OROVILLE CITY COUNCIL
Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

November 19, 2024
REGULAR MEETING
CLOSED SESSION 4:00 PM
OPEN SESSION 4:30 PM
AGENDA

PUBLIC ACCESS AND PARTICIPATION

Please review the options below for ways to participate or observe the Council Meetings.

To Observe the Meeting:

1. Live Feed: https://www.youtube.com/channel/UCAoRW34swYl85UBfYqT7IbQ/
2. Zoom Link: https://zoom.us/j/96870319529?pwd=dW9kMGRZSFo5MFFNQk5wVDUzRkRrZz09
3. Zoom Application: Meeting ID: 968 7031 9529 Passcode: 67684553
4. By Phone: Telephone: 1-669-900-6833 Meeting ID: 968 7031 9529 Passcode: 67684553

To Provide Comment to the Council:

1. Attend the meeting in person
2. Send an Email by 2:00 PM the day of the meeting to publiccomment@cityoforoville.org. All comments emailed will be provided to the Council Members for their consideration.

If you would like to address the Council at this meeting, you are requested to complete the blue speaker request form (located on the wall by the agendas) and hand it to the City Clerk, who is seated on the right of the Council Chamber. The form assists the Clerk with minute taking and assists the Mayor or presiding chair in conducting an orderly meeting. Providing personal information on the form is voluntary. For scheduled agenda items, *please submit the form prior to the conclusion of the staff presentation for that item.* Council has established time limitations of three (3) minutes per speaker on all items and an overall time limit of thirty minutes for non-agenda items. If more than 10 speaker cards are submitted for an item, the time limitation would be reduced to one and a half (1.5) minutes per speaker for that item. 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 Council is prohibited from taking action except for a brief response from the Council or staff to statements or questions relating to a non-agenda item.

CALL TO ORDER / ROLL CALL

Council Members: Tracy Johnstone, Krysi Riggs, Scott Thomson, Janet Goodson, Shawn Webber, Vice Mayor Eric Smith, Mayor David Pittman

CLOSED SESSION

The Council will hold a Closed Session on the following:

1. Pursuant to Government Code Section 54957, the Council will meet with the Personnel Officer and City Attorney to the Public Employee appointment of the Interim Police Chief.
2. Pursuant to Government Code Section 54957, the Council will meet with the Personnel Officer to discuss Public Employee Performance Evaluations. Position Title: Department Heads and Contract Employees

OPEN SESSION

1. Announcement from Closed Session
2. Pledge of Allegiance
3. Adoption of Agenda

PRESENTATIONS AND PROCLAMATIONS

None this meeting.

PUBLIC COMMUNICATION – HEARING OF NON-AGENDA ITEMS

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

REPORTS / DISCUSSIONS

1. Council Announcements and Reports
2. Administration Reports

CONSENT CALENDAR

Consent calendar **items 1 - 4** are adopted in one action by the Council. Items that are removed will be discussed and voted on immediately after adoption of consent calendar items.

1. SECOND READING OF ORDINANCE NO. 1833 AMENDING CHAPTER 9 SECTION 04.030 CITY PARKS USE REGULATIONS INCORPORATING LANGUAGE RESTRICTING CAMPING IN PARKS AND PUBLIC SPACES

The Council will consider waiving the second reading and adopt Ordinance 1833 amending Chapter 9, section 04.030 of the Oroville Municipal Code incorporating language to restrict camping in parks and public spaces.

ACTION(S) REQUESTED -

WAIVE THE SECOND READING AND INTRODUCE BY TITLE ONLY ORDINANCE NO. 1883 – AN ORDINANCE AMENDING CHAPTER 9 SECTION 04.030 CITY PARKS USE REGULATIONS INCORPORATING LANGUAGE RESTRICTING CAMPING IN PARKS AND PUBLIC SPACES; AND

AUTHORIZE THE ORDINANCE GOING INTO EFFECT ON FEBRUARY 1, 2025 TO ENSURE ADEQUATE SHELTER SPACE IS AVAILABLE.

2. ACCEPT THE COMMUNITY DEVELOPMENT BLOCK GRANT STANDARD AGREEMENT 22A-CDBG-PI-HA-10002 AND ESTABLISH BUDGET FOR HOMEOWNERSHIP ASSISTANCE PROGRAM

The Council may consider accepting the 2023A Community Development Block Grant (CDBG) Program Income Only, Agreement No. 23A-CDBG-PI-HA-10002, in the amount of $920,930.02 plus future receipts up to $1,500,000, and establish a budget for program activities and activity delivery to provide loans to income eligible applicants to purchase a home in the City limits of Oroville.

ACTION(S) REQUESTED -

1. **ACCEPT THE 2023A COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME ONLY AGREEMENT NO. 23A-CDBG-PI-HA-10002, IN THE AMOUNT OF $920,930 PLUS FUTURE RECEIPTS OF $579,070.: AND**
2. **APPROVE BUDGET ADJUSTMENT INDICATED IN THE FISCAL IMPACT OF THIS STAFF REPORT, DATED NOVEMBER 19, 2024.**

3. REQUEST FOR $600.00 CONTRIBUTION TO SUPPORT THE WHITE CRANE DANCERS FOR THE UPCOMING CHINESE NEW YEAR CELEBRATION

The Council shall consider donating six hundred dollars to support the White Crane Dancers for the upcoming Chinese New Year Celebration.

ACTION REQUESTED –

APPROVE A $600.00 CONTRIBUTION FROM THE COMMUNITY EVENTS FUND TO SUPPORT THE HIRING OF THE WHITE CRANE DANCERS FOR THE CHINESE NEW YEAR CELEBRATION.

4. STREETLIGHT DATA SOFTWARE SUBSCRIPTION

The Council shall consider approving a subscription to StreetLight Data.

ACTION REQUESTED -

APPROVE AN ANNUAL SUBSCRIPTION TO STREETLIGHT DATA FOR OPTION 3 ABOVE, PREMIUM PLANNING SOLUTIONS.

REGULAR BUSINESS

5. PUBLIC SAFETY FACILITY MAINTENANCE

The Council will consider authorizing the payment for necessary facility maintenance projects made at the Public Safey Facility over the last five months.

ACTION REQUESTED -

AUTHORIZE THE PAYMENT OF SERVICES TO BUTTE COMMUNITY SERVICE IN AN AMOUNT NOT TO EXCEED $13,150.00

6. AGREEMENT WITH CLEANRITE-BUILDRITE FOR REPAIRS AND WATER BARRIER TO BE COMPLETED AT CITY HALL IN THE BASEMENT

The Council may consider authorizing the execution of an agreement with CleanRite-BuildRite for construction services for the basement located at Oroville City Hall (1735 Montgomery Street).

ACTION REQUESTED -

AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH CLEANRITE-BUILDRITE FOR THE REQUIRED CONSTRUCTION AND REPAIR OF EXISTING WINDOW WELL AND WATER BARRIER FOR THE CITY HALL BASEMENT LOCATED AT 1735 MONTGOMERY STREET, OROVILLE, CA.

7. FIRE PROTECTION SERVICES UPDATE AND REQUEST FOR CONTRACT EXTENSION WITH CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE) FOR FIRE PROTECTION SERVICES

The Council shall receive an update on fire protection services at the City and consider extending contract with CAL Fire for fire protection services.

ACTION REQUESTED -

DIRECT STAFF TO WORK ON THREE-YEAR AGREEMENT WITH CALFIRE FOR FIRE PROTECTION SERVICES.

PUBLIC HEARINGS

The Public Hearing Procedure is as follows:

- Mayor or Chairperson opens the public hearing and staff will present the item and answer Council questions.
- The hearing is opened for public comment limited to three (3) minutes per speaker. In the event of more than ten (10) speakers, time will be limited to one and a half (1.5) minutes. Under Government Code 54954.3, the time for each presentation may be limited.
- Speakers are requested to provide a speaker card to the City Clerk
- Public comment session is closed and then the Council will debate and take action
- Those wishing to speak at the public hearings below, but unable to attend before 5pm, may request that the council consider holding the public hearing after 5pm by emailing cityclerk@cityoforoville.org or calling 530-538-2535. Please submit request 24 hours before the meeting.
- Individuals may email comments for council consideration to publiccomment@cityoforoville.org

8. 5:15PM - Appeal of the September 26, 2024, decision of the Planning Commission to approve the Gold Creek Commons Tentative Subdivision Map

The Council shall conduct a public hearing and consider an appeal of the Oroville Planning Commission's September 26, 2024, decision to approve the Gold Creek Commons Tentative Subdivision Map, TSM24-01, which will subdivide two existing parcels totaling 7.04 acres identified as APN 013-160-054 and APN 035-450-014 off Lincoln Street between Mitchell Avenue and Oroville Dam Blvd E, into 11 parcels for the purpose of a mixed-use development.

Per Oroville Municipal Code (OMC) Chapter 16.04.060 an appeal of a Planning Commission decision must be heard no later than 60 days from receipt of the request, which was received on October 4, 2024.

ACTION REQUESTED -

1. **REMAND THE PROJECT BACK TO THE PLANNING COMMISSION TO DETERMINE AN APPROPRIATE SOLUTION, AND IF MUTUAL AGREEMENT IS NOT POSSIBLE BY A PROJECT CONDITION.**

   ALTERNATIVELY, THE COUNCIL CAN:

2. **APPROVE THE APPEAL, THUS REQUIRING THE DEVELOPER TO RECORD A COLLABORATIVE LAND USE EASEMENT (CLUE) USING LANGUAGE SUGGESTED BY EITHER THE APPELLANT OR AS OTHERWISE AGREED TO BY BOTH PARTIES; OR**
3. **DENY THE APPEAL AND UPHOLD THE PLANNING COMMISSION'S APPROVAL OF TENTATIVE SUBDIVISION MAP TSM24-01, WHICH INCLUDES THE CONDITION THAT STAFF WORK WITH ALL PARTIES TO FIND A MUTUALLY AGREED UPON SOLUTION.**

PUBLIC COMMUNICATION – HEARING OF NON-AGENDA ITEMS

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

FUTURE AGENDA ITEMS / CORRESPONDENCE

1. Future Agenda Items
2. Correspondence
   i. PG&E Notice Rate Increase

ADJOURN THE MEETING

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on December 3, 2024 at 4:00 p.m.

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

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

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN & COUNCIL MEMBERS**

FROM: **BILL LAGRONE, CHIEF OF POLICE**

RE: **SECOND READING OF ORDINANCE NO. 1833 AMENDING CHAPTER 9 SECTION 04.030 CITY PARKS USE REGULATIONS INCORPORATING LANGUAGE RESTRICTING CAMPING IN PARKS AND PUBLIC SPACES**

DATE: **NOVEMER 5, 2024**

SUMMARY

The Oroville City Council will consider waiving the second reading and adopt Ordinance 1833 amending Chapter 9, section 04.030 of the Oroville Municipal Code incorporating language to restrict camping in parks and public spaces.

DISCUSSION

On November 5, 2024, the Oroville City Council conducted a public hearing, and approved the adoption of Ordinance 1833, amending Chapter 9 Section 04.030 of the Municipal Code, regarding City Parks use regulations incorporating language restricting camping in Parks and Public Spaces.

The recent ruling in City of Grants Pass, Oregon v. Johnson by the United States Supreme Court found that the prohibition of camping on public property does not violate the Eighth Amendment of the United States Constitution. This decision provides cities with some leeway in managing public property, ensuring a balance is maintained to protect the quality of life for all citizens while respecting constitutional protections.

The Grants Pass case, as decided by the Supreme Court in "City of Grants Pass, Oregon v. Johnson", does not appear to directly impact the rulings regarding the Fourth and Fourteenth Amendment protections as discussed in the "Lavan v. City of Los Angeles" and "Garcia v. City of Los Angeles" cases. The Grant's Pass case primarily dealt with the constitutionality of city ordinances prohibiting sleeping or camping on public property and the associated civil and criminal penalties, rather than the immediate seizure and destruction of personal property without notice or opportunity for a hearing, which are central issues in the Lavan and Garcia cases.

Following the Grant's Pass decision, the Governor signed Executive Order N-1-24, emphasizing the need for urgent and humane action to remove dangerous encampments

from public spaces. The order highlights the importance of collaboration between State, local, and nonprofit entities in addressing encampments, stressing that the removal of such encampments should be carried out with dignity and respect for those affected. Local governments are encouraged to align their policies with the State's guidelines and to utilize available resources to address the crisis with the urgency it demands. The order underscores that while the State has provided substantial resources, local jurisdictions are now expected to act decisively and compassionately to resolve encampments, particularly those posing significant threats to health and safety.

The information creates a challenging environment for managing the current situation. It is understandable that the public does not want their quality of life to be diminished by unsightly camps in public spaces. A balance must be reached to effectively enforce the law while respecting everyone's Constitutionally protected rights.

The changes suggested in the attached amendment to Chapter 9, section 04.030 of the Oroville Municipal Code align the City Code with the Executive Order EO-7-24. These changes would prohibit people from camping in public spaces. The suggested changes define camping, camping activities and storage of personal property in public spaces.

Staff recommend that this ordinance goes into effect on February 1, 2025 to ensure adequate shelter space is available.

FISCAL IMPACT

None

ACTION REQUESTED

Waive the second reading and introduce by title only Ordinance No. 1883 – AN ORDINANCE AMENDING CHAPTER 9 SECTION 04.030 CITY PARKS USE REGULATIONS INCORPORATING LANGUAGE RESTRICTING CAMPING IN PARKS AND PUBLIC SPACES

ATTACHMENTS

Amendments to Chapter 9 section 04.030 of the Oroville Municipal Code;
Governors Executive Order EO-7-24
California Department of Transportation Director MPD 1001-R-1

CITY OF OROVILLE

ORDINANCE NO. 1883

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE AMENDING PORTIONS OF CHAPTER 9 (PUBLIC PEACE AND WELFARE) REGARDING CAMPING ON PUBLIC PROPERTY FOLLOWING THE UNITED STATES SUPREME COURT'S DECISION IN JOHNSON V. CITY OF GRANTS PASS

WHEREAS, The City of Oroville recognizes the need to maintain public order, safety, and quality of life for all its residents and visitors; and

WHEREAS, The City of Oroville has an obligation to ensure that public spaces such as parks, sidewalks, and other public properties remain accessible and safe for all members of the community; and

WHEREAS, The City of Oroville recognizes that camping in public spaces leads to health and safety hazards, including unsanitary conditions, fire risk, and increased crime; and

WHEREAS, The Supreme Court decision in Johnson v. City of Grants Pass affirmed that generally applicable bans on camping in public places do not violate the Eighth Amendment when applied in a manner that does not specifically target individuals based on their status of being homeless, but rather on the conduct of camping in public places; and

WHEREAS, The City of Oroville seeks to provide compassionate solutions to homelessness by supporting shelters, housing programs, and services designed to assist individuals in finding stable and permanent housing; and

WHEREAS, The City of Oroville has determined that the enforcement of a ban on camping in public places, coupled with supportive services, is essential to maintaining public health, safety, and welfare; and

WHEREAS, The City of Oroville expends significant public resources to provide services to those experiencing homelessness and commits to ongoing efforts to increase the availability of such resources; and

WHEREAS, The City of Oroville finds that this ordinance amending section 9.04.030 of the Oroville Municipal Code is necessary to promote the health, safety, and welfare of the community, and to preserve the public order and quality of life in the City of Oroville.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OROVILLE DOES HEREBY ORDAINS AS FOLLOWS

SECTION 1: **FINDINGS.** The recitals set forth above are hereby adopted as findings in support of this Ordinance.

SECTION 2: Section 9.04.030 of the Oroville municipal code is hereby amended to read as follows:

§ 9.04.030 **City park and Public space use regulations.**

A. Vehicles Excluded. No person shall ride or drive in a vehicle within any city park or park facility except in areas designated by the park commission.

B. Unlawful to Engage in Games Injurious to Property. No person shall engage in any games, actions or conduct injurious to or to injure in any manner any trees, shrubs, plants, flowers or other property in any city park or park facility.

C. Rude or Boisterous Conduct Prohibited. No person shall, in any city park or park facility, conduct him or herself in a boisterous, threatening, abusive, insulting or indecent manner so as to annoy the public, or engage in any disorderly conduct or behavior tending to be a breach of the public peace and enjoyment of the city park facility.

D. Throwing of Stones, Missiles, etc., Prohibited. No person shall throw any stones, missiles or any object in any city park or park facility other than in usual sports activities.

E. Control of Dogs, Cats or Other Animals. No dog, cat or other animal shall be permitted to enter upon land or water owned, managed, controlled or operated as a city park or park facility, except at a time, place and manner as may be designated by the park commission.

F. Abandonment of Dogs, Cats or Other Animals Prohibited. Persons shall not leave or deposit dogs, cats or other animals, fish or fowl, or any parts thereof whether dead or alive, in any park or park facility.

G. Hours of Use.

1. No persons shall loiter, remain or sleep in or upon any city park or park facility at any time during such hours that the city park or park facility is declared closed. It shall be unlawful for any person to camp on any public property within the City.

2. The city park commission shall designate the hours of closing for each city park or park facility and shall cause such hours of closing to be posted at each entrance to each city park or park facility.

3. The chief of police may at any time order any city park or park facility closed for a period of time not to exceed 24 hours whenever in the judgment of the chief of police such closing is necessary or required to prevent injury to persons or property.

4. Any person who willfully remains in any city park or park facility after having been informed that the chief of police has ordered such city park or park facility closed is guilty of a misdemeanor.

H. Care of Public Property. No person shall mark, deface, disfigure, injure, tamper with, move or displace any park structures, equipment, facilities or appurtenances whatsoever, either real or personal.

I. Restrooms, Dressing Rooms and Washrooms. No person shall fail to cooperate in maintaining restrooms, dressing rooms and washrooms in a neat and sanitary condition. Further, no person shall loiter in or about such facilities, nor shall any person use such facilities for purposes other than those intended.

J. Care of Trees, Shrubbery, Lawns, Flowers, etc. No person shall misuse, damage, cut, carve, or remove any tree, plant, turf or ground-cover, or pick flowers or seeds of any tree or plant or attach any rope, wire or other object to any tree or plant within any city park or park facility.

K. Climbing of Trees and Other Objects Prohibited. No person shall climb any tree, or walk, stand or sit upon monuments, fountains, railings, fences, buildings or any other property not designated or customarily used for such purposes.

L. Protection of Wild Animals, Birds, etc. No person shall hunt, molest, harm, kill or trap or throw missiles of any kind at any animal, reptile or bird, or remove or have in his or her possession the young of any wild animal, reptile or bird, or the eggs or nests of young of any reptile or bird.

M. Possession of Firearms or Other Weapons Prohibited. No person other than peace officers in the discharge of their duties shall possess, carry or use firearms or weapons of any description whether air or gas propelled, spring guns, bows and arrows, slings or any other form of weapon potentially dangerous to wildlife or human safety. The mere possession of such firearm or device, whether loaded or unloaded, or shooting into parks or park facilities from adjacent boundaries is prohibited.

N. Refuse, Trash and Litter Control. The possession of glass containers in city parks or city park facilities is prohibited. No person shall dump, deposit or leave any bottles, broken glass, ashes, paper, cans, dirt, rubbish, garbage or other refuse in any city park or park facility, except that incidental to the use of the facility, in any place other than receptacles provided for the deposit of such material.

O. Advertising Matter Prohibited. No person shall distribute, circulate, give away, throw or deposit in or on any city park or park facility any handbill, circular, pamphlet, paper or advertisement, or post, or fix same to any tree, fence or structure within any city park or park facility.

P. Control of Automobiles and Other Conveyances. No person shall operate or drive an automobile, bicycle, truck, trailer, wagon, motor scooter, skateboard or other conveyance on other than roads, parking lots or paths designated for such purpose. Bicyclists are required to wheel or push a bicycle by hand. Automobiles and all other abovementioned conveyances, shall be operated with regard to the safety of others. In no event shall the maximum speed of any motorized vehicle exceed that speed so posted at such facilities.

Q. Kindling and Control of Fires. No person other than the ones acting under authorization, direction or permission of the park superintendent shall build, light or kindle any open or outdoor fire at any place within a park or park facility except in areas and facilities specifically designated and built for this purpose.

R. Alcoholic Beverages. No person shall have in his or her possession within any city park or park facility any alcoholic beverage without written permission of the director of parks and trees. The city park commission may establish a procedure whereby written permission to possess alcoholic beverages may be issued to groups which have been granted exclusive use of all or part of a city park.

S. Gambling Prohibited. No gambling of any kind or description shall be permitted in any park or park facility.

T. Horseback Riding. No person other than one acting under authorization or direction of the park commission shall ride a horse, pony, mule or animal of any description onto any city park or park facility, except on roads or trails and at times so designated for that purpose.

U. Washing or Repairing Automobiles or Other Conveyances Prohibited. No person shall wash or repair in any manner any automobile or other conveyance within any area of any city park or park facility.

V. Overnight Parking Prohibited. No person shall park, abandon or otherwise allow to remain within any park or park facility any automobiles or other conveyances between the hours of 11:00 p.m. and 6:00 a.m.

W. Playing or Practicing Golf Restricted. No person shall drive, putt or in any other fashion play or practice golf or use golf balls and golf clubs within any city park or park facility except in areas so designated by the park commission.

X. Model Crafts Restricted. No person shall fly model airplanes or operate model automobiles, boats or other craft of any kind or description in any city park or park facility except in areas so designated by the park commission.

Y. Water Pollution Prohibited. No person shall pollute in any manner any water in any city park or park facility or public space, and further, no person shall deposit or cause to be deposited any foreign material such as glass, paper, garbage or rubbish of any kind in such waters.

Z. Overnight Camping Prohibited. No person shall camp overnight, erect a campsite or tent in any city park, park facility or public space.

(1) Camp or camping means the conduct of more than one of the following activities on a public property, when it reasonably appears, in light of all circumstances, that a person is using such public property for living accommodation purposes:

(a) sleeping or preparing to sleep (including the laying down of bedding for the purpose of sleeping), including undertaking such activities in a vehicle (including any motorhome, camp trailer, camper, coach, fifth wheel travel trailer, house car, recreational vehicle, mobile home), or obscuring some or all of the vehicles windows

(b) erecting or using any tent, camp facilities, or building any other form of shelter:

(c) unattended storage of personal belongings (including but not limited to clothing, sleeping bags, bedrolls, blankets, sheets. luggage, backpacks, kitchen utensils, cookware) or camp paraphernalia;

(d) making or using any fire, for purpose of heating or cooking, or using any flame, grill, portable stove, or similar flame producing device for cooking of meals on public property, except for in City parks with designated barbeque and cooking areas while using City-provided cooking facilities designed for such purposes; or

(e) doing any digging or earth breaking activities for purpose of creating or improving a shelter.

Camping shall be deemed to occur regardless of whether a full night is actually spent occupying any specific location on public property.

(2) "Camp facilities" include, but are not limited to, tents, huts, or similar temporary shelters consisting of any material with a top or roof or any other upper covering or that is otherwise enclosed by sides that is of sufficient size for a person to fit underneath or inside while sitting or lying down and includes the use of a tarp or other material tied or affixed to a structure or bush to create an enclosed area.

(3) "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, or non-City designated cooking or heating equipment.

(4) “Public property" means any publicly owned property in the City, whether improved or unimproved, including, but not limited to, any of the following: public alleyways; public parking lots; public passageways; public streets; public rights-of-way; park playgrounds; state highways; publicly owned, maintained, or operated parks; publicly owned, maintained, or operated landscaped areas or greenbelts; publicly owned fences, trees, light poles, or equipment boxes; publicly owned, maintained, or operated open spaces including, but not limited to, public facilities or buildings of any kind; public sidewalks, curbs, and gutters; public educational institutions; or other government owned, maintained, or operated properties located within the City.

(5) Storage of Personal Property Prohibited.

(a) It shall be unlawful for any person to store any personal property, including camp facilities and camp paraphernalia, on any public property within the City, except as otherwise provided herein.

(b) Before removing any personal property, the enforcement officer, or their designee, shall attempt to provide any readily apparent owners with notice of the intent to remove the personal property and a reasonable opportunity to remove the personal property from public property. If there is no readily apparent owner, or if the readily apparent owner refuses to remove the personal property from public property, then the enforcement officer, or their designee, may cause the personal property to be removed from public property. The enforcement officer, or their designee, shall post a notice on or near the personal property so as to reasonably communicate the notice to the owner the following information:

(1) The location of where the personal property was located;

(2) The date and time notice was served or posted;

(3) A statement that the storage of personal property violates this Section;

(4) An advisement that the City has impounded the personal property for at least 30 days, the location where the personal property is impounded, and that the personal property will be discarded after 30 days if not claimed.

(5) The address, phone number, and operating hours of the location where the personal property will be stored and may be retrieved, and that the City will charge no fee for storage or retrieval.

(6) Information about any housing or shelter and homeless services available for the owners of the personal property, the phone number and address to contact in order to obtain the housing or shelter or other health and human services;

(6) The enforcement officer, or their designee, may immediately discard, without impounding or retaining for 30 days, any items which constitute an immediate threat to the health or safety of the public or items that constitute evidence of a crime or contraband that may be seized, as permitted by law.

Personal property as defined by State of California, Department of Transportation Directive MPD1001-R-1

(E) Items to be collected

(F) Items that will not be collected

AA. Picnicking. Picnicking shall be permitted in established picnic areas only.

BB. Decorations. No person shall attach to any park facility or building any materials, devices or equipment for the purpose of decorating that facility or for any other similar purpose without first having obtained in writing the permission of the park superintendent.

CC. Unreasonable Noises Prohibited. No person shall operate any loudspeaker in any city park or park facility without written permission of the park commission. No person or group shall by either voice, mechanical device or other offensive conduct, create or permit any loud or unreasonable noise to develop in any city park or park facility.

DD. Fireworks. No person or groups shall discharge or cause to be discharged any type of fireworks within any city park or park facility except in areas so designated by the park commission.

EE. Construction of Platforms, Booths, etc., Prohibited. No person shall construct platforms, display booths or any edifice on or in any city park or park facility, nor shall such platforms, booths, etc., be placed in any park or park facility except as so designated by the park commission.

FF. Separability and Validation Clause. The city council hereby declares and provides that, if any portion of this section is held unconstitutional or void for any reason, such decision shall not affect the validity of the remaining portion thereof, and in such event, the city council declares it would have passed and enacted each and every other remaining valid section herein separately and without respect to the portion or portions held to void, unconstitutional or unenforceable.

GG. Violation of Any of the Foregoing Sections a Misdemeanor. Any person or persons violating any of the provisions of this section is guilty of a misdemeanor and upon conviction thereof punishable by imprisonment in the county jail not to exceed 6 months, a fine not to exceed the amount outlined in the Master Fee Schedule, or both.

D. Exceptions. No provision of this section shall be deemed, whether directly or indirectly, to authorize any act which is otherwise prohibited by any law of the State of California or require any act which is otherwise prohibited by any law of the State of California. Nor shall any provision of this section be deemed, whether directly or indirectly, to prohibit any act or acts which are prohibited by any law of the State of California.

E. Violations—Infractions. Any person who violates any provision of this section is guilty of an infraction and, upon conviction, is punishable by:

1. A fine not exceeding $250.00 for a first violation;

2. A fine not exceeding $500.00 for a second violation of this chapter within one year;

3. A fine not exceeding $1,000.00 for each additional violation of this chapter within one year. A person who violates the provisions of subsection **B** of this section shall be deemed to be guilty of a separate offense for each day, or portion thereof, during which the violation continues. A person who violates the provisions of subsection **C** of this section shall be guilty of a separate offense for each item of drug paraphernalia which is distributed

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-1-24

WHEREAS California is experiencing a homelessness crisis decades in the making, with over 180,000 people estimated to have experienced homelessness on any given night in 2023, including 123,000 people who experienced unsheltered homelessness, living in tents, trailers, and vehicles across the state; and

WHEREAS within the first year of my Administration I fast-tracked the development of shelter through Executive Order N-23-20, which directed departments to assess and facilitate the use of available state land and resources for short-term emergency homeless shelters; and

WHEREAS since the beginning of my Administration, the State has made unprecedented investments to address the homelessness crisis head on, investing more than $24 billion across multiple state agencies and departments, including $4.85 billion in flexible funding to local jurisdictions to prevent and reduce homelessness through Homeless Housing, Assistance and Prevention grants, $1 billion in Encampment Resolution Funding to assist local jurisdictions in providing services and supports to people living in encampments, and $3.3 billion to rapidly expand housing for persons experiencing homelessness through Homekey; and

WHEREAS the State has redoubled its commitment to holding local jurisdictions accountable to reduce homelessness, including by strengthening and enforcing requirements that local jurisdictions plan for their fair share of housing and by conditioning state homelessness funding on rigorous reporting and measurable performance metrics; and

WHEREAS it is imperative to act with urgency to address dangerous encampments, which subject unsheltered individuals living in them to extreme weather, fires, predatory and criminal activity, and widespread substance use, harming their health, safety, and well-being, and which also threaten the safety and viability of nearby businesses and neighborhoods and undermine the cleanliness and usability of parks, water supplies, and other public resources; and

WHEREAS while every jurisdiction must do more to address encampments, state and local agencies taking proactive steps to remove encampments have been stymied in those efforts by lawsuits and injunctions, leaving officials without the tools or guidance necessary to address the crisis on their streets; and

WHEREAS in September 2023, I called on the United States Supreme Court to grant review in *City of Grants Pass v. Johnson* to clarify that state and local officials can take reasonable actions to resolve encampments while respecting the humanity of all Californians; and

WHEREAS in June 2024 the Supreme Court overturned Ninth Circuit Court of Appeals precedent that restricted the government's authority to enforce laws regulating encampments, recognizing that jurisdictions may tailor their enforcement practices to reflect policy-driven approaches to addressing homelessness; and

WHEREAS with the threat of these types of injunctions removed, there is no longer any barrier to local governments utilizing the substantial resources

provided by the State, in tandem with federal and local resources, to address encampments with both urgency and humanity, or excuse for not doing so; and

WHEREAS guidelines that prioritize offers of shelter and services as a first step to resolving any encampment best respect the dignity of every Californian and provide meaningful paths to ending homelessness; and

WHEREAS the California Interagency Council on Homelessness leads California's efforts to prevent and end homelessness; and

WHEREAS the California Department of Transportation maintains a policy directive that prioritizes removal of encampments that pose threats to life, health, and safety, while partnering with local governments and nonprofit providers to facilitate offers of shelter and supportive services in advance of a removal; and

WHEREAS the California Department of Transportation has, since July 2021, removed 11,188 encampments and 248,275 cubic yards of debris from these encampments along the state rights of way.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) Agencies and departments subject to my authority shall adopt policies, generally consistent with California Department of Transportation's Maintenance Policy Directive 1001-R1, to address encampments on state property, including through partnerships with other state and local agencies, and shall prioritize efforts to address encampments consistent with such policy. Such policies shall include the following:

    a. Whenever feasible, site assessment in advance of removal operations to determine whether an encampment poses an imminent threat to life, health, safety or infrastructure such that exigent circumstances require immediate removal of the encampment.

    b. Where exigent circumstances exist, as much advance notice to vacate as reasonable under the circumstances.

    c. Where no exigent circumstances exist, posting of a notice to vacate at the site at least 48 hours prior to initiating removal.

    d. Contacting of service providers to request outreach services for persons experiencing homelessness at the encampment.

    e. Collection, labeling, and storage for at least 60 days of personal property collected at the removal site that is not a health or safety hazard.

2) All departments and agencies not under my authority are requested to adopt policies consistent with the guidelines in Paragraph 1.

3) Local governments are encouraged to adopt policies consistent with this Order and to use all available resources and infrastructure,

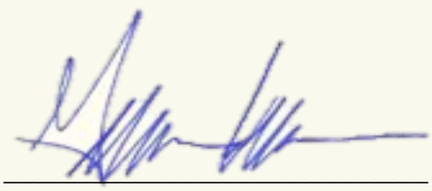
including resources provided by the State's historic investments in housing and intervention programs where appropriate and available, to take action with the urgency this crisis demands to humanely remove encampments from public spaces, prioritizing those encampments that most threaten the life, health, and safety of those in and around them.

4) The California Interagency Council on Homelessness shall develop guidance and provide technical assistance consistent with this Order for local governments to follow in implementing their local homelessness programs.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 25th day of July.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, Ph.D.
Secretary of State

MAINTENANCE POLICY DIRECTIVE	NUMBER MPD 1001-R1	PAGE 1 OF 7
	DATE ISSUED 10/10/2022	EFFECTIVE DATE 10/10/2022

SERGIO ACEVES
Chief, Division of Maintenance

SIGNATURE

Sergio Aceves

DISTRIBUTION

- ☒ All District Directors
- ☒ All Deputy District Directors - Maintenance
- ☒ All Deputy District Directors - Traffic Ops.
- ☒ All Deputy District Directors - Construction
- ☒ All Deputy District Directors - Design
- ☒ All Deputy District Directors - Trans. Planning
- ☒ Chief, Division of Engineering Services
- ☒ Chief Counsel, Legal Division
- ☐ Publications (California Supplement Website)
- ☒ All Division of Maintenance Office Chiefs
- ☒ All SM&I Office Chiefs
- ☒ Headquarters Division Chiefs for:

SUBJECT
Division of Maintenance - Encampment Removal Policy

DOES THIS DIRECTIVE AFFECT OR SUPERSEDE ANOTHER DOCUMENT? ☒ YES ☐ NO

IF YES, DESCRIBE
Volume 1, Chapter 1, section 1.07.3
MPD 1001, issued August 16, 2010
MPD 2002-R9

WILL THIS DIRECTIVE BE INCORPORATED IN THE MAINTENANCE MANUAL? ☒ YES ☐ NO

IF YES, DESCRIBE
Volume 1, Chapter 1, section 1.07.3
This policy facilitates transportation, access and safety needs while providing guidance regarding encampment removal operations. To whatever extent the Maintenance Manual or other guidance is in conflict, this policy takes precedence.

DIRECTIVE

The California Department of Transportation (Caltrans) does not permit encampments on its Right-of-Way. Caltrans' goal is to maintain the integrity of the transportation network. Encampments degrade highway infrastructure and impact the maintenance and operation of the highway facilities. Removal of encampments mitigates health, safety, access, and concealment issues for Persons Experiencing Homelessness (PEHs), the traveling public, adjacent neighborhoods, Caltrans staff and first responders. For these reasons, Caltrans' Right-of -Way is not suitable for encampments. This policy facilitates transportation, access and safety needs while providing guidance regarding encampment removal operations. To whatever extent the Maintenance Manual or other guidance is in conflict, this policy takes precedence.

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For alternate format information, contac… Unit at (279) 234-2284, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814. …orms Ma

A. Site Assessment - When feasible, a site assessment should be performed by Maintenance staff and include:

1. Prioritization of each encampment as either a Priority Level 1 (Critical Priority for Expeditious / Urgent Removal) or a Priority Level 2 (Removal Needed).
    a. Priority Level 1 (Critical Priority for Expeditious / Urgent Removal) - Critical circumstances exist when an encampment poses an imminent threat to life, health, safety, or infrastructure and must be immediately addressed. This is limited to exigent circumstances. Non-exclusive examples include: the encampment is on or near an unstable structure at risk of collapse; the encampment is close to traffic and the PEH in the encampment are at immediate risk of getting hit by vehicles; PEH are living within a confined space, such as a bridge cell.
    b. Priority Level 2 (Removal Needed) - All other encampments.

B. Site Assessment Action Items and Considerations

1. When appropriate, the California Highway Patrol (CHP) should be contacted in advance to assist in initial site assessment.
2. The District Encampment Coordinator or staff should contact service providers and request outreach services for PEH at the encampment.
3. District Hazmat Coordinator or other hazmat-trained staff should evaluate the site for any hazards unique to the encampment that will require specialized hazardous materials handling, disposal, or site remediation.
4. If appropriate, the District Landscape Architect or designee should evaluate potential mitigation efforts related to landscaping to prevent future encampments.

C. Notice

1. Priority Level 1
    a. No advance posted Notice to Vacate is required.
    b. CHP should be present during operations.
    c. If circumstances reasonably allow for advance notice, then give as much advance notice as is reasonable under the circumstances, to be determined on a case-by-case basis.
    d. If advance written notice is not given and if property was collected during the removal, an after encampment "removal advisory" shall be posted in a prominent location near where the encampment was removed providing information describing where items were removed from, a contact phone number for reclaiming collected property, including the date by which property must be reclaimed.
    e. Time-stamped photographs or videos should be taken of the "removal advisory."
2. Priority Level 2

a. Post Notice to Vacate at least 48 hours before beginning encampment removal.

b. CHP shall be present during the posting of Notice to Vacate.

c. Location of Posted Notice to Vacate - Written Notice to Vacate should be posted at each major point of ingress/egress in a conspicuous manner.

d. If prevented from posting the Notice to Vacate because of hostility, interference, or any other action from persons on site, posting should not be attempted until CHP mitigates the situation.

e. Time-stamped photographs or videos should be taken of the posted Notices to Vacate.

3. Paper Notices to Vacate should be enclosed in sheet protectors to protect against weather.

4. Paper Notices to Vacate shall be filled out completely and include:

a. Posting date and time.

b. Location.

c. "Vacate by" date and time.

d. Telephone number for assistance in obtaining property collected during a removal.

e. Date by which property must be collected from Caltrans before it is discarded.

f. Removal start and end dates.

D. Removal Operations

1. Before work at encampment site, CHP shall be present. Do not begin removal operations when PEH are in the immediate vicinity. Any PEH who remain on site when Caltrans or its contractors arrive to begin the removal shall be given a reasonable amount of time to remove possessions before any removal begins.

2. Where advance written notice is given, removal work shall begin on the date written on the Notice to Vacate and shall begin no earlier than the time written on the Notice to Vacate. If removal work does not begin on the date written on the Notice to Vacate, the location must be reposted before removal operations may begin. If prevented from removal work because of hostility, interference, or any other action from persons on site, removal work should not be attempted until CHP mitigates the situation. No further posting is necessary once Caltrans workforce and/or contractors arrive for removal operations and will continue from day to day until completed.

3. Time-stamped photographs or videos should be taken before, during, and after removal work has been completed.

4. Hazardous Materials trained personnel should evaluate the site to identify and plan for removal of any hazardous materials.

5. When possible, equipment should be used to gather, pile, and load encampment debris to reduce exposure and contamination.

6. Any personal property that is collected should be stored in a secured location by Caltrans for not less than 60 days, then discarded if not claimed.

7. Collected personal property should be time-stamped photographed and shall be inventoried by

describing and labeling the items and identifying the encampment location and the removal date.

E. Items To Be Collected (Bagged and Tagged) and Stored

1. Personal property that is not a health or safety hazard, in plain sight, shall be collected, labelled, and stored. Caltrans employees and contractors shall collect the following items:
    a. Items of apparent value - defined as items having an apparent value of $50 or more.
    b. Items of apparent personal value including but not limited to:
        i. Eyeglasses, operational wheelchairs, walkers, crutches, other medical equipment.
        ii. Tents (habitable and uncontaminated).
        iii. Personal papers such as photographs, albums, ID's, bank statements, legal papers, etc.
        iv. Bicycles, scooters, strollers in good repair.
        v. Backpacks and containers that appear to be in good condition and have been determined by a Caltrans hazmat contractor to be free of materials described in Section F(1)(a)-(f) below. [Caltrans's current policy is not to collect backpacks and closed containers due to potential safety issues].
2. Due to the exigent circumstances surrounding Priority Level 1 removals, it may not be possible to collect, label and store items.

F. Items That Will Not Be Collected

1. Items that present an immediate health or safety risk, such as:
    a. Toxic sharps: needles, scissors, knives.
    b. Chemicals: bleach, paint, oils, etc.
    c. Items (including bedding and clothing) soiled by infectious materials: human waste, bodily fluids.
    d. Moldy, mildewed items.
    e. Items that may be infested by rodents and insects: rats, mice, fleas, lice, bed bugs.
    f. Items that pose a risk of fire or explosion, combustibles and propane tanks; any item containing fuel or corrosives or other unidentified liquids.
    g. Backpacks and closed containers that have been determined by a Caltrans hazmat contractor to contain items listed in (a)-(f) above or items (3), (4), (5), or (6) below. Such backpacks and closed containers may be discarded where no hazmat contractor is present to make a determination.
    h. If personal belongings are co-mingled or littered with needles, human waste, or other health risks, employees/contractor may dispose of the entire pile of belongings and are not required to sort through and attempt to remove the health or safety risks. The presence of clothing in a backpack or container shall not be the sole reason to discard the backpack or container.

2. Mattresses: furniture with fabric, padding, or is porous; sheds, structures, rolling structures, and bulky items. Sheds, structures, or rolling structures may be demolished if not removed by PEH prior to the encampment removal. A "bulky item" is any single item that is over 50 pounds and requires more than two persons to safely lift.
3. Perishable items, perishable food.
4. Controlled substances, drugs with or without prescription and medications of any kind. [Should be handled by hazmat trained personnel and/or by CHP.]
5. Contraband, weapons and illegal items. [Should be addressed as provided in the Maintenance Manual and/or as directed by CHP.]
6. Trash, garbage, and/or debris. This includes property that appears to have been discarded by its owner and broken appliances or broken furniture which constitutes abandoned property or trash.
    a. If employees/contractors have a reasonable doubt as to whether an item constitutes trash, it should be collected and stored. Employees/contractors should exercise their best judgment in determining which items should be collected and stored.
7. Motor vehicles should be handled as provided in the Vehicle Code.

G. Reclaiming Collected Personal Property

1. Persons attempting to retrieve property collected during a removal operation shall give the location of the encampment where the property was collected, describe where and when the personal property was last in their possession, and provide a description of the item(s). The person retrieving property shall sign and date a document acknowledging receipt of the property. If requested, a receipt should be given to the person retrieving property.

H. Record Keeping

1. An After-Action Report should be submitted to the Headquarters office handling encampments (currently the Office of Homelessness & Encampments, aka OH&E) within one week of a completed encampment removal.
2. A file should be created for each encampment removal and retained for 4 years, and should contain:
    a. Photographs and/or videos taken in connection with the removal effort.
    b. Writings reflecting assessments, evaluations, summaries, receipts and notices connected with the encampment removal, items collected, and items retrieved, if any.
    c. Name(s) of the contractor(s) involved in the removal.
    d. Name(s) of the social service providers.
    e. MAZEEP Daily Report forms and, if not reflected on the form, names and badge number(s) of CHP or other law enforcement involved in the encampment removal.
    f. Completed Encampment Removal Request Forms.
    g. Collected Personal Property Forms and receipts.

Attachment(s):

DEFINITIONS

When used in this Maintenance Policy Directive, the text shall be defined as follows:

1) **Standard** - a statement of required, mandatory, or specifically prohibited practice. All standards text appears in **bold** type. The verb **shall** is typically used. Standards are sometimes modified by Options.
2) Guidance - a statement of recommended, but not mandatory, practice in typical situations, with deviations allowed if engineering judgement or engineering study indicates the deviation to be appropriate. All Guidance statements text appears in underlined type. The verb should is typically used. Guidance statement are sometimes modified by Options.
3) Option - a statement of practice that is a permissive condition and carries no requirement or recommendation. Options may contain allowable modifications to a Standard or Guidance. All Option statements text appears in normal type. The verb may is typically used.
4) Support - an informational statement that does not convey any degree of mandate, recommendation, authorization, prohibition, or enforceable condition. Support statements text appears in normal type. The verbs shall, should and may are not used in Support statements.

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND CITY COUNCIL MEMBERS**

FROM: **AMY BERGSTRAND, DIRECTOR,**
BUSINESS ASSISTANCE/HOUSING DEVELOPMENT

RE: **ACCEPT THE COMMUNITY DEVELOPMENT BLOCK GRANT STANDARD AGREEMENT 22A-CDBG-PI-HA-10002 AND ESTABLISH BUDGET FOR HOMEOWNERSHIP ASSISTANCE PROGRAM**

DATE: **NOVEMBER 19, 2024**

SUMMARY

The Council may consider accepting the 2023A Community Development Block Grant (CDBG) Program Income Only, Agreement No. 23A-CDBG-PI-HA-10002, in the amount of $920,930.02 plus future receipts up to $1,500,000, and establish a budget for program activities and activity delivery to provide loans to income eligible applicants to purchase a home in the City limits of Oroville.

DISCUSSION

Under the CDBG Program, funds received by the Grantee (City) as a result of a CDBG-funded activity are generally referred to as Program Income. Program Income funds retain their federal identity in perpetuity and are subject to all federal requirements. One of those requirements is that CDBG Program Income must be applied to a Standard Agreement by one of three ways: 1. Include Program Income for an eligible activity application during the annual NOFA cycle, 2. Submit a Program Income Only application for an eligible activity, or 3. Amend an existing Standard Agreement to include Program Income.

The City Council adopted Resolution No. 9287 on July 16, 2024, approving the submittal of a CDBG Program Income Only Application of Cash on-hand plus future receipts to the State Department of Housing and Community Development for the continuation of the City's Homeownership Assistance Program that provides a loan subsidy to income eligible applicants when purchasing a home in the City limits of Oroville.

Subsequently the City of Oroville received a Notice of Award on October 29, 2024, and staff is requesting approval to establish a budget for the following activities:

Cash on-hand

Homeownership Assistance	$	743,458.00
Activity Delivery:	$	28,846.00
General Administration	$	148.626.00

	$	920,930.00

Future Receipts

Homeownership Assistance	$	346,287.00
Activity Delivery:	$	163,461.00
General Administration	$	69,322.00
	$	579,070.00

FISCAL IMPACT

A budget adjustment will be required to establish a budget as follows:

1.Transfer $920,930 from 2272270-9000-CDBG RLF to 2222220-4750-PI10002.

2. Transfer the remaining balance of $579,070 as it comes in from 2272270-9000-CDBG RLF to 2222220-4750-PI10002.

General Administration
Fund 222

Revenues:

Budget Unit	Object No.	Project Code	Account Name	$Amount
2220	4570	PI10002GA	Federal Grants	217,948.00

Expenses:

Budget Unti	Object No.	Project Code	Account Name	$Amount
2220	5110	PI10002GA	Salaries and Wages	163,948.00
2220	6000	PI10002GA	Advertising	4,000.00
2220	6270	PI10002GA	Office Expense	4,500.00
2220	6340	PI10002GA	Other Supplies	4,500.00
2220	6360	PI10002GA	Outside Services	30,000.00
2220	6430	PI10002GA	Special Department Exp.	4,000.00
2220	6470	PI10002GA	Telecommunications	4,500.00
2220	6480	PI10002GA	Training	2,500.00
				217,948.00

Activity /Activity Delivery
Fund 222

Revenues:

Budget Unit	Object No.	Project Code	Account Name	$Amount
2220	4570	PI10002AD	Federal Grants	1,282,052.00

Expenses:

Budget Unit	Object No.	Project Code	Account Name	$Amount
2220	5110	PI10002GA	Salaries and Wages	166,307.00
2220	6000	PI10002GA	Advertising	6,000.00
2220	6270	PI10002GA	Outside Services	20,000.00
2220	6340	PI10002GA	Loans	1,089,745.00
				1,282,052.00

RECOMMENDATION

1. Accept the 2023A Community Development Block Grant Program Income Only Agreement No. 23A-CDBG-PI-HA-10002, in the amount of $920,930 plus future receipts of $579,070.: and

2. Approve Budget Adjustment indicated in the fiscal impact of this Staff Report, dated November 19, 2024.

ATTACHMENTS

Award Announcement

Award Notification Letter

Dear Amy Bergstrand,

Congratulations! An award package has been created for the following program:

Project:	City of Oroville - Homeownership Assistance
Program:	CDBG Program Income Only (2023-2024)
Approved Amount:	$920,930.02
Federal Awards:	No federal funds were included in this award.
Other Awards:	• PI - City of Oroville: $920,930.02 **Total Other:** $920,930.02
Total Match:	$0.00
Period of Performance:	10/01/2024 - 09/30/2027
Award/Contract Number:	23A-CDBG-PI-HA-10002
Ein:	94-6000387

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN & COUNCIL MEMBERS**

FROM: **FRED MAYO, PUBLIC WORKS DIRECTOR**

RE: **REQUEST FOR $600 CONTRIBUTION TO SUPPORT THE WHITE LION DANCERS FOR THE UPCOMING CHINESE NEW YEAR CELEBRATION**

DATE: **NOVEMBER 19, 2024**

SUMMARY

The City Council shall consider contributing six hundred dollars to support the White Lion Dancers for the upcoming Chinese New Year Celebration.

DISCUSSION

The Chinese New Year is an important cultural celebration. The White Lion Dance is a unique performance known to bring joy and cultural enrichment, highlighting the vibrancy of Oroville's diverse community. The event is expected to attract local residents and visitors, strengthening cultural ties and promoting inclusivity.

Hiring the White Lion Dancers will add cultural authenticity and excitement to the celebration, providing a meaningful experience for attendees. However, securing their performance requires a financial contribution. Ann Chamberlin, who is assisting with the planning for this celebration, has requested a contribution of $600 from the City (one half of total costs) to help with these costs.

The Chinese New Year celebration will be a family-friendly event that aligns with the City’s mission to foster community engagement, enhance cultural awareness, and celebrate diversity. The White Lion Dance performance will likely draw a wide audience, including families, students, and members of various community organizations.

FISCAL IMPACT

The contributions would come from the Community Enhancement budget unit.

ACTION REQUESTED –

APPROVE A $600.00 CONTRIBUTION FROM THE COMMUNITY ENHANCEMENT BUDGET UNIT TO SUPPORT THE HIRING OF THE WHITE LION DANCERS FOR THE CHINESE NEW YEAR CELEBRATION.

ATTACHMENTS

Request from Ann Chamberlain

梁館白鶴體育會

Mailing Address
705 Jackson Street
San Francisco, CA 94133
Website: www.SFLionDance.org



Leung'sWhite Crane Association

Attn: Daniel Leung
Phone: (415) 720-8830
Email: LeungsWhiteCrane@yahoo.com
IRS ID: 94-3000597

PERFORMANCE AGREEMENT AND INVOICE

PERFORMANCE INFORMATION

CLIENT:	Oroville Chinese Temple Celebrations in Oroville Ca
ADDRESS:	1500 Broderick Street Oroville Ca 95965
DATE:	Saturday February 1, 2025
TIME:	Bethere at 11:30am and Start at 12:00pm-12:20pm
DESCRIPTION:	2lions and Percussion
TOTAL COST:	$1,200.00
DEPOSIT DUE:	$600.00 Nonrefundable Credit Only
BALANCE DUE:	$600.00 After Performance

PAYMENT TYPE:

☐CASH
☐CHECK (Payable To: Leung's White Crane)
☐ELECTRONIC PAYMENT

POINT OF CONTACT OR CLIENT REPRESENTATIVE

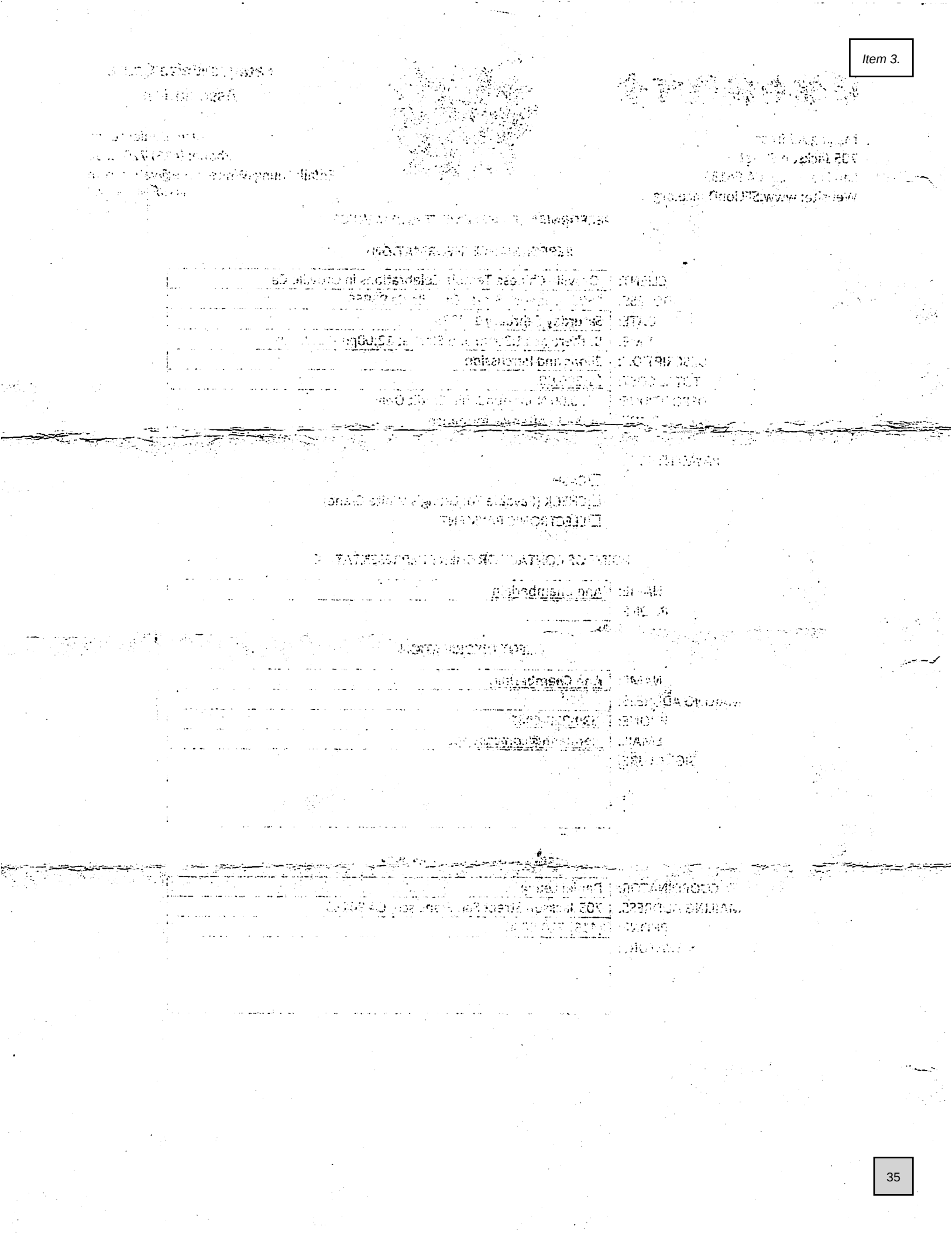
NAME:	Ann Chamberlain
PHONE:	

CLIENT INFORMATION

NAME:	Ann Chamberlain
MAILING ADDRESS:	
PHONE:	530-228-4941
EMAIL:	coraiann@comcast.net
SIGNATURE:	

PERFORMER INFORMATION

COORDINATOR:	Daniel Leung
MAILING ADDRESS:	705 Jackson Street San Francisco, CA 94133
PHONE:	(415) 720-8830
SIGNATURE:	



CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN & COUNCIL MEMBERS**

FROM: **ALYSSA STUTZ, CITY ENGINEER**

RE: **STREETLIGHT DATA SOFTWARE SUBSCRIPTION**

DATE: **NOVEMBER 19, 2024**

SUMMARY

The City Council shall consider approving an annual subscription agreement to StreetLight Data to provide City traffic related data.

DISCUSSION

The issue of speeding in our city has become increasingly concerning, impacting both safety and quality of life for residents. Addressing this challenge requires a comprehensive understanding of traffic patterns and behaviors. StreetLight data may be a solution for gathering the necessary information to inform our decisions on where to invest the City's capital improvement dollars.

StreetLight data offers a sophisticated approach to traffic analysis by leveraging anonymized location data from mobile devices. This technology allows us to gain insights into vehicle movements, including speed, frequency, and time of day, across various streets and neighborhoods. By harnessing this data, we can identify hotspots for speeding and analyze trends over time, which will be crucial for targeted interventions.

Moreover, the data provides a more comprehensive view of overall traffic conditions, enabling us to assess not only where speeding occurs but also how traffic patterns may shift due to infrastructure changes or other factors. This insight is vital for making informed, data-driven decisions about where to allocate resources for improvements, such as additional signage, speed humps, or road redesigns.

Utilizing StreetLight data can also support our efforts to enhance community engagement by providing transparent, empirical evidence of traffic issues. By sharing this data with residents, we can foster a collaborative environment where the community understands the rationale behind our capital improvement strategies.

Integrating StreetLight data into our traffic management and capital improvement planning will empower us to tackle the speeding issue more effectively while ensuring that our decisions are grounded in accurate, actionable data. This approach not only addresses immediate safety concerns but also lays the foundation for sustainable traffic management practices moving forward.

InSight Packages	**Option 1:** Safety Data Essentials	**Option 2:** Cities Package	**Option 3:** Premium Planning Solutions
Metrics	Network Performance (Speed, Volume, Congestion, Travel time, VMT, etc.)	Network Performance, Turning Movement Counts, Network Origin-Destination	*Option 2* + Top Routes, Home & Work locations, Historic Active Transportation (Bike & Ped), Truck (Heavy Weight), Historic Transit (Bus & Rail)
Sales Price	$5,250 / annually	$19,999 / annually	$29,999 / annually

FISCAL IMPACT

$30,999 in Year One, then $29,999 annually from the Traffic Impact Fee fund thereafter. Year One includes $1,000 for software training.

ACTION REQUESTED -

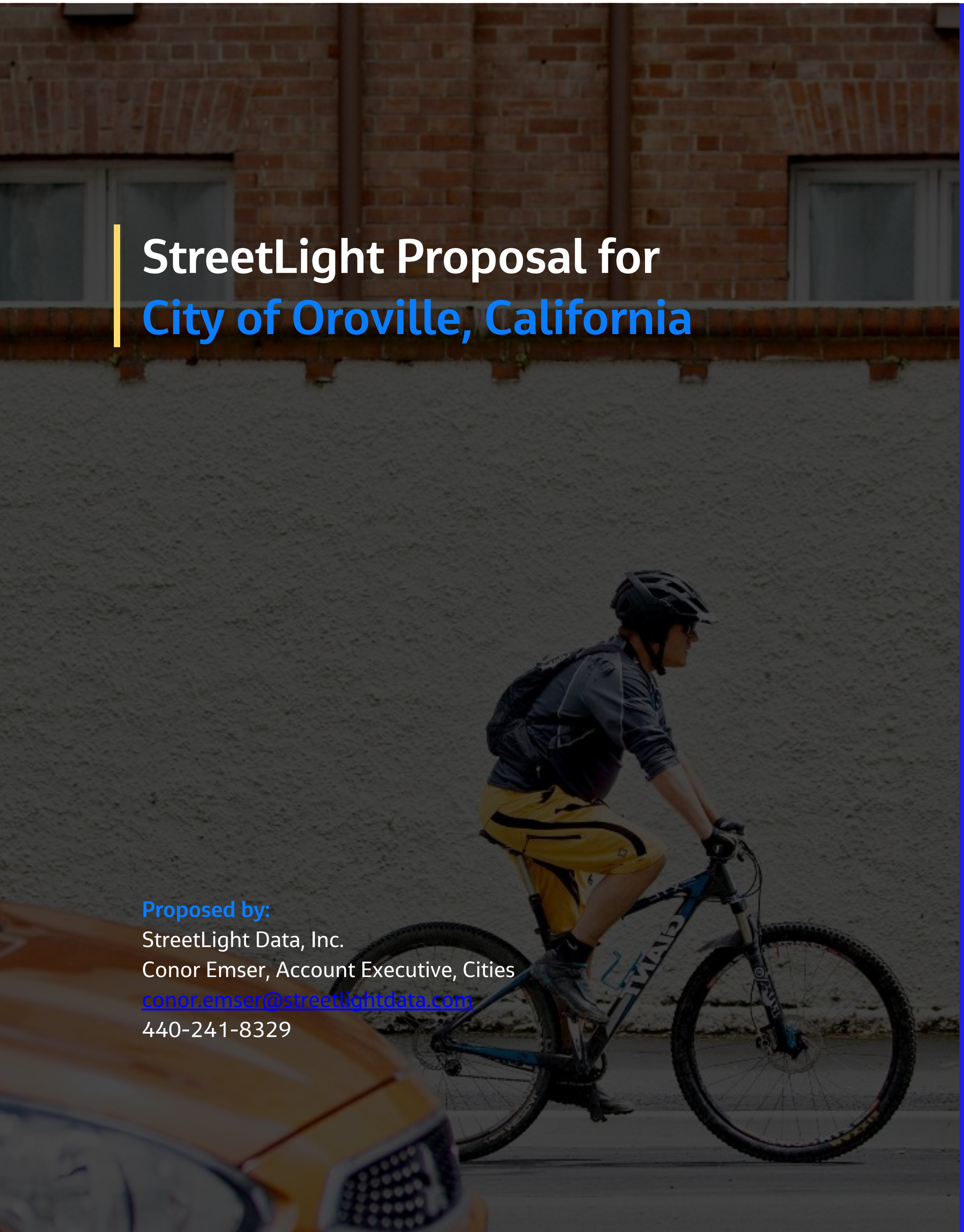
Approve an annual subscription agreement to StreetLight data (Premium Planning Solutions) in the amount of $30,999 and authorize staff to sign.

ATTACHMENTS

StreetLight Proposal

STREETLIGHT

StreetLight Proposal for City of Oroville, California



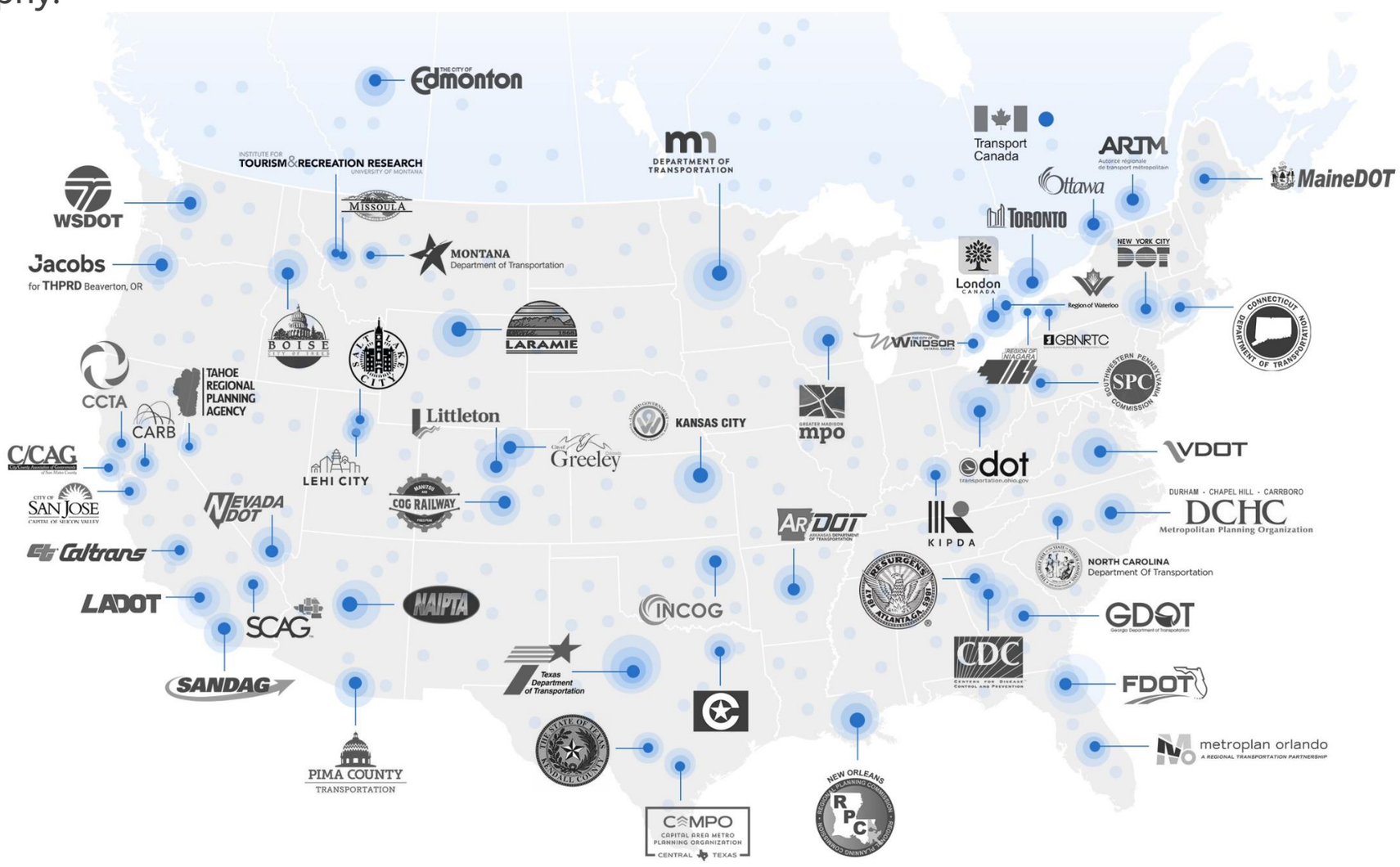
Proposed by:
StreetLight Data, Inc.
Conor Emser, Account Executive, Cities
conor.emser@streetlightdata.com
440-241-8329

ABOUT STREETLIGHT

StreetLight Data, Inc. (“StreetLight”) pioneered the use of Big Data analytics to shed light on how people, goods, and services move, empowering smarter, data-driven transportation decisions. StreetLight applies proprietary machine-learning algorithms and its vast data processing resources to measure travel patterns of vehicles, bicycles and pedestrians, accessible as analytics on the interactive StreetLight InSight® SaaS platform. Acquired by Jacobs as a subsidiary in February 2022, StreetLight provides innovative digital solutions to help communities **reduce congestion**, **improve safe and equitable transportation**, and **maximize the positive impact of infrastructure investment**.

Trusted by transportation agencies since 2011

With projects in 48 U.S. states and all 10 Canadian provinces, our Metrics have been used and validated by hundreds of public agencies, transportation consulting firms, and private companies. In addition, several state transportation agencies, MPOs and large cities, including Virginia DOT, Ohio DOT, Minnesota DOT, Washington State DOT, Maine DOT, Los Angeles DOT, and New York City DOT, have software-as-a-service subscriptions that allow them to run an unlimited number of analyses within their geography.



Jacobs · steer · AECOM · CDM Smith · Kimley»Horn · FEHR & PEERS · Stantec · HDR · PARSONS · + many more!

FORD MOBILITY · Uber · SIEMENS · SPIN · BCG · Bloomberg NEW ENERGY FINANCE · Alaska AIRLINES · MACQUARIE · + many more!

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STREETLIGHT

What sets StreetLight apart

Industry-leading Big Data Sources: With over 10 years of history, StreetLight has the most robust historical data foundation and an unmatched empirical understanding of mobility. With a long history of routinely evaluating, benchmarking and picking the most reliable data sources, we have built a repository of several hundred sources that contribute to our Route Science® engine.

On-demand Software - get quick access to data that makes decisions better: The software-as-a-service subscription model allows your organization to run an unlimited number of analyses within your geography without incremental costs, making it affordable to collect data regularly and to study behavior changes over time. The easy-to-use software platform allows your team to independently run their own analytics on demand with specific, customized parameters (i.e., type of day, time of day, bicycle or vehicle trips, etc.). You can also prove out the efficacy of projects with data-driven insights to justify your decisions and demonstrate impact.

StreetLight's leading mobility analytics solution enables transportation professionals to:

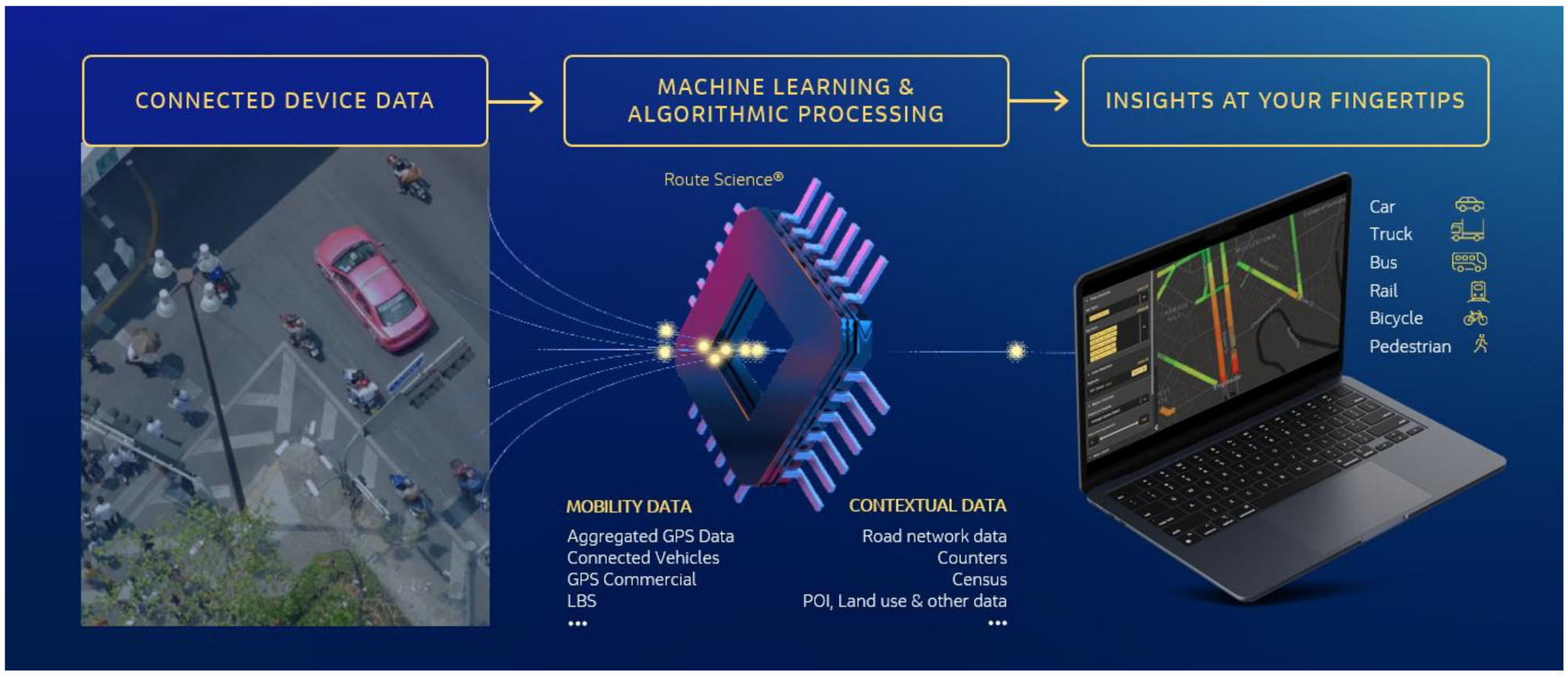
1. **Use the most widely adopted transportation platform, validated by agencies nationwide.**
2. **Measure transportation at any level of spatial and temporal granularity.**
3. **Access mission-specific tools, purpose-built by transportation experts and tailored to your team's biggest needs.**
4. **Leverage the deepest repository of mobility data in the marketplace – and new data sources as they emerge.**
5. **Trust that we are going to be around for the long-run – part of Jacobs, a trusted partner to the public sector for decades.**



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Big data intelligence means accurate insights without months of data collection



It begins with Big Data

Every month, StreetLight ingests, indexes, and processes vast amounts of location data from connected devices and connected vehicles, then adds context from numerous other sources like parcel data and digital road network data – to develop a view into North America's complex network of roads, bike lanes and sidewalks.

Route Science®, more data, and validation

Next, StreetLight's proprietary data processing engine, Route Science®, algorithmically transforms trillions of location data points over time into contextualized, aggregated, and normalized travel patterns. StreetLight validates them using thousands of traffic counters and embedded sensors.

Metrics for millions of roads and census blocks

Route Science® then normalizes and aggregates the data into analytics, delivering unique insights into how vehicles, trucks, bicycles, pedestrians, buses, and more move throughout the transportation network. Accessible via StreetLight InSight®, the world's first on-demand web platform for transportation, users can analyze, visualize, and compare travel patterns at multiple spatial levels.

STREETLIGHT SUBSCRIPTION

Cities Subscription

This proposal details an annual subscription for City of Oroville to StreetLight InSight®. Cities Subscription allows you to run an unlimited number of StreetLight InSight® analyses during the year within the limited geographic region[1] around the city. Use will be subject to a standard StreetLight End User License Agreement.

Planning Solutions	Features Included	Modes Included
Cities Package	Network Performance, Turning Movement Counts, Network Origin-Destination	All Vehicles

Subscription Fee

Cities Subscription Fees are dependent upon the type of Solutions Packages (made up of specific StreetLight Metrics and modes) and the number of Traffic Analysis Zones (TAZs)[2] within a region. For this proposal, Cities of Oroville region is assumed to be made up of 18 TAZs.

Annual Subscription Fee		
	ITEMS	**COST**
SUBSCRIPTION		
Planning Solutions – Cities Package	Cities Package: Network Performance, Turning Movement Counts, Network Origin-Destination	$19,999
Active Transportation Mode Add-on	Bike & Pedestrian Data	$10,000
ADDITIONAL ITEMS		
PREMIUM TRAINING	Fundamental Concepts: 60-minute use-case driven 1 on 1 virtual training	*$1,000*
ACCESS		
USER SEATS[3]	10	*Included*
TOTAL		*$30,999*

Customer is responsible for all applicable taxes. Subscription fees are payable at time of purchase.

This quote is valid until 11/29/2024.

All subscriptions include*:

- Interactive dashboard
- Project sample size
- Time period settings including Day Types, Day Parts, Monthly Data Period, 15-minute bin day parts
- Standard Support, eLearning Training Portal and live trainings, Help Center

**where applicable*

[1] City of Oroville, CA will be limited to running analyses for trips that start, end, or pass through the city with a 0.5 mile buffer
[2] TAZ is defined as U.S. Census Traffic Analysis Zone
[3] User Seats include up to [x] staff members or consultants who will be allowed access to the web application

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OTHER STREETLIGHT SOLUTIONS

For Agencies and Consultants				Data Products
PLANNING SOLUTIONS	**SAFETY SOLUTIONS**	**OPERATIONS SOLUTIONS**	**CLIMATE SOLUTIONS**	**MOBILITY DATA SOLUTIONS**
Transportation Modeling	Safety: Data Essentials	Construction	GHG Measurement	Mode Packages
Corridor Studies	Safety: Prioritize	Traffic Monitor	EV Charger Deployment	StreetLight Advanced Traffic Counts
Corridor & Congestion Management				Connected Vehicle Journeys
Roadway Volumes				Connected Vehicle Events
Intersection Studies				
Active Transportation Mode Share				
Freight Planning				
Local Traffic Studies				
Cities				

MORE SOLUTIONS

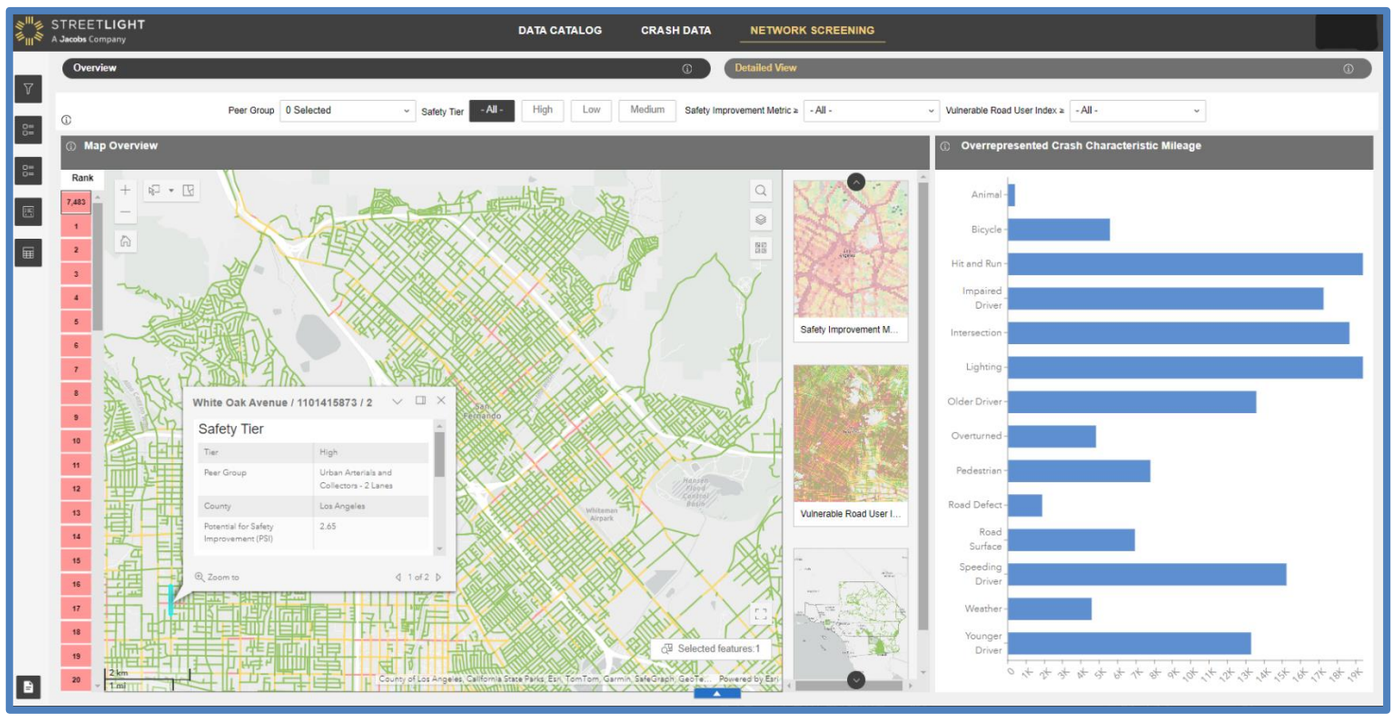
Safety Solutions: Prioritize tool

StreetLight 's Safety Solutions tool, Prioritize, combines data-driven analytics and industry expertise to prioritize the right safety improvements. This product includes custom bespoke dashboards that span from visualizing huge amounts of data on crashes and volume to producing contextualized countermeasures to address your highest safety concerns. Key dashboards can include:

- **Crash Data Viewer:** Integrated data from a variety of novel and traditional sources (crashes, connected vehicles, etc.) that visualizes, filters, and summarizes digitized crash records.
- **Equity Layers:** Equity layers to review for alignment with Justice40 for enhanced funding opportunities.

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- **Safety Improvement Metrics and Vulnerable Road User Index:** Heatmaps of locations with high potential for boosting safety and areas over-indexing on vulnerable road users.
- **Network Screening:** Comprehensive and transparent regression analysis to screen your network and pinpoint safety hotspots.



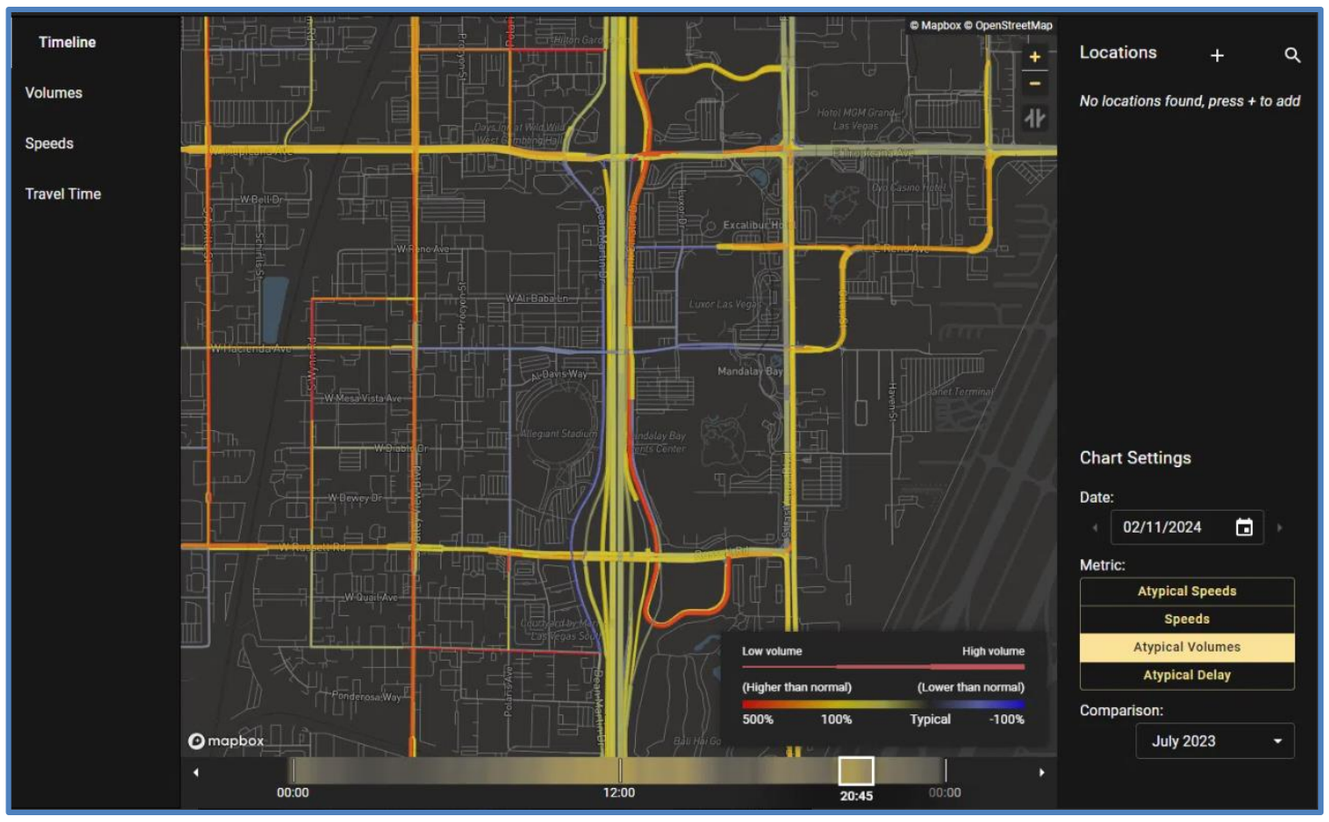
- **Countermeasure Treatments:** Interactive selection process, including cost-benefit analysis, for more informed countermeasure diagnosis.
- **Measuring Effectiveness:** Continuous monitoring of safety treatment effectiveness by integrating existing project locations and before/after crash analysis.

Operations Solutions: New Traffic Monitor product

Reduce the headache that comes from traffic disruptions with instant access to real-time transportation insights directly from your computer. StreetLight provides a comprehensive solution for pinpointing and mitigating traffic disruptions with traffic pattern insights on any roads – without installing sensors. The Traffic Monitor product provides insights to help with the following:

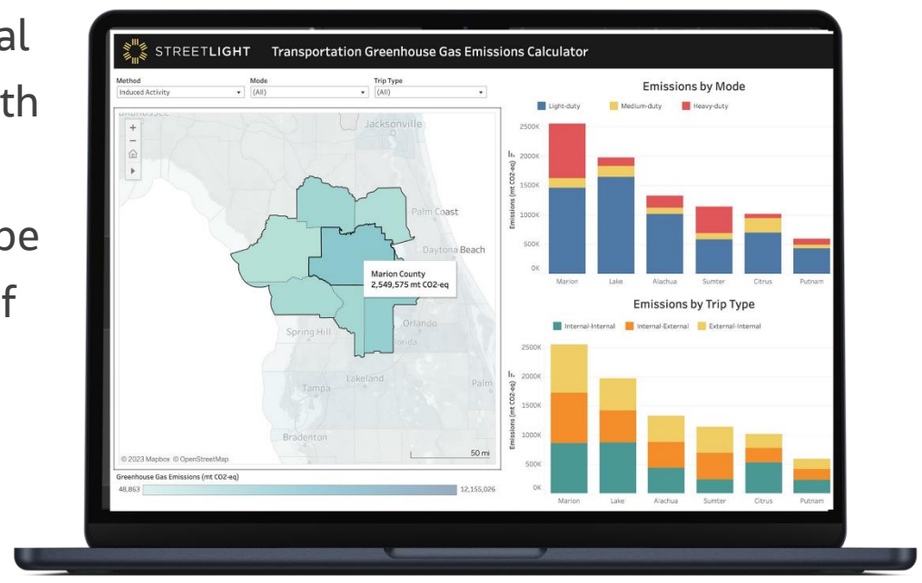
- **Plan smart:** View traffic patterns on all roads to optimize for the most efficient detours and closure windows before disruptions.
- **Make real-time adjustments**: Dynamically manage traffic and build targeted communication during disruptions with real-time traffic flows.
- **Analyze post-disruption**: Evaluate travel patterns to understand successes, failures for better future planning.

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Climate Solutions: GHG Measurement product

StreetLight provides easy access to recent, validated, empirical data to establish reliable GHG baselines and communicate with the public. This includes a GHG data set that breaks out trip type (internal-internal, external-external, etc.) and vehicle type (vehicle, truck, EV avoided emissions) to see the full picture of what drives emissions. In addition, we provide different methodologies that analyze GHG within your jurisdiction or GHG from induced activity to ensure that you are measuring what your region can actually control.



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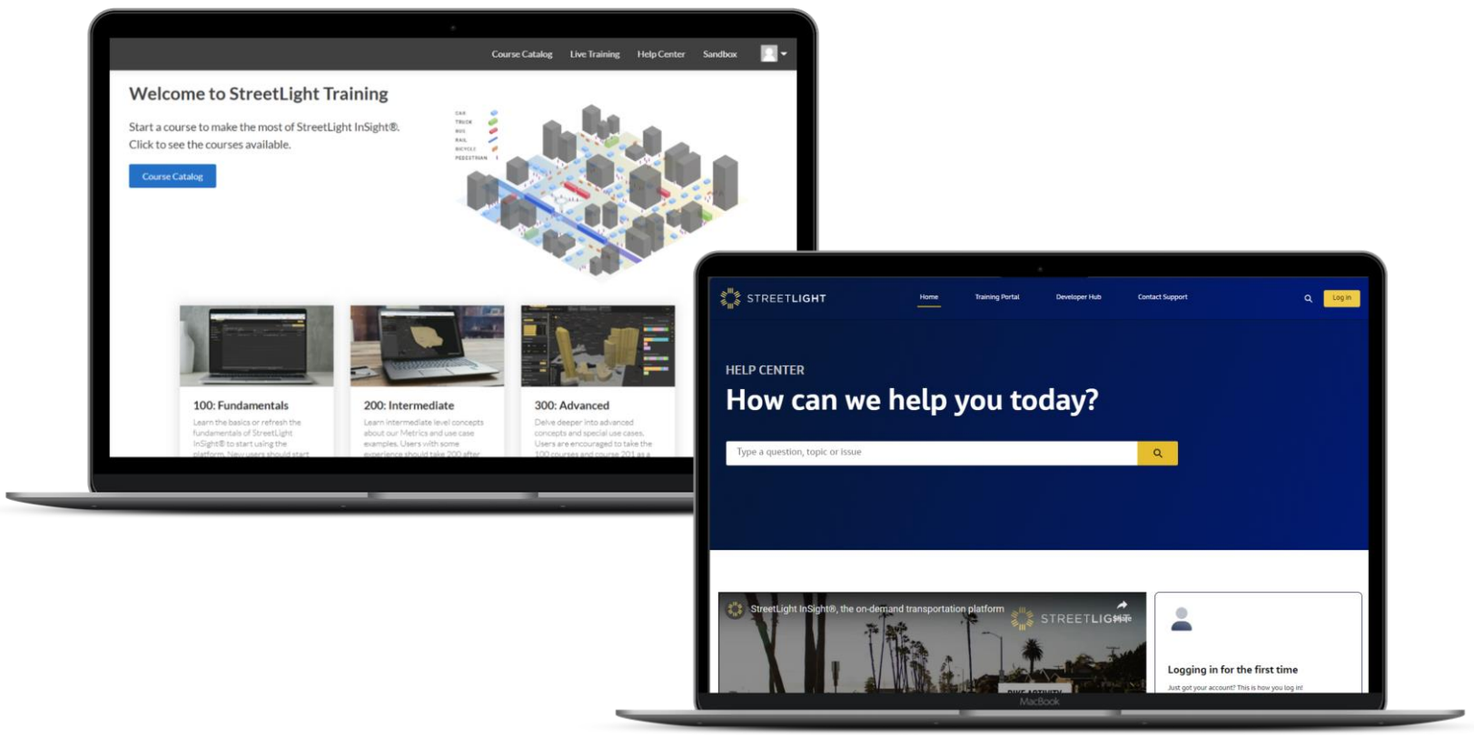
CUSTOMER CARE OFFERINGS

Self-paced Onboarding & Training

All users will have access to on-demand eLearning courses and live sessions via the StreetLight Training Portal, as well as in-app guidance. The guided eLearning courses include customized learning paths that introduce users to specific topics in bite-sized units, while the interactive live trainings offer in-depth group training sessions that tackle fundamentals, tips and tricks, and more advanced topics. StreetLight experts also regularly host Instructor Led Trainings on special topics open to all users.

Standard Support & Help Center

All users will have access to the StreetLight Help Center, a comprehensive online resource with 250+ articles that feature FAQs, best practices, tips and tricks, and more. StreetLight's Support Team is also available to answer questions users have on a day-to-day basis. The Support Team can be contacted via a Help Center form, and team members are available during normal business hours across all time zones in Continental North America. Standard Support initial response times are up to one business day. Customers that prefer rapid responses and prioritized tickets can consider StreetLight's Premium Support offering as detailed below.

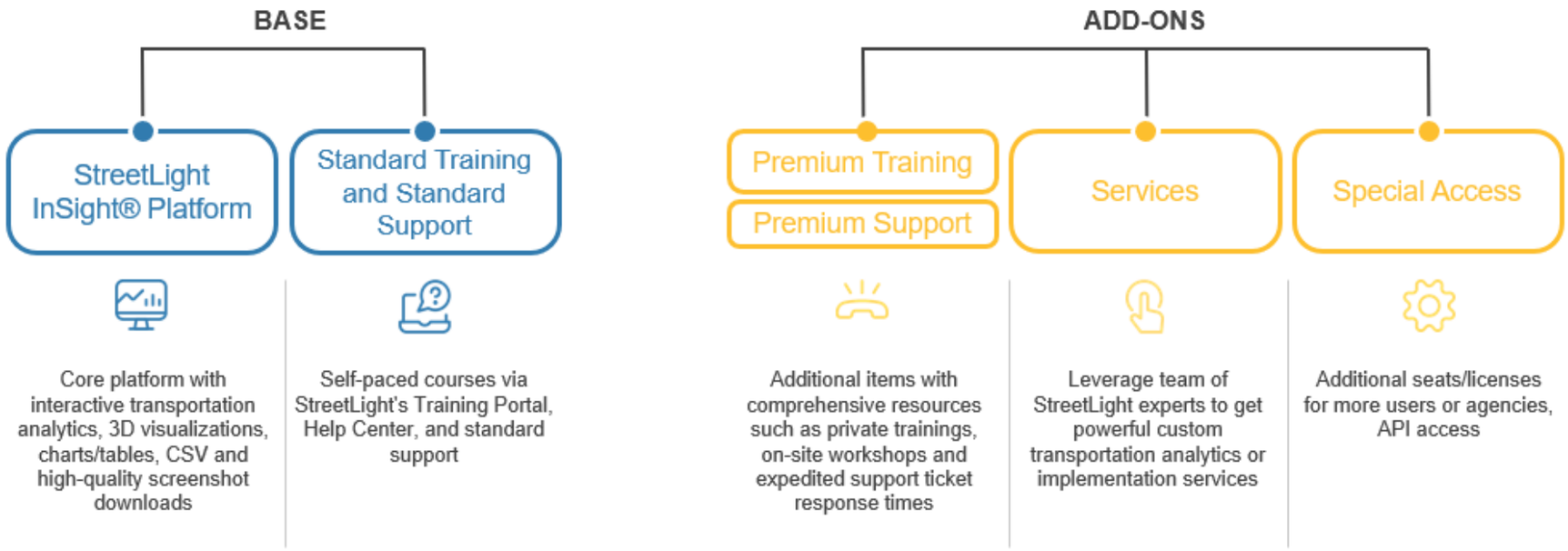


StreetLight Summit and User Group Meetings

StreetLight holds User Group Meetings and a virtual StreetLight Summit. These events provide opportunities for users from across different public agencies and engineering firms to present use cases and share examples about lessons learned from use of the StreetLight InSight® software. Training sessions, product roadmap "sneak peeks," and feedback sessions also occur.

Add-Ons

Our priority is your success utilizing StreetLight to get quick access to quality data-driven insights. In addition to the standard support and resources above, we also provide add-on Services, Customer Care and Product options to help accelerate your agency's time to value.



Services

For solutions that require custom implementation support or analysis with customized parameters not included in the StreetLight InSight® platform, StreetLight's Services team can provide you with Big Data experts to get powerful custom transportation analytics or implementation services to support your staff or uplevel your project reports. Options include:

Premium Customer Care

Premium Training

With Premium Training, fast-track your organization's StreetLight journey with customized training to make the most of the platform right away. This includes instructor-led private training sessions tailored to meet users unique needs, real-time expert guidance where you can ask questions and engage with expert instructors for a more interactive learning experience to help your organization master key concepts to swiftly unlock the full value of your subscription. Organizations can select from the following training options — Fundamental Concepts, Advanced Concepts, Custom Training, and On-Site Full-Day Workshops — depending on if they are looking to select from existing use cases or need something more tailored to your organization and geographical needs.

On-Site Training Workshop

This is an all-day (8 hours, with a break for lunch) event for users on-site at an agency location. The workshop will be led by two StreetLight instructors. The focus is on teaching users how to achieve specific use cases using the StreetLight InSight® platform customized to the agency's geography and

key projects. The event includes a “labs” portion with hand-on exercises for attendees. Attendee limitations only based on meeting space available at the agency’s location.

Premium Support

Premium Support allows your agency to get top-tier attention with advanced support and our fastest response times so you can focus on managing transportation. Includes direct access to a highly trained dedicated technical expert that ensures high quality coverage for all issues and faster response time and follow-up with prioritized case management (up to 4 hours during Support hours of 8am – 8pm ET, Monday - Friday), helping you get resolved issues prioritized faster to continue working on key projects.

APPENDIX: GLOSSARY OF STREETLIGHT TERMS

Analysis: A “run” or “query” within StreetLight InSight®. The user selects zones, a project type, and project options for each project, then runs the project by clicking “confirm.

Analysis Options: Available for most project types. These allow the user to configure options, such as day parts, day types, or data source, before running an analysis.

Commercial Vehicle Segmentation: Medium-Duty Trucks = 14,000 – 26,000 lbs., Heavy-Duty Trucks > 26,000 lbs.

Core Transportation Behavior Metrics: They include Origin-Destination, Origin-Destination with Middle Filter, Origin-Destination with Preset Geographies, Zone Analysis, Trip Attributes, Traveler Attributes, and Home and Work Locations.

Data Period: Months to analyze. Availability of data periods may vary based on mode of travel.

Day Part: Grouping of hours-of-the-day for an analysis. 15-minute bin day parts are available to analyze more granular metrics. If defaults are not appropriate, users can customize these values.

Day Type: Grouping of days-of-the-week for an analysis. If defaults are not appropriate, users can customize these values.

Free Flow Speed: The maximum Average Segment Speed in any one hour of the day in the data period.

Home and Work Locations: Inferred probable home and work locations for composite groups of people aggregated to 1km X 1km grids, Census Block Groups, ZIP Codes, metropolitan areas, and states.

Intersection: Contains three or fours “gates” that serve as zones. This is only available in the Turning Movement Counts analysis type.

Network Performance: Analysis that includes segment-level metrics, including VMT, VHD, Congestion/Free Flow Factor, Speed Percentiles and volume. View metrics by directionality and for custom-defined data periods.

Origin-Destination Matrix: Relative volume and average travel time of commercial and personal trips between origin and destination zones. Users may enter both origins and destinations of their choice or use a standard geography such as “all ZIP Codes.”

Origin-Destination through Middle Filters (combine with O-D for Routing): Relative volume and average travel time of trips that pass through middle-filter zones, or links, when traveling between origin and destination zones.

Peak Hour Factor: Compares the busiest 15-minutes to the average 15-minute volume during the peak hour, indicating how consistent traffic volume is during the peak hour.

QuickViews: User-friendly tools with guided steps to scan geographies at scale, visualize macro-level trends, and easily share summarized results with stakeholders.

Segment Analysis: Provides the relative volume, speed percentiles including 85th percentile, average speed, travel time, VMT/VKT, vehicle hours of delay (VHD), and free flow speed of trips through corridors.

Specific Date: The ability to run single days as an analysis or different “collections” of days as a new day type. This feature also allows you to exclude certain days.

StreetLight AADT: Estimate of average annual daily traffic in 2022 (U.S.). You can also access historic AADT from 2017, 2018, 2019, 2020, and 2021. (Note: This Metric is provided as an estimated count based on 365 days of data.) StreetLight AADT Metric provides year-over-year comparability across the 2019-2022 data periods.

Top Routes Analysis: Identifies the road segments with the most traffic between selected origin and destination zones or traveling to or from a single zone.

Traveler Attributes: Inferred Trip purpose (Home-, Work-, or Other-based combinations), Demographics of Travelers (Race/Ethnicity, Foreign Born, Limited English Proficiency, Disability Status, Education Status, Household Income, Household Size/Family Status,

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Housing Tenure, Units in Structure, Vehicle Ownership).

Turning Movement Counts: Provides intersection volumes with 15-minute granularity, Peak Hour Factor, Peak AM/PM Metrics, and more.

Trip Attributes: Travel time, trip length, trip speed, trip circuity. Trip Attributes Metrics are provided as an average and as a distribution of values into customizable bins.

Trip Circuity: The average and distribution of circuity for trips between zones, or at a zone. Circuity is defined as (length of trip) / (crow's flight distance between start and end point).

Travel Time (seconds): The average and distribution trip time in seconds for trips between zones, or at a zone.

Trip Length (miles): The average and distribution trip length in miles for trips between zones, or at a zone.

Trip Speed (mph): The average trip and distribution speed in miles per hour for trips between zones, or at a zone.

Trips to or from Preset Geography Analysis: Origin-Destination by ZIP Code, Census Block Group, or Census TAZs, to a corresponding set of zones. This analysis type is ideal if you don't know your full zone matrix, and instead want to see how a set of zones relates to standard geographies.

Vehicle Hours of Delay (VHD): Is a measure of congestion and is calculated as the estimate of hours of travel in free flow speed subtracted from the hours of travel in congested speed.

VHD = (VMT/Congested Speed (Average Segment Speed) [MPH]) - (VMT / Free Flow Speed [MPH])

Vehicle Miles of Travel (VMT): It is a measure of highway travel demand and is calculated as the number of vehicles using a segment of highway multiplied by the length of the highway. Also, measured from trip metrics by multiplying the trips between Origins and Destinations by the average trip length of the trips.

Zone Activity Analysis: Relative volume of trips that originate in, have destinations in, or pass through each zone analyzed.

Zone Library: The Zone Library is a feature that lets you choose zones you want to analyze from a map without having to draw or upload zones into zone sets. This includes OSM Line Segments, Standard Areas (U.S. Zip Codes, U.S. Census Block Groups, U.S. Traffic Analysis Zones, U.S. Census Tracts, U.S. Cities and Counties, Canada Dissemination Areas, Canada Census Tracts, Canada Census Subdivisions), and Rail (Rail Agencies, Rail Lines, Rail Line Segments, and Rail Stations).

Zone Traffic: StreetLight trip value representing the volume of all trips at a zone. Depending on whether the zone is pass-through or not, this will represent trips that pass through the zone, or trips that start or end in the zone.

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APPENDIX: STREETLIGHT INSIGHT® FEATURES

	Key Metrics	Time Period Granularity	Geographic Granularity
AADT	Annual Average Daily Traffic Prediction Intervals	Annual (2017-2023)	Road Segment
Active Transportation Monitor	Avg. Annual Daily Pedestrian Volume Avg. Annual Daily Bike Volume Pedestrian Activity Trend Bike Activity Trend Pedestrian Mode Share Bike Mode Share Vehicle Mode Share Avg. Daily Vehicle Volume Vehicle Activity Trend Vehicle Mode Share	Annual (2019-2022)	Census Tract
Congestion Management QuickView	Vehicle Miles Traveled (VMT) Vehicle Hours of Delay (VHD) Travel Time Index Planning Time Index Reliability Factor Segment Traffic Volume Avg. Segment Speed Level of Travel Time Reliability Free Flow Travel Typical Travel Atypical Travel Level of Travel Time Reliability	Day Part (e.g., Peak AM, Peak PM) Day of Week	Road Segment All Segments in a Selected Area
Corridor Studies QuickView	Vehicle Miles Traveled (VMT) Vehicle Hours of Delay (VHD) Travel Time Congestion Factor Segment Traffic Volume Avg. Segment Speed 85th Percentile Speed VHD per Mile Travel Time Index	Time of Day (Hourly) Day of Week	Road Segment Corridor (Multiple Road Segments) Multiple-Corridor Groups

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	Key Metrics	Time Period Granularity	Geographic Granularity
Network Performance	Avg. Daily Segment Traffic Avg. Segment Speed (5th-95th%) Avg. Daily Spot Traffic Avg. Spot Speed Avg. Segment Travel Time Vehicle Miles Traveled (VMT) Vehicle Hours of Delay (VHD)	Time of Day (Hourly) Day of Week Custom Data Month Selection Peak Hours	Road Segment Custom Gates
Network Origin-Destination	Origin-Destination Volume	Time of Day (Hourly) Day of Week Peak Hour Custom Data Month Selection (22-Month Data Period Window)	Road Segment
Origin-Destination	Zone Traffic Volume Origin Zone Traffic Volume Destination Zone Traffic Volume Middle Filter Traffic Volume O-D Traffic Volume O-MF-D Traffic Volume	Time of Day (Hourly, 15-Min) Day of Week Custom Date Period Selection	Standard Area Zone Custom Zone Polygon
Roadway Volume QuickView	Annual Average Daily Traffic	Annual (2021)	Road Segments
Segment Analysis	Segment Traffic Volume Segment Speed (5th to 95th Percentile) Segment Travel Time Travel Time Index Vehicle Hours of Delay (VHD) Vehicle Miles Traveled (VMT) Free Flow Factor Free Flow Speed	Time of Day (Hourly, 15-Min) Day of Week Custom Date Period Selection	Road Segment
Top Routes	Origin Traffic Volume Destination Traffic Volume O-D Traffic Volume Trip Proportion	Time of Day (Hourly) Day of Week Custom Date Period Selection	Road Segment Custom O-D Polygon Zones

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	Key Metrics	Time Period Granularity	Geographic Granularity
Turning Movement Counts	Total Traffic Volume Inbound Traffic Volume Outbound Traffic Volume AM Peak Hour PM Peak Hour Peak Hour Factor	Time of Day (Hourly, 15-Min) Day of Week Custom Date Period Selection	Intersection Intersection Gate (Each Entrance)
Zone Activity	Zone Traffic Volume	Time of Day (Hourly) Day of Week Custom Date Period Selection	Standard Area Zone Custom Zone Polygon
Zone Activity with Home & Work Locations	Distance from Home Distance from Work Percent by Home Locations Percent by Work Locations Percent of Visitors	Time of Day (Hourly) Day of Week Custom Date Period Selection	Standard Area Zone Custom Zone Polygon

	Trip Attributes	Traveler Attributes	Trip Purpose
Trip & Traveler Attributes	Travel Time Travel Time Percentile Trip Duration Travel Speed Travel Length Trip Circuity	Race Ethnicity Household Income Family Status Education Employment Industry Vehicle Ownership Housing Type	Home-Based Work Travel Home-Based Other Travel Non-Home-Based Travel

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CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **BILL LAGRONE, CHIEF OF POLICE**

RE: **PUBLIC SAFETY FACILITY MAINTENANCE**

DATE: **NOVEMBER 19, 2024**

SUMMARY:

The Council will consider authorizing the payment for necessary facility maintenance projects made at the Public Safey Facility over the last five months.

DISCUSSION:

Over the past 5 months the Police Department has had maintenance work done to various areas of the Public Safety Facility to improve the general appearance and repair old and damaged areas. These areas where maintenance has occurred includes the following:

- Striping of the parking lot to designate parking spaces, handicap accessible pathway, curb markings, and gate triggering target area. The striping had become worn, was fading and becoming challenging to see.
- Planter and hardscape debris removal, general clean out of hardscape areas, tree stump removal, tree removal of trees grown through fencing and disrupting the fence and asphalt. The planter and hardscape areas had not been cleaned of debris for many years and had become overgrown and full of fecal matter from various animals. Trees had grown from old stumps that were not removed when the tree was originally removed, the stumps had grown shoots through the fence and grown around the wire damaging the fence. The stumps had grown roots that were beginning push up the asphalt and damage it as well.
- Power washing of the cement approach to the building in front and rear of the facility was to clean the area, it had become very dirty due to heavy traffic in and out of the facility.
- The perimeter fencing had old and badly damaged red wood privacy slats. Large portions were missing, and the other areas had been damaged over several years. The slats provided no privacy allowing a clear line of sight into

the rear area of the Public Safety Facility. It was necessary to remove the old and badly damaged privacy slats and replace them.
- Other work included general weed removal and clean up of planters on a regular basis.

These projects were completed by Butte Community service. Butte Community Service was selected due to the existing working relationship with the City that exists via the Clean Streets Grant. Butte Community Service regularly works with City Works on various projects with Code Enforcement. Butte Community Service had the necessary equipment and workforce available to accomplish the task in a timely manner. Butte Community Service rate is $50.00 per man per hour. This hourly rate is all inclusive.

The cost of these projects exceeded the spending authority of the Department. The total cost for the completion of these projects including materials is $22,205.24. The necessary materials included paint, painting supplies, landscaping rock material, weed barrier, stump and tree removal equipment, new PVC fencing privacy slats were $9,055.24, staff has previously paid for materials necessary for these projects. These projects took 2 men 131.5 hours total to complete for a total of $13,150.00.

The funding for this project will come from the operational budget of the Police Department.

FISCAL IMPACT:

$22,205.24 will come from the operational budget of the Police Department.

RECOMMENDATION:

Authorize the payment of services to Butte Community Service in an amount not to exceed $13,150.00

BUTTE COMMUNITY SERVICE

AUGUST/SEPTEMBER - POLICE DEPARTMENT

Services		Amount	
8/29/2024	Re-landscape back planter strip/weed barrier/stump removal		$800.00
8/30/2024	Re-landscape back planter strip/weed barrier/stump removal		$ 800.00
	Pressure washing and landscaping as agreed		$ 1,000.00
			$2,600.00
	August Total		**$ 2,600.00**
Services			
9/3/2024	Striping and Painting - 2 men @8 hours	Amount	$ 800.00
9/4/2024	Striping and Painting - 2 men @8 hours		$ 800.00
9/5/2024	Striping and Painting - 2 men @8 hours		$ 800.00
9/6/2024	Striping and Painting - 2 men @8 hours		$ 800.00
9/9/2024	Striping and Painting - 2 men @7 hours/1 man @1 hour total 8 hrs		$ 750.00
			$ 3,950.00
	Total for Striping and Painting		**$ 3,950.00**
Services			
9/10/2024	Landscaping back fence line		$ 800.00
9/11/2024	Landscaping back fence line		$ 800.00
9/12/2024	Landscaping back fence line		$ 800.00
9/13/2024	Landscaping back, side and front fence line		$ 800.00
9/16/2024	Landscaping side and front fence line		$ 800.00
9/18/2024	Landscaping side and front fence line		$ 800.00
9/19/2024	Landscaping side and front fence line		$ 800.00
	September Total		**$ 9,550.00**
10/1/2024	Landscaping/Pressure Washing - October		$ 1,000.00
	October Total		**$ 1,000.00**
	Grand Total		***$ 13,150.00***

BUTTE COMMUNITY SERVICE

AUGUST/SEPTEMBER - POLICE DEPARTMENT

Supplies			
8/29/2024	weed barrier, landscaping supplies, supplies for stump removal	Amount	$ 469.75
8/30/2024	weed barrier, landscaping supplies, supplies for stump removal		$ 651.66
			$ 1,121.41
	August Total		**$ 1,121.41**
Supplies			
9/3/2024	Supplies for Striping and Painting		$ 121.89
9/4/2024	Supplies for Striping and Painting		$ 221.02
9/6/2024	Supplies for Striping and Painting		$ 143.70
			$ 486.61
Supplies			
9/5/2024	Fencing		$ 1,448.40
9/12/2024	Fencing		$ 5,998.82
			$ 7,447.22
	September Total		**$ 7,933.83**
	Grand Total - Supplies		***$ 9,055.24***

BUTTE COMMUNITY SERVICE

AUGUST/SEPTEMBER - POLICE DEPARTMENT

SERVICES		Amount	
8/29/2024	Re-landscape back planter strip/weed barrier/stump removal		$800.00
8/30/2024	Re-landscape back planter strip/weed barrier/stump removal		$ 800.00
	Pressure washing and landscaping as agreed		$ 1,000.00
Supplies			
8/29/2024	weed barrier, landscaping supplies, supplies for stump removal	Amount	$ 469.75
8/30/2024	weed barrier, landscaping supplies, supplies for stump removal		$ 651.66
			$ 1,121.41
	August Total		***$ 3,721.41***
Services			
9/3/2024	Striping and Painting - 2 men @8 hours	Amount	$ 800.00
9/4/2024	Striping and Painting - 2 men @8 hours		$ 800.00
9/5/2024	Striping and Painting - 2 men @8 hours		$ 800.00
9/6/2024	Striping and Painting - 2 men @8 hours		$ 800.00
9/9/2024	Striping and Painting - 2 men @7 hours/1 man @1 hour total 8 hrs		$ 750.00
			$ 3,950.00
Supplies			
9/3/2024	Supplies for Striping and Painting		$ 121.89
9/4/2024	Supplies for Striping and Painting		$ 221.02
9/6/2024	Supplies for Striping and Painting		$ 143.70
			$ 486.61
	Total for Striping and Painting		**$ 4,436.61**
Services			
9/10/2024	Landscaping back fence line		$ 800.00
9/11/2024	Landscaping back fence line		$ 800.00
9/12/2024	Landscaping back fence line		$ 800.00
9/13/2024	Landscaping back, side and front fence line		$ 800.00
9/16/2024	Landscaping side and front fence line		$ 800.00
9/18/2024	Landscaping side and front fence line		$ 800.00
9/19/2024	Landscaping side and front fence line		$ 800.00
			$ 5,600.00
Supplies			
9/5/2024	Fencing		$ 1,448.40
9/12/2024	Fencing		$ 5,998.82
			$ 7,447.22
	September Total		***$ 17,483.83***
Services			
10/1/2024	Landscaping/Pressure Washing - October		$1,000.00
	October Total		***$1,000.00***
	Grand Total		***$ 22,205.24***

Invoice

Butte Community Service

1566 Huntoon Street
Oroville, CA 95965

Date	Invoice #
9/30/2024	100

PENDING (non-posting)

Bill To

Oroville Police Department
2055 Lincoln Street
Oroville CA 95965

Description	Amount
Regular Pressure Washing & Landscaping Services as Agreed	1,000.00
2nd Phase Landscaping 8/29/24-Back planting strips re-landscaping, Weed barrier, Stump removal	800.00
2nd Phase Supplies 8/29	469.75
2nd Phase Landscaping 8/30/24-Back planting strips re-landscaping, Weed barrier, Stump removal	800.00
2nd Phase Supplies 8/30	651.66

Total $3,721.41

Invoice

Butte Community Service

1566 Huntoon Street
Oroville, CA 95965

Date	Invoice #
9/30/2024	102

PENDING (non-posting)

Bill To

Oroville Police Department
2055 Lincoln Street
Oroville CA 95965

Description	Amount
2nd Phase Landscaping 9/3/24-Striping and Painting 2 MEN 8 HRS	800.00
2nd Phase Supplies 9/3	121.89
2nd Phase Landscaping 9/4/24-Striping and Painting	800.00
2nd Phase Supplies 9/4	221.02
2nd Phase Landscaping 9/5/24-Striping and Painting	800.00
2nd Phase Landscaping 9/6/24-Striping and Painting	800.00
2nd Phase Supplies 9/6	143.70
2nd Phase Landscaping 9/9/24 One employee left 1 hour early resulting in rate reduction-Striping and Painting	750.00

Total $4,436.61

Invoice

Butte Community Service

1566 Huntoon Street
Oroville, CA 95965

Date	Invoice #
9/30/2024	103

PENDING (non-posting)

Bill To

Oroville Police Department
2055 Lincoln Street
Oroville CA 95965

Description	Amount
2nd Phase Supplies 9/5-Fencing	1,448.40
2nd Phase Landscaping 9/10/24-Back Fence Line	800.00
2nd Phase Landscaping 9/11/24-Back Fence Line	800.00
2nd Phase Landscaping 9/12/24-Back Fence Line	800.00
2nd Phase Landscaping 9/13/24-Back Fence Line/Side & Front Fence Line	800.00

Total $4,648.40

Invoice

Butte Community Service

1566 Huntoon Street
Oroville, CA 95965

Date	Invoice #
9/30/2024	104

PENDING
(non-posting)

Bill To

Oroville Police Department
2055 Lincoln Street
Oroville CA 95965

Description	Amount
2nd Phase Supplies 9/12-Fencing	5,998.82
2nd Phase Landscaping 9/16/24- Side & Front Fence Line	800.00
2nd Phase Landscaping 9/18/24- Side & Front Fence Line	800.00
2nd Phase Landscaping 9/19/24- Side & Front Fence Line	800.00

Total $8,398.82

Invoice

Butte Community Service

1566 Huntoon Street
Oroville, CA 95965

Date	Invoice #
10/31/2024	117

Bill To
Oroville Police Department 2055 Lincoln Street Oroville CA 95965

Description	Amount
Regular Pressure Washing & Landscaping Services as Agreed-October Service Service for November Currenlty on Hold**	1,000.00
Total	$1,000.00

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **FRED MAYO, DIRECTOR OF PUBLIC WORKS**

RE: **AGREEMENT WITH CLEANRITE-BUILDRITE FOR REPAIRS AND WATER BARRIER TO BE COMPLETED AT CITY HALL IN THE BASEMENT**

DATE: **NOVEMBER 19, 2024**

SUMMARY

The City Council may consider authorizing the execution of an agreement with CleanRite-BuildRite for construction services for the basement located at Oroville City Hall (1735 Montgomery Street).

DISCUSSION

The City has contacted CleanRite-BuildRite to perform mold remediation services in the City Hall basement located at 1735 Montgomery Street. The proposed work includes repairing damaged windows, sealing window frames, installing a new moisture barrier, adding a sump pump, and properly decommissioning the original window wells. These upgrades are designed to prevent future mold issues by addressing leaks and rainwater infiltration through the concrete walls. The improvements will enhance water drainage from the basement and ensure a watertight seal around the windows and window wells. The construction cost will not exceed $140,000.

FISCAL IMPACT

Not to exceed $140,000 to be funded from the Contingency fund – requires 5/7 approval.

ACTION REQUESTED -

Authorize the Director of Public Works to execute an agreement with CleanRite-BuildRite for the required construction and repair of existing window well and water barrier for the City Hall basement located at 1735 Montgomery Street, Oroville, CA. Action requires 5/7 approval.

ATTACHMENTS

Quote for Repairs Services of City Hall Basement.

CRBR Chico

2684 Hwy 32, Suite 100
Chico CA 95926
Phone 530-891-0333
CA Lic # 689238

Insured:	City of Oroville	Business:	(916) 705-8007
Property:	1735 Montgomery St. Oroville, CA 95965		
Claim Rep.:	None		
Estimator:	Jim Ackerman-775-422-4423	Business:	(775) 433-4423
Company:	CRBR - Cleanrite Buildrite (Reno)		
Business:	2684 Hwy 32, Suite 100 Chico, CA 95926		
Contractor:		Business:	(530) 891-0333
Company:	CRBR - Cleanrite Buildrite		
Business:	2684 Hwy 32, Suite 100 Chico, CA 95926		

Claim Number: XXXXXXXXXXXX **Policy Number:** YYYYYYYYYYYY **Type of Loss:** Other

Coverage	Deductible	Policy Limit
Dwelling	$0.00	$0.00
Other Structures	$0.00	$0.00
Contents	$0.00	$0.00

Date Contacted:	11/1/2024 10:00 AM		
Date of Loss:	10/7/2024 12:15 PM	Date Received:	10/7/2024 12:15 PM
Date Inspected:	11/1/2024 10:00 AM	Date Entered:	11/1/2024 10:52 AM

Price List:	CAREX1CRREDDINGPW	Depreciate Material:	Yes	Depreciate O&P:	No
	Restoration/Service/Remodel	Depreciate Non-material:	Yes	Depreciate Taxes:	Yes
Estimate:	CJC-9518-3-REPAIRS	Depreciate Removal:	No		

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Repair Estimate
This was inspected for damages due to foundation and rain conductor drainage issue.

This estimate is for repairs as stated. Addition repairs may be need to be completed over and above this scope of work if hidden damage is found upon demolition of exterior surfaces. Dry rot damage or required code upgrades are not included in this estimate. These repairs can be done with owners approval.

If you have any questions or concerns please feel free to call me at anytime.

Sincerely

Jim Ackerman, Manager Large Loss Estimator

CRBR
775-433-4423
jimackerman@crbr.com

CRBR Chico

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CA Lic # 689238

CJC-9518-3-REPAIRS

Exterior

CAT	SEL	CALC	QTY	ACT	DESCRIPTION	REMOVE	REPLACE	TAX	O&P	TOTAL
Excavating Activities										
1. EXC	TRHOE			+	Trackhoe/excavator and operator					
		8*4	32.00 HR			0.00+	169.50 =	0.00	1,356.00	6,780.00
2. EXC	EXC			+	Building foundation excavation					
		(56*4*4)/27	33.19 CY			0.00+	12.30 =	0.00	102.06	510.30
3. EXC	GRAV			+	Gravel (per CY)					
		30	30.00 CY			0.00+	47.00 =	116.33	381.58	1,907.91
4. EXC	BFH			+	Backfill by hand - No compaction					
		25	25.00 CY			0.00+	29.78 =	0.00	186.12	930.62
5. EXC	EXCH			+	Excavate by hand					
		25	25.00 CY			0.00+	74.45 =	0.00	465.32	2,326.57
6. EQU	SKID			+	Skid steer loader and operator					
		8*4	32.00 HR			0.00+	116.03 =	0.00	928.24	4,641.20
7. EXC	BKFL			+	Backfill foundations					
		56*2	112.00 LF			0.00+	5.19 =	0.00	145.32	726.60
8. EXC	DTRUK			+	Dump truck and operator					
		8*3	24.00 HR		[*]	0.00+	107.71 =	0.00	646.26	3,231.30
9. EXC	SAND			+	Bedding sand					
		20	20.00 CY			0.00+	39.91 =	53.84	213.02	1,065.06
10. PLM	DRNF			+	Foundation drainage system - French drain & drainage mat					
		56*2	112.00 LF			0.00+	32.04 =	176.85	941.34	4,706.67
Concrete Activities										
11. CNC	SAWSL			+	Concrete cutting - slab (per LF per inch of saw depth)					
		55*6*2+8*6*6	948.00 LF			0.00+	3.07 =	0.00	727.60	3,637.96
12. CNC	SL6			&	R&R Concrete slab on grade -finished in place					
		75*10	750.00 SF			6.05+	6.57 =	217.80	2,420.72	12,103.52
13. CNC	RB4			+	Steel rebar - #4 (1/2")					
		56*8	448.00 LF			0.00+	1.61 =	30.68	188.00	939.96
14. CNC	PUMP			+	Concrete pump truck (per hour)					
		16	16.00 HR			0.00+	256.48 =	0.00	1,025.92	5,129.60
15. CNC	PUMPCY			+	Additional concrete pumping fee - per CY of concrete					
		12	12.00 CY			0.00+	3.25 =	3.22	10.56	52.78
16. CNC	LABL			+	Concrete - General Laborer - per hour					
		16	16.00 HR			0.00+	53.51 =	0.00	214.04	1,070.20
Electrical Activities										
17. ELE	LAB			+	Electrician - per hour					
		8*2	16.00 HR			0.00+	106.63 =	0.00	426.52	2,132.60
Plumbing Activities										

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CONTINUED - Exterior

CAT	SEL CALC	ACT QTY		DESCRIPTION	REMOVE	REPLACE	TAX	O&P	TOTAL
18. PLM	LAB		+	Plumber - per hour					
	8*2*2	32.00 HR			0.00+	124.73 =	0.00	997.84	4,989.20
19. PLM	DRNP6		+	Drain/Vent line - PVC pipe, 6"					
	120	120.00 LF			0.00+	26.96 =	117.22	838.10	4,190.52
20. PLM	CI8		+	Pipe , 8"					
	75	75.00 LF			0.00+	144.94 =	495.87	2,841.58	14,207.95
21. PLM	MISC		+	24 in. Square Catch Basin Kit with Black Grate					
	2	2.00 EA			0.00+	1,255.41 =	84.93	648.94	3,244.69
22. PLM	FLDCI>		+	Floor drain - 6"					
	2	2.00 EA			0.00+	559.86 =	77.41	299.30	1,496.43
23. PLM	CO6		+	Sewer clean-out - 6" diameter					
	2	2.00 EA			0.00+	286.72 =	23.36	149.20	746.00
24. PLM	SLCAM		+	Sewer/drain line camera w/ operator					
	1	1.00 EA		[*]	0.00+	540.00 =	0.00	135.00	675.00
25. SFG	GUTGB>		&	R&R Gutter / downspout - box - galvanized - 7" to 8"					
	30	30.00 LF			0.71+	19.14 =	32.65	157.04	785.19
Masonry Activities									
26. MPR	DMEM		+	Waterproofing - sheet membrane					
	56*8	448.00 SF			0.00+	4.09 =	31.05	465.84	2,329.21
27. MPR	DMPR+		+	Dampproofing - asphalt emulsion					
	56*8	448.00 SF			0.00+	2.50 =	3.70	280.92	1,404.62
28. MAS	BL12+		&	R&R Block - in place - reinforced					
	3*3*2	18.00 SF			5.36+	15.20 =	9.82	94.98	474.88
29. MAS	LAB		+	Mason - Brick / Stone - per hour					
	2*8	16.00 HR			0.00+	80.91 =	0.00	323.64	1,618.20
30. SPE	WWELL>		&	R&R Window well - Metal - 64" wide					
	1	1.00 EA			35.52+	278.90 =	16.17	82.64	413.23
31. SPE	WWCL		&	R&R Window well cover locking mechanism					
	1	1.00 EA			10.65+	61.56 =	3.80	19.02	95.03
32. MAS	MISC		+	Additional					
	1	1.00 EA			0.00+	1,500.00 =	50.74	387.68	1,938.42
Totals: Exterior							**1,545.44**	**18,100.34**	**90,501.42**

General

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CAT	SEL	CALC	QTY	ACT	DESCRIPTION	REMOVE	REPLACE	TAX	O&P	TOTAL
33. FEE	**TIPF**			**+**	**Taxes, insurance, permits & fees (Bid item)**					
		1	**1.00 EA**							**OPEN ITEM**
34. FEE	**ENG**			**+**	**Engineering fees (Bid Item)**					
		1	**1.00 EA**							**OPEN ITEM**
35. FEE	**MISC**			**+**	**Open and close street to connect to City Main**					
		1	**1.00 EA**							**OPEN ITEM**
36. CLN	LABM			+	Cleaning Technician - incl. cleaning agent - per hour					
		2*5*3	30.00 HR			0.00+	41.59 =	2.95	312.66	1,563.31
Continuous job site cleaning-Daily-										
37. LAB	SUPERC			+	Commercial Supervision / Project Management - per hour					
		30	30.00 HR			0.00+	85.76 =	0.00	643.20	3,216.00
Dedicated supervisor, during course of work for estimated 3 months total to complete repairs.										
38. TMP	BWSU			+	Barricade and warning device - setup and takedown					
		1.5*5	7.50 HR			0.00+	65.90 =	0.00	123.56	617.81
Labor to close off sidewalks, street, parking lot to allow for deliveries of material and construction work.										
39. TMP	FBMN			+	Barricade/warning sign/traffic cone - Min. equip. charge					
		12	12.00 EA			0.00+	52.50 =	0.00	157.50	787.50
40. TMP	CT			+	Caution tape					
		100	100.00 LF			0.00+	0.11 =	0.08	2.78	13.86
41. TMP	TLT			+	Temporary toilet (per month)					
		1	1.00 MO	[*]		0.00+	312.08 =	0.00	78.02	390.10
3 months										
42. TMP	HWS			+	Temporary hand washing station (per month)					
		1	1.00 MO			0.00+	265.00 =	0.00	66.26	331.26
43. DMO	PU			-	Haul debris - per pickup truck load - including dump fees					
		1	1.00 EA			184.35+	0.00 =	0.00	46.08	230.43
For Final Clean up-Masking, boxes, debris, etc.										
44. PLM	PTD			+	Plumbing/drain line water pressure test					
		1	1.00 EA			0.00+	607.45 =	0.00	151.86	759.31
Totals: General								**3.03**	**1,581.92**	**7,909.58**
Line Item Totals: CJC-9518-3-REPAIRS								**1,548.47**	**19,682.26**	**98,411.00**

Additional Charges	**Charge**
Contingency	4,920.55
California Lumber Assessment Fee	0.63
Additional Charges Total	**$4,921.18**

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Summary for Dwelling

Line Item Total	77,180.27
Contingency	4,920.55
California Lumber Assessment Fee	0.63
Material Sales Tax	1,548.47
Subtotal	83,649.92
Overhead	10,456.28
Profit	10,456.28
Replacement Cost Value	**$104,562.48**
Net Claim	**$104,562.48**

Jim Ackerman-775-422-4423

CRBR Chico

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Recap of Taxes, Overhead and Profit

	Overhead (12.5%)	Profit (12.5%)	Material Sales Tax (8.25%)	Storage Rental Tax (8.25%)
Line Items	9,841.13	9,841.13	1,548.47	0.00
Additional Charges	615.15	615.15	0.00	0.00
Total	**10,456.28**	**10,456.28**	**1,548.47**	**0.00**

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Recap by Room

Estimate: CJC-9518-3-REPAIRS

Exterior	**70,855.64**	**91.81%**
General	**6,324.63**	**8.19%**
Subtotal of Areas	**77,180.27**	**100.00%**
Total	**77,180.27**	**100.00%**

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Recap by Category

O&P Items	Total	%
CLEANING	1,247.70	1.19%
CONCRETE & ASPHALT	13,557.98	12.97%
GENERAL DEMOLITION	4,885.80	4.67%
ELECTRICAL	1,706.08	1.63%
HEAVY EQUIPMENT	3,712.96	3.55%
EXCAVATION	13,812.51	13.21%
LABOR ONLY	2,572.80	2.46%
MASONRY	3,068.16	2.93%
MOISTURE PROTECTION	2,952.32	2.82%
PLUMBING	27,036.97	25.86%
SOFFIT, FASCIA, & GUTTER	574.20	0.55%
SPECIALTY ITEMS	340.46	0.33%
TEMPORARY REPAIRS	1,712.33	1.64%
O&P Items Subtotal	77,180.27	73.81%
Permits and Fees	4,921.18	4.71%
Material Sales Tax	1,548.47	1.48%
Overhead	10,456.28	10.00%
Profit	10,456.28	10.00%
Total	104,562.48	100.00%

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **BRIAN RING, CITY ADMINISTRATOR**

RE: **FIRE PROTECTION SERVICES UPDATE AND REQUEST FOR CONTRACT EXTENSION WITH CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE) FOR FIRE PROTECTION SERVICES**

DATE: **NOVEMBER 19, 2024**

SUMMARY

The Council shall receive an update on fire protection services at the City and consider extending contract with CAL FIRE for fire protection services.

DISCUSSION

The City entered into an agreement with CAL FIRE in July of 2022 to provide fire protection personnel services for the City. The contract is for three years, scheduled to terminated on June 30, 2025. The agreement is for personnel services only, with the City continuing to provide facility, equipment and operational expenses. Prior to entering into the agreement with CalFire, the City of Oroville had its own City Fire Department which provided fire protection services.

With the existing contract terminating in June of 2025, staff is seeking direction regarding obtaining a new contract with CAL FIRE. Staff have put together a presentation sharing information on both models of fire protection services (City operated and contract with CAL FIRE). Both models have proven to provide the City with outstanding fire protection services. With the existing contract scheduled to terminate in approximately seven months, staff recommend a new contract be negotiated with CAL FIRE for continued fire protection services.

FISCAL IMPACT

New contract would be negotiated and brought back for Council approval.

RECOMMENDATION

Direct staff to work on three-year agreement with CAL FIRE for Fire Protection services.

ATTACHMENTS

Fire protection services analysis presentation.

Cooperative Fire Protection Analysis

City of Oroville & CAL FIRE

Two Year Review



Agenda

1) Background Information
2) Staffing Summary
3) Service Analysis
4) Cost Analysis
5) Next Steps

Introduction

- City contracts with CAL FIRE for fire protection personnel services (operational expenses, vehicles, facilities are separate).
  - Contract with CAL FIRE for fire protection personnel services terminates on June 30, 2025.
- Both models, Oroville Fire Department (OFD) and CAL FIRE have provided effective fire protection services to the Community.
- Presentation is designed to factually show some of the differences between these two models.
  - Presentation isn’t designed to say one model is better than the other.
- Staff will be seeking direction regarding how the Council would like to proceed with future fire protection services for the City.

Staffing Summary

Staffing Summary

Staffing Summary

- Both models (OFD and CAL FIRE) have provided similar staffing with regard to numbers (18 fire fighter personnel)
- Dispatch services moved from the City to the State (reduction of 2 City FTE’s)
- Two apparatuses have been staffed in both models (1 Engine and 1 truck)
- OFD had a 56-hour workweek, while CAL FIRE has utilized a 72-hour work week (resulting in an increase in available staff hours)
  - These additional hours have provided the City with 3 staff per apparatus with CAL FIRE vs. 2 staff per apparatus with OFD

Staffing Summary

Staffing Summary Continued

- CAL FIRE will be moving to a 66-hour work week later in November this year.
  - This change / reduction in hours worked will require 3 additional fire personnel to meet current schedule
- It is believed that the State will eventually move to a 56-hour workweek within the next 3-5 years.
  - Moving from a 66-hour workweek to a 56-hour workweek will NOT result in the need for additional staff based on current model of staffing two engines (the addition of 3 staff for the current 66-hour change will provide sufficient staff).

Staffing Summary

Staffing Summary Continued

- City recently contracted with CAL FIRE for essential maintenance of fire vehicles.
  - *This is a new cost related to staffing demands in Public Works.*
- Fire Marshall duties and weed abatement duties have shifted to the City in the transition to CAL FIRE.
  - *City looking into enhancing current Fire Marshall capacity.*
- Recruitment, collective bargaining, personnel matters have shifted to the State.
- Absences are covered immediately by other State fire personnel.

Service Analysis

Service Analysis – OFD

Oroville Fire Department
Service Benefits



01 Local Control

A City fire department operates under the direct authority of the City government, allowing for greater control over staffing (ie. 2 vs. 3 per engine), qualifications, operations, and budgeting. This can lead to a more customized Department.

02 Familiarization of City

Local City firefighters **may** be more familiar with the City's specific layout, hazards, and challenges. They also **may** be more familiar with City administrative / operational services

03 Specialized Services

A City run fire department has more flexibility to focus on specific local needs such as urban firefighting, hazardous materials response, medical emergencies (EMT), Fire Marshal duties, annual fire inspections, weed abatement and specific request by City staff.

04 Economic Benefits

While establishing and maintaining a local fire department may have high upfront costs, Cities **may** see some long-term financial benefits from keeping control over their resources, hiring local personnel, and managing their own operations efficiently.

05 Administrative

City ran fire departments may be able to streamline decision making processes. With local leadership directly overseeing the department, there's less bureaucracy compared to a larger department run or contracted service. This could lead to quicker decisions on staffing, budget adjustments, and operational changes.

Service Analysis – CAL FIRE

Cooperative Fire Protection Agreement
Operational Benefits



01

Access to additional Resources

Provides a timelier depth of Statewide resources, this allows access to a robust response system – CAL FIRE/Butte County Fire Engines, Bull Dozers, Hand Crews, Aircraft.

02

Extension of Resources

The City of Oroville receives automatic closest resource regardless of jurisdictional boundaries.

03

Enhancement of Response

Provides enhance response to large scale or simultaneous incidents.

04

Additional Support

The City of Oroville receives support from countywide cooperative fire protection programs- includes Training and Safety Bureau, Public Information Officer Services.

05

Interagency Teams

Countywide interagency specialty teams including _ Rope Rescue, Water Rescue, Hazardous Materials Team.

06

Centralization

The cooperative agreement also provides a centralized dispatch center for 911 intake and dispatching.

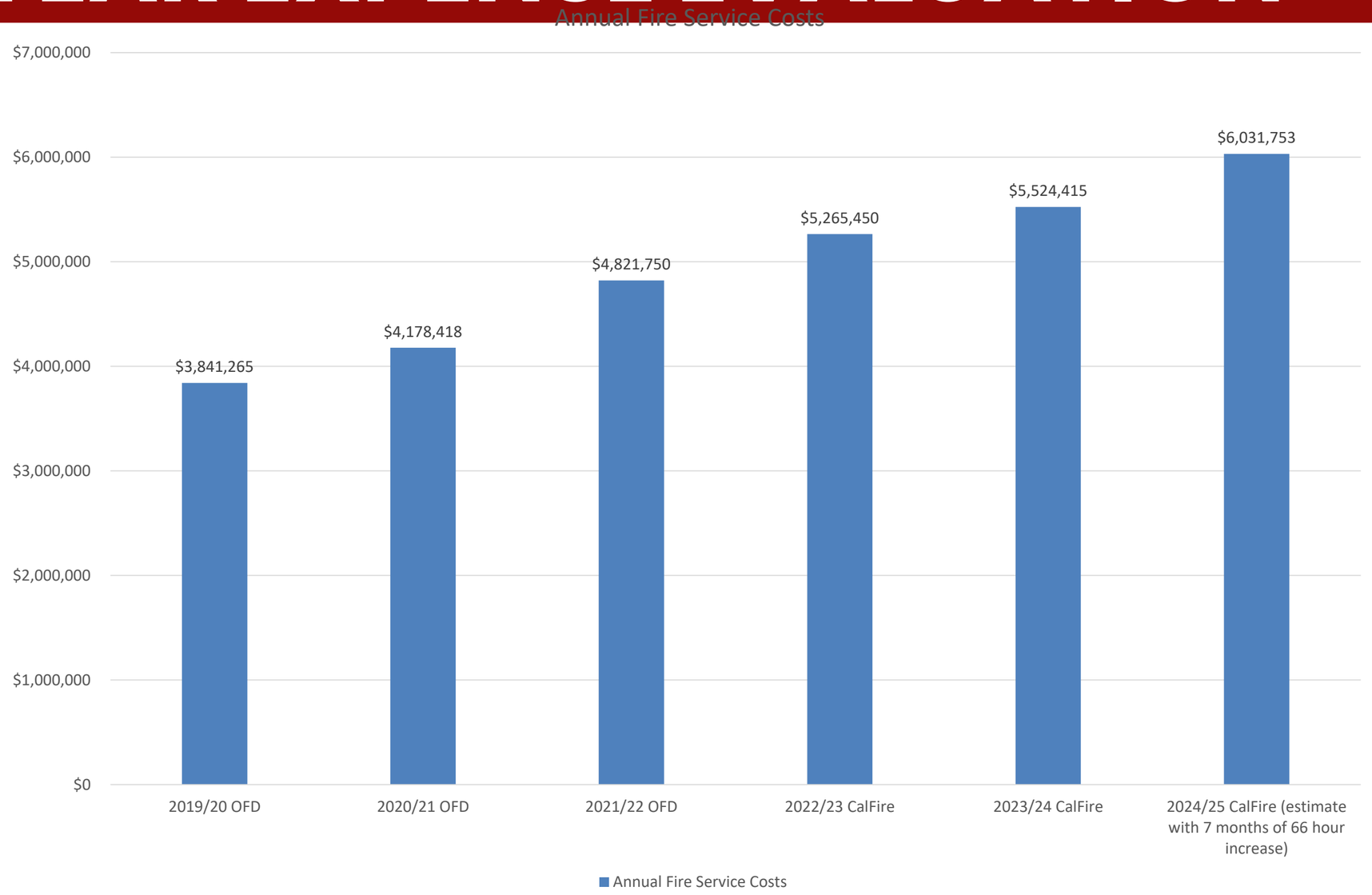
Cooperative Fire Protection Agreement
Administrative Benefits



- Recruitment and retention is no longer City responsibility
- Pension liability is no longer City's direct responsibility (costs included in contract)
- Elimination of worker's compensation liability for the City
- Options to consolidate resources for future cost saving
- City is no longer responsible for labor negotiations
- CALFIRE strives to maintain the Oroville Fire identity

Cost Analysis

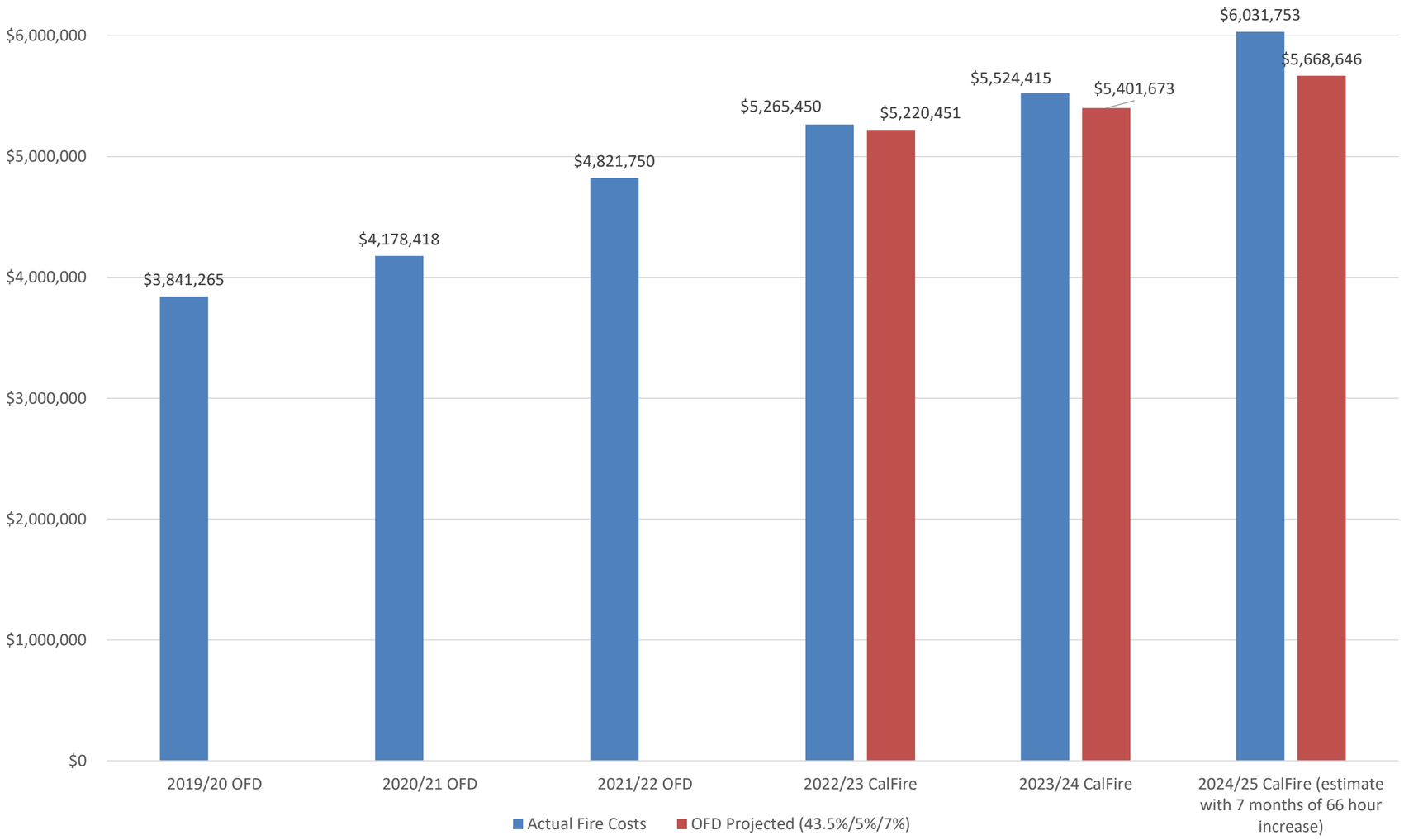
SIX-YEAR EXPENSE EVALUATION



PAY COMPARISON

2021 / 22 OFD			Chico Fire – July 14, 2024		Difference	
Fire Fighter	$22.04		$32.26		46.3%	
Engineer	$24.24		$37.36		54.1%	
Lieutenant	$25.45		$43.25		69.9%	
Captain	$28.47		$43.25		51.9%	
**2% @ 50			**3% @ 50		Avg. 55.55%	

SIX-YEAR EXPENSE EVALUATION



Cost Analysis Summary

Cost Analysis Summary

- There are many nuances associated with compensation – and assumptions made in developing predicted costs.
- Some key variables to consider:
  - Either model – costs will / are rising.
  - With an OFD model – the City would certainly need to keep pace with neighboring communities to remain competitive.
  - With a CAL FIRE model – the City is subject to State bargain rates.

Cost Analysis Summary (continued)

Cost Analysis Summary

- Contract with CAL FIRE includes pension costs (both ongoing and the unfunded portion for current fire personnel)
- City continues to “own” previous OFD unfunded pension obligations. Costs associated with personnel going forward are the obligation of the State / included in the cost the State charges.

Questions – Next Steps

Direction

- Work on new agreement with CAL FIRE for Fire Protection services.
  - Current contract terms in June of 2025
  - Options
    - Direct staff to work on three-year agreement
      - Changes Council would like to see in agreement:
        - Require all City staff to hold current EMT
      - State preliminary benefit rates come out in January
    - Discuss long term desires of Council

David W Pittman

282 Canyon Highlands Drive
Oroville California 95966
pittmandw5@comcast.net

November 14, 2024

To Oroville City Council Agenda and Residents of City of Oroville
Comment on CalFire contract issues on new State Law

AB 2147[1], Understand this law removing criminal records of Wildland firefighter applicants has value to Wildland Fire employment. I support idea of using these personnel on Wildland hand crews and equipment operators.

But CalFire is using these former criminals now firefighters in the schedule "A" contracts like City of Oroville's. City of Oroville service to our citizens demands over 60% medical aid activity which exposes these firefighters to very personal information that we as elected representatives are trusted to provide the highest level of trusted personal security to our citizens.
Our business community also trusts us when they allow our fire department personal Knox Box key access to their Business, banks, hospitals, care homes, and residences for emergency use!

In past City of Oroville Fire hiring of new firefighters we screened backgrounds to ensure our citizens the highest level of trust and security. This contract now in my mind violates the community trust we were elected to provide!

The attached news article shares a discussion of the new state law, that was not explained to us which should have been in our deliberations for this contract!

Thanks for reviewing

David Pittman

[1] AB 2147 NBC article attached

CALIFORNIA WILDFIRES

New California law to make it easier for former inmate firefighters to turn pro

It will streamline the process to expunge their felony records, helping clear the way to pursue careers in the field.



— Inmate firefighters sit on the back of a firetruck on the Enterprise Bridge during the Bear fire in Oroville, Calif., on Wednesday.

Josh Edelson / AFP - Getty Images

Sept. 11, 2020, 6:45 AM PDT / Updated Sept. 11, 2020, 1:35 PM PDT

By Cyrus Farivar

OAKLAND, Calif.–Gov. Gavin Newsom signed a new bill Friday that will accelerate the process for expunging the felony records of

formerly incarcerated volunteer firefighters.

The new law is designed to make it far easier for them to earn an emergency medical technician certification, the first step in becoming a professional firefighter in most cities and counties.

For decades, thousands of inmate firefighters have battled wildfires across the state, working alongside professional firefighters in the scorching heat and smoke.

Yet the men and women prisoners who throw themselves in danger to help save lives and property often find it impossible to put their firefighting skills to use after their release, even in a state desperate for such labor.

> CA's inmate firefighter program is decades-old and has long needed reform.
>
> Inmates who have stood on the frontlines, battling historic fires should not be denied the right to later become a professional firefighter.
>
> Today, I signed #AB2147 that will fix that. pic.twitter.com/15GJ7Gijt7
>
> – Gavin Newsom (@GavinNewsom) September 11, 2020

This system will now undergo a significant change under AB 2147, making it easier for

them to earn an emergency medical technician certification, the first step in becoming a professional firefighter in most cities and counties.

Former inmates have to disclose on applications for EMT programs and jobs whether they have been convicted of a felony. With the record eliminated, they could be considered as any other applicant. Some former inmates convicted of violent offenses, including arson, kidnapping, and rape would be barred from having their records expunged.

"I think that after seeing all these young men and women stand side by side with our other fire crews and knowing that they had no hope of entering that profession, I knew that it was wrong and that we needed to do something about it," Assemblymember Eloise Reyes, the bill's author, said.

The law received support from prisoners' advocacy groups and at least one unlikely organization, the Los Angeles Lakers.

> Thank you to all of our firefighters and first responders, including our incarcerated men and women fighting the current California wildfires.
>
> Human rights are everyone's rights.
> Create a pathway for former inmates who successfully completed fire camp while incarcerated.

pic.twitter.com/U0j6TsfKBL

– Los Angeles Lakers (@Lakers)
August 28, 2020

California has about 3,700 incarcerated people working in the inmate firefighting program, with about 2,600 qualified to work fire lines.

Some law enforcement groups, including the Peace Officers Research Association of California, say such a measure is unnecessary and even dangerous.

Association President Brian Marvel said in an emailed statement that his organization valued the labor provided by the inmates and supports a pathway for low-level offenders to use their skills and experience to become firefighters after their release.

"However, to allow people released from prison to have their records expunged immediately does not allow adequate time for formerly incarcerated individuals to fully reintegrate into society," he said.

> California legislators push to let former prisoners become firefighters. "To fully expunge a felon's record in exchange for this work is not warranted, is dangerous to the public and fails to recognize the impact to the victims of the inmate's crimes," https://t.co/xexWttcliA

– PORAC (@PORACalifornia)
September 2, 2020

Activists complain the state's reliance on incarcerated labor to fight wildfires is unfair because prisoners receive only $1 an hour while working on an active fire line. A professional firefighter just starting out can earn about $40,000 a year.

The activists say that having the former inmates work as regular firefighters in a state pummeled by increasingly frequent and severe wildfires outweighs any drawbacks.

"I am definitely pleased that the bill passed and I think that it is a great step in the right direction," said Brandon Smith, executive director of the Forestry and Fire Recruitment Program, a nonprofit that helps former inmates who served as firefighters, like himself, to obtain professional, fire-related employment after their release from prison.

Smith said the law would likely benefit first-time offenders, who are less likely to have other disqualifying circumstances, more than someone like himself, who has two separate felony convictions that would have to be expunged.

> Please @GavinNewsom sign #AB2147!!! These brave firefighters, Sugar Pine CC Crew #6 (I took this below house) saved our home and many others in the Santa Cruz Mountains. These brave HEREOS

> risk their lives, they deserve an opportunity to pursue a career upon release! #calfire pic.twitter.com/M4rz4y6di0
>
> – Stormy Strong (@stormystrong) September 10, 2020

His organization will prepare lawyers to file the relevant motions on behalf of felons who qualify, he said.

"I can't wait to get back on the fire line," he said, adding that his grandparents recently received an evacuation warning at their home in Altadena because of the Bobcat fire burning in the Angeles National Forest outside Los Angeles. "I want to be out there, I want to help the community."

The district that Reyes represents in San Bernardino County, east of Los Angeles, is being ravaged by the El Dorado fire, and she said relief cannot come soon enough.

"We need more firefighters, and we need an opportunity for second chances," she said. "We need to reward rehabilitation."



Cyrus Farivar

Cyrus Farivar is a reporter on the tech investigations unit of NBC News in San Francisco.

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN & COUNCIL MEMBERS**

FROM: **PATRICK PIATT, COMMUNITY DEVELOPMENT DIRECTOR**
KRISTINA HEREDIA, ASSOCIATE PLANNER

RE: **APPEAL OF THE SEPTEMBER 26, 2024, DECISION OF THE PLANNING COMMISSION TO APPROVE THE GOLD CREEK COMMONS TENTATIVE SUBDIVISION MAP**

DATE: **NOVEMBER 19, 2024**

SUMMARY

The Council shall conduct a public hearing and consider an appeal of the Oroville Planning Commission's September 26, 2024, decision to approve the Gold Creek Commons Tentative Subdivision Map, TSM24-01, which will subdivide two existing parcels totaling 7.04 acres, identified as APN 013-160-054 and APN 035-450-014 off Lincoln Street between Mitchell Avenue and Oroville Dam Blvd E, into 11 parcels for the purpose of a mixed-use development.

Per Oroville Municipal Code (OMC) Chapter 16.04.060 an appeal of a Planning Commission decision must be heard no later than 60 days from receipt of the request, which was received on October 4, 2024.

DISCUSSION

Planning Commission

During the September 26, 2024, regularly scheduled Planning Commission meeting, the Planning Commission conducted a public hearing to consider an application for a Tentative Subdivision Map (TSM) for the Gold Creek Commons mixed-use development (Gold Creek). The subdivision would divide two existing parcels into 10 condominium parcels and a large remainder parcel which would contain the development's open space and off-street parking (Attachment 1).

Gold Creek and PCP have previously held discussions regarding the potential conflicts that could arise from having residential units in close proximity to industrial uses. Activities of

PCPs operations such as noise and odor could cause discomfort for future residences; therefore, PCP and Gold Creek worked together to amend the original subdivision design by removing three, 3-story residential buildings that would have been located directly adjacent to, and overlooking, the City owned parcel. Gold Creek added treed landscaping to their west property line to further act as a buffer between the two uses, and they also added a section to their Codes, Covenants, and Restrictions (CC&R) recognizing that PCP was an existing land use, and that residents are to be made aware of PCPs operations (Attachment 3).

Before approving the Tentative Subdivision Map (TSM) the Planning Commission considered all criteria (per OMC 16.12.020.F) necessary to approve a TSM and made the following findings based on those criteria:

1. **The proposed subdivision is consistent with the General Plan and/or applicable specific plans.**
   a. The subdivision is zoned Mixed-Use Corridor (MXC) with a General Plan Land Use Designation of Mixed Use. The proposed development is a mixed-use development and is consistent with the Zoning Map and General Plan.

2. **The site is physically suitable for the proposed development.**
   a. The existing infrastructure is sufficient to support the proposed development; a traffic analysis was conducted, and the site is suitable for the density of this development.

3. **The design of the land will not cause substantial environmental damage.**
   a. A Biological Resources Assessment, Geotechnical Report and an Environmental Site Assessment have all been completed with no adverse findings reported.

4. **The design of the subdivision will not cause serious public health problems.**
   a. The subdivision is in accordance with OMC Chapter 16 (Subdivisions) and OMC Chapter 17 (Zoning Code). The subdivision provides ample public open space, commercial space and residential dwelling units. Buffers, including landscaping, setbacks and parking areas have been established between the development and adjacent development (PCP). Staff determined that the design of the subdivision is unlikely to cause public health problems.

5. **There are no adverse soil or geological conditions.**
   a. A Soils Report was conducted, and the site was shown to be safe to develop. The City Engineer is satisfied with the findings of said report.

6. **The design of the subdivision will not conflict with public easements.**
   a. There are no conflicting public easements, and this subdivision will create new public access and utility easements.

7. **The subdivision does not violate the provisions of Chapter 16 (Subdivisions).**
   a. The proposed subdivision meets all provisions of Chapter 16, and no exceptions were granted, per the Engineer's Report.

8. **The subdivision does not violate any provision of Chapter 17 (Zoning Code).**
   a. The proposed subdivision meets all provisions of Chapter 17, including being appropriately zoned, and no variance was granted or requested.

9. **The proposed subdivision will not violate any other City ordinance or City code provision.**
   a. The proposed subdivision appears to comply with all applicable City regulations and codes.

10. **The subdivision will not discharge waste in violation of requirements prescribed by the California Regional Water Quality Control Board.**
    a. The proposed subdivision will be adequately served by the City of Oroville's sewer system and has undergone a capacity study by SC-OR.

During the public hearing before the Planning Commission on September 26, 2024, PCP requested that a Collaborative Land Use Easement (CLUE) acknowledge and accepting "any impacts resulting from the use and operation of their respective properties" (Attachment 4) be added to the TSM's conditions of approval.

While not frequently utilized, CLUE easements are becoming more common as developers look for alternative sites and solutions to address housing shortages. A CLUE easement grants the existing user (in this case, PCP) the affirmative right to continue their operation as they have for the past 40 years (approximate). Gold Creek did not agree with this type of easement being included as a condition of approval and requested it not be added.

In reaching their decision, the Planning Commission reviewed the necessary findings for a TSM, and received information from staff, the applicant and PCP's representative. A motion was made and seconded to approve the TSM without PCP's requested easement, but with an added direction to Staff to work with both parties to resolve this concern. The motion passed with a unanimous vote of 6 yes's and 1 absent.

Appeal

PCP appealed the approval of the Tentative Subdivision Map on October 4, 2024, citing concern regarding mitigation on potential impacts (Attachment 5). In a letter attached to the appeal application, PCP's representative stated that both the disclosure within the CC&Rs, and the requested easement, are necessary to provide clear communication to all parties.

An additional buffer could be created by using the land currently leased by PCP and owned by the City that divides the two properties that is approximately 100' wide and which PCP

leases (Attachment 2) and actively utilizes as storage for their operations. PCP has stated they would be amenable to abandoning this leased land in favor of the creation of a natural buffer of planted trees as an open space. In exchange, they would like to lease a portion of the City's old corporation yard located nearby on Mitchell for their storage needs.

The City Council can review the Planning Commission decision and add, remove, or modify any other condition(s) of approval to help alleviate potential conflicts between the two land uses. This could include requiring the proposed CLUE easement that PCP requested, and/or the City Council could impose a condition of approval on the subdivision requiring a physical buffer between the two land uses. See the City Attorney's supplemental memo on CLUE easements (Attachment).

Policy 5.4 of our General Plan's Land Use Element authorizes the Council to require, if necessary, the installation of physical buffers such as low maintenance solid masonry or decorative block walls where potentially conflicting land uses may be adjacent to one another. Adding an additional buffer between the two uses would also align with Policy 3.7 of the General Plan's Land Use Element, which encourages new residential development that does not hinder or limit industrial or commercial development.

In other situations, our code, OMC 17.12.020.F.1 states that any non-residential development shall "include a solid fence or decorative masonry wall along each property line abutting a residential district. The fence shall be between 6 and 7 feet tall."

FISCAL IMPACT

None. All application fees were paid in full by the applicants.

ACTION REQUESTED -

Staff recommends that the Council:

1. **Remand the project back to the Planning Commission to determine an appropriate solution, and if mutual agreement is not possible by a project condition.**

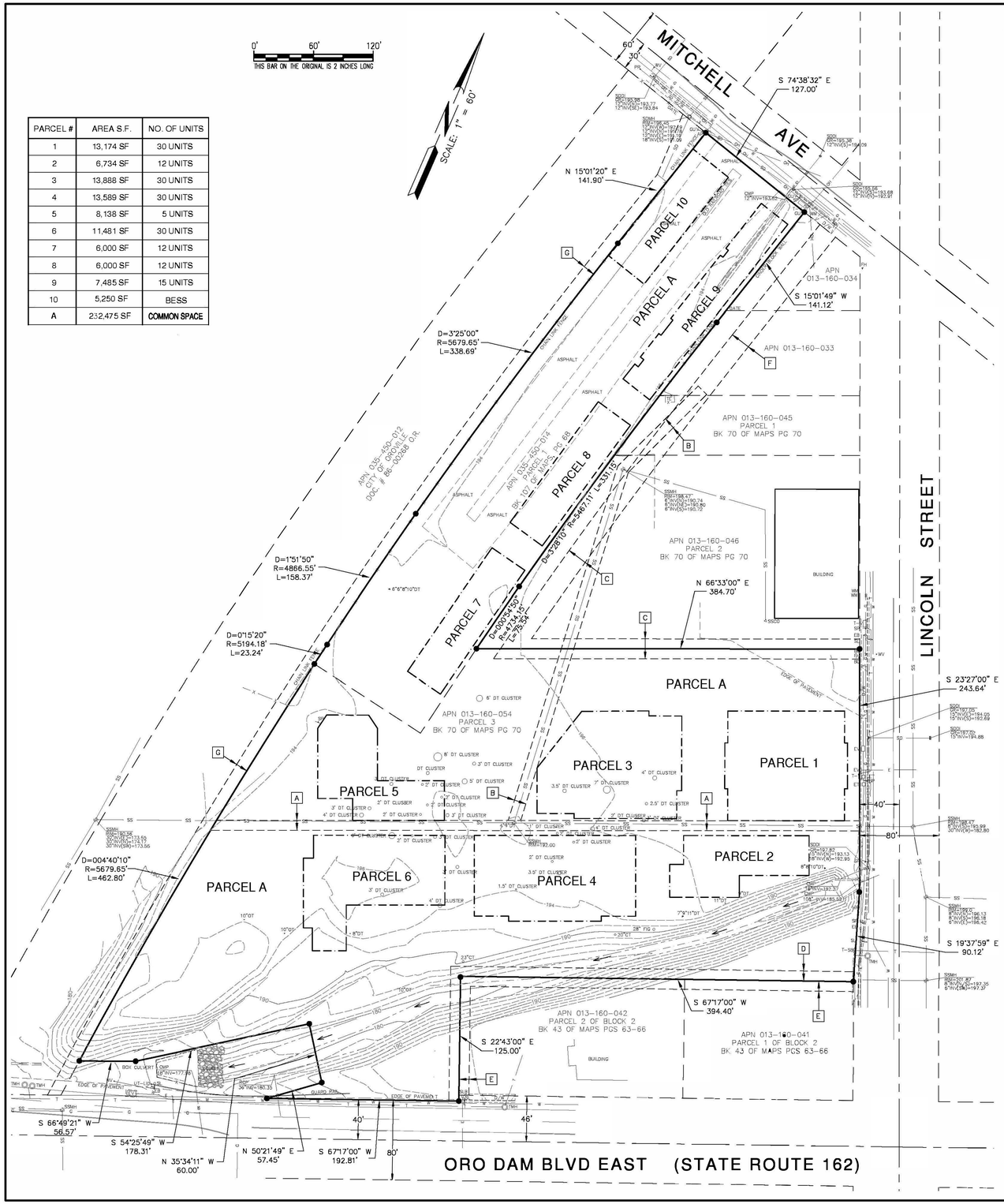
Alternatively, the Council can:

2. **Approve the appeal, thus requiring the developer to record a Collaborative Land Use Easement (CLUE) using language suggested by either the appellant or as otherwise agreed to by both parties; or**
3. **Deny the appeal and uphold the Planning Commission's approval of Tentative Subdivision Map TSM24-01, which includes the condition that staff work with all parties to find a mutually agreed upon solution.**

ATTACHMENTS

1. Approved Tentative Subdivision Map – TSM24-01
2. PCP Lease of City Property, APN 035-450-012
3. Section 4.22 of the Gold Creek CC&Rs Acknowledging Right of PCP to Operate
4. PCP Proposed Condition of Approval – CLUE Easement
5. Appeal Application
6. TSM24-01 Planning Commission Staff Report
7. Engineering Report for TSM24-01
8. Planning Commission Resolution P2404-13 approving TSM24-01
9. Planning Commission Meeting Minute Order for September 26, 2024
10. Draft Resolution approving the Appeal
11. Draft Resolution Denying the Appeal
12. Supplemental memo by City Attorney explaining CLUE's

PARCEL #	AREA S.F.	NO. OF UNITS
1	13,174 SF	30 UNITS
2	6,734 SF	12 UNITS
3	13,888 SF	30 UNITS
4	13,589 SF	30 UNITS
5	8,138 SF	5 UNITS
6	11,481 SF	30 UNITS
7	6,000 SF	12 UNITS
8	6,000 SF	12 UNITS
9	7,485 SF	15 UNITS
10	5,250 SF	BESS
A	232,475 SF	COMMON SPACE



LEGEND

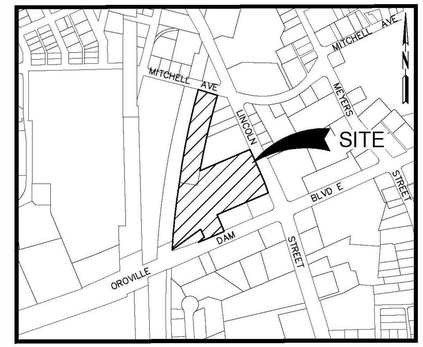
———	APPROXIMATE PROJECT BOUNDARY	ET	EXISTING ELECTRIC TRANSFORMER
— — —	EXISTING PROPERTY LINE	EV	EXISTING ELECTRIC VAULT
———	EXISTING RIGHT-OF-WAY CENTERLINE	FH	EXISTING FIRE HYDRANT
- - - -	EXISTING EDGE OF CONCRETE	GR	EXISTING CATCH BASIN GRATE
- - - -	EXISTING EDGE OF ASPHALT PAVEMENT	GUY	EXISTING POLE GUY WIRE
— · — · —	EXISTING FLOWLINE	HR	EXISTING HAND RAIL
——— C ———	EXISTING CABLE TV MAIN/SERVICE (PER UTILITY MAP)	JP	EXISTING UTILITY JOINT POLE
——— E ———	EXISTING ELECTRIC MAIN/SERVICE (PER UTILITY MAP)	PP	EXISTING UTILITY POWER POLE
——— G ———	EXISTING GAS MAIN/SERVICE (PER UTILITY MAP)	RCP	EXISTING REINFORCED CONCRETE PIPE
——— OH ———	EXISTING OVERHEAD UTILITY LINES	SDCB	EXISTING STORM DRAIN CATCH BASIN
——— SD ———	EXISTING STORM DRAIN	SDDI	EXISTING STORM DRAIN DROP INLET
——— SS ———	EXISTING SANITARY SEWER	SL	EXISTING STREET LIGHT
——— T ———	EXISTING TELEPHONE MAIN (PER UTILITY MAP)	SLB	EXISTING STREET LIGHT BOX
——— W ———	EXISTING WATER MAIN/SERVICE (PER UTILITY MAP)	SP	EXISTING SIGN POST
———	EXISTING TOE OF BANK	SSCO	EXISTING SEWER CLEANOUT
———	EXISTING TOP OF BANK	SSMH	EXISTING SANITARY SEWER MANHOLE
———	EXISTING GROUND CONTOUR (10' INTERVAL)	TE	EXISTING TRASH ENCLOSURE
———	EXISTING GROUND MINOR CONTOUR (2' INTERVAL)	TMH	EXISTING TELEPHONE MANHOLE
— — —	EXISTING EASEMENTS	T-SB	EXISTING TELEPHONE SERVICE BOX
——— X ———	EXISTING FENCE LINE	T-V	EXISTING TELEPHONE VAULT
←———	EXISTING DIRECTION OF FLOW	UT-LID	EXISTING UTILITY LID
+ 198.55	EXISTING SURFACE ELEVATION	WM	EXISTING WATER METER
AP	EXISTING UTILITY ANCHOR POLE	WV	EXISTING WATER VALVE
BD	EXISTING BOLLARD	12"DT	EXISTING TREE, DIAMETER & TYPE
CMP	EXISTING CORRUGATED METAL PIPE	DT	DECIDUOUS TREE
D/W	EXISTING DRIVEWAY	CT	CONIFER TREE
EB	EXISTING ELECTRIC BOX	OT	OAK TREE

EASEMENT NOTES

- A EXISTING 10' WIDE RIGHT-OF-WAY FOR SEWER PURPOSES PER BOOK 1110 PAGE 400 OF OFFICIAL RECORDS TO REMAIN
- B EXISTING 12' WIDE SEWER EASEMENT PER PARCEL MAP FOR GERRY MEYER, BOOK 70 OF MAPS, PAGE 70 TO REMAIN
- C EXISTING 20' EASEMENT RESERVED IN DEEDS FOR PUBLIC UTILITIES AND ROAD PURPOSES PER PARCEL MAP FOR GERRY MEYER, BOOK 70 OF MAPS, PAGE 70 TO REMAIN
- D EXISTING 10' WIDE RIGHT-OF-WAY FOR ROAD PURPOSES PER BOOK 1195 PAGE 272 OF OFFICIAL RECORDS TO REMAIN
- E EXISTING 10' WIDE RIGHT-OF-WAY FOR ROAD PURPOSES PER BOOK 1195 PAGE 271 OF OFFICIAL RECORDS TO REMAIN
- F EXISTING 20' WIDE RIGHT-OF-WAY FOR ROAD PURPOSES PER BOOK 1224 PAGE 277 OF OFFICIAL RECORDS TO REMAIN
- G EXISTING 12' WIDE DRAINAGE EASEMENT PER RECORD OF SURVEY AT BOOK 106 OF MAPS, PAGE 72 TO REMAIN
- H THE LOCATION OF AN EXISTING EASEMENT FOR WATER WAY AND INCIDENTAL PURPOSES PER BOOK 66 OF DEEDS PAGE 263 COULD NOT BE DETERMINED FROM RECORD INFORMATION
- I THE LOCATION OF AN EXISTING EASEMENT FOR POLE LINE AND INCIDENTAL PURPOSES PER BOOK 135 OF DEEDS PAGE 436 COULD NOT BE DETERMINED FROM RECORD INFORMATION
- J THE LOCATION OF AN EXISTING EASEMENT FOR PIPELINE AND INCIDENTAL PURPOSES PER BOOK 526 PAGE 116 OF OFFICIAL RECORDS COULD NOT BE DETERMINED FROM RECORD INFORMATION
- K THE LOCATION OF AN EXISTING EASEMENT FOR TELEPHONE LINES AND INCIDENTAL PURPOSES PER BOOK 158 OF DEEDS PAGE 155 COULD NOT BE DETERMINED FROM RECORD INFORMATION
- L THE LOCATION OF AN EXISTING EASEMENT FOR ROAD AND INCIDENTAL PURPOSES PER BOOK 164 OF DEEDS PAGE 383 COULD NOT BE DETERMINED FROM RECORD INFORMATION

NOTES

1. THERE ARE NO KNOWN SUMPS OR SEPTIC TANKS ON THIS SITE.
2. THERE ARE NO KNOWN WELLS ON THIS SITE.
3. THERE ARE NO EXISTING STRUCTURES ON THIS SITE.
4. DEVELOPMENT OF THIS PROJECT WILL NOT INVOLVE FILING PHASED FINAL MAPS.
5. THE PROJECT IS NOT REQUESTING ANY DEVIATIONS FROM CITY STANDARDS.
6. PRELIMINARY SOILS INVESTIGATIONS INCLUDING BORINGS AND TEST PITS HAVE BEEN PERFORMED BY SIERRA GEOTECH TO AID THE PREPARATION OF THIS MAP.
7. A PORTION OF THE PROJECT IS LOCATED IN ZONE X (SHADED) AS SHOWN ON FIRM PANEL 0795E. THIS ZONE CONTAINS AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANGE FLOOD. THE REMAINING PORTIONS OF THE PROJECT ARE LOCATED IN ZONE X (UNSHADED) AS SHOWN ON FIRM PANEL 0795E. THIS ZONE CONTAINS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
8. DEVELOPMENT OF THE PARCELS WILL REQUIRE THE PREPARATION OF DETAILED GRADING AND DRAINAGE PLANS SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY OF OROVILLE.
9. PARCELS 1-9 WILL CONNECT TO THE EXISTING SANITARY SEWER MAIN LOCATED ON THE SITE.
10. SUBDIVISION GRADING WILL BE COMPLETED SUCH THAT ALL PARCELS DRAIN TOWARDS ONSITE STORM DRAIN CATCH BASINS AND INTO A COMMON STORM DRAIN CONVEYANCE SYSTEM THAT DISCHARGES INTO THE EXISTING ONSITE DRAINAGE CHANNEL.
11. INCREASES IN STORM WATER RUNOFF WILL BE CONTAINED IN A DETENTION SYSTEM AND METERED OUT TO MATCH PRE-DEVELOPMENT FLOWS.
12. STORM WATER RUNOFF WILL BE TREATED ONSITE IN ACCORDANCE WITH THE CITY OF OROVILLE POST-CONSTRUCTION STANDARDS.
13. FIRE HYDRANTS WILL BE INSTALLED AT LOCATIONS APPROVED BY THE CITY OF OROVILLE FIRE DEPARTMENT.



LOCATION MAP
NO SCALE

- OWNER:
  JOSEPHINE PILLAI, PRESIDENT
  RCM INVESTMENTS, LLC
  740 BROADWAY STREET
  CHICO, CA 95928
  (530) 521-4925
- SUBDIVIDER:
  JOSEPHINE PILLAI, PRESIDENT
  RCM INVESTMENTS, LLC
  740 BROADWAY STREET
  CHICO, CA 95928
  (530) 521-4925
- ENGINEER:
  ROLLS, ANDERSON & ROLLS
  ATTN: PAUL RABO
  R.C.E. 72209
  115 YELLOWSTONE DRIVE
  CHICO, CA 95973
  (530) 895-1422
- ASSESSORS' PARCEL NUMBERS:
  013-160-054
  035-450-014
- UTILITY SERVICE
  A. SANITARY SEWER - CITY OF OROVILLE
  B. STORM DRAIN - CITY OF OROVILLE
  C. WATER - CALIFORNIA WATER SERVICE
  D. GAS & ELECTRIC - P.G.&E.
  E. TELEPHONE - AT&T
  F. CABLE T.V. - COMCAST
- EXISTING ZONING:
  MXC: CORRIDOR MIXED-USE
- PROPOSED ZONING
  PARCELS 1-10
  MXC: CORRIDOR MIXED-USE
- EXISTING LAND USE:
  MIXED USE
- PROPOSED LAND USE:
  PARCELS 1-10: MIXED USE
- PARCEL AREA SUMMARY

EXISTING PARCEL	
A.P.N. 013-160-054	5.4 AC.
A.P.N. 035-450-014	1.9 AC.
PROPOSED MIXED USE PARCELS	
TOTAL AREA (GROSS)	7.3 AC.
NUMBER OF PARCELS	10
AVERAGE PARCEL SIZE	0.2 AC.
DENSITY	AS ALLOWED BY THE CITY OF OROVILLE MUNICIPAL CODE

GOLD CREEK COMMONS

VESTING TENTATIVE PARCEL MAP (22-__)

FOR

RCM INVESTMENTS, LLC

A DIVISION OF PARCEL 3 OF THE PARCEL MAP FOR GERRY MEYER, BOOK 70 OF MAPS, PAGE 70, AND PARCEL 1 OF THE PARCEL MAP FOR SOUTHERN PACIFIC TRANSPORTATION COMPANY, BOOK 107 OF MAPS, PAGE 68, CITY OF OROVILLE BUTTE COUNTY STATE OF CALIFORNIA

RAR
ROLLS ANDERSON & ROLLS
CIVIL ENGINEERS
115 YELLOWSTONE DRIVE • CHICO, CALIFORNIA 95973-5811
TELEPHONE 530-895-1422

MARCH, 2022 21125 SHEET 1 OF 1

LEASE

COMES NOW, PACIFIC COAST PRODUCERS, a California non-exempt Agricultural Cooperative Association (LESSEE), and the CITY OF OROVILLE, a municipal corporation (LESSOR), and do hereby contract, covenant and agree as follows, to wit:

1. LESSOR does hereby lease unto LESSEE those certain lands more fully described on Exhibit "A" attached hereto and by this reference incorporated herein.

2. Basic or Fixed Rent:

LESSEE covenants and agrees to pay to LESSOR at the address herein mentioned, or at such other place or places as LESSOR shall from time to time designate in writing, the sum of twenty-eight thousand ($28,000) dollars, receipt of which is hereby acknowledged, as and for the rental for the entire term of this Lease.

As additional rent, LESSEE shall, at LESSEE's sole cost and expense, install and maintain fencing around the perimeter of the demised property, all in accordance with applicable CITY ordinances, rules and regulations.

3. A. Term of Lease. The term of this Lease shall be for forty (40) years from May 1, 1986. Notwithstanding the foregoing, this Lease will remain in force only so long as LESSEE maintains an active operating packing plant adjacent to the demised premises, and will automatically terminate twenty-four hours after LESSEE ceases its said packing plant operations.

B. Option to Renew. LESSEE is hereby granted an option to renew this Lease for an additional period of five (5) years on

expiration of the term of this Lease at a then fair market rental to be determined by the mutual agreement of the parties. In the event the parties are unable to agree on a fair market rental, the parties shall arbitrate the matter under the rules of the American Arbitration Association. Any renewal lease shall be under the same terms, covenants and conditions so far as applicable, and subject to the same exceptions and reservations, as herein contained. The option shall be exercised by written notice setting forth LESSEE's election to exercise the option delivered to LESSOR in person or by United States mail within 90 days prior to expiration of the term hereof.

4. Improvements, Movements of Buildings or Alterations Thereof by LESSEE:

Prior to the construction, alteration, removal or replacement of any building, improvement or additional facility upon said premises, LESSEE shall submit to LESSOR plans, designs, proposals and descriptions therefor in writing, and no action shall be taken with respect thereto until written approval has been received from LESSOR therefor; any of the foregoing shall be solely at LESSEE's expense.

5. Insurance:

LESSEE shall procure and maintain for the duration of the Lease insurance against claims for injuries to persons or damages to property which may arise from or in connection with the LESSEE's operation and use of the leased premises. The cost of such insurance shall be borne by the LESSEE.

A. Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office form number GL 0002 (Ed.1/73) covering Comprehensive General Liability; and Insurance Services Office form number GL 0404 covering Broad Form Comprehensive General Liability; and
2. Workers' Compensation as required by the Labor Code of the State of California and Employer's Liability insurance.

B. Minimum Limits of Insurance.

LESSEE shall maintain limits no less than:

1. Comprehensive General Liability: $1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage.
2. Workers' Compensation and Employers' Liability: Workers' compensation limits as required by the Labor Code of the State of California and Employers' Liability limits of $1,000,000 per accident.

C. Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the CITY. At the option of the CITY, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the CITY, its officials and employees; or, the LESSEE shall procure a bond guaranteeing payment of losses and related investigation, claim administration

and defense expenses.

D. Other Insurance Provisions

The policies are to contain, or to be endorsed to contain, the following provisions:

1. General Liability Coverages

a. The CITY, its officials, employees and volunteers are to be covered as respects: liability arising out of activities performed by or on behalf of LESSEE and premises owned, leased or used by LESSEE. The coverage shall contain no special limitations on the scope of protection afforded to the CITY, its officials, employees or volunteers.

b. The LESSEE's insurance coverage shall be primary insurance as respects the CITY, its officials, employees and volunteers. Any insurance or self-insurance maintained by the CITY, its officials, employees or volunteers shall be in excess of LESSEE's insurance and shall not contribute with it.

c. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the CITY, its officials, employees or volunteers.

d. Coverage shall state that LESSEE's insurance shall apply separately to each insured against whom claim is made or suit is

brought, except with respect to the limits of the insurer's liability.

2. Workers' Compensation and Employers' Liability Coverages

The insurer shall agree to waive all rights of subrogation against the CITY, its officials, employees and volunteers for losses arising from work performed by LESSEE for the CITY.

3. All Coverages

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to CITY.

E. Acceptability of Insurers

Insurance is to be placed with insurers with a Bests' rating of no less than A:XIII.

F. Verification of Coverage

LESSEE shall furnish CITY with certificates of insurance and with original endorsements affecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on forms provided by the CITY and are to be received and approved by the CITY before work commences.

G. Subcontractors

LESSEE shall include all subcontractors as insured

under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

6. Signs

LESSEE shall place no sign upon any portion of the premises herein without first procuring the written consent of LESSOR, which consent of LESSOR shall not unreasonably be withheld. The parties agree that LESSEE shall submit to LESSOR sketches to scale of any proposed signs. All signs shall conform to the requirements of the Oroville Sign Ordinance.

7. Obligations of LESSEE:

A. The use and occupancy of said premises by the LESSEE shall be without cost or expense to the LESSOR.

B. LESSEE agrees, at its own expense, to cause the lands leased and any improvements and appurtenances thereto to be maintained in a presentable condition consistent with good business practice.

C. In the event the LESSEE does not maintain the premises in a satisfactory condition in accordance with the terms of this Lease, the LESSOR shall have the right to perform necessary maintenance thereon at LESSEE's expense.

8. License Fees and Taxes:

LESSEE shall pay promptly and discharge all lawful taxes and assessments which may be levied by the state, county or other taxing agency on any taxable interest of LESSEE as well as all taxes and assessments on taxable personal property of whatever

nature owned by LESSEE and located on the leased premises. LESSEE shall promptly pay all excise, licenses, and permit fees of whatever nature applicable to the operation of LESSEE's business.

9. Workmen's Compensation Insurance and Social Security:

LESSEE will furnish to LESSOR adequate evidence of provision for workmen's compensation insurance, social security, and unemployment compensation upon execution of this Lease.

10. Sub-Letting and Assignment:

LESSOR shall not sublet the leased premises, nor any part thereof, or assign this Lease, nor any rights hereunder, without written consent of the LESSOR, which consent shall not be unreasonably withheld.

11. Indemnification:

LESSEE agrees to indemnify, hold harmless and to defend LESSOR, its agents, servants and employees from any and all liability of every type, nature or description, which might arise out of, or result from LESSEE's occupancy of the premises, and agrees to pay all attorney's fees, court costs and any judgments or awards or settlements which LESSOR becomes obligated to pay as the result of any action or claim arising out of or in connection with LESSEE's use and occupancy of the premises. Each party hereto shall give the other prompt and timely notice of any claim made or suit instituted coming to its knowledge which in any way directly or indirectly, contingently or otherwise, affects, or might affect either.

12. Curb, Gutter and Sidewalk:

The CITY shall, within one (1) year after the execution

of this Lease, install, at CITY's sole cost and expense, all curb, gutter and sidewalk along the Mitchell Avenue frontage of the demised property.

13. Notice Provisions:

For the purpose of giving notice under any of the foregoing provisions by one party herein to the other party, it is agreed that said notice may be sent to the following respective addresses, and that said notice shall be conclusively deemed received at the expiration of forty-eight (48) hours after the mailing thereof.

LESSOR - City Administrator
City Hall
1735 Montgomery Street
Oroville, California 95965

LESSEE - PACIFIC COAST PRODUCERS

14. Time of Essence:

Time shall be of the essence of this Lease.

15. The property interest which is the subject of this Lease may be subject to property taxation if created, and the party in whom the possessory interest is vested may be subject to the payment of property taxes on such interest.

IN WITNESS WHEREOF, we have hereunto set our hands this 9th day of May, 1986, at Oroville, California.

CITY OF OROVILLE

By _____
Mayor

PACIFIC COAST PRODUCERS

By _____ 5/9/86
Plant Manager

By _____

EXHIBIT "A"
PARCEL "A"

****

All that real property described as a portion of Section 17, Township 19 North, Range 4 East, M.D.M., City of Oroville, Butte County, California, being more particularly described as follows:

Commencing at a point on the south line of Mitchell Avenue (formerly Third Street) as shown on that certain map entitled "Gray's Addition to the Townsite of Oroville", as filed for record in Book 1 of Maps at Page 69", said point being the intersection of the west line of the Southern Pacific Railroad right-of-way with said south line of Mitchell Avenue, said intersection being marked upon the ground by a one-half inch re-bar tagged L.S. 4202 as shown on that certain Record of Survey as filed for record in Book 101, Maps at Page 2 and also being the TRUE POINT OF BEGINNING for the herein described parcel of land; thence
S 14°18'06" W, along said westerly line 142.72 feet, to the beginning of a curve to the left, having a radius of 5779.65 feet and a central angle of 3°25'00"; thence southwesterly, along said curve, an arc distance of 344.65 feet, to the beginning of a curve to the left, having a radius of 4961.15 feet and a central angle of 1°52'00"; thence southwesterly, along said curve, an arc distance of 161.63 feet, to the beginning of a curve to the left, having a radius of 5779.65 feet and a central angle of 3°33'47"; thence southwesterly, along said curve, an arc distance of 359.41 feet; thence
N 66°33'00" E, parallel with the centerline of Oro Dam Blvd., as shown of said Record of Survey, 114.54 feet, to a point on the east line of said Southern Pacific right-of-way, said point being located on a curve concave easterly, having a radius of 5679.65 feet, a central angle of 3°00'16" and a radial line that bears
S 83°59'10" E from said point; thence northeasterly, along said curve and 100.00 feet easterly of the westerly line of said right-of-way, an arc distance of 297.83 feet, to the beginning of a curve to the right, having a radius of 4861.15 feet and a central angle of 1°52'00"; thence, northeasterly, along said curve, an arc distance of 158.37 feet, to the beginning of a curve to the right, having a radius of 5679.65 feet, and a central angle of 3°25'00"; thence northeasterly, along said curve, an arc distance of 338.69 feet, to a point on the southerly line of Mitchell Avenue; thence
N 75°24'00" W, along said Avenue, 100.00 feet, to the point of beginning and containing 2.23 acres, more or less.

END OF DESCRIPTION

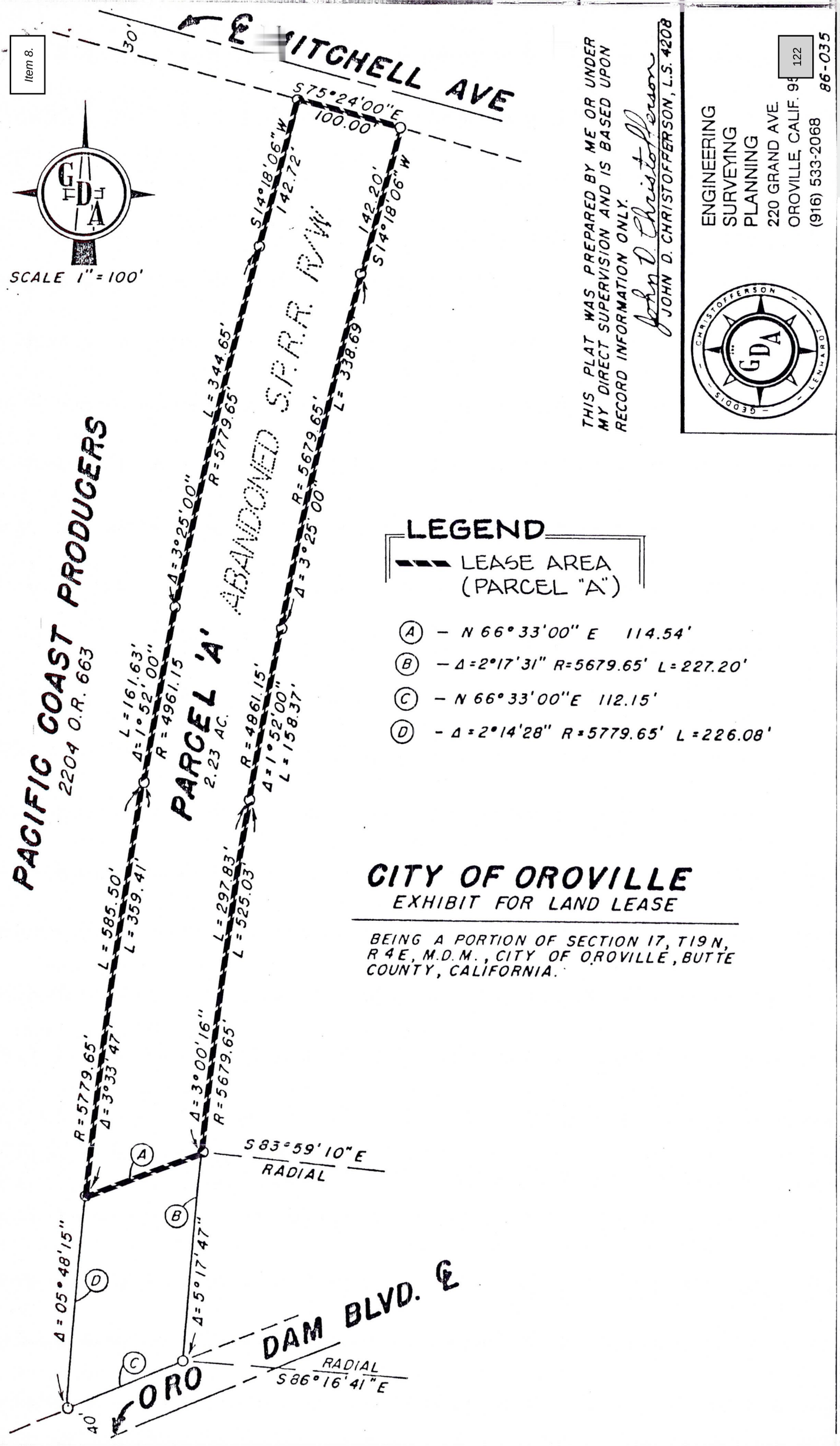
****

86-035 DD#18

PREPARED BY:

John D. Christofferson, L.S.
G.D.A., Engineering & Surveying





SCALE 1" = 100'

THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND IS BASED UPON RECORD INFORMATION ONLY.
JOHN D. CHRISTOFFERSON, L.S. 4208

ENGINEERING
SURVEYING
PLANNING
220 GRAND AVE.
OROVILLE, CALIF. 95965
(916) 533-2068

86-035

LEGEND

LEASE AREA (PARCEL "A")

(A) – N 66°33'00" E 114.54'

(B) – Δ=2°17'31" R=5679.65' L=227.20'

(C) – N 66°33'00"E 112.15'

(D) – Δ=2°14'28" R=5779.65' L=226.08'

CITY OF OROVILLE

EXHIBIT FOR LAND LEASE

BEING A PORTION OF SECTION 17, T19N, R4E, M.D.M., CITY OF OROVILLE, BUTTE COUNTY, CALIFORNIA.

written consent of the City and the Owners of the affected Parcels. Any agreement between such Owners regarding party walls may be contained in Secondary CC&R's.

4.19 **City Design Review**. Compliance with the requirements of this Article 4 is in addition to, not in lieu of, compliance with the requirements of the City, including, without limitation, any design review process of the City, which is the responsibility of each Constructing Owner. If there is any conflict between the requirements of the City and the requirements of this Agreement, the more restrictive requirements are controlling.

4.20 **Exclusive Right to Use Name of Development**. Declarant has the exclusive rights to use the name "*Gold Creek Commons*" and all similar or derivative names, along with all associated trademarks entity names, domain names, and logos. No other Commercial Retail Owner or Mixed-Use Association shall not use such trade names, entity names, or service marks regardless of its interest in the Development or any other portion of Gold Creek Commons, for advertising or any other purpose in any promotional material, whether printed, audio, video, incorporated into a domain name or otherwise, in any signage, or in any logo or depiction without the prior written consent of Declarant. In addition, any name or logo to be used in connection with or displayed on any signage, or in any materials or documentation related to the use of a Commercial Retail Property, shall be subject to Declarant's prior written consent and shall not contain copyrighted information from any website or logo of Declarant (or any affiliate of Declarant) in such materials. Such approval may be given or withheld in Declarant's discretion and may be subject to such terms and conditions as Declarant deems appropriate. Any assignment of Declarant' s rights as Declarant hereunder shall not include any assignment of the right to use the name "*Gold Creek Commons*" and Declarant shall continue to have the rights to approve all uses thereof.

4.21 **Design Guidelines**. Declarant or Approving Parties may adopt, amend, and repeal architectural guidelines, standards and procedures to be used in rendering its decisions. The Design Guidelines may include, without limitation, provisions regarding: (a) the size and height of Improvements; (b) architectural design, with particular regard to the harmony of the design with the surrounding structures and typography; (c) placement of buildings including establishing building envelopes and building setbacks; (d) site design, including, without limitation, location of surface parking and underground automated parking systems, driveways, refuse containers, loading docks, service areas; (e) grading and drainage; (f) landscaping design, content and conformance with the character of Gold Creek Commons and permitted and prohibited plants; (g) requirements concerning exterior color schemes, exterior finishes and materials; (h) signage; (i) exterior lighting; (j) perimeter and screen wall design and appearance; time periods for commencement and completion of any approved construction or modification; rules and regulations governing construction activities; and (m) standards and procedures for submissions and approval of plans. Declarant or Approving Parties may, from time to time, amend the Design Guidelines. Declarant or Approving Parties may establish one or more subcommittees consisting of one or more appointees of Declarant or Approving Parties and may delegate to such subcommittee or subcommittees the authority and power of Declarant and Approving Parties to approve or disapprove any construction or modification within the Development. Any delegation by Declarant or Approving Parties of its authority or power under this Article 4 shall be subject to such conditions and limitations as may be imposed by Declarant and may be revoked at any time by Declarant by written notice to the Person to whom the power or authority had been delegated. No Owner shall be required to dispose of personal property kept in or on a Parcel or remove or modify improvements installed on a Parcel in compliance with this Declaration or the Design Guidelines in effect at the time such personal property was brought onto the Parcel, or when the Improvements were installed on the Parcel.

4.22 **Declaration Acknowledging Right of Pacific Coast Producers to Operate**. This clause shall act as a disclosure statement to the prospective transferee of any property within Gold Creek Commons

pursuant to Article 1.5 (commencing with Section 1102) of Chapter 2 of Title 4 of Part 4 of Division 2 of the California Civil Code disclosing this chapter and the nature of its provisions. This disclosure statement is as follows:

SELLERS INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

The City of Oroville permits the operation of Pacific Coast Producers (PCP) agricultural processing facilities on neighboring properties to Gold Creek Commons in accordance with *Title 17 Zoning, Chapter 17.16 Urban Agriculture, Section B3 Uses Permitted by Right, of the Oroville Municipal Code* and *California Civil Code Section 3482.5 California Agricultural Protection Act* and has declared to conserve, protect, enhance, and encourage such agricultural industrial operations. Residents or users of property located near the PCP operations may at times be subject to inconvenience or discomfort arising from that operation, including, without limitation: "Noise, odors, fumes, dust, smoke, insects, operation of machinery during any time of day or night, storage and disposal of agricultural wastes associated with the canning process of produce and fruits."

One (1) or more of these inconveniences or discomforts may occur as result of any properly conducted agricultural industrial operation at PCP facilities. In accordance with *California Civil Code Section 3482.5* no activity of PCP that is operated in compliance with *Division 3* (commencing with *Section 3001*) of the *Food and Agricultural Code*, shall be or become a private or public nuisance due to any changed condition in or about the locality, if it was not a nuisance at the time it began. Furthermore, that inconvenience or discomfort arising from a properly conducted agricultural industrial operation on the PCP facilities will not be considered a nuisance for purposes of the City of Oroville Municipal Code or City regulations, and that residents or users of nearby Gold Creek Commons property should be prepared to accept such inconvenience or discomfort as a normal and necessary aspect of living adjacent to PCP.

This statement above shall not invalidate any provision contained in the *California Health and Safety Code, Fish and Game Code, Food and Agricultural Code*, or *Division 7* (commencing with *Section 13000*) of the *Water Code*, if the agricultural industrial activities, operation, or facilities, or appurtenances of PCP constitute a nuisance, public or private, as specifically defined or described in any of those provisions.

Held for Attachment A4

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#: PL2410-002

APPEAL APPLICATION

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

REQUIRED FOR A COMPLETE APPLICATION

{X} Completed and signed Application Forms
{X} Application Fee Paid (Discretionary Items): ($3,500) + 6% Tech Fee = $3,710
{ } Application Fee Paid (Ministerial Items): ($350) + 6% Tech Fee = $371

DECISION BEING APPEALED

(Please check all that apply)

City Staff Member

{ } Building Official
{ } Chief of Police
{ } City Engineer
{ } Director of Business Assistance & Housing
{ } Director of Parks & Trees
{ } Director of Planning & Development Services / Zoning Administrator
{ } Director of Public Works
{ } Fire Chief
{ } Other (Please Specify): _____

Decision Making Body

{ } Arts Commission
{ } Development Review Committee
{ } Historic Advisory Committee
{ } Housing Loan Advisory Committee
{ } Park Commission
{X} Planning Commission
{ } Supplemental Benefits Fund Steering Committee

Hearing date of decision being appealed: September 26, 2024 Number of days since the hearing was held: 8 Days

APPEAL DESCRIPTION

Detailed Description of Appeal:

Please see the attached letter.

APPLICANT'S SIGNATURE

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

Applicant's Signature: _____ Date: 10-04-2024

FOR OFFICE USE ONLY

APPROVED BY: _____ DATE: _____

{X} Credit Card #: _____ { } Debit Card #: _____ { } Money Order { } Cash { } Check # _____

Paid 10/4/24 NS

APPEALS TO THE PLANNING COMMISSION

1. If the applicant or any other person is dissatisfied with the action of the Zoning Administrator, City Engineer, Director of Parks and Trees, Fire Chief, Historic Advisory Committee or Development Review Committee, he or she may appeal in writing to the Planning Commission within **15 days after the action**. If no appeal is filed, the action shall be final.
2. Within 45 days of filing an appeal, the Planning Commission shall hold a public hearing to consider the action and the appeal of that action. The Planning Commission shall render its decision within 30 days of the public hearing, and it shall provide immediate verbal notice of the decision. If the Planning Commission's decision is not appealed, the decision shall be final.
3. Exception: To appeal a fee waiver decision, made by the Director of Planning & Development Services, appeals shall be taken directly to the City Council.

APPEALS TO THE CITY COUNCIL

1. If the applicant or any other person is dissatisfied with a Planning Commission action, he or she may appeal, in writing to the City Council within **15 days after the action**. If no appeal is filed, the action shall be final.
2. Within 45 days of filing an appeal, the City Council shall hold a public hearing to consider the action taken by the Planning Commission and the appeal of that action. The City Council shall render its decision within 30 days of the public hearing, and it shall provide immediate verbal notice of the decision. The decision shall be final.
3. To appeal a fee waiver decision, made by the Director of Planning & Development Services, appeals shall be taken directly to the City Council. Apart from not having to first be heard by the Planning Commission, all other appeal criteria for appeals to the City Council listed above shall apply.

REAPPLICATION

1. **General:** Whenever an application for a rezoning , prezoning, permit or variance has been denied as set forth in this chapter, no new application for the denied rezoning, prezoning, permit or variance shall be filed on any part of the property included in the denied application **within 1 year** from the date of the final decision on the denied application; provided, however, that a new application may be filed and accepted where a change of circumstances has occurred that might affect the outcome of the decision.
2. **Hearing:** The finding that relevant circumstances have changed enough to justify reconsideration of the denied application may be made by the planning Commission only after a public hearing noticed and held in the same manner as the hearing for the denied application. A request for a special public hearing shall be accompanied by a fee established by resolution of the City Council and a written explanation of the change of circumstances.
3. **Appeals:** The decision of the Planning Commission on the issue of change of circumstances shall be final, unless it is appealed as provided in Section 17-56.100 of the City Zoning Code (see above). The City Council may approve an appeal only upon finding, based on substantial evidence, that there has been a change of circumstances that might affect the outcome of the decision.

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

HARRISON
TEMBLADOR
HUNGERFORD
& GUERNSEY

MINING
LAND USE
NATURAL RESOURCES

2801 T STREET
SACRAMENTO, CA 95816
TEL 916.382.4377
FAX 916.382.4380
WWW.HTHGLAW.COM

October 4, 2024

City Clerk
City of Oroville
1735 Montgomery Street
Oroville, CA 95965
cityclerk@cityoforoville.org

VIA ELECTRONIC MAIL

Re: Appeal of Gold Creek Commons Tentative Subdivision Map Approval (TSM24-01)

Dear Clerk of the City of Oroville,

This office represents Pacific Coast Producers ("PCP"). We write on behalf of PCP regarding their concerns related to the recent approval of the Gold Creek Commons Tentative Subdivision Map (TSM24-01) ("Project"). PCP operates a vital seasonal food production facility at 1601 Michell Ave in Oroville, directly adjacent to the proposed Project site. The PCP facility processes agricultural products such as peaches, pears, and grapes and employs approximately 1,000 workers during peak processing season.

PCP does not oppose the Gold Creek Commons Project, they are, however, deeply invested in ensuring the future compatibility of their operations particularly given the residential nature of the Project. PCP's primary concern is to mitigate potential impacts on both its operations and Gold Creek Commons by ensuring that future residents are fully informed of PCP's operational needs and constraints.

During the Planning Commission meeting on September 26, 2024, PCP proposed a condition that would require the inclusion of an easement and disclosure within the Covenants, Conditions, and Restrictions (CC&Rs) of the Project. This proposal, which was based on prior discussions with the Project Proponent, unfortunately met unexpected opposition during the meeting.

Both the disclosure and the easement will function separately to create comprehensive protection for PCP. The disclosure will put any subsequent buyer of the Project on notice of PCP's operations, while the easement will serve to notify individual buyers of residential units by placing it on the title of each unit. Together, these measures will provide clear communication to all interested parties and reduce the potential for conflicts between PCP's industrial operations and the future residents of the Project.

Despite constructive dialogue with both the Project Proponent and the Commission, the suggested condition was not formally included in the approved Tentative Subdivision Map. While PCP greatly appreciates the Commission's openness to our concerns, our past communications challenges

with the Project Proponent necessitate that this requirement be formalized as a condition rather than relying on verbal agreements alone.

Therefore, PCP respectfully appeals the Approval of the Gold Creek Commons Tentative Subdivision Map (TSM24-01) to the City Council, pursuant to City of Oroville Municipal Code § 16.04.060. We believe that securing this condition will safeguard the long-term viability of PCP's operations in Oroville while fostering cooperation with the future residents of Gold Creek Commons.

PCP looks forward to the opportunity to discuss this matter further and to contribute positively to the ongoing development of Oroville.

Should you have any questions concerning the matters discussed herein, please do not hesitate to contact me by telephone at (916) 706-2639 or by e-mail at dtemblador@hthglaw.com.

Very truly yours,
HARRISON, TEMBLADOR,
HUNGERFORD & GUERNESY

By

David P. Temblador

City of Oroville

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, September 26, 2024**

RE: Gold Creek Commons Tentative Subdivision Map TSM24-01

SUMMARY: The Planning Commission shall consider approving the Gold Creek Commons Subdivision, which will subdivide The Project includes approx. 106,000 square feet of commercial space and 176 residential units.

RECOMMENDATION: Staff recommends the following actions:

1. **Approve** the recommended findings for Tentative Subdivision Map TSM24-01 and recommended Conditions of Approval;
2. **Adopt** Resolution No. P2024-13
3. **Adopt the Notice of Exemption** as the appropriate level of environmental review for the project.

APPLICANTS:	RCM Investments, LLC
LOCATION: APN 013-160-054 and APN 035-450-014, west of Lincoln Street between Mitchell Avenue and Oroville Dam Blvd E.	**GENERAL PLAN:** Mixed Use (MU) **ZONING:** Corridor Mixed Use (MXC) **FLOOD ZONE:** Zone X
ENVIRONMENTAL DETERMINATION: Project Exempt from CEQA under AB430	
REPORT PREPARED BY: Kristina Heredia, Associate Planner Community Development	**REVIEWED BY:** Patrick Piatt, Director Community Development

DISCUSSION:

An application has been received for a Tentative Subdivision Map (TSM24-01) for the proposed Gold Creek Commons Mixed-Use Development. This is an infill development that will consist of approximately 106,000 square feet of commercial space with 176 residential units above the ground floor.

Potential commercial uses include general retail, food and beverage sales, restaurants or cafes, professional offices, gyms, instructional or production studios, and banks; all of which are permitted uses in the MXC zone. Estimated proportions are 10% Restaurants/Cafes, 50% Retail, and 40% offices or similar. Specific commercial uses for each lot are pending subject to sale/lease, and will be subject to relevant City review and permitting prior to use-specific improvements being carried out.

The tentative subdivision map is to divide two existing parcels, totaling 7.04 acres, into 11 separate parcels; 10 condominium style parcels which will follow the 10 proposed building's footprints and Parcel A, which will contain the rest of the site and amenities including parking, common spaces and access to the site.

All required conditions and considerations per OMC 16.12.020 "Tentative Maps" apply to this requested tentative subdivision map. Prior to filing the Final Subdivision Map, all public improvements required by OMC Title 16 "Subdivisions" shall be completed and accepted by the City or a deferred improvement agreement shall be executed.

ENVIRONMENTAL DETERMINATION:

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to AB-430: The Camp Fire Housing Assistance Act of 2019.

FINDINGS:

Staff has determined that the following findings can be accurately and truthfully made (OMC 16.12.020.F);

1) The requested tentative parcel map is in conformance with the General Plan and the City's zoning ordinance.
2) The site is physically suitable for the proposed density and type of development.
3) The design of the land division is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.
4) The design of the land division is not likely to cause serious public health problems.
5) A preliminary soils report or geological hazard report indicating no adverse soil or geological conditions that cannot be corrected to the satisfaction of the City

Engineer shall be submitted prior to the issuance of building permits.

6) The design of the land division will not conflict with any existing easements.
7) The proposed land division is consistent with OMC 16.12.020, and the requested parcel map seeks no variances or exceptions.
8) All services and access to the proposed parcels are available and meet City standards.
9) The parcel was not involved in the division of a larger parcel anytime in the last two years.
10) The discharge of waste from the proposed land division into a community sewer system would not result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

FISCAL IMPACT

The total fees associated with this project are as follows:

Item	Price	Tech Fee	Total	Paid
Tentative Subdivision Map	$4,041.06	$242.46	$4,283.52	Yes
Total	**$4,041.06**	**$242.46**	**$4,283.52**	**Yes**

Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, fees ($50) are payable by the project applicant to file the Notice of Exemption with Butte County by the City of Oroville – Community Development Department, within five working days of approval of this project.

PUBLIC NOTICE

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

ATTACHMENTS

1. Proposed Map TSM 24-01
2. Resolution No. P2024-13
3. Engineer's Report
4. Notice of Exemption

DATE: **September 23, 2024**

TO: **PLANNING COMMISSION**

FROM: **Alyssa Stutz, City Engineer**

RE: **Gold Creek Commons Vesting Tentative Subdivision Map (24-01)**

This office has reviewed the Vesting Tentative Subdivision Map (24-01) and herewith submits the following findings and recommendations for same.

A. MODIFICATIONS TO DESIGN CRITERIA AND IMPROVEMENT STANDARDS OF THE OROVILLE MUNICIPAL CODE

The Subdivider has requested no certain modifications to requirements of the Oroville Municipal Code (OMC).

B. TIMING AND NATURE OF PUBLIC IMPROVEMENTS

The City Engineer will determine the nature, extent, timing and limits of required road/street public improvements to be constructed as part of any development (including phased development) versus payment of an in-lieu fee as well as reimbursements for construction of future Nexus/CIP facilities.

C. PUBLIC FACILITY CONSTRUCTION

1. Streets

a) Street structural sections to be determined based upon findings from the Soils Report or City Standards for residential streets, whichever is more stringent.

b) Points of site ingress and egress shall be subject to intersection sight distance criteria as established by the City Engineer. Appropriate easements shall be dedicated as needed on the Final Map.

c) Notice is hereby given to future owners of lots within this subdivision that the City of Oroville may require the construction of additional traffic circulation improvements under the circumstances described below. An appropriate note shall be placed on the Final Map.

1) Increased Traffic Volume: Anticipated growth in residents or businesses leading to higher traffic flows than initially estimated.
2) Safety Concerns: Identified safety issues, such as high accident rates at intersections or pedestrian crossings that require enhancements.

3) Access Issues: Inadequate access to major roads or inadequate turning radii for emergency vehicles, necessitating new access points or road expansions.
4) Public Transport Needs: Plans for public transit routes that require modifications to existing roadways or the addition of bus stops.
5) Change in Land Use: Future developments (e.g., commercial, industrial) that could impact traffic patterns and require adjustments.
6) Roadway Capacity: Current roads not meeting capacity standards, requiring upgrades to accommodate future demand.
7) Parking Concerns: Insufficient parking availability leading to street congestion, necessitating the design of additional parking areas.
8) Regulatory Changes: Updates in local traffic regulations or standards that mandate improvements based on new criteria.

2. Storm Drainage

a) Facility Construction

The Subdivider shall design and install the following City standard storm drain facilities:

1) Interior to Subdivision - Curb, gutter, and an underground storm drain system with all appurtenances.
2) Adjacent to Subdivision - Curb, gutter and an underground storm drain system with all appurtenances along the subdivision frontage, where applicable.

b) Future storm drainage needs within and outside of the project shall be examined to the extent that improvements to serve such areas need to be built either within or adjacent to this subdivision. Said improvements shall be constructed by the Subdivider.

c) NPDES Requirements

1) The subdivision will be designed, constructed, and maintained compliance with the State Water Resources Control Board Phase II Small Municipal Separate Storm Sewer System (MS4) Program – National Pollutant Discharge Elimination System (NPDES) General Permit for Waste Discharge Requirements (WDRs) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s)."

d) Alternative Storm Drainage Facilities

An alternative storm drainage design or facility is one that does not operate under gravity and/or differs from the standards in the Design Criteria of the Oroville Municipal Code. Any such design/facility shall be required to include appropriate note(s) on the improvement plans describing the nature of the alternative features and their operating characteristics (including limitations and/or special maintenance needs).

g) Storm Drainage Detention Facilities

Surface storm drainage detention facilities shall be landscaped with turf (or an approved alternate) and shall be provided with an irrigation system. Any surface water quality treatment facility shall be vegetated in accordance with the Storm Drainage Analysis below and shall also be suitably provided with adequate irrigation.

h) Interim Alternative to Connection to Existing Facilities

One hundred percent on-site disposal of storm drainage may be utilized for this subdivision in compliance with Oroville Municipal Code (OMC). It shall be designed for a full range of storm water runoff, up to and including a 100-year storm. In addition to OMC requirements, the on-site disposal design shall be designed to include:

1) Deep hole tests shall be conducted between December and April to determine the ground water table elevation.
2) Storm drain design shall maintain a 10-foot separation between the leach trench bottom and the ground water table elevation.
3) The 100-year storm plus 1-foot freeboard must be retained onsite without flooding any residences both within and adjacent to the subdivision.

i) Storm Drainage Analysis

In conjunction with the first submittal of improvement plans, the Subdivider shall submit a Storm Drainage Analysis to the Building & Development Services Department for review and approval. Said Drainage Plan shall cover the entirety of the natural storm drain tributary area affected by the proposed subdivision.

The storm drain analysis shall establish tributary area, size, grade, depth, and location for all the following storm drain facilities:

- Underground pipes
- Open, natural swales
- Improved channels
- Storm water runoff management facilities
- Outfall facilities discharging to natural channels
- Both ultimate and interim facilities serving streets exterior to the subdivision that are required to be constructed herein.

j) The subdivider shall pay a storm drain fee calculated in accordance with the current fee schedule under the requirements of the Oroville Municipal Code, prior to filing the final map.

3. Sanitary Sewer

a) Facility Construction

The Subdivider shall design and install the following City standard sanitary sewer facilities:

1) Interior to Subdivision - An improved/updated underground sanitary sewer system, with all appurtenances, serving all lots.
2) Adjacent to Subdivision – Not Applicable.
3) Sanitary Sewer Analysis - In conjunction with the first submittal of improvement plans, the Subdivider shall submit a Sanitary Sewer Analysis to the Public Works Department for review and approval. Said analysis shall cover the entirety of the tributary area served by the sewer system required herein and shall include analysis and design of the following sewer system elements:

- Size, grade, depth and location of gravity sewer lines
- Approved pumping plants, including service to an interim tributary area, if applicable
- Preliminary system design for future upstream tributary areas, if applicable
- Downstream sanitary sewer system capacity

b) Sanitary Sewer Fees

The Subdivider shall pay applicable sanitary sewer main fees to the City of Oroville prior to recording the Final Map, plus applicable trunk line and water pollution control plant capacity fees in conjunction with building permits.

e) Sewerage Commission – Oroville Region (SC-OR)

The project is more than 20 equivalent dwelling units, therefore a special agreement with SC-OR is required.

The Subdivider shall enter into an agreement with the SC-OR and the City of Oroville in compliance with SC-OR policy. Said agreement shall be in regard to, but not necessarily limited to, capacity analysis and impact mitigation. Subdivider shall pay all fees and other costs associated with the agreement.

4. Street Signs and Striping

The Subdivider shall install City standard street signs, regulatory signs, pavement striping and pavement markings on all streets, and bicycle facilities that they are required herein to construct. Traffic control devices shall meet the standards of the Manual of Uniform Traffic Control Devices.

5. Streetlights

The Subdivider shall install City standard streetlights with shielding on steel poles with concrete bases on all streets that they are required herein to construct.

6. Bikeways

No bikeways are required.

7. Transportation Facilities

The Subdivider is not required to construct bus turnouts, benches, or shelters unless future Public Transport needs change.

8. Street Trees

Street trees shall be planted in accordance with the recommendation of the Public Works Department.

9. Landscaping

The Subdivider shall install landscaping and an irrigation system in accordance with a landscape and maintenance plan approved by the City.

D. MAINTENANCE

Prior to filing the Final Map, the Subdivider shall be required to make provisions to fund the maintenance of certain public improvements. The improvements to be covered shall include but not be limited to:

a) Storm water mitigation facilities
b) Landscaped areas in the public right-of-way included in the Landscape Plan
c) Street lights

The Subdivider shall prepare the necessary documents and provide the required supporting documents. Formation of a maintenance district requires action by the City Council. The district or alternate funding mechanism shall be complete and formed prior to recordation of the Final Map.

E. PARKLAND

The Subdivider shall dedicate park land or pay an in lieu fee in accordance with the Oroville Municipal Code section 16.16.185 – Dedication of land for park and recreation purposes.

F. SUBDIVISION GRADING

1. Soils Report

The Subdivider has submitted a Geological and/or Soils Report, prepared by a registered engineer. The report was written by Sierra Geotech and dated March 29, 2022. Special attention should be given to Chapter 5 – Conclusions and Chapter 6 - Earthwork.

The following concerns shall be considered and addressed:

- Presence of undocumented fills
- Potential for liquefaction
- Potential for ground rupture
- Potential for lateral spreading
- Potential for unsaturated loose sands seismic compression
- Potential for underground unknown structures
- Potential for environmentally contaminated soils
- Potential for near-surface expansive soils
- Potential for high ground water table

2. Grading Standards

All subdivision grading shall be in conformance with Oroville Municipal Code Chapter 15.88 – Grading Excavation and Sediment Control.

3. Grading Plan

The Subdivider's engineer shall submit a subdivision grading plan that includes, but is not limited to, the following:

a) The subdivision limits, contours and details of existing terrain and drainage.
b) Existing structures or other topographic features that are to remain undisturbed.
c) The proposed subdivision lots and streets, together with a schematic layout of the proposed storm drain system.
d) Existing ground elevations at all corners of proposed lots.
e) Proposed finished lot corner grades and finished pad grades.
f) Proposed lot grades indicating lot drainage.
g) Pertinent recommendations from the above required Geological and/or Soils Report.
h) Pertinent construction details to assure compliance with City of Oroville Grading Standards.

4. Final Grading Report

Upon completion of the subdivision grading and prior to final inspection by the City, the Subdivider's engineer shall submit a Final Grading Report that certifies the following:

a) That final grading complies with the approved grading plan or any approved revisions.

b) That the subdivision grading complies with the recommendations included in the Geological and/or Soils Report. Any changes made during grading that affected these recommendations shall be assessed.
c) That the subdivision soils are adequately compacted for their intended use, in conformance with City of Oroville Grading Standards. The results of all field density tests and all other substantiating data shall be included in the Final Grading Report.

The subdivision grading plan shall be submitted to the City Engineer for review and approval prior to the start of any work and shall be considered as part of the construction plans.

G. PROPERTY CONVEYANCES

1. Dedications

In conjunction with recordation of the Final Map for this subdivision, the Subdivider shall:

a) Dedicate, acquire or bear the cost of acquisition of public rights of way or easements as necessary to construct the public improvements required herein
b) Dedicate a 20-foot-wide public utility easement for sewer purposes in alignment with existing sanitary sewer mains.
c) Dedicate a public utility easement for the waterway

2. Abandonments

a) No abandonments are proposed.

H. OTHER PUBLIC SERVICES

1. Public Utilities

a) Underground Requirements

The Subdivider shall install the following utilities underground:

1) All new utilities serving this subdivision. Overhead services to other properties may remain.

b) Easement Obstructions

All public utility and/or public service easements shall be kept free and clear of any and all obstructions, including but not limited to, structures, longitudinal fencing and/or soundwalls, which may impede the construction, operation and maintenance of public utility facilities within such easements.

2. Fire Protection

The Subdivider shall pay for the installation of fire hydrants within the subdivision in conformance with the recommendations of the City of Oroville Fire Marshall.

3. United States Postal Service

The Subdivider shall install concrete pads for Neighborhood Delivery & Collection Box Units. The pads shall be depicted on the subdivision improvement plans and are subject to approval by both the local office of the United States Postal Service and the City Planning Department.

I. PERMITS FROM OUTSIDE AGENCIES

The Subdivider shall obtain all required permits from outside agencies having pertinent jurisdiction prior to recordation of the Final Map for this subdivision.

J. OTHER PERMITS

If applicable, the Subdivider shall submit a completed "Application Requesting Permission to Plant, Remove, Alter, or Disturb Public Trees" to the Public Works Department. The Subdivider shall comply with any and all recommendations/requirements prior to commencing any construction activities on the site.

K. DESIGN CRITERIA AND IMPROVEMENT STANDARDS

All public and joint-use private improvements shall be designed in accordance with the Oroville Municipal Code (OMC), except as modified by the conditions of approval for this subdivision. Where the OMC does don't have an applicable criteria or improvement standard the Subdivider and the City Engineer may agree to use the criteria or standard of another agency.

The Subdivider shall submit improvement plans, profiles, typical sections, details and specifications to the Public Works Department for review and approval prior to the start of any construction of public and joint-use private improvements.

All public and joint-use private improvements shall be constructed in conformance with the Oroville Municipal Code and in conformance with the details shown on the approved improvement plans.

The design criteria and improvement standards of utilities providing services may be substituted when approved in writing by the Director of Public Works.

L. ENVIRONMENTAL CLEARANCE

The project is determined by the Applicant to be exempt from further environmental review requirements of the California Environmental Quality Act of 1970, as defined in the State and County Guidelines for the implementation of CEQA and the qualifications of the project to meet the requirements of AB430 Camp Fire Housing Assistance Act of 2019. Refer to Notice of Exemption, dated June 21, 2022.

M. ADMINISTRATIVE REQUIREMENTS

1. Revised Tentative Map

The Subdivider shall prepare a Project Map, consisting of a copy of the Tentative Map modified to depict all requirements of this subdivision report or the resolution of approval that alter the street layout, the lot configuration, or any other substantive item depicted on the Tentative Map as originally submitted.

The revised tentative map shall be submitted, reviewed, and approved by the Planning Department Director and the City Engineer prior to initial submittal of the improvement plans or Final Map for this subdivision.

2. Subdivision Improvement Agreement

If the public and joint-use private improvements required herein are not satisfactorily completed prior to recordation of the Final Map, the Subdivider shall enter into a subdivision improvement agreement in conformance with the Oroville Municipal Code.

3. Subdivision Fees

a) Plan Checking Fee

The Subdivider shall pay to the City of Oroville a subdivision plan checking fee upon filing the Final Map and/or prior to submitting improvement plans and specifications for checking.

The initial deposit shall be based on an estimated cost of all public and/or joint use private improvements exclusive of private utility facilities. The final fee will be equal to actual City costs.

b) Inspection Fee

The Subdivider shall pay to the City of Oroville an inspection fee prior to commencing construction. The initial deposit will be based on the cost of all public and/or joint use private improvements exclusive of private utility facilities. The final fee will beequal to actual City costs.

Recommendations and comments of all parties to whom the Tentative Map was circulated for review are on file with the respective parties and in Planning Services Department.



Alyssa Stutz, City Engineer

Distribution:
Original - Planning
Development Engineering Subdivision File

CITY OF OROVILLE

RESOLUTION NO. P2024-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OROVILLE, CALIFORNIA, MAKING FINDINGS AND CONDITIONALLY APPROVIING TENTATIVE SUBDIVISION MAP NO. TSM24-01 PERMITTING A TENTATIVE SUBDIVISION MAP (APN 013-160-054 and APN 035-450-014).

WHEREAS, the City of Oroville staff recommends a tentative subdivision map; and

WHEREAS, the tentative subdivision map is to subdivide two existing parcels, totaling 7.04 acres, into eleven separate parcels; and

WHEREAS, the following conditions of approval shall be incorporated into the final map; 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 tentative subdivision map described herein and considered the City's staff report regarding the request; and

WHEREAS, the requested tentative subdivision map is in conformance with the General Plan and the City's zoning ordinance; and

WHEREAS, the requested subdivision map seeks no variances or exceptions; and

WHEREAS, all services and access to the proposed parcels are available and meet City standards; and

WHEREAS, the parcels were not involved in the division of a larger parcel anytime in the last two years; and

WHEREAS, the parcels do not have an average slope greater than 20 percent.

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 AB-430: The Camp Fire Housing Assistance Act of 2019.

2. The Planning Commission approves the findings provided for the tentative subdivision map to subdivide two existing parcels totaling 7.04 acres identified as APN 013-160-054 and APN 035-450-014 off Lincoln Street between Mitchell Avenue and Oroville Dam Blvd E, into 11 parcels.

CONDITIONS OF APPROVAL

Project Specific Conditions

1. These conditions of approval are to permit the land division of Tentative Subdivision Map No. TSM24-01 as generally described above.

2. The Planning Commission approval date of Tentative Subdivision Map No. TSM24-01 is September 26, 2024. All determinations of whether the land division is eligible for an extension of time shall be based on this original approval date.

3. The following Infrastructure Improvements shall be completed:
    a. New Frontage Improvements (road, sidewalk, street lighting) along Lincoln Street, and Mitchell Ave. adjacent to Parcel A.
    b. Landscape plan.
    c. Utilities
        i. The Sanitary Sewer lines shall be upgraded to minimize the need for major maintenance repairs within the new development.
        ii. Existing 10-foot Right-of-Way for Easements A and B shall be increased to 20 feet. Any construction adjacent to Easements A and B shall be able to accommodate construction equipment ingress and egress in the event maintenance is required on the sewer system. No building, balcony, or overhang shall come within ten (10) feet of either side of the sewer alignments.

4. Reciprocal Access and Utility Easement between Parcel A and all numbered Parcels

5. All buildings shall look similar in appearance and design, and be constructed, operated, and maintained in accordance with the covenants conditions and restrictions for Gold Creek Commons.

6. Contractor must obtain all necessary permits prior to construction.

7. Contractor must comply with all building codes, laws, and regulations.

8. Coordination with other Agencies:
    a. Coordinate with CalWater to ensure there's adequate water supply and provide necessary improvements to the water system, if needed.
    b. Compliance with all Caltrans requirements in letter dated 7/26/2022.

9. Ensure adequate access for emergency vehicles to Parcel 6, Parcel 4, and Parcel 2.

10. Provide stormwater calculations showing that the existing drainage is capable of taking on the additional stormwater runoff for the development.

11. Per OMC Section 16.16.185 the subdivider shall dedicate park land or pay an in-lieu fee in accordance with the Oroville Municipal Code.

General Conditions

1. This Tentative Subdivision Map conditional approval shall become null and void unless all conditions have been complied with for recordation of the Final Parcel Map within thirty-six (36) months after the approval of said Tentative Subdivision Map. Where circumstances beyond the control of the applicant cause delays, which do not permit compliance with the time limitation referenced herein, the Planning Commission may grant an extension of time for an additional period of time not to exceed an additional twenty-four (24) months. Applications for such extension of time must set forth in writing the reasons for the extension and shall be filed together with a fee, as established by the City Council, thirty (30) calendar days before the expiration of the Tentative Subdivision Map. The applicant will be responsible for initiating any extension request.

2. All easements of record on and immediately adjacent to the property being subdivided -- and all easements created by approval of this subdivision -- must be noted on the Final Map and shown on site plans and improvement plans.

3. The applicant shall ascertain and comply with the State of California Subdivision Map Act and with all requirements of the Oroville Municipal Code, and with all other applicable County, State and Federal requirements.

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

5. 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.

6. This map shall run with the land and be binding upon all successors in interest to the maximum extent permitted by law.

7. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the code of the City of Oroville to minimize any negative impacts that the use may have on the surrounding properties.

8. All private facilities, improvements, infrastructure, systems, equipment, common areas, landscaping, irrigations systems, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety, and general welfare.

9. The Planning Commission's action shall be final unless the subdivider or any other interested person appeals the action to the City Council as provided in Section 16.04.060 of the City's Code.

10. Owner shall provide monumentation in conformance with the requirements of the California Subdivision Map Act (Government Code Section 66410 and following).

11. The location, identification and description of known or found monuments on or adjacent to the site, shall be shown and noted on the Final Map.

12. The location, identification and description of known or found monuments on or adjacent to the site, shall be shown and noted on any plans for construction on the parcels. Said monuments shall be protected or replaced per State law.

13. All easements of record that affect this property are to be shown on the Final Map.

14. Prior to recordation of the Final Map, pay in full any and all delinquent, current and estimated taxes and assessments as specified in Article 8 of Chapter 4 of Division 2 of Title 7, of the California Government Code commencing with Section 66492.

15. A preliminary soils report or geological hazard report indicating no adverse soil or geological conditions that cannot be corrected to the satisfaction of the City Engineer shall be submitted prior to the issuance of building permits.

16. Existing City sewer infrastructure located along frontage at the property shall be encased within a public utility easement on the final map.

--- End of Conditions ---

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 26th of September 2024, by the following vote:

AYES: Commissioner(s) Arace, Sheard, Jensen, Thao; Zilich II; Jenkins

NOES: NONE

ABSTAIN: NONE

ABSENT: Commissioner Terry Smith

ATTEST:

KAYLA REASTER,
ASSISTANT CITY CLERK

APPROVE:

WYATT JENKINS,
CHAIRPERSON

City Clerk Office

Brian Ring, City Administrator/City Clerk
Kayla Reaster, Assistant City Clerk

1735 Montgomery Street
Oroville, California 95965

T: 530.538.2535

https://www.cityoforoville.org

Members of the Commission
Wyatt Jenkins | Terry Smith | John Zilich II | Natalie Sheard | Warren Jensen | Glenn Arace | Sor Thao |

Minute Order No.: 09262024- 2

Meeting Date: September 26, 2024

Item 2 **RE: Gold Creek Commons Tentative Subdivision Map TSM24-01**

The Planning Commission shall consider approving the Gold Creek Commons Subdivision, which will subdivide The Project includes approx. 106,000 square feet of commercial space and 176 residential units.

Commission Action Taken:

1. Approved the recommended findings for Tentative Subdivision Map TSM24-01 and recommended Conditions of Approval;
2. Adopted Resolution No. P2024-13; and
3. Adopted the Notice of Exemption as the appropriate level of environmental review for the project.

Ayes: Commissioner(s) Smith, Zilich II, Sheard, Arace, Thao, Chair Jenkins

Noes: None
Absent: Commissioner Jensen
Abstain: None

Certification: I hereby certify that the above action was taken by the Oroville Planning Commission on the date listed above.

Kayla Reaster, Assistant City Clerk

CITY OF OROVILLE
RESOLUTION NO. 9328

A RESOLUTION OF THE OROVILLE CITY COUNCIL DENYING AN APPEAL OF THE SEPTEMBER 26, 2024, DECISION OF THE OROVILLE PLANNING COMMISSION TO APPROVE THE GOLD CREEK COMMONS TENTATIVE SUBDIVISION MAP (TSM24-01) FOR APNs 013-160-054 & 035-450-014

WHEREAS, on September 26, 2024, the City of Oroville Planning Commission (Commission) at a noticed public hearing considered public testimony regarding the Gold Creek Commons Tentative Subdivision Map, and

WHEREAS, the Commission conditionally approved the project, and

WHEREAS, Pacific Coast Producers (PCP) has appealed the Commission's approval of the project, and

WHEREAS, the City Council heard the appeal at its regular meeting of November 19, 2024.

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

1. The appeal of TSM24-01 is denied.
2. The proposed language in Section 4.22 of the Covenants, Conditions and Restrictions are considered by the Council to be adequate notice to future owners and occupants of the Gold Creek Commons.
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on November 19, 2024 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

APPROVED AS TO FORM:

_____
Scott E. Huber, City Attorney

_____
David Pittman, Mayor

ATTEST:

_____
Kayla Reaster, Asst City Clerk

DRAFT

CITY OF OROVILLE
RESOLUTION NO. 9329

A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING AN APPEAL OF THE SEPTEMBER 26, 2024, DECISION OF THE OROVILLE PLANNING COMMISSION TO APPROVE THE GOLD CREEK COMMONS TENTATIVE SUBDIVISION MAP (TSM24-01) FOR APNs 013-160-054 & 035-450-014

WHEREAS, on September 26, 2024, the City of Oroville Planning Commission (Commission) at a noticed public hearing considered public testimony regarding the Gold Creek Commons Tentative Subdivision Map, and

WHEREAS, the Commission approved the project, and

WHEREAS, Pacific Coast Producers (PCP) has appealed the Commission's approval of the project, and

WHEREAS, the City Council has heard the appeal at its regular meeting of November 19, 2024, and

WHEREAS, To assist with compatible development, the City Council is adding a condition of approval to the tentative subdivision map requiring a Collaborative Land Use Easement TSM 24-01 to be recorded prior to or at the same time as final map recordation.

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

1. The appeal of TSM24-01 is approved
2. The following condition of approval shall be added to TSM24-01:

   "The applicant shall enter into a legally binding easement and covenant with the adjacent landowner, Pacific Coast Producers, stipulating that both parties mutually acknowledge and accept any reasonable impacts resulting from the use and operation of their respective properties, including but not limited to noise, vibration, dust, odor, light, and traffic impacts. The easement shall run with the land and shall be recorded with the County Recorder's Office prior to or concurrent with the recordation of the Final Parcel Map.."

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

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on November 19, 2024 by the following vote:

DRAFT

AYES:

NOES:

ABSTAINED:

ABSENT:

APPROVED AS TO FORM:

_____

Scott E. Huber, City Attorney

_____

David Pittman, Mayor

ATTEST:

_____

Kayla Reaster, Asst City Clerk

DRAFT

Collaborative Land Use Easements (CLUE)

1. What is a Collaborative Land Use Easement?

A "collaborative land use easement" (CLUE) is a legal agreement where multiple property owners work together to create an easement that addresses land use conflicts between their properties, often allowing for specific activities like noise, dust, or light transmission across property lines, with the goal of facilitating development while protecting existing uses and minimizing disputes; essentially, it's a tool to manage potential disputes between neighboring properties through a shared understanding and agreement about the existing impacts, uses, and continuation of those uses on their adjacent properties.

In the context of an existing land use with a new residential development nearby such an easement is aimed at balancing and protecting both the existing and proposed uses of land. This type of easement can help preserve the functionality and integrity of the original land use—such as agriculture, conservation, or recreational land—while accommodating the needs of a new residential community. Collaborative easements are designed to prevent conflicts between differing land uses and maintain harmony among stakeholders, allowing each use to coexist.

2. How are Collaborative Land Use Easements Different from Traditional Easements?

Collaborative land use easements differ from traditional easements in several key ways, particularly in its purpose, structure, and flexibility. While traditional easements typically focus on granting a specific right of use or restricting certain activities on a property, collaborative land use easements aim to foster a cooperative balance between multiple, potentially competing land uses, with an emphasis on collaboration and mutual benefit.

Traditional Easements:	Collaborative Use Easements:
Typically serve a single, straightforward purpose—such as allowing access across a property (e.g., access easement), placing utility infrastructure (e.g., utility easement), or restricting development to conserve natural features (e.g., conservation easement). They are often unilateral, where one party gains a benefit or right over another's property.	Go beyond a single purpose by balancing multiple land uses, often including both conservation and compatible development goals. They are designed to accommodate existing uses (such as agriculture or industrial operations) alongside new, potentially conflicting uses (like residential developments). Their primary focus is on conflict prevention, sustainable land management, and fostering harmonious co-existence between different stakeholders.
Typically involve only two parties—an easement holder (who gains the benefit or right) and the landowner (who grants it). The agreement is often one-sided, with the	These easements often involve multiple stakeholders, including landowners, developers, conservation groups, local governments, and sometimes community organizations. They are structured as a

holder benefiting and the landowner accepting restrictions or responsibilities.	cooperative agreement where all parties collaborate, contributing resources, expertise, or shared responsibilities. This approach aims to balance competing interests and foster ongoing cooperation.
Usually have fixed terms that specify allowed and restricted activities, often with little room for adaptation as land use needs or conditions change. Amendments are typically limited	Are more flexible and are often structured to allow adaptive management over time. They may include provisions for regular reviews, potential amendments, and modifications based on changing conditions or community needs. This flexibility makes them better suited for complex situations where land uses may evolve, such as accommodating new technologies or addressing unforeseen impacts on residential developments.
Dispute resolution provisions in traditional easements are often limited, with conflicts typically resolved through legal enforcement by one party against the other if there is a violation.	Given their focus on coexistence, collaborative easements may include structured conflict resolution processes to address potential issues. These might include mediation, arbitration, or regular stakeholder meetings, designed to address impacts of land use or disputes (like noise, light, or odor complaints) before they escalate. This focus on collaboration can prevent costly legal disputes and support long-term relationship-building between the parties.
The scope is often narrow, with provisions focusing strictly on access rights, utility installation, or conservation restrictions.	Contain a broader range of provisions, addressing elements that could include buffer zones, additional setback requirements, mitigation of the effects of existing acivities, cooperative funding for shared infrastructure (e.g., road maintenance or fencing), and provisions for educating new residents about potential impacts of nearby land uses. This broader scope allows for a comprehensive approach to managing land use interactions.

3. When are Collaborative Land Use Easements Particularly Effective?

A collaborative land use easement is especially useful in scenarios where:

- An established land use (e.g., agriculture, conservation land, or industrial site) is adjacent to a proposed residential development that may be impacted by or impact the current land activities.

• There is a need to protect the operational capacity of the existing land use while minimizing any potential conflicts with new residential inhabitants.
• Stakeholders desire a mutually beneficial agreement to balance conservation, operational, or recreational land uses with residential needs.
• Concerns arise about impacts from existing use (such as noise, odors, or light) that could affect new residents that might result in complaints from residents if they are not disclosed with particularity, discussed and addressed.

4. What Are the Main Advantages of Using A Collaborative Land Use Easement in this Context?

1. Future Conflict Prevention: Establishes clear terms to prevent disputes between the existing and new uses, addressing issues such as noise, odor, or other potential impacts from existing activity.
2. Protection of Existing Use: Helps safeguard the viability and operational needs of the existing land use, ensuring that it can continue without undue restrictions imposed by residential encroachment.
3. Enhanced Land Value for Both Uses: By ensuring compatible and well-managed uses, the easement can help maintain or even increase the land value for both the existing use and the new residential development.
4. Clear Boundaries and Expectations: Provides defined guidelines on the responsibilities and expectations for both landowners and residents, fostering a harmonious environment.
5. Community Support and Engagement: Encourages cooperation between stakeholders and can help build community goodwill by addressing potential conflicts upfront.

5. What Should Be Included, at Minimum, in a Collaborative Land Use Easement?

A collaborative land use easement should be drafted in consideration of the following potential included provisions:
1. Identification of Parties and Stakeholders: Clearly identify all parties involved, including the existing landowner, developers of the new residential area, and any relevant local authorities or organizations.
2. Purpose and Objectives: Define the specific objectives, such as protecting the operational needs of the existing land use, minimizing residential impacts, and fostering coexistence between both uses.
3. Allowed and Restricted Uses: Detail any uses allowed on each parcel (e.g., continued farming operations, residential development restrictions) and specific prohibited activities that might disrupt the existing or proposed land use.
4. Specific Impacts from Existing Uses: A particularized and sufficiently detailed listing of impacts from existing uses should be prepared by existing landowners and attached as an exhibit.
5. Buffer Zones or Setbacks: Establish buffer zones or setbacks to physically separate the existing land use from the residential development, minimizing any impacts.
6. Impact Mitigation Provisions: Include any provisions to help mitigate or address the impacts that existing uses may have on the adjacent property (e.g., dust, noise, odors) from the existing land use and clearly state that new residents accept these potential impacts as part of the agreement.

7. Responsibilities of Each Party: Outline the roles and responsibilities of each party, such as maintenance, monitoring of compliance, and any necessary adaptations to minimize impacts.
8. Monitoring and Enforcement: Define how compliance with the easement terms will be monitored and enforced, including the roles of each party in addressing any potential conflicts that may arise.
9. Financial Provisions: Include any funding or cost-sharing arrangements, particularly for buffer zones, impact mitigation, and long-term maintenance of shared boundaries.
10. Amendments and Transfer Provisions: Describe how the easement can be amended if needed, allowing flexibility to adapt as conditions or land uses evolve over time.
11. Duration and Termination: Specify the duration of the easement (often perpetual) and outline any conditions under which it may be modified or terminated.
12. Notice Requirements: Specify that any new or prospective buyer or renter in a residential development is to be notified of the existence of the Collaborative land use easement and the impacts of the prior existing uses on adjacent properties. Include who is required to provide those notices, when and how they are to be provided.

November 13, 2024

Brian Ring, City Administrator-Clerk
Kayla Reaster, Assistant City Clerk
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VIA ELECTRONIC MAIL

Subject: RCM Investments LLC, Response to Pacific Coast Producers Appeal (PL2410-002) to the Oroville City Council to Overturn the Oroville Planning Commission Approval of the Gold Creek Commons Mixed-Use Project Tentative Subdivision Map (TSM24-01).

Dear Clerk of the City of Oroville:

On October 4, 2024, the law firm of Harrison, Temblador, Hungerford, and Guernsey (David P. Temblador, Esq) filed an appeal to the Oroville City Council, in accordance with *Title 17 Zoning Code, Chapter 17.56 Enforcement and Administration, Subsection 17.56.100 B. Appeals to City Council*, on behalf of their client Pacific Coast Producers (PCP) concerning the Oroville Planning Commission's approval of Gold Creek Commons Mixed Use Project Tentative Subdivision Map (TSM24-01).

PCP is requesting the City Council overturn the Planning Commissions Approval of the Tentative Subdivision Map and Conditionally Approve the Tentative Subdivision Map with the added condition of requiring the Applicant (RCM Investments LLC) to record a PCP Nuisance Easement over the Gold Creek Commons Mixed-Use Project Site on behalf of PCP to conserve, protect, enhance, and encourage PCP's agricultural industrial operations located at 1601 Mitchell Avenue, Oroville, California. PCP recognizes residents or users of property located near the PCP operations may at times be subject to inconvenience or discomfort arising from the PCP operations, including, without limitation: "*Noise, odors, fumes, dust, smoke, insects, operation of machinery during any time of day or night, storage and disposal of agricultural wastes associated with the canning process of fruits.*"

RCM Investments LLC, requests the City Council Uphold the Oroville Planning Commission Approval of the Gold Creek Commons Mixed Use Project Tentative Subdivision Map and deny the PCP request to require a PCP Nuisance Easement for the following reasons:

Pacific Coast Producers Land Use is Nonconforming To Title 17 Zoning Regulations of the Oroville Municipal Code

On March 31, 2015, the PCP site's General Plan Land Use Designation was amended via the Oroville General Plan update. At which time, the City of Oroville designated the site as a "*Mixed Use*," General Plan land use designation, which is the same as that of the Gold Creek Commons Mixed Use Project Site, ensuring no potential conflict between the two properties. In addition, *Title 17 Zoning Code* for the City of Oroville applied "*MXC Corridor Mixed Use*" zoning classification on both properties (PCPs and Gold Creek Commons). *Title 17* of the Municipal Code, *Section 17.34.010, "Intent of mixed-use districts,"* states: "*MXC: Corridor Mixed-Use. To support an integrated and attractive network of commercial, employment, and residential uses along Oroville's major thoroughfares. (Ord. 1819 § 8, 2017).*" PCP is only allowed in the MXC zoning classification by Use Permit under the *Table 17.34.020-1 "Allowed Uses in Mixed Use Districts, Subheading "Manufacturing, Wholesale, Repair, and Storage" Land Use Category: Food or beverage production.* Because PCP existed prior to the MXC zone being applied on PCP property, PCP operations became a nonconforming land use. To date PCP continues to operate as a nonconforming land use and has not requested a Conditional Use Permit. By PCP's own description of their operations which produce noise, odors, fumes, dust, smoke, insects, operation of machinery during any time of day or night, storage and disposal of agricultural wastes associated with the canning process of fruits which can be offensive does not constitute the intent of MXC zoning and again granting PCP request to require a "*Nuisance Easement*" on RCM Investments LLC's, properties is in violation of above stated intent of the MXC zoning regulations.

Section 17.48.090 Nonconforming Uses and Structures states: "*A. **General.** If a building, structure or land use existed lawfully at the time when it was erected or initiated, but it does not conform to the current regulations of the zoning district in which it is located, it may be continued, subject to the provisions of this section. B. **Nonconforming Uses.** 1. The enlargement or relocation of a nonconforming use on the same parcel may be allowed upon approval of a use permit. Before granting a use permit to enlarge or relocate a nonconforming use, the planning commission shall find, based on substantial evidence, that the benefit to the public health, safety or welfare exceeds any detriment inherent in such a change. In addition, the conditions of approval for the use permit shall state that the new use is a nonconforming use and is subject to this section's requirements for nonconforming uses. 2. A nonconforming use may be changed to a different nonconforming use of the same nature, or a less-intensive or more-restricted nature, upon approval of a use permit. The conditions of approval for the use permit shall state that the new use is a nonconforming use and is subject to this section's requirements for nonconforming uses. 3. If a nonconforming use has been discontinued for at least one year, any future use of the site shall be in conformity with the provisions of the district in which it is located, as well as all other applicable requirements of this title. For multiple-tenant buildings, this requirement shall apply when more than 50% of the multiple-tenant building's gross floor area has been unoccupied for one year.*"

PCP expanded, relocated various components, and modified their nonconforming use illegally with Building Permits: B1610-037, B1612-014, B1701-004, and B2303-105. These various expansions, relocations, and modification projects were done without a Use Permit in violation of *Section 17.48.090* and without the City making the findings that such an expansion, relocations, and modification of a nonconforming land use would "*benefit to the public health, safety or welfare exceeds any detriment inherent in such a change.*" The requested PCP Nuisance Easement is an admission of PCP

activities of expansion, relocations, and modifications of the nonconforming use being detrimental to the public health, safety, and welfare, thus precluding the ability to qualify for a Use Permit.

Immediately adjacent to Gold Creek Commons Mixed Use Project Site the City of Oroville owns 2.75 acres (Butte County Assessor's Parcel Number (APN) 035-450-012) which separates the Gold Creek Commons Mixed Use Project Site from PCP properties. However, the City of Oroville leased APN 035-450-012 to PCP on May 1, 1986, for 40 years for a lump sum amount of $28,000 or $58.33 dollars per month. This lease was done on General Plan Land Use Designated Land of "*Public/Quasi Public*," which does not allow an "*Agricultural Industrial Land Use*." Page 3-32 of the Oroville General Plan states: "*7. Public Facilities and Services: This designation refers to schools, governmental offices, the Oroville Municipal Airport, local cemeteries and other facilities that have a unique public character. Governmental facilities that are similar to private offices or industrial facilities are not shown as public. Places of religious assembly are not shown on the General Plan Diagram.*"

The City's General Plan does not contemplate agricultural industrial facilities (PCP) in the Public/Quasi Public Land Use Designation. Thus, the requested PCP Nuisance Easement would promote agricultural industrial activity across the City Owned Land and onto RCM Investments LLC's land which is expressly excluded from the Public/Quasi-Public Land Use Designation on the City Land. The City is compelled by the *California Government Code Section 65860*, Planning Laws to reject this PCP Nuisance Easement request as being in conflict with the General Plan. PCP's agricultural industrial bone yard is not a permitted land use in the PQ Zoning District. In addition, the agricultural industrial bone yard maintained on the City leased land is in violation of the City/PCP Lease Agreement dated May 9, 1986, which states in Section 7 Obligations of Lessee B. "*LESSEE agrees, at its own expense, to cause the lands leased … to be maintained in a presentable condition consistent with good business practice.*" Maintaining an industrial bone yard on PQ zoned land is not only a violation of the *Oroville Title 17 Zoning Regulations*, but also a violation of the agreements in the City/PCP Lease. Clearly an industrial bone yard does not constitute presentable conditions nor good business practice in Downtown Oroville. Requiring a PCP Nuisance Easement to carry out agricultural industrial activities (Industrial Bone Yard) on PQ zoned land with a lease from the City for PQ property would be a violation of *Title 17 Zoning Regulations*. The City owned land, PQ zoned (2.75 acres) provides a larger buffer between the PCP's nonconforming land use and Gold Creek Commons Mixed-Use Project Site if the City and PCP comports to the *Municipal Code Title 17 Zoning*.

Furthermore, granting the PCP Nuisance Easement request will also violate Oroville General Plan Policies concerning nonconforming land uses. The Oroville General Plan policy P1.5 expressly states: *"Encourage non-conforming land uses to relocate or redevelop in accordance with current land use and zoning designations."* Thus, the City instructed by General Plan Policy to do nothing that will encourage the continued nonconforming land use such as requiring a nearby property owner (RCM Investments LLC) to record a "Nuisance Easement" on behalf of PCP to protect the nonconforming land use over the entitled mixed use land use of the General Plan and *Title 17 Zoning Regulations*.

Granting a PCP Easement Request is in Violation of General Plan

General Plan Vision Statement Page 2-1:

1. "*Oroville Dam Boulevard, Olive Highway, Ophir Road and Grand Avenue will be vibrant mixed-use corridors, allowing more people to live close to their jobs and other services that will be available along these roadways.*"

Finding: The PCP requested Nuisance Easement over RCM Investments LLC land is contrary to encouraging and carrying out the implementation of this Vision statement calling for vibrant mixed-use development and allowing people to live close to their jobs and other services. By granting the PCP requested Nuisance Easement the City will be showing preference for the old agricultural industrial land use and not supporting the new vision adopted for the city called out in General Plan Vision Statements. By granting the Nuisance Easement demanding the new residents of the planned mixed-use development suffer PCPs noise, odors, fumes, dust, smoke, insects, operation of machinery during any time of day or night, storage and disposal of agricultural wastes associated with the canning process of fruits would be detrimental and perhaps damning which would cause the proposed mixed-use project to never be built in violation of the General Plan Vision Statement.

2. "*Much of the new growth in the City will occur as infill development sensitively designed to enhance the community's character."*

Finding: The proposed Gold Creek Commons mixed use development was reviewed by the Oroville Development Review Committee established under *Oroville Municipal Code Title 17 Zoning, Chapter 17.52 Development Review* and found to enhance the community character. The Development Review Committee also reviewed the Site Plan and Subdivision Map in accordance with *Section 17.52.040 Review of Applications, C. Standards of Review,* in light of the requirements of the General Plan, and applicable specific plans, as well as the requirements of the Oroville Municipal Code, and all design guidelines adopted by the Oroville City Council and found the site plan and subdivision map to be in compliance. The Design Review Committee, however, violated the Oroville Municipal Code when it failed to issue a Notice of Decision as required by *Section 17.52.050 of Title 17 Zoning Code.* PCP made no appeal of the Design Review Committees findings as stipulated in *Section 17.52.050 B. Appeals.* The Design Review Committee did not contemplate a nuisance easement which will modify the surrounding land use activities to allow a nuisance and deter enhancement of the community character. Nor did PCP at that time request the Design Review Committee to consider a Nuisance Easement, but rather only requested that the site plan be modified to remove residential dwelling units immediately adjacent to the City of Oroville's 2.75-acre PQ zoned parcel, which RCM Investments LLC accommodated at the direction of Wes Ervin, Oroville City Planner, who stated the City would withhold approval of the Project if PCP requests were not granted.

General Plan Guiding Principles Page 2-2

1. *"Livability. Ensure that future development enhances the existing character of our city as a whole, as well as its individual neighborhoods, and has a positive effect on our surroundings and quality of life."*
   Finding: A PCP requested "Nuisance Easement" is contrary to the General Plan Guiding Principles quoted above. It requires not "Livability" but rather a lessening of property rights and protections under the General Plan and Zoning to accommodate a Nonconforming Land Use that has high potential to disrupt the livability of surrounding properties.

2. *"A Vibrant Local Economy. Create a sustainable economy that serves all segments of the population. Engage in economic development to encourage and retain businesses that provide a variety of job opportunities, quality goods and services, and a dependable tax base."*

Finding: The proposed Gold Creek Commons Mixed Use Project follows the General Plan and Zoning and will engage in economic development and variety of job opportunities (Full Time Jobs versus Part Time Seasonal Jobs at PCP) in concordance with the General Plan. The PCP requested "Nuisance Easement" does not create a variety of job opportunities, does not provide sales tax, or quality goods and services, but rather, does the opposite by degrading the mixed-use zone and declaring to the owner that the PCP zoning code nonconformance operations takes priority over implementation of the General Plan and the Mixed-Use zoning codes.

3. *"Recreation. Enhance recreational opportunities and facilities in Oroville for local residents and visitors."*
Finding: The PCP proposed Nuisance Easement will impair the ability of Gold Creek Commons to have outdoor recreational opportunities associated with the mixed-use development if PCP can invade the Gold Creek Commons space with dust, odors, noise, and other nuisances by right of the requested PCP Nuisance Easement.

4. *"Health and Safety. Work to ensure the health and safety of Oroville's residents."*
Finding: The PCP proposed Nuisance Easement does not ensure health and safety but rather provides a warning and threat that PCP operations despite being non-conformance with the current zoning code can pollute others (nearby) properties with dust, odors, diesel fumes, insects, rodents, and noise.

General Plan Policies

P1.5 *Encourage non-conforming land uses to relocate or redevelop in accordance with current land use and zoning designations.*
Findings: Granting the PCP Nuisance Easement is in direct conflict with the General Plan Policy P1.5 above. The City, when requiring conditions of approval on a Tentative Subdivision Map, must ensure all conditions are consistent with General Plan Policy. As demonstrated above, requiring the PCP requested Nuisance Easement for a nonconforming agricultural industrial land use would be in direct violation of General Plan Policies.

P1.6 *Ensure all new development conforms to current land use and zoning designations.*
Finding: The PCP operation is a nonconforming land use under the General Plan and Title 17 of the municipal code. The PCP requested Nuisance Easement is not ensuring development conforms to current land use and zoning laws and regulations. But rather it is allowing protection of a nonconforming land use which has illegally expanded without a Use Permit in accordance with *Oroville Zoning Code Title 17, Section 17.48.090 Nonconforming Uses and Structures.*

PCP Nuisance Easement Request Is Contrary to Purpose of Oroville Zoning Code Title 17

Title 17 Zoning Code, Section 17.04.050 Purpose of Title:
The purpose of this title is to provide specific guidelines for the development of the city in such a manner as to achieve progressively the general arrangement of land uses and implement the policies depicted in the general plan. More specifically, this title is intended to achieve the following objectives:

D. To divide the city into zoning districts of whatever number, shape and area are deemed best suited to carry out these regulations and provide for their enforcement; (The proposed PCP Nuisance Easement deters enforcement of the MXC zoning classification and carries out no legitimate purpose or objective of the City as outlined by the General Plan and Zoning Code.)

E. *To protect, conserve, stabilize and enhance real property values and the city's natural assets;* (the PCP Nuisance Easement if required by the City will only harm the RCM Investments LLC's property value by placing a cloud over the property allowing nuisances which destroy the property owners' rights of enjoyment of their property.)

H. *To promote, protect and preserve the general public health, safety and welfare, and to implement the goals and objectives of the general plan for the City of Oroville.* (The proposed Nuisance Easement violates the goals, objectives, and policies of the Oroville General Plan and does not promote public health, safety and welfare, but rather demands an exception for PCP agricultural industrial operations as a non-conforming land use in the Mixed-Use zones of the City.)

Granting a PCP Easement Request is in Violation of the California Housing Accountability Act (California Government Code Section 65589.5

Under the *California Housing Accountability Act* (HAA) it is not lawful to require a Nuisance Easement as requested by PCP to protect a neighboring nonconforming land use on a housing project as proposed with the Gold Creek Commons Mixed Use Project, because such an easement is clearly not a valid *objective standard.* Current state housing law (e.g., *Gov. Code § 65589.5 (d)*) requires that any housing development project application, including any mixed-use zoned project, having residential unit(s) affordable to moderate-income households may only be conditioned/curtailed based upon *objective standards*, e.g., as defined in *Gov. Code § 65589.5 (h)(8)*, and recent precedent has ruled that a PCP Nuisance Easement requirement is not an *objective standard* (*HAA § 65589.5 (d) (1)* and re *CARLA v. City of San Mateo*), therefore a nuisance easement may not be applied to any housing development projects subject to the HAA.

The PCP Nuisance Easement will make the Gold Creek Commons Mixed Use Project infeasible. The PCP Nuisance Easement will lower the value and use of the Gold Creek Commons Mixed Use Project site because it grants PCP the right to use a portion of Gold Creek Commons Mixed Use Project lands in a way that can significantly disrupt the future property owner's enjoyment and potential development of the property, by impacting its aesthetics and functionality, which can deter potential buyers and reduce the overall market value. Requiring the residents and owners of Gold Creek Commons to suffer the PCP nonconforming land use (Illegal Unpermitted Land Use) anticipated impacts of noise, odors, fumes, dust, smoke, insects, operation of machinery with the requested PCP Nuisance Easement clearly makes the project infeasible. The HAA, among other things, prohibits a local agency from conditioning approval in a manner that renders infeasible, a housing development project unless the local agency makes specified written findings based upon substantial evidence in the record. The HAA requires the findings of the City Council to be based on a preponderance of the evidence in the record (Oroville Planning Commission Hearing). The Oroville Planning Commission Hearing provides no evidence to support the requirement for a PCP requested Nuisance Easement as a condition of approval for the tentative subdivision map.

The Oroville Planning Commission Hearing was for the approval to subdivide property (Tentative Subdivision Map) for the purposes of carrying out a mixed-use housing project which was deemed consistent, compliant, and in conformity with all applicable plans, programs, policies, ordinances, standards, requirements, of the City of Oroville and State of California. The Oroville Planning Commission Hearing and approval decision was not to amend the land use policies (Zoning and General Plan) of the City to approve Gold Creek Commons Mixed Use Project. PCP is questioning the land use policies which are not subject to appeal and requests a special treatment land use policy just for PCP in the form of a City mandated and required PCP Nuisance Easement as a condition of approval of the Tentative Subdivision Map.

It is the requirement of the City of Oroville to require PCP to take reasonable steps to avoid pollution or other releases that harm either public or private property in land, air and water. Furthermore, the Gold Creek Commons Property Owners Association (POA) should not be forced by the City to give away their rights through a mandated PCP Nuisance Easement for Tentative Subdivision Map approval. If necessary, in the future the Gold Creek Commons POA should have the right to seek a court order stopping PCP from engaging in harmful activities as may be appropriate.

Requiring PCP Nuisance Easement as Condition of Approval is Problematic

The PCP requested Nuisance Easement effectively alters the City's zoning laws to benefit a single company's (PCP) nonconforming land use while hindering other potential projects is considered a problematic practice, often criticized as "*spot zoning*" where a local government changes zoning regulations for a specific parcel of land to favor a particular single company, potentially creating an unfair advantage and potentially harming other development opportunities in the area. Approving the PCP Nuisance Easement requirement as a conditional approval of the tentative subdivision map will raise concerns among residents of Oroville and other Oroville stakeholders who feel the PCP Nuisance Easement requirement is not serving the broader community interest, but rather prioritizing the interests of a single entity (PCP). Clearly, the requested PCP Nuisance Easement is not in the public interest, but rather only PCPs. Clearly, the public and neighborhood is not requesting this PCP Nuisance Easement, but rather only PCP with no support of its neighbors.

In the 2014 Appeal Court decision in *Foothill Communities Coalition v. County of Orange,* in the Fourth District Court of Appeal, the court ruled that it is illegal to use the government land use police power for a single entity versus overall public interest. In that decision, the court cited *Avenida San Juan Partnership v. City of San Clemente (2011) 201 Cal.App.4th 1256,* [Emphasis added] requiring the record show that the (PCP Nuisance Easement) zoning is in the public interest. The Court rules that the City cannot require the PCP Nuisance Easement unless the City can document and show the City's action was not "*arbitrary or capricious, or totally lacking in evidentiary support,*" and the City "*made requisite findings to support its decision.*" The Appellant (PCP) provided no findings to support the PCP requested Nuisance Easement, nor can the Oroville Planning Commission record support the Court required findings for the PCP Nuisance Easement request. It is clear the PCP Nuisance Easement only serves PCP nonconforming and unpermitted illegal expansion of their agricultural industrial operation (Unpermitted). No "findings" to establish that the PCP Nuisance Easement provides a

"*public benefit*" and is in the "*public interest*," has been provided. On the contrary we have provided evidence and findings in this Appeal Response Letter that the PCP Nuisance Easements violate the goals, policies, and objectives of the Oroville General Plan, HAA, and City Code Title 17 Zoning Regulations. We have shown that the PCP Nuisance Easement, if required by the City, will result in a discriminatory outcome or unjustified "*private benefit*." It is impermissible (illegal) to require a PCP Nuisance Easement if it's discriminatory and provides a unique burden or intentional benefit to one landowner or resident over another.

RCM Investments LLC as a Good Neighbor has Amended the Gold Creek Commons Project at the Request of PCP and City Staff

RCM Investments LLC conducted a required public meeting in accordance with AB430 to receive input from the public. No public comments were made concerning the Project by any neighbors or citizens of Oroville during the AB430 Public Meeting. After the AB430 Public Outreach meeting, PCP approached Oroville City Planner, Wes Ervin, and requested that RCM Investments LLC amend the Gold Creek Commons Mixed-Use Site Plan by removing all commercial and residential development that was located on the north leg of the project site immediately adjacent to the 2.75 acres PCP leases from the City of Oroville. RCM Investments LLC was contacted by Wes Ervin and told that the City could not support the project unless RCM Investments LLC modifies the Project in accordance with PCP requests. Wes Ervin demanded that RCM Investments LLC remove three (3) buildings from the site plan, or 19,584 square feet of commercial space, and twenty-nine (29) residential units, despite his demands violated the Oroville Zoning Regulations, Oroville General Plan and the California Housing Accountability Act. RCM Investments LLC removed a row of buildings at an estimated loss of six ($6,000,000) million in profit for the mixed-use development to accommodate and promote the PCP nonconforming land use in violation of the Oroville Municipal Code and General Plan. In addition, RCM Investments LLC was requested by City Staff and PCP to amend the Gold Creek Commons Mixed-Use Development Covenants, Conditions, and Restrictions (CCRs). On Page 26 and 27 of the Gold Creek Commons CCRs, Article 4 Development Control, Architectural Approvals and Construction, Subsection 4.22 Declaration Acknowledging Right of Pacific Coast Producers to Operate, was authored by PCP and added to the CCRs as follows:

> **4.22 Declaration Acknowledging Right of Pacific Coast Producers to Operate**. This clause shall act as a disclosure statement to the prospective transferee of any property within Gold Creek Commons pursuant to Article 1.5 (commencing with Section 1102) of Chapter 2 of Title 4 of Part 4 of Division 2 of the California Civil Code disclosing this chapter and the nature of its provisions. This disclosure statement is as follows:
>
> SELLERS INFORMATION
>
> The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a

copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

The City of Oroville permits the operation of Pacific Coast Producers (PCP) agricultural processing facilities on neighboring properties to Gold Creek Commons in accordance with *Title 17 Zoning, Chapter 17.16 Urban Agriculture, Section B3 Uses Permitted by Right, of the Oroville Municipal Code* and *California Civil Code Section 3482.5 California Agricultural Protection Act* and has declared to conserve, protect, enhance, and encourage such agricultural industrial operations. Residents or users of property located near the PCP operations may at times be subject to inconvenience or discomfort arising from that operation, including, without limitation: "Noise, odors, fumes, dust, smoke, insects, operation of machinery during any time of day or night, storage and disposal of agricultural wastes associated with the canning process of produce and fruits."

One (1) or more of these inconveniences or discomforts may occur as result of any properly conducted agricultural industrial operation at PCP facilities. In accordance with *California Civil Code Section 3482.5* no activity of PCP that is operated in compliance with *Division 3* (commencing with *Section 3001*) of the *Food and Agricultural Code*, shall be or become a private or public nuisance due to any changed condition in or about the locality, if it was not a nuisance at the time it began. Furthermore, that inconvenience or discomfort arising from a properly conducted agricultural industrial operation on the PCP facilities will not be considered a nuisance for purposes of the City of Oroville Municipal Code or City regulations, and that residents or users of nearby Gold Creek Commons property should be prepared to accept such inconvenience or discomfort as a normal and necessary aspect of living adjacent to PCP.

This statement above shall not invalidate any provision contained in the *California Health and Safety Code, Fish and Game Code, Food and Agricultural Code*, or *Division 7* (commencing with *Section 13000*) of the *Water Code*, if the agricultural industrial activities, operation, or facilities, or appurtenances of PCP constitute a nuisance, public or private, as specifically defined or described in any of those provisions.

Conclusion

RCM Investments LLC and their consultant Universal Engineering Sciences (UES) are cognizant of potential impacts to area residents and landowners from a project of this nature and have worked diligently with State and Local officials, regulatory agencies, and neighbors (PCP) to ensure that the proposed mixed-use project conform with all applicable laws, goals, and policies. Although we are confident that all potential impacts have been adequately studied and disclosed in the public record (including appropriate conditions of approval), RCM Investments LLC, and UES understand that the hundreds of pages of supplementary studies, plans, and surveys which the City of Oroville Planning Commission considered prior to approval of the Gold Creek Commons Mixed Use Project Site Plan and Tentative Subdivision Map may be difficult for our neighbors to parse. This letter has

attempted to respond to the specific concerns of the Appellant by showing where these potential impacts have already been addressed and mitigated where appropriate in the existing application, as approved.

Mr. Temblador has raised his client's (PCP) valid concerns pertaining to the approval of a major mixed-use project within the PCP neighborhood. However, all the objections enumerated in his impassioned appeal had already been anticipated and addressed by the Oroville Planning Commission and considered in the decision made by the Oroville Planning Commission in approving the Tentative Subdivision Map. Despite the Appellant's ignorance of the PCP status as nonconforming land use, requirement for use permits for expanded nonconforming use, general plan policies, and Title 17 Zoning Code Regulations and government oversite, all these elements were discussed at numerous meetings between RCM Investments LLC and PCP and at the Public Hearing of the Oroville Planning Commission for approval of the Tentative Subdivision Map. In addition, all this information was made available to the public through the AB430 Public Outreach Meeting, on the City Website electronically, as well as hard copies for those that requested it. No evidence nor findings were presented by Mr. Temblador justifying the requested PCP Nuisance Easement requirement stipulated by the City. The failure of the Appellant to thoroughly and accurately consider the information available cannot be considered sufficient to question the reasonable and lawful actions of the City of Oroville Planning Commission.

Motion Request RCM Investments LLC respectfully request the City of Oroville City Council make the following Motion: **Move that the Oroville Planning Commission's Approval with Conditions of Tentative Subdivision Map (TSM24-01), be upheld, and to further direct that no PCP Nuisance Easement be required by the City of the Gold Creek Commons Mixed Use Project.**

Universal Engineering Sciences (UES)

Brent L. Moore

Brent L. Moore, CEP
Director – Permitting, Planning, and Environmental Sciences

RCM Investments LLC

Manya Prabha Pillai

Josephine Pillai, President
President

DATE: November 7, 2024
TO: STATE, CITY AND LOCAL OFFICIALS

NOTICE OF PACIFIC GAS AND ELECTRIC COMPANY'S REQUEST TO INCREASE RATES FOR ITS BILLING MODERNIZATION INITIATIVE APPLICATION (A.24-10-014)

Acronyms you need to know
PG&E: Pacific Gas and Electric Company
CPUC: California Public Utilities Commission

Why am I receiving this notice?

On October 23, 2024, PG&E filed its Billing Modernization Initiative Application with the CPUC requesting to recover $761.3 million in costs between 2023 and 2030 for upgrading and replacing its billing systems. PG&E is proposing to begin recovering the costs associated with the Billing Modernization Initiative starting in 2027. This notice is to inform you about the proposed increases and how they might impact your bill.

Why is PG&E requesting this rate increase?

PG&E's current billing systems require upgrades to meet growing customer needs, support new program offerings, and continue to meet regulatory requirements and expectations. These upgrades are necessary to better service PG&E's customers by improving billing, customer service and data management. The proposed updates will also improve how quickly and efficiently PG&E can implement new rates and other regulatory requirements from the CPUC to serve customers.

How could this affect my monthly electric rates?

Many customers receive bundled electric service from PG&E, meaning they receive electric generation, transmission and distribution services. On average, rates for these customers would increase by 0.3%.

The bill for a typical residential customer using 500 kWh per month would increase from $212.45 to $213.21, or 0.4%.

Direct Access and Community Choice Aggregation customers receive electric transmission and distribution services and select Commission-ordered services from PG&E. On average, rates for services provided by PG&E to these customers would increase by 0.5% if this application is approved. DA providers and CCAs set their own generation rates. Check with your DA provider or CCA to learn how this would impact your overall bill.

Another category of nonbundled customers is other Departing Load. These customers do not receive electric generation, transmission or distribution services from PG&E. However, these customers are required to pay certain charges by law or CPUC decision. On average, existing Departing Load customers would see a rate increase of 0.2%.

PG&E has chosen to show the averages for the final year of the request (2030) because it is the year with the biggest increase. Actual impacts will vary depending on usage and are subject to CPUC regulatory approval.

How could this affect my monthly gas rates?

Bundled gas customers receive transmission, distribution, and procurement services from PG&E. Detailed rate information will be sent directly to customers in a bill insert in December 2024.

Based on rates currently in effect, the bill for a typical Non-CARE residential customer averaging 31 therms per month would increase from $75.25 to $75.91, or 0.9%.

Actual impacts will vary depending on usage and are subject to CPUC regulatory approval.

How does the rest of this process work?

This application will be assigned to a CPUC Administrative Law Judge who will consider proposals and evidence presented during the formal hearing process. The Administrative Law Judge will issue a proposed decision that may adopt PG&E's application, modify it, or deny it. Any CPUC Commissioner may sponsor an alternate decision with a different outcome. The proposed decision, and any alternate decisions, will be discussed and voted upon by the CPUC Commissioners at a public CPUC Voting Meeting.

Parties to the proceeding may review PG&E's application, including the Public Advocates Office. The Public Advocates Office is an independent consumer advocate within the CPUC that represents customers to obtain the lowest possible rate for service consistent with reliable and safe service levels. For more information about the Public Advocates Office, please call **1-415-703-1584**, email: **PublicAdvocatesOffice@cpuc.ca.gov** or visit **PublicAdvocates.cpuc.ca.gov**.

Where can I get more information?

CONTACT PG&E

If you have questions about PG&E's filing, please contact PG&E at **1-800-743-5000**. For TTY call **711**. Para obtener más información sobre cómo este cambio podría afectar su pago mensual, llame al **1-800-660-6789** • 詳情請致電 **1-800-893-9555.**

If you would like an electronic copy of the filing and exhibits, please write to the address below:

Pacific Gas and Electric Company
Billing Modernization Initiative Application A.24-10-014
P.O. Box 1018
Oakland, CA 94604-1018

CONTACT CPUC

Please visit **apps.cpuc.ca.gov/c/A2410014** to submit a comment about this proceeding on the CPUC Docket Card. Here you can also view documents and other public comments related to this proceeding. Your participation by providing your thoughts on PG&E's request can help the CPUC make an informed decision.

If you have questions about CPUC processes, you may contact the CPUC's Public Advisor's Office at:

Email: **Public.Advisor@cpuc.ca.gov**
Mail: CPUC
Public Advisor's Office
505 Van Ness Avenue
San Francisco, CA 94102
Call: **1-866-849-8390** (toll-free) or **1-415-703-2074**

Please reference **PG&E's Billing Modernization Initiative Application A.24-10-014** in any communications you have with the CPUC regarding this matter.