

**CEQA NOTICE OF EXEMPTION
NOTICE OF PROJECT COMPLIANCE WITH AB 430
CAMP FIRE HOUSING ASSISTANCE ACT OF 2019**

TO: City of Oroville
Wes Ervin, City Planner
1735 Montgomery Street
Oroville, CA 95965

State of California
Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

The project or activity identified below is determined by the Applicant to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) 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.

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Project Description:

APNs: 013-160-054 and 035-450-014

Location: North of Oroville Dam Blvd East (SR 162), West of Lincoln Street, and South of Mitchell Avenue, Oroville, CA 95965

Project Title: Gold Creek Commons - Mixed Use Development Project

Existing Conditions:

The property where the proposed Gold Creek Commons – Mixed Use Development Project is to be located is comprised of 2 parcels (APNs 013-160-05 and 035-450-014) of vacant land totaling approximately 7.32 acres located in the City of Oroville (Butte County). According to the City of Oroville’s General Plan, the property has been designated as “Mixed Use” with the City’s Zoning Ordinance prescribing a “Corridor Mixed Use (MXC)” zone classification which aims to “*support an integrated and attractive network of commercial, employment, and residential uses along Oroville’s major thoroughfares.*” Surrounding uses included a variety of industrial and commercial facilities within the Downtown Brownfields Redevelopment Project Area, although the property itself has not been identified as a potential Brownfield property. A Phase I and II Environmental Site Assessment (ESA) was performed in January 2021. The Phase II ESA

performed to evaluate the recognized on-site environmental conditions were 5 borings drilled and sampled, 10 soil samples were taken from the 5 borings on January 29, 2021 and analyzed for RCM Investors, LLC. Results from these samples were contrasted to the established thresholds outlined in *California Code of Regulations, Title 22, Chapter 11, Identification and Listing of Hazardous Waste*. The results of these assessments indicated that none of the soil samples had measured concentrations of Metals or Volatile Organic Compounds above the applicable or relevant and appropriate requirements (“ARARs”).

Proposed Project:

The proposed Gold Creek Commons – Mixed Use Development Project would transform a historically blighted area in central Oroville by adding 86,489 sq ft of commercial space combined with up to 182 residential units in a cohesive development with 765 parking stalls (265 surface stalls, and 500 subsurface) to accommodate the residential units and assumed distribution of commercial with proportion of 10% Restaurants/Cafes, 50% Retail, and 40% Offices or similar. Potential commercial uses expected to be developed onsite 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. Specific commercial uses for each parcel are pending subject to sale/lease and will be subject to City relevant review and permitting prior to use specific improvements being carried out.

The mixed-use development will also house a battery energy storage system (BESS). The proposed BESS would store up to 10 megawatts (MW) or 40 megawatt hours (MWh) of electricity for dispatch into the local PG&E grid via the existing Oroville Substation located at 2226 Veatch Street and use by the Gold Creek Commons development. The BESS would consist of several fully enclosed battery storage containers that would each house battery modules mounted in racks and associated electrical equipment. Each battery storage container would have an access drive aisle. The entire BESS would be walled for security and to restrict access. The BESS is an entitled land use within the zoning classification of the Oroville City Zoning Code and requires only ministerial approval for a Site Plan.

The electricity from the BESS would be conveyed to the PG&E Oroville Substation using an overhead Generation Tie line transmitting between 60 kV and 120 kV within existing public right-of-ways and existing electrical conveyance systems within the area. The final kV will be determined at final engineering for the proposed BESS and off takers. The gen-tie line will run approximately 2,450 feet between the two locations (BESS and PG&E Oroville Substation) along the existing public right-of-way by encroachment permit with City of Oroville Public Works Department for utility placement on Mitchell Avenue, and Veatch Street (City of Oroville). The gen-tie poles will either be the existing utility poles located in the existing public right-of-way or the existing poles may be upgraded and replaced with new tubular steel structure poles depending on final requirements of PG&E along the gen-tie route. Replacement poles if needed may be approximately 6 poles. Gen-tie line may also be placed underground within the public right of way depending on final design. A manual disconnect (air) switch would be located on the last pole of the gen-tie line to provide means of manually isolating the gen-tie line and BESS facility from the PG&E Oroville Substation.

The project calls for the creation of 12 new parcels from the two existing parcels comprising the project site (APNs 013-160-054 and 035-450-014) under the Subdivision Map Act. Each of these parcels will house the following improvements:

- Parcels 1-9.) 9 condominium parcels, each featuring a building with subterranean parking, commercial uses on the ground floor, and residential units located on the stories above with the following distribution:

Building I:	13,174 sq. ft commercial	30 residential units
Building II:	6,734 sq. ft commercial	12 residential units
Building III:	13,888 sq. ft commercial	30 residential units
Building IV:	13,589 sq. ft commercial	30 residential units
Building V:	8,138 sq. ft commercial	11 residential units
Building VI:	11,481 sq. ft commercial	30 residential units
Building VII:	6,000 sq. ft commercial	12 residential units
Building VIII:	6,000 sq. ft commercial	12 residential units
Building IX:	7,485 sq. ft commercial	15 residential units
Total:	86,489 sq. ft	182 units

- Parcel 10) Battery Energy Storage System;
- Parcel A.) Driveways, parking, common areas, and open space common to the entire development; and
- Parcel B.) A monument advertising sign to be located along Oro Dam Boulevard.

Project Purpose and Need:

Housing and Commercial Mixed Use Development

The State of California has identified the current lack of available housing in the State as the number one issue affecting California residents (Governor Newsom, September 2021). California's housing crisis is particularly severe in Butte County where a significant portion of the population remains displaced as a result of the 2018 Camp Fire (and subsequent wildfires which have plagued the region). Specifically, AB-430 Housing Development: Camp Fire Housing Assistance Act of 2019, which mandates a streamlined approval process for housing development in the cities of Biggs, Corning, Gridley, Live Oak, Orland, **Oroville**, Willows and Yuba City, declares:

- (a) The Camp Fire, which started on November 8, 2018, in the County of Butte, is the deadliest and most destructive wildfire in California.
- (b) The fire displaced over 50,000 people and the surrounding areas do not have sufficient capacity to absorb this population.
- (c) To provide timely housing relief for the area, it is necessary to streamline the building process within specified cities in the impacted region.

To address these concerns, the City of Oroville's 2030 General Plan identifies underutilized properties within the Oroville Planning Area setting the goal that they "*accommodate additional density*". The project site has been classified as "*Underutilized Commercial*".

BESS

RCM LLC is responding to PG&E's approved plans by the California Public Utility Commission (CPUC) to develop cost-effective energy storage projects totaling approximately 567 MW. CPUC Resolution E-4909 adopted January 11, 2018, authorized PG&E to procure energy storage to address local deficiencies in the Oroville sub-area of the public grid system in Butte County and the City of Oroville and ensure local reliability. BESSs are recognized by the CPUC as fast-responding and reliable and may be constructed in a short timeframe. BESSs are procured at increasing levels to meet local reliability requirements including capacity shortfalls, in lieu of conventional generation. The proposed Gold Creek Commons BESS is a direct response to the CPUC Resolution E-4909, and the plan to mitigate increasing electrical rates for Gold Creek Commons residents and the City of Oroville ratepayers.

Battery storage is used to reduce greenhouse gas emissions associated with gas-fired power generation facilities by storing energy during off-peak hours (lower energy usage/demand times) and dispatching this energy on an as-needed basis during peak demand hours. This technology reduces the amount of fossil fuels consumed during peak hours and maximizes usage of energy from renewable sources such as wind and solar facilities that may not be able to produce energy during times of peak demand. The proposed BESS would increase local electricity production, thereby supporting the stability of the local electrical grid. Benefits of the proposed BESS include reduction of the need to ramp up polluting gas plants in the late afternoon, increased local reliability in an area that is currently highly reliant on gas-fired generation, ultimately pushing gas off the system and moving a step closer to a decarbonized grid in Butte County, City of Oroville and California. The CAISO would control the dispatching of electricity from the proposed BESS. Electricity dispatched from the energy storage system would supplement the existing peaking capacity available to the CAISO system.

New state energy policies are ensuring that net metering policies are on their way out and increasing application of time-of-use rates, resulting in the increase peak demands. Generating, then storing power for use at peak demand times (when power becomes expensive) is more financially viable than injecting the power into the grid for diminishing returns. The proposed BESS achieves these goals by creating aggregated virtual power plants (VPP) through inter-connection of several BESSs, which pools the capabilities of several such systems and offers more economic, reliable services.

Name of Public Agency Approving Project: City of Oroville

Project Approvals: Tentative Subdivision Map, Building Permit, Site Plan Approval, and Zoning Compliance

Lead Agency Contact Person: Wes Ervin, City Planner, Phone #: (530) 538 2408

Name of Person or Agency Carrying Out Project: RCM Investors, LLC

Exempt Status: Statutory Exemption and Ministerial Project Subject to AB 430

Project Compliance with Requirements of AB 430

Cite specific CEQA and/or CEQA Guideline Section: Section 15268 & 15369

AB 430: Camp Fire Housing Assistance Act of 2019 Requirements and Project Compliance Findings:

(1) The development is located within the territorial boundaries or a specialized residential planning area identified in the general plan of, and adjacent to existing urban development within, any of the following:

- (A) The City of Biggs.**
- (B) The City of Corning.**
- (C) The City of Gridley.**
- (D) The City of Live Oak.**
- (E) The City of Orland.**
- (F) The City of Oroville.**
- (G) The City of Willows.**
- (H) The City of Yuba City.**

The proposed Gold Creek Commons – Mixed Use Development is in the City of Oroville, California and designated by the General Plan and Zoning Ordinance as a “*specialized residential planning area*” which calls for mixed-use development.

(2) The development is either a residential development or a mixed-use development that includes residential units with at least two-thirds of the square footage of the development designated for residential use, not including any land that may be devoted to open-space or mitigation requirements.

The proposed Gold Creek Commons – Mixed Use Development would include the construction of nine (9) buildings, each featuring commercial uses on the ground floor with residential dwelling units being housed on the three floors above. Therefore, approximately three-fourths of the total square footage of the development is designated for residential use conforming to the AB430 requirement.

(3) The development proponent (RCM, Investors, LLC) has held at least one public meeting on the proposed development before submitting an application pursuant to this subdivision.

A public meeting was held on Tuesday May 31st, 2022, in order to gather public input about the proposed Gold Creek Commons – Mixed Use Development prior to submitting a final application with the City. In addition, several meetings were conducted with neighboring properties to gain shared vision on the final site plan and density of development to ensure compatibility and acceptance from adjoining properties.

(4) The development has a minimum density of at least four units per acre.

The development calls for 182 residential units to be constructed on an approximately 7.32 acre property, a unity density of roughly 24.86 residential units per acre which exceeds the minimum density requirements of AB430.

(5) The development is located on a site that meets both of the following requirements:

- (A) The site is no more than 50 acres.**

The property consists of two parcels (APNs 013-160-05 and 035-450-014) totaling approximately 7.3 acres.

(B) The site is zoned for residential use or residential mixed-use development.

The *City of Oroville 2030 General Plan*, designates the property as a “Mixed Use” General Plan Land Use Designation. It is zoned as Corridor Mixed Use (MXC) zoning classification under the City of Oroville Zoning Ordinance.

(6) The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in California Government Code Section 65915, is consistent with objective zoning standards, objective subdivision standards, and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section.

The development has been designed to conform with the objective zoning and design standards delineated in the City of Oroville’s Municipal Code, General Plan, and Downtown Brownfield Development Plan, and is subject to the City’s established permitting and design review processes which are ministerial actions that are not impacted by the application of AB 430’s streamlined permitting program.

(7) The development will achieve sustainability standards sufficient to receive a gold certification under the United States Green Building Council’s Leadership in Energy and Environmental Design for Homes rating system or, in the case of a mixed-use development, the Neighborhood Development or the New Construction rating system, or the comparable rating under the GreenPoint rating system or voluntary tier under the California Green Building Code (Part 11 (commencing with Section 101) of Title 24 of the California Code of Regulations).

The Development has been designed in conformance with the California Building Standards Code (California Code of Regulations, Title 24), including Part 11, the California Green Building Standards Code and fulfills the requirements of AB430.

(8) The development is not located on a site that is any of the following:

- (A) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation that is protected pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5), or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.**

The California Department of Conservation’s Farmland Mapping and Monitoring Program catalogs the property for the proposed development as “Urban and Built-Up Land” and none of the parcels in the surrounding area are classified as agricultural land.

- (B) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).**

The USFWS National Wetlands Inventory catalogs the drainage ditch which runs along the southern edge of the property as an Intermittent/Seasonally

flooded, streambed. The determination that said manmade drainage improvement constitutes a Riverine habitat was made with photo interpretation techniques using 1:120,000 scale, color infrared imagery from 1976. Due to the low resolution of the aerial photography used to identify a narrow, linear feature, the pronounced changes in surrounding conditions, regional climate, and surface hydrology in the intervening 50 years from the time of the photograph, and the fact that no site specific observation and sampling was made to determine the resource, the inclusion of the mapped linear feature in the National Wetlands Inventory is not sufficient to determine the likely presence of a wetland resource on the property today.

Rather, Gallaway Enterprises conducted a Biological Assessment of the property including an empirical analysis of the conditions of the City of Oroville drainage ditch which is part of the City's stormwater drainage system to determine whether or not it meets the legally established criteria of a wetland (*Manual Part 660 FW 2 states that in order to be classified as a wetland resource, one or more of the following criteria must be met: "(1) at least periodically, the land supports predominantly hydrophytes (plants specifically adapted to live in wetlands); (2) the substrate is predominantly undrained hydric (wetland) soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.)*

Gallaway Enterprises' *Delineation of Aquatic Resources Report* (Appendix A) determined that, although the drainage ditch located on the property does meet the criteria of "*other waters of the United States*," no wetland resources were identified on the property. The proposed site plan sets back all development at least twenty feet from the delineated flood line on the FEMA flood maps and thus avoids all flood areas in accordance to AB430.

- (C) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to *California Government Section 51178*, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.**

According to the California State Fire Marshall's Fire Hazard Severity Zone Maps, the Local Responsibility Area encompassing the entirety of the City of Oroville (where the property is located) is defined as a "*Non-Very High Fire Hazard Severity Zone*"

- (D) A hazardous waste site that is listed pursuant to *California Government Code Section 65962.5* or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to the *California Health and Safety Code Section 25356*, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.**

A Phase I and II Environmental Site Assessment (ESA) was performed in January 2021. The Phase II ESA was performed to evaluate the recognized on-site environmental conditions were 5 borings drilled and sampled, 10 soil samples were taken from the 5 borings on January 29, 2021, and analyzed for RCM Investors, LLC. Results from these samples were contrasted to the

established thresholds outlined in *California Code of Regulations, Title 22, Chapter 11, Identification and Listing of Hazardous Waste*. The results of these assessments indicated that none of the soil samples had measured concentrations of Metals or Volatile Organic Compounds above the applicable or relevant and appropriate requirements (“ARARs”).

- (E) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the *California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code*), and by any local building department under *Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2*.**

The California Geological Survey's Fault Activity Map of California shows that the property for the proposed development is not located within a fault zone with the nearest mapped faults being located approximately 5 miles east of the downtown Oroville in the Sierra Nevada foothills.

- (F) Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:**

- (i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local government.**
- (ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.**

FEMA Flood Insurance Rate Map for Butte County, California, Panel 795 of 1200, shows that the area of the property to be developed is located in “Zone X” which is defined as “Areas determined to be outside the 0.2% annual chance floodplain”. The area surrounding the drainage ditch which runs along the properties southern edge is shown as “Other Flood Areas, Zone X” which includes areas protected from 1% annual flood chance by levees and areas with 0.2% annual flood chance. Therefore, the entirety of the property is classified as being free of flood hazard areas subject to inundation by 1% annual chance floods.

(G) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.

The property to be developed is not located within a regulatory floodway, as depicted on *FEMA Flood Insurance Rate Map for Butte County, California, Panel 795 of 1200*.

(H) Lands identified for conservation in an adopted natural community conservation plan adopted on or before January 1, 2019, pursuant to the *Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code)*, habitat conservation plan pursuant to the federal *Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.)*, or other adopted natural resource protection plan.

The *Butte County Conservation Plan* identifies the urban area where the property to be developed is located as falling within the Oroville Urban Permit Area, specifying it as an area of "*Existing Development*". Therefore, although the property is located within a Natural Community Conservation Plan/Habitat Conservation Plan, it has not been identified for conservation by said plan.

(I) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by any of the following:

(i) The federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.).

(ii) The California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code).

(iii) The Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

Gallaway Enterprises performed a Biological Assessment of the property to ensure that the planned development is consistent with the above stated objectives concerning special status species, concluding that, "*With the exception of potentially suitable nesting habitat for loggerhead shrike (*Lanius ludovicianus*, State Species of Special Concern), the Project site does not contain habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by any of the following: (i) The federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.). (ii) The California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code). (iii) The Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).*".

(J) Lands under conservation easement.

There are no conservation easements on or around the property (Source: National Conservation Easement Database).

(9) The development does not require the demolition of a historic structure that was placed on a national, state, or local historic register.

The proposed Gold Creek Commons – Mixed Use Development is an urban infill development project to be built on a vacant property. The property does not feature any structures, historic or otherwise. Therefore, no historic structures will be demolished as a result of the proposed development.

(10) The development shall not be upon an existing parcel of land or site that is governed under any of the following:

- (A) The Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code).**
- (B) The Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code).**
- (C) The Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code).**
- (D) The Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).**

The proposed Gold Creek Commons – Mixed Use Development is an urban infill development project to be built on a vacant property. None of the above mentioned pieces of legislation are pertinent to the property.

(11)(A) If the development would require the demolition of any affordable housing units, the development shall replace those units by providing at least the same number of units of equivalent size to be made available at affordable housing cost to, and occupied by, persons and families in the same income category as those households in occupancy. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income households occupied the units in the same proportion of lower income households to all households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded to the next whole number.

(B) For purposes of this paragraph, “equivalent size” means that the replacement units contain at least the same total number of bedrooms as the units being replaced.”

The proposed Gold Creek Commons – Mixed Use Development is an urban infill development project to be built on vacant property and does not call for the demolition, removal, replacement, or displacement of any existing structures.

Reasons to support CEQA exemption findings:

1. The Proposed Gold Creek Commons – Mixed Use Development Project has been designed to conform with *AB 430, Camp Fire Housing Assistance Act of 2019*, which exempts mixed-use residential projects from the Conditional Use Permit process and ensures that only ministerial approval is needed for the project to move forward.

According to Title 14 of the California Code of Regulations, Chapter 3: Guidelines for Implementation of the California Environmental Quality Act, Article 18: Statutory Exemptions:

15268. Ministerial Projects

(a) Ministerial projects are exempt from the requirements of CEQA. The determination of what is "ministerial" can most appropriately be made by the particular public agency involved based upon its analysis of its own laws, and each public agency should make such determination either as a part of its implementing regulations or on a case-by-case basis.

(b) In the absence of any discretionary provision contained in the local ordinance or other law establishing the requirements for the permit, license, or other entitlement for use, the following actions shall be presumed to be ministerial:

(1) Issuance of building permits.

(2) Issuance of business licenses.

(3) Approval of final subdivision maps.

(4) Approval of individual utility service connections and disconnections.

(c) Each public agency should, in its implementing regulations or ordinances, provide an identification or itemization of its projects and actions which are deemed ministerial under the applicable laws and ordinances.

(d) Where a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.

“*Ministerial*” is defined as:

15369. Ministerial

"Ministerial" describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. Common examples of ministerial permits include automobile registrations, dog licenses, and marriage licenses. A building permit is ministerial if the ordinance requiring the permit limits the public official to determining whether the zoning allows the structure to be built in the requested location, the structure would meet the strength requirements in the Uniform Building Code, and the applicant has paid his fee.

California State Assembly Bill No. 430: Housing Development: Camp Fire Housing Assistance Act of 2019 establishes “a streamlined, ministerial approval process” for residential and mixed-use developments which meet the established criteria (*California Government Code Section*

65913.15). Qualifying projects under AB 430 are exempt from conditional use permit requirements and not considered “*projects*” under CEQA as the established permitting process would entail only ministerial actions for approval.

15302. Class 2 – Replacement or Reconstruction

The Class 2 Categorical Exemption, as defined in CEQA Guidelines Section 15302, consists of the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

In accordance with Class 2 (c), the replacement or reconstruction of existing utility systems and/or facilities involving negligible, or no expansion of capacity is included. The proposed BESS aims to dispatch electricity into the local PG&E grid via the existing adjacent Oroville Substation and Utility Poles within the existing City streets right-of-ways (Mitchell Avenue, Veatch Street). Within the Oroville General Plan, under the provisions of electric service, facilities for the distribution, generation, and transmission of energy resources are included. The proposed gen-tie line to connect the proposed BESS to the electric grid would be categorized under these provisions.

In addition, the Oroville City General Plan defines a right-of-way as the strip of land over which certain transportation and public use facilities are built, such as roadways, railroads, and utility lines. One of which is a utility corridor characterized as a right-of-way for utility lines on either publicly or privately owned properties. The BESS aims to interconnect the proposed BESS to the PG&E Oroville Substation via public right of ways on Mitchell Avenue, Veatch Street. Though the proposed BESS gen-tie line is not explicitly included under the Mixed Use Zone classification or General Plan, it is permitted in accordance with Oroville Municipal Code Title 15 Uniform Codes, Buildings, and Construction and the California Streets and Highways Code section 1460, which grants to city governments the right to issue encroachment permits in city rights-of-way.

The proposed BESS would utilize the City’s roadways designated as public right-of-ways, to install the 60 to 120-kilovolt (kV) gen-tie line, run on standard distribution utility poles, 400-to-800-foot span lengths to connect to the PG&E Oroville Substation located at 2226 Veatch Street. Replacement gen-tie poles, if required by PG&E would be tubular steel structures approximately 60 to 85 feet tall. Stringing the gen-tie line conductor on existing PG&E utility poles or replacement poles in the roadway right-of-way requires a Oroville Public Works Department Encroachment Permit which is ministerial in nature. The gen-tie line is therefore exempt from CEQA under CEQA Class 2 Categorical Exemption.

2. There is no substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment. The exceptions to the exemptions pursuant to *Section 15300.2* of the *State CEQA Guidelines* are:

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on

an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project site is a vacant lot surrounded by a variety of industrial, commercial, and residential uses located in a relatively flat area with no mapped geologic constraints, Environmentally Sensitive Habitat areas or other sensitive resources.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The proposed project consists entirely of land uses that are expressly permitted under established law. Therefore, cumulative impacts have already been taken into consideration under CEQA with the adoption of the *City of Oroville 2030 General Plan and Zoning Ordinance*.

(c) Significant Effect. A statutory/categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

As stated above, the development entailed by the proposed project exclusively consists of entitled uses under established local planning policy. An analysis of potential significant effects on the environment from the activities called for has, therefore, already been performed under CEQA. There is not a reasonable possibility that the activity would have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A statutory/categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The project is not adjacent to, or visible from, any highway or state scenic highway.

(e) Hazardous Waste Sites. A statutory/categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The project site is not included on any list compiled pursuant to *Section 65962.5 of The California Government Code*.

(f) Historical Resources. A statutory/categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The proposed project consists of urban infill on a vacant lot and would not cause a substantial adverse change in the significance of a historical resource.

CERTIFICATION

I hereby certify that the statements furnished above present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: 

Date: July 18, 2024

Name: Brent L. Moore, CEP

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