BUTTE	224,323	703	1,084	11.00	4,572	6	4
BUTTE	224,323	703	1,084	12.00	3,556	5	3
BUTTE	224,323	703	1,084	13.00	4,169	5	3
BUTTE	224,323	703	1,084	14.00	5,797	8	5
BUTTE	224,323	703	1,084	15.00	5,297	7	4
BUTTE	224,323	703	1,084	16.00	5,266	7	4
BUTTE	224,323	703	1,084	17.02	5,739	8	5
BUTTE	224,323	703	1,084	17.03	2,852	4	2
BUTTE	224,323	703	1,084	17.04	3,060	4	2
BUTTE	224,323	703	1,084	18.00	5,640	8	5
BUTTE	224,323	703	1,084	19.00	3,373	4	3
BUTTE	224,323	703	1,084	20.00	5,184	7	4
BUTTE	224,323	703	1,084	21.00	4,599	6	4
BUTTE	224,323	703	1,084	22.00	5,156	7	4
BUTTE	224,323	703	1,084	23.00	5,331	7	4
BUTTE	224,323	703	1,084	24.00	5,157	7	4
BUTTE	224,323	703	1,084	25.00	4,930	7	4
BUTTE	224,323	703	1,084	26.01	2,324	3	2
BUTTE	224,323	703	1,084	26.02	3,455	4	3
BUTTE	224,323	703	1,084	27.00	5,478	7	5
BUTTE	224,323	703	1,084	28.00	4,275	6	3
BUTTE	224,323	703	1,084	29.00	3,060	4	2
BUTTE	224,323	703	1,084	30.01	3,140	4	2
BUTTE	224,323	703	1,084	30.02	3,531	5	3
BUTTE	224,323	703	1,084	31.00	4,396	6	4
BUTTE	224,323	703	1,084	32.00	4,234	6	3



11/23/15

To whom it may concern:

My name is Corey Johnson I am requesting approval for a liquor license to be permitted at 2021 Baldwin ave, Oroville, CA. I have been the property owner since 2003. I was the business owner from 2003-2006. I sold the business and leased it. It has been through several owners most I had a lease with until the last business owner which I had been trying to evict for several months. Now that he is no longer in my building and he has sold his license. I am trying to reestablish my business again. While I was the owner of the bar Club Gattaca I worked well with the local law enforcement, the city of Oroville, ABC. We donated to local sports clubs, high schools, and other charities. We held ABC classes at our establishment helping to teach laws and regulations to the other bar owners in the community. If we are able to have this license in our property in Oroville it is our full intention to continue the same business practices. My wife and I have invested all we have into this property. If we can not succeed in this bar we will lose our retirement. Both my wife and I work for the State of California as Correctional officers. We are law abiding citizens and will do everything in our power to insure that we run a respectful business as well as obey all city laws and ordinances.

Thank you for your consideration.

Sincerely,
Corey and Cricket Johnson


Cricket Johnson

Department of Alcoholic Beverage Control

State of California

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
 1900 CHURN CREEK RD
 STE 215
 REDDING, CA 96002
 (530) 224-4830

File Number: 564225
 Receipt Number: 2330995
 Geographical Code: 0404
 Copies Mailed Date: November 18, 2015
 Issued Date:

DISTRICT SERVING LOCATION: **REDDING**

First Owner: **JOHNSON, COREY D**

Name of Business:

Location of Business: **2021 BALDWIN AVE
 OROVILLE, CA 95966-5311**

County: **BUTTE**

Is Premise inside city limits? **Yes** Census Tract **0028.00**

Mailing Address:
 (If different from
 premises address)

Type of license(s): **48**

Transferor's license/name: **360109 / COLD POP LLC**

Dropping Partner: Yes No

License Type	Transaction Type	Fee Type	Master	Dup	Date	Fee
48 - On-Sale General Public	PERSON-TO-PERSON TRANSFER	P0	Y	0	11/18/15	\$1,250.00
48 - On-Sale General Public	PREMISE TO PREMISE TRANSFER	P0	Y	0	11/18/15	\$100.00
48 - On-Sale General Public	EXCHANGE FEES	P0	Y	0	11/18/15	\$100.00
48 - On-Sale General Public	ANNUAL FEE	P0	Y	0	11/18/15	\$572.00
NA	FEDERAL FINGERPRINTS	NA	N	2	11/18/15	\$48.00
NA	STATE FINGERPRINTS	NA	N	2	11/18/15	\$78.00
Total						\$2,148.00

Have you ever been convicted of a felony? **No**

Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of BUTTE

Date: November 18, 2015

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

JOHNSON, COREY D

See 211 Signature Page

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

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

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

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME
Corey Johnson

2. PREMISES ADDRESS (Street number and name, city, zip code)
2021 Baldwin Ave, Orville, CA 95966

3. LICENSE TYPE
48

4. TYPE OF BUSINESS

<input type="checkbox"/> Full Service Restaurant	<input type="checkbox"/> Hofbrau/Cafeteria	<input type="checkbox"/> Cocktail Lounge	<input type="checkbox"/> Private Club
<input type="checkbox"/> Deli or Specially Restaurant	<input type="checkbox"/> Comedy Club	<input type="checkbox"/> Night Club	<input type="checkbox"/> Veterans Club
<input type="checkbox"/> Cafe/Coffee Shop	<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Tavern: Beer	<input type="checkbox"/> Fraternal Club
<input type="checkbox"/> Bed & Breakfast:	<input type="checkbox"/> Theater	<input type="checkbox"/> Tavern: Beer & Wine	<input type="checkbox"/> Wine Tasting Room
<input type="checkbox"/> Wine only <input type="checkbox"/> All			
<input type="checkbox"/> Supermarket	<input type="checkbox"/> Membership Store	<input type="checkbox"/> Service Station	<input type="checkbox"/> Swap Meet/Flea Market
<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Department Store	<input type="checkbox"/> Convenience Market	<input type="checkbox"/> Drive-in Dairy
<input type="checkbox"/> Drug/Variety Store	<input type="checkbox"/> Florist/Gift Shop	<input type="checkbox"/> Convenience Market w/Gasoline	
<input type="checkbox"/> Other - describe:			

5. COUNTY POPULATION

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

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

8. CENSUS TRACT NUMBER
0028

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

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

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

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

13. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

16. AVERAGE NO. OF OFFENSES PER DISTRICT

17. 120% OF AVERAGE NUMBER OF OFFENSES

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

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

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

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

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

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

Governing Body/Designated Subordinate Name:

FOR DEPARTMENT USE ONLY
PREPARED BY (Name of Department Employee)

Crest



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

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

NOTICE OF EXEMPTION

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

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

Project Title: Finding of Public Convenience or Necessity (Type 48)

Project Location – Specific: 2021 Baldwin Avenue (APN: 012-160-001)

Project Location - City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, Corey Johnson, has applied for a Finding of Public Convenience or Necessity for a Type-48 "On Sale General – Public Premises" alcoholic beverage license for the property identified as 2021 Baldwin Avenue (APN: 012-160-001).

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

Name of Person or Agency Carrying Out Project: Corey Johnson

Exempt Status (Check One):

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

Reasons why project is exempt: This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15061(b)(3), commonly known as the "general rule." A project is Exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In light of the whole record, it can be seen with certainty that the project has no potential to cause a significant effect on the environment. Therefore, the project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) "General Rule Exemption".

If filed by applicant:

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

Lead Agency Contact Person: Luis A. Topete

Telephone: (530) 538-2408

Signature: _____

Date: _____

- Signed by Lead Agency
- Signed by Applicant

RESOLUTION NO. P2016-01

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION FINDING AND DETERMINING THAT THE PUBLIC CONVENIENCE OR NECESSITY WOULD BE SERVED BY THE ISSUANCE OF AN ON SALE GENERAL – PUBLIC PREMISES (TYPE-48) ALCOHOLIC BEVERAGE LICENSE FOR THE PROPERTY IDENTIFIED AS 2021 BALDWIN AVENUE, OROVILLE, CA 95966 (APN: 012-160-001)

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

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

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

WHEREAS, Corey Johnson has petitioned the Department of Alcoholic Beverage Control for a Type-48 “On Sale General – Public Premises” alcoholic beverage license for the property identified as 2021 Baldwin Avenue (APN: 012-160-001); and

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

WHEREAS, the request for a Finding of Public Convenience or Necessity is exempt from California Environmental Quality Act (CEQA) review pursuant to §15061(b)(3) of the CEQA Guidelines because a Finding of Public Convenience or Necessity will not with reasonable certainty have any significant effect on the environment; and

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

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

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

SECTION 2. That the public convenience or necessity would be served by the issuance of a Type-48 "On Sale General – Public Premises" alcoholic beverage license for the property identified as 2021 Baldwin Avenue (APN: 012-160-001).

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

SECTION 4. Pursuant to §15061(b)(3) of the CEQA Guidelines, an activity is covered by the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA review. In light of the whole record, it can be seen with certainty that the project has no potential to cause a significant effect on the environment. As such, the City finds that the project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) "general rule exemption".

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

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

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 25th of January 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

DONALD L. RUST, SECRETARY

DAMON ROBISON, CHAIRPERSON

EXHIBIT

A – Letter of Public Convenience or Necessity



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

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

January 25, 2016

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

RE: LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR A TYPE-48 "ON SALE GENERAL – PUBLIC PREMISES" ALCOHOLIC BEVERAGE LICENSE FOR THE PROPERTY IDENTIFIED AS 2021 BALDWIN AVENUE, OROVILLE, CA 95966 (APN: 012-160-001)

To Whom It May Concern:

This letter shall serve to notify the California Department of Alcoholic Beverage Control that on January 25, 2016, the City of Oroville Planning Commission adopted a finding of public convenience or necessity and authorized the Zoning Administrator to sign this letter conveying the City's support for issuing an alcoholic beverage license (Type-48 "On Sale General – Public Premises") for the property located at 2021 Baldwin Avenue (APN: 012-160-001) in the City of Oroville, determining that issuance of such license will serve the public convenience or necessity. The City of Oroville supports the efforts of community businesses to expand the local economy and finds no cause to oppose the requested license.

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

Sincerely,

Donald Rust, Director
Community Development Department