



## OROVILLE PLANNING COMMISSION

Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

**September 26, 2019  
REGULAR MEETING  
OPEN SESSION 7:00 PM  
AGENDA**

---

## CITY OF OROVILLE PLANNING COMMISSION

CHAIR: Damon Robison  
VICE-CHAIR: Carl Durling  
MEMBERS: Randy Chapman; Wyatt Jenkins; Michael Britton, Susan Sears, Tammy Flicker

---

### **ALL MEETINGS ARE RECORDED AND BROADCAST LIVE**

*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.  
Meeting is streamed live at [cityoforoville.org](http://cityoforoville.org) and on YouTube*

---

### **CALL TO ORDER**

### **ROLL CALL**

Commissioners: Tammy Flicker, Michael Britton, Randy Chapman, Wyatt Jenkins, Susan Sears, Vice Chairperson Carl Durling, Chairperson Damon Robison

### **PLEDGE OF ALLEGIANCE**

### **INSTRUCTIONS TO INDIVIDUALS WHO WISH TO SPEAK**

**If you would like to address the commission at this meeting, you are requested to complete the blue speaker request form (located on the wall by the agendas) and hand it to the City Clerk, who is seated on the right of the Council Chamber. The form assists the Clerk with minute taking and assists the Mayor or presiding chair in conducting an orderly meeting. Providing personal information on the form is voluntary. For scheduled agenda items, please submit the form prior to the conclusion of the staff presentation for that item.** Council has established time limitations of three (3) minutes per speaker on all items and an overall time limit of thirty minutes for non-agenda items. If more than 10 speaker cards are submitted for non-agenda items, the time limitation would be reduced to two minutes per speaker. If more than 15 speaker cards are submitted for non-agenda items, the first 15 speakers will be randomly selected to speak at the beginning of the meeting, with the remaining speakers given an opportunity at the end. **(California Government Code §54954.3(b))**. Pursuant to Government Code Section 54954.2, the commission is prohibited from taking action except for a brief response from the Council or staff to statements or questions relating to a non-agenda item.

## **PUBLIC COMMENTS**

This is an opportunity for members of the public to address the Planning Commission on any subject not on the agenda related to the Planning Commission.

## **APPROVAL OF MINUTES**

1. The Planning Commission may approve the minutes of the August 22, 2019 Planning Commission Meeting

### **RECOMMENDATION**

Approve the Minutes for the August 22, 2019 Planning Commission Meeting

## **PUBLIC HEARINGS**

### **The Public Hearing Procedure is as follows:**

- Chairperson opens the public hearing.
- Staff and Applicant introduce item and take questions from the Commissioners
- Speakers are requested to provide a speaker card to the City Clerk. Hearing is opened for public comment limited to three (3) minutes. Under Government Code 54954.3. the time for each presentation may be limited.
- Public comment session is closed
- Commissioners, discuss, debate and action.

### **1. APPROVAL OF MINOR USE PERMIT FOR BEER AND WINE SALES AT CHIPOTLE MEXICAN GRILL RESTAURANT**

The Planning Commission will consider a use permit to allow the sale of beer and wine for on-site consumption at the new Chipotle Mexican Grill restaurant at 325 Oroville Dam Blvd., #E1.

### **RECOMMENDATION**

Conduct a Public Hearing on the Use Permit; and

Approve Minor Use Permit UP 19-05, with the recommended findings and conditions; and

ADOPT RESOLUTION # 2019-12 – A RESOLUTION OF THE OROVILLE PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING BEER AND WINE SALES AT THE NEW CHIPOTLE MEXICAN GRILL RESTAURANT AT 325 OROVILLE DAM BLVD #E1.

## **REGULAR BUSINESS**

### **2. SOUTH OROVILLE REZONING WORKSHOP**

The Planning Commission will conduct a workshop to review current zoning in the South Oroville area, discuss possible changes which might better reflect existing land uses and encourage new investment.

### **RECOMMENDATION**

Conduct an initial discussion about South Oroville and provide input to staff regarding potential rezoning.

## DIRECTOR'S REPORT

The Director shall report on information pertinent to the Planning Commission.

## COMMISSION REPORTS

Reports by commission members on information pertinent to the Planning Commission.

## ADJOURNMENT

Adjourn to Thursday, October 24, 2019 at 7:00 P.M. in the Oroville City Council Chambers

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

*Accommodating Those Individuals with Special Needs* – In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the City Clerk at (530) 538-2535, well in advance of the regular meeting you wish to attend, so that we may make every reasonable effort to accommodate you. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at City Hall, 1735 Montgomery Street, Oroville, California.

**\*\*\* 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.*



**August 22, 2019  
MINUTES**

---

THIS MEETING WAS RECORDED LIVE AND CAN BE VIEWED ON CITYOFOROVILLE.ORG

---

**CALL TO ORDER** – Meeting called to order at 7:03pm by Vice Chair Durling

**ROLL CALL**

PRESENT: Commissioners: Tammy Flicker, Michael Britton, Randy Chapman (7:04pm), Wyatt Jenkins, Susan Sears, Vice Chairperson Carl Durling

ABSENT: Chairperson Damon Robison (Excused)

**PLEDGE OF ALLEGIANCE** – Led by Vice Chair Durling

**PUBLIC COMMENTS**

None

**APPROVAL OF MINUTES**

1. Motion by Commissioner Sears and second by Commissioner Chapman to approve the Minutes of the June 27, 2019 and July 10, 2019 Planning Commission Meetings. Motion passed.

AYES: Commissioner Jenkins, Flicker, Sears, Jenkins, Vice Chair Durling

NOES: None

ABSTAIN: Commissioner Britton

ABSENT: Chair Robison

**PUBLIC HEARINGS**

**2. SIGN PROGRAM AT KENTUCKY FRIED CHICKEN RESTAURANT (KFC)**

The Planning Commission conducted a public hearing to consider an application to approve part of the KFC proposed sign program (#B1907-055).

Public Speaker: Brian Littrell

Motion by Commissioner Chapman and second by Commissioner Britton to conditionally approve the Sign Program application at the new KFC restaurant at 660 Oro Dam Boulevard, excluding the Freestanding Sign, which must come back to the commission. Motion passed.

AYES: Commissioner Jenkins, Flicker, Sears, Jenkins, Britton, Vice Chair Durling

NOES: None

ABSTAIN: None

ABSENT: Chair Robison

**REGULAR BUSINESS**

Item 1.

**3. REQUEST FOR STREET NAMES**

The commission considered the approval of two proposed street names.

Motion by Commissioner Chapman and second by Commissioner Sears to approve the name Holly Trail (off of Acacia Ave) and Connor Court (off Valley View Dr) and the adding of the names to the City Map. Motion passed.

- AYES: Commissioner Jenkins, Flicker, Sears, Jenkins, Britton, Vice Chair Durling
- NOES: None
- ABSTAIN: None
- ABSENT: Chair Robison

**DIRECTOR’S REPORT**

Planner Wes Ervin – AB 2 Grant funding application being prepared for housing development; Updating Sphere of Influence; annexing south Lincoln St.; working on rezoning south Oroville.

**COMMISSION REPORTS**

None

**ADJOURNMENT**

Vice Chair Durling adjourned the meeting at 7:47pm.

APPROVED:

ATTESTED:

\_\_\_\_\_  
Vice Chair Carl Durling

\_\_\_\_\_  
Assistant City Clerk Jackie Glover



# City of Oroville

**Leo DePaola**  
Community Development Director

## COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street  
Oroville, CA 95965-4897  
(530) 538-2436 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

### PLANNING COMMISSION STAFF REPORT

Thursday, September 26, 2019

**RE: APPROVAL OF MINOR USE PERMIT FOR BEER AND WINE SALES AT CHIPOTLE MEXICAN GRILL RESTAURANT**

**SUMMARY:** The Planning Commission will consider a use permit to allow the sale of beer and wine for on-site consumption at the new Chipotle Mexican Grill restaurant at 325 Oroville Dam Blvd., #E1.

**RECOMMENDATION**

1. Conduct a Public Hearing on the Use Permit; and
2. Approve Minor Use Permit UP 19-05, with the recommended findings and conditions; and
3. ADOPT RESOLUTION # 2019-12 – A RESOLUTION OF THE ORVILLE PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING BEER AND WINE SALES AT THE NEW CHIPOTLE MEXICAN GRILL RESTAURANT AT 325 OROVILLE DAM BLVD #E1.

**APPLICANTS:** Chipotle Mexican Grill, LLC, DBA: Chipotle Mexican Grill

**LOCATION:**  
325 Oroville Dam Blvd. #E1  
Oroville, CA 95965

**GENERAL PLAN:** RBS – Retail and Business Services  
**ZONING:** C-2 – Intensive Commercial  
**FLOOD ZONE:** X

**ENVIRONMENTAL DETERMINATION:** Part of an existing facility previously exempted in Use Permit 19-02 (G.C 15301).

**REPORT PREPARED BY:**

**REVIEWED BY:**

\_\_\_\_\_  
Wes Ervin, Senior Planner  
Community Development Department

\_\_\_\_\_  
Leo DePaola, Director  
Community Development Director

### DISCUSSION

The Chipotle Mexican Grill with drive-thru restaurant is now under construction, having been approved by the Planning Commission on March 28, 2019 via Use Permit 19-02. This permit application augments the Use permit by allowing the restaurant to sell beer

and wine for on-site consumption.

The application states that beer and wine will be sold and consumed only in the 2,700 square foot interior space, and not in the two patios and not at the drive-through.

Applicant notes that beer and wine sales are typical at all Chipotle restaurants worldwide. The application includes more project details and the applicant’s arguments for approval.

The application has been routed to the Oroville Police Department for review. The applicant will separately apply for a Type #41 License from the Department of Alcoholic Beverage Control, which will also be reviewed by the Police Department.

This is a Minor Use Permit because this project is exempt from CEQA by virtue of it being part of an existing project that is exempt (OSC 17.48.015).

**Required Findings for Alcohol Sales (OSC 17.16.160)**

Before approving a use permit for alcohol sales, the Planning Commission must consider each of the following issues and make appropriate findings (Staff’s comments are in *italics*, *draft findings are in the Resolution*):

- 1. The nature of all land uses within 500 feet of the proposed alcoholic beverage sales, and in particular, the location of similar nearby uses and the location of residences, parks, schools and houses of worship.

*The restaurant is in an isolated location immediately adjacent to the Highway 70 Oro Dam Blvd. offramp, and is neither near similar nearby uses, nor near any residential or assembly uses;*

- 2. Appropriate measures to provide proper maintenance of the building exterior, including provisions to keep the premises free of litter and debris.

*This requirement is added to the project conditions;*

- 3. Lighting of exterior areas, including parking lots, to discourage loitering outside of the building.

*This requirement is added to the project conditions*

- 4. Protection of adjacent properties from noise, odors and undue light and glare, as well as illegal activity.

*This requirement is added to the project conditions*

- 5. Provision of onsite security, both inside and outside the building, to satisfy any concerns raised by the chief of police.

*This requirement is added to the project conditions*

- 6. Hours of operation.

*Applicant states that the hours of alcohol sales are identical to the hours the restaurant is open – 9 am to 11 pm daily.*

- 7. Controls on occupancy limits inside of the building and loitering outside of the building.

*This requirement is added to the project conditions*

8. Prevention of adverse effect of the use on the value of adjacent properties.

*As part of a multi-tenant shopping center, this restaurant is likely to enhance the patronage and thus the value of adjacent properties;*

9. Whether approval would result in an undue concentration of these uses, and whether public convenience or necessity would mitigate the issue of undue concentration.

*The Police Department and ABC determine if there is an undue concentration in the area. At this time there is no indication of an overconcentration.*

**Proposed Conditions of Approval.** Any use permit for alcoholic beverage sales may include any conditions necessary to ensure that the use operates in a manner that provides adequate protection of public health, safety and welfare. (Ord. 1749 § 4)

Proposed conditions of approval:

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. Applicant shall sell beer and wine only for on-site consumption indoors, and not for consumption in the patios;
3. Applicant shall not sell beer and wine at the drive-through;
4. Applicant shall obtain a Type #41 Beer and Wine license from the California Department of Alcohol Beverage Control (ABC);
5. Applicant will take appropriate measures to provide proper maintenance of the building exterior, including provisions to keep the premises free of litter and debris;
6. Applicant shall ensure adequate lighting of exterior areas, including parking lots, to discourage loitering outside of the building;
7. Applicant will ensure protection of adjacent properties from noise, odors and undue light and glare, as well as illegal activity;
8. Applicant will maintain adequate onsite security, both inside and outside the building, to satisfy any concerns raised by the chief of police or general public;
9. Applicant shall monitor occupancy, and will institute controls to limit the number of patrons both inside of the building and outside of the building;
10. Pursuant to Section 17.48.010(F) of the City Code, the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
  - a. Any of the conditions of the permit have not been satisfied within 1 year after



- it was granted.
  - b. Any of the terms or conditions of the permit have been violated.
  - c. law, including any requirement in the Municipal Code Chapter 26, has been violated in connection with the permit;
  - d. The permit was obtained by fraud.
11. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for revocation.

**FISCAL IMPACT**

None

**ATTACHMENTS**

- 1. Application packet
- 2. Resolution 2019-12
- 3. Use Permit 19-02, approving the original restaurant

**RESOLUTION NO. P2019-12**

**A RESOLUTION OF THE ORVILLE PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING BEER AND WINE SALES AT THE NEW CHIPOTLE MEXICAN GRILL RESTAURANT AT 325 OROVILLE DAM BLVD #E1.**

**WHEREAS**, the City of Oroville staff has approved a new drive through Chipotle Restaurant via Use Permit 19-02; and

**WHEREAS**, the restaurant owner also proposes to sell beer and wine for on-site consumption; and

**WHEREAS**, The City of Oroville Municipal Code (OMC) Section 17.16.160 specifies that a Use Permit is required to sell alcohol; and

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

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

1. This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 “Existing Facilities.”
2. The Planning Commission approves the findings required by Section 17.16.160 of the Oroville City Code, as described in this Resolution;
3. The Planning Commission approves the permit Conditions described in this Resolution.

**REQUIRED FINDINGS (OSC 17.16.160)**

1. The location of the facility and all land uses within 500 feet of the proposed alcoholic beverage sales avoids conflicts with nearby land uses, residences, parks, schools and houses of worship.
2. The project includes appropriate measures to provide proper maintenance of the building exterior, including provisions to keep the premises free of litter and debris.
3. Lighting of exterior areas is adequate, including parking lots, to discourage loitering outside of the building.

4. This property and adjacent properties are appropriately protected from noise, odors and undue light and glare, as well as illegal activity.
5. Onsite security, both inside and outside the building, is adequate to satisfy any concerns raised by the chief of police.
6. Hours of operation are identical to the hours the restaurant is open – 9 am to 11 pm daily.
7. Measures to controls occupancy limits inside of the building and loitering outside of the building are in place.
8. Adverse effects of the use on the value of adjacent properties are avoided
9. Subject to review by the California Department of Alcohol Beverage Control, approval does not appear to result in an undue concentration of these uses, and would thus not trigger the need for a determination of public convenience or necessity.

### **CONDITIONS OF APPROVAL**

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. Applicant shall sell beer and wine only for on-site consumption indoors, and not for consumption in the patios;
3. Applicant shall not sell beer and wine at the drive-through;
4. Applicant shall obtain a Type #41 Beer and Wine license from the California Department of Alcohol Beverage Control (ABC);
5. Applicant will take appropriate measures to provide proper maintenance of the building exterior, including provisions to keep the premises free of litter and debris;
6. Applicant shall ensure adequate lighting of exterior areas, including parking lots, to discourage loitering outside of the building;
7. Applicant will ensure protection of adjacent properties from noise, odors and undue light and glare, as well as illegal activity;
8. Applicant will maintain adequate onsite security, both inside and outside the building, to satisfy any concerns raised by the chief of police or general public;
9. Applicant shall monitor occupancy, and will institute controls to limit the number of patrons both inside of the building and outside of the building;
10. Pursuant to Section 17.48.010(F) of the City Code, the Planning Commission,

upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:

- a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
  - b. Any of the terms or conditions of the permit have been violated.
  - c. law, including any requirement in the Municipal Code Chapter 26, has been violated in connection with the permit;
  - d. The permit was obtained by fraud.
11. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for revocation.

**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 26<sup>th</sup> of September 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

\_\_\_\_\_  
JACKIE GLOVER, ASSISTANT CITY CLERK

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



# City of Oroville

Planning Division - Community Development Department

1735 Montgomery Street  
 Oroville, CA 95965-4897  
 (530) 538-2420 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

Donation  
 D# Item 1.

TRAKIT#: PL908-002

## USE PERMIT APPLICATION

(Please print clearly and fill in/provide all that apply)

REQUIRED FOR A COMPLETE APPLICATION		PERMIT TYPE	
Completed and signed Application Forms		New Use Permit: \$2,889.98 (Deposit) + \$173.40(6% Tech Fee) = \$3,063.38	
Application Fee Paid		Amendment to Existing Use Permit: \$1,024.09 + \$61.45 (6% Tech Fee) = \$1,085.54	
PROJECT PLANS			
All plans and drawings shall be drawn to scale to the extent feasible and shall indicate the full dimensions, contours and other topographic features and all information necessary to make a full evaluation of the project. Please include the following:			
1. <b>Site and floor plans</b> , including the location, square footage and use of all structures.			
2. <b>Architectural drawings</b> showing proposed building elevations.			
3. <b>Landscape plans</b> showing the types, sizes and location of vegetation to be planted and the irrigation system to be installed			
4. <b>Plans for the configuration &amp; layout</b> of all off-street parking spaces, including entrances, exits and internal circulation routes.			
5. <b>Plans for all lighting</b> to be installed on the site, including the location, type, height and brightness of each lighting fixture.			
6. <b>Drawings of all signs</b> that are proposed in association with the project.			
7. <b>Plans showing the location, sq footage and capacity</b> of any existing or proposed surface storm-water detention facilities.			
8. <b>Plans showing the location and square footage</b> of any existing or proposed outdoor storage areas.			
9. <b>Descriptions of any off-site infrastructure improvements</b> to be provided in conjunction with the project.			
10. <b>Hours of operation</b> for all proposed land uses.			
11. <b>Number of employees and fleet vehicles</b> for all proposed land uses			
12. <b>A letter authorizing the use permit application from the owner of the property.</b>			
CLASSIFICATION			
XX	Alcohol & Beverage Sales	Nonconforming Uses & Structures	Uses in Industrial Districts
	Agricultural Uses	Outdoor Storage	Uses Mini-Storage Overlay(MS-O)
	Animal Keeping (Commercial)	Parking Requirement Exceptions	Uses in Residential Districts
	Barbed/Razor Wire Fence	Temporary Use	Uses in Special Purpose Districts
	Density Bonus & Other Incentives	Uses in a Conditional Overlay (C-O)	Uses not Specified but Allowed
	Exceptions to Height Limits	Uses in Commercial & Mixed-Use Districts	Wireless Communication Facilities
	Other: (Please Specify)		
APPLICANT'S SIGNATURE			
I hereby certify that the information provided in this application is, to my knowledge, true and correct.			
Signature:		Date:	7-27-19
OFFICE USE ONLY			
Approved By:		Date:	
Payment:		Number:	

**PROJECT DESCRIPTION**

Present or Previous Use: **New Development**

Proposed Use: **Restaurant with beer & wine sales**

Detailed Description: **Please see attached project description.**

The Community Development Department operates on a full cost recovery for processing of permits. Staff will charge their time and any expenses associated with processing the application against the initial deposit. Fees that have been captured for the reimbursement of City expenses are non-refundable.

Technology cost recovery fees are non-refundable

July 31, 2019

Mr. Leo DePaola  
Planning Division  
City of Oroville  
1735 Montgomery Street  
Oroville, CA 95965

Re: Chipotle Mexican Grill  
325 Oroville Dam Blvd., #E1

Dear Mr Depaola:

Please find enclosed application materials for a Use Permit request to allow the sale of beer and wine for on-site consumption at a new Chipotle Mexcian Grill restaurant to be located at 325 Oroville Dam Blvd., #E1, Oroville, CA 95965. The applicants will also be applying for a Type #41 License from the Dept. of ABC.

Included materials:

- Planning Division General Application
- Use Permit Application
- 3 full size sets of the Cover Sheet, Site Plan, Floor Plan and Elevations
- Check for filing fees

Thank you for your anticipated assistance with this file.



Brett Engstrom  
LiquorLicense.com  
Brett@liquorlicense.com  
(626)993-7350

**PROJECT DESCRIPTION**

**APPLICANT:**               **CHIPOTLE MEXICAN GRILL, LLC**  
**DBA: CHIPOTLE MEXICAN GRILL**

**LOCATION:**               **325 OROVILLE DAM BLVD., #E1**  
**OROVILLE, CA 95965**

---

The Applicant Chipotle Mexican Grill, LLC (DBA Chipotle Mexican Grill) is seeking the following discretionary approval:

Pursuant to City of Oroville Municipal Code Section 17.48.010 and 17.16.160, the applicant is requesting a Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with the operation of a new Chipotle Mexican Grill restaurant located in the C2 zone. The restaurant will occupy a 2,700 s.f. Interior space with 51 seats, and an additional 20 seats within two patio seating areas totaling 318 s.f. Hours of operation and beer and wine sales will be 9am to 11pm daily.

**PROJECT DESCRIPTION**

The Applicant is requesting a Use Permit to serve beer and wine for on-site consumption at its new location at 325 Oroville Dam Blvd., #E1, Oroville, CA 95965("Site"). The site is located within a new multi tenant commercial development. The restaurant will occupy a 2,700 s.f. Tenant space, with an additional 318 s.f. of patio area within two adjacent patios. There will be 51 interior seats and additional 20 seats on the patio. No beer and wine is proposed within the patio area. The Applicant's hours of operation will be 9am to 11pm daily, with hours of beer and wine sales being the same. The Applicant believes that the requested hours are reasonable, and that they are consistent with the growing number of commercial uses in the area. The total number of employees to be hired for this location will be 30, with up to 10 employees on the premises during any given shift. The restaurant will also offer a drive thru window for patrons. That use was approved under Use Permit 19-02, Resolution P2019-06.

The Applicant believes that its request for a Use Permit to serve beer and wine for on-site consumption along with meals at its "fast casual" Mexican-Style restaurant is warranted based on the company's excellent record of compliance with the California Dept of Alcoholic Beverage Control ("ABC"), the appropriateness of the location for the requested use, and the Applicant's reputation as a well established and responsible company which can be trusted to manage alcohol service appropriately.

**THE APPLICANT**

The applicant owns and operates more than 1,900 restaurants throughout the United States, Canada and overseas, and is rapidly expanding its brand. The Applicant attributes its tremendous growth rate since its first location in 1993 to its vision for its restaurants. The idea is simple; demonstrate that customers can be served good quality food in a distinctive atmosphere - quickly and at an affordable price point. Chipotle uses high-quality raw ingredients, classic cooking methods, and distinctive interior design features that are more frequently found in the world of fine dining. The applicant essentially established the category of dining now called "fast-casual," the fastest growing segment of the restaurant industry,



where customers expect food quality that's more in line with full service restaurants, but with the speed and convenience of fast food.

As the company has grown, the Applicant's vision has evolved as well. Several years ago, the Applicant launched a campaign to incorporate a concern for the environmental and societal impact of its restaurants into its business model. Features of this model, which the Applicant calls "Food with Integrity," include a commitment to high quality food, sustainable business practices, charitable giving, and responsible sourcing of animal products. This philosophy is part of an overall commitment to running a business which has a positive impact on its employees, its patrons, its environmentally minded vendors and suppliers, and the communities in which its restaurants are located. Certainly practices designed to ensure appropriate training and management practices related to sales of alcoholic beverage products are an important feature of Chipotle's corporate philosophy. Indeed, the Applicant has an outstanding record of compliance with the Dept of ABC and parallel regulatory agencies wherever its restaurants are located.

### OPERATIONAL

In terms of the request for this Use Permit to serve beer and wine, the service of these items is typically a very small portion of Chipotle's gross sales. The applicant's ability to offer these items to its patrons is nonetheless an important part of a very successful business model. The Applicant will operate with an ABC Type #41 License; Bona fide eating establishment with beer & wine service. The Applicant's desire for the requested Use Permit is because its experience at its other locations - over 1,900 worldwide - is that its customers appreciate having the ability to enjoy alcoholic beverages with their meals. The ability to offer these items is an important component of Chipotle's business model, and is one of various features that help distinguish it from other casual dining venues.

Chipotle Mexican Grill is looking forward to becoming a part of the Oroville community and would appreciate your support of their Use Permit application.



# City of Oroville

Planning Division - Community Development Department

1735 Montgomery Street  
 Oroville, CA 95965-4897  
 (530) 538-2420 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

#3388

Donor Item 1.  
 DIRECTOR

TRAKIT#: PL1908-002

## PLANNING DIVISION GENERAL APPLICATION

(Please print clearly and fill in all that apply)

<b>APPLICANT'S INFORMATION</b>		Project's:	Consultant	
Name:	Chipotle Mexican Grill, LLC		Name:	Brett Engstrom
Address:	8800 Lyra Dr., Ste 150, Columbus, OH 43240		Company:	LiquorLicense.com
Phone:	(614) 318-7474		Address:	2222 Damon St., Los Angeles, CA 90021
Email:			Phone:	(626) 993-7350
Is the applicant the Owner?	N	<small>If applicant is Not the owner, please provide owner /agent authorization on the reverse side.</small>	Email:	brett@liquorlicense.com

### DEVELOPMENT PROJECTS & OTHER APPLICATIONS (Please check all that apply)

<input type="checkbox"/>	Annexation	<input type="checkbox"/>	Landmark /Modification/Demolition	<input type="checkbox"/>	Tentative Parcel Map
<input type="checkbox"/>	Appeal	<input type="checkbox"/>	Mining and Reclamation Plan	<input type="checkbox"/>	Tentative Subdivision Map
<input type="checkbox"/>	Development Review	<input type="checkbox"/>	Pre-Application	<input checked="" type="checkbox"/>	Use Permit
<input type="checkbox"/>	Final Map	<input type="checkbox"/>	Residential Density Bonus	<input type="checkbox"/>	Variance
<input type="checkbox"/>	General Plan Amendment/Rezone	<input type="checkbox"/>	Temporary Use	<input type="checkbox"/>	Wireless Communication Facilities
<input type="checkbox"/>	Landmark Designation	<input type="checkbox"/>	Tentative Map Extension	<input type="checkbox"/>	Zoning Clearance
<input type="checkbox"/>	Other: (Please Specify)				

### ADMINISTRATIVE PERMITS (Please check all that apply)

<input type="checkbox"/>	Adult Oriented Business	<input type="checkbox"/>	Outdoor Storage	<input type="checkbox"/>	Special Event
<input type="checkbox"/>	Home Occupation	<input type="checkbox"/>	Outdoor Display & Sales	<input type="checkbox"/>	Street Closure
<input type="checkbox"/>	Large Family Day Care	<input type="checkbox"/>	Second Dwelling Unit	<input type="checkbox"/>	Tree Removal
<input type="checkbox"/>	Mobile Food Vendor	<input type="checkbox"/>	Sign/Temporary Sign Permit	<input type="checkbox"/>	
<input type="checkbox"/>	Other: (Please Specify)				

\*Please provide a letter addressed to the Planning Division with a detailed description for the proposed project. Please include any site plans, maps, aerials, photos, and other relevant information that will help us in processing your application.

\*\* Any time a set of plans is required, three (3) sets of drawings shall be submitted, unless otherwise directed.

### PROJECT INFORMATION

Project Name: Chipotle Mexican Grill	Proposed Structure(s) (Sq Ft.): 2,700 s.f.
Address: 325 Oroville Dam Blvd., #E1, Oroville, CA 95965	Existing Structure(s) (Sq Ft.): New construction
Nearest Cross Street: Feather River Blvd.	Water Provider: California Service Co. (Cal Water)
Assessor Parcel Number: 035-030-102-000	School District: TBD
Lot Size (Acres): 24,829 sf	Number of Dwelling Units: N/A

### APPLICANT'S SIGNATURE

I hereby certify that the information provided in this application is, to my knowledge, true and correct.

Signature:	Date: 7/19/19
------------	---------------

### OFFICE USE ONLY

General Plan:	Zoning:	Zoning Conformity:	APN: 035-030-102-000
File#	Overlay Zoning:	Minimum Setbacks:	FY      RY      SY

### AGENT AUTHORIZATION

To the City of Oroville, Department of Community Development

NAME OF AGENT:	Brett Engstrom	PHONE NUMBER:	(626) 993-7350
COMPANY NAME:	LiquorLicense.com	EMAIL:	brett@liquorlicense.com
ADDRESS:	2222 Damon St.	CITY/ST/ZIP:	Los Angeles, CA 90021


AGENT SIGNATURE: 

Is hereby authorized to process this application on my/our property, identified as Butte County Assessor Parcel Number (s):

035-030-102-000

This authorization allows representation for all applications, hearings, appeals, etc. and to sign all documents necessary for said processing, but not including document (s) relating to record title interest.

#### Owner(s) of Record (sign and print name)

1)	<u>JANIV CHORRA, MAM</u>		<u>7.23.17</u>
	Print Name of Owner	Signature of Owner	Date
2)	_____	_____	_____
	Print Name of Owner	Signature of Owner	Date
3)	_____	_____	_____
	Print Name of Owner	Signature of Owner	Date
4)	_____	_____	_____
	Print Name of Owner	Signature of Owner	Date
	_____	_____	_____
	Owner's Mailing Address	Owner's Email	Owner's Phone #

The Community Development Department operates on a full cost recovery for processing of permits. Staff will charge their time and any expenses associated with processing the application against the initial deposit. Fees that have been captured for the reimbursement of City expenses are non-refundable.

Technology cost recovery fees are non-refundable



# City of Oroville

Building Department  
Cash Collections  
**RECEIPT: P836**

**Project Number: PL1908-002**  
**Project Name: CHPOTLE - USE PERMIT FOR ALCOHOL BEVEREGE SALES**

Fee Description	Account Number	Fee Amount
TECH COST RECOVERY [SU	5141 4700	\$173.40
USE PERMIT FEES	2201 4260	\$2,889.98
<b>Total Fees Paid:</b>		<b>3,063.38</b>

Date Paid: 8/5/2019

Paid By: CHOPTLE MEXICAN GRILL, LLC

Pay Method: CHECK

Check # 67558

Received By: CECILIA CARMONA

**\*\*\*Credit Card Payments\*\*\***

A convenience fee is charged for all credit card payments. Please note that the convenience fee is a third-party fee and is not part of the City of Oroville. For all credit card payments the convenience fee is 2.50% of the total amount charged with a minimum charge of \$2.00.

**6. TENTATIVE PARCEL MAP (PW1810-004) - WEST SIDE OF 7TH AVE BETWEEN ORO BLVD AND OAK ST**

Item 1.

The Oroville Planning Commission conducted a public hearing to consider approving a Tentative Parcel map located on the West side of 7<sup>th</sup> between Oroville dam Blvd and Oak streets creating two lots one 6.0 acres and one 2.4 acres

Motion by Commissioner Sears and second by Commissioner Flicker to APPROVE the recommended Findings for Tentative Parcel Map No. 19-01; and APPROVE Resolution No. P2019-07 A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING A TENTATIVE PARCEL MAP LOCATED AT 2430 SOUTH 7TH STREET, OROVILLE, CA. Passed

AYES: Commissioner Jenkins, Chapman, Britton, Sears, Flicker, Chair Robison

NOES: None

ABSENT: Commissioner Durling

ABSTAIN: None

**7. APPROVAL OF CHIPOTLE DRIVE THRU RESTAURANT (PL 1901-007) - 355 ORO DAM BLVD- PAD 2**

The Oroville Planning Commission conducted a public hearing to consider approving a Chipotle Drive Thru restaurant on Pad 2 location at 355 Oro Dam Blvd, on the Feather River Crossing on the corner of Feather River Blvd and Oroville Dam Blvd.

**RECOMMENDATION**

Motion by Commissioner Chapman and second by Commissioner Britton to APPROVE the recommended Findings for Use Permit No. 19-02; and APPROVE Resolution No. P2019-06 A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT # 19-02 FOR A DRIVE THROUGH RESTAURANT; and add to the Conditional use permit that lane lines must be extended down Feather River Blvd from Oro Dam Blvd to reduce confusion when arriving at the stop light from Feather River Blvd.

AYES: Commissioner Jenkins, Chapman, Britton, Sears, Flicker, Chair Robison

NOES: None

ABSENT: Commissioner Durling

ABSTAIN: None

**REGULAR BUSINESS**

None

**DISCUSSION ITEMS**

Unanimous direction given to staff to provide agendas and packets to Commissioners by no later than Friday morning.



# City of Oroville

**Leo DePaola**  
Community Development Director

## COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street  
Oroville, CA 95965-4897  
(530) 538-2436 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

### PLANNING COMMISSION STAFF REPORT

Thursday, September 26, 2019

<b>RE: SOUTH OROVILLE REZONING WORKSHOP</b>	
<b>SUMMARY:</b> The Planning Commission will conduct a workshop to review current zoning in the South Oroville area, discuss possible changes which might better reflect existing land uses and encourage new investment.	
<b>RECOMMENDATION:</b> Conduct an initial discussion about South Oroville and provide input to staff regarding potential rezoning.	
<b>APPLICANTS:</b>	None. Initiated by staff
<b>LOCATION:</b> South Oroville area, as defined below	<b>GENERAL PLAN:</b> Various <b>ZONING:</b> Various <b>FLOOD ZONE:</b> X
<b>ENVIRONMENTAL DETERMINATION:</b> EnterTextHere	
<b>REPORT PREPARED BY:</b>	<b>REVIEWED BY:</b>
_____ Wes Ervin, Senior Planner Community Development Department	_____ Leo DePaola, Director Community Development Department

### DISCUSSION

Staff seeks initial input from the Commission and the public regarding possible rezoning of the South Oroville area to encourage investment. This is the first of several meetings over the next several months with local residents, business owners, and all interested stakeholders, after which a comprehensive rezoning may be initiated.

Since South Oroville was annexed in 2015, there has not been a comprehensive review of the area's zoning as it relates to existing City Codes. Nor has there been a consistent review of the overall area in relation to its economic development potential, adjacent areas and its contribution to the general welfare of the City as a whole.

### **Possible Study Area**

Staff seeks input from the Commission on defining the study area. Staff proposes a study that is bounded by Oro Dam Blvd on the north, the rail line on the west down to Palm Avenue, Ithaca Street and Faunce Way on the South, and the eastern edge of R-1 Zoning on the east. The proposed study area excludes Wyandotte Academy, Central Middle School, and the Olive Hill Manufactured Home Community. It includes the Rescue Mission and the proposed South Lincoln annexation area. See attached Study Area Map.

### **Background**

The South Oroville area started to develop over a hundred years ago but was substantially developed during the building of the Oroville Dam to provide housing for construction workers. Almost 93 percent of the parcels within the territory are developed with residential uses being the primary use. Popular then, it has over the years been supplanted by newer development and has fallen into general disrepair. The area is now considered low income and a disadvantaged community.

### **Possible Discussion Topics:**

1. About half of the residential lots in the study area are 4,791 square feet in size and Zoned R-1. These lots are smaller than the minimum 5,000 square foot size in our Zoning Ordinance (Table 17.28.020-2). They are also typically 44 feet wide, smaller than the minimum 50 feet for R-1 Zoning. We have received several inquiries about residential projects that struggle to fit on these smaller R-1 lots and still meet setback and lot coverage requirements.

This opens the possibility of several options:

- a. allowing reduced setbacks and/or greater maximum lot coverages. Current maximum coverage for a substandard lot is 2,000 square feet (Table 17.28.020-2 Note 5);
  - b. Adopting an overlay zone with a new set of flexible development standards, perhaps similar to those of the Downtown Historic Overlay district, which also has many substandard lots and design options for them;
  - c. Creating an entirely new Zoning District or overlay to accommodate the smaller lot sizes in the area.
  - d. Abandoning the narrow alleys where they exist and enlarging the lot depths. The alleys are supposed to be maintained by County Service Areas 17 and 33, depending on location, but it is unclear how effective that maintenance program actually is;
  - e. Considering changing the requirement for one covered parking space per parcel. Most of the parcels in South Oroville appear not to have covered parking.
2. Commercial areas along Myers and Lincoln have multiple zones, including C-1, C-2, MXC and MXN. We have received inquiries for uses which do not fit into existing zoning in the area, including requests to expand nonconforming uses. More consistent zoning might better reflect the character and land uses in the area and might encourage better connections between the residential and commercial areas.
  3. Some parcels along Myers and Lincoln have the potential to be good locations for multi-family development. Rezoning could be designed to encourage parcel

assemblages, strengthen the connections between residential and commercial, and support more housing choices in this time of severe shortages.

4. Zoning more flexibly to accommodate and/or encourage expansion of existing uses such as churches, automobile repair facilities, small groceries, other local services, shelters, and service clubs.

**FISCAL IMPACT**

None. The City has submitted a planning grant application for \$160,000 under Senate Bill 2, which if awarded will allocate about \$25,000 toward this South Oroville rezoning project.

**ATTACHMENTS**

Proposed Study Area Map



# Potential South Oroville Rezone Study Area

Item 2.

**Residential Districts**

- Large-Lot Residential (RL) (13)
- Single-Family Residential (R-1) (990)

**Commercial and Mixed-Use Districts**

- Neighborhood Commercial (CN) (11)
- Limited Commercial (C-1) (36)
- Intensive Commercial (C-2) (35)
- Commercial Light Manufacturing (CLM) (14)
- Neighborhood Mixed Use (MXN) (23)
- Corridor Mixed Use (MXC) (74)

**Special Purpose Districts**

- Public or Quasi-Public Facilities (PQ) (15)
- Potential South Oroville Rezone Study Area

