



OROVILLE PLANNING COMMISSION

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

December 03, 2020
SPECIAL MEETING
6:00 PM
AGENDA

COVID-19 AND PUBLIC ACCESS AND PARTICIPATION

In light of the Governors orders issued on November 16, 2020 returning Butte County to Tier 1 (Purple) the Oroville City Council Chambers are closed to the public until further notice.

To View the Council Meeting:

1. Watch our live feed <https://www.youtube.com/channel/UCAoRW34swYI85UBfYqT7IbQ/>

To Participate in the Council Meeting:

1. Email before the meeting by 2:30 PM your comments to publiccomment@cityoforoville.org
2. Join the meeting virtually via Zoom – Join Zoom Meeting
<https://zoom.us/j/99739759705?pwd=NjZoaHdQalZoV0k0aldBYzlldTN6dz09>
Meeting ID: 997 3975 9705
Passcode: 100263

CALL TO ORDER / ROLL CALL

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

OPEN SESSION

Pledge of Allegiance

PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS

This is the time to address the Commission about any item not listed on the agenda. If you wish to address the Commission on an item listed on the agenda, please follow the directions listed above.

PUBLIC HEARINGS

The Public Hearing Procedure is as follows:

- Mayor or Chairperson opens the public hearing.
- Staff presents and answers questions from Council
- The hearing is opened for public comment limited to two (2) minutes per speaker. In the event of more than ten (10) speakers, time will be limited to one and a half (1.5) minutes. Under Government Code 54954.3, the time for each presentation may be limited.
- Public comment session is closed
- Commission debate and action

1. MINOR USE PERMIT UP 20-08 FOR RENOVATION OF THE FORMER LA ESMERALDA MARKET INTO A DRIVE THROUGH RESTAURANT WITH ALCOHOL SALES AT 450 ORO DAM BOULEVARD EAST

The Oroville Planning Commission will review and consider approving Use Permit No. UP20-08 for the renovation of an existing 4,400 square foot former market at 450 Oro Dam Blvd, Oroville, California, and addition of a drive-thru with associated site improvements. Application includes a Type 47 “On Sale General-Eating Place” alcohol sales license.

RECOMMENDATION

Adopt the Class 2 Categorical Exemption for Existing Facilities (CCR, Title 14, Sec. 15301 – as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA); and

Adopt the recommended Findings for Use Permit No. UP20-08, and

Approve Use Permit UP20-08 and recommended Conditions of Approval; and

Adopt Resolution No. P2020-22

2. MINOR USE PERMIT UP 20-09 FOR A NEW GYMNASIUM AND 10 CLASSROOMS AT THE STREAM CHARTER SCHOOL AT 455 ORO DAM BOULEVARD EAST

The Oroville Planning Commission will review and consider approving Use Permit No. UP20-09 for an expansion of the STREAM Charter School at 455 Oro Dam Blvd, Oroville, California, specifically the addition of a gymnasium and 10 classrooms with associated site improvements.

RECOMMENDATION

Adopt the Class 32 Categorical Exemption for an Infill Development Project (CCR, Title 14, Sec. 15332 – as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA); and

Adopt the recommended Findings for Use Permit No. UP20-09, and

Approve Use Permit UP20-09 and recommended Conditions of Approval; and

Adopt Resolution No. P2020-23

ADJOURN THE MEETING

The meeting will be adjourned. A regular meeting of the Oroville Planning Commission will be held on January 28, 2020 at 6:00 PM.

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.

Recordings - All meetings are recorded and broadcast live on cityoforoville.org and YouTube.

Planning Commission Decisions - 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

Leonardo DePaola
Community Development Director

COMMUNITY DEVELOPMENT DEPARTMENT

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

PLANNING COMMISSION STAFF REPORT

Thursday, December 3, 2020

RE: Minor Use Permit UP 20-08 for renovation of the former La Esmeralda Market into a Drive Through restaurant with alcohol sales at 450 Oro Dam Boulevard East

SUMMARY: The Oroville Planning Commission will review and consider approving Use Permit No. UP20-08 for the renovation of an existing 4,400 square foot former market at 450 Oro Dam Blvd, Oroville, California, and addition of a drive-thru with associated site improvements. Application includes a Type 47 “On Sale General-Eating Place” alcohol sales license.

RECOMMENDATION: Staff recommends the following actions:

1. **Adopt** the Class 2 Categorical Exemption for Existing Facilities (CCR, Title 14, Sec. 15301 – as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA);
2. **Adopt** the recommended Findings for Use Permit No. UP20-08, and
3. **Approve** Use Permit UP20-08 and recommended Conditions of Approval;
4. **Adopt** Resolution No. P2020-22

APPLICANTS: Mark Mendez

LOCATION: 450 Oro Dam Blvd, Oroville, California

GENERAL PLAN: MXC (Corridor Mixed Use)
ZONING: MU (Mixed Use)
FLOOD ZONE: Zone X

ENVIRONMENTAL DETERMINATION: Categorically Exempt per Section 15301 of Title 14, California Code of Regulations, Existing Facilities.

REPORT PREPARED BY:

REVIEWED BY:

Wes Ervin, Senior Planner
Community Development Department

Dawn Nevers, Assistant Director
Community Development Department

DISCUSSION

This property has previously been used for La Esmeralda Market, and has been vacant

for several years. The property owner intends to renovate the existing building and create a new drive-thru restaurant at the same location. The use is permitted by right at that location, but the drive-thru and the proposed alcohol sales both require a Use Permit. Approval of the Use Permit also constitutes Development Review.

Traffic Considerations

Applicant proposes a 12-car stacking drive through lane, which staff considers adequate.

Ingress and egress from SR162 would be unchanged. Staff's proposed conditions require applicant to work with Caltrans to obtain an easement/encroachment if required.

The Development Review Committee reviewed the project on November 12 and recommends approval.

Alcohol Sales

Applicant is processing a person-to-person transfer to this property of a long-standing permit from ABC for a Type 47 license that allows on-site sale of alcohol. A catering authorization would be added to this permit in the future. Staff has no concerns with this type of license at this facility, but notes that if he sells to a branded restaurant without alcohol sales, he will have a useless permit unless he splits the building with a separate restaurant, uses the kitchen space for catering with all alcohol sales off site, or transfers the permit to another address.

Building Size and Parking Considerations

Staff note that Oroville's Parking regulations (Table 17.12.070-1) have three separate requirements for restaurants:

1. One space per every 4 seats. Since there would now be 14 available spaces, seating would be limited to 56, with no parking for employees;
2. For on-site alcohol sales, the requirement is one space for every 100 square feet of gross floor area. In the case of the existing 4,400 square-foot building, this equates to 44 spaces – clearly not possible on this site.

Because most traffic will be drive-through and applicant states he will not be serving alcohol on site, staff recommends that the Planning Commission approve the project with the 14 available spaces. Applicant has agreed to fix the number of seats to 36 (9 spaces) and thus leave 5 spaces for employees.

Required Findings for a Use Permit

The attached resolution includes the required findings, both for a use permit and for alcohol sales.

FISCAL IMPACT

None. The project is subject to all customary fees.

PUBLIC NOTICE

As is required for a Use permit, the meeting date, time, and project description were published in the Oroville Mercury Register and posted at City Hall.

ATTACHMENTS

1. Application materials
2. Project Drawings
3. Resolution P2020-22
4. Notice of Exemption (CEQA)
5. Letter of Public Convenience or Necessity



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

Leonardo De Item 1.
 DIRECTOR

TRAKIT#: **PL2008-007**

PLANNING DIVISION GENERAL APPLICATION

(Please print clearly and fill in all that apply)

| | | | |
|--------------------------------|--|------------|---------------------------|
| APPLICANT'S INFORMATION | | Project's: | <i>EXPRESS DRIVE THRU</i> |
| Name: | <i>2585 ORO DAM LLC</i> | Name: | <i>SAME</i> |
| Address: | <i>2450 ORO DAM BLVD Suite A.</i> | Company: | ↓ |
| Phone: | <i>408 396 8442</i> | Address: | |
| Email: | <i>mmendez @ BASSWEST.COM</i> | Phone: | |
| Is the applicant the Owner? | <input checked="" type="checkbox"/> <small>If applicant is Not the owner, please provide owner /agent authorization on the reverse side.</small> | Email: | |

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"/> 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: <i>Express Drive Thru</i> | Proposed Structure(s) (Sq Ft.): |
| Address: <i>450 Oro Dam Blvd.</i> | Existing Structure(s) (Sq Ft.): <i>4400</i> |
| Nearest Cross Street: | Water Provider: <i>CAI NATURAL</i> |
| Assessor Parcel Number: | School District: |
| Lot Size (Acres): | Number of Dwelling Units: |

APPLICANT'S SIGNATURE

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

| | |
|--------------------------------------|----------------------|
| Signature: <i>Christine Garrison</i> | Date: <i>8/20/20</i> |
|--------------------------------------|----------------------|

OFFICE USE ONLY

| | | | |
|---------------|-----------------|--------------------|----------|
| General Plan: | Zoning: | Zoning Conformity: | APN: |
| File# | Overlay Zoning: | Minimum Setbacks: | FY RY SY |

| AGENT AUTHORIZATION | | | |
|---|--------------------------|---------------|--------------------------------|
| To the City of Oroville, Department of Community Development | | | |
| NAME OF AGENT: | <i>MARK MENDRER</i> | PHONE NUMBER: | <i>408 396 8442</i> |
| COMPANY NAME: | <i>2585 ORO DAM LLC</i> | EMAIL: | <i>mmendrer@a-basswest.com</i> |
| ADDRESS: | <i>2450 ORO DAM Blvd</i> | CITY/ST/ZIP: | <i>OROVILLE CA 95966</i> |
| AGENT SIGNATURE: | <i>Mark A.</i> | | |
| Is hereby authorized to process this application on my/our property, identified as Butte County Assessor Parcel Number (s): | | | |
| 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) | <i>Christine MENDRER Garrison</i> | <i>Christine Garrison</i> | <i>8/20/20</i> |
| | Print Name of Owner | Signature of Owner | Date |
| 2) | <i>Mark MENDRER</i> | <i>Mark Mendrer</i> | <i>8/20/20</i> |
| | 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

Planning Division - Community Development Department

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

Leonardo De Item 1.
 DIRECTOR

TRAKIT#: *PL2008-007*

USE PERMIT APPLICATION

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

| REQUIRED FOR A COMPLETE APPLICATION | | PERMIT TYPE | |
|-------------------------------------|--|-------------------------------------|--|
| <input type="checkbox"/> | Completed and signed Application Forms | <input checked="" type="checkbox"/> | New Use Permit: \$2,889.98 (Deposit) + \$173.40(6% Tech Fee) = \$3,063.38 |
| <input type="checkbox"/> | Application Fee Paid | <input type="checkbox"/> | 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. **Site and floor plans**, including the location, square footage and use of all structures.
2. **Architectural drawings** showing proposed building elevations.
3. Landscape plans showing the types, sizes and location of vegetation to be planted and the irrigation system to be installed
4. Plans for the configuration & layout of all off-street parking spaces, including entrances, exits and internal circulation routes.
5. Plans for all lighting to be installed on the site, including the location, type, height and brightness of each lighting fixture.
6. **Drawings of all signs** that are proposed in association with the project.
7. Plans showing the location, sq footage and capacity of any existing or proposed surface storm-water detention facilities. *sttaw*
8. Plans showing the location and square footage of any existing or proposed outdoor storage areas.
9. Descriptions of any off-site infrastructure improvements to be provided in conjunction with the project.
10. Hours of operation for all proposed land uses.
11. Number of employees and fleet vehicles for all proposed land uses
12. **A letter authorizing the use permit application from the owner of the property.**

CLASSIFICATION

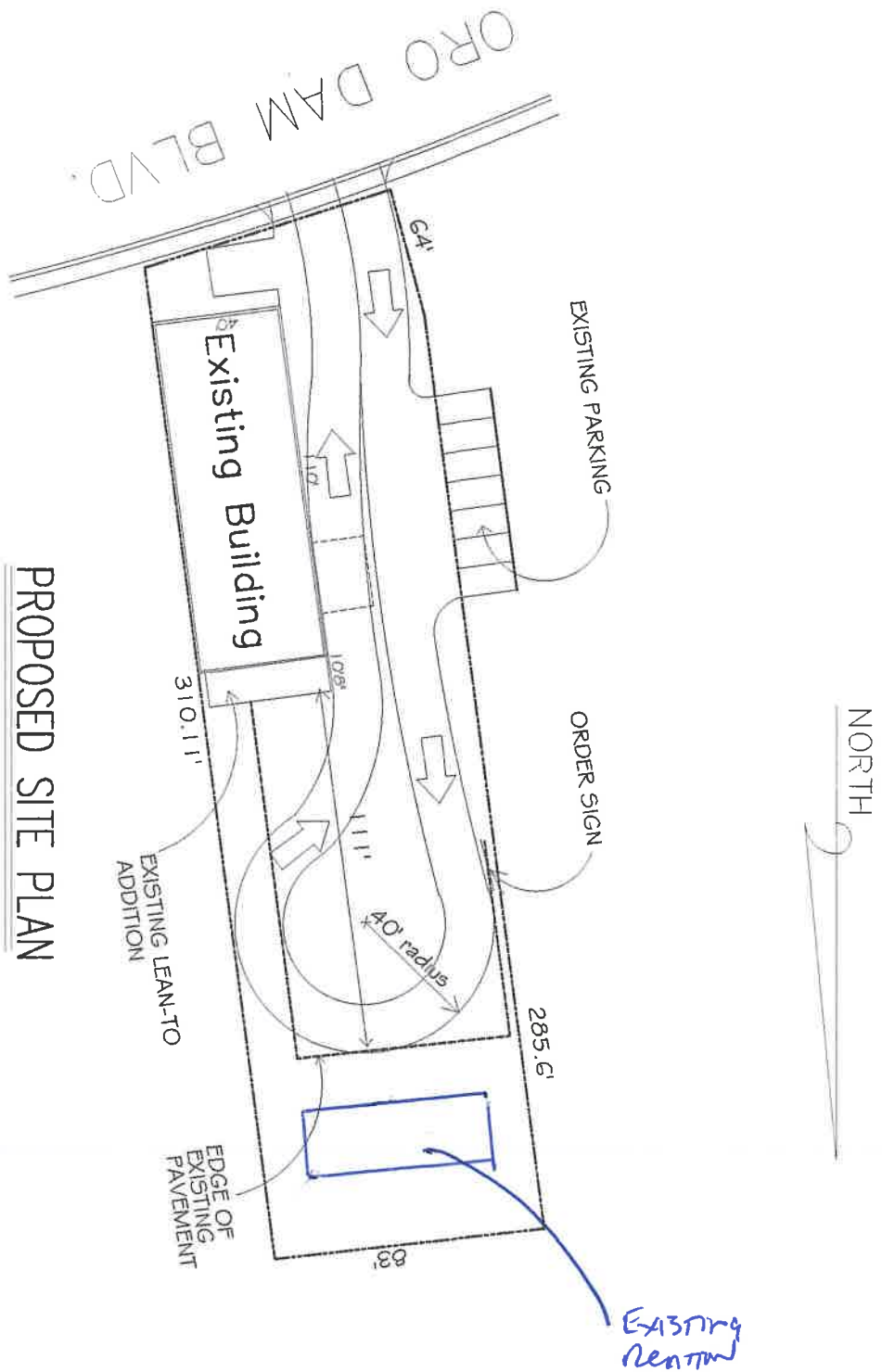
| | | | |
|-------------------------------------|--|--|-----------------------------------|
| <input checked="" type="checkbox"/> | Alcohol & Beverage Sales | Nonconforming Uses & Structures | Uses in Industrial Districts |
| <input type="checkbox"/> | Agricultural Uses | Outdoor Storage | Uses Mini-Storage Overlay(MS-O) |
| <input type="checkbox"/> | Animal Keeping (Commercial) | Parking Requirement Exceptions | Uses in Residential Districts |
| <input type="checkbox"/> | Barbed/Razor Wire Fence | Temporary Use | Uses in Special Purpose Districts |
| <input type="checkbox"/> | Density Bonus & Other Incentives | Uses in a Conditional Overlay (C-O) | Uses not Specified but Allowed |
| <input type="checkbox"/> | Exceptions to Height Limits | Uses in Commercial & Mixed-Use Districts | Wireless Communication Facilities |
| <input checked="" type="checkbox"/> | Other: (Please Specify) <i>Drive-Thru Restaurant</i> | | |

APPLICANT'S SIGNATURE

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

| | |
|--|------------------------|
| Signature: <i>X Christine Garrison</i> | Date: <i>8/20/20</i> |
| OFFICE USE ONLY | |
| Approved By: | Date: <i>8/20/2020</i> |
| Payment: <i>paid v# 8031</i> | Number: |

8031



PROPOSED SITE PLAN

SCALE = 1/16" = 1'-0"

450 ORO DAM BLVD., OROVILLE, CA 95965
 BUTTE COUNTY, CA

JOB NUMBER
 450 ORO DAM BLVD
 SHEET NO.

Proposed
 Site Plan

drawn by
 DGA
 checked
 date
 July 28, 2020

David G. Anderson, Architect

2128 Myers Street, Oroville, CA 95966
 Phone (530) 533-6858, Fax 533-4425, E-mail dgaarchitect@AOL.com





City of Oroville

Building Department
Cash Collections
RECEIPT: P947

Project Number: PL2008-007
Project Name:

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

Date Paid: 8/20/2020

Paid By: 2585 ORO DAM LLC

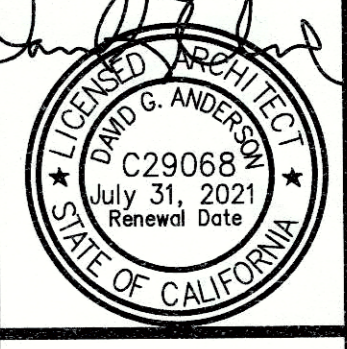
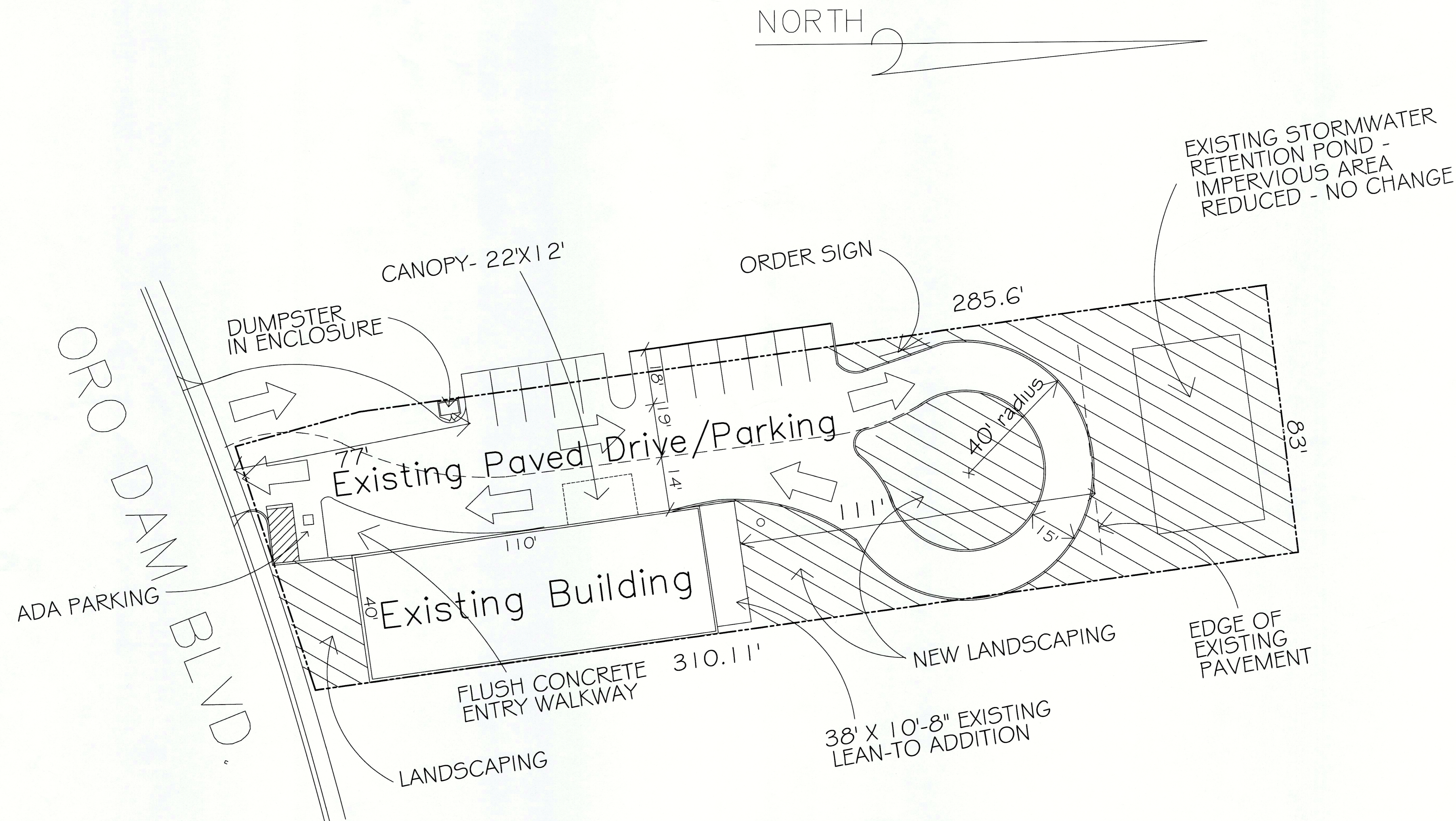
Pay Method: CHECK

Check # 8031

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.



David G. Anderson, Architect
 41 Butte Woods Drive, Oroville, CA 95966
 Phone (530) 693-4546, Cell (530) 520-0211, E-mail dgaarchitect@bcglobal.net

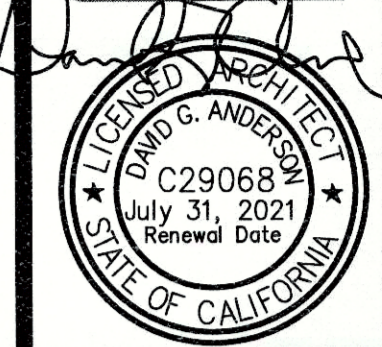
drawn by DGA
 checked
 date 10/26/2020

Proposed Site Plan

JOB NUMBER
 450 ORO DAM BLVD
 SHEET NO.
A2

PROPOSED SITE PLAN

SCALE = 1/16" = 1'-0"
 450 ORO DAM BLVD., OROVILLE, CA 95965
 BUTTE COUNTY, CA



David G. Anderson, Architect
 41 Butte Woods Drive, Oroville, CA 95966
 Phone (530) 693-4546, Cell (530) 520-0211, E-mail dgaarchitect@sbglobol.net

drawn by DGA
 checked
 date 10/26/2020

Detailed Plan

JOB NUMBER
 450 ORO DAM BLVD
 SHEET NO.
A3



DETAILED FLOOR PLAN

SCALE = 1/8" = 1'-0"

RESOLUTION NO. P2020-22

A RESOLUTION OF THE ORVILLE PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. UP 20-08 FOR A DRIVE THROUGH RESTAURANT AND A LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR ALCOHOL SALES AT THE FORMER LA ESMERALDA MARKET AT 450 OROVILLE DAM BLVD.

WHEREAS, the City of Oroville staff recommends approving a new drive through at 450 Oro Dam Boulevard on the site of the former Esmeralda Market; and

WHEREAS, per the City of Oroville Municipal Code (OMC), property at the proposed location of a new drive-through coffeehouse has a zoning designation of Corridor Mixed Use (MXC); and

WHEREAS, pursuant to Section (OMC) Table 17.34.020-1, food and beverage sales under 10,000 square feet is a use that is permitted by right, subject to a zoning clearance, in all mixed-use districts. However, all drive-through establishments in an MXC zone require a use permit. As a condition of approval, the applicant will be required to comply with all requirements of the City's Zoning Code as found in the OMC Chapter 17, including, but not limited to, development standards, permit requirements and development review; and

WHEREAS, the restaurant owner also proposes to sell alcohol; 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, 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-47 “On Sale General – Eating Place” alcoholic beverage license for the property identified as 450 Oro Dam Boulevard (APN: 035-030-087), the location of a former La Esmeralda Market; and

WHEREAS, even though this is the transfer of an existing license, the subject business is located in Census Tract 28 with a population such that the Department of Alcoholic Beverage Control may at some point declare that an undue concentration of this type of license exists. If that eventuality occurs, a Letter of Public Convenience or Necessity from the Planning Commission would be necessary prior to issuance; and

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

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 use.

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 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.
3. The conditions of approval below have been deemed necessary to achieve the purpose of the Zoning Code and to promote the general health, safety and public welfare of the City.
4. The Planning Commission approves the findings below, which are required by Sections 17.16.160 and 17.48.010 (E)(4)of the Oroville City Code, as described in this Resolution;
5. That the public convenience or necessity would be served by the issuance of a Type-40 “On Sale Beer” alcoholic beverage license for the property identified as 1835 Oro Dam Boulevard.
6. The request for a Finding of Public Convenience or Necessity Determination is hereby approved

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

REQUIRED FINDINGS (OSC 17.48.010) FOR DRIVE THRU ESTABLISHMENTS

- a) The granting of the permit will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the city as a whole. *The project will be in a location already fully developed with a long history as a similar use, and is surrounded by similar commercial development;*
- b) The proposed use follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity. *The proposed use will provide a desired commercial product, and is located in an area with significant employment and transportation access;*
- 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. *All infrastructure is in and available, especially if applicant meets all proposed conditions, and any future conditions imposed by the City or Caltrans,*
- 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. *All abutting properties are also commercial with drive throughs and will not be adversely affected. The proposed use is compatible with the surrounding neighborhood;*
- e) The subject site is physically suitable for the type and intensity of land use being proposed. *Applicant has submitted a set of drawings demonstrating that the site is physically suitable for the proposed type and intensity of use. The site will provide adequate capacity for the use;*
- 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 former market has been vacant for years, and a new use as a restaurant is desirable for the neighborhood and the entire community;*
- g) The permit complies with all applicable laws and regulations, including the requirements of the general plan, of this title and of the city municipal code. *The use is permitted, subject to a use permit for the drive-thru and alcohol sales, and is compatible with the General Plan, Zoning codes, and the Oroville Municipal Code.*

REQUIRED FINDINGS (OSC 17.16.160) FOR ALCOHOL SALES

- 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. *The use is in the City's main commercial corridor and is isolated from potentially conflicting nearby land uses.*
- 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. *Proper maintenance and operating controls are conditions of approval.*

3. Lighting of exterior areas is adequate, including parking lots, to discourage loitering outside of the building. *Proper lighting and the requirement to monitor and discourage loitering are incorporated as project conditions.*
4. This property and adjacent properties are appropriately protected from noise, odors and undue light and glare, as well as illegal activity. *The properties are protected as much as is possible in a heavy commercial corridor that is also a State Highway.*
5. Onsite security, both inside and outside the building, is adequate to satisfy any concerns raised by the chief of police. *Adequate security is incorporated as a condition of the permit. Noncompliance is a cause for permit revocation.*
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. *Permit conditions limit the number of occupants.*
8. Adverse effects of the use on the value of adjacent properties are avoided. *The use is in the City's main commercial corridor and is surrounded by identical nearby land uses*
9. If the Alcohol Beverage Control determines that approval would result in an undue concentration of similar uses in Census Tract 28, Planning Commission approval includes a determination of public convenience or necessity and a corresponding letter to ABC.

CONDITIONS OF APPROVAL

1. These conditions apply to any business operated by applicant and/or any tenants or successors that occupy the premises or operate on the premises.
2. 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;
3. 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.

4. The applicants and any tenants or subsequent owners shall have a current City of Oroville business license and any other applicable permit/license that may be required as part of their business operations.
5. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the Oroville Municipal Code to minimize any potential negative effects that the building, structure, lighting or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
6. The applicant and any tenants shall ascertain and comply with all requirements of the Butte County Environmental Health Department.
7. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to the start of any construction activities requiring a building permit. All applicable plan review and impact fees shall be paid at time of submittal.
8. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
9. The existing minimum 250-gallon grease interceptor shall be inspected as required by the City, handling discharge of mop sink, dishwasher, and hand and floor sinks. The trap or interceptor shall be cleaned weekly or more frequently as needed. A grease trap or interceptor maintenance log shall be kept in order to record cleanings and maintenance. The date, time, type of service, and the name of the person (and business if performed by an outside contractor) performing the service shall be recorded. The trap or interceptor and maintenance log shall be made available for inspection as requested.
10. Under no circumstance shall vehicle queueing on the project site spillback onto Oro Dam Blvd (SR 162).
11. Any driveway and/or sidewalk improvements in the Caltrans Right of Way on SR 162 are subject to an encroachment permit, design requirements, and or other conditions Caltrans may require.
12. All applicable development impact fees shall be paid prior to issuance of a building permit.
13. Pursuant to Section 17.12.050(L), the property owner shall enter into a written agreement for the installation and maintenance of landscaping. The agreement shall be in a form approved by the City Attorney and Zoning Administrator and suitable for recordation with the Butte County recorder. The agreement shall be binding upon the property owner and any successors in interest.
14. Applicant shall sell alcohol only as permitted by the license and any subsequent catering authorization, and not at the drive through;
15. Applicant shall obtain a Type #47 "On sale general - Eating Place" license from

- the California Department of Alcohol Beverage Control (ABC), and a Catering Authorization if needed;
16. Applicant will take appropriate measures to provide proper maintenance of the building exterior, including provisions to keep the premises free of litter and debris;
 17. Trash enclosure shall meet all City requirements for size, access, fencing, cover, and security;
 18. Applicant and/or property owner shall ensure adequate lighting of exterior areas, including parking lots, to discourage loitering outside of the building;
 19. Applicant will ensure protection of adjacent properties from noise, odors and undue light and glare, as well as illegal activity;
 20. 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. Substantial camera surveillance will suffice;
 21. Applicant shall monitor occupancy, and will institute controls to limit the number of patrons both inside of the building and outside of the building;
 22. 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.
 23. 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 19th of November, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

JACKIE GLOVER, ASSISTANT CITY CLERK

CARL DURLING, CHAIRPERSON

EXHIBIT

A—Letter of Public Convenience or Necessity



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

LEONARDO DEPAOLA
DIRECTOR

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

NOTICE OF EXEMPTION

| | | | | | |
|---|-----------|--|---|-------------|--|
| : | TO | Butte County Clerk | : | FROM | City of Oroville |
| | | 25 County Center Drive Oroville, CA 95965 | | | 1735 Montgomery Street Oroville, CA 95965 |

Project Title: PL2008-007 La Esmeralda "Express" Drive through restaurant

Project Location – Specific: 450 Oro Dam Blvd East

Project Location - City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, Mark Mendez has applied for a use permit (UP 20-08) for the conversion of an existing building into a drive through restaurant on the lot identified as APN 035-030-087. The property has a zoning land use designation of Corridor Mixed-Use (MXC).. The project is categorically exempt as a modification of an existing structure.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying Out Project: Mark Mendez

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: State type & section number:
- General Rule Exemption; Title 14, CCR, §15061(b)(3)
 - Existing Facilities, Title 14, CCR, §15301
 - Replacement or Reconstruction; Title 14, CCR, §15302
 - Accessory Structures; Title 14, CCR, §15311
 - In-Fill Development Projects, Title 14 CCR, §15332
 - Minor Land Divisions, Title 14 CCR, §15315
- 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:

General Rule Exemption; Title 14, CCR, §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.

Existing Facilities, Title 14, CCR, §15301

Class 1 categorical exemptions consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, Among the This includes restoration or rehabilitation of deteriorated or damaged structures, and also includes additions to existing structures of less than 50% of the floor area or 2,500 square feet whichever is less.

Replacement or Reconstruction; Title 14, CCR, §15302

Class 2 categorical exemptions consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

In-Fill Development Projects; Title 14, CCR, §15332

Class 32 categorical exemptions consists of projects characterized as in-fill development meeting specific conditions a-e as described in this section. This project meets all conditions, including being consistent with the General Plan and Zoning Designation, occurs within City limits, has no value as habitat, will not result in any significant effects, and can be adequately served by all required utilities.

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: Wes Ervin

Telephone: (530) 538-2408

Signature: _____

Date: _____

- Signed by Lead Agency
- Signed by Applicant



City of Oroville

Leonardo DePaola
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

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

November 20, 2020

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-47 "ON SALE GENERAL-EATING PLACE" ALCOHOLIC BEVERAGE LICENSE FOR THE PROPERTY IDENTIFIED AS 450 ORO DAM BOULEVARD, OROVILLE, CA 95965 (APN: 035-030-087)

To Whom It May Concern:

This letter shall serve to notify the California Department of Alcoholic Beverage Control that on November 19, 2020, 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-47 "On Sale General – Eating Place") and any subsequent Catering Authorization for the property located at 450 Oro Dam Boulevard, also known as La Esmeralda or Express Drive Through. 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 Wes Ervin, Planner, by phone at (530) 538-2408 or by e-mail at wervin@cityoforoville.org

Sincerely,

Dawn Nevers, Assistant Director
Community Development Department



City of Oroville

Leonardo DePaola
Community Development Director

COMMUNITY DEVELOPMENT DEPARTMENT

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

PLANNING COMMISSION STAFF REPORT

Thursday, December 3, 2020

RE: Minor Use Permit UP 20-09 for a new Gymnasium and 10 Classrooms at the STREAM Charter School at 455 Oro Dam Boulevard East

SUMMARY: The Oroville Planning Commission will review and consider approving Use Permit No. UP20-09 for an expansion of the STREAM Charter School at 455 Oro Dam Blvd, Oroville, California, specifically the addition of a gymnasium and 10 classrooms with associated site improvements.

RECOMMENDATION: Staff recommends the following actions:

1. **Adopt** the Class 32 Categorical Exemption for an Infill Development Project (CCR, Title 14, Sec. 15332 – as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA);
2. **Adopt** the recommended Findings for Use Permit No. UP20-09, and
3. **Approve** Use Permit UP20-09 and recommended Conditions of Approval;
4. **Adopt** Resolution No. P2020-23

APPLICANTS: STREAM Charter School

LOCATION: 455 Oro Dam Blvd, Oroville, California

GENERAL PLAN: CLM (Commercial Light Manufacturing)
ZONING: RBS (Retail Business Services)
FLOOD ZONE: Zone X

ENVIRONMENTAL DETERMINATION: Categorically Exempt per Section 15332 of Title 14, California Code of Regulations, Infill Development Projects.

REPORT PREPARED BY:

Wes Ervin, Senior Planner
Community Development Department

REVIEWED BY:

Dawn Nevers, Assistant Director
Community Development Department

DISCUSSION

This vacant property is behind the existing STREAM Charter School, which leases

several units in the “Feather River Shopping Center”. The school is seeking a significant grant to acquire the leased property and intends to purchase their existing space plus the subject property for their expansion of 90 new students. The expansion requires a Use Permit in the CLM Zone. Approval of the Use Permit also constitutes Development Review.

Staff note that except for the fact the land is uniquely zoned CLM and not C-2 or MXC, this project would be approved by right and not need to go before the Planning Commission. The application meets all access, parking, drainage, and site development requirements.

The Development Review Committee reviewed the project on November 12, 2020, and recommends approval.

Since Development review, the applicant has proposed an alternative parking lot configuration that eliminates the 7th Street driveway and instead creates a hammerhead at the south end of the parking lot to allow vehicles to turn around. School drop-off in the morning would be the same as now, with two access points on Oro Dam Blvd and one on 7th Avenue.

Required Findings for a Use Permit

The attached resolution includes the required findings for a use permit.

FISCAL IMPACT

None. The project is subject to all customary fees.

PUBLIC NOTICE

As is required for a Use permit, the meeting date, time, and project description were published in the Oroville Mercury Register and posted at City Hall.

ATTACHMENTS

1. Application materials
2. Resolution P2020-23
3. Notice of Exemption (CEQA)



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

LEONARDO DEPAOLA
DIRECTOR

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

NOTICE OF EXEMPTION

| | | | | | |
|---|-----------|---|---|-------------|--|
| : | TO | Butte County Clerk | : | FROM | City of Oroville |
| | | 155 Nelson Avenue Oroville, CA 95965 | | | 1735 Montgomery Street Oroville, CA 95965 |

Project Title: PL2011-002 STREAM Charter School Expansion

Project Location – Specific: 455 Oro Dam Blvd East

Project Location - City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, STREAM Charter School, has applied for a use permit (UP 20-09) for the development of a gymnasium, 10 classrooms, and associated site improvements on the lot identified as APN 035-030-105. The property has a zoning land use designation of Commercial Light Manufacturing (CLM). The project is categorically exempt as an infill development.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying Out Project: Don Phillips

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)
 Declared Emergency (Sec. 21080(b)(3); 15269(a))
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
 Categorical Exemption: State type & section number:
 • In-Fill Development Projects, Title 14 CCR, §15332
 Statutory Exemption: State code number:

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

General Rule Exemption; Title 14, CCR, §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 use permit request will have a significant effect on the environment. Thus, this action is exempt from CEQA.

In-Fill Development Projects; Title 14, CCR, §15332

Class 32 categorical exemptions consists of projects characterized as in-fill development meeting specific conditions a-e as described in this section. This project meets all conditions, including being consistent with the General Plan and Zoning Designation, occurs within City limits, has no value as habitat, will not result in any significant effects, and can be adequately served by all required utilities.

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: Wes Ervin

Telephone: (530) 538-2408

Signature: _____

Date: _____

- Signed by Lead Agency
- Signed by Applicant

RESOLUTION NO. P2020-23

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT #20-XX FOR THE ADDITION OF A GYMNASIUM AND 10 CLASSROOMS WITH ASSOCIATED SITE IMPROVEMENTS AT 455 ORO DAM BLVD FOR THE STREAM CHARTER SCHOOL EXPANSION.

WHEREAS, the City of Oroville staff recommends approving a gymnasium and 10 classrooms, with associated site improvements, to facilitate an expansion of the STREAM Charter School; and

WHEREAS, per the City of Oroville Municipal Code (OMC), property at the proposed location of the school expansion has a zoning designation of Commercial Light Manufacturing (CLM); and

WHEREAS, pursuant to Section (OMC) Table 17.32.010-1, a school requires a Use Permit in the CLM Zone, which requires Planning Commission approval. As a condition of approval, the applicant will be required to comply with all requirements of the City's Zoning Code as found in the OMC Chapter 17, including, but not limited to, development standards, permit requirements and development review; 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 and project described herein, and also considered the City's staff report regarding the use.

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 15332 "Infill Development Projects"
2. The Planning Commission approves the findings required by Section 17.48.010.E.4 and 17.16.160 of the Oroville City Code, as described in this Resolution;
3. The following conditions of approval have been deemed necessary to achieve the purpose of the Zoning Code and to promote the general health, safety and public welfare of the City.

Required Findings for a Use Permit (OMC 17.48.010.E.4)

- a) The granting of the permit will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the city as a whole. *The project is surrounded by commercial uses and will be immediately adjacent to the STREAM Charter's existing school facilities;*
- b) The proposed use follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity. *The proposed use will provide a larger facility for a public education facility that matches the City's desired development pattern;*
- 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. *All infrastructure is in and available;*
- 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. *Surrounding properties are commercial facilities and will not be adversely affected. The proposed use is compatible with the surrounding neighborhood and is immediately adjacent to the existing STREAM Charter School facility;*
- e) The subject site is physically suitable for the type and intensity of land use being proposed. *Applicant has submitted a set of drawings demonstrating that the site is physically suitable for the proposed type and intensity of use. The site will provide adequate capacity for the use;*
- 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. *STREAM Charter is a technology-based school that offers a quality education option to the community, and this expansion will allow them to provide a greater level of service;*
- g) The permit complies with all applicable laws and regulations, including the requirements of the general plan, of this title and of the city municipal code. *The use is permitted, subject to a use permit, and is compatible with the General Plan, Zoning codes, and the Oroville Municipal Code.*

CONDITIONS OF APPROVAL

Approved project: The project applicant, STREAM Charter School, has applied for a use permit (UP 20-09) for construction of a new gymnasium, classrooms, and associated site improvements at 455 Oro Dam Blvd (APN 035-030-105). The property is behind the Feather River Village Shopping Center, adjacent to the existing STREAM Charter School classrooms. The property has a zoning land use designation of Commercial Light Manufacturing (CLM). The proposed school facilities require a Use Permit in a CLM district. The intended hours of operation are Monday through Friday, 7 a.m. to 5 p.m., with occasional after school and weekend activities that could go as late as 10 or 11 p.m.

The Planning Commission hereby approves UP 20-09, subject to the following:

General Conditions

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this 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 applicants shall have a current City of Oroville business license and any other applicable permit/license that may be required as part of their business operations.
4. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the Oroville Municipal Code to minimize any potential negative effects that the building, structure, lighting or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
5. The applicant shall ascertain and comply with all requirements of the Butte County Environmental Health Department.
6. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to the start of any construction activities requiring a building permit. All applicable plan review and development impact fees shall be paid at time of submittal.
7. 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.

8. All grading, paving, excavation and site clearance, including that which is exempt from obtaining a permit, shall be performed in conformance with the City's Engineering Design Standards; the Municipal Code; the requirements of the State Regional Water Quality Control Board; and any other applicable local, state and federal requirements.
9. The project shall comply with the City's noise ordinance as found in the OMC Chapter 9.20.
10. All construction projects are required to implement dust control measures to reduce particulate matter emissions due to disturbance of exposed top-soils, such as watering of active areas where disturbance occurs, covering haul loads, maintaining clean access roads, and cleaning the wheels of construction vehicles accessing disturbed areas of the site.
11. All grading and paving shall be conducted in compliance with the Butte County Air Quality Management District's Indirect Source Guidelines, in order to prevent degradation of ambient air quality.
12. Pursuant to Section 17.12.050(L), the property owner shall enter into a written agreement for the installation and maintenance of landscaping. The agreement shall be in a form approved by the City Attorney and Zoning Administrator and suitable for recordation with the Butte County recorder. The agreement shall be binding upon the property owner and any successors in interest.
13. Pursuant to Section 17.08.135, the project shall install public art on the project site in a public place as approved by the City Council. The cost of the public art must be equal to at least one percent (1%) of the estimated construction costs. The developer has the option to opt out of this requirement and instead pay the equivalent in lieu fee which shall be a one percent (1%) fee of the estimated construction costs.
14. 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. A law, including any requirement in the Municipal Code Chapter 26, has been violated in connection with the permit.
 - d. The permit was obtained by fraud.
15. 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.

Project-specific conditions

- 16. This project is subject to “State Water Resources Control Board Water Quality Order No. 2013-001-DWQ NPDES General Permit No. CAS000004 Waste Discharge Requirements (WDRs) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems” (aka MS4 General Permit). Specifically, Section E.12. Post Construction Storm Water Management;
- 17. All storm water must be retained on site or conveyed to an appropriate conveyance;
- 18. A sewer capacity study and executed sewer capacity agreement must be completed prior to construction;
- 19. Street improvements on 7th Ave are not required along the parcel not owned by the school. However, the applicant must construct a driveway curb cut with necessary improvements, and enter into a Landscape Maintenance Agreement;
- 20. Any driveway and/or sidewalk improvements in the Caltrans Right of Way on Oro Dam Blvd/SR 162 are subject to an encroachment permit, design requirements, and or other conditions Caltrans may require.
- 21. Landscaping and water management plans and installations must be approved prior to occupancy, including the 50% parking lot shade tree requirement;
- 22. Knox Box access shall be provided to the Fire Department as appropriate.
- 23. Applicant will take appropriate measures to provide proper maintenance of the building exterior, including provisions to keep the premises free of litter and debris;
- 24. Applicant and/or property owner shall ensure adequate lighting of exterior areas, including parking lots, to discourage loitering outside of the building;
- 25. Applicant will ensure protection of adjacent properties from noise, odors and undue light and glare, as well as illegal activity;
- 26. 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. Substantial camera surveillance and employee training will suffice;

--- 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 19th of November 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

JACKIE GLOVER,
ASSISTANT CITY CLERK

CARL DURLING,
CHAIRPERSON