



OROVILLE PLANNING COMMISSION

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

May 23, 2024
SPECIAL MEETING
OPEN SESSION 6:00 PM
AGENDA

CITY OF OROVILLE PLANNING COMMISSION

CHAIR: Vacant
VICE-CHAIR: Wyatt Jenkins
MEMBERS: Glenn Arace, Marissa Hallen, Natalie Sheard, Warren Jensen, Terry Smith

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 and on YouTube*

CALL TO ORDER / ROLL CALL

Commissioners: Glenn Arace, Marissa Hallen, Natalie Sheard, Warren Jensen, Terry Smith, Vice Chairperson Wyatt Jenkins

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 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. The Commission 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 Commission or staff to statements or questions relating to a non-agenda item

PUBLIC HEARING

The Public Hearing Procedure is as follows:

- Chairperson opens the public hearing.
- Staff and Property Owner introduce item.
- Hearing is opened for public comment limited to three (3) minutes. 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.
- Speakers are requested to provide a speaker card to the City Clerk
- Public comment session is closed
- Commissioners, discuss, debate and action.

1. RE: Use Permit UP24-06

Use Permit UP24-06 is an amendment to an existing use permit (UP98-13) for the expansion of an existing structure for the Oroville Animal Health Center, located at 2420 Myers Street (APN 013-160-010).

The Oroville Animal Health Center has requested a 1,225-sf expansion to their existing 3,159 sf facility. Use Permit UP98-13 permitted a veterinary clinic at 2420 Myers Street in September 1998. A condition of approval stated that a significant expansion to the structure would require approval from the Planning Commission. Use Permit UP24-06 is to request this expansion.

RECOMMENDATION:

- CONDUCT A PUBLIC HEARING ON THE PROPOSED LAND USE.
- ADOPT THE NOTICE OF EXEMPTION AS THE APPROPRIATE LEVEL OF ENVIRONMENTAL REVIEW FOR THE PROJECT.
- APPROVE USE PERMIT UP24-06 WITH THE RECOMMENDED FINDINGS AND PROPOSED CONDITIONS.
- ADOPT RESOLUTION NO. P2024-08

2. RE: General Plan Circulation Element revision and adoption of an Interim Transportation Threshold

The Planning Commission will consider recommending a General Plan amendment that meets the requirements of Senate Bill 743, which requires Vehicle Miles Traveled (VMT) to be the new analytical emphasis for improving air quality.

Senate Bill 743 changed the metrics that local agencies utilize to determine transportation environmental impacts. Previously, level of service (LOS) was the threshold used for development projects, whereas vehicle miles traveled (VMT) is the current threshold.

RECOMMENDATION:

- CONDUCT A PUBLIC HEARING ON THE PROPOSED AMENDMENT.
- DIRECT STAFF TO PRESENT THE PLANNING COMMISSION RECOMMENDATION THAT THE CITY COUNCIL ADOPT THE ATTACHED RESOLUTION: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE AMENDING THE CIRCULATION ELEMENT OF THE GENERAL PLAN.

- DIRECT STAFF TO PRESENT THE PLANNING COMMISSION RECOMMENDATION THAT THE CITY COUNCIL ADOPT THE ATTACHED RESOLUTION: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE ADOPTING AN INTERIM TRANSPORTATION THRESHOLD FOR THE PURPOSES OF IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR VEHICLE MILES TRAVELED (VMT).

REGULAR BUSINESS

3. RE: Discussion of Revisions to Chapter 17.20 “Sign Regulations” of the Oroville Municipal Code

The Planning Commission will discuss and provide direction pertaining to potential revisions to the Oroville Municipal Code (OMC) Chapter 17.20 relating to the City’s current regulations for freestanding signs.

RECOMMENDATION:

- RECEIVE STAFF’S PRESENTATION
- CONDUCT A DISCUSSION ON PROPOSED CHANGES TO CHAPTER 17.20 AND PROVIDE DIRECTION TO STAFF

ADJOURNMENT

The Planning Commission will adjourn until their next regularly scheduled meeting on June 27, 2024 at 6PM.

***** 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.



City of Oroville

Patrick Piatt
Director

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2401 FAX (530) 538-2426
www.cityoforoville.org

PLANNING COMMISSION STAFF REPORT

Thursday, May 23, 2024

RE: Use Permit UP24-06 is an amendment to an existing use permit (UP98-13) for the expansion of an existing structure for the Oroville Animal Health Center, located at 2420 Myers Street (APN 013-160-010).

SUMMARY: The Oroville Animal Health Center has requested a 1,225-sf expansion to their existing 3,159 sf facility. Use Permit UP98-13 permitted a veterinary clinic at 2420 Myers Street in September 1998. A condition of approval stated that a significant expansion to the structure would require approval from the Planning Commission. Use Permit UP24-06 is to request this expansion.

RECOMMENDATION: Staff recommends the following actions:

1. Conduct a Public Hearing on the proposed land use.
2. Adopt the Notice of Exemption as the appropriate level of environmental review for the project.
3. Approve Use Permit UP24-06 with the recommended findings and proposed conditions.
4. Adopt Resolution No. P2024-08

APPLICANTS: Dr. Harpreet Sekhon

LOCATION:
2420 Myers Street
Oroville, CA 95966

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

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA as an Existing Facility per Section 15301 of the California Code of Regulations.

REPORT PREPARED BY:

Kristina Heredia, Planner
Community Development Department

REVIEWED BY:

Patrick Piatt, Director
Community Development Director

SUMMARY FACT SHEET FOR Oroville Animal Health Center
2420 Myers Street (APN 013-160-010)

Requested Action:	Use Permit
Related Applications:	None
Basis for Review:	City Code §17.44.060
Existing Use:	Veterinary Clinic
Applicant:	Dr. Harpreet Sekhon
Owner:	Dr. Harpreet Sekhon.
Location:	APN 013-160-010
Parcel Size:	0.36 acres, ±15,681 SF
Floor Area Ratio:	1.0 FAR maximum, OK
Present General Plan/ Zoning Designation:	Mixed Use MXC – Corridor Mixed Use
Surrounding Land Uses:	North: Oroville Organic Gardens (retail) East: Raleys/Marshalls shopping plaza (retail) South: Auto Zone (retail) West: Bank of America (retail)

PROJECT DESCRIPTION:

The Oroville Animal Health Center is located at 2420 Myers Street. In 1998 the property was approved for a use permit to establish a veterinary clinic (UP98-13). Condition No. 1 of the use permit states that “any significant expansion in the facility and/or operation of the facility shall be subject to the review and approval of the Planning Commission.” As this is for an approximately forty percent (40%) expansion, it passes the threshold of twenty-five percent (25%), which is typically considered “significant,” and therefore requires a public hearing before the Planning Commission.

The remodel includes the demolition of a portion of the structure on the northwest side, as well as a shed adjacent to the NW property line. This is the area on the property where the expansion will be constructed. The applicant is also proposing site improvements including re-striping the off-street parking, moving the ADA parking areas, and adding landscaping to the parking lot. The building’s façade is also being altered, with the existing brick cladding removed and redone to incorporate the new addition into the front façade.

DISCUSSION:

The applicant attended a Development Review Committee meeting on May 9, 2024, and was made aware of the following performance standards. The applicant has agreed to meet these standards and has been working with City staff to revise their plans where necessary. The

applicant understands that any standards not identified on their plans shall be added as conditions of approval.

Planning staff is recommending approval of this use permit, subject to all conditions of approval, including the original conditions from UP98-13 being reiterated in the new use permit.

Landscaping: OMC 17.12.050.B.2 states that landscaping regulations are required to be met if an expansion of more than 20% occurs to an existing building. As this is an approximately 40% expansion, the applicant is required to install landscaping onsite. Condition of Approval No. 3 formally requires this of the applicant.

Site Access and Parking: The applicant is currently working with the Public Works Department to ensure that improvements to the parking area and driveway are compliant with City standards and ADA regulations. With the expansion, the clinic is required to provide a minimum of 15 off-street parking spaces. There are currently 16 off-street parking spaces available.

Signs: Signage has not been submitted as part of this application. The applicant will need to submit separate sign application(s) if applicable.

HVAC and Mechanical Equipment: All HVAC and other mechanical, electrical, and communications facilities must be screened from public view through architectural integration, fencing, landscaping, or combination thereof.

1% Art in Public Places: This project is subject to the Art in Public Places/Oroville Beautification requirement. The applicant shall install public art on the project site in a public place or pay the in-lieu fee equivalent to one percent (1%) of the estimated construction costs.

Environmental Determination: The Class 01 "Existing Facilities" Categorical Exemption (15301.e) exempts the expansion of an existing facility if the expansion will not result in an increase of more than 50% of the floor area of the structure. Staff feels that this project, as conditioned, meets the requirements of this categorical exemption.

Required Findings for a Use Permit: Pursuant to OMC Section 17.48.010.4, the Planning Commission may grant a use permit only upon making all of the following findings, based on substantial evidence:

- a. **The granting of the permit will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the city as a whole.**
 1. The need for a use permit is based on the expansion of an existing use that was approved in 1998 via Use Permit UP98-13. There is no record of the Code Enforcement Division issuing citations to this property, and the applicant is furthering public health and safety by bringing his parking lot into compliance with ADA regulations.
- 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.**
 1. The parcel has frontage on Myers Street and is properly zoned for the area.
 2. The veterinary clinic has existed in this location since 1998.

- 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.**
 - 1. The applicant will work with the Public Works Department to ensure that adequate access and services are provided.

- 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.**
 - 1. The veterinary clinic is an existing use, and there are no records of conflict with the surrounding neighborhood and abutting properties.
 - 2. The new addition will not cause a change in use, nor allow conditions that are currently not permitted, such as outside kennels, or large/exotic animals.

- e. The subject site is physically suitable for the type and intensity of land use being proposed.**
 - 1. The total proposed square footage of the structure will be 4,384 square feet on a lot approximately 15,681 square feet in size, which is well below the permitted FAR maximum of 1.0.
 - 2. The new addition will be fully contained within the site.

- 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.**
 - 1. The use currently provides veterinary services to the community, this expansion will assist the clinic in continuing to provide services.

- 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.**
 - 1. As conditioned, this project will comply will all applicable laws and regulations, and is consistent with the General Plan.

FISCAL IMPACT

None. All applicable fees were paid prior to completing review.

PUBLIC NOTICE

The Planning Commission hearing for this project was publicly noticed in the local newspaper on May 13, 2024, and mailed to all property owners within 300 feet on May 8, 2024. As of publication, staff has received zero responses from the public notices.

Attachments:

1. Use Permit Application
2. Notice of Approval UP98-13
3. Site and architectural plans
4. CEQA Notice of Exemption
5. Resolution No. P2024-08
6. Draft Certificate of Approval

Attachment 1



City of Oroville

Planning Division - Community Development Department

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

TRAKIT#:

Item 1.

PLANNING DIVISION GENERAL APPLICATION

(Please print clearly and fill in all that apply)

APPLICANT'S INFORMATION		Project's:	Engineer
Name:	DR. HARPREET SEKHON	Name:	HARSEV SINGH
Address:	2420 MYERS ST, OROVILLE, CA 95966	Company:	CONTINENTAL DEVELOPMENT CONSULTANTS, INC.
Phone:	(510) 318-2903	Address:	250 W. MAIN STREET SUITE 201
Email:	hsekhon007@gmail.com	Phone:	(530) 341-2558
Is the applicant the Owner?	<input checked="" type="checkbox"/>	If applicant is Not the owner, please provide owner /agent authorization on the reverse side.	
		Email:	singh.harsev@continentaldc.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 checked="" type="checkbox"/>	Development Review	<input type="checkbox"/>	Pre-Application	<input 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)				

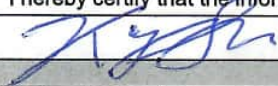
*Please provide a letter addressed to the Planning Division with a detailed description for the proposed project. Please include any site plans, maps, aerials, photos, and other relevant information that will help us in processing your application.
 ** Any time a set of plans is required, three (3) sets of drawings shall be submitted, unless otherwise directed.

PROJECT INFORMATION

Project Name: PET HOSPITAL - EXPANSION	Proposed Structure(s) (Sq Ft.): 4,384 SQ.FT.
Address: 2420 MYERS ST., OROVILLE, CA 95966	Existing Structure(s) (Sq Ft.): 3,159 SQ.FT.
Nearest Cross Street:	Water Provider:
Assessor Parcel Number: 013-160-010-000	School District:
Lot Size (Acres): 0.36 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: 	Date: 2/28/24
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OFFICE USE ONLY

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



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

TRAKIT#:

USE PERMIT APPLICATION

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

REQUIRED FOR A COMPLETE APPLICATION		PERMIT TYPE	
<input checked="" type="checkbox"/>	Completed and signed Application Forms	<input type="checkbox"/>	New Use Permit: \$3,500 (Deposit) + \$210(6% Tech Fee) = \$3,710
<input checked="" type="checkbox"/>	Application Fee Paid	<input checked="" type="checkbox"/>	Amendment to Existing Use Permit: \$2,100 + \$126 (6% Tech Fee) = \$2,226

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:

<input checked="" type="checkbox"/>	1. Site and floor plans , including the location, square footage and use of all structures.
<input checked="" type="checkbox"/>	2. Architectural drawings showing proposed building elevations.
N/A	<input type="checkbox"/> 3. Landscape plans showing the types, sizes and location of vegetation to be planted and the irrigation system to be installed
<input checked="" type="checkbox"/>	4. Plans for the configuration & layout of all off-street parking spaces, including entrances, exits and internal circulation routes.
N/A	<input type="checkbox"/> 5. Plans for all lighting to be installed on the site, including the location, type, height and brightness of each lighting fixture.
N/A	<input type="checkbox"/> 6. Drawings of all signs that are proposed in association with the project.
N/A	<input type="checkbox"/> 7. Plans showing the location, sq footage and capacity of any existing or proposed surface storm-water detention facilities.
<input checked="" type="checkbox"/>	8. Plans showing the location and square footage of any existing or proposed outdoor storage areas.
N/A	<input type="checkbox"/> 9. Descriptions of any off-site infrastructure improvements to be provided in conjunction with the project.
N/A	<input type="checkbox"/> 10. Hours of operation for all proposed land uses. Same as existing business hours.No change
N/A	<input type="checkbox"/> 11. Number of employees and fleet vehicles for all proposed land uses No change from existing use
<input checked="" type="checkbox"/>	12. A letter authorizing the use permit application from the owner of the property.

CLASSIFICATION

<input type="checkbox"/>	Alcohol & Beverage Sales	<input type="checkbox"/>	Nonconforming Uses & Structures	<input type="checkbox"/>	Uses in Industrial Districts
<input type="checkbox"/>	Agricultural Uses	<input type="checkbox"/>	Outdoor Storage	<input type="checkbox"/>	Uses Mini-Storage Overlay(MS-O)
<input checked="" type="checkbox"/>	Animal Keeping (Commercial)	<input type="checkbox"/>	Parking Requirement Exceptions	<input type="checkbox"/>	Uses in Residential Districts
<input type="checkbox"/>	Barbed/Razor Wire Fence	<input type="checkbox"/>	Temporary Use	<input type="checkbox"/>	Uses in Special Purpose Districts
<input type="checkbox"/>	Density Bonus & Other Incentives	<input type="checkbox"/>	Uses in a Conditional Overlay (C-O)	<input type="checkbox"/>	Uses not Specified but Allowed
<input type="checkbox"/>	Exceptions to Height Limits	<input type="checkbox"/>	Uses in Commercial & Mixed-Use Districts	<input type="checkbox"/>	Wireless Communication Facilities
<input type="checkbox"/>	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:	05/02/2024
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OFFICE USE ONLY

Approved By:		Date:	
Payment:		Number:	

PROJECT DESCRIPTION	
Present or Previous Use:	Pet Hospital
Proposed Use:	Same as before
Detailed Description: Addition of rooms (approx. 1,225 sq.ft.) To north-west side of existing pet hospital building (approx. 3,159 sq. Ft). Site improvements to include redesign of accessible parking & re striping of parking spaces.	

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

May 2, 2024

City of Oroville
Planning Division: Community Development Department
1735 Montgomery St
Oroville, CA 95965

PROJECT : Pet Hospital – Expansion
PROJECT ADDRESS : 2420 Myers St, Oroville, CA 95966

To whom it may concern,

As the owner of this property, this letter is to authorize the use permit application.

Please contact for any further assistance and clarifications.

Sincerely,



Dr. Harry S. Sekhon

Attachment 2



DISCOVER GOLD . . . DISCOVER OROVILLE

1735 MONTGOMERY STREET • OROVILLE, CALIFORNIA 95965-4897

PLANNING DEPARTMENT
(916) 538-2430

September 15, 1998

Rick C. Mewborne
313 Skyline Blvd.
Oroville, CA 95966

NOTICE TO APPLICANT - FILE NO. UP98-13

The Oroville Planning Commission, at its meeting of September 14, 1998 reviewed and approved the use permit to establish a veterinary clinic in an existing building at 2420 Myers Street. Approval was conditioned as follows:

1. Any significant expansion in the facility and/or operation of the facility shall be subject to the review and approval of the Planning Commission
2. No outside kennels shall be allowed.
3. No boarding of animals shall be allowed other than the boarding of animals under the care and treatment of a veterinarian.
4. No large or exotic animals shall be treated onsite.
5. Any animal and/or medical wastes generated at the facility will be disposed of in a manner prescribed by law.
6. Operation of the veterinary clinic shall be in a manner prescribed, and in conformance with the regulations, in the California Business and Professions Code Section 4800 et seq.
7. The applicant shall comply with all other local, state, and federal regulations.

Persons dissatisfied with this decision may appeal to the City Council, along with a \$350.00 appeal fee, within fifteen calendar days of the Commission decision. The appeal should be filed with the City Clerk. You may not commence a court case challenging this decision unless you take this opportunity for administrative appeal and raise any issue you believe wrongly decided.

Persons wishing to initiate a court case challenging this decision must do so within 90 days of the final decision, after all administrative appeals are exhausted, pursuant to Civil Code Procedure Section 1094.6

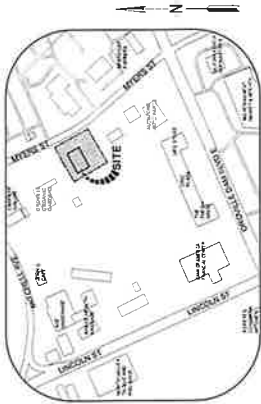
If you have any questions regarding this Notice to Applicant, please call the Planning Department at (530) 538-2433.

cc: Building/Fire Department

Attachment 3

DEVELOPMENT REVIEW FOR PET HOSPITAL - EXPANSION

2420 MYERS ST.
OROVILLE, CA 95966
0.36 ACRES (GROSS)
APN # 013-160-010-000



VICINITY MAP
SCALE: N.T.S.

PROJECT CONTACTS

OWNER/DEVELOPER/CONTACT:
OROVILLE ANIMAL HEALTH CENTER
2420 MYERS ST.
OROVILLE, CA 95966

CONTACT:
DR. MARSHALL BROWN
PHONE: (530) 810-2800
Email: marshall@ahc.org

CONSULTANT (DESIGN DEVELOPMENT):

CONTINENTAL DEVELOPMENT CONSULTANTS INC
WOODLAND, CA 95676

CONTACT:
SHARON TONY PANCH, PRINCIPAL MANAGER
PHONE: (530) 938-1100
Email: sharon@continentalcd.com

PROJECT DATA

I. PROJECT INFORMATION
I. PROJECT NAME: PET HOSPITAL EXPANSION
II. PROJECT LOCATION: 2420 MYERS ST., OROVILLE, CA 95966
III. JURISDICTION: CITY OF OROVILLE
IV. ASSESSOR'S PARCEL NUMBER: 013-160-010-000
V. SITE AREA: 0.36 ACRES (15,840 SQ. FT.)

PLANNING INFORMATION

I. GENERAL PLAN DESIGNATION: A-1 (AGRICULTURE)
II. ZONING EX. & PROPOSED: A-1 (AGRICULTURE)
III. LAND USE (E.S. & PROPOSED): A-1 (AGRICULTURE) / A-1 (AGRICULTURE)
IV. BUILDING SETBACKS (TABLE 17.2.4.04.1)
FRONT: 35 FT. FROM MYERS ST.
REAR: 25 FT.

ALTRACK	REQUIRED	PROVIDED	REMARKS
FRONT	35 FT.	35 FT.	FROM MYERS ST.
REAR	25 FT.	25 FT.	

V. HEIGHTS (TABLE 17.2.4.04.1)
ALLOWED: 30 FT.
PROPOSED: 30 FT.

VI. P.A.R. (TABLE 17.2.4.04.1)
PROPOSED: 1.0
VII. AREA ANALYSIS
PROPOSED: 0.37 (A 344.14 SQ. FT.)

DESCRIPTION	EXISTING (SQ. FT.)	PROPOSED (SQ. FT.)	REMARKS
BUILDING FOOTPRINT	3,270 SQ. FT. (21.9%)	4,334 SQ. FT. (28.0%)	REMOVAL OF 211 SQ. FT. & ADDITION OF 1,220 SQ. FT. TO BE REMOVED
PAVING	507 SQ. FT. (3.2%)	710 SQ. FT. (4.5%)	REMOVAL OF 211 SQ. FT. & ADDITION OF 1,220 SQ. FT. TO BE REMOVED
ASPHALT PAVED	9,821 SQ. FT. (62.9%)	8,488 SQ. FT. (53.9%)	REMOVAL OF 1,317 SQ. FT. & ADDITION OF 897 SQ. FT.
CONCRETE PAVING	598 SQ. FT. (3.8%)	218 SQ. FT. (1.4%)	REMOVAL OF 603 SQ. FT.
LANDSCAPING	1,041 SQ. FT. (6.6%)	1,041 SQ. FT. (6.6%)	
GRAVEL	1,041 SQ. FT. (6.6%)	1,041 SQ. FT. (6.6%)	
UNDEVELOPED AREA	413 SQ. FT. (2.6%)	136 SQ. FT. (0.9%)	REMOVAL OF 603 SQ. FT.
TOTAL	15,840 SQ. FT. (100%)	15,840 SQ. FT. (100%)	

BUILDING INFORMATION

I. BUILDING CODES: 2022 CALIFORNIA BUILDING CODE (CBC), 2022 CALIFORNIA PLUMBING CODE (CPC), 2022 CALIFORNIA ENERGY CODE (CEC), 2022 CALIFORNIA MECHANICAL CODE (CMC), 2022 CALIFORNIA FIRE CODE (CFC), 2022 CALIFORNIA ELECTRICAL CODE (CEC), CITY OF OROVILLE, MUNICIPAL CODE
II. OCCUPANCY GROUP: B (RESTROOM)
III. USE: PET HOSPITAL
IV. CONSTRUCTION TYPE: II (SEC. 602.9)
V. FIRE PARTIALS: JO
VI. NUMBER OF STORES: ONE
VII. AREA ANALYSIS
EXISTING: 3,270 SQ. FT. (TOTAL EXISTING BUILDING AREA), 211 SQ. FT. (BUILDING AREA TO BE REMOVED), 1,220 SQ. FT. (BUILDING AREA TO BE ADDED)
TOTAL: 4,334 SQ. FT.
VIII. FINISHING AREA: 4,334 SQ. FT. (TOTAL FINISH AREA), 211 SQ. FT. (FINISH AREA TO BE REMOVED), 1,220 SQ. FT. (FINISH AREA TO BE ADDED)

PROJECT DESCRIPTION

- ADDITION OF ROOMS (APPROX. 1,225 SQ. FT.) TO NORTH-WEST SIDE OF EXISTING PET HOSPITAL BUILDING (APPROX. 3,159 SQ. FT.).
- SITE IMPROVEMENTS TO INCLUDE REDESIGN OF ACCESSIBLE PARKING & RE STRIPING OF PARKING SPACES.
- EXTERIORS TO BE MODIFIED.
- (B) STRUCTURAL, MECHANICAL, PLUMBING & ELECTRICAL DESIGN TO BE MODIFIED PER PLAN.

DEFERRED SUBMITTAL

SHEET INDEX

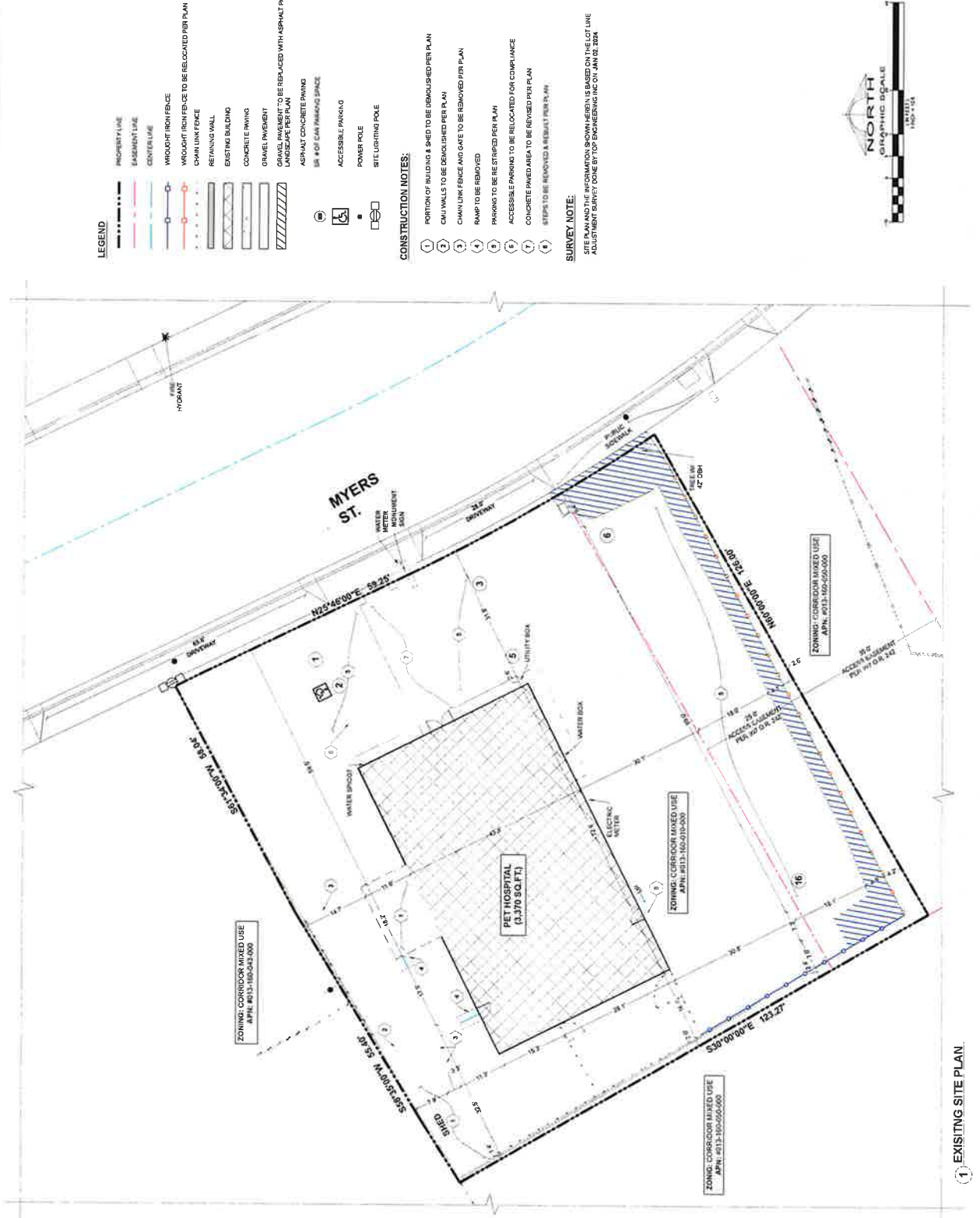
- DR-1.0 COVER SHEET
- DR-2.0 EXISTING SITE PLAN
- DR-3.0 PROPOSED SITE PLAN
- DR-3.0 EXISTING FLOOR PLAN
- DR-3.0 PROPOSED FLOOR PLAN
- DR-3.0 EXISTING EXTERIOR ELEVATIONS
- DR-3.0 PROPOSED EXTERIOR ELEVATIONS

COVER SHEET
PET HOSPITAL EXPANSION
2420 MYERS ST.
OROVILLE, CA 95966

DATE: 02/27/2024
DRAWN BY: KX
CHK BY: KX
CHK BY: EN

DR-1.0

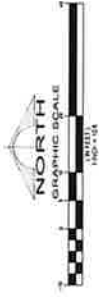
NO.	REVISION/ISSUE	DATE



- LEGEND**
- PROPERTY LINE
 - EASEMENT LINE
 - CENTERLINE
 - WROUGHT IRON FENCE
 - WROUGHT IRON FENCE TO BE RELOCATED PER PLAN
 - CHAIN LINK FENCE
 - CHAIN LINK FENCE TO BE RELOCATED PER PLAN
 - RETAINING WALL
 - EXISTING BUILDING
 - CONCRETE PAVING
 - GRAVEL PAVEMENT
 - GRAVEL PAVEMENT TO BE REPLACED WITH ASPHALT PAVING A LANDSCAPE PER PLAN
 - ASPHALT CONCRETE PAVING
 - ASPHALT CONCRETE PAVING TO BE RELOCATED PER PLAN
 - ACCESSIBLE PARKING
 - POWER POLE
 - SITE LIGHTING POLE

- CONSTRUCTION NOTES:**
- 1 PORTION OF BUILDING & SHED TO BE DEMOLISHED PER PLAN
 - 2 CHAIN LINK FENCE TO BE DEMOLISHED PER PLAN
 - 3 CHAIN LINK FENCE AND GATE TO BE REMOVED PER PLAN
 - 4 RAMP TO BE RELOCATED
 - 5 PAVING TO BE RESTRIPTED PER PLAN
 - 6 ACCESSIBLE PARKING TO BE RELOCATED FOR COMPLIANCE
 - 7 CONCRETE PAVED AREA TO BE RELOCATED PER PLAN
 - 8 STEPS TO BE REMOVED & REHABIT PER PLAN

SURVEY NOTE:
 SITE PLAN AND THE INFORMATION SHOWN HEREON IS BASED ON THE LOT LINE ADJUSTMENT SURVEY DONE BY TOP ENGINEERING INC ON JAN 02, 2024



1 EXISTING SITE PLAN

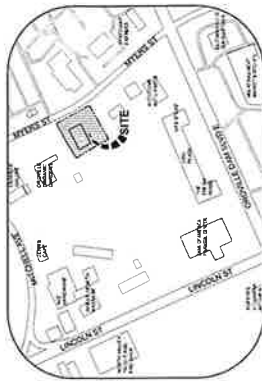
DR-2.1

DATE: 02/20/2024
 DRAWN BY: J.M.
 CHECK BY: J.M.

PROJECT: PET HOSPITAL EXPANSION
 2420 MYERS ST.
 OROVILLE, CA 95966

Continental Development Consultants, Inc.
 Las Vegas, NV
 Phone: (702) 347-6127 | (530) 405-3780 • Fax: (702) 664-6237
 Email: Contact @ continentaldev.com
 Civil Engineering - Land Planning and Zoning Entitlements •
 Building Design and Improvements • Construction Consulting

NO.	REVISIONS	DATE
1	REVISION ISSUED	



VICINITY MAP
 SCALE: N.T.S.

- LEGEND**
- PROPERTY LINE
 - EASEMENT LINE
 - COVER LINE
 - CHAIN LINK FENCE
 - CHAIN LINK FENCE
 - RELOCATED (B) WROUGHT IRON FENCE
 - (B) WROUGHT IRON FENCE
 - EXISTING BUILDING
 - NEW ADDITION
 - NO PARKING AREA
 - CONCRETE PAVING
 - (B) ASPHALT PAVING
 - LANDSCAPE
 - LANDSCAPE
 - 5:2' VERTICAL ACCESSIBLE PATH OF TRAVEL (MAX. LONGITUDINAL SLOPE OF 5% & MAX. CROSS SLOPE OF 2%)
 - SR # OF CAR PARKING SPACE (P. 47, 116-127)
 - WHEELSTOP
 - ACCESSIBLE PARKING
 - (B) SITE LIGHTING POLE
- PARKING ANALYSIS:**
- 4) CAR PARKING (TABLE 11.12.07A)
 - REQUIRED: 1 PER 300 SQ. FT.
 - PROVIDED: 146 SPACES
 - 5) FUTURE PARKING (SEE TABLE 11.12.07)
 - REQUIRED: 0 SPACES
 - PROVIDED: 0 SPACES
 - 6) GREENWAY ACCESSIBLE & ONE SPACING ACCESSIBLE



1 PROPOSED SITE PLAN

DATE: 02/23/2024
 JOB: 185-OROVILLE
 DRAWN BY: DV
 CHECK BY: DV

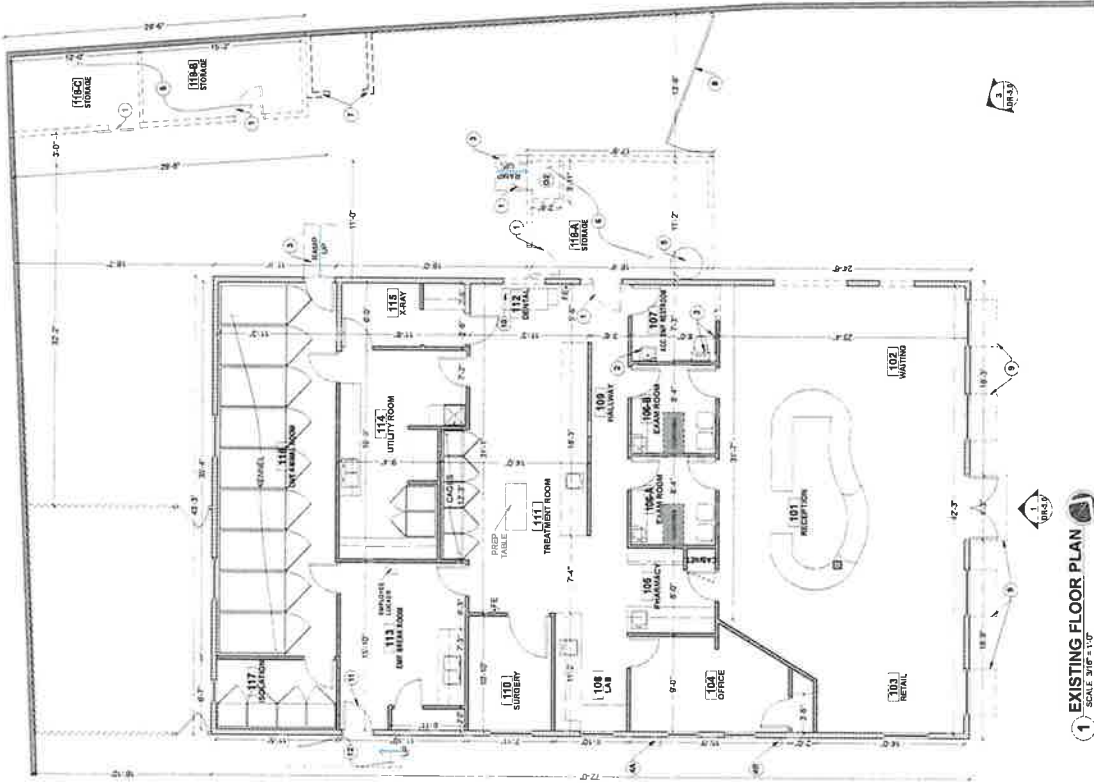
DR-3.0

EXISTING FLOOR PLAN
 PET HOSPITAL EXPANSION
 2420 MYERS ST.
 OROVILLE, CA 95966

Continental Development Consultants, Inc.
 1855 VEGAS, NV
 Email: Contact@continentaldev.com
 Phone: (702) 474-6171; (520) 405-3780 • FAX: (702) 664-4237
 Civil Engineering, Land Planning and Zoning, Earthquake
 Building Design and Improvements, Construction Consulting

REVISIONS	REVISION	DATE

- LEGEND:**
- 2 x 4 WOOD STUD WALL
 - 2 x 4 INTERIOR WOOD STUD WALL
 - REINFORCED WALL
 - WALL TO BE DEMOLISHED PER PLAN
 - CHALK LINE FENCE
 - CHAIN LINK FENCE TO BE REMOVED PER PLAN
 - DOOR SYSTEM
 - WINDOW SYSTEM
 - 7'-0" POST
- CONSTRUCTION NOTES:**
- 1) DOORS TO BE REMOVED PER PLAN
 - 2) RESTROOM FIXTURES TO BE REMOVED PER PLAN
 - 3) RAMPS TO BE REMOVED PER PLAN
 - 4) 200 AMP ELECTRIC PANEL TO REMAIN
 - 5) WATER BOX TO REMAIN
 - 6) WATER HEATER TO BE REMOVED AND REPLACED PER PLAN
 - 7) ROOMS TO BE DEMOLISHED PER PLAN
 - 8) CHW WALLS TO BE DEMOLISHED PER PLAN
 - 9) GATE TO BE REMOVED PER PLAN
 - 10) AWNING TO BE REMOVED PER PLAN
 - 11) EQUIPMENT TO BE RELOCATED PER PLAN
 - 12) DOOR TO BE FLIPPED PER PLAN
 - 13) STEPS TO BE REMOVED & REBUILD PER PLAN



1 EXISTING FLOOR PLAN
 SCALE: 3/8" = 1'-0"

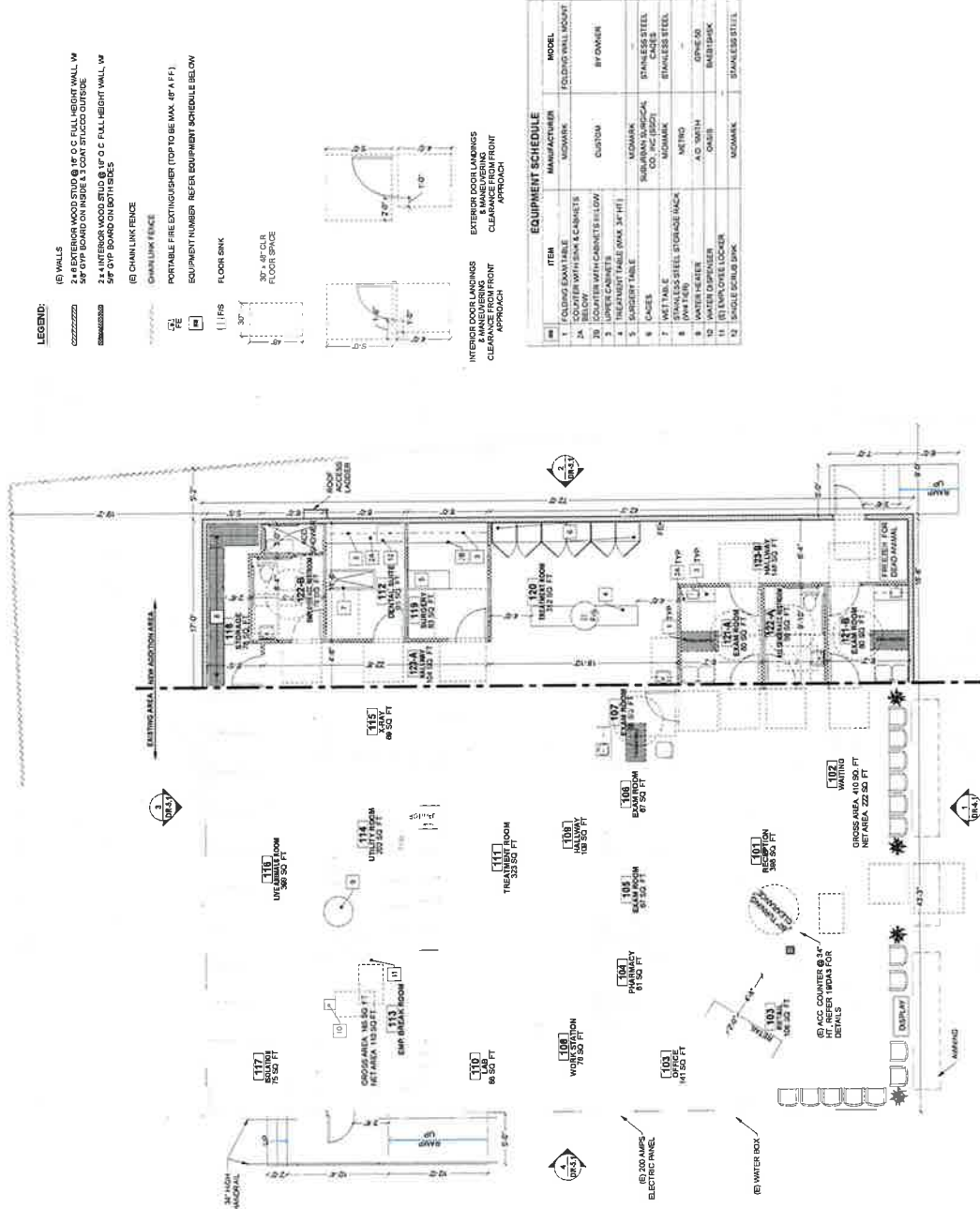
DATE: 02/20/2024
 DRAWN BY: KK
 CHK BY: DY

DR-4.0

PROJECT: PET HOSPITAL EXPANSION
 2420 MYERS ST.
 OROVILLE, CA 95966

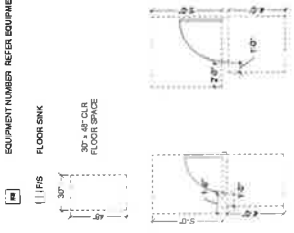
CONTINENTAL DEVELOPMENT CONSULTANTS, INC.
 1400 VILLAS, WY
 WASHINGTON, CA
 PHONE: (707) 347-6137; (530) 405-3780 • FAX: (707) 364-6237
 EMAIL: CONTACT@CONTINENTALCON.COM
 OFFICE: ENGINEERING, PLANNING AND ZONING ENGINEERS • BUILDING DESIGN AND IMPROVEMENTS • CONSTRUCTION CONSULTING

NO.	REVISIONS	DATE
1	REVISION 05/16/24	



LEGEND:

- (B) WALLS
- 2x EXTERIOR WOOD STUD @ 16" O.C. FULL HEIGHT WALL, W 5/8" GYP BOARD ON INSIDE & 1/2" GYP BOARD ON INSIDE
- 2x INTERIOR WOOD STUD @ 16" O.C. FULL HEIGHT WALL, W 5/8" GYP BOARD ON BOTH SIDES
- (B) CHAIN LINK FENCE
- CHARLINK FENCE
- PORTABLE FIRE EXTINGUISHER (TOPTO BE MAX. 48" A.F.F.)
- EQUIPMENT NUMBER, REFER EQUIPMENT SCHEDULE BELOW
- FLOOR SINK
- 30" x 48" CLR FLOOR SINK



ITEM	DESCRIPTION	MANUFACTURER	MODEL
1	FOLDING DOWN TABLE	MOZAMARK	FOLDING WALL MOUNT
2A	COUNTER WITH SINK & CABINETS	CUSTOM	BY OWNER
3	UPPER CABINETS	MOZAMARK	STAINLESS STEEL
4	LOWER CABINETS	MOZAMARK	STAINLESS STEEL
5	SINK	MOZAMARK	STAINLESS STEEL
6	STAINLESS STEEL STORAGE W/ SINK	MOZAMARK	STAINLESS STEEL
7	WATER HEATER	METRO	AD 7000
8	WATER HEATER	METRO	AD 7000
9	WATER HEATER	METRO	AD 7000
10	WATER HEATER	METRO	AD 7000
11	WATER HEATER	METRO	AD 7000
12	WATER HEATER	METRO	AD 7000

PROPOSED FLOOR PLAN
 SCALE: 1/8" = 1'-0"

DATE: 2/20/24
 JOB: #22-0304ALE-01
 PROJECT: PET HOSPITAL EXPANSION
 DRAWN BY: DR

DR-5.0

TITLE: EXISTING EXTERIOR ELEVATIONS
 PROJECT: PET HOSPITAL EXPANSION
 2420 MYERS ST.
 OROVILLE, CA 95966

Las Vegas, NV
 Woodland, CA
Continental Development Consultants, Inc.
 Building Design and Improvement • Construction Consulting
 Civil Engineering, Land Planning and Zoning Examinations •
 Phone (702)347-6137 • (505)405-3780 • FAX (702)664-6237
 Email: Office @ continaldc.com

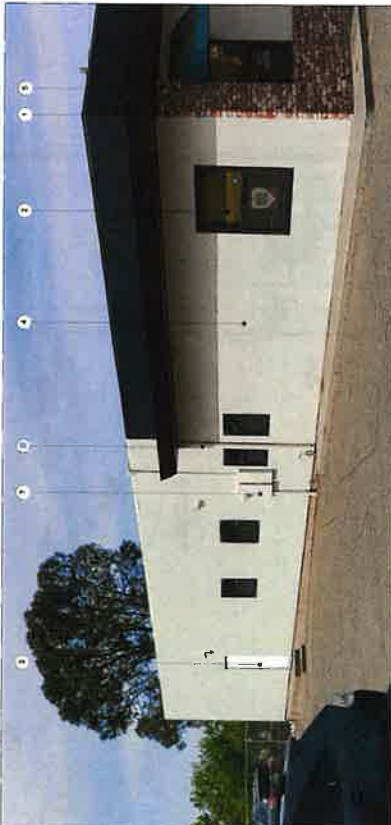
NO.	REVISION	DATE

KEY NOTES:

1	METAL PROJECTION TO BE REMOVED PER PLAN
2	WINDOW SYSTEM TO REMAIN
3	DOOR SYSTEM TO REMAIN
4	3.00M STUCCO SYSTEM TO BE MODIFIED PER PLAN
5	BRICK CLADDING TO BE REMOVED PER PLAN
6	CONCRETE TO REMAIN
7	ELECTRIC PANEL TO REMAIN
8	STORAGE AREA TO BE REMOVED PER PLAN
9	AWNING TO BE REMOVED PER PLAN



1 FRONT (NORTH-EAST) ELEVATION
 SCALE: 1/8"



2 SIDE (EAST) ELEVATION
 SCALE: 1/8"



3 SIDE (WEST) ELEVATION
 SCALE: 1/8"

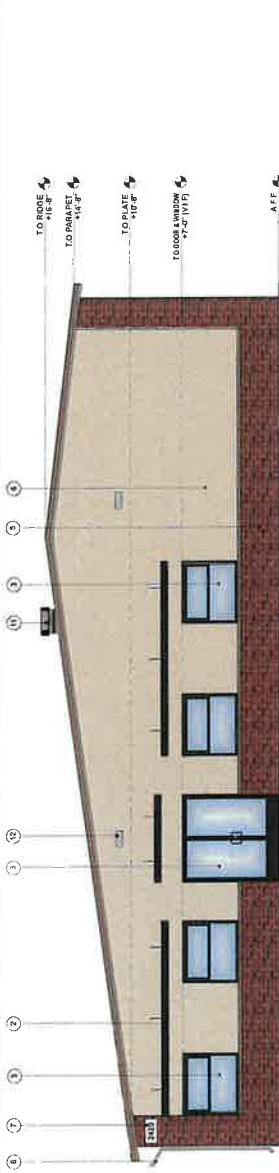
REVISIONS	REVISION	DATE
1	ISSUE	

KEY NOTES:

- ASPHALT SHINGLES
- METAL FINISH
- EXISTING DOOR WINDOW SYSTEM
- DOORS
- BRICK CLADDING
- 3" CONT. STUCCO SYSTEM (MATCH COLOR WITH EXISTING)
- BUILDING ADDRESS
- DOWNSPOUT
- CUTLER
- ROOF ACCESS LADDER
- ATIC VENT (2x 24")
- EXTERIOR BUILDING ADJUSTED LIGHTING

COLOR SCHEDULE:

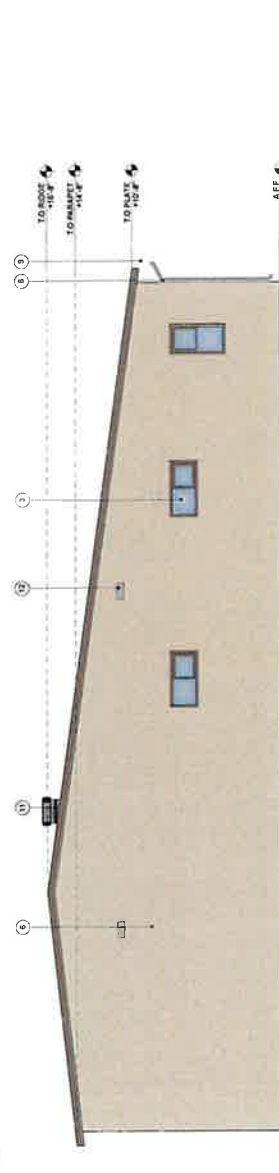
DESCRIPTION	LEGEND	BASE MATERIAL	COLOR OR TYPE	DESCRIPTION & COLOR
BODY COLOR	ROOF	STUCCO	IRON WHITE	BENJAMIN MOORE OC-143
ACCENT 1	ACCENT 1	STUCCO	SMOUST	BENJAMIN MOORE JUNE-40
ACCENT 4	ACCENT 4	STUCCO	EDONY PND	BENJAMIN MOORE JUNE-20
WAINSCOT	ACCENT 2	WINDER	WINDER	WINDY HILL
ROOF	ROOF	SHINGLES	-	ADVAIR 2/24



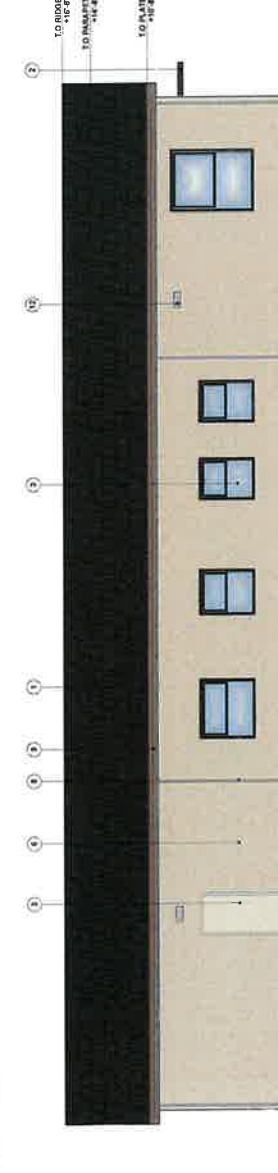
1 FRONT (NORTH-EAST) ELEVATION
 SCALE: 1/4" = 1'-0"



2 SIDE (NORTH-WEST) ELEVATION
 SCALE: 1/4" = 1'-0"



3 FRONT (SOUTH-WEST) ELEVATION
 SCALE: 1/4" = 1'-0"



4 FRONT (SOUTH-EAST) ELEVATION
 SCALE: 1/4" = 1'-0"









Attachment 4

Notice of Exemption

Appendix E

Item 1.

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Butte

155 Nelson Ave,

Oroville, CA 95965

From: (Public Agency): City of Oroville
1735 Montgomery Street
Oroville, CA 95965

(Address)

Project Title: Expansion of Oroville Animal Health Center

Project Applicant: Dr. Harpreet Sekhon

Project Location - Specific:

2420 Myers Street, Oroville, CA, 95966

Project Location - City: Oroville Project Location - County: Butte

Description of Nature, Purpose and Beneficiaries of Project:

Use Permit to amend an existing use permit (UP98-13) and expand an existing veterinarian clinic by less than 50%.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying Out Project: _____

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 and section number: Existing Facility 15301

Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Existing facility is being expanded by less than 50% and meets the qualifications for a Class 1 Categorical Exemption

Lead Agency

Contact Person: Kristina Heredia Area Code/Telephone/Extension: 530-538-2406

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

Signature: _____ Date: _____ Title: Associate Planner

▪ Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Attachment 5

**CITY OF OROVILLE
RESOLUTION NO. P2024-08**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OROVILLE, CALIFORNIA, MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT UP24-06, FOR AN AMENDMENT TO AN EXISTING USE PERMIT (UP98-13) FOR THE EXPANSION OF AN EXISTING STRUCTURE FOR THE OROVILLE ANIMAL HEALTH CENTER, LOCATED AT 2420 MYERS STREET (APN 013-160-010).

WHEREAS, the City has received an application packet from the Oroville Animal Health Center for expansion of their existing facility, located at 2420 Myers Street; and

WHEREAS, Use Permit UP98-13 was approved for a veterinarian clinic at 2420 Myers Street on September 15, 1998; and

WHEREAS, Condition of Approval No. 1 for UP98-13 requires Planning Commission review and approval for a “significant expansion” in the facility; and

WHEREAS, Staff has reviewed the application and determined that an approximately 40% expansion is considered “significant”; 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 considered the City’s staff report regarding the request.

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 conditions described in this Resolution.

CONDITIONS OF APPROVAL

Approved project: The Planning Commission hereby conditionally approves Use Permit UP24-06 for the expansion of the existing veterinarian facility at 2420 Myers Street (APN: 013-160-010). The subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use.

UP98-13 Conditions

1. Use Permit UP24-06 shall now supersede Use Permit 98-13.
2. Conditions of Approval for Use Permit UP98-13 are carried forward as follows:
 - a. Any significant expansion in the facility and/or operation of the facility shall be subject to the review and approval of the Planning Commission.
 - b. No outside kennels shall be allowed.
 - c. No boarding of animals shall be allowed other than the boarding of animals under the care and treatment of a veterinarian.
 - d. No large or exotic animals shall be treated onsite.
 - e. Any animal and/or medical waste generated at the facility shall be disposed of in a manner prescribed by law.

Project Specific Conditions

3. A landscaping plan, in conformance with OMC Chapter 17.12.050 shall be submitted, and approved by staff, prior to the issuance of a building permit.
4. The applicant shall submit to the City details of exterior lighting for review and approval, per OMC 17.12.010.C.

General Conditions

1. Signage has not been submitted as part of this review. The applicant or property owner shall apply for the proper permits as required by OMC Chapter 17.20 prior to any new signage being erected.
2. The applicant and any/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.
3. 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.
4. 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.

5. 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.
6. Pursuant to Section 17.12.050, landscaped areas shall be continually maintained in good condition and shall be kept clean and weeded and trees shall be pruned in a natural pattern and shall not be topped or pollarded.
7. Any roof mounted or ground placed utilities (HVAC, generators, etc.) shall include an architecturally compatible method of screening. This can include screening by landscaping or a decorative fence for ground placed utilities.
8. The applicant shall ascertain and comply with the requirements of all of City, County, State, Federal, and other local agencies as applicable to the proposed project.
9. The applicant and/or property owner will take appropriate measures to provide property maintenance of the building exterior, including provisions to keep the premise free of litter and debris.
10. 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.
11. 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.
12. Pursuant to Section 17.48.010.D.3 of the City Code, the zoning administrator may inspect the premises for which the use permit is issued at any reasonable time to ensure compliance with the conditions of the use permit. Refusal to permit the zoning administrator to inspect the premises shall be rebuttably presumed to be grounds for revocation of the use permit.
13. 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 17, has been violated in connection with the permit.
- d. The permit was obtained by fraud.

14. The 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.

15. 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.

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 23rd of May, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

 KAYLA REASTER,
 ASSISTANT CITY CLERK

 WYATT JENKINS,
 VICE-CHAIRPERSON



City of Oroville

Patrick Piatt
Director

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2401 FAX (530) 538-2426
www.cityoforoville.org

PLANNING COMMISSION STAFF REPORT

Thursday, May 23, 2024

RE: General Plan Circulation Element revision and adoption of an Interim Transportation Threshold. The Planning Commission will consider recommending a General Plan amendment that meets the requirements of Senate Bill 743, which requires Vehicle Miles Traveled (VMT) to be the new analytical emphasis for improving air quality.

SUMMARY: Senate Bill 743 changed the metrics that local agencies utilize to determine transportation environmental impacts. Previously, level of service (LOS) was the threshold used for development projects, whereas vehicle miles traveled (VMT) is the current threshold.

RECOMMENDATION: Staff recommends the following actions:

1. Conduct a Public Hearing on the proposed amendment.
2. Direct staff to present the Planning Commission recommendation that the City Council adopt the attached Resolution No **XXXX**: A Resolution of the City Council of the City of Oroville amending the Circulation Element of the General Plan.
3. Direct staff to present the Planning Commission recommendation that the City Council adopt the attached Resolution No **XXXX**: A Resolution of the City Council of the City of Oroville Adopting an Interim Transportation Threshold for the Purposes of Implementing the California Environmental Quality Act (CEQA) for Vehicle Miles Traveled (VMT).

ENVIRONMENTAL DETERMINATION: Amendments of thresholds are not considered "projects" under CEQA and therefore are exempt from review.

REPORT PREPARED BY:

Wes Ervin, Principal Planner
Community Development Department

REVIEWED BY:

Patrick Piatt, Director
Community Development Director

DISCUSSION:

The proposed General Plan Update (proposed project), would modify the existing 2030 General Plan which was adopted by City Council June 2, 2009, modified by the City on

March 31, 2015, and serves as the City of Oroville (City's) guiding policy document that describes the vision for the future of the City (City of Oroville General Plan, Page 2-1).

On September 27, 2013, Governor Jerry Brown signed California Senate Bill 743 (SB 743) into law which changed the environmental emphasis from vehicle level of service (LOS) to vehicle miles travelled (VMT). A reduction in VMT is intended to further a state goal of reducing greenhouse gas emissions and improving air quality by reducing the emissions associated with the length and number of vehicle trips. Eliminating LOS as an environmental threshold makes congestion management a public policy issue rather than an environmental issue.

The State Office of Planning and Research (OPR) has published guidelines with recommendations on how VMT might be reduced. Most of the recommendations are more applicable to urban or built areas where land uses are closer together, mixed use is economically viable, and transit is more accessible. Many of the recommendations are unlikely to apply to a rural City like Oroville.

OPR recognizes that rural areas should be treated differently based on their land use and transportation context but uses a definition of rural that would exclude the city. The interim threshold drafted for consideration by the Council corrects this oversight and explains why the city should be considered rural.

This threshold is considered interim as modifications will occur over time, and state initiatives may change how the city will need to consider VMT for development projects. As adoption of SB 743 eliminated LOS as a threshold, the attached interim threshold adopts VMT as a threshold custom tailored to the unique needs of Oroville.

Butte County Association of Governments Guidance Document

In 2021, the Butte County Association of Governments (BCAG) published the BCAG SB 743 Implementation guidance document that evaluated region wide VMT:

"...to help BCAG member agencies understand the specific questions that need to be addressed when making these determinations and to provide research, analysis, and other evidence to support their final SB 743 implementation decisions. BCAG chose to lead this effort to help reduce the SB 743 implementation costs that would have otherwise been incurred by each member agency pursuing independent implementation efforts. BCAG provides this documentation as a resource for its member agencies and does not make any specific recommendations regarding SB 743 implementation."

Per the guidance document each member agency is required to make its own SB 743 implementation decisions and can rely on information in the report to the extent it is relevant. For purposes of the city's interim VMT threshold, we relied on formation from the report and additional analysis prepared by Fehr and Peers who provided technical input into the report.

General Plan

The General Plan includes Policy P2.1 that reads:

P2.1 Maintain a Level of Service (LOS) D or better as defined in the most current edition of the Highway Capacity Manual or subsequent revisions for roadways and intersections, except as specified below:

While passage of SB 743 eliminated LOS as a threshold for CEQA it still allows the use of LOS in other planning efforts. Staff recommends keeping the policy in the General Plan but modifying it to make LOS a goal rather than a mandate. The Council should keep its ability to approve or modify projects that would affect roadway or intersection LOS. As such, staff is recommending that policy P2.1 be amended to read as follows.

*P2.1 **Strive to maintain** a Level of Service (LOS) D or better as defined in the most current edition of the Highway Capacity Manual or subsequent revisions for roadways and intersections, except as specified below:*

The change would give the Council the ability to approve projects that might both affect LOS per the policy but are still important to the community. The list of roadways associated with the policy remains unchanged. Note that Caltrans will likely require some version of LOS analysis for larger projects as LOS is used in evaluating safety of state facilities.

The existing Circulation Element also contains policy P2.5 that reads:

P2.5 Reduce the total vehicle miles traveled through designation of land uses that support multi-modal travel and provision of more direct routes to high activity locations.

This policy is adequate for the adoption of interim VMT thresholds.

Climate Action Plan

The City's Community Climate Action Plan (CAP) was adopted in 2015 and sets a "... target to reduce GHG emissions from community activities to 11% below 2010 levels by 2020"—a goal referred to in this Climate Action Plan (CAP) as the 2020 emissions reduction target. This target is consistent with larger statewide initiatives adopted through Assembly Bill 32, the California Global Warming Solutions Act. This CAP describes the City's plan for achieving its emissions reduction goal. The CAP also outlines a plan that will better prepare the City to address and adapt to potential economic, environmental, and social effects of climate change. The CAP has programmed a slight reduction in GHG related to more mixed-use and concentrated development with a focus on improving the pedestrian network. Other reductions are from voluntary community trip reduction programs and the use of electrically powered construction and landscaping equipment. The increase in residential and commercial density represents a 501-1,000 MTCO_{2e}

decrease in GHG but is noted in the CAP as difficult to quantify. While difficult to quantify, it is obvious that a combination of higher densities and mixed land use connected to a pedestrian network provides options for transportation that will reduce GHG.

CEQA

The revisions to the Circulation Element are subject to CEQA review, and staff and Placeworks, our consultant on this project, have determined that an Addendum to the General Plan EIR is the appropriate CEQA document. It is attached for review and adoption by the City Council. No public review or public circulation of this document is required.

Regarding Thresholds of Significance, the California Environmental Quality Act (CEQA) Guidelines Section 15064.7. states that each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, developed through a public review process, and be supported by substantial evidence. Lead agencies may also use thresholds on a case-by-case basis as provided in Section 15064(b)(2).

Nothing in the CEQA Guidelines states that the adoption of thresholds is subject to environmental review. This is further supported by case law as discussed in the attached Threshold document:

Recommended VMT Standards/Thresholds of Significance

The following thresholds of significance would be applied to all discretionary projects that are either unable to be screened from VMT analysis or are considered de minimis. Examples and discussion for each threshold are included in italics following the threshold statement.

TRANSPORTATION

Would the project:

- A. Disrupt transit, bicycle and pedestrian facilities or interfere with planned facilities or cause a physical change inconsistent with bicycle and pedestrian policies contained in the City of Oroville General Plan and Oroville Bicycle Plan.

For a project to result in a significant impact the physical design would be such that it interfered with city or transit agency standards for one or more non-motorized improvements. For example, not connecting to or providing for a future trail or not including sidewalks and connection(s) to adjacent uses where appropriate, not including bus turnout or stopping areas. This impact could be significant if a roadway connection isn't made that would expand or maintain the

transit network or if frontage improvements did not include a bus turnout or similar improvements consistent with city plans.

- B. Generate home-based work VMT per employee at a rate that is greater than the citywide average under future general plan conditions.

A project would cause a significant VMT impact if it generated VMT per capita above the unincorporated county baseline average. Baseline VMT estimates can be obtained from the latest version of the BCAG RTP/SCS model (currently Modified Version 1.1 -3.17.21) or other VMT data sources, a mobile device data vendor that offers SB 743 compliant VMT estimates based on current year estimates. For residential land uses, home-based VMT per capita can be used while work-related land uses can use home-based work VMT per employee.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., large trucks, farm equipment)?

This is a design consideration and will be evaluated with each project for compliance with City standards.

- D. Result in inadequate emergency access.

This is a design consideration and will be evaluated with each project for compliance with City standards. As noted in the screening criteria, the addition of an emergency access route or connection is screened out of requiring a VMT analysis.

FISCAL IMPACT

None.

PUBLIC NOTICE

The Planning Commission hearing for this amendment was publicly noticed in the local newspaper on May 13, 2024.

Attachments:

1. Draft Interim Transportation Threshold
2. Draft Addendum to the General Plan EIR
3. Draft Resolution No XXXX Circulation Element
4. Draft Resolution No. XXXX Interim Transportation Threshold

City of Oroville
California Environmental Quality Act
Interim Transportation Threshold

Overview

On September 27, 2013, Governor Jerry Brown signed California Senate Bill 743 (SB 743) into law. The goal of this legislation was to reform transportation impact analysis under the California Environmental Quality Act (CEQA) from an emphasis on automobile delay, measured as level of service (LOS), to meeting the state's goals of reducing greenhouse gas emissions and traffic-related air pollution, promoting the development of a multimodal transportation system, and providing clean, efficient access to destinations. The effect of this legislation was to remove level of service (LOS) as a means of determining a significant environmental impact when conducting environmental analysis under CEQA (PRC § 21099(b)(2)).

Prior to implementation of SB 743, lead agencies used a reduction in LOS to determine transportation-related environmental impacts under CEQA and to require mitigation. LOS measures vehicular delay, or the additional driving time encountered by drivers during the most congested times of travel. SB 743 prohibits the use of LOS to measure impacts under CEQA and requires agencies to adopt alternative measures of such impacts. Local agencies may continue to use LOS analysis for other programs unrelated to CEQA.

In December 2018, the California state Office of Planning and Research (OPR) prepared the report *Technical Advisory on Evaluating Impacts in CEQA* that includes Vehicle Miles Traveled (VMT) threshold recommendations that vary based on whether a project is located within a metropolitan planning organization (MPO)¹. For projects within an MPO, OPR recommends the use of urban quantitative thresholds. In rural counties, the *Technical Advisory* recognizes rural areas should be treated differently based on their land use and transportation context. However, the recommendations fail to recognize that rural areas within MPO boundaries function identically to rural areas in parts of the state that are not covered by an MPO. This distinction is important because OPR recommends that rural areas outside of an MPO political boundary be treated differently when it comes to VMT thresholds, leaving the choice of threshold up to the lead agency. The City of Oroville is within the Butte County Association of Governments (BCAG) which is one of the 18 designated MPOs in the state.

On December 18, 2019, California's Third District Court of Appeal published an opinion in *Citizens for Positive Growth & Preservation v. City of Sacramento*, which involved a challenge to the City of Sacramento's adoption of its General Plan based on LOS instead of VMT for transportation impact identification. In reaching its decision in that case, the Court of Appeal applied Public Resource Code section 21099(b)(2) and stated, "existing law is that 'automobile delay, as described solely by level of service, or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment under CEQA, except for roadway capacity projects.'" The Court therefore concluded that the General Plan's policies that included LOS standards could not be used as a threshold to determine

¹ Federal law requires that any urbanized area with a population of at least 50,000 be guided and maintained by a regional entity known as a metropolitan planning organization (MPO). SB 375 details specific roles for California MPOs, expanding their role in regional planning.

whether the project would have a significant environmental impact under CEQA. This paper presents the evidence for alternative CEQA threshold options for the City of Oroville.

BCAG

BCAG adopted the *2020 Regional Transportation Plan / Sustainable Communities Strategy for Butte County (RTP/SCS)*, which specifies policies, projects and programs necessary over a 20+ year period to maintain, manage and improve the region’s transportation system. The 2020 RTP/SCS covers the 20-year period between 2020 and 2040. The RTP/SCS includes an Air Quality Conformity Analysis and Determination as well as a Supplemental Environmental Impact Report. The regional transportation plan (RTP) contains policies that support a safe and efficient roadway system that accommodates the demand for the movement of people and goods in the county². The SCS complies with Senate Bill 375 *The Sustainable Communities and Climate Protection Act of 2008*, by demonstrating the integration of land use, housing, and transportation to reduce passenger vehicle (cars & light trucks) greenhouse gas emissions (GHG). The intent of the SCS is to meet the GHG emission reduction targets set by the California Air Resources Board (CARB) for the years 2020 and 2035.

City of Oroville

In California, transportation makes up 36.8% of emissions for the state and it was the largest source of GHG emissions in 2020. Of that, 25.5% of emissions are from passenger vehicles and 8.8% are heavy-duty vehicles. In Oroville between 2017 to 2021, the mean travel time to commute to work was 20.2 minutes and just over 3% of the workforce in Oroville has a commute that is over 90 minutes. This means that many of our residents either work locally or commute to Chico for employment. While local trips are excellent for a reduction in VMT, the hilly topography and need for bridges provide a circulation challenge for bicycle and pedestrian networks. Also, because of the topography, roads are often ‘just wide enough’ and expanding them for additional amenities such as trails or paths can be prohibitively expensive.

Transit

Table 1 shows the existing Butte Regional Transit (BRT) and approximate frequency (headways) associated with each route. The timing of the headways is important as various land use designs and intensities are possible if a project can be within an area served by “high quality transit corridor” which is defined as having a 15 minute or less headway during peak commute hours (PRC § 21155(b)). The state also defines a major stop as a station that has either a ferry terminal or rail station that is served by bus or rail transit with 15 minute or less headway during peak commute hours (PRC § 21064.3). The expectation is that residents on or near either a high-quality transit corridor or major transit stop will use the public transit system thereby reducing vehicle miles travelled. As shown in Table 1, the City of Oroville does not have either a high-quality transit corridor or a major transit stop.

The public transportation system in Oroville includes the **B-Line service**, operated by the BCAG, which provides intercity/regional and local fixed-route connectivity. The B-Line’s Oroville Transit Center is located on Spencer Avenue³. Six B-line routes (Route 20, Route 24, Route 25, Route 26, Route 27, and Route 30)

² Butte County Association of Governments (December 2020) 2020 Regional Transportation Plan / Sustainable Communities Strategy for Butte County, p. ES-2

³ [Transit & Non-Motorized Plan | Existing Conditions Report](#)

serve within the City of Oroville⁴ and are described in Table 1. Additionally, Butte Regional Transit offers paratransit service through B-Line paratransit, including on-demand shared ride services.

Oroville has one **Greyhound Bus** station located at 410 Oro Dam Boulevard E. The station is open 24 hours Monday through Sunday and their most popular bus trip destinations are Sacramento, Reno, and Sparks⁵. The **Oroville Amtrak** offers an unstaffed, curbside bus stop at the park-and-ride lot on Highway 70 and Grand Avenue⁶.

Table 1: Existing Butte Regional Transit Service Schedule Summary

Route	Weekday		Saturday	
	Freq. (min)	Span	Freq. (min)	Span
20 – Chico / Oroville ¹	40 – 120	5:50 AM – 8:00 PM	120 - 140	7:50 AM – 6:00 PM
24 - Thermalito	60	6:34 AM – 7:30 PM	NA	NA
25 – Oro Dam	60	6:12 AM – 6:50 PM	NA	NA
26 – Olive Highway	60	6:33 AM – 6:21 PM	NA	NA
27 – South Oroville	60	7:10 AM – 6:50 PM	NA	NA
30 – Oroville / Biggs	195-240	7:45 AM – 4:50 PM	180-240	8:47 AM – 5:00 PM

Source: [Butte Regional Transit](#), 2023



⁴ [Butte Regional Transit](#)

⁵ [Greyhound Oroville](#)

⁶ [Amtrak Oroville](#)

Bicycle Facilities

The following types of bicycle facilities exist within the City of Oroville. These facilities do not constitute a complete network but one that is still developing as funding and development opportunities present themselves.

Class I “Bike Paths”	
	<p>Class I facilities, commonly referred to as Bikeways or Bike Paths, are facilities separated from automobile traffic for the exclusive use of bicyclists. Class I facilities can be designed to accommodate other modes of transportation, including pedestrians and equestrians, in which case they are referred to as shared or multi-use paths.</p> <p><u>Locations in Oroville:</u></p> <ul style="list-style-type: none"> • Bike path along south side of Feather River (Brad Freeman Trail) connecting Riverbend Park and SR 70
Class II “Bike Lanes”	
	<p>Class II facilities, commonly referred to as Bike Lanes, are dedicated facilities for bicyclists immediately adjacent to automobile traffic. Class II facilities are identified with striping, pavement markings and signage.</p> <p><u>Locations in Oroville*:</u></p> <ul style="list-style-type: none"> • Orange Avenue (between Montgomery Street and Oro Dam Boulevard); • Foothill Boulevard (between Pinedale Avenue and Olive Highway); • Grand Avenue (between 2nd Street and Table Mountain Boulevard); • and Nelson Avenue (between County Center Drive and Table Mountain Boulevard).
Class III “Bike Routes”	
<p>Class III facilities, commonly referred to as Bike Routes, are on-street routes where bicyclists and automobiles share the road. They are identified with pavement markings and signage and are typically assigned to low-volume and/or low-speed streets.</p> <p>A Class III bike route exists on Washington Avenue (Orange Avenue to Oroville Dam Boulevard).</p>	

Source: Balanced Mode Circulation Plan

*According to the 2015 Balanced Mode Circulation Plan, these four locations qualify as Class II facilities. However, the current street view shows signage and pavement marking inconsistencies.

Pedestrian Facilities

Existing pedestrian facilities in the City of Oroville consist of sidewalks, crossings, trees, and landscaping (for shading) and other amenities. Many streets within the city have sidewalks on both sides; however, gaps or abrupt termination of sidewalks occur in various parts of the city. Additionally, there are rolled-edge curbs in some sections of the city. Rolled-edge curbs allow drivers to park on sidewalks, which can obstruct pedestrians.

Crossing major roads poses a challenge to pedestrians. Most major roads in the City are wide, with significant amounts of traffic, and do not provide crosswalks at all intersection locations. There are often two-way stop signs along major roads, forcing pedestrians, including seniors and children, to negotiate with drivers, cross wide intersections, and/or make a long detour to use a better crossing.

The streetscape environment varies greatly between neighborhoods within Oroville. Some neighborhoods have road-separated sidewalks, with landscaped parking strips between the curb and the sidewalk. These parking strips often contain street trees that provide shade for pedestrians. However, some of the streets have solid curbs and sidewalks, with no parking strip to provide a buffer between pedestrians and vehicle traffic. In some areas, street trees offer shading for pedestrians and landscaped parking strips separate vehicles from pedestrians on sidewalks.

Pedestrian amenities, such as benches, pedestrian-scaled lighting, and transparent store frontage, provide a comfortable and enjoyable environment for people to walk. Some of these features exist in downtown Oroville but are absent in other areas of the City.

OPR VMT Reduction Measures

The OPR *Technical Advisory on Evaluating Transportation Impacts in CEQA* relies on largely urban methods of reducing VMT contained in the 2010 California Air Pollution Control Officers Association (CAPCOA) report *Quantifying Greenhouse Gas Mitigation Measures*, and notes that reduction of VMT in rural areas may need to be evaluated on a “case-by-case basis.”⁷

The CAPCOA document recommended measures that include increasing population density, encouraging housing near urban cores or employment, and an increase in transit accessibility. Examples of mitigation measures are shown in Table 2. As noted in the Table many of the recommendations do not apply in Oroville while others are already part of our development procedures.

⁷ California Office of Planning and Research (December 2018), *Technical Advisory on Evaluating Transportation Impacts in CEQA*, p. 19.

Table 2: Consideration of Example VMT Reduction Measures from OPR Technical Advisory

Possible VMT Reduction Measure	Applicability to the City of Oroville
Improve or increase access to transit.	Connecting sidewalks and trails to transit stops is a requirement of project approval.
Increase access to common goods and services, such as groceries, schools, and daycare.	The City can encourage, but not require businesses to locate in the City.
Incorporate affordable housing into the project.	The City encourages but cannot require that affordable housing be constructed.
Incorporate neighborhood electric vehicle network.	The hills and rivers make it difficult to create a continues NEV network, however as the state will require EVs by 2035, this issue has been addressed.
Orient the project toward transit, bicycle and pedestrian facilities.	This is already a requirement of the City.
Improve pedestrian or bicycle networks, or transit service.	BCAG governs Transit and the City has plans for improving networks.
Provide traffic calming.	This is project specific and already a requirement.
Provide bicycle parking.	Required by the California Building Code based on land use.
Limit or eliminate parking supply.	Impractical given the lack of transit.
Unbundle parking costs.	Impractical given the lack of transit.
Provide parking cash-out programs.	Impractical given the lack of transit.
Implement roadway pricing.	This is a form of toll road and impractical given the lack of alternative transportation.
Implement or provide access to a commute reduction program.	Park and ride is already available in the City and encouraged.
Provide car-sharing, bike sharing, and ride-sharing programs.	The City encourages these types of businesses, however none currently exist.
Provide transit passes.	Impractical given the lack of transit.
Shifting single occupancy vehicle trips to carpooling or vanpooling, for example providing ride- matching services.	The City has insufficient personnel to run a program like this, however a private business or non-profit would be welcome.
Providing telework options.	High speed internet is available in most of the City by private vendor. There is no restriction on telework by the City.
Providing incentives or subsidies that increase the use of modes other than single-occupancy vehicle.	The City has insufficient personnel to run a program like this, however a private business or non-profit would be welcome.
Providing on-site amenities at places of work, such as priority parking for carpools and vanpools, secure bike parking, and showers and locker rooms.	This is project dependent and could be mitigation considered at the time of application.
Providing employee transportation coordinators at employment sites.	The City has insufficient personnel to run a program like this, however a private business or non-profit would be welcome.
Providing a guaranteed ride home service to users of non-auto modes.	The City has insufficient personnel to run a program like this, however a private business or non-profit would be welcome.

VMT Threshold Approach

BCAG prepared an implementation guide for member agencies to understand questions that needed to be addressed when implementing the vehicle miles traveled thresholds. The document includes research, analysis, and other evidence to support their final SB 743 implementation decisions. BCAG chose to lead this effort to help reduce SB 743 implementation costs that would have otherwise been incurred by each member agency pursuing independent implementation efforts. BCAG provides this documentation as a resource for its member agencies and does not make any specific recommendations regarding SB 743 implementation. Each member agency will be required to make its own SB 743 implementation decisions and may rely on this information to the extent it is relevant.

The BCAG Implementation Report discusses the following three options for establishing a threshold for VMT⁸:

1. **CEQA Guidelines.** Section 15064.3 can be interpreted as establishing a threshold where ‘any’ increase in VMT above baseline conditions would constitute a significant VMT impact. This threshold is recommended in the OPR Technical Advisory for retail land use projects. Caltrans also supports this threshold for roadway capacity projects stating, “Within MPO areas..., a project that results in an increase in VMT when comparing the future build alternative to the future no-build alternative (i.e., the VMT is higher under the future build scenario) will generally be considered significant...”
2. **OPR Technical Advisory.** The OPR Advisory contains VMT threshold recommendations that vary by type of project and type of land use as follows:
 - a. **Residential projects** – A proposed project exceeding a level of 15 percent below existing (baseline) VMT per capita may indicate a significant transportation impact. Existing VMT per capita may be measured as regional VMT per capita or as city VMT per capita.
 - b. **Office projects** – A proposed project exceeding a level of 15 percent below existing (baseline) regional VMT per employee may indicate a significant transportation impact.
3. **Non-Interference.** This option would focus on not interfering with the state’s ability to meet VMT/GHG reduction goals. This threshold recognizes that VMT reduction is tied to state GHG reduction goals and would allow the county to assess VMT impacts of projects based on whether they would interfere or prevent the state from taking actions necessary to reduce VMT consistent with state goals. The state has the authority to implement a wide variety of actions that could effectively reduce VMT such as higher gas taxes, a new VMT tax, new tolls, etc. Local projects that do not interfere with this authority could reflect that outcome as part of their VMT impact analysis using this threshold.

The recommended approach is a mix of the three options presented in the BCAG report.

⁸ Ibid, p. 40.

Discussion

For large projects that would trigger an environmental impact report (EIR), it is reasonable for the City to request a VMT analysis as part of the EIR. This would also allow the City to make a statement of overriding considerations if the mitigation strategy associated with the project could not meet the VMT target. Projects that are smaller and fit within the OPR screening criteria would be excused from having to prepare a VMT analysis as there is a presumption that the project reduces VMT. Examples might include an increase in residential density where housing is already designated, smaller housing projects that generate 110 or fewer trips per day, small local-serving commercial, etc. Medium sized projects will likely need to demonstrate via analysis that their VMT will not increase beyond the threshold. While the cost of a VMT analysis is much lower than that of a traditional traffic impact study, if the impact on VMT is above the threshold it may trigger an EIR. As the threshold, and availability of mitigation will change over time, the City will need to continue to monitor the size of projects and the impact on VMT.

Generally, connecting to a sidewalk and trail network, increasing the efficient use of land, and placing services near homes will reduce VMT. This approach furthers existing goals in the Oroville General Plan and represents good land use planning. Because state goals and targets change, the City will need to review and update the interim VMT threshold periodically.

Methodology for Establishing Threshold

In 2014 the California Air Resources Board (CARB) stated that

“Achieving California’s long-term criteria pollutant and GHG emissions goals requires four strategies to be employed: (1) improve vehicle efficiency and develop zero emission technologies, (2) reduce the carbon content of fuels and provide market support to get these lower-carbon fuels into the marketplace, (3) plan and build communities to reduce vehicular GHG emissions and provide more transportation options, and (4) improve the efficiency and throughput of existing transportation systems.”⁹

The first two criteria are under the sole purview of the State of California with little potential for the City to influence. The state mandates vehicle efficiencies and negotiates directly with manufacturers and licenses the vehicles for use in California. While the City encourages recharging stations and flexibility fueling locations (CNG, Hydrogen) through strategy LUT-6 of the 2015 Oroville Climate Action Plan (CAP) and enforcement of the California Green Building Code (CBC) through strategy BE-1, the structural change in vehicle efficiency is a state responsibility.

Table 3 shows the results of the BCAG RTP/SCS Travel Demand Model for the region and City for VMT. As shown in the table, the City’s home-based VMT per resident is higher than the region, while the home based VMT per employee is slightly less.

⁹ California Air Resources Board (May 2014) First Update to the Climate Change Scoping Plan, p. 46.

Table 3: Baseline (2020) VMT Summary

VMT Metric	BCAG Region	City of Oroville
Total Network VMT	4,710,000	453,400
Total VMT Generated by land uses within geographic area	7,532,100	1,235,400
Home-based VMT per resident	14.9	17.7
Home-based work VMT per employee	6.7	6.2

Source: BCAG RTP/SCS Travel Demand Model (modified version 1.3)

The City also has land use strategies from CAP that include LUT-1 Residential and Commercial density and LUT-2 Mixed-Use Development that are intended to ensure that compatible uses are built close to each other, and that the intensity of development makes efficient use of land. Figure LU-6, *2030 General Plan Land Use Designations*, designates where development occurs, as well as the density and intensity of each land use.

Similarly, since the early 1990s, CARB has regulated the composition of vehicle fuels sold in the state through the California Reformulated Gasoline Regulations. In September 2020, Governor Newsom approved Executive Order N-79-20, that states:

“It shall be a goal of the State that 100 percent of in-state sales of new passenger cars and trucks will be zero-emission by 2035. It shall be a further goal of the State that 100 percent of medium- and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks. It shall be further a goal of the State to transition to 100 percent zero-emission off-road vehicles and equipment by 2035 where feasible.”

This area of reduction is also clearly the sole authority of the state. The change in fuel types is included in the air quality and greenhouse gas modeling conducted for projects.

The California Air Resources Board (CARB) in its 2018 progress report notes that “California cannot meet its climate goals without curbing growth in single-occupancy vehicle activity.” In other words, vehicle efficiency and better fuels are necessary, but insufficient, to address the GHG emissions from the transportation system. Land use patterns and transportation options also will need to change to support reductions in vehicle travel/VMT.

Screening

This document provides a two-step screening process that will apply to all development requests. Step 1 involves a screening process where qualifying projects will be relieved of having to perform VMT impact analysis because evidence supports a presumption that VMT impact will be less than significant. The determination will be made during the Pre-Application Review or during consultation with the Planning Department prior to making an application. Note that these screening determinations are not absolute, and the City may determine that a project specific VMT analysis must be prepared to support a project. For projects that are not exempt from VMT analysis, Step 2 will be required where the project will be evaluated

against whether it would generate VMT per capita at a higher rate than the baseline average for the BCAG Region.

Based on the OPR Technical Advisory, and the discussion in this memorandum, the following projects are considered to have a de minimis effect on VMT and after review of the project the City may determine that a project specific VMT Analysis is unnecessary:

De Minimis Development projects:

- Any project that generates or attracts 110 or fewer trips per day.** Depending on project location, this may correspond to the following “approximate” development potentials:
 - 10-15 single family housing units
 - 16-20 multi-family, condominiums, or townhouse housing units
 - 10,000 sq. ft. of office
 - 15-20,000 sq. ft. of light industrial
 - 63,000 sq. ft. of warehousing
- Projects statutorily or categorically exempt from CEQA.**
- Locally serving retail and other commercial uses 50,000 square feet or less.** Examples of local serving include, but are not limited to schools, civic buildings, medical buildings, cleaners, offices, and other land uses intended to serve the local community and to improve the convenience of obtaining services locally.
- Zone Changes to Increase Residential Density.** For land that is already planned for residential development, the increase in density will provide for a more efficient use of land and a more compact urban form. Ideally the area with increased density would be near trails, bike paths, transit, and services to provide mobility options that do not *require* use of a personal automobile.

Transportation projects:

The City can make mobility system improvements independent of, or concurrent with, development projects. The following improvements are shown in the OPR Technical Advisory as not considered to increase VMT and would therefore not be required to complete a VMT analysis.

- Rehabilitation, maintenance, replacement, safety, and repair projects designed to improve the condition of existing transportation assets and that do not add additional motor vehicle capacity.
- Roadside safety devices or hardware installation such as median barriers and guardrails
- Addition of an auxiliary lane of less than one mile in length designed to improve roadway safety
- Installation, removal, or reconfiguration of traffic lanes that are not for through traffic, such as left, right, and U-turn pockets, two-way left turn lanes, or emergency breakdown lanes that are not used as through lanes.
- Addition of roadway capacity on local or collector streets provided the project also substantially improves conditions for pedestrians, cyclists, and, if applicable, transit
- Conversion of existing general-purpose lanes (including ramps) to managed lanes or transit lanes, or changing lane management in a manner that would not substantially increase vehicle travel
- Addition of a new lane that is permanently restricted to use only by transit vehicles

- Reduction in number of through lanes
- Grade separation to separate vehicles from rail, transit, pedestrians or bicycles, or to replace a lane in order to separate preferential vehicles (e.g., HOV, HOT, or trucks) from general vehicles
- Installation, removal, or reconfiguration of traffic control devices, including Transit Signal Priority (TSP) features
- Installation of traffic metering systems, detection systems, cameras, changeable message signs and other electronics designed to optimize vehicle, bicycle, or pedestrian flow
- Timing of signals to optimize vehicle, bicycle, or pedestrian flow
- Installation of roundabouts or traffic circles
- Installation or reconfiguration of traffic calming devices
- Initiation of new transit service
- Conversion of streets from one-way to two-way operation with no net increase in number of traffic lanes
- Removal or relocation of off-street or on-street parking spaces
- Adoption or modification of on-street parking or loading restrictions (including meters, time limits, accessible spaces, and preferential/reserved parking permit programs)
- Addition of traffic and pedestrian wayfinding signage
- Rehabilitation and maintenance projects that do not add motor vehicle capacity
- Addition of new or enhanced bike or pedestrian facilities on existing streets/highways or within existing public rights-of-way
- Addition of Class I bike paths, trails, multi-use paths, or other off-road facilities that serve non-motorized travel
- Installation of publicly available alternative fuel/charging infrastructure

Based on the unique characteristics of the City and the potential for new roadways to assist in evacuation in the County, the following projects are considered to have a de minimis effect on VMT and the City may determine that a project specific VMT Analysis is unnecessary:

- Addition of secondary access roads and emergency access to serve existing development provided that the roadways are all at existing LOS C or better and are projected to remain at LOS C in the future condition.

It is an unfortunate truth that the region has been ravaged by natural disasters. The ability to evacuate areas ahead of wildfire or flood is essential. In some areas a single roadway in or out can hinder evacuation. For this screening threshold the addition of secondary access to roadways that are both operating at or better than an LOS C, and projected to continue to operate at LOS C, would not result in an increase in VMT. As there is no existing congestion on the roadway, and no congestion is forecast, the addition of a road access only increases access and emergency ingress/egress options for the residents and responders. This is in line with the OPR bullet above that states "Addition of roadway capacity on local or collector streets provided the project also substantially improves conditions for pedestrians, cyclists, and, if applicable, transit." In this context the additional capacity is in the form of an access option in case of an emergency.

Threshold of Significance

The California Environmental Quality Act (CEQA) is intended to inform government decisionmakers and the public about the potential environmental effects of proposed activities and to prevent significant, avoidable environmental damage. The CEQA defines Thresholds of Significance as:

15064.7 (a)

- (a) A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.

The environmental analysis relies on thresholds of significance to determine whether a projected impact is considered significant. The CEQA Guidelines state:

- (b) Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence. Lead agencies may also use thresholds on a case-by-case basis as provided in Section 15064(b)(2).

Nothing in the CEQA Guidelines states that adopting a threshold is subject to environmental review. This is further supported by the *California Building Industry Association v. Bay Area Air Quality Management District (2015)* 62 Cal.4th 369 court decision. Initially, the litigation concerned whether BAAQMD's adoption of thresholds was a "project" subject to CEQA review. The trial court found that it was and issued a writ of mandate invalidating the thresholds for failure to comply with CEQA. The First District Court of Appeal reversed, finding that the thresholds were not subject to CEQA review for two reasons. First, the CEQA Guidelines establish the required procedure for enacting generally applicable thresholds of significance, and prior CEQA review is not part of that process. Second, the thresholds were not a "project" because the "environmental change" alleged by the California Building Industry Association (CBIA) was speculative and not reasonably foreseeable. The Supreme Court did not grant review over this issue and thus the Court of Appeal's holding that the act of adopting thresholds is not a project under CEQA stands.

The following thresholds of significance will be applied to all discretionary projects that are unable to be screened from VMT analysis or considered de minimis. Examples and discussion for each threshold is included in *italics* following the threshold statement.

TRANSPORTATION. Would the project:

- a) Disrupt transit, bicycle and pedestrian facilities or interfere with planned facilities or cause a physical change inconsistent with bicycle and pedestrian policies contained in the City of Oroville General Plan and Oroville Bicycle Plan.

For a project to result in a significant impact the physical design would be such that it interfered with city or transit agency standards for one or more non-motorized improvements. For example, not

connecting to or providing for a future trail or not including sidewalks and connection(s) to adjacent uses where appropriate, not including bus turnout or stopping areas. This impact could be significant if a roadway connection isn't made that would expand or maintain the transit network or if frontage improvements did not include a bus turnout or similar improvements consistent with city plans.

- b) Generate home-based work VMT per employee at a rate that is greater than the citywide average under future general plan conditions.

A project would cause a significant VMT impact if it generated VMT per capita above the unincorporated county baseline average. Baseline VMT estimates can be obtained from the latest version of the BCAG RTP/SCS model (currently Modified Version 1.1 -3.17.21) or other VMT data sources, a mobile device data vendor that offers SB 743 compliant VMT estimates based on current year estimates. For residential land uses, home-based VMT per capita can be used while work-related land uses can use home-based work VMT per employee.

- c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., large trucks, farm equipment)?

This is a design consideration and will be evaluated with each project for compliance with City standards.

- d) Result in inadequate emergency access.

This is a design consideration and will be evaluated with each project for compliance with City standards. As noted in the screening criteria, the addition of an emergency access route or connection is screened out of requiring a VMT analysis.

December 2023 | General Plan EIR Addendum

ADDENDUM TO THE GENERAL PLAN EIR

SCH No. 2008022024

FOR THE

OROVILLE GENERAL PLAN UPDATE 2030

City of Oroville

DRAFT

Prepared for:

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1. Addendum to the Adopted General Plan EIR

1.1 BACKGROUND

The proposed General Plan Update (proposed project), would modify the existing 2030 General Plan which was adopted by City Council June 2nd, 2009, modified by the City on March 31st, 2015, and serves as the City of Oroville (City's) guiding policy document that describes the vision for the future of the City (City of Oroville, 2015a).

1.1.1 Oroville General Plan 2030

The Oroville 2030 General Plan is the foundation development policy document of the City of Oroville. It defines the framework by which the physical, economic, and human resources of the City are to be managed and used over time. The General Plan provides the City of Oroville with directions on how to fulfill future growth with a vision surrounding community interests. The General Plan acts to clarify and articulate the intentions of the City with respect to the rights and expectations of the public, property owners, and prospective investors and business interests. The General Plan informs the City's citizens of the goals, objectives, policies, and standards for development of the City and the responsibilities of all sectors in meeting these.

The Oroville 2030 General Plan provides the fundamental basis for the City's land use, development, and conservation policy, and represents the basic community values, ideals and aspirations that will govern the City through 2030. This General Plan addresses all aspects of development, including land use; community character; housing; economic development; circulation and transportation; open space, natural resources, and conservation; public facilities and services; safety; and noise.

The Oroville 2030 General Plan serves as the foundation document for all subsequent development standards and regulations, some of which are found in the municipal code such as Title 16 Subdivisions and Title 17 Zoning, and others in adopted engineering standards for construction. Nothing in the proposed project would change the standards for physical development or the provisions of the General Plan EIR, municipal code, and associated development regulations that are designed to reduce or avoid environmental impacts.

1.1.2 Certification of the General Plan EIR and Supplemental EIR

The General Plan Environmental Impact Report (EIR), certified on June 2nd, 2009, (State Clearinghouse Number 2008022024), evaluates the potential environmental impacts resulting from future development anticipated by the Oroville General Plan (City of Oroville, 2009).

On January 30th, 2015, the City of Oroville prepared a draft **SEIR** which evaluated the Oroville Sustainability Updates. This included the 2030 General Plan Updates, Municipal Code Updates, Design Guidelines Update, CAP, and Balanced Mode Circulation Plan. The 2030 General Plan Updates included changes to the land use map and designations, related updates to the expected 2030 development levels, revisions to the Circulation

Commented [KH1]: What does the "S" stand for?

1. Addendum to the Certified General Plan EIR

and Transportation Element to reflect the land use map changes and to support complete streets and walkability, addition of a new Economic Development Element, updates to reflect State statutes, and various policy revisions that address the City's park standards, access to local and healthy food, and other topics. The SEIR was certified by the City Council on March 31, 2015 (State Clearinghouse Number 2014052001) (City of Oroville, 2015b).

1.1.3 California Senate Bill 743

On September 27, 2013, Governor Jerry Brown signed California Senate Bill 743 (SB 743) into law which changed the environmental emphasis from vehicle level of service (LOS) to vehicle miles travelled (VMT). The LOS rating system rating system was used previously as a means of determining projected traffic impacts of proposed developments on nearby intersections, streets, and highways. VMT measures the distance a motorized vehicle will travel to a destination, divided by the number of passengers (i.e., per capita). As defined under SB 743, VMT is the new standard for assessing the effects of growth and development in California on the transportation system. A reduction in VMT is intended to further a state goal of reducing greenhouse gas emissions and improving air quality by reducing the emissions associated with the length and number of vehicle trips. Eliminating LOS as an environmental threshold makes congestion management a public policy issue rather than an environmental issue.

The existing General Plan establishes policies about meeting a specific LOS, which was the standard approach to assessing transportation environmental impacts based on automobile delay. With the adoption of SB 743 LOS is no longer considered an environmental impact, though the City can keep LOS as a goal for the development of the community. Instead, the new metric is to ensure a reduction in vehicle miles travelled (VMT) as a means of reducing air quality and greenhouse gas impacts. The proposed project recognizes the shift from LOS to VMT and keeps the LOS standard as a goal rather than an absolute. This allows the City to plan for roadways as appropriate but does not require adherence to an adopted LOS standard.

Environmental Documentation

This document serves as the environmental documentation for the City's proposed General Plan Update. This addendum to the City of Oroville's General Plan EIR (State Clearinghouse Number 2008022024) demonstrates that the analysis in that EIR adequately addresses the potential physical impacts associated with implementation of the proposed project, and the proposed project would not trigger any of the conditions described in CEQA Guidelines Section 15162 calling for further environmental review.

1.2 GENERAL PLAN EIR FINDINGS

The General Plan EIR addresses potential impacts related to aesthetics, air quality and greenhouse gas emissions, biological resources, cultural resources, geology, soils, and mineral resources, hazards and hazardous materials, hydrology and water quality, land use, noise, population and housing, public services and recreation, transportation and circulation, and utilities, and infrastructure (City of Oroville, 2009).

In addition, the City has a development code and engineering standards that address the physical impacts of development on the environment. None of the regulatory processes are being amended by this project; therefore, they will continue to apply to all subsequent development.

Commented [MB2]: This should be a discussion of the 2009 GP EIR, not the findings of the SEIR.

Commented [MB3]: The General Plan EIR isn't available anywhere online or in the project folder so I'm summarizing the impacts from a high-level, based on what is described in the SEIR.

Commented [MB4]: The DEIR combined air quality and greenhouse gas emissions into one chapter.

1. Addendum to the Certified General Plan EIR

The General Plan EIR determined that implementation of the City's General Plan would result in significant and unavoidable impacts to the following environmental topics (City of Oroville, 2009):

- Air Quality: The Draft EIR determined that construction of development allowed by the General Plan would result in a significant and unavoidable air quality impact.
- Greenhouse Gas Emissions: The Draft EIR determined that even with implementation of General Plan policies to reduce GHGs, GHG emissions would result in a significant and unavoidable GHG impact.
- Hydrology and Water Quality: The Draft EIR found a significant and unavoidable impact related to exposure of people and structures to risks from flooding as a result of dam failure. Although the dam could withstand a 6.5 magnitude earthquake, which is the largest credible event projected for the region, development allowed by the 2030 General Plan would be within the dam inundation area, causing a significant impact.
- Hydrology and Water Quality: The Draft EIR found a significant and unavoidable cumulative impact due to the population and development increase within an area that is subject to dam inundation and seiche hazards.
- Noise: The Draft EIR predicted traffic noise levels in 2030 for the General Plan would contribute to cumulative noise impacts, resulting in a significant and unavoidable impact.
- Population and Housing: The Draft EIR for the General Plan found that the increase in residential units within the Project Area would be considered "substantial population growth," and found the impact to be significant and unavoidable.
- Transportation and Circulation: The Draft EIR for the General Plan found that increased traffic from the General Plan would exacerbate existing deficiencies along Highways 70, 99, and 162, resulting in a significant and unavoidable impact.

Commented [MB5]: As noted above, the DEIR isn't available. I referred to the SEIR which discusses some of the significant and unavoidable impacts found in the 2009 DEIR for the General Plan Update.

1.3 PROJECT SUMMARY

CEQA requires the City to evaluate the environmental impacts associated with direct and reasonably foreseeable indirect physical changes to the environment. The proposed project would ensure the City follows current State regulations and would address the Circulation Element's focus from LOS to VMT. The goals, policies, and actions in the existing General Plan would guide development and conservation in the City of Oroville through 2030. However, due to changes to CEQA, the General Plan no longer recognizes LOS and therefore must change the environmental emphasis from LOS to VMT. The remainder of the General Plan will also be revised in discussing LOS and reflect changes to local and regional priorities and ensure compliance with State law. Table 1-1, *Baseline (2020) VMT Summary* shows the proposed project's results of the BCAG RTP/SCS Travel Demand Model for the region and City for VMT. As shown in Table 1-1, the City's home-based VMT per resident is higher than the region, while the home based VMT per employee is slightly less.

Commented [KH6]: This doesn't make sense to me. How can something be higher and lower at the same time?

1. Addendum to the Certified General Plan EIR

Table 1-1 Baseline (2020) VMT Summary

<i>VMT Metric</i>	<i>BCAG Region</i>	<i>City of Oroville</i>
Total VMT Generated by land uses within geographic area	7,532,100	1,235,400
Home-based VMT per resident	14.9	17.7
Home-based work VMT per employee	6.7	6.2
Total Network VMT	4,710,000	453,400

While passage of SB 743 eliminated LOS as a threshold for CEQA but allows the use of LOS in other planning efforts, this would limit the ability of the City to approve projects that would affect roadway or intersection LOS. The limitation would come not from CEQA that would allow a statement of overriding considerations, but from the need to remain consistent with the Oroville General Plan that has no provisions to approve a project in conflict with an absolute statement. As such, a proposed change to the General Plan policy that directly addresses LOS would give the City the ability to approve projects that might both affect LOS per the policy, but are still important to the community.

In addition to the proposed change to the General Plan policy, the proposed project would modify two of the four existing thresholds of significance in the transportation environmental factor. Specifically, the proposed project would revise threshold “a” and “b” which would be applied to any discretionary projects. The modified transportation thresholds would consist of the following:

Would the Project:

- a. Disrupt transit, bicycle and pedestrian facilities or interfere with planned facilities or cause a physical change inconsistent with bicycle and pedestrian policies contained in the City of Oroville General Plan and Oroville Bicycle Plan.
- b. Generates home-based work VMT per employee at a rate that is greater than the citywide average under future General Plan conditions.

By modifying these two thresholds, the City would be able to stay consistent with the changes made as a result of SB 743 and the newly proposed General Plan policy regarding LOS.

1. Addendum to the Adopted General Plan EIR

1.4 PURPOSE OF AN EIR ADDENDUM

According to CEQA Guidelines Section 15164(a), an addendum shall be prepared if some changes or additions to a previously certified EIR are necessary, but none of the conditions enumerated in CEQA Guidelines Sections 15162(a)(1) – (3) calling for the preparation of a subsequent EIR have occurred. As stated in CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations):

When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or negative declaration was adopted, shows any of the following:
 - (a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (c) Mitigation Programs or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation Program or alternative; or
 - (d) Mitigation Programs or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation Program or alternative.

1.4.1 Rationale for Preparing an EIR Addendum

As described in Section 1.1.2, the General Plan EIR was certified in 2009. Since, there have been CEQA changes in regard to analyzing environmental topics. This addendum serves to analyze the changes and determine whether the proposed project would result in significant changes that were not analyzed or considered in the existing General Plan. Table 1-2, *High-Level CEQA Changes*, summarizes the high-level CEQA changes that have occurred since certification of the General Plan EIR and provides an analysis of these changes in the context of the proposed project.

Commented [MB7]: [https://casext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-11-types-of-eirs/section-15164-addendum-to-an-eir-or-negative-declaration#:~:text=Section%2015164%20%2D%20Addendum%20to%20an%20EIR%20or%20Negative%20Declaration%20\(a,a%20subsequent%20EIR%20have%20occurred.](https://casext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-11-types-of-eirs/section-15164-addendum-to-an-eir-or-negative-declaration#:~:text=Section%2015164%20%2D%20Addendum%20to%20an%20EIR%20or%20Negative%20Declaration%20(a,a%20subsequent%20EIR%20have%20occurred.)

1. Addendum to the Certified General Plan EIR

As stated in CEQA Guidelines Section 15164 (Addendum to an EIR):

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

A copy of this addendum, and all supporting documentation, may be reviewed or obtained at 1735 Montgomery Street, City of Oroville, California 95965.

1. Addendum to the Adopted General Plan EIR

Table 1-2 High-Level CEQA Changes

Topic	Date	Overview	Analysis
Transportation			
SB 743	2013	<ul style="list-style-type: none"> Amended CEQA Guidelines to change how lead agencies evaluate transportation impacts under CEQA, with the goal of better measuring the actual transportation-related environmental impacts of any given project. Evaluated by examining whether the project is likely to cause automobile delay at intersections and congestion on nearby individual highway segments, and whether this delay will exceed a certain amount (LOS analysis). Starting on July 1, 2020, agencies analyzing the transportation impacts of new projects must now look at a metric known as VMT instead of LOS. VMT measures how much actual auto travel (additional miles driven) a proposed project would create on California roads. If the project adds excessive car travel onto our roads, the project may cause a significant transportation impact. 	<ul style="list-style-type: none"> The General Plan EIR analyzes the General Plan through the outdated (LOS analysis) to measure transportation impacts. The analysis provided adequately addresses the potential physical impacts associated with implementation of the proposed project since General Plan EIR originally used (level of service) as a threshold which was later made ineligible as a threshold, thus VMT is now used as a threshold that is custom to the unique needs of Oroville. Nothing in the CEQA Guidelines states that adopting a threshold is subject to environmental review; see the California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal.4th 369 court decision.

2. CEQA Analysis

2.1 ENVIRONMENTAL ANALYSIS

The City of Oroville's General Plan contains policies related to land use, transportation and circulation, open space, safety, noise, housing, community design, economic development, and public facilities and services. The General Plan is largely designed to be self-mitigating by incorporating policies and implementation programs that address and mitigate environmental impacts related to implementing the General Plan, such as zoning codes and design standards. As previously described in Section 1.2 of this addendum, the City of Oroville's General Plan EIR addresses potential impacts related to aesthetics, air quality and greenhouse gas emissions, biological resources, cultural resources, geology, soils, and mineral resources, hazards and hazardous materials, hydrology and water quality, land use, noise, population and housing, public services and recreation, transportation and circulation, and utilities, and infrastructure (City of Oroville, 2009).

In addition, Table 1-2, *High-Level CEQA Changes*, provides a high-level overview of CEQA changes that have occurred since certification of the City's General Plan EIR and provides an analysis of these changes in regard to the proposed project. Since the changes in Table 1-2 would not significantly affect the proposed project or the impacts analyzed in the General Plan EIR, the impacts determined in the General Plan EIR would still apply to the proposed project. The adoption of the VMT threshold is not subject to environmental review as the transition from LOS to VMT would not create any significant environmental changes. As such, the proposed project would be no more substantial than analyzed in the General Plan EIR.

2.2 FINDINGS

The discussion in this addendum confirms that the proposed project has been evaluated for significant impacts pursuant to CEQA. The discussion is meaningfully different than a determination that a project is "exempt" from CEQA review because the proposed General Plan Update is not exempt. Rather, the determination here is that the General Plan Update does not require major revisions to the General Plan EIR due to the involvement of new significant environmental impacts or substantial increases to the severity of previously identified significant environmental impacts. The General Plan is a policy document, and its adoption would not produce environmental impacts since no actual development is proposed. Future development projects facilitated by the General Plan Update would generally be subject to project-level environmental review. Therefore, the General Plan EIR provides a sufficient and adequate analysis of the environmental impacts of the proposed General Plan.

There are no substantial changes in the circumstances or new information that was not known and could not have been known at the time of the adoption of the General Plan EIR. The proposed project consists entirely of land uses permitted by the project sites' existing General Plan land use designation and zoning and represents no change from the impacts that were assumed and analyzed by the General Plan EIR.

2. CEQA Analysis

As a result, and for the reasons explained in this addendum, the project would not cause any new significant environmental impacts or substantially increase the severity of significant environmental impacts disclosed in the General Plan EIR. Thus, the proposed project does not trigger any of the conditions in CEQA Guidelines Section 15162 allowing the preparation of a subsequent EIR, and the appropriate environmental document as authorized by CEQA Guidelines Section 15164(b) is an addendum. This EIR addendum has been prepared accordingly.

The following identifies the standards set forth in Section 15162 of the CEQA Guidelines as they relate to the proposed project.

1. **No substantial changes are proposed in the project which would require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and 2. No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.**

Table 1-2 *High-Level CEQA Changes*, highlights and evaluates the high-level CEQA changes that have occurred since the certification of the General Plan EIR. However, since the proposed project would not result in major physical changes from the transition from LOS to VMT, these CEQA changes would not result in significant changes as the adoption of a new threshold is not subject to environmental review. No physical changes are proposed; the new threshold can be used to calculate physical effects that later can be used to create new policies to reduce VMT.

3. **No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified shows:**
 - a. **The project will have one or more significant effects not discussed in the previous EIR.**

Table 1-2 *High-Level CEQA Changes*, provides analysis of these changes in the context of the proposed project. Although there are environmental topics not analyzed at the time of the General Plan EIR, the proposed change from LOS to VMT as a CEQA threshold would not introduce any new significant and unavoidable effects, as the adoption of a new VMT threshold is not subject to environmental review. Therefore, there would be no new environmental impacts.

- b. **Significant effects previously examined will be substantially more severe than shown in the previous EIR.**

The proposed project would have the same significant impacts as those disclosed in the certified General Plan EIR. The proposed change from LOS to VMT would not substantially alter the existing EIR, as the change to VMT would not be subject to environmental review. The previous EIR did not have any new significant impacts relating to transportation. Therefore, impacts determined in the General Plan EIR would be adequate for the proposed project.

2. CEQA Analysis

- c. **Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.**

The proposed project would not result in physical changes to the environment that were not disclosed in the General Plan EIR. The proposed project would not create new impacts or the need for additional mitigation measures. The policies identified in the proposed project would reduce physical environmental effects associated with future development. The update to the General Plan would not result in significant environmental impacts or increase the severity of any environmental impacts previously evaluated in the General Plan EIR; therefore, there is no need for new mitigation measures or alternatives.

- d. **Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.**

The proposed project would have the same significant impacts as the previously certified General Plan EIR, and all associated policies and mitigation measures identified in the General Plan EIR to reduce physical environmental effects would apply to all future development and have the same mitigating effect. There would be no new significant impacts resulting from adoption of the General Plan Update; therefore, there would be no new mitigation measures or alternatives required for the proposed project.

2. CEQA Analysis

2.3 REFERENCES

- City of Oroville. 2015a, March 31. City of Oroville General Plan 2030. <https://www.cityoforoville.org/services/planning-development-services-department/planning-division/planning-documents>
- _____. 2015b. City of Oroville Sustainability Updates Draft Supplemental EIR. <https://www.cityoforoville.org/home/showpublisheddocument/12202/635955765376170000>
- _____. 2009. City of Oroville General Plan Update Environmental Impact Report. <https://ceqanet.opr.ca.gov/2008022024/3>

**CITY OF OROVILLE
RESOLUTION NO. XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA,
AMENDING THE CIRCULATION ELEMENT OF THE GENERAL PLAN**

WHEREAS, the passage of SB 743 eliminated LOS as a threshold for CEQA but allows the use of LOS in other planning efforts; and

WHEREAS, Policy P2.1 of the Circulation Element would limit the ability of the Council to approve projects that would affect roadway or intersection LOS; and

WHEREAS, the limitation would come not from CEQA that would allow a statement of overriding considerations, but from the need to remain consistent with the General Plan that has no provisions to approve a project with an absolute statement; and

WHEREAS, the City of Oroville is updating Policy P2.1 of the Circulation Element to allow the flexibility to approve projects that might both affect LOS per the policy but still important to the community; and

WHEREAS, the list of roadways associated with the Policy P2.1 remains unchanged.

NOW, THEREFORE, BE IT RESOLVED by the Oroville City Council as follows:

Section 1. Policy P2.1 of the Circulation Element is amended to read, “Strive to maintain Maintain a Level of Service (LOS) D or better as defined in the most current edition of the Highway Capacity Manual or subsequent revisions for roadways and intersections, except as specified below:”

Section 2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on **June 18, 2024**, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

David Pittman, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Kayla Reaster, Assistant City Clerk

DRAFT

**CITY OF OROVILLE
RESOLUTION NO. XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA,
ADOPTING AN INTERIM TRANSPORTION THRESHOLD OF SIGNIFICANCE UNDER
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR VEHICLE MILES
TRAVELED (VMT)**

WHEREAS, on September 27, 2013, Governor Jerry Brown signed California Senate Bill 743 (SB 743) into law which changed the environmental emphasis from vehicle level of service (LOS) to vehicle miles travelled (VMT); and

WHEREAS, the State Office of Planning and Research (OPR) has published guidelines with recommendations on how VMT might be reduced, many of the recommendations are unlikely to apply to a rural city such as Oroville; and

WHEREAS, OPR recognizes that rural areas should be treated differently based on their land use and transportation context but uses a definition of rural that would exclude the City of Oroville; and

WHEREAS, the interim threshold drafted for consideration corrects this oversight and explains why the City of Oroville should be considered rural; and

WHEREAS, this threshold is considered interim as modifications will occur over time, and state initiatives may change how the City will need to consider VMT from development projects; and

WHEREAS, the City of Oroville Planning Commission reviewed and considered the information in the administrative record, staff report, and all oral and written testimony presented to the Planning Commission and recommended approval of the Interim Transportation Threshold to the City Council; and

WHEREAS, the City of Oroville City Council has reviewed and considered the information in the administrative record, staff report, and all oral and written testimony presented to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Oroville City Council as follows:

- Section 1. Notice of the City Council hearing on the Interim Transportation Threshold was given as required by law and the actions were conducted in accordance with CEQA, and the State CEQA Guidelines
- Section 2. All individuals, groups and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the Interim Vehicles Miles Travelled threshold.
- Section 3. The City Council was presented with all the information described in

the recitals and has considered this information in adopting this resolution.

Section 4. The proposed Adoption of the Interim Transportation Threshold is in the public interest, and protects the health, safety, and welfare of the City.

Section 5. Adopts the Interim Transportation Threshold as set forth under Exhibit A.

Section 6. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on **June 18, 2024**, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

David Pittman, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Kayla Reaster, Assistant City Clerk



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

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 Oroville, CA 95965-4897
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PLANNING COMMISSION STAFF REPORT

Thursday, May 23, 2024

RE: Discussion of Revisions to Chapter 17.20 “Sign Regulations” of the Oroville Municipal Code

SUMMARY: The Planning Commission will discuss and provide direction pertaining to potential revisions to the Oroville Municipal Code (OMC) Chapter 17.20 relating to the City’s current regulations for freestanding signs

RECOMMENDATION: Staff recommends the following actions:

1. Receive Staff’s Presentation
2. Conduct a discussion on proposed changes to Chapter 17.20 and provide direction to Staff

APPLICANT: City of Oroville

LOCATION: City-Wide

GENERAL PLAN: N/A

ZONING: N/A

FLOOD ZONE: N/A

ENVIRONMENTAL DETERMINATION: The discussion and proposed code amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

REPORT PREPARED BY:

REVIEWED BY:

 Connor Musler, Contract Planner
 Community Development Department

 Patrick Piatt, Director
 Community Development Department

DISCUSSION

The Planning Commission has previously discussed in depth Chapter 17.20 “Sign Regulations” of the Oroville Municipal Code (OMC) (henceforth referred to as the “Sign Regulations” or “Sign Code”). The Sign Code at present that is enforced for all signage in the City was adopted by the City Council on June 16, 2021 (Ordinance 1849). This comprehensive update was a yearslong effort by the Planning Commission and City Staff that began in 2015. Due to staffing changes and constraints, the Sign Code update was placed on hold until being restarted in 2020. The Planning Commission conducted four workshops throughout 2020 on February 7, July 15, July 23, and August 27 before approving the final draft on October 22.

At their March 28, 2024, regular meeting, the Planning Commission received a presentation from Staff regarding potential amendments to the City’s Sign Code as it pertains to freeway-oriented freestanding signs. Staff has since prepared draft amendments to the Sign Code for further discussion by the Planning Commission which propose to:

- Modify the definition of a freeway-oriented sign.
- Clarify the placement of monument signs and freestanding signs on one parcel.
- Differentiate between freestanding signs and freeway-oriented freestanding signs.
- Clarify that freestanding signs, including monument signs and freeway-oriented freestanding signs do not count towards the maximum total area for all signs on a site.
- Modify the City’s Sign Program regulations for greater flexibility, including establishing the Sign Program process as the formal process for projects requesting to deviate from the City’s Sign Code, as opposed to a variance procedure.

GENERAL PLAN CONSISTENCY

These following goals and policies of the City’s 2030 General Plan will need to be considered when drafting the proposed Sign Code revisions:

General Plan Goals:

Goal LU-1 “Provide for orderly, well-planned, and balanced growth consistent with the limits imposed by infrastructure and the City’s ability to assimilate new growth.”

Goal LU-4 “Provide adequate land for and promote the development of attractive commercial areas and uses that provide goods and services to Oroville residents, employees, and visitors.”

Goal CD-1 “As the community grows, maintain a coherent and distinctive physical form and structure that reflects Oroville’s unique qualities.”

Goal CD-2 “Maintain and enhance the quality of Oroville’s landscape, streetscape and gateways.”

Goal OPS-5 “Maintain and enhance the quality of Oroville’s scenic and visual resources.”

General Plan Policies:

P1.1 Require quality architectural and landscaping design as well as durable and efficient materials for all projects.

P1.3 Require compliance with the City of Oroville Design Guidelines as part of any project approval process.

P5.1 Maintain the appearance of Oroville, as seen from the freeway, as a city to be visited, enjoyed and admired.

P5.2 Limit freeway-oriented signs. Combine freeway signs listing available accommodations and services, and allow only small identity signs on buildings adjoining the freeway.

P5.3 Maintain the scenic view of the Feather River and Table Mountain.

FISCAL IMPACT

None.

ATTACHMENTS

1. City Sign Code (Partial)
2. Draft Sign Code Amendments

Attachment 1

§ 17.20.070. Requirements for specific types of signs.

The following requirements shall apply in any case where the specified type of sign is used, unless provided otherwise by this section (see Tables 17.20.120-1 through 17.20.120-3, 17.20.130-1 and 17.20.140-1):

A. Wall Signs.

1. No part of a wall sign shall extend more than 1/3 of the sign height or 8 feet, whichever is less, above the top of the portion of the building façade that is adjacent to the sign.
2. The maximum area for the total of all permitted wall signs for any single wall plane shall not exceed 10%. The wall plane area shall include all window and door areas and shall be measured from the sidewalk or ground line to the building eave line or parapet.

B. Window Signs. For windows that have multiple panes, in order to determine the maximum window area that may be covered, the window area shall be measured as the framed area of all of the window's panes.

C. Monument Signs.

1. Monument signs shall not be placed on any frontage with a building setback of less than 20 feet.
2. A minimum distance of 50 feet shall separate any 2 monument signs.

D. Freestanding Signs.

1. Freestanding signs shall not be placed on any frontage with a width of less than 75 feet, or with a building setback of less than 25 feet.
2. A minimum distance of 75 feet shall separate any 2 freestanding signs.
3. The maximum height of a freestanding freeway-oriented sign for properties that abut State Route (SR) 162 shall be 40 feet. Increased height, up to a maximum of 85 feet, may be permitted if the property is within a ¼ mile distance of SR 70. The maximum permitted height shall be specified in the sign permit.
4. The planning commission can approve an increase in the allowed height of a freestanding sign if the need for this increase is demonstrated by means of a balloon test or other method approved by the zoning administrator.
5. The maximum freestanding sign area is based on the total linear street frontage of the front side of the site as follows:

Street Frontage	Sign Area
Up to 200 ft.	50 sq. ft. per side
200 to 400 ft.	75 sq. ft. per side

Street Frontage	Sign Area
Over 400 ft.	100 sq. ft. per side

6. No portion of a freestanding sign shall project above a public right-of-way.
7. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 30 square feet of sign area equates to 60 square feet of required landscaped area.

E. Projecting Signs.

1. Projecting signs may be provided only for uses located on the ground floor of a building.
2. A projecting sign may include a projection above a maximum of 5 feet of the width of a public right-of-way, provided that the sign includes the minimum vertical clearance specified by Section 17.20.060 (Location, placement, and design of signs) of this chapter and provides a 2-foot horizontal clearance from the curb face.
3. In a multi-story building, projecting signs shall be placed at or below the sill of the second-floor windows in a multi-story building.
4. No part of a projecting sign shall extend more than 1/3 of the sign height or 8 feet, whichever is less, above the top of the portion of the building façade that is adjacent to the sign.
5. Where practical, projecting signs shall be placed so that the sign face is perpendicular to the adjacent right-of-way.
6. Signs shall be double-faced or otherwise detailed on all sides visible to the public.
7. The thickness of any projecting sign shall not exceed one foot.
8. All signs shall have a minimum vertical clearance of 8 feet from the ground to the bottom of the sign or sign structure.

F. Awning Signs. Awning signs may be placed at the sides or ends of the awning and shall not project from the surface of the awning.

G. Reader Boards.

1. Reader boards may be provided as part of any allowed sign.
2. The area of a reader board shall not exceed 40 square feet on any one face, and in no case shall a reader board be provided on more than 2 faces of a sign.

H. Three-Dimensional Signs. Three-dimensional signs shall not be limited to the width requirements specified for the different sign types.

I. Gas Station Signs.

1. **Number.**
 - a. **Identification Sign.** Each motor vehicle fuel or service station may erect and maintain one freestanding sign for purposes of identifying the use.
 - b. **Motor Vehicle Fuel Sign.** In addition to the freestanding sign permitted by this section, each use dispensing any motor vehicle fuel at retail to the general public shall be permitted to erect and maintain one freestanding service station price sign for the primary purpose of advertising motor vehicle fuel prices. The sign shall comply with the provisions of California Business and Professions Code Section 13531, as it may be amended, regarding display requirements.
2. **Location.**
 - a. No freestanding sign over 5 feet high shall be erected or maintained within the clear vision triangle;
 - b. Freestanding signs shall not be erected or maintained any closer than 3 feet to any building; and
 - c. Any freestanding sign shall maintain a setback, measured from that part of the sign that is closest to the nearest property line of the parcel or lot on which it is placed, equal to at least 1/2 the height of the sign.
3. **Height and Design.** The maximum height for any freestanding sign shall be 12 feet, including the base. The base shall be constructed of materials which match the exterior materials utilized on the main building.
4. **Area.**
 - a. **Identification Sign.** Except as otherwise provided, the maximum area of a freestanding sign shall be one square foot for each lineal foot of street frontage, not to exceed 160 square feet. If a use fronts on more than one street, either, but not both, frontages may be used to determine maximum sign area allowed. Provided, however, that the freestanding sign must be placed along and oriented to the frontage which is used to determine permitted area.
 - b. **Motor Vehicle Fuel Price Sign.** The maximum area of any motor vehicle fuel price sign, excluding the base or embellishments shall be 100 square feet; the maximum area of the sign including the base and/or embellishments shall be 150 square feet.
 - i. Motor vehicle fuel price signs may consist of programmable electronic signs. Use of said signs shall be limited to the portion of any sign structure devoted exclusively to display of motor vehicle fuel price information required or permitted by Division 5, Chapter 14, Article 12 of the California Business and Professions Code (Section 13530 et seq., as it may be amended).

- ii. Sign displays shall remain static and may not change more than once in one 12-hour period.

J. Programmable Signs.

1. A maximum of one programmable electronic sign is permitted per site with a maximum sign area of 32 square feet.
2. Messages shall be static and unanimated for a minimum of 8 seconds.
3. Transition during messages shall be 2 seconds or less and shall either be instantaneous or fade out/in. Flashing is prohibited.
4. For signs adjacent to a Caltrans right-of-way, signs shall be required to meet all Caltrans requirements, permits, and other applicable standards.
5. Lighting requirements shall be the same as for digital display signs (Section 17.20.045(B)).

K. Drive-Through Menu Boards.

1. Menu boards associated with drive-through establishments, such as coffee houses and restaurants, shall not be considered in the sign area calculation if:
 - a. Used primarily for displaying the type and price of food and beverages available; and
 - b. The menu board faces cannot be read from a public right-of-way.
- (Ord. 1749 § 4; Ord. 1763 §§ 12, 13; Ord. 1796 § 6; Ord. 1849 § 2)

§ 17.20.120. Requirements for commercial and mixed-use districts.

- A. **Signs in CN and MXN Districts.** In CN and MXN districts, signs shall be permitted as specified in Table 17.20.120-1.
- B. **Signs in C-1, OF, and MXD Districts.** In C-1 and MXD districts, signs shall be permitted as specified in Table 17.20.120-2.
- C. **Signs in C-2, CLM, CH, and MXC Districts.** In C-2, CLM, CH, and MXC districts, signs shall be permitted as specified in Table 17.20.120-3.
- D. **Dwelling Units in Commercial and Mixed-Use Districts.**
 1. Any dwelling unit in a commercial or mixed-use district may display one wall, window, banner, or canopy sign, with a maximum area of 5 square feet. No lighting shall be provided for the sign.
 2. For mixed-use developments that contain at least four dwelling units, one additional wall, window, banner, or canopy sign, with a maximum area of 10 square feet, shall be allowed for the entire development. This sign shall not be internally illuminated.

§ 17.20.120

§ 17.20.120

Table 17.20.120-1 Allowed Signs in CN and MXN Districts						
Permitted Sign Types	Max. Number of Signs	Max. Area	Max. Total Area for All Signs ¹	Max. Height	Lighting Allowed	Additional Requirements
Awning signs	No maximum	Determined by maximum total sign permitted	1 square foot for each linear foot of building fronting a street, public way or public or customer parking area ²	No maximum	Yes; internal illumination prohibited	§ 17.20.070
Banner signs	1 per frontage			Below eave or below sill of second floor window	No	—
Canopy signs	No maximum			Below eave or below sill of second floor window	Yes; internal illumination prohibited	—
Monument signs	1 per frontage			6 feet	Yes	§ 17.20.070
Projecting signs	1 per tenant on each frontage			Below eave or below sill of second floor window	Yes	§ 17.20.070
Wall signs	No maximum	10% of wall area		Below eave	Yes	§ 17.20.070
Window signs	No maximum	25% of window area		No maximum	Yes	§ 17.20.070

Notes:	
1	The maximum total area applies to all signs on a site, including signs for all tenants of a multi-tenant building.
2	The maximum total area shall not be lower than 25 square feet.

Table 17.20.120-2
Allowed Signs in C-1, OF and MXD Districts

Permitted Sign Types	Max. Number of Signs	Max. Area	Max. Total Area for All Signs ¹	Max. Height	Lighting Allowed	Additional Requirements
Awning signs	No maximum	50% of awning area, or 40 sq. ft., whichever is less	Less than 20,000 sq. ft. of gross floor area on site: 1.5 sq. ft. for each linear foot of building frontage, or 300 sq. ft., whichever is less ²	No maximum	Yes; internal illumination prohibited	§ 17.20.070
Banner signs	1 per frontage	40 sq. ft.	At least 20,000 sq. ft. of gross floor area on-site: 1.5 sq. ft. for each linear foot of building frontage, or 350 sq. ft., whichever is less ³	20 feet ⁵	No	—
Canopy signs	No maximum	5 sq. ft. per face		20 feet ⁵	Yes; internal illumination prohibited	—
Freestanding signs	1 per frontage	Determined by total area		8 feet⁴	Yes	§ 17.20.070
Monument signs	1 per frontage	Determined by total area	40,000 to 80,000 sq. ft. of gross floor area: 1.5 sq. ft. for each linear foot of building frontage, or 400 sq. ft., whichever is less ⁴	8 feet	Yes	§ 17.20.070
Projecting signs	1 per tenant on each frontage	50 sq. ft.		20 feet ⁵	Yes	§ 17.20.070

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Table 17.20.120-2 Allowed Signs in C-1, OF and MXD Districts						
Permitted Sign Types	Max. Number of Signs	Max. Area	Max. Total Area for All Signs ¹	Max. Height	Lighting Allowed	Additional Requirements
Wall signs	No maximum	10% of wall area	80,000 to 140,000 sq. ft. of gross floor area: 1.5 sq. ft. for each linear foot of building frontage, or 450 sq. ft., whichever is less	20 feet ⁵	Yes	§ 17.20.070
Window signs	No maximum	25% of window area	140,000 to 200,000 sq. ft. of gross floor area: 1.5 sq. ft. for each linear foot of building frontage, or 500 sq. ft., whichever is less	No maximum	Yes	§ 17.20.070

Notes:	
1	The maximum total area for all signs applies to all signs on a site, including signs for all tenants of a multitenant building.
2	For a gross floor area less than 20,000 square feet, the maximum total area shall not be lower than 50 square feet.
3	For a gross floor area of at least 20,000 square feet, the maximum total area shall not be lower than 75 square feet.
4	Freeway-oriented businesses, as well as sites contiguous to Oroville Dam Boulevard, as well as other C-1 and MXD properties may have one freestanding sign with additional height as specified in Section 17.20.070.
5	Maximum sign height of 20 feet may be exceeded, subject to the approval of the planning commission.

Table 17.20.120-3 Allowed Signs in C-2, CH, CLM and MXC Districts						
Permitted Sign Types	Max. Number of Signs	Max. Area	Max. Total Area for All Signs ¹	Max. Height	Lighting Allowed	Additional Requirements
Awning signs	No maximum	50% of awning area, or 40 sq. ft., whichever is less	Less than 20,000 sq. ft. of gross floor area: 1.5 sq. ft. per linear foot of building frontage, or 300 sq. ft., whichever is less ²	No maximum	Yes; internal illumination prohibited	§ 17.20.070
Banner signs	1 per frontage	40 sq. ft.		20 feet ⁶	No	—
Canopy signs	No maximum	5 sq. ft. per face		20 feet ⁶	Yes; internal illumination prohibited	—
Freestanding signs	1 per frontage	Determined by total area	20,000 to 40,000 sq. ft. of gross floor area: 1.5 sq. ft. per linear foot of building frontage, or 350 sq. ft., whichever is less ³	8 feet⁵	Yes	§ 17.20.070
Marquee signs	1 per frontage	Determined by total area		10 feet	Yes	—
Monument signs	1 per frontage	Determined by total area		8 feet	Yes	§ 17.20.070
Projecting signs	1 per tenant on each frontage	50 sq. ft.	40,000 to 80,000 sq. ft. of gross floor area: 1.5 sq. ft. per linear foot of building frontage, or 400 sq. ft., whichever is less ⁴	20 feet ⁶	Yes	§ 17.20.070
Wall signs	No maximum	10% of wall area		20 feet ⁶	Yes	§ 17.20.070

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Table 17.20.120-3 Allowed Signs in C-2, CH, CLM and MXC Districts						
Permitted Sign Types	Max. Number of Signs	Max. Area	Max. Total Area for All Signs ¹	Max. Height	Lighting Allowed	Additional Requirements
Window signs	No maximum	25% of window area	80,000 to 140,000 square feet of gross floor area: 1.5 square feet per linear foot of building frontage, or 450 square feet, whichever is less 140,000 to 200,000 square feet of gross floor area: 1.5 square feet per linear foot of building frontage, or 500 square feet, whichever is less	No maximum	Yes	§ 17.20.070

Notes:	
1	The maximum total area applies to all signs on a site, including signs for all tenants of a multi-tenant building.
2	or a gross floor area less than 20,000 square feet, the maximum total area shall not be lower than 50 square feet.
3	For a gross floor area between 20,000 and 40,000 square feet, the maximum total area shall not be lower than 75 square feet.
4	For a gross floor area more than 40,000 square feet, the maximum total area shall not be lower than 100 square feet.
5	Freeway-oriented businesses, sites contiguous to Oroville Dam Boulevard, as well as other C-1 and MXD properties may have one freestanding sign with additional height as specified in Section 17.20.070.
6	Maximum sign height of 20 feet may be exceeded, subject to the approval of the planning commission.

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Item 3.

(Ord. 1763 ; Ord. 1749 § 4; Ord. 1763 §§ 11, 14—17; Ord. 1796 §§ 1—3; Ord. 1849 § 2)

Attachment 2

17.04.060 Definitions.

Sign, freeway-oriented. Any sign for a ~~freeway-oriented~~ business or businesses that is designed to be visible from ~~the freeway on which the business depends~~ State Route 70 or any other freeway as designated in the Circulation Element of the General Plan.

17.20.070 Requirements for specific types of signs.

C. Monument Signs.

- 1. Monument signs shall not be placed on any frontage with a building setback of less than 20 feet.
- 2. A minimum distance of 50 feet shall separate any 2 monument signs.
- 3. A monument sign shall not be placed on a frontage that has a freestanding sign unless the two signs are separated by a minimum distance of 75 feet.

D. Freestanding Signs.

- 1. Freestanding signs shall not be placed on any frontage with a width of less than 75 feet, or with a building setback of less than 25 feet.
- 2. A minimum distance of 75 feet shall separate any 2 freestanding signs.
- 3. A freestanding sign shall not be placed on a frontage that has a monument sign unless the two signs are separated by a minimum distance of 75 feet. The maximum height of a freestanding ~~freeway-oriented~~ sign for properties that abut State Route (SR) 162 shall be ~~40~~ may be up to 25 feet. ~~Increased height, up to a maximum of 85 feet, may be permitted if the property is within a ¼ mile distance of SR 70. The maximum permitted height shall be specified in the sign permit.~~
- 4. ~~The planning commission can approve an increase in the allowed height of a freestanding sign if the need for this increase is demonstrated by means of a balloon test or other method approved by the zoning administrator.~~
- 5. The maximum freestanding sign area is based on the total linear street frontage of the front side of the site as follows:

Street Frontage	Sign Area
Up to 200 ft.	50 sq. ft. per side
200 to 400 ft.	75 sq. ft. per side
Over 400 ft.	100 sq. ft. per side

- 6. No portion of a freestanding sign shall project above a public right-of-way.

76. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 30 square feet of sign area equates to 60 square feet of required landscaped area.

E. Freeway-Oriented Freestanding Signs.

1. A freeway-oriented freestanding sign may be approved on a nonresidential zoned parcel immediately abutting State Route 70 right-of-way, or separated by a road running parallel to State Route 70 where no parcels separate the road from State Route 70 right-of-way, so long as the property is within a ¼ mile distance from a State Route 70 right-of-way.
2. The maximum height and associated permitting requirements for freeway-oriented freestanding signs shall be as follows:

	<u>Height</u>	<u>Permit Requirements</u>
<u>Single Tenant or Multiple Tenants</u>	<u>40 feet</u>	<u>Sign Permit</u>
<u>Multiple Tenants</u>	<u>60 feet plus 5 additional feet per tenant, up to 85 feet</u>	<u>Use Permit</u>
<u>Property within ¼ mile of a State Route 70 off-ramp</u>	<u>85 feet</u>	<u>Use Permit</u>

3. The maximum freeway-oriented freestanding sign area is based on the total linear street frontage of the front side of the site as follows:

<u>Street Frontage</u>	<u>Sign Area (Single Tenant)</u>	<u>Sign Area (Multi-Tenant Sign)</u>
<u>Up to 200 ft.</u>	<u>50 sq. ft. per side</u>	<u>150 sq. ft. per side</u>
<u>200 to 300 ft.</u>	<u>75 sq. ft. per side</u>	<u>250 sq. ft. per side</u>
<u>Over 400 ft.</u>	<u>100 sq. ft. per side</u>	<u>350 sq. ft. per side</u>

4. Two or more contiguous parcels, not located within a shopping center or similar cohesive development, may share a freeway-oriented freestanding sign subject to the height and square footage limits of this section. If two or more contiguous parcels share a freeway-oriented freestanding sign, the parcels shall not be allowed a separate freeway-oriented freestanding sign or other freestanding sign advertising their individual parcel.
5. Freeway-oriented freestanding signs shall not be placed on any frontage with a width of less than 75 feet, or with a building setback of less than 25 feet.

- 6. A minimum distance of 75 feet shall separate any 2 freeway-oriented freestanding signs.
- 7. No portion of the sign shall project above a public right-of-way.
- 8. The sign shall comply with the location, placement, and design criteria of Section 17.20.060.
- 9. Support structures for freeway-oriented freestanding signs containing four (4) or more tenant panels shall be cladded or skirted from the base/ground to the sign frame so as to not leave an exposed pole. Cladding or skirting materials shall be complementary in style and color to the building(s) of the subject property.
- 10. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 30 square feet of sign area equates to 60 square feet of required landscaped area.
 - a. If the sign is located abutting State Route 70 at the rear of the property primarily used as a service area and not for regular customer access, decorative rock, gravel, bark, and other low-maintenance landscaping techniques and plantings may be utilized so long as the base area equal to twice the area of one face of the sign is not paved.

17.20.120 Requirements for commercial and mixed-use districts.

Table 17.20.120-1

Allowed Signs in CN and MXN Districts

Permitted Sign Types	Max. Number of Signs	Max. Area	Max. Total Area for All Signs ¹	Max. Height	Lighting Allowed	Additional Requirements
Awning signs	No maximum	Determined by maximum total sign permitted	1 square foot for each linear foot of building fronting a street, public way or public or customer parking area ²	No maximum	Yes; internal illumination prohibited	§ 17.20.070
Banner signs	1 per frontage	Determined by maximum total sign permitted		Below eave or below sill of second floor window	No	—
Canopy signs	No maximum	Determined by maximum total sign permitted		Below eave or below sill of second floor window	Yes; internal illumination prohibited	—
Monument signs	1 per frontage	<u>30 sq. ft. per sign face</u>		6 feet	Yes	§ 17.20.070
Projecting signs	1 per tenant on each frontage	Determined by maximum total sign permitted		Below eave or below sill of second floor window	Yes	§ 17.20.070
Wall signs	No maximum	10% of wall area		Below eave	Yes	§ 17.20.070

Window signs	No maximum	25% of window area		No maximum	Yes	§ 17.20.070
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1 The maximum total area applies to all signs on a site, including signs for all tenants of a multi-tenant building. This does not include freestanding signs, freeway-oriented freestanding signs, and monument signs, whose maximum area shall be as specified in Section 17.20.070 and not apply to the maximum total area for all signs on a site.

2 The maximum total area shall not be lower than 25 square feet.

Table 17.20.120-2

Allowed Signs in C-1, OF and MXD Districts

Permitted Sign Types	Max. Number of Signs	Max. Area	Max. Total Area for All Signs ¹	Max. Height	Lighting Allowed	Additional Requirements
Awning signs	No maximum	50% of awning area, or 40 sq. ft., whichever is less	Less than 20,000 sq. ft. of gross floor area on site: 1.5 sq. ft. for each linear foot of building frontage, or 300 sq. ft., whichever is less ²	No maximum	Yes; internal illumination prohibited	§ 17.20.070
Banner signs	1 per frontage	40 sq. ft.	At least 20,000 sq. ft. of gross floor area on-site: 1.5 sq. ft. for each linear foot of building frontage, or 350 sq. ft., whichever is less ³	20 feet ⁵	No	—
Canopy signs	No maximum	5 sq. ft. per face		20 feet ⁵	Yes; internal illumination prohibited	—
Freestanding signs	1 per frontage	Determined by total area <u>See § 17.20.070</u>		8-12 feet ⁴	Yes	§ 17.20.070
Monument signs	1 per frontage	Determined by total area <u>50 sq. ft. per sign face</u>	40,000 to 80,000 sq. ft. of gross floor area: 1.5 sq. ft. for each linear foot of building frontage, or 400 sq. ft., whichever is less ⁴	8 feet	Yes	§ 17.20.070
Projecting signs	1 per tenant on each frontage	50 sq. ft.	80,000 to 140,000 sq. ft. of gross floor area:	20 feet ⁵	Yes	§ 17.20.070
Wall signs	No maximum	10% of wall area		20 feet ⁵	Yes	§ 17.20.070

			1.5 sq. ft. for each linear foot of building frontage, or 450 sq. ft., whichever is less			
Window signs	No maximum	25% of window area	140,000 to 200,000 sq. ft. of gross floor area: 1.5 sq. ft. for each linear foot of building frontage, or 500 sq. ft., whichever is less	No maximum	Yes	§ 17.20.070

Notes:

- 1 The maximum total area for all signs applies to all signs on a site, including signs for all tenants of a multi-tenant building. This does not include freestanding signs, freeway-oriented freestanding signs, and monument signs, whose maximum area shall be as specified in Section 17.20.070 and not apply to the maximum total area for all signs on a site.
- 2 For a gross floor area less than 20,000 square feet, the maximum total area shall not be lower than 50 square feet.
- 3 For a gross floor area of at least 20,000 square feet, the maximum total area shall not be lower than 75 square feet.
- 4 Freeway-oriented businesses, as well as sites contiguous to Oroville Dam Boulevard, as well as other C-1 and MXD properties may have one freestanding sign with additional height as specified in Section [17.20.070](#).
- 5 Maximum sign height of 20 feet may be exceeded, subject to the approval of the planning commission.

Table 17.20.120-3

Allowed Signs in C-2, CH, CLM and MXC Districts

Permitted Sign Types	Max. Number of Signs	Max. Area	Max. Total Area for All Signs ¹	Max. Height	Lighting Allowed	Additional Requirements
Awning signs	No maximum	50% of awning area, or 40 sq. ft., whichever is less	Less than 20,000 sq. ft. of gross floor area: 1.5 sq. ft. per linear foot of building frontage, or 300 sq. ft., whichever is less ²	No maximum	Yes; internal illumination prohibited	§ 17.20.070
Banner signs	1 per frontage	40 sq. ft.		20 feet ⁶	No	—
Canopy signs	No maximum	5 sq. ft. per face		20 feet ⁶	Yes; internal illumination prohibited	—
Freestanding signs	1 per frontage	Determined by total area See § 17.20.070	20,000 to 40,000 sq. ft. of gross floor area: 1.5 sq. ft. per linear foot of building frontage, or 350 sq. ft., whichever is less ³	8-12 feet ⁵	Yes	§ 17.20.070
Freeway-oriented freestanding sign	1 per property	See § 17.20.070		See § 17.20.070	Yes	§ 17.20.070
Marquee signs	1 per frontage	Determined by total area	40,000 to 80,000 sq. ft. of gross floor area: 1.5 sq. ft. per linear foot of building frontage, or 400 sq. ft., whichever is less ⁴	10 feet	Yes	—
Monument signs	1 per frontage	Determined by total area 50 sq. ft. per sign face		8 feet	Yes	§ 17.20.070
Projecting signs	1 per tenant on each frontage	50 sq. ft.	80,000 to 140,000 square feet of gross floor area: 1.5 square feet per linear foot of building frontage, or 450 square feet, whichever is less	20 feet ⁶	Yes	§ 17.20.070
Wall signs	No maximum	10% of wall area		20 feet ⁶	Yes	§ 17.20.070
Window signs	No maximum	25% of window area		No maximum	Yes	§ 17.20.070

Permitted Sign Types	Max. Number of Signs	Max. Area	Max. Total Area for All Signs ¹	Max. Height	Lighting Allowed	Additional Requirements
			140,000 to 200,000 square feet of gross floor area: 1.5 square feet per linear foot of building frontage, or 500 square feet, whichever is less			

Notes:

- 1 The maximum total area applies to all signs on a site, including signs for all tenants of a multi-tenant building. This does not include freestanding signs, freeway-oriented freestanding signs, and monument signs, whose maximum area shall be as specified in Section 17.20.070 and not apply to the maximum total area for all signs on a site.
- 2 For a gross floor area less than 20,000 square feet, the maximum total area shall not be lower than 50 square feet.
- 3 For a gross floor area between 20,000 and 40,000 square feet, the maximum total area shall not be lower than 75 square feet.
- 4 For a gross floor area more than 40,000 square feet, the maximum total area shall not be lower than 100 square feet.
- 5 Freeway-oriented businesses, sites contiguous to Oroville Dam Boulevard, as well as other C-1 and MXD properties may have one freestanding sign with additional height as specified in Section [17.20.070](#).
- 6 Maximum sign height of 20 feet may be exceeded, subject to the approval of the planning commission.

17.20.080 Sign programs.

- A. **Purpose.** Sign programs are specifically intended to address the unique needs of certain uses and properties that include multiple uses on a site, or multiple signs for uses with special sign needs. Sign programs shall be used to achieve aesthetic compatibility between the signs within a project and provide flexibility in the number, size, location and type of signs.
- B. **Applicability.** A sign program shall be required for the following:

1. Any new non-residential development with four (4) or more tenants.
2. Any requests for deviations from the regulations and standards of this chapter.
3. Shopping centers containing at least one (1) anchor tenant occupying at least 50,000 sq. ft. and at least three (3) other tenants who share common parking and pedestrian facilities.

Sign programs may also be required as a condition of approval for a project requiring development review or a use permit, specifically for the following uses:

1. Multiple-tenant buildings.
2. Drive-through establishments.
3. Uses with freeway-oriented signs.
4. Automobile or other vehicle sales.
5. All uses within a planned development (PD-O) overlay district.

C. **Modification of Standards.** A sign program may modify any of the following standards of this section:

1. The number of signs allowed.
2. The size allowed for an individual sign; ~~provided, however, that the total area of all signs in the sign program shall not exceed the total area allowed by this section by more than 10%.~~
3. The maximum height of monument and freestanding signs that display information for multiple tenants; provided, however, as follows:
 - a. The height shall not exceed ~~20~~ 40 feet for establishments that are contiguous to Oroville Dam Boulevard, and ~~45~~ 25 feet for all other establishments.
 - b. The maximum height shall not be increased for signs in a residential district or the downtown historic overlay (DH-O).
4. The location and type of signs allowed; provided, however, as follows:
 - a. A sign program shall allow no more than one sign that is not located on the same site as its associated use, in addition to any such signs that may be allowed by this section.
 - b. A sign program shall not include a prohibited sign.

D. **Design Requirements.**

1. Sign programs shall be designed so that all signs have visually compatible themes and placement.
2. Signs shall draw from a common palette of materials, colors, shapes, lettering types and sizes, and illumination methods. This common palette shall be compatible with the architecture and scale of the site's buildings.
3. For developments with existing signs, the sign program shall include existing signage in the and designate appropriate replacements, if any, which are consistent with the new signage.

C. Submittal Requirements. An application for a Planned Sign Program shall consist of the following:

1. A copy of a site plan showing location of buildings, parking areas, driveways, landscaped areas, and adjacent streets.
2. A site plan indicating the location of all existing and proposed signs requiring a permit.
3. A matrix summarizing the total number of signs, sign area for individual signs, total sign area and height, for each existing and proposed sign type.
4. For each existing sign to remain or proposed sign in the Planned Sign Program, the following shall be specified:
 - a. Location of each sign on the buildings and property;
 - b. Sign dimensions;
 - c. Color scheme;
 - d. Lettering or graphic style;
 - e. Lighting, if any;
 - f. Materials;
 - g. Landscaping quantities, types, sizes, and planter area dimensions if signs are to be located within landscaped planters;
 - h. Statement of justification for requests for deviations; and
 - i. Other information as deemed necessary for the adequate evaluation of the proposed Planned Sign Program.

E. Review of Sign Programs. All sign programs shall be subject to development review, in accordance with the requirements of Chapter [17.52](#) (Development Review) and the requirements of this section. Any sign program requesting deviations from the provisions of this chapter shall be subject to Planning Commission action. The review authority for development review shall approve a sign program only upon determining that:

1. The signs included in the sign program have one or more common design elements, such as their placement, colors, materials, illumination, sign type, sign shape, letter size, and lettering type.
2. The colors, materials, size and placement of the signs included in the sign program are compatible with the materials, architecture and scale of the buildings and signs on the site. (Ord. 1749 § 4; Ord. 1849 § 2)