

## CITY COUNCIL

Chris Dobbs, Mayor  
Bruce T. Roundy, Vice-Mayor  
Jeffrey A. Tolley  
John McDermott  
Mathew Romano

## CITY OFFICIALS

Jennifer Schmitke  
City Clerk

Leticia Espinosa  
City Treasurer

# CITY OF ORLAND

INCORPORATED 1909

815 Fourth Street  
ORLAND, CALIFORNIA 95963  
Telephone (530) 865-1600  
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## CITY MANAGER

Peter R. Carr

Meeting Place: Carnegie Center  
912 Third Street  
Orland CA 95963

## AGENDA

### REGULAR MEETING, ORLAND PLANNING COMMISSION

Thursday, March 16, 2023 at 5:30 P.M.

Public comments are welcomed and encouraged in advance of the meeting by emailing the City Clerk at [jtschmitke@cityoforland.com](mailto:jtschmitke@cityoforland.com) or by phone at (530) 865-1610 by 4:00 p.m. on the day of the meeting. This meeting will be conducted pursuant to the provisions of the AB361 which suspends certain requirements of the Ralph M. Brown Act.

The public is encouraged to participate in the meeting via Zoom or can participate at Carnegie Center.

ZOOM Link: [www.zoom.us](http://www.zoom.us)

WEBINAR ID# 867 9156 1879

ZOOM Telephone - Please call: 1 (669) 900-9128

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ORAL AND WRITTEN COMMUNICATIONS

#### Citizen Comments:

Members of the public wishing to address the Commission on any item(s) not on the agenda, may do so at this time when recognized by the Chairperson; however, no formal action or discussion will be taken unless placed on a future agenda. Public is advised to limit discussion to one presentation per individual. While not required, please state your name and address for the record. **(Oral communications will be limited to three minutes).**

## 5. CONSENT CALENDAR

Approval of Prior Minutes: February 16, 2023 (p.1)

## **6. PUBLIC HEARING**

### **Variance: VAR 2022-04 – La Corona Mexican Restaurant (1002 Sixth Street).**

A public hearing will be held to consider a request to approve a Variance (VAR) to reduce the number of required parking spaces pursuant to Orland Municipal Code Section 17.76.100[B][8]. The project is proposed to be located at 1002 Sixth Street (APN 040-243-001) in the City of Orland. The property is currently owned by Martin Galvan. (p.5)

## **7. ITEMS FOR DISCUSSION**

Complete Streets (Discussion/Direction) (p.14)

## **8. STAFF REPORT**

## **9. COMMISSIONER REPORTS**

## **10. FUTURE AGENDA ITEMS**

## **11. ADJOURN**

CERTIFICATION: Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on March 10, 2023.

A complete agenda packet is available for public inspection during normal business hours at City Hall, 815 Fourth Street, Orland, CA.

In compliance with the Americans with Disabilities Act, the City of Orland will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's Office at (530) 865-1610 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**PLANNING COMMISSION MINUTES**  
**February 16, 2023**

**1. Call to Order** – The meeting was called to order by Chairperson Stephen Nordbye at 5:30 PM.

**2. Pledge of Allegiance**

**3. Roll Call:**

Commissioner's present –	Chairperson Stephen Nordbye, Vice Chairperson Wade Elliott, , Commissioners Sharon Lazorko, Michelle Romano, and Vern Montague
Commissioner's absent -	None
Councilmember present -	Councilmember McDermott
Staff present-	City Planner Scott Friend and City Clerk Jennifer Schmitke

**4. ORAL AND WRITTEN COMMUNICATIONS**

**Citizen Comments** – None

**5. CONSENT CALENDAR**

Approval of Prior Minutes: December 15, 2022, and January 19, 2023

**ACTION:** Commissioner Lazorko moved, seconded by Commissioner Romano to approve consent calendar as presented. Motion carried unanimously by a voice vote, 5-0.

**6. PUBLIC HEARING**

**A. Tentative Parcel Map: TPM 2022-01 – Byron and Donna Royce (Applicant[s]/Landowner[s]) at 611 Papst Avenue. APN 041-090-007.**

City Planner Scott Friend presented a request to approve a tentative parcel map that would subdivide an existing 3.07-acre parcel into two (2) lots. The parcel is located immediately east of and directly adjacent to Papst Avenue at the western terminus of E Tehama Street. The parcel is zoned *R-1 Residential One-Family* and has a designation of *R-L Residential Low Density*. Mr. Friend stated that there is no construction being proposed with this application. Mr. Friend shared that currently the site is vacant/undeveloped with the exception of a single-family dwelling located on the southwestern corner of the property. Mr. Friend explained the parcel owner would like to divide the lot so that the existing house is on its own parcel. Mr. Friend shared that without the tentative parcel map the house cannot be sold without selling the acreage around the house as well.

Mr. Friend reported that the house is currently connected to City water and sewer. Mr. Friend shared with the Commission that the action tonight would allow for a new parcel 2 which would result in 2.85 acres leaving parcel 1 with the house approximately 9,700 square feet.

Mr. Friend shared that the City Engineer has been working with the surveyor and noted that the Right of Way of Papst Avenue has a slight increase in width beyond what is delineated on the TPM. As a result of the modified right-of-way width, Mr. Friend noted that the proposed lot sizes will reduce slightly, but

reminded the Commission that the parcel sizes will still meet Orland Municipal Code (OMC) zoning requirements.

Commissioner Romano asked if there were any plans in the future to add an easement on Swift Street. Mr. Friend stated there were no plans to add an easement at that location as far as he was aware.

Chairperson Nordbye opened the Public Hearing at 5:41 PM.

With no comments, Chairperson Nordbye closed the Public Hearing at 5:41 PM.

Vice Chairperson Elliott asked if the current property is all zoned R-1, Mr. Friend concurred. Vice Chairperson Elliott asked if the newly created parcel could also be developed if it fit within the R-1 zone, Mr. Friend concurred.

**ACTION:** Vice Chairperson Elliott moved, seconded by Commissioner Romano that the Planning Commission determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15315, Minor Land Division, and §15061(b)(3), the “Common Sense” exemption and that the Planning Commission approve Resolution 2023-03 approving TPM#2023-01 as presented. Motion carried, 5-0 by a voice vote.

#### **B. Zoning Ordinance Text Amendment (ZCA 2023-01) – Joint Tenant Pole Signs.**

Mr. Friend presented an amendment to the Orland Municipal Code (OMC) Title 17, Chapter 17.78 *Sign Ordinance* to incorporate the Conditional Use of “joint tenant” signs for tenants that are on separate parcels. Mr. Friend shared that the proposed addition to the Ordinance would apply to commercial uses in the “Freeway Influence Area” (FIA) exclusively. Mr. Friend reminded the Commission that the request from the Planning Commission was directed toward City Staff to review the code and make necessary changes and updates to avoid confusion for future projects.

Mr. Friend shared with the Commission that currently the OMC does not allow for business signs to advertise use located off-site from the actual business location. Mr. Friend stated that it does happen, it just isn’t permitted in the code. Mr. Friend informed the Commission members that the current code only allows one (1) off-site multi-tenant sign in each of the six (6) freeway Interchange districts around the two main interchange areas in Orland. Mr. Friend noted that the code does not have a clearly defined section in Chapter 17.78 that specifically allows an applicant to apply for a Conditional Use Permit (CUP) that would permit the use of a “joint tenant” pole sign to provide advertising space for other businesses on separate and adjacent parcels, but still in the freeway interchange districts, to be advertised on the sign.

Mr. Friend spoke with the Commission about allowing for the Conditional Use of “joint tenant” pole signs in the “Freeway Influence Area”(FIA). Mr. Friend shared that Staff had reviewed several other cities’ special sign districts to provide the Planning Commission a few suggestions for the FIA defined boundaries. Many cities have chosen to define the boundaries of the special sign districts by a distance from the center line of major roadways. Staff suggested that the City of Orland Freeway Interchange Area (FIA) be defined as, “being within 1,000 feet from the center line of I-5, and zoned with the C1, C2, CH, ML, MU, or PD zoning districts and not in any R (*Residential*) zoning districts.” Mr. Friend presented two other options which were to extend the FIA out to 1,200 ft or 1,500 ft from the center line of I-5 to



capture and include additional commercial and industrial areas. Mr. Friend stated that Staff believes there are benefits to advertising a business where the advertisement can be seen from major roadways, like Interstate 5 (I-5), and noted that without an advertising device, such as a joint-tenant pole sign, traveling vehicles would not know such businesses existed within the City. Mr. Friend gave examples of different business along the freeway and into town giving the Commission an idea of the distances so they could determine the appropriate distance for such signs. Mr. Friend stated the existing code does not have either a definition of an FIA nor does it contemplate this idea. It is a new concept. Mr. Friend recommended that the Commission consider addition the concept into the Code along with a definition of what the FIA is.

Mr. Friend addressed with the Commission some idea about the appropriate number of off-site tenants that should be on one sign. Mr. Friend presented pictures of other multi-tenant signs to assist the Commission with the task of deciding what a reasonable number of tenants on one sign might be. Mr. Friend shared that City Staff was recommending no more than 3 off-site tenants (4 total) be allowed on one pole sign. Mr. Friend also addressed the topic of upkeep and maintenance of the sign and offered considerations regarding what could happen if one tenant on a multi-tenant sign closes shop. Mr. Friend asked the Planning Commission for suggestions regarding what provisions might be included in the ordinance to ensure the maintenance and upkeep task do not fall short in the case of a vacancy.

Mr. Friend asked the Planning Commission to join in a conversation with each other to decide whether what was brought forward needs more work or if the Commission liked the ordinance as it was presented.

Chairperson Nordbye opened the Public Hearing at 5:55 PM.

With no comments, Chairperson Nordbye closed the Public Hearing at 5:55 PM.

Commissioner Lazorko asked for clarification on if only one joint-tenant sign was allowed per the six highway business areas. Mr. Friend stated there could multiple such signs in each FIA. Mr. Friend shared that in the city code currently only permitted one large multiple tenant sign in each of the six (6) approved freeway interchange areas.

Commissioner Romano asked if the sign spacing limit was still in place. Mr. Friend stated the way the code reads currently, if an application was "conforming" with the requirements of the Code, the applicant does not have to come before the Commission to get a CUP. However, if an applicant wanted to go bigger in size, taller in height or to locate a freeway sign closer together that was allowed by the Code, the applicant would have to get a CUP from the Commission. Commissioner Romano asked if there was a square footage limit on the multi-tenant signs. Mr. Friend stated, yes. He noted however that if an applicant wanted to go bigger than the Code allowed, that they will have to go through the Planning Commission and get a CUP. Commissioner Romano asked is a 4-tenant sign would be allowed 400 square feet. Mr. Friend shared that the sign would be 250 square feet divided by the 4 proposed tenants. If additional square footage was desired, an applicant would then need to come to the Commission with a CUP request to ask for more sign area.

Chairperson Nordbye stated he like the idea of the 1,500 feet width for the Freeway Influence Area and noted that making the area as wide as possible would likely prevent City from needing to keep going back to change the code. Chairperson Nordbye noted that he believed that the Commission should add

something to the code stating that it was the responsibility of the property owner where the sign is located to be the person responsible for the upkeep and maintenance on the sign. Chairperson Nordbye also asked that wording be added to draft amendment to require that a sign be removed if a business was closed for more than a specific number of days.

Commissioner Romano asked about the “blue” directional signs located along the freeway that usually just say gas, food, or lodging. Mr. Friend noted that the blue signs are State endorsed signs that are maintained by Caltrans, and he noted that the City code did not apply to those signs.

Commissioner Lazorko asked if there were any downsides to selecting the 1,500 feet width for a FIA. Mr. Friend shared that one potential downside could be the potential for more multi-tenant signs if one felt that more signs were a downside.

Vice Chairperson Elliott shared that he liked the idea of creating a FIA and noted that he felt that the FIA being added and defined in the code would allow for other things to be determined in the future that the City may want. Vice Chairperson Elliott asked if the FIA could help set certain standards for future developers in the area. Mr. Friend stated that it could. Chairperson Elliott stated that he believed that the City wanted fewer pole signs when and where possible and that allowing more tenants on a single pole sign could possibly reduce the overall number of signs along the freeway. Vice chairman Elliott noted that in situations where a multiple tenant sign was to “by-right”, that no CUP would be required and that he believed that the responsibilities of the property owner on which the sign was located could and should be clearly addressed in the Code.

Commissioner Montague shared that he felt 1,500 ft was very business friendly and that adopting a wider area for such signs would only serve to benefit the City.

Commissioner Romano addressed her concern for the signs getting close to residential areas.

Commissioner Romano asked if digital signs will be held to the same code standards. Mr. Friend shared that digital signs were currently addressed separately in the code, but he noted that he will be coming back to the Commission to discuss digital signs a future meeting at which time the Commission could provide direction in that regard.

**ACTION:** Vice Chairperson Elliott moved, seconded by Commissioner Lazorko that the Planning Commission adopt Planning Commission Resolution 2023-04 with the following additions or clarifications to the draft Code amendment: 1) make the size of the proposed FIA 1,750 feet from the center line of I-5 as presented in the staff recommendation in the staff report, and, 2) add clear language to the Code regarding maintenance responsibilities and necessary upkeep of the signage that it will be the responsibility of the property owner on which the sign is located. The motion further noted that the proposed action is exempt from further review pursuant to Sections 15311 of the Public Resources Code. Motion carried, 4-1 (Commissioner Romano voted no) by a voice vote.

**C. Rezoning and Tentative Subdivision Map: RZ 2022-01 and TSM 2022-01 – Lakeport Parkside, LLC / Schellinger Brothers (Applicant[s]/Landowner[s]) the southwest corner of Papst Avenue and South Street. APN 041-262-028.**

Chairperson Nordbye stated that this item will be continued to the March 16, 2023, Planning Commission Meeting as requested by the applicant.

## **7. ITEMS FOR DISCUSSION**

Mr. Friend let the Commission know that he had been informed that there were no formal meeting notes from the special meeting held between the City Council, Planning Commission, and the Economic Development Commission from July 14, 2022. Mr. Friend noted that if there is a topic that the Commission would like to request staff to follow-up on from the meeting, that he would be happy to have the topic added to a future Commission agenda.

Vice Chairperson Elliott recalled that at the meeting the group discussed design standards in select areas, zones or districts where development is active such as the west side of I-5. Vice Chairperson Elliott shared that at the meeting he recalled that street and light standards and architectural standards were specific topics discussed. Mr. Friend asked if the Commission would like him to prepare a staff report on these items for the March Planning Commission meeting and the Commission was in consensus to do so.

## **8. STAFF REPORT**

Mr. Friend shared a copy of the Planning Department's Annual Review presentation with the Commission and noted that he wanted the Commission to have the same information that he shared with the Council.

Commissioners discussed SB9 with Mr. Friend and asked questions about the new building inspector. Mr. Friend shared that various SB9 projects were continuing and/or beginning in 2023. The Commission thanked Mr. Friend for all that he does for the City.

## **9. COMMISSIONERS REPORTS**

- Chairperson Nordbye nothing to report.
- Commissioner Romano nothing to report.
- Commissioner Montague nothing to report.
- Vice Chairperson Elliott reported he was anxious to hear about the Governors emergency orders in healthcare facilities on the mask mandate.
- Commissioner Lazorko had nothing to report.

## **10. FUTURE AGENDA ITEMS**

Chairperson Nordbye asked to have the bike lane proposal that Commission Romano put together added to a future agenda. Commissioner Romano shared that in General Plan policy 2.3, the Plan talks about walkable neighborhoods, pedestrian traffic and bike paths and she would like to have a discussion on this at a future meeting. Mr. Friend stated he would add this item as requested to a future agenda that he would prepare a presentation addressing complete streets at a future meeting.

## **11. ADJOURNMENT – 6:49 PM**

Respectfully submitted,

Jennifer Schmitke, City Clerk

Stephen Nordbye, Chairperson





## CITY OF ORLAND Staff Report

TO: City of Orland Planning Commission  
FROM: Scott Friend, AICP – City Planner  
MEETING DATE: March 16<sup>th</sup>, 2023; 5:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **VAR#2022-04 – La Corona Mexican Restaurant, Galvan, M.**: A request to approve a Variance pursuant to Orland Municipal Code Chapter 17.84 for a reduction in the amount of required parking spaces at an existing lot identified as 1002 Sixth Street and 040-243-001:

The subject parcel/property is on the west side of 6<sup>th</sup> Street and north of the developed lot containing the Orland Smoke Shop. The parcel is designated as Commercial (C) on the Orland General Plan land use diagram and zoned C-2, Community Commercial Pursuant to Orland Municipal Code (OMC) Chapter 17.40.

Environmental Review: The proposed action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 as the project involves a parking variance with negligible or no expansion of use on an existing fully developed lot.

APPLICANT/LANDOWNER: Martin Galvan  
1002 6<sup>th</sup> Street  
Orland, CA 95963

GENERAL PLAN: C, Commercial

ZONING: C-2, Community Commercial

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### **Summary:**

The applicant is requesting approval of a Variance to reduce the quantity of required parking spaces for an existing restaurant establishment (La Corona Mexican Restaurant). The subject parcel/property is located on the west side of Sixth Street and north of the developed lot containing the Orland Smoke Shop (see **Attachment A**). The parcel is designated as Commercial (C) on the Orland General Plan land use diagram and zoned C-2, Community Commercial.

The Orland Municipal Code [OMC] Section 17.76.100[B][8]), requires restaurants and eating establishments to have one (1) parking space for each four seats or one space for each 200 square feet of floor space. The applicant is requesting a Variance to allow an exception to the required parking standard.



In this case the applicant would be required to provide 18 spaces of offsite parking, including one ADA-approved space. The Variance request is to reduce the number of required parking spaces from eighteen (18) to nine (9) spaces and is being sought to allow the applicant to construct permanent outdoor dining space. Construction of the permanent outdoor dining space would result in the removal of four (4) existing parking spaces and the relocation of the existing ADA parking space.

**Discussion and Analysis:**

A Variance is a request to modify development standards applicable to a use/building. Variances may be granted for standards such as setback requirements, building heights and other lot development standards to include the elimination of parking spaces. Variances to allow a use not otherwise allowed within a particular zoning district (i.e. "land use variance") cannot be considered pursuant to State law.

The reduction in parking spaces is necessary due to site constraints from the desired construction of an outdoor dining area as that action would require the removal of several existing parking spaces. The need for outdoor dining has been a response to the constraints associated with the COVID virus that has had unanticipated consequences on local business owners. The applicant is requesting the Variance to permit the desired facility expansion which became desirable during the COVID-19 social distancing period.

**Findings and Evaluation:**

Evaluation of the request to grant a Variance is governed by California Government Code Section 65906 and Section 17.84.020 of the Orland Municipal Code (OMC).

In accordance with California Government Code Section 65906:

*Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.*

*Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.*

*A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.*

A Variance may be approved in situations where physical characteristics of the property exist that limit the enjoyment of development rights experienced by other properties within the same zoning designation, resulting in unnecessary hardships, from the strict application of provisions of the Zoning Ordinance. In order to grant a variance, the Planning Commission must make the following findings pursuant to OMC Section 17.84.020:

1. The variance is in conformance with the City of Orland General Plan;

*The variance is in conformance with the City of Orland General Plan, which designates the project site as Commercial.*

2. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same vicinity and zone;

*The proposed variance has been determined to be necessary to allow the existing use (restaurant) to expand the existing facility within the zoning district permitted setback envelope to expand and re-configure the exiting space to provide for covered outdoor eating area permitting social distancing and facility access control. As proposed, the variance would permit the re-configuration of the establishment to provide the desired outdoor eating space and to maintain ingress and egress for both able-bodied and disabled persons. The strict adherence to the parking standard requirements of the Orland Municipal Code would not permit the modification of the facility due to site configuration issues.*

3. A Variance is necessary for the applicant to preserve and enjoy a substantial property right equal to that right possessed by other property owners under like conditions in the same vicinity and zone. The granting of the requested major variance will not be materially detrimental to the public health, safety, convenience and welfare or injurious to the property improvements in the same vicinity and zone in which the property affected is located and will not be contrary to the intent of the city of Orland general plan.

*The strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification because the amount of space needed to meet the requirement of the Orland Municipal Code for parking spaces for a restaurant the size of that considered in this variance application does not exist onsite, with or without the spaces being taken away for the outdoor dining area proposed by the applicant. The strict application of the zoning ordinance would deprive the subject property its ability to conduct business unless a parking variance is granted. Granting of the variance(s) will not be materially detrimental to the public health, safety, convenience, and welfare or injurious to the property improvements in the same vicinity and zone in which the property affected is located and will not be contrary to the intent of the City of Orland General Plan.*

**Environmental determination:**

Staff recommends that the Planning Commission determine that the proposed Variance is categorically exempt from further CEQA analysis pursuant to CEQA Guidelines Section 15301 (*Existing Facilities*) as the project involves a parking variance with negligible or no expansion of use on an existing fully developed lot. A Notice of Exemption was prepared for this project and has been included with this staff report as Attachment C - Notice of Exemption.

**Recommendation:**

Staff recommends that the Planning Commission make a determination that the project is exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Section 15301 (*Existing Facilities*) and approve Variance 2022-04, subject to making the necessary findings (Attachment B).

Staff recommends that the Planning Commission utilize the following process for consideration of this matter:

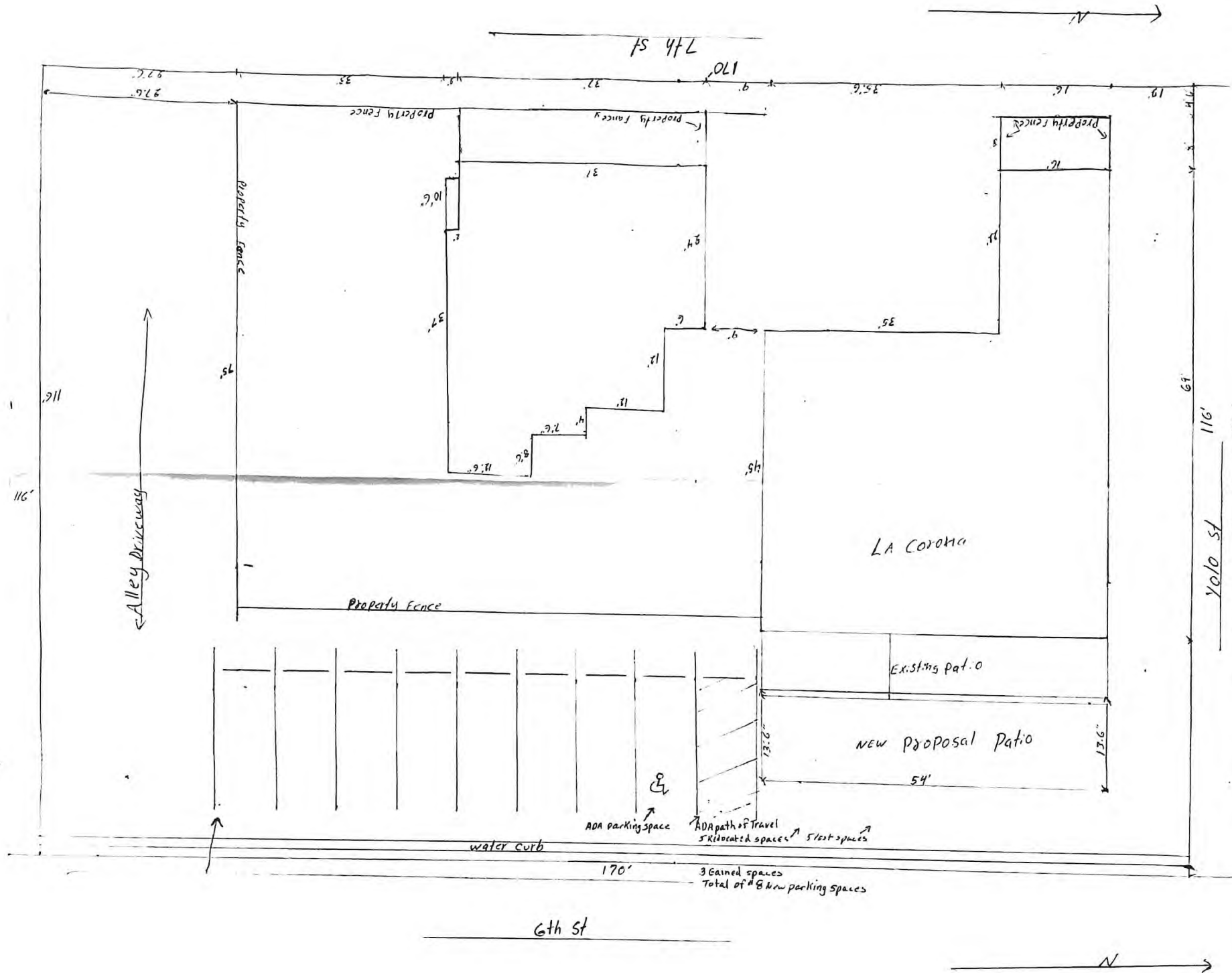
1. Accept a presentation of the project by staff;
2. Open the public hearing and take public testimony;
3. Close the public hearing and initiate consideration of the project by the Planning Commission; and
4. Motion and vote by the Planning Commission.

If the Planning Commission determines that it intends to recommend for approval the Variance(s), staff presents the following motion for consideration:

*Move that the Planning Commission determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15301, Existing Facilities, and approve the request making the required findings for the action, and approve the requested Variance (V#2022-04).*

#### **ATTACHMENTS**

- **Attachment A** – Plot Plan
- **Attachment B** – Planning Commission Findings
- **Attachment C** – Notice of Exemption
- **Attachment D** – Planning Commission Resolution 2023-\_\_\_\_





**PLANNING COMMISSION FINDINGS FOR APPROVAL OF VARIANCE #2022-04  
PURSUANT TO SECTION 17.84.020 OF THE ORLAND MUNICIPAL CODE**

In order to approve a Variance from the minimum 5-foot side yard requirement of the Orland Municipal Code, the Planning Commission must make all three findings required in Section 17.84.020. The following are the required findings and facts in support of each finding:

1. The variance is in conformance with the City of Orland General Plan;

*The variance is in conformance with the City of Orland General Plan, which designates the project site as Commercial.*

2. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same vicinity and zone;

*The proposed variance has been determined to be necessary to allow the existing use (restaurant) to expand the existing facility within the zoning district permitted setback envelope to expand and re-configure the exiting space to provide for covered outdoor eating area permitting social distancing and facility access control. As proposed, the variance would permit the re-configuration of the establishment to provide the desired outdoor eating space and to maintain ingress and egress for both able-bodied and disabled persons. The strict adherence to the parking standard requirements of the Orland Municipal Code would not permit the modification of the facility due to site configuration issues.*

3. A Variance is necessary for the applicant to preserve and enjoy a substantial property right equal to that right possessed by other property owners under like conditions in the same vicinity and zone. The granting of the requested major variance will not be materially detrimental to the public health, safety, convenience and welfare or injurious to the property improvements in the same vicinity and zone in which the property affected is located and will not be contrary to the intent of the city of Orland general plan.

*The strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification because the amount of space needed to meet the requirement of the Orland Municipal Code for parking spaces for a restaurant the size of that considered in this variance application does not exist onsite, with or without the spaces being taken away for the outdoor dining area proposed by the applicant. The strict application of the zoning ordinance would deprive the subject property its ability to conduct business unless a parking variance is granted. Granting of the variance(s) will not be materially detrimental to the public health, safety, convenience, and welfare or injurious to the property improvements in the same vicinity and zone in which the property affected is located and will not be contrary to the intent of the City of Orland General Plan.*

**Notice of Exemption****Form D**

**To:** ■ Office of Planning and Research  
PO Box 3044, 1400 Tenth Street, Room 212  
Sacramento, CA 95812-3044

**From:** (Public Agency) City of Orland  
815 Fourth Street  
Orland, CA 95963  
(Address)

■ County Clerk  
County of Glenn  
526 West Sycamore Street  
Willows, CA 95988

**Project Title:** Variance VAR#2022-04 – A request to approve a Variance pursuant to Orland Municipal Code Chapter 17.84 for required parking spaces at an existing lot identified as 1002 6th Street and Glenn County Assessor's parcel number 040-243-001.

**Project Location - Specific:**

1002 Sixth Street in Orland, Glenn County, CA 95963. APN 040-243-001

**Project Location – City:** Orland **Project Location – County:** Glenn

**Description of Nature, Purpose, and Beneficiaries of Project:** The City of Orland received a request to approve a Variance pursuant to Orland Municipal Code Chapter 17.84 for required parking spaces at an existing lot identified as 1002 6th Street and Glenn County Assessor's parcel number 040-243-001. The applicant is requesting a Variance to allow an exception to the minimum standard. In this case the applicant would be required to provide 18 spaces of offsite parking, including one ADA-approved space, as specified in the Orland Municipal Code (OMC). The Variance request is to reduce the number of required parking spaces from eighteen (18) to nine (9) spaces. Pursuant to sections 17.84.020 of the OMC, the Planning Commission may issue a variance upon making findings consistent with those found in the OMC. The primary beneficiary of the project will be the project applicant.

**Name of Public Agency Approving Project:**

City of Orland

**Name of Person or Agency Carrying Out Project:**

Martin Galvan, Applicant/Owner

**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: §15301 Existing Facilities Exemptions
- ☐ Statutory Exemptions. State code number: \_\_\_\_\_

**Reasons why project is exempt:**

The City of Orland City Council has determined that this project is exempt from CEQA as it can be seen with certainty that the proposed revisions to the City of Orland Municipal Code would have a negligible or no expansion of use on an existing fully developed lot. Therefore, the project is exempt pursuant to CEQA Guidelines Section 15301.

**Lead Agency**

**Contact Person:** Scott Friend, AICP **Area Code/Telephone/Extension:** (530) 865-1608

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Title:** City Clerk

■ Signed by Lead Agency

**Date received for filing at OPR:** \_\_\_\_\_ N/A

**Attachment C**

**CITY OF ORLAND  
PLANNING COMMISSION  
RESOLUTION PC 2023-\_\_\_**

**A RESOLUTION TO APPROVE A VARIANCE APPLICATION ALLOWING A REDUCED THE  
QUANTITY OF REQUIRED PARKING SPACES ON APN: 040-243-001 LOCATED AT 1002  
SIXTH STREET**

**WHEREAS**, Mr. Martin Galvan (applicant/landowners) has requested a Variance from requirements of Section 17.76.100[B][8] of the Orland Municipal Code requiring 18 parking spaces for the subject restaurant onsite; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on March 16<sup>th</sup>, 2023; and

**WHEREAS**, the Planning Commission has determined that the use of the lot is consistent with the Orland General Plan (Commercial) and the shape and location of the lot make the strict adherence to the standards of the Orland Zoning Code impossible to meet under the circumstances of the situation; and

**WHEREAS**, the Planning Commission has determined the project is Categorically Exempt from review under the California Environmental Quality Act (CEQA) pursuant to Class 5, Section 15301 (Existing Facilities) of the state CEQA Guidelines; and

**WHEREAS**, the Planning Commission has made the following findings with respect to the requested variance:

- A. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.
- B. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located.
- C. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity.
- D. That the granting of such variance will not adversely affect the City of Orland General Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission does hereby approve the requested Variance for one lot located at 1002 Sixth Street to reduce the quantity of required parking spaces to nine (9).

The foregoing Resolution of the Planning Commission was adopted by the Planning Commission on the 16<sup>th</sup> day of March 2023, by the following vote:

AYES: Commission Members:

NOES: Commission Members:

ABSENT: Commission Members:

ABSTAIN: Commission Members:

---

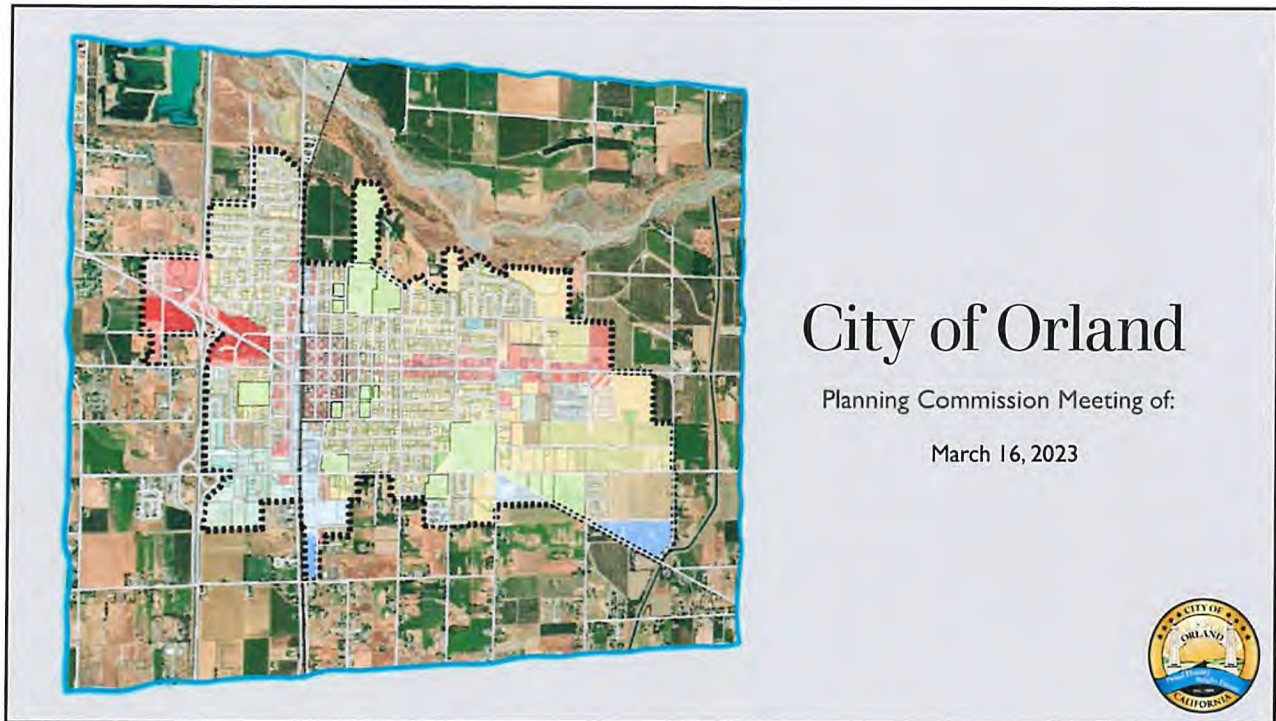
Stephen Nordbye (Planning Commission Chair)

ATTEST:

---

Jennifer T. Schmitke, City Clerk





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**Complete Streets**

# What are “Complete Streets”?

Complete Streets are streets that are designed to meet the needs of all users, whether they walk, bike, drive or use public transit.

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## Why are Complete Streets important?

## Complete Streets

According to Caltrans, benefits of Complete Streets projects include:

- Increased transportation choices
- Economic Revitalization
- Improved Return on Infrastructure Investments
- Livable Communities
- Improved Safety for All Users
- More Walking and Bicycling to Improve Public Health
- Greenhouse Gas Reduction and Improved Air Quality



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## Assembly Bill 1358

## Complete Streets

On September 30, 2008 Governor Schwarzenegger signed  
AB 1358

### **California Complete Streets Act:**

"In order to fulfill the commitment to reduce GHGs, make the most efficient use of urban land and transportation infrastructure, and improve public health by encouraging physical activity, transportation planners must find innovative ways to reduce vehicle miles traveled (VMT) and to shift from short trips in the automobile to biking, walking and use of public transit."



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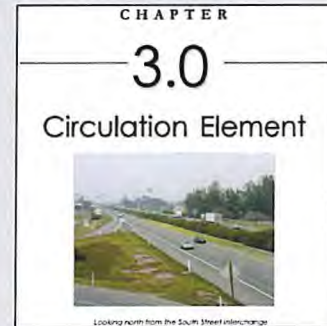
## AB 1358

As of January 1, 2011, cities and counties, shall modify their **circulation element** to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways including:

- motorists
- pedestrians
- bicyclists
- children
- persons with disabilities
- seniors
- movers of commercial goods
- users of public transportation

Must be done in a manner that is suitable to the rural, suburban, or urban context of the General Plan.

## Complete Streets



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## Federal Highway Administration

In 2021, Congress directed the FHWA to lay the groundwork for the adoption of a **Complete Streets** model. Through extensive research, the following areas of opportunity to promote safer roadways were identified for local, Tribal, and State transportation stakeholders:

- Improve Data Collection and Analysis
- Support Rigorous Safety Assessment
- Accelerate Adoption of Standards and Guidance
- Reinforce the Primacy of Safety for All Users
- Make Complete Streets FHWA's Default Approach

## Complete Streets



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## Caltrans & Clean Streets (Director's Policy-37)

### Complete Streets

Effective December 7, 2021, all transportation projects funded or overseen by Caltrans will provide comfortable, convenient, and connected **Complete Streets** facilities for people walking, biking, and taking transit or passenger rail unless an exception is documented and approved

#### Responsible Programs:

- Finance
- Maintenance & Operations
- Planning and Modal Programs
- Safety Programs
- Sustainability



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## Multimodal Transportation Networks (MTNs)

### Complete Streets

Allow for all modes of travel (walking, bicycling, and transit) to reach key destinations in a community and region safely and directly. Jurisdictions can use **Complete Streets** design to construct networks of safe streets that are accessible to all modes and all users.



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## Complete Streets

## Complete Streets

**Complete Streets** serve everyone and consider the needs of people with disabilities, older people, and children. The Complete Streets movement seeks to change the way transportation agencies and communities approach every street project and ensure safety, convenience, and accessibility for all.



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## Benefits of MTNs

## Complete Streets

### Safety –

Designing streets and travel routes that consider safe travel for all modes can reduce the occurrence and severity of vehicular collisions with pedestrian and bicyclists.

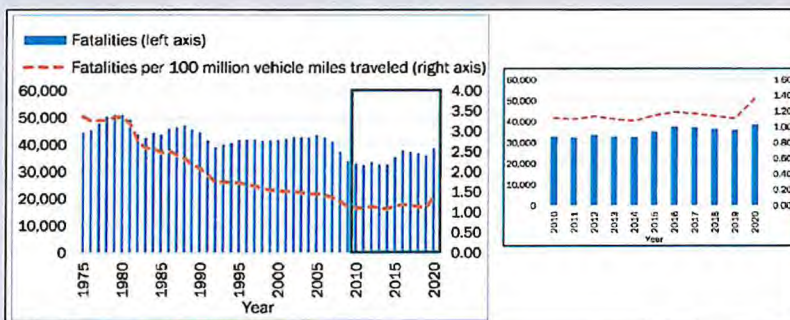


Figure 1: Roadway fatalities and the fatality rate declined consistently for 30 years, but progress has stalled over the last decade.

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## Benefits (continued)

### Health –

- Multi-Modal Transportation Networks (MTN's) promote an active lifestyle by encouraging walking or riding bicycles instead of driving.
- Increases in walking and biking reduces vehicle emissions.
- MTN's promote people getting out to stay connected in their communities. Social isolation and a lack of access to essential resources can negatively impact people's physical and mental well-being.



## Complete Streets



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## Benefits (continued)

### Greenhouse Gas (GHG) Emission Reduction –

- Land use & transportation infrastructure play a direct role in the rate and growth of vehicle miles traveled (VMT); influencing the distance that people travel and the mode of travel they choose.
- The need to reduce transportation-related GHG emissions was highlighted in the California Air Resources Board's (CARB) 2008 AB 32 Climate Change Scoping Plan.
- Transportation accounts for 38 percent of California's GHG emissions.



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## Benefits (continued)

### Economic Development and Cost Savings –

- Complete Streets are safer and more appealing to residents and visitors, benefitting retail and commercial development.
- MTNs can improve conditions for existing businesses by helping revitalize an area and attracting new economic activity.
- MTNs reduce the need for larger infrastructure projects, such as additional vehicle parking and road widening, which can be more costly than complete streets retrofits.

## Complete Streets



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## Funding and Infrastructure Investments

Projects supporting Complete Streets are eligible for Federal-aid funding under most FHWA Federal funding programs:

- **Surface Transportation Block Grant (STBG)** - provides flexible funding for any public road for pedestrian, bicycle, and transit infrastructure projects.
- **Highway Safety Improvement Program (HSIP)** - Safety countermeasures and facilities for pedestrian and bicycle users and to reduce speeds.
- **STBG Transportation Alternatives (TA) Set-Aside** - funding for ped/bicycle facilities, improving non-driver access, historic preservation, vegetation management, mitigation for stormwater and habitat connectivity; recreational trails; safe routes to school; and projects in the right-of-way of highways.

## Complete Streets



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## Orland's Current Policies:

(abridged for this presentation)

### **GOAL 3.6: ENCOURAGE TRANSPORTATION ALTERNATIVES TO THE AUTOMOBILE**

- **Policy 3.6.A:** Street shall include design features that can be used as public transit stops
- **Policy 3.6.B:** Encourage the use of car-pooling, vanpooling and flexible employment hours
- **Policy 3.6.C:** Determine feasibility of developing and/or improving commuter bus service
- **Policy 3.6.D:** Continue transportation programs provided by social service agencies, particularly those serving persons with disabilities or other limitations.

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## Policies (continued):

### **GOAL 3.7: A NON-VEHICULAR CIRCULATION SYSTEM LINKING PUBLIC PLACES WITHIN THE COMMUNITY**

- **Policy 3.7.A:** Support the concept of an east/west multi-modal circulation link in north Orland
- **Policy 3.7.B:** Utilize canal rights-of-way and drainage facilities for multi-use purposes, to include trails
- **Policy 3.7.C:** Prioritize the creation of linkages between public places to facilitate the movement of people through the City
- **Policy 3.7.D:** Prioritize the establishment of a pedestrian crossing of Highway 32 linking residences to parks

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## Policies (continued):

### **GOAL 3.8: A SAFE SIDEWALK WHICH PROVIDES MAXIMUM OPPORTUNITIES FOR PEDESTRIAN TRAFFIC**

- **Policy 3.8.A:** Adequate sidewalks shall be planned and constructed in connection with street construction work in the City...
- **Policy 3.8.B:** Subdivision layouts shall include designs that promote pedestrian circulation in a safe and efficient manner
- **Policy 3.8.C:** Bicycle lanes should be established where feasible along Major and Minor Collectors in newly developing areas...
- **Policy 3.8.D:** Encourage existing facilities and require future facilities to conform to the American Disabilities Act provisions requiring access for disabled persons
- **Policy 3.8.D:** Maximize the use of rights-of-way, easements, and utility corridors through the installation of pedestrian and bicycle facilities.

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## Policies (continued):

### **GOAL 3.9:** IMPROVE THE AIR QUALITY OF THE REGION THROUGH MORE EFFICIENT USE OF PRIVATE VEHICLES AND INCREASED USE OF ALTERNATIVE TRANSPORTATION MODES

- **Policy 3.9.A:** Maintain and improve environmental quality by the design of the circulation system and alternate forms of transportation.
- **Policy 3.9.B:** Support coordination with other agencies concerning land use and transportation planning to improve air quality.
- **Policy 3.9.C:** Encourage the development of employment opportunities in Orland to reduce the need to commuting.
- **Policy 3.9.D:** Support the expansion of transit systems and ride sharing programs to reduce single-occupant vehicle trips.
- **Policy 3.9.E:** Support the use of alternatively fueled vehicles and fueling stations for public transit, City, and private vehicles.

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## Policies (continued):

### **GOAL 3.10:** TO PROVIDE THE HIGHEST LEVEL OF ROADWAY MAINTENANCE FOR CITY RESIDENTS

- **Policy 3.10.A:** The City shall maintain roadways in a condition that provides for the safety and comfort of roadway users.

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## Policies (continued):

### **GOAL 3.11: A ROADWAY NETWORK OF COMPLETE STREETS THAT PROVIDE ACCESSIBILITY FOR ALL USERS OF ALL AGES AND ABILITIES**

- **Policy 3.11.A:** To the extent feasible, all new street construction and reconstruction shall be designed to achieve complete streets. Designs should accommodate mobility for all users, including bicyclists, pedestrians, transit vehicles, and motorists, appropriate to the function and context of the facility.
- **Policy 3.11.B:** Where funding, right-of-way, and physical conditions allow, strive to retrofit existing streets into more complete streets, prioritizing improvements on roadways, providing access to services, schools, parks, civic uses, as well as in the downtown and along mixed-use corridors. Consider all modes and users in decisions made affecting retrofit projects and strive to remove existing barriers to safe and connected travel.

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## Roundabouts:

- Roundabouts are a safer way to direct traffic
- Roundabouts allow traffic to flow in one direction, in a continuous flow, and decreases intersection congestion due to the minimization of vehicular stoppage.



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## Roundabout Implementation:

- Enhanced compliance with SB 743.
- Free flow of traffic.
- Reduce infrastructure maintenance costs.
- Reduce conflict points.



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## SB 743:

- Originally signed into law in 2013 and later incorporated as an update to the State CEQA guidelines in order to change how lead agencies evaluate transportation impacts under CEQA.
- Required starting July 1, 2020, that agencies must analyze the transportation impacts of new projects with a metric known as Vehicle Miles Traveled (VMT) instead of Level of Service (LOS).
- With the new standard, agencies must now reduce current VMT emissions by 15%, below the existing per capita VMT.\*\*



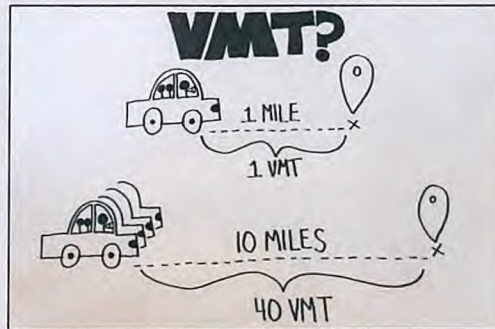
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## Vehicle Miles Traveled:

- Vehicle Miles Traveled (VMT) measures the *distance* a vehicle will travel to a destination. Level of Service (LOS) measures *congestion* and driver comfort.
- For example, 1 Mile driven by a vehicle is equal to 1 VMT, and 10 Miles driven by 4 vehicles is 40 VMT.



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## The Effects of SB 743

- Currently, Orland lacks the infrastructure to implement a 15% reduction to current per capita VMT emissions. Ultimately, making every future project require an EIR, unless an interim model is implemented.
- Per the OPR, if an agency is intent on lowering Greenhouse Gas Emissions, they can implement their own VMT assessment guidelines, rather than develop solutions to CEQA's one-size-fits-all approach.
- Ultimately, requiring Orland to implement their own VMT assessment guidelines in order to meet CEQA guidelines.

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