



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

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City of Oroville PLANNING COMMISSION

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

PLANNING COMMISSION MEETING **AGENDA**

Monday, March 28, 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 January 25, 2016 regular Planning Commission meeting.

REGULAR AGENDA

8. **PUBLIC HEARINGS**

8.1 TPM 16-01: Subdivide existing, fully developed commercial site into three parcels – The City of Oroville Planning Commission will conduct a public hearing to consider a tentative parcel map (TPM 16-01), to separate one existing, fully developed, commercial site into three parcels. Existing property identified as APN: 012-097-001 is located on the south east corner of Robinson and Myers Street. The property has a zoning land use designation of Downtown Mixed-Use (MXD). The proposed land division is to subdivide the existing 5,199 square foot parcel into three parcels; Parcel 1 – 2,189 square feet (currently 1511 Myers Street); Parcel 2 – 1,906 square feet (currently 1515 Myers Street); Parcel 3 – 1,103 square feet (currently 2027 Robinson Street).

Staff Report: Dawn Nevers, Assistant Planner

Staff Recommendation:

Adopt Resolution No. P2016-03: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. 16-01 DIVIDING A 5,199 SQUARE FOOT PARCEL (APN: 012-097-001) INTO THREE PARCELS

8.2 UP 16-01: Butte County Wine Company; and Finding of Public Convenience or Necessity (Type 42) – The Oroville Planning Commission will review and consider adopting a Finding of Public Convenience or Necessity for a Type 42 “On Sale Beer and Wine – Public Premises” alcoholic beverage license and use permit for the operation of Butte County Wine Company at 1440 Myers Street, Suite A (APN: 012-092-005). The subject property has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed

Use. Per the City of Oroville Municipal Code (OMC) Table 17.32.010-1, a wine bar (alcoholic beverage sales) is defined as a use that requires a use permit in MXD zones.

Staff Report: Luis A. Topete, Associate Planner

Staff Recommendation:

Adopt Resolution No. P2016-04: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 16-01 TO ALLOW BUTTE COUNTY WINE COMPANY, A WINE BAR, TO OPERATE AT 1440 MYERS STREET, SUITE A (APN: 012-092-005)

Adopt Resolution No. P2016-05: 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 BEER AND WINE – PUBLIC PREMISES (TYPE-42) ALCOHOLIC BEVERAGE LICENSE FOR THE PROPERTY IDENTIFIED AS 1440 MYERS STREET, SUITE A (APN: 012-092-005)

9. DISCUSSION ITEMS

Potential to change the Planning Commission meeting dates/times.

10. DIRECTOR'S REPORT

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

11. COMMISSION REPORTS

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

12. ADJOURNMENT

Adjourn to Monday, April 25, 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
JANUARY 25, 2016 – 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 January 25, 2016 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, January 22, 2016, at 8:25 a.m.

1. CALL TO ORDER

The January 25, 2016 regular meeting of the Oroville Planning Commission was called to order by Chairperson Robison at 7:00 p.m.

2. ROLL CALL

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

Staff Present:

Donald Rust, Director of Community Development
Rick Walls, Interim City Engineer
Dawn Nevers, Assistant Planner

Luis Topete, Associate Planner
Samantha Becker, Intern

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Robison.

4. RECOGNITION OF INDIVIDUALS WISHING TO SPEAK ON AGENDA ITEMS

Glen King, applicant – Item 8.1
Corey Johnson, applicant – Item 9.1

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 November 23, 2015 regular Planning Commission meeting.

The motion was passed by the following vote:

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

8. **PUBLIC HEARINGS**

8.1 UP 479 Amendment: Used Car Sales – Staff Report

The City of Oroville Planning Commission conducted 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)**

Chairperson Robison opened the Public Hearing.

Glen King, applicant, presented the proposed project and answered questions for the Commission.

Joshua Green, owner of APN 012-212-001 & 012-212-033 expressed concerns about continued public access over his private property.

Hearing no additional public comments, Chairperson Robison closed the Public Hearing.

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

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). With the additional conditions of approval as follows:

8. The installation of curb, gutter, sidewalk and an access driveway shall be required for the portion of the property abutting Ehmann Street in accordance with the City Engineering Design Standards.
9. The use of the property, including the transport of vehicles to and from the project site, shall not obstruct or use private property for access routes unless an easement is granted by the owners of such private property.
10. Pursuant to Section 26-13.070, the car lot shall be paved in accordance with the City's Engineering Design Standards, unless otherwise approved by the City Council.
11. The project shall include a minimum of six (6) on-site parking spaces.
12. The use permit approvals shall include the properties identified as 2017 Lincoln Street (APN: 012-212-036) and 1859 Ehmann Street (APN: 012-212-080).

The motion was passed by the following vote:

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

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-48 "On Sale General – Public Premises" alcoholic beverage license for the property identified as 2021 Baldwin Avenue (APN: 012-160-001). **(Luis A. Topete, Associate Planner)**

Corey Johnson, applicant, spoke in favor of adopting the finding of public convenience and answered questions for the Commission.

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

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)

The motion was passed by the following vote:

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

10. DISCUSSION ITEMS

- Discussion between staff and Commissioners to return with more information to later discuss a date and time to review and suggest amendments to the Municipal Code.

11. DIRECTOR'S REPORT

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

- Introduction of recently promoted Assistant Planner, Dawn Nevers and the new City intern, Samantha Becker.
- Starbucks and Panda Express are currently under construction
- Super Walmart to submit fees for projects

12. CHAIRPERSON/COMMISSIONERS REPORTS

Chairperson Robison expressed concerns with the timing of the newly installed stoplights at the intersection of Orange Avenue and Oro Dam Boulevard.

13. ADJOURNMENT

The meeting was adjourned at 8:30 p.m. A regular meeting of the Oroville Planning Commission will be held on Monday, February 22, 2015, at 7:00 p.m.

Donald Rust, Secretary

Damon Robison, Chairperson



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION STAFF REPORT

March 28, 2016

TPM 16-01: Subdivide existing, fully developed commercial site into three parcels –
The City of Oroville Planning Commission will conduct a public hearing to consider a tentative parcel map (TPM 16-01), to separate one existing, fully developed, commercial site into three parcels. Existing property identified as APN: 012-097-001 is located on the south east corner of Robinson and Myers Street. The property has a zoning land use designation of Downtown Mixed-Use (MXD). The proposed land division is to subdivide the existing 5,199 square foot parcel into three parcels; Parcel 1 – 2,189 square feet (currently 1511 Myers Street); Parcel 2 – 1,906 square feet (currently 1515 Myers Street); Parcel 3 – 1,103 square feet (currently 2027 Robinson Street).

APPLICANT: Marcozzi Revocable Family Trust
1511 Myers Street
Oroville, CA 95965
(530) 533-3811

LOCATION:
1511 Myers Street, identified as APN: 012-097-001, located at the Southeast corner of Myers and Robinson Streets. (Attachment A)

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

ENVIRONMENTAL DETERMINATION:

General Rule Exemption – Title 14, Chapter 3, CCR, §15061 (b) (3)

REPORT PREPARED BY:

Dawn R. Nevers

Dawn Nevers, Assistant Planner
Community Development Department

REVIEWED BY:

Donald Rust

Donald Rust, Director
Community Development Department

RECOMMENDED ACTIONS:

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

1. **HOLD** a public hearing and receive testimony on the proposed Tentative Parcel Map (TPM 16-01) currently identified as APN: 012-097-001; and
2. **ADOPT** the Notice of Exemption –Title 14, Chapter 13, CCR, §15061 (b) (3) General Rule Exemption (**Attachment B**), as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) Statute and Guidelines; and
3. **ADOPT** Resolution No. P2016-03 (**Attachment E**), the approving resolution for TPM 16-01.

SUMMARY

The Planning Commission will conduct a public hearing to consider a Tentative Parcel Map (TPM 16-01), to separate one existing, fully developed, commercial site into three parcels. Existing property identified as APN: 012-097-001 is located at 1511 Myers Street at the Southeast corner of Myers and Robinson Streets. (**Attachment A**). The property has a zoning land use designation of Downtown Mixed-Use (MXD). The proposed land division is to subdivide the existing 5,199 square foot parcel (APN: 012-097-001) into three parcels; Parcel 1 – 2,189 square feet (currently 1511 Myers Street); Parcel 2 – 1,906 square feet (currently 1515 Myers Street); Parcel 3 – 1,103 square feet (currently 2027 Robinson Street).

TENTATIVE PARCEL MAP

Per the Oroville City Code §16.12.040, parcel maps shall be required for any subdivision of land that does not require a subdivision map, which includes the case of subdivisions creating fewer than five parcels. This land division is proposing a total of three parcels. The existing parcel to be divided is 5,199 square feet in size and the proposed parcel division is as follows:

- Parcel 1: 2,189 square feet (currently 1511 Myers Street)
- Parcel 2: 1,906 square feet (currently 1515 Myers Street)
- Parcel 3: 1,103 square feet (currently 2027 Robinson Street)

Currently, the property is a fully developed commercial site, so there is no proposed development/improvements associated with Parcel 1, 2, or 3 at this time. Any development/improvement on all parcels will be required to obtain all appropriate permits and comply with all applicable City, State, Federal, and other applicable laws and regulations at the time of development. A preliminary soils report or geological hazard report was not required for this land division.

ENVIRONMENTAL REVIEW

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to the California Code of Regulations, Title 14, Chapter 3, Section 15061 (b) (3), "General Rule Exemption" (**Attachment B**).

FISCAL IMPACT

The total fees associated with this project are as follows:

Item	Price	Tech Fee	Total	Paid
Tentative Parcel Map	\$3,418.00 (deposit)	\$205.08	\$3,623.08	Yes
Total	\$3,418.00 (deposit)	\$205.08	\$3,623.08	Yes

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

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

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

PUBLIC NOTICE

A request for comments was prepared and circulated to the local agencies and surrounding property owners within 300 feet of the property on March 15, 2016 (**Attachment G**). Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register on March 18, 2016 and posted at City Hall on March 18, 2016 (**Attachment H**).

ATTACHMENTS

A – Vicinity Map

B – Notice of Exemption

C – Findings: TPM 16-01

D – Conditions of Approval: TPM 16-01

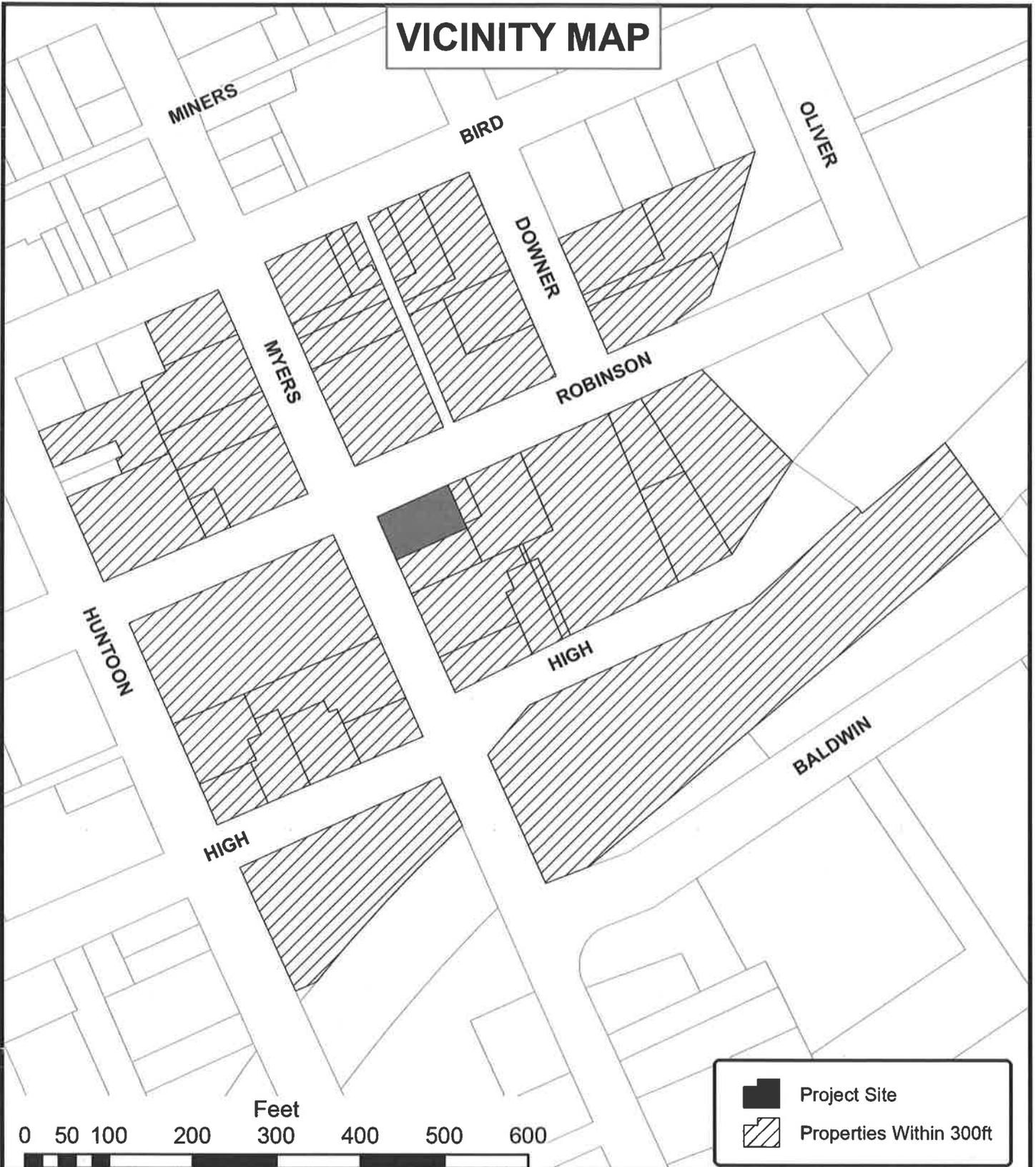
E – Resolution No. P2016-03

F – Tentative Parcel Map

G – Property Owner Notice

H – Newspaper Notice

VICINITY MAP



CITY OF OROVILLE PLANNING DIVISION

<i>Applicant:</i> Marcozzi Revocable Family Trust		<i>Project Title:</i> Marcozzi Tentative Parcel Map		
<i>Project Location:</i> 1511 Myers Street, Oroville, CA 95965				
<i>Hearing Date:</i> February 22, 2016	<i>Zoning Designation:</i> Downtown Mixed Use (MXD)	<i>Requested Entitlements:</i> Tentative Parcel Map #16-01		
<i>TRAKiT #</i> Project#: PL.1601-002	<i>Assessor's Parcel #:</i> 012-097-001		TPM 16-01	



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

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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
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Project Title: TSM 16-01; to separate existing commercial site into three parcels.

Project Location – Specific: 1511 Myers Street, identified as APN: 012-097-001, located at the Southeast corner of Myers and Robinson Streets.

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant has applied for a Tentative Parcel Map (TPM 16-01), to separate one existing, fully developed, commercial site into three parcels around the three existing commercial buildings. Existing property identified as APN: 012-097-001 located at 1511 Myers Street at the Southeast corner of Myers and Robinson Streets. **(Attachment A)**. The property has a zoning land use designation of Downtown Mixed-Use (MXD). The proposed land division is to subdivide the existing 5,199 square foot parcel into three parcels; Parcel 1 – 2,189 square feet (currently 1511 Myers Street); Parcel 2 – 1,906 square feet (currently 1515 Myers Street); Parcel 3 – 1,103 square feet (currently 2027 Robinson Street).

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying out Project: Marcozzi Revocable Family Trust

Exempt Status (Check One):

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

Reasons why project is exempt: This action has been determined to be exempt from the California Environmental Quality Act (CEQA) as follows:

General Rule Exemption: Title 14, Chapter 3, CCR, Section 15061 (b)(3)

A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. It has been determined that there is no possibility that the variance request will have a significant effect on the environment. 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

Tentative Parcel Map No. 16-01

Per the Oroville City Code §16.12.020 Subdivisions, Tentative Maps, the Planning Commission shall disapprove a tentative parcel map if it determines that any of the following conditions apply:

1. The proposed subdivision is inconsistent with the general plan or applicable specific plans.

The property has the current zoning of Downtown Mixed-Use (MXD). The proposed subdivision is separation of three (3) fully developed commercial sites, zoned Downtown Mixed-Use (MXD), and is consistent with the current zoning and the City of Oroville 2030 General Plan goals, policies, and actions.

2. The site is not physically suitable for the proposed density or type of development, or for the physical infrastructure required to support that development.

The land subdivision is proposing three parcels. The existing parcel to be divided is 5,199 square feet and the proposed subdivision is as follows:

- *Parcel 1: 2,189 square feet (currently 1511 Myers Street)*
- *Parcel 2: 1,906 square feet (currently 1515 Myers Street)*
- *Parcel 3: 1,103 square feet (currently 2027 Robinson Street)*

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

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Chapter 3, Article 5, Section 15061 (b) (3), General Rule Exemption. A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. It has been determined that there is no possibility that the variance request will have a significant effect on the environment. Thus, this action is exempt from CEQA.

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

There is no proposed design or improvements with the request of the parcel subdivision.

5. A preliminary soils report or geological hazard report indicates adverse

soil or geological conditions, and the subdivider has failed to demonstrate to the satisfaction of the city engineer and planning commission that the conditions can be corrected.

The proposed subdivision is a currently fully developed commercial site with no proposed improvements.

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

The proposed subdivision is a currently fully developed commercial site with no proposed improvements.

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

There are no Conditional Exceptions being requested. The purpose of the proposed subdivision is to separate the existing, fully developed commercial site into three (3) parcels around the existing commercial buildings.

8. The proposed subdivision violates any provision of the zoning code and no variance has been granted.

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

9. The proposed subdivision would violate any other city ordinance or any city code provision.

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

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

The proposed subdivision is a currently fully developed commercial site with no proposed improvements. Therefore, there will be no violations of requirements prescribed by the California Regional Water Quality Control Board.

CONDITIONS OF APPROVAL**TPM 16-01: Marcozzi Revocable Family Trust**

Approved Project: The project applicant, Marcozzi Revocable Family Trust, has applied for a Tentative Parcel Map to subdivide an existing 5,199 square foot parcel (APN: 012-097-001) into three parcels; Parcel 1 – 2,189 square feet (currently 1511 Myers Street); Parcel 2 – 1,906 square feet (currently 1515 Myers Street); Parcel 3 – 1,103 square feet (currently 2027 Robinson Street). The Planning Commission hereby approves TPM 16-01, subject to the following:

1. These conditions of approval are to permit the land division of Tentative Parcel Map No. 16-01 (TPM 16-01) as generally described above.
2. This Tentative Parcel Map conditional approval shall become null and void unless all conditions have been complied with for recordation of the Final Parcel Map within thirty six (36) months after the approval of said Tentative Parcel Map. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation referenced herein, the Planning Commission may grant an extension of time for a period not to exceed an additional twenty-four (24) months. Applications for such extension of time must set forth in writing the reasons for the extension and shall be filed together with a fee, as established by the City Council, with the Planning Division thirty (30) calendar days before the expiration of the Tentative Parcel Map. The applicant will be responsible for initiating any extension request.
3. The applicant may file a time extension prior to the expiration of the conditionally approved tentative map. The map may be extended for a period or periods not exceeding a total of six years. This does not account for automatic extensions as specified in the Subdivision Map Act.
4. The applicant shall ascertain and comply with the requirements of all federal, state, county and local agencies as are applicable to the project areas.
5. The land division shall comply with the State of California Subdivision Map Act and with all requirements of the City's Code, and with all other applicable State and Federal codes.
6. The Planning Commission approval date of this Tentative Parcel Map No. 16-01 occurred on March 28, 2016. All determinations of whether the land division is eligible for an extension of time shall be based on this original approval date.
7. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any

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

8. 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.
9. Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, fees (\$50) are payable by the project applicant to file the Notice of Exemption with Butte County by the City of Oroville – Community Development Department within five working days of approval of this project by the Planning Commission.
10. This map shall run with the land and be binding upon all successors in interest to the maximum extent permitted by law.
11. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the code of the City of Oroville to minimize any negative impacts that the use may have on the surrounding properties.
12. All private facilities, improvements, infrastructure, systems, equipment, common areas, landscaping, irrigations systems, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety, and general welfare.
13. The applicant shall demonstrate the each newly created parcel is or will be individually connected to the City's sewer collection system. Compliance with this condition shall be confirmed prior to acceptance of a final parcel map for recording.

--- End of Conditions ---

RESOLUTION NO. P2016-03

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. 16-01 DIVIDING A 5,199 SQUARE FOOT PARCEL (APN: 012-097-001) INTO THREE PARCELS

WHEREAS, the City of Oroville has received an application to subdivide an existing 5,199 square foot parcel (APN: 012-097-001) into three parcels; Parcel 1 – 2,189 square feet (currently 1511 Myers Street); Parcel 2 – 1,906 square feet (currently 1515 Myers Street); Parcel 3 – 1,103 square feet (currently 2027 Robinson Street); and

WHEREAS, the tentative parcel map (TPM) has been assigned the file number of TPM No. 16-01; and

WHEREAS, the City of Oroville, acting as the lead agency for the project pursuant to the requirements of the California Environmental Quality Act (CEQA), has reviewed the proposed project and finds that the project meets the requirements for a General Rule Exemption pursuant to the California Code of Regulations, Title 14, Chapter 3, Section 15061 (b) (3), exempting this action from CEQA review; and

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

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

1. The Planning Commission finds that this action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to the California Code of Regulations, Title 14, Chapter 3, Section 15061 (b) (3), General Rule exemption.
2. Per the Oroville City Code §16.12.020(F), the Planning Commission shall disapprove a tentative parcel map if it determines that any of the following conditions apply:
 - a) The proposed subdivision is inconsistent with the general plan or applicable specific plans.

The property has the current zoning of Downtown Mixed-Use (MXD). The proposed subdivision is a separation of three (3) existing commercial buildings on a fully developed commercial site, and is consistent with the current zoning and the City of Oroville 2030 General Plan goals, policies, and actions. ; Furthermore, the parcel does not lie within any specific plan.
 - b) The site is not physically suitable for the proposed density or type of

development, or for the physical infrastructure required to support that development.

The land subdivision is proposing to create three parcels. The existing parcel to be divided is 5,199 square feet and the proposed subdivision is as follows:

- *Parcel 1: 2,189 square feet (currently 1511 Myers Street)*
- *Parcel 2: 1,906 square feet (currently 1515 Myers Street)*
- *Parcel 3: 1,103 square feet (currently 2027 Robinson Street)*

The site is a fully developed and the businesses are already being adequately serviced by existing infrastructure. The businesses have existing curb, gutter and sidewalk, and on-street parking stalls in front of the stores.

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

The property is fully developed in the City of Oroville's existing main downtown commercial district. The proposed land subdivision will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no additional development is proposed.

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Chapter 3, Article 5, Section 15061 (b) (3), General Rule Exemption. A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. It has been determined that there is no possibility that the variance request will have a significant effect on the environment. Thus, this action is exempt from CEQA.

- d) The design of the subdivision or the type of improvement is likely to cause serious public health problems.

The property is fully developed in the City of Oroville's existing main downtown commercial district. There is no proposed design or improvements with the request of the parcel subdivision because no additional development proposed.

- e) A preliminary soils report or geological hazard report indicates adverse soil or geological conditions, and the subdivider has failed to demonstrate to the satisfaction of the city engineer and planning commission that the conditions can be corrected.

The proposed subdivision is a currently fully developed commercial site with no proposed improvements.

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

The proposed subdivision is a currently fully developed commercial site with no proposed improvements. The proposed parcels currently have access and will continue to have access with no risk of being landlocked.

- g) The proposed subdivision violates the provisions of this chapter and no exception has been granted.

There are no Conditional Exceptions being requested. The proposed subdivision has been reviewed for compliance with all applicable provisions of this section, including parcel design standards, and has been found to be in compliance. The purpose of the proposed subdivision is to separate the existing, fully developed commercial site into three (3) parcels around the existing commercial buildings.

- h) The proposed subdivision violates any provision of the zoning code and no variance has been granted.

There is no minimum lot areas or dimensions for newly created parcels in the Downtown Mixed Use (MXD) corridor. The proposed land division does not violate any known provisions of the Zoning Code; therefore, no variance has been requested or granted for this land division request.

- i) The proposed subdivision would violate any other city ordinance or any city code provision.

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

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

The proposed subdivision is a currently fully developed commercial site with no proposed improvements. Therefore, there will be no violations of requirements prescribed by the California Regional Water Quality Control Board.

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

CONDITIONS OF APPROVAL

Approved Project: The project applicant, Marcozzi Revocable Family Trust, has applied for a Tentative Parcel Map to subdivide an existing 5,199 square foot parcel (APN: 012-097-001) into three parcels; Parcel 1 – 2,189 square feet (currently 1511 Myers Street); Parcel 2 – 1,906 square feet (currently 1515 Myers Street); Parcel 3 – 1,103 square feet (currently 2027 Robinson Street). The Planning Commission hereby approves TPM 16-01, subject to the following:

1. These conditions of approval are to permit the land division of Tentative Parcel Map No. 16-01 (TPM 16-01) as generally described above.
2. This Tentative Parcel Map conditional approval shall become null and void unless all conditions have been complied with for recordation of the Final Parcel Map within thirty six (36) months after the approval of said Tentative Parcel Map. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation referenced herein, the Planning Commission may grant an extension of time for a period not to exceed an additional twenty-four (24) months. Applications for such extension of time must set forth in writing the reasons for the extension and shall be filed together with a fee, as established by the City Council, with the Planning Division thirty (30) calendar days before the expiration of the Tentative Parcel Map. The applicant will be responsible for initiating any extension request.
3. The applicant may file a time extension prior to the expiration of the conditionally approved tentative map. The map may be extended for a period or periods not exceeding a total of six years. This does not account for automatic extensions as specified in the Subdivision Map Act.
4. The applicant shall ascertain and comply with the requirements of all federal, state, county and local agencies as are applicable to the project areas.
5. The land division shall comply with the State of California Subdivision Map Act and with all requirements of the City's Code, and with all other applicable State and Federal codes.
6. The Planning Commission approval date of this Tentative Parcel Map No. 16-01 occurred on March 28, 2016. All determinations of whether the land division is eligible for an extension of time shall be based on this original approval date.
7. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability

for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this project. Applicant further agrees to provide a defense for the City in any such action.

8. 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.
9. Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, fees (\$50) are payable by the project applicant to file the Notice of Exemption with Butte County by the City of Oroville – Community Development Department within five working days of approval of this project by the Planning Commission.
10. This map shall run with the land and be binding upon all successors in interest to the maximum extent permitted by law.
11. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the code of the City of Oroville to minimize any negative impacts that the use may have on the surrounding properties.
12. All private facilities, improvements, infrastructure, systems, equipment, common areas, landscaping, irrigations systems, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety, and general welfare.
13. The applicant shall demonstrate the each newly created parcel is or will be individually connected to the City's sewer collection system. Compliance with this condition shall be confirmed prior to acceptance of a final parcel map for recording.

--- End of Conditions ---

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 28th day of March 28, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

DONALD L. RUST, DIRECTOR

DAMON ROBISON, CHAIRPERSON

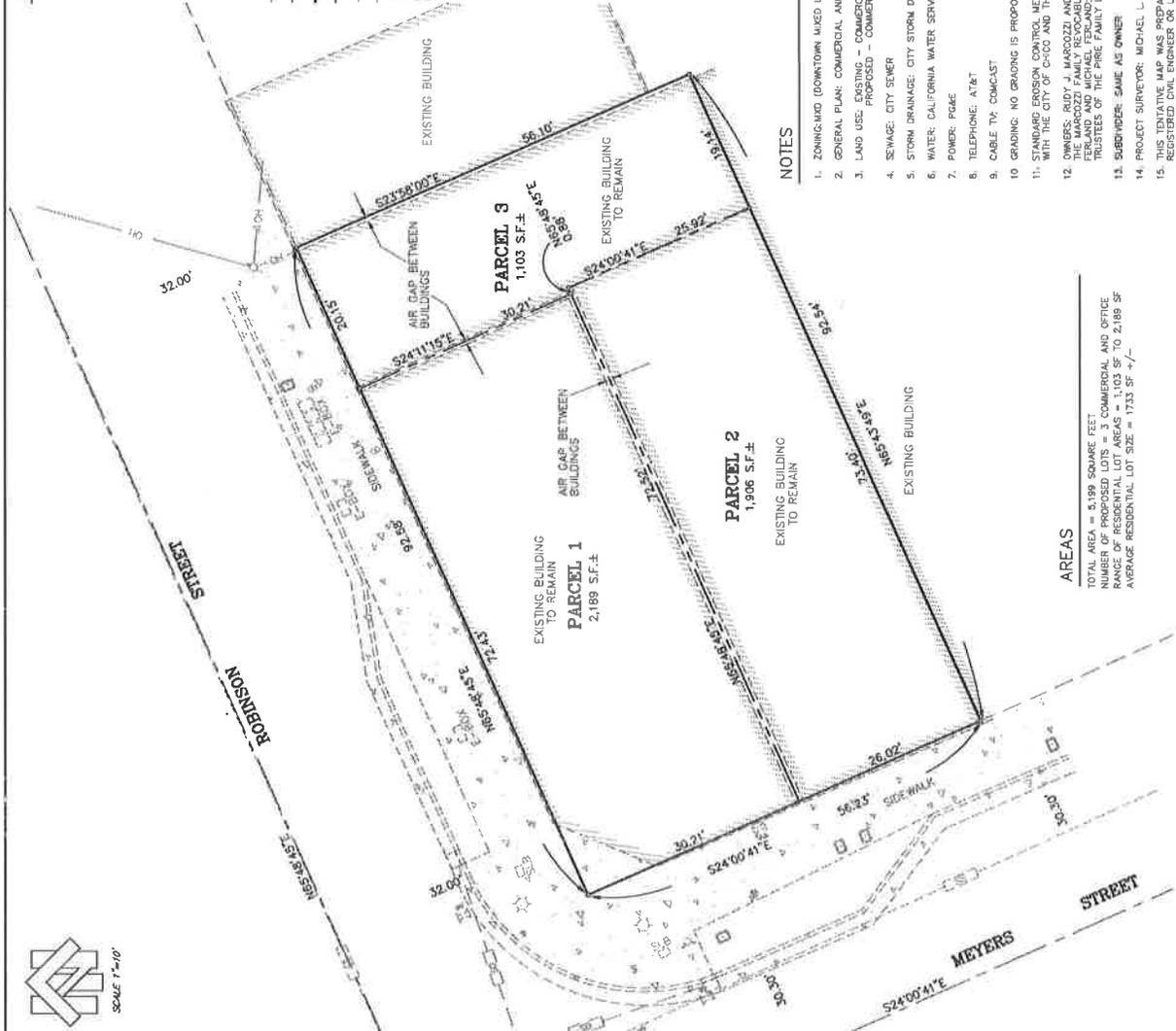


LOCATION MAP



Michael L. Mays
 MICHAEL L. MAYS
 1/21/2016
 PLS 6987
 NORTHSTAR ENGINEERING
 www.northstareng.com

- LEGEND**
- EXISTING WATER METER
 - EXISTING POWER POLE WITH ANCHOR
 - EXISTING STORM DRAIN INLET
 - EXISTING STORM DRAIN MANHOLE
 - EXISTING WATER VALVE
 - EXISTING STREET LIGHT
 - EXISTING FIRE HYDRANT
 - EXISTING SANITARY SEWER MANHOLE
 - EXISTING ELECTRIC BOX
 - EXISTING STREET LIGHT BOX
 - EXISTING SANITARY SEWER CLEANSOUT
 - EXISTING OVERHEAD UTILITY LINE
 - EXISTING PROPERTY LINE FOR SURROUNDING PARCELS
 - PROPERTY BOUNDARY
 - PROPOSED PROPERTY LINE
 - PROPOSED PROPERTY LINE
 - PROPOSED PROPERTY LINE
 - EXISTING BUILDING
 - EXISTING CONCRETE



NOTES

1. ZONING: RMD (DOWNTOWN MIXED USE)
2. GENERAL PLAN: COMMERCIAL AND OFFICE
3. LAND USE: EXISTING - COMMERCIAL AND OFFICE
 PROPOSED - COMMERCIAL AND OFFICE
4. SEWAGE: CITY SEWER
5. STORM DRAINAGE: CITY STORM DRAINAGE
6. WATER: CALIFORNIA WATER SERVICE
7. POWER: PG&E
8. TELEPHONE: AT&T
9. CABLE: TM COMCAST
10. GRADING: NO GRADING IS PROPOSED ON THIS PROJECT WITH THE CITY OF CHICO AND THE WATER QUALITY CONTROL BOARD
11. STANDARD EROSION CONTROL MEASURES (BMP'S) WILL BE USED IN COMPLIANCE WITH THE CITY OF CHICO AND THE WATER QUALITY CONTROL BOARD
12. OWNERS: RUDY J. MARCOZZI AND STEPHANIE A. MARCOZZI, CO-TRUSTEES OF THE MARCOZZI FAMILY REVOCABLE TRUST DATED NOVEMBER 5, 2007; RHONDA MARCOZZI, TRUSTEE OF THE MARCOZZI FAMILY REVOCABLE TRUST, DATED MAY 30, 2001; TRUSTEES OF THE PIRE FAMILY LIVING TRUST, DATED MAY 30, 2001.
13. SUBDIVIDER: SAME AS OWNER
14. PROJECT SURVEYOR: MICHAEL L. MAYS, PLS 6987
15. THIS TENTATIVE MAP WAS PREPARED UNDER THE DIRECTION OF A REGISTERED CIVIL ENGINEER OR LICENSED LAND SURVEYOR.

AREAS

TOTAL AREA = 5,199 SQUARE FEET
 TOTAL LOT AREA = 5,199 SQUARE FEET
 RANGE OF RESIDENTIAL LOT AREAS = 1,103 SF TO 2,189 SF
 AVERAGE RESIDENTIAL LOT SIZE = 1,733 SF +/-

TENTATIVE PARCEL MAP

FOR MARCOZZI TRUST

A PORTION OF LOT 45 OF THE TOWN (NOW CITY) OF OROVILLE, ACCORDING TO THE OFFICIAL MAP THEREOF, FIELD IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON JANUARY 22, 1872, SITUATE IN SECTION 8, TOWNSHIP 19 NORTH, RANGE 4 EAST, MOUNT DIABLO MERIDIAN

CITY OF OROVILLE
 COUNTY OF BUTTE - STATE OF CALIFORNIA



711 MISSION RANCH BLVD. SUITE 100
 CHICO, CALIFORNIA 95926
 PHONE: (530) 885-1800 FAX: (530) 882-2113
 www.northstareng.com

1428 DOWNER STREET
 OROVILLE, CALIFORNIA 95966
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 www.northstareng.com



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

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

Donald Rust
DIRECTOR

ATTENTION: PROPERTY OWNERS AND INTERESTED PARTIES

The request to subdivide the parcel 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, March 28, 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.

ASSESSOR
PARCEL NUMBER: 012-097-001

FILE NUMBER: TPM 16-01

APPLICANT: Marcozzi Revocable Family Trust

ZONING: Downtown Mixed-Use (MXD)

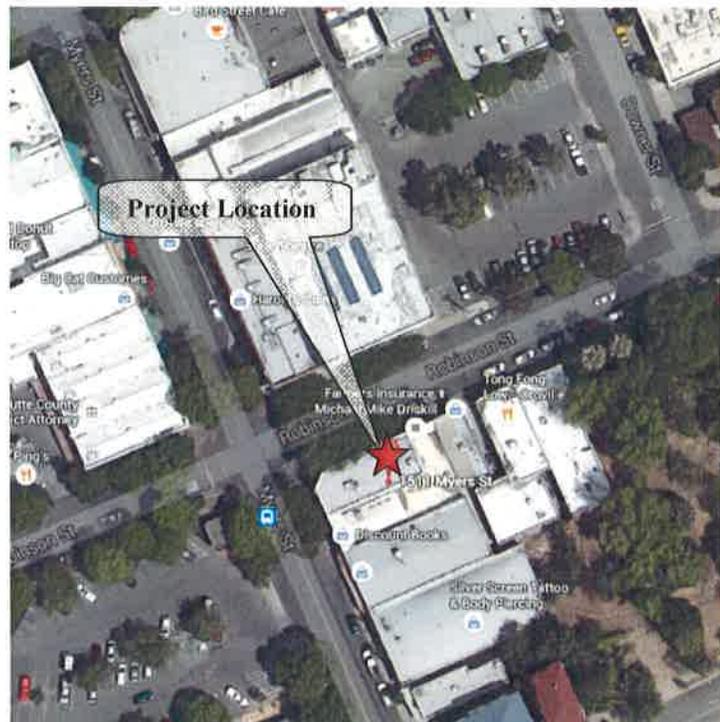
LOCATION: Southeast corner of Myers and Robinson Streets.

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

or

Dawn Nevers
Assistant Planner
530-538-2429
dnevers@cityoforoville.org

VICINITY MAP



PROJECT DESCRIPTION

TPM 16-01: Subdivide existing, fully developed commercial site into three parcels – The City of Oroville Planning Commission will conduct a public hearing to consider a tentative parcel map (TPM 16-01), to separate one existing, fully developed, commercial site into three parcels. Existing property identified as APN: 012-097-001 is located on the south east corner of Robinson and Myers Street. The property has a zoning land use designation of Downtown Mixed-Use (MXD). The proposed land division is to subdivide the existing 5,199 square foot parcel into three parcels; Parcel 1 – 2,189 square feet (currently 1511 Myers Street); Parcel 2 – 1,906 square feet (currently 1515 Myers street); Parcel 3 – 1,103 square feet (currently 2027 Robinson Street).

NOTICE IS HEREBY GIVEN that the City of Oroville Planning Commission will hold a public hearing on the project described above. Said hearing will be held on **Monday, March 28, 2016 at 7:00 p.m.** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

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NOTICE OF PUBLIC HEARING BEFORE THE CITY OF OROVILLE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Oroville will hold a public hearing on the projects described below. Said hearing will be held at **7:00 p.m. on Monday, March 28, 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 16-01: Butte County Wine Company; and Finding of Public Convenience or Necessity (Type 42)** – The City of Oroville Planning Commission will conduct a public hearing to review and consider adopting a Finding of Public Convenience or Necessity for a Type 42 “On Sale Beer and Wine – Public Premises” alcoholic beverage license and use permit for the operation of Butte County Wine Company at 1440 Myers Street, Suite A (APN: 012-092-005). The subject property has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Table 17.32.010-1, a wine bar (alcoholic beverage sales) is defined as a use that requires a use permit in MXD zones.
2. **TPM 16-01: Subdivide Existing, Fully Developed Commercial Site Into Three Parcels** – The City of Oroville Planning Commission will conduct a public hearing to consider a tentative parcel map (TPM 16-01), to separate one existing, fully developed, commercial site into three parcels. Existing property identified as APN: 012-097-001 is located on the south east corner of Robinson and Myers Street. The property has a zoning land use designation of Downtown Mixed-Use (MXD). The proposed land division is to subdivide the existing 5,199 square foot parcel into three parcels; Parcel 1 – 2,189 square feet (currently 1511 Myers Street); Parcel 2 – 1,906 square feet (currently 1515 Myers Street); Parcel 3 – 1,103 square feet (currently 2027 Robinson Street).

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, March 18, 2016**



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
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www.cityoforoville.org

PLANNING COMMISSION STAFF REPORT

March 28, 2016

UP 16-01: Butte County Wine Company; and Finding of Public Convenience or Necessity (Type 42) - The Oroville Planning Commission will review and consider adopting a Finding of Public Convenience or Necessity for a Type 42 "On Sale Beer and Wine – Public Premises" alcoholic beverage license and use permit for the operation of Butte County Wine Company at 1440 Myers Street, Suite A (APN: 012-092-005). The subject property has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Table 17.32.010-1, a wine bar (alcoholic beverage sales) is defined as a use that requires a use permit in MXD zones.

APPLICANTS: Colin Nelson and William Leonard
P.O. Box 85
Stirling City, CA 95978
(530) 873-3832

LOCATION: 1440 Myers Street, Suite A
Oroville, CA 95965
APN: 012-092-005

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:

- Existing Facilities; Title 14, CCR, §15301
- General Rule Exemption; Title 14, CCR, §15061(b)(3)

REPORT PREPARED BY:

Luis A. Topete, Associate Planner
Community Development Department

REVIEWED BY:

Donald Rust, Director
Community Development Department

RECOMMENDED ACTIONS:

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

1. **HOLD** a public hearing and receive testimony on the request for a Finding of Public Convenience or Necessity (Type 42 “On Sale Beer and Wine – Public Premises”) and Use Permit No. 16-01 for the operation of Butte County Wine Company at 1440 Myers Street, Suite A (APN: 012-092-005); and
2. **ADOPT** the Class 1 Categorical Exemption – Existing Facilities; CCR, Title 14, §15301 and General Rule Exemption; Title 14, CCR, §15061(b)(3) (**Attachment A**), as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines; and
3. **ADOPT** the recommended Findings for Use Permit No. 16-01 (**Attachment B**);
4. **ADOPT** Resolution No. P2016-04 and Resolution No. P2016-05 (**Attachments C and D**); and
5. **APPROVE** the Conditions of Approval for Use Permit No. 16-01 (**Attachment E**).

SUMMARY

The Oroville Planning Commission will review and consider adopting a Finding of Public Convenience or Necessity for a Type 42 “On Sale Beer and Wine – Public Premises” alcoholic beverage license and use permit for the operation of Butte County Wine Company at 1440 Myers Street, Suite A (APN: 012-092-005). The subject property has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Table 17.32.010-1, a wine bar (alcoholic beverage sales) is defined as a use that requires a use permit in MXD zones.

A Type 42 license authorizes the sale of beer and wine for consumption on or off premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain on the premises, with an exception for musicians per the California Business and Professions Code Section 25663.5. Food service is not required (**Attachment F**).

DISCUSSION

Use Permit No. 16-01

The OMC Section 17.04.060(A) defines alcohol beverage sales as follows:

“Alcoholic beverage sales.” The retail sale of beer, wine or distilled spirits for on-premises or off-premises consumption. The term “alcoholic beverage sales” includes only establishments that are not open to minors, such as a bar or nightclub, and establishments whose primary business purpose is to sell alcoholic beverages for off-premises consumption, such as a liquor store.

Thus, the proposed business (wine bar) is defined by the City's Code as alcoholic beverage sales. Per the OMC Table 17.32.010-1, a wine bar (alcoholic beverage sales) is defined as a use that requires a use permit in MXD zones. Please reference **Attachment G** for a detailed project description.

Findings of Public Convenience or Necessity

Findings of Public Convenience or Necessity are a tool for local governments and communities that directly ties them into the state alcoholic beverage 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.

"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 applicant has applied for a Type 42 (On Sale Beer and Wine – Public Premises) alcoholic beverage license. The California Department of Alcoholic Beverage Control allows six On Sale licenses within this Census Tract (0028.00) where the subject property is located (**Attachment H**), with fifteen currently active (**Attachment I**). 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. It is not legally necessary to demonstrate both a finding of convenience "and" necessity.

ENVIRONMENTAL REVIEW

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review as follows:

- Use Permit 16-01: Title 14, California Code of Regulations, Section 15301 "Existing Facilities."
 A Class 1 categorical exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. This project involves the use of a property in the City's historic downtown intended to provide commercial uses with no proposed expansion in floor area or exterior modifications to the existing building.
- Finding of Public Convenience or Necessity: 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
Use Permit	\$2,822.00	\$169.32	\$2,991.32	Yes
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

PUBLIC NOTICE

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

ATTACHMENTS

- A – Notice of Exemption
- B – Findings
- C – Resolution No. P2016-04
- D – Resolution No. P2016-05
- E – Conditions of Approval
- F – ABC License Types
- G – Project Description
- H – Authorized On Sale Licenses
- I – Issued On Sale Licenses
- J – ABC Application
- K – Property Owner Notice
- L – Newspaper Notice



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

1735 Montgomery Street
Oroville, CA 95965-4897
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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 16-01: Butte County Wine Company; and Finding of Public Convenience or Necessity (Type 42)

Project Location – Specific: 1440 Myers Street, Suite A (APN: 012-092-005)

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicants, Colin Nelson and William Leonard, have applied for a Finding of Public Convenience or Necessity (Type 42 “On Sale Beer and Wine – Public Premises”) and a use permit for the operation of Butte County Wine Company at 1440 Myers Street, Suite A (APN: 012-092-005). The subject property has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Table 17.32.010-1, a wine bar (alcoholic beverage sales) is defined as a use that requires a use permit in MXD zones.

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

Name of Person or Agency Carrying out Project: Colin Nelson and William Leonard

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
 - General Rule Exemption; Title 14, CCR, §15061(b)(3)
- Statutory Exemption: State code number:

Reasons why project is exempt: This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review as follows:

- Use Permit 16-01: Title 14, California Code of Regulations, Section 15301 “Existing Facilities.” A Class 1 categorical exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The key consideration is whether the project involves negligible or no expansion of an existing use. This project involves the use of a property in the City’s historic downtown intended to provide commercial uses with no proposed expansion in floor area or exterior modifications to the existing building.
- Finding of Public Convenience or Necessity: 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

FINDINGS

UP 16-01: Butte County Wine Company

A. INTRODUCTION

The project applicants, Colin Nelson and William Leonard, have applied for a use permit for the operation of Butte County Wine Company at 1440 Myers Street, Suite A (APN: 012-092-005). The subject property has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Table 17.32.010-1, a wine bar (alcoholic beverage sales) is defined as a use that requires a use permit in MXD zones.

B. CATEGORICAL EXEMPTION

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities." A Class 1 categorical exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. This project involves the use of a property in the City's historic downtown intended to provide commercial uses with no proposed expansion in floor area or exterior modifications to the existing building.

C. USE PERMIT FINDINGS

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

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

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

After a thorough review of the project, the approval of this use permit has been

conditioned to ensure that under no circumstance will the project be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with Table 17.48.010 of the City Code. Additionally, this project will be required to comply with all City zoning, engineering, building, landscaping, and public work standards in addition to any other federal, State, or local regulations that may be applicable.

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

The applicant will be occupying an existing building located at 1440 Myers Street, Suite A, which is in a Downtown Mixed Use (MXD) zone. All establishments classified as an "alcoholic beverage sales" land use in a MXD zone are required to obtain a use permit. All of the surrounding parcels are zoned MXD, as this is the City of Oroville's downtown area. In effort to revitalize downtown, the Butte County Wine Company will complement events held at the State Theatre and will enhance existing downtown activities and events that are hosted by the Oroville Downtown Association, as well as other organizations. The applicant will therefore be following sound principles of land use by being located in an area of similar land uses, and in a zoning district where the City Code has 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 project site is already being adequately served by utilities and transportation facilities. As part of this permit, the applicant is required to obtain a zoning clearance/occupancy inspection from the Building Division prior to building occupancy. If at the time of inspection any inadequacies in 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.

- 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 operating characteristics of the proposed use will not conflict with the surrounding neighborhood, nor will the proposed use adversely impact any of the surrounding properties. Pursuant to section 17.48.010(F) of the Zoning Code the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1

year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any requirement in this chapter, has been violated in connection with the permit; and finally, if the permit was obtained by fraud. The building is existing and the proposed use is harmonious with the surrounding land uses that are identically zoned. The subject property, zoned a MXD, is an appropriate location for this requested land use per the City Code, subject to a use permit. For additional information, please reference item (b) above.

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

The proposed site is physically suitable for the proposed land use. The applicant has submitted a floor plan demonstrating that the subject site has adequate space for the desired uses of the proposed business. Additionally, a parking survey conducted by Wood Rogers (transportation planning, traffic analysis and civil engineer) in 2013 found that there is currently a significant oversupply of parking in the Historic Downtown.

- 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 proposed business will be occupying an existing building which is currently vacant. Allowing this new business to locate into a vacant building will bring a new business into a building that is not currently being utilized. With the City's goal (Goal LU-2 of the City's 2030 General Plan) to develop an economically vital Historic Downtown, this proposed business helps the City towards achieving this land use goal of the General Plan. Additionally, as stated above, the size, intensity and location of the proposed use will not have any negative impact on the neighborhood or community as a whole and is a suitable use for the property and zoning district in which it is located.

- 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, section 17.48.010(F) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that, any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, if a law has been violated in

connection with the permit, or if the permit was obtained by fraud.

RESOLUTION NO. P2016-04

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 16-01 TO ALLOW BUTTE COUNTY WINE COMPANY, A WINE BAR, TO OPERATE AT 1440 MYERS STREET, SUITE A (APN: 012-092-005)

WHEREAS, the subject property has a zoning designation of Downtown Mixed Use (MXD); and

WHEREAS, per the City of Oroville Municipal Code (OMC) Section 17.04.060(A), a wine bar is defined as “alcoholic beverage sales;” and

WHEREAS, per the OMC Table 17.32.010-1, a wine bar (alcoholic beverage sales) is defined as a use that requires a use permit in MXD zones; and

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

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

1. This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 “Existing Facilities.” A Class 1 categorical exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. This project involves the use of a property in the City's historic downtown intended to provide commercial uses with no proposed expansion in floor area or exterior modifications to the existing building.
2. According to the City's Municipal Code section 17.48.010(E)(4), the Planning Commission may grant this use permit only upon making all of the following findings, based on substantial evidence, as described below.
 - a. The granting of the permit will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole.

Per City Code 17.48.010, the intent of use permits is to provide an opportunity to review the location, site development or conduct of certain

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

After a thorough review of the project, the approval of this use permit has been conditioned to ensure that under no circumstance will the project be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with Table 17.48.010 of the City Code. Additionally, this project will be required to comply with all City zoning, engineering, building, landscaping, and public work standards in addition to any other federal, State, or local regulations that may be applicable.

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

The applicant will be occupying an existing building located at 1440 Myers Street, Suite A, which is in a Downtown Mixed Use (MXD) zone. All establishments classified as an "alcoholic beverage sales" land use in a MXD zone are required to obtain a use permit. All of the surrounding parcels are zoned MXD, as this is the City of Oroville's downtown area. In effort to revitalize downtown, the Butte County Wine Company will complement events held at the State Theatre and will enhance existing downtown activities and events that are hosted by the Oroville Downtown Association, as well as other organizations. The applicant will therefore be following sound principles of land use by being located in an area of similar land uses, and in a zoning district where the City Code has 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 project site is already being adequately served by utilities and transportation facilities. As part of this permit, the applicant is required to obtain a zoning clearance/occupancy inspection from the Building Division prior to building occupancy. If at the time of inspection any inadequacies in 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.

- 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 operating characteristics of the proposed use will not conflict with the surrounding neighborhood, nor will the proposed use adversely impact any of the surrounding properties. Pursuant to section 17.48.010(F) of the Zoning Code the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any requirement in this chapter, has been violated in connection with the permit; and finally, if the permit was obtained by fraud. The building is existing and the proposed use is harmonious with the surrounding land uses that are identically zoned. The subject property, zoned a MXD, is an appropriate location for this requested land use per the City Code, subject to a use permit. For additional information, please reference item (b) above.

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

The proposed site is physically suitable for the proposed land use. The applicant has submitted a floor plan demonstrating that the subject site has adequate space for the desired uses of the proposed business. Additionally, a parking survey conducted by Wood Rogers (transportation planning, traffic analysis and civil engineer) in 2013 found that there is currently a significant oversupply of parking in the Historic Downtown.

- 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 proposed business will be occupying an existing building which is currently vacant. Allowing this new business to locate into a vacant building will bring a new business into a building that is not currently being utilized. With the City's goal (Goal LU-2 of the City's 2030 General Plan) to develop an economically vital Historic Downtown, this proposed business helps the City towards achieving this land use goal of the General Plan. Additionally, as stated above, the size, intensity and location of the proposed use will not have any negative impact on the neighborhood or community as a whole and is a suitable use for the property and zoning district in which it is located.

- 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, section 17.48.010(F) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that, any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, if a law has been violated in connection with the permit, or if the permit was obtained by fraud.

CONDITIONS OF APPROVAL

Approved project: The Planning Commission hereby conditionally approves Use Permit No. 16-01, permitting the operation of Butte County Wine Company to operate a wine bar (alcoholic beverage sales) at 1440 Myers Street, Suite A (APN: 012-092-005). The subject property has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Table 17.32.010-1, a wine bar (alcoholic beverage sales) is defined as a use that requires a use permit in MXD zones.

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 building 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 17.12.010, the proposed use of the site shall conform to the performance standards of the code of the City of Oroville to minimize any potential negative effects that the building, structure or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
6. Pursuant to Section 17.20.040 the applicant is required to apply for sign permits for any new signs to be installed on the property.
7. Applicable construction plans, calculations, specifications, applications, forms, etc shall be submitted to the Building Department for review prior to start of any tenant improvements / construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
8. Pursuant to 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.
9. The applicant shall ascertain and comply with all requirements of the California Department of Alcoholic Beverage Control.
10. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
11. Pursuant to Section 17.48.010(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 Zoning Code, 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 28th of March, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

DONALD L. RUST, SECRETARY

DAMON ROBISON, CHAIRPERSON

RESOLUTION NO. P2016-05

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 BEER AND WINE – PUBLIC PREMISES (TYPE-42) ALCOHOLIC BEVERAGE LICENSE FOR THE PROPERTY IDENTIFIED AS 1440 MYERS STREET, SUITE A (APN: 012-092-005)

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

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

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

WHEREAS, the applicant has petitioned the Department of Alcoholic Beverage Control for a Type-42 “On Sale Beer and Wine – Public Premises” alcoholic beverage license for the property identified as 1440 Myers Street, Suite A (APN: 012-092-005); 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 fifteen active on-sale licenses as of March 13, 2016; 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-42 "On Sale Beer and Wine – Public Premises" alcoholic beverage license for the property identified as 1440 Myers Street, Suite A (APN: 012-092-005).

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 28th of March 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

March 29, 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-42 "ON SALE BEER & WINE – PUBLIC PREMISES" ALCOHOLIC BEVERAGE LICENSE FOR THE PROPERTY IDENTIFIED AS 1440 MYERS STREET, SUITE A, OROVILLE, CA 95965 (APN: 012-092-005)

To Whom It May Concern:

This letter shall serve to notify the California Department of Alcoholic Beverage Control that on March 28, 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-42 "On Sale Beer & Wine – Public Premises") for the property located at 1440 Myers Street, Suite A (APN: 012-092-005) in the City of Oroville, determining that the 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

CONDITIONS OF APPROVAL

Approved project: The Planning Commission hereby conditionally approves Use Permit No. 16-01, permitting the operation of Butte County Wine Company to operate a wine bar (alcoholic beverage sales) at 1440 Myers Street, Suite A (APN: 012-092-005). The subject property has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Table 17.32.010-1, a wine bar (alcoholic beverage sales) is defined as a use that requires a use permit in MXD zones.

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 building 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 17.12.010, the proposed use of the site shall conform to the performance standards of the code of the City of Oroville to minimize any potential negative effects that the building, structure or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
6. Pursuant to Section 17.20.040 the applicant is required to apply for sign permits for any new signs to be installed on the property.
7. Applicable construction plans, calculations, specifications, applications, forms, etc shall be submitted to the Building Division for review prior to start of any tenant improvements / construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
8. Pursuant to 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.

9. The applicant shall ascertain and comply with all requirements of the California Department of Alcoholic Beverage Control.
10. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
11. Pursuant to Section 17.48.010(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 Zoning Code, has been violated in connection with the permit.
 - d. The permit was obtained by fraud.

--- End of Conditions ---

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 winemaker 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).

Butte County Wine Company

The intended business for the lease of 1440 A in Prospector Alley is a wine bar which acts as a sort of leisurely attraction to the Oroville Downtown District. The wine bar will provide a comfortable place to meet locals and fellow urban adventurers seeking the appeal of products that are produced from the local area. For this reason the intended name is more communal than specific to embrace the area. The intended business name will be "Butte County Wine Company" as it will provide a simplistic approach to bring so many things Butte County and Oroville to a stage where they can be presented. The "Wow" factor often presented by a specific or theme related business name has been avoided but will be represented through the development of proprietary labels within this business.

The intent is to focus us on showcasing local wines and a few local micro brews based on the relationships the owners have with these producers within the county. There will also be an effort to showcase other quality local products from the area. This focal point most likely will adjust as the development of the business experiences demands from the market for specific products.

The theme of the business will be built around what is great about Oroville. It will take in the historical aspects, the current aspects, and the future aspects. The intent is not to bring in a foreign element but to embrace what the community is all about. This will build into the theme of the infill, the promotional materials, and the vibe of the business. This will be a business that will work as part of the team with all businesses in Oroville to promote the area. The intention is not to compete with existing or future businesses but to grow the economic pool. This is a business of passion as much as a business for revenue therefore our belief is to look at the bigger economic picture.

The infill for this business location will be representative of what makes Oroville unique. The theme will encompass light industrial, water ways, the dam, the history (i.e. Chinese Temple, Lott Home, Tool Museum, etc.), the forest, and the

agricultural crops. The basic idea is to use materials which are appealing but not finished. The windows will display large copper antique lettering with inviting double wood doors. The bar will be spacious for socializing with large slabs of wood on the surface with the natural edges of the log, the base will be rusted tin roof that is trimmed out with old wood that looks that of a train bridge, the lighting will be moderate with crude light fixtures made of metal pipe and copper, the paint scheme will be natural to light colors with a shaded ceiling where there is the industrial look of the raw mechanical systems of the building, the brick wall will remain the same leaving the historical appeal of the buildings. The intention is set up couches and seating arrangements where semi private groups can relax or open it up to more social ambiance. This is the basic outline that will be altered as physical and economic factors change.

Intended hours of operation.

The Butte County Wine Company would like to be allowed to conduct business from 8:00 AM until 12:00 PM

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





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

Report as of 3/13/2016

	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	FRANCISCOS RESTAURANT		0404
3)	230621	ACTIVE	47	3/28/1991	1/31/2017	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	12/31/2016	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	SUREND	48	7/14/2008	6/30/2016	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)	554706	ACTIVE	41	5/28/2015 2:02:49 PM	4/30/2016	SANCHEZ, LUCIA 2100 5TH AVE OROVILLE, CA 95965 Census Tract: 0028.00	SI SENOR MEXICAN GRILL	193 LEORA CT CHICO, CA 95973-0252	0404
12)	556821	ACTIVE	40	7/24/2015 2:24:06 PM	6/30/2016	VASUDEVA, ASHOK KUMAR 2401 5TH AVE OROVILLE, CA 95965	VASU GAS & FOOD		0404

						Census Tract: 0028.00			
13)	<u>564225</u>	ACTIVE	48	2/23/2016 2:18:14 PM	1/31/2017	JOHNSON, COREY D 2021 BALDWIN AVE OROVILLE, CA 95966-5311		32 WILDA CT IONE, CA 95640	0404
						Census Tract: 0028.00			
14)	<u>564886</u>	ACTIVE	47	1/29/2016 3:01:23 PM	12/31/2016	ORO BULLDOG LLC 2450 ORO DAM BLVD E, STE 1A OROVILLE, CA 95966	PATIO THE	2012 CHAMBERS CIR BRENTWOOD, CA 94513-2601	0404
						Census Tract: 0028.00			
15)	<u>83884</u>	ACTIVE	41	1/30/1980	12/31/2016	SISCO ENTERPRISES INC 1124 ORO DAM BLVD E OROVILLE, CA 95965	ROUND TABLE PIZZA	500 W EAST AVE CHICO, CA 95926- 7238	0404
						Census Tract: 0028.00			
16)	<u>9226</u>	ACTIVE	51	9/7/1955	6/30/2016	EAGLES LODGE OROVILLE AERIE 196 2010 MONTGOMERY ST OROVILLE, CA 95965	EAGLES LODGE OROVILLE AERIE 196	PO BOX 306 OROVILLE, CA 95965	0404
						Census Tract: 0028.00			

--- End of Report ---

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

Department of Alcoholic Beverage Control

State of California
Edmund G. Brown Jr., Governor

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

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

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

PART 1 - TO BE COMPLETED BY ABC

1 APPLICANT'S NAME
Colin Thomas Nelson

2 PREMISES ADDRESS (Street number and name, city, zip code)
1440 Myers St, Granada, CA 95965

3 LICENSE TYPE
42

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
25

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

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

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

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

13. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

16. AVERAGE NO. OF OFFENSES PER DISTRICT

17. 120% OF AVERAGE NUMBER OF OFFENSES

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

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

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

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

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

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

Governing Body/Designated Subordinate Name:



FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

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

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

(This section is crossed out with a large X)

22. APPLICANT SIGNATURE

23. DATE SIGNED

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

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

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

Yes

No

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

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

(This section contains multiple horizontal lines for writing additional comments.)

26. CITY/COUNTY OFFICIAL NAME

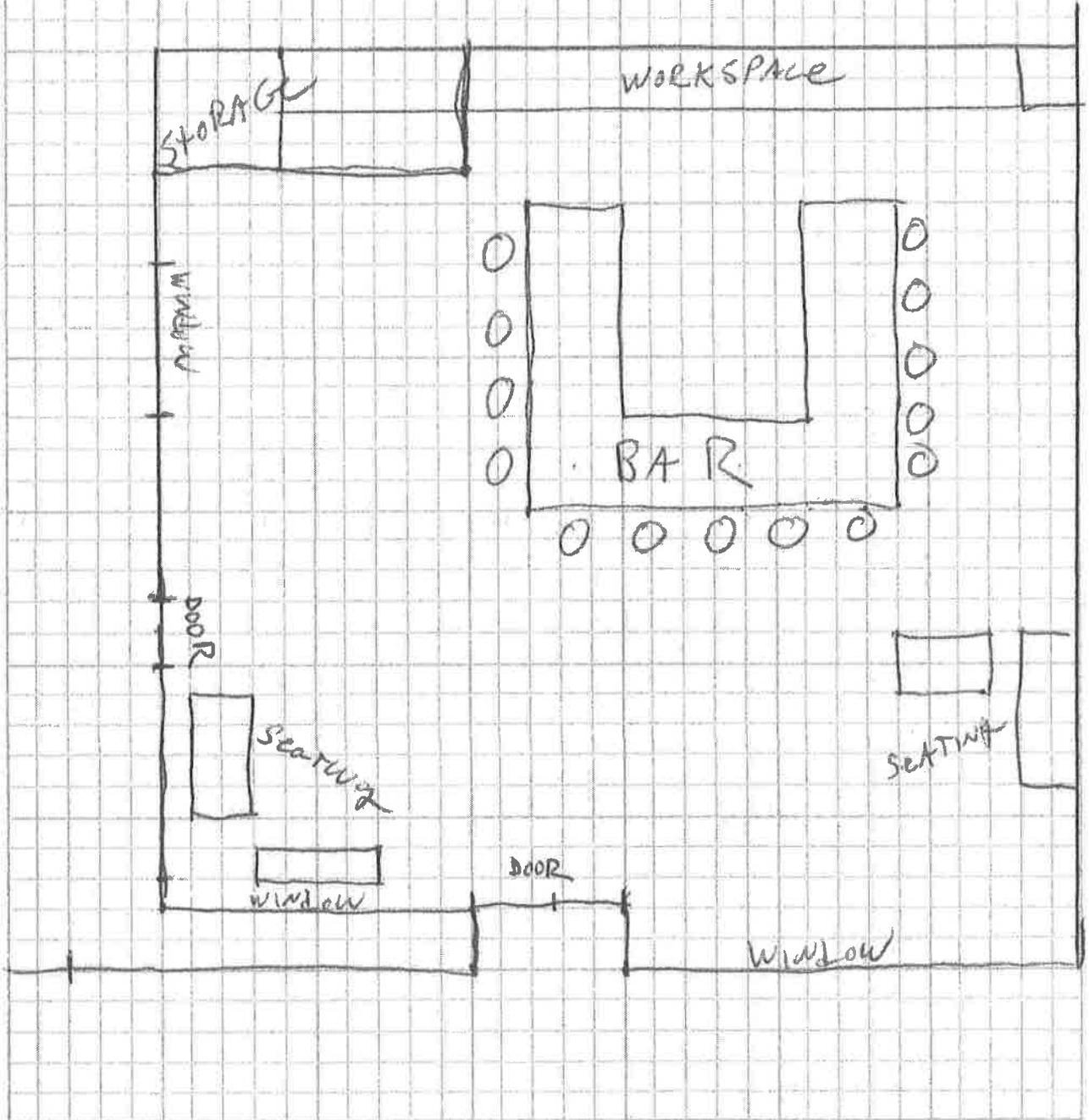
27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

1440 Myers St
1000 sq ft
2 entrances





City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

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

Donald Rust
DIRECTOR

ATTENTION: PROPERTY OWNERS AND INTERESTED PARTIES

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

Please submit your comments to this department no later than **Monday, March 28, 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.

**ASSESSOR
PARCEL
NUMBER:** 012-092-005

**FILE
NUMBER:** Use Permit No. 16-01

APPLICANT: Colin Nelson and William Leonard

ZONING: Downtown Mixed Use (MXD)

LOCATION: 1440 Myer Street, Suite A

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

VICINITY MAP



PROJECT DESCRIPTION:

UP 16-01: Butte County Wine Company; and Finding of Public Convenience or Necessity (Type 42) – The City of Oroville Planning Commission will conduct a public hearing to review and consider adopting a Finding of Public Convenience or Necessity for a Type 42 “On Sale Beer and Wine – Public Premises” alcoholic beverage license and use permit for the operation of Butte County Wine Company at 1440 Myers Street, Suite A (APN: 012-092-005). The subject property has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Table 17.32.010-1, a wine bar (alcoholic beverage sales) is defined as a use that requires a use permit in MXD zones.

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, March 28, 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

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NOTICE OF PUBLIC HEARING BEFORE THE CITY OF OROVILLE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Oroville will hold a public hearing on the projects described below. Said hearing will be held at **7:00 p.m. on Monday, March 28, 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 16-01: Butte County Wine Company; and Finding of Public Convenience or Necessity (Type 42)** – The City of Oroville Planning Commission will conduct a public hearing to review and consider adopting a Finding of Public Convenience or Necessity for a Type 42 “On Sale Beer and Wine – Public Premises” alcoholic beverage license and use permit for the operation of Butte County Wine Company at 1440 Myers Street, Suite A (APN: 012-092-005). The subject property has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Table 17.32.010-1, a wine bar (alcoholic beverage sales) is defined as a use that requires a use permit in MXD zones.
2. **TPM 16-01: Subdivide Existing, Fully Developed Commercial Site Into Three Parcels** – The City of Oroville Planning Commission will conduct a public hearing to consider a tentative parcel map (TPM 16-01), to separate one existing, fully developed, commercial site into three parcels. Existing property identified as APN: 012-097-001 is located on the south east corner of Robinson and Myers Street. The property has a zoning land use designation of Downtown Mixed-Use (MXD). The proposed land division is to subdivide the existing 5,199 square foot parcel into three parcels; Parcel 1 – 2,189 square feet (currently 1511 Myers Street); Parcel 2 – 1,906 square feet (currently 1515 Myers Street); Parcel 3 – 1,103 square feet (currently 2027 Robinson Street).

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, March 18, 2016**