

ITEM 6.1: Design Review Permit for Residential Subdivisions, Tentative Subdivision Map, Tree Permit, and an Administrative Variance – 121 E Street – INFILL PCL 107 – E Street Duplexes – File #PL21-0306

REQUEST

The applicant requests approval of a Tentative Subdivision Map to subdivide the 0.35-acre property into two (2) parcels, a Tree Permit for the removal of a native oak tree, a Design Review Permit for Residential Subdivisions to allow construction of one (1) duplex (two units) with an accessory dwelling unit (ADU) and a junior dwelling unit (JADU) on each lot (for a total of 4 units on each lot), and an Administrative Variance to deviate from the Two-Family Residential lot width standard.

Applicant – Antonio Conti, Conti & Associates, Inc.
Property Owner – Allstate Renovations, Inc.

SUMMARY RECOMMENDATION

The Planning Division recommends that the Planning Commission take the following actions:

1. Adopt the three (3) findings of fact and approve the Tentative Subdivision Map subject to fifty (50) conditions of approval;
2. Adopt the three (3) findings of fact and approve the Administrative Variance;
3. Adopt the two (2) findings of fact and approve the Design Review Permit for Residential Subdivisions subject to twenty-four (24) conditions of approval; and
4. Adopt the two (2) findings of fact and approve the Tree Permit subject to twenty (20) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

There are no outstanding issues associated with this request. The applicant has reviewed and is in agreement with the recommended conditions of approval.

BACKGROUND

The 0.35-acre project site is located at 121 E Street (APN 014-042-020-000), on Parcel 107 within the Infill area of the City (see Figure 1). The property has a land use designation of Medium Density Residential (MDR) and a zoning designation of Two-Family Residential (R2). The site is a single parcel with an unoccupied single-family dwelling unit and a shed. The site has frontage on E Street to the west, an alley to the east, a duplex to the north, and a single-family dwelling unit to the south.

SITE INFORMATION

Location: 121 E Street

Total Size: 0.35 acres

Topography and Setting: The project is located in the City's infill area. The site is surrounded by existing residences to the north, east (across the alley), south, and a Pacific Gas & Electric utility site to the west. The site is developed with an existing single-family dwelling unit and a shed, both of which are proposed to be removed upon construction of the project. There is currently one (1) 11.5" valley oak tree and several deciduous trees on the site. There is a slight grade change from the northwest property line towards the southeast property line.

Figure 1: Project Location



Proposed Project

The proposed project includes a Tentative Subdivision Map to subdivide the 0.35-acre property into two (2) parcels (Lot 1 and Lot 2), an Administrative Variance to deviate from the Two-Family Residential (R2) lot width standard, a Design Review Permit for Residential Subdivisions (DRRS) to allow construction of one (1) duplex (two units) with an accessory dwelling unit (ADU) and a junior dwelling unit (JADU) on each lot (for a total of 4 units on each lot), and a Tree Permit for the removal of a single native oak tree. The site is bounded by E Street to the west, an alley to the east, and existing residences to the north and south.

EVALUATION – TENTATIVE SUBDIVISION MAP

Section 18.06.180 of the City of Roseville Subdivision Ordinance requires that three findings be made to approve or conditionally approve a Tentative Subdivision Map. The three findings are listed below in ***italicized, bold*** text and are followed by an evaluation of the map in relation to each finding.

- 1. The size, design, character, grading, location, orientation and configuration of lots, roads and all improvements for the tentative subdivision map are consistent with the density, uses, circulation and open space systems, applicable policies and standards of the general plan or any applicable specific plan for the area, whichever is more restrictive, and the design standards of Title 18 (Subdivision Ordinance) of the Roseville Municipal Code.***

Parcel size, design, character, location, orientation and configuration: The proposed subdivision will result in the creation of two (2) parcels – Lot 1 and Lot 2 (Exhibit A). Both lots would be approximately 7,725 square feet in size. The newly created lots would both front E Street with an alley to the rear of the properties. The Map Act and Subdivision Ordinance do not contain any maximum or minimum lot sizes. Based on the Design Review Permit evaluation section, the lots are large enough to adequately allow for the proposed development on the parcels.

Grading and Drainage: Grading and drainage required for development of the parcels have been reviewed with the DRRS and have been determined to comply with City standards as shown in the grading and drainage plan, and as conditioned.

- 2. The subdivision will result in lots which can be used or built upon. The subdivision will not create lots which are impractical for improvement or use due to the steepness of terrain or location of watercourses in the area; the size or shape of the lots or inadequate building area; inadequate frontage or access; or, some other physical condition of the area.***

The proposed parcels are of sufficient size and shape to accommodate the proposed development and are consistent with the applicable zoning and design requirements (with the exception of the minimum lot width, see Variance section below), as discussed in the DRRS evaluation section of the staff report. There are no watercourses or other natural features on the site that would impede development.

- 3. The design and density of the subdivision will not violate the existing requirements prescribed by the Regional Water Quality Control Board for the discharge of waste into the sewage system, pursuant to Division 7 of the Water Code.***

Anticipated water quality impacts and discharge of waste are not affected by the proposed Tentative Subdivision Map. The design of the sewer lines in the project area and treatment capacity at the City's sewage treatment plant have adequate conveyance and capacity to accommodate development on the proposed parcels created by the Tentative Subdivision Map.

EVALUATION – ADMINISTRATIVE VARIANCE

Section 19.78.060.G of the City's Zoning Ordinance provides the procedure for approval of an Administrative Variance. The applicable criteria are listed below in ***bold italics*** and are followed by an evaluation. Typically, any variance less than 35 percent from a zoning ordinance development standard would be processed administratively and approved by the Planning Manager. However, the submittal of this administrative variance concurrent with a tentative subdivision map, design review permit for residential subdivisions, and a tree permit brings it before the Planning Commission for approval.

- 1. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of the provisions of this Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical land use district classification.***
- 2. The granting of the variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.***
- 3. The granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel and will not constitute a grant of special privilege inconsistent with the limitations upon other property in the vicinity and under identical zoning classification.***

The applicant proposes to subdivide the existing 0.35-acre parcel into two (2) residential lots. The newly created lots would measure 51-feet in width and 160-feet in depth. The R2 development standards requires that newly created lots meet a minimum lot width of 60-feet and have a minimum lot area of 6,000 square feet. The proposed lots (Lot 1 and Lot 2) would not comply with the minimum lot width due to the size of the existing lot proposed to be divided, the existing lot width is approximately 103-feet wide. The project site is in the infill part of the City and is adjacent to residential parcels that do not meet the current R2 development standards. While the existing parcel meets the R2 development standards, the

proposed parcels do not meet the minimum R2 lot width standard, however they will be consistent with the lot width found on many nearby residential parcels.

Many existing parcels within the project vicinity are approximately fifty (50) feet in width. This was a typical lot width for parcels that were established in the early 1900's. Further, the 50 foot wide by 150 foot long lot and grid subdivision layout exists throughout the City's Infill areas. The variance will not be detrimental to public health, safety, or welfare because deviating from the current lot width development standard would allow the applicant to create parcels and to build housing similar to what is existing within the vicinity.

Granting the variance to deviate from the R2 lot width standard does not allow a use or activity which is not otherwise allowed on parcels in the R2 district. The use of the property will be one (1) duplex (two units) with an accessory dwelling unit (ADU) and a junior dwelling unit (JADU) on each lot (for a total of 4 units on each lot), which is consistent with the zoning and land use designation of the property. All other applicable development standards for this zone will be met as shown in Table 1. Only the interior lot width will require a deviation from the standards.

Table 1: R2 Development Standards

Criteria	R2 Zoning District Standard	Proposed Residence	
Area, interior lot	6,000 sq. ft.	7,725 sq. ft.	Complies
Area, corner lot	7,500 sq. ft.	n/a	n/a
Width, interior	60 ft.	51'-6"	Does not comply
Width, corner	75 ft.	n/a	n/a
Setback – Front	20 ft.; 20 ft. minimum driveways depth	20'-6"	Complies
Setback – Sides	5 ft. interior	5'	Complies
Setback – Rear	20% of lot depth; need not exceed 20 ft., 10 ft. minimum	Min. 14'-6"	Complies
Lot coverage (primary buildings)	40%	26%	Complies
Height Limits	35 ft.	23'	Complies

EVALUATION – DESIGN REVIEW PERMIT FOR RESIDENTIAL SUBDIVISIONS

Section 19.10.045 of the Zoning Ordinance specifies that a Design Review Permit is required for all compact residential development (attached or detached single-family units on land with a General Plan land use designation of Medium Density Residential or higher). Compact residential development products are more dense and urban in nature than is typical of the suburban setting, and Design Review gives staff the opportunity to examine the proposed design to determine compatibility with the surrounding community, and compliance with the intent of the Community Design Guidelines and other applicable design standards.

Pursuant to Zoning Ordinance Section 19.78.060(l), the required Findings for a Design Review Permit for a Residential Subdivision are as follows:

- 1. The residential design, including the height, bulk, size, and arrangement of buildings is harmonious with other buildings in the vicinity; and**
- 2. The residential design is consistent with applicable design guidelines.**

The project is subject to the development standards of the City's Zoning Ordinance and the City's Community Design Guidelines (CDG). The project is consistent with the R2 development standards, with the exception of the interior width as discussed in the Variance section of this staff report. The applicant proposes a modern architecture style for both duplexes and the ADU. The modern architecture style consists of horizontal and vertical lines, hardie lap siding, stucco, metal awnings, and a sloped roof (Figure 2). The height, bulk, size, and arrangement of the duplexes are both consistent with the existing residential community. Within the vicinity of the project site there are both single and two-story homes, thus the proposed duplexes size, design, and location would be consistent with the existing neighborhood.

Figure 2: Front and Rear Elevations



The residential project is consistent with the CDG as the project provides wall plane variation, roofline variation, and building form to provide a visually engaging building design. The duplexes are proposed as two-story, and due to the existing single-story dwelling units adjacent to the project site the applicant has incorporated wall offsets to assist with the second story element of the buildings. Further, the applicant has incorporated color and material variation to create a visually engaging design. The applicant proposes to use a steel garage door in the color cypress, hardie lap siding in the color grizzle gray, and stucco in the color drift of mist. Both the color and building materials are consistent with the overall architecture style of the project (Exhibit A).

EVALUATION – TREE PERMIT

Pursuant to Zoning Ordinance Section 19.66.030, a Tree Permit is required for any removal of native oak trees or for more than 20% encroachment into the dripline of a native oak tree. The proposed project will result in the removal of a single native oak tree from the project site. The required findings to approve a Tree Permit are listed below.

- 1. Approval of the Tree Permit will not be detrimental to the public health, safety or welfare, and approval of the Tree Permit is consistent with the provisions of Chapter 19.66.**
- 2. Measures have been incorporated into the project or permit to mitigate impacts to remaining trees or to provide replacement for trees removed.**

An arborist report including a tree inventory summary was provided by Atlas Tree & Landscape, dated March 15, 2022 (Attachment 1), which identified one (1) protected native oak tree on the project site and three (3) native oak trees off-site (Table 2).

Table 2: Protected Oak Tree Removals

Tree #	Common Name	Botanical Name	Diameter at Breast Height (DBH)	Tree Condition
1	Valley Oak	<i>Quercus lobar</i>	11.5"	Good health
2 (off-site)	Canyon Live Oak	<i>Quercus chrysolepis</i>	32.5"	Good health
3 (off-site)	Valley Oak	<i>Quercus lobar</i>	13.5"	Good health
7 (off-site)	Valley Oak	<i>Quercus lobar</i>	18.5"	Good health

The single oak tree on the project site was determined to be a healthy valley oak tree with a diameter breast height of 11.5'. Tree #1 is the smallest of the four native oak trees that were surveyed in the project vicinity. The three (3) protected native oak trees off-site were determined to be valley oak and canyon live oak tree (Figure 3). Due to the close proximity of oak trees #2, #3, and #7 to the southern property line, the applicant designed the duplexes to minimize the impact on the three (3) off-site oak trees. Consequently, the design of the duplex on Lot 1 would not permit oak tree #1 to be preserved. Given the location of tree #1 the applicant will need to remove this tree to develop the duplex on this parcel.

Figure 3: Oak Tree Location



The arborist found that all four (4) oaks trees were in good health and the three (3) oak trees off-site had less than 20% of the tree's canopies and root zones being impacted by the construction of the duplexes. Consequently, the only oak tree that is proposed to be removed due to the construction of the project would be the existing single oak tree on-site. The valley oak tree on-site is located closest to the northern property line, towards E Street. Preserving this tree would be infeasible given its location on the lot and the design

of the duplexes. The tree's location effectively reduces the usable size of the lot. Consequently, the applicant is requesting a Tree Permit to remove the oak tree for the construction of the duplexes and ADUs.

Chapter 19.66 of the municipal code contains the City's Tree Preservation standards. Section 19.66.040.C contains application evaluation criteria that must be used to support the above listed findings to allow removal of native oak trees. Removal of the valley oak tree on the project site is consistent with these criteria based on the health and placement on the lot and there are no viable alternatives to removal.

The applicant has proposed to comply with the compensation requirements of the City's Tree Preservation Ordinance. The total number of mitigation inches for this project is 11.5". Mitigation will be completed with the payment into the City's in-lieu fee program. The funds in the City's in-lieu fee program are used for the replanting and preservation of trees throughout the City and are calculated at a rate of \$118 per inch of tree removed when measured at the tree's diameter at breast height (DBH). The tree mitigation fees are required to be paid prior to the removal of the tree.

The Tree Permit contains all of the standard conditions of approval, which includes a requirement to follow all of the recommendations of the Arborist Report. The arborist's recommendations include that prior to the start of construction and at the completion of construction, an application of ArborFusion or similar, is recommended to reduce stress to the trees during the construction process of the duplexes. Additionally, the arborist recommends that a tree protection system be installed prior to the start of construction to protect the trunk from equipment, storing of construction materials etc. The removal of single tree on-site will not be detrimental to the public health, safety, or welfare, and measures have been incorporated to mitigate impacts.

PUBLIC OUTREACH

The proposed project was distributed to the various agencies and departments which have requested notice of City applications, and all comments were considered and incorporated into the Conditions of Approval, as appropriate. Notice of the application was also distributed to the Roseville Coalition of Neighborhood Associations. No comments were received. A public notice of the Planning Commission hearing was published on April 15, 2022, and was distributed to all property owners within 300 feet of the project site. To date, no comments have been received.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Class 3 "New Construction or Conversion of Small Structures", Section 15332, "In-Fill Development Projects", and pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures.

RECOMMENDATION

The Planning Division recommends the Planning Commission take the following actions:

- A. Adopt the three (3) findings of fact and approve the **TENTATIVE SUBDIVISION MAP – 121 E STREET – INFILL PCL 107 – E STREET DUPLEXES – FILE #PL21-0306** subject to fifty (50) conditions of approval;
- B. Adopt the three (3) findings of fact as stated in the staff report and approve the **ADMINISTRATIVE VARIANCE – 121 E STREET – INFILL PCL 107 – E STREET DUPLEXES – FILE #PL21-0306**;
- C. Adopt the two (2) findings of fact and approve the **DESIGN REVIEW PERMIT FOR RESIDENTIAL SUBDIVISIONS – 121 E STREET – INFILL PCL 107 – E STREET DUPLEXES – FILE #PL21-0306** subject to twenty-four (24) conditions of approval; and

- D. Adopt the two (2) findings of fact and approve the **TREE PERMIT – 121 E STREET – INFILL PCL 107 – E STREET DUPLEXES – FILE #PL21-0306** subject to twenty (20) conditions of approval.

CONDITIONS OF APPROVAL FOR THE TENTATIVE SUBDIVISION MAP – FILE #PL21-0306

1. The approval of a Tentative Map and/or tentative site plan does not constitute approval of proposed improvements as to size, design, materials, or location, unless specifically addressed in these conditions of approval. The Developer shall submit civil drawings to the Department of Development Services – Engineering Division for review and approval. (Engineering)
2. The design and construction of all improvements shall conform to the Improvement Standards and Construction Standards of the City of Roseville, or as modified by these conditions of approval, or as directed by the City Engineer. (Engineering)
3. The applicant shall not commence with any on-site improvements or improvements within the right-of-way until such time as grading and/or improvement plans have been submitted for review and are approved with grading and/or encroachment permits issued by the Department of Development Services – Engineering Division. (Engineering)
4. The applicant shall pay City's actual costs for providing plan check, mapping, GIS, and inspection services. This may be a combination of staff costs and direct billing for contract professional services. Project billing may occur up to two (2) months after the end of warranty or the Notice of Termination date for the SWPPP, whichever occurs later. (Engineering, Environmental Utilities, Electric, Finance)

PRIOR TO ISSUANCE OF A GRADING PERMIT AND/OR IMPROVEMENT PLANS

5. Grading around the three (3) native oak trees off-site shall be as shown on the tentative map or as approved in these conditions and comply with the arborist recommendations during construction. (Planning)
6. The applicant shall submit to the Planning and Engineering Departments the applicable Army Corps of Engineers permit or clearance, the California Department of Fish and Game Stream Bed Alteration Agreement, and/or the Regional Water Quality Control Board Water Quality Certificate. (Planning)
7. The grading and improvement plans shall be designed in accordance with the City's Improvement Standards and Construction Standards and shall reflect the following:
 - a) Street improvements including, but not limited to, curb, gutter, sidewalk, pavement, drainage systems, traffic striping, signing, medians and markings, etc. along all existing and proposed City streets, as required by Engineering.
 - b) Grading shall comply with the City grading ordinance. There shall be no cut and/or fill slopes steeper than a 4:1 ratio. Erosion control devices (sediment traps, ditches, straw bales, etc.) shall be shown on the grading plans and all erosion control shall be installed prior to the onset of wet weather. Erosion control is installed to minimize silt discharge from the project site; it is the applicant's responsibility to ensure that necessary measures are taken to minimize silt discharge from the site. Modification of the erosion control plan may be warranted during wet weather conditions.
 - c) A rough grading permit may be approved by the Engineering Department prior to approval of the improvement plans.
8. For all work to be performed off-site, permission to enter and construct shall be obtained from the property owner, in the form of a notarized right-of-entry. Said notarized right-of-entry shall be provided to Development Services - Engineering prior to approval of any plans. (Engineering)

9. The Improvement Plans shall include a complete set of Landscape Plans. The Landscape Plans shall be approved with the Improvement Plans. (Planning, Engineering, Fire, Environmental Utilities, Electric)
10. The applicant shall apply for and obtain an encroachment permit from the Engineering Department prior to any work conducted within the City right-of-way and/or City easements. (Engineering)
11. The applicant shall remove and reconstruct any existing damaged curb, gutter, and sidewalk along the property frontage. During site inspection Engineering will designate the exact areas to be reconstructed. (Engineering)
12. All drainage facilities shall conform to natural drainage sheds. (Engineering)
13. The following note shall be added to the Grading and/or Improvement Plans:

To minimize dust/grading impacts during construction the applicant shall:

- a) *Spray water on all exposed earth surfaces during clearing, grading, earth moving and other site preparation activities throughout the day.*
 - b) *Use tarpaulins or other affective covers on all stockpiled earth material and on all haul trucks.*
 - c) *Sweep the adjacent streets frontages at least once a day or as needed to remove silt and other dirt which is evident from construction activities.*
 - d) *Ensure that construction vehicles are cleaned prior to leaving the construction site to prevent dust and dirt from being tracked off site.*
 - e) *The City shall have the authority to stop all grading operations if, in the opinion of city staff, inadequate dust control measures are being practiced or excessive wind conditions contribute to fugitive dust emissions. (Engineering)*
14. *A note shall be added to the grading plans that states: *“Prior to the commencement of grading operations, the contractor shall identify the site where the **excess/borrow** earthen material shall be imported/deposited. If the **borrow/deposit** site is within the City of Roseville, the contractor shall produce a report issued by a geotechnical engineer to verify that the exported materials are suitable for the intended fill, and shall show proof of all approved grading plans. Haul routes to be used shall be specified.”* (Engineering)
 15. * Prior to the submittal of design drawings for frontage improvements, to ensure the design for any necessary widening, construction, or modifications of Public Streets does not conflict with existing dry utilities generally located behind the curb and gutter, the project proponent shall have the existing dry utilities pot holed for verification of location and depth. (Engineering)
 16. Prior to the approval of the improvement plans, it will be the project proponent’s responsibility to pay the standard City Trench Cut Recovery Fee for any cuts within the City streets that are required for the installation of underground utilities. (Engineering)

PRIOR TO ISSUANCE OF GRADING PERMIT OR IMPROVEMENT PLANS

17. Prior to the approval of Improvement Plans, the applicant shall submit to the Engineering Division of Development Services a paper copy and an electronic copy of the final set of Improvement Plans per the Division’s “Digital Submission of Utility Composites” standards. Additionally, the applicant shall submit approved/proposed street names for the approved subdivision map. Final street names for the subdivision shall be approved by the Engineering Division prior to the approval of the Improvement Plans. The approved street names shall be included on the final set of Improvement Plans. (Engineering)

18. Water and sewer infrastructure shall be designed and constructed pursuant to the adopted City of Roseville Improvement Standards and Construction Standards and shall reflect the following:
 - a) Sewer and water service laterals shall not be allowed off of water and sewer mains larger than 12 inches in diameter.
 - b) Utilities or permanent structures shall not be located within the area which would be disturbed by an open trench needed to expose sewer trunk mains deeper than 12 feet unless approved by Environmental Utilities in these conditions. The area needed to construct the trench is a sloped cone above the sewer main. The cone shall have 1:1 side slopes.
 - c) Water and sewer mains shall not exceed a depth of 12 feet below finished grade, unless authorized in these conditions
 - d) All sewer manholes shall have all-weather, 10-ton vehicular access unless authorized by these conditions. (Environmental Utilities)
19. Fire hydrants shall be located as required by the Fire Department. The maximum distance between fire hydrants shall not exceed 1,000 feet on center. (Fire)
20. Minimum fire flow is 1,500 gallons per minute with 20 pounds per square inch residual pressure. A change in any of the conditions may increase the required fire flow. (Fire)
21. There shall be two points of access for all phasing plans. (Fire)
22. Testing of all fire systems shall be performed prior to the sales office being opened for business. (Fire)
23. Framing construction cannot commence until access roads and public fire hydrants are approved by the Fire Department. (Fire)
24. If this project will be phased, the fire department requirements for access and circulation throughout shall be reviewed and approved by the Fire Department. Access roads shall comply with the California Fire Code and the City of Roseville's Amendments. (Fire)
25. Any facilities proposed for placement within public/electric utility easements shall be subject to review and approval by the Electric Department before any work commences in these areas. This includes, but is not limited to, landscaping, lighting, paving, signs, trees, walls, and structures of any type. (Electric)
26. The design for electrical service for this project will begin when the Electric Department has received a full set of improvement plans for the project. (Electric)
27. All landscaping in areas containing electrical service equipment shall conform to the "Electric Department Landscape Design Requirements" as outlined in Section 10.00 of the Electric Department's "Specifications for Commercial Construction." (Electric)
28. The Electric Department requires the submittal of the following information in order to complete the final electric design for the project:
 - a) one (1) set of improvement plans
 - b) load calculations
 - c) electrical panel one-line drawings

29. The location and design of the gas service shall be determined by PG&E. The design of gas service for this project shall not begin until PG&E has received a full set of City approved improvement plans for the project. (PG&E)
30. It is the developer's responsibility to notify PG&E of any work required on PG&E facilities. (PG&E)

PRIOR TO OR UPON RECORDATION OF FINAL MAP

31. The following easements shall be provided and shown on the Final/Parcel Map or by separate instrument, unless otherwise provided for in these conditions:
- a) A 12.5' foot wide public utilities easement along all road frontages;
32. Easement widths shall comply with the City's Improvement Standards and Construction Standards. The easement documents shall be drafted for approval and acceptance by the City of Roseville and recorded at the Placer County Recorder's Office. (Alternative Transportation, Environmental Utilities, Electric, Engineering)
33. All existing easements shall be maintained, unless otherwise provided for in these conditions. (Environmental Utilities, Electric, Engineering)
34. Separate document easements required by the City shall be prepared in accordance with the City's "Policy for Dedication of Easements to the City of Roseville." All legal descriptions shall be prepared by a licensed land Surveyor (Environmental Utilities, Electric, Engineering)
35. A declaration of Conditions, Covenants and Restrictions (CC&Rs), in a form approved by the City Attorney, shall be recorded on the entire property concurrently with the Final/Parcel Map. The CC&Rs shall include the following item(s):
- a) A clause stating that the property owners within this subdivision shall agree to participate in a Transportation Systems Management (TSM) Plan and shall agree to enter into a Transportation Management Agreement with the City of Roseville.
 - b) A clause prohibiting the amendment, revision or deletion of any sections in the CC&Rs required by these conditions of approval without the prior written consent of the City Attorney.
 - c) A clause excluding any property owned by the City from the terms of the CC&Rs. (Attorney)
36. The City shall not approve the Final Map for recordation until either:
- a) A subdivision agreement is entered into along with the necessary bonds and insurance as required by the City. Said agreement shall be in a form acceptable to the City Attorney.
- OR
- b) The improvement plans are approved, and the improvements are constructed and accepted as complete. In this case, the subdivider shall enter into a one-year maintenance agreement concurrent with the recordation of the Final Map. (Engineering)
37. In the event that the Final (Parcel) Map will record prior to the completion of on-site construction, all utility and access easements shall be placed on the face of the Map to the satisfaction of the City Engineer. If all on-site improvements are complete prior to the recordation of the map, then a separate agreement allowing all parcels/lots the rights of reciprocal access, rights to construct, and parking shall be submitted to the City as a part of final/parcel map submittal. Said agreement shall be in a form acceptable to the City Attorney and referenced on the face of the recorded map. (Engineering)

38. The words "traffic control appurtenances" shall be included in the list of utilities allowed in public utilities easements (PUEs) located along public roadways. (Engineering)
39. The Final/Parcel Map shall be submitted per "The Digital Submittal of Cadastral Surveys." A plot or print of the submittal shall accompany the electronic copy. The complete submittal shall occur after the Engineering Department approval but prior to City Council approval of the Final/Parcel Map. (Engineering)
40. Electric construction costs incurred by the City of Roseville Electric Department for this project shall be paid for by the developer per the applicable policy. (Electric)
41. Additional internal easements will be required to cover primary electrical facilities to the project when the final electrical design is completed. (Electric)
42. All Electric Department facilities, including streetlights where applicable, shall be designed and built to the "City of Roseville Specifications for Commercial Construction." (Electric)
43. The City of Roseville Electric Department has electrical construction charges which are to be paid by the developer and which are explained in the City of Roseville "Specification for Commercial Construction." These charges will be determined upon completion of the final electrical design. (Electric)
44. The Environmental Utilities Department shall make a determination that there is adequate conveyance and treatment capacity in the City sewer system to handle the newly created Lot/Parcels. (Environmental Utilities)
45. The applicant shall pay all applicable water and sewer fees. (Environmental Utilities)

OTHER CONDITIONS OF APPROVAL

46. Any relocation, rearrangement, or change to existing electric facilities due to this development shall be at the developer's expense. (Electric)
47. It is the responsibility of the developer to ensure all existing electric facilities remain free and clear of any obstructions during construction and when the project is complete. (Electric)
48. Existing public facilities damaged during the course of construction shall be repaired by the applicant, at the applicant's expense, to the satisfaction of the City. (Engineering)
49. The project is subject to the noise standards established in the City's Noise Ordinance. In accordance with the City's Noise Ordinance, provided all construction equipment is fitted with factory installed muffling devices and is maintained in good working order, project construction noise is exempt between the hours of seven a.m. and seven p.m. Monday through Friday, and between the hours of eight a.m. and eight p.m. Saturday and Sunday. (Engineering)
50. If site survey or earthmoving work results in the discovery of hazardous materials in containers or what appears to be hazardous wastes released into the ground, the contractor shall notify the Roseville Fire Department immediately. A representative from the Fire Department will make a determination as to whether the incident is reportable or not and if site remediation is required. Non-emergency releases or notifications about the presence of containers found shall be reported to the Fire Department. (Fire)

CONDITIONS OF APPROVAL FOR THE DESIGN REVIEW PERMIT FOR RESIDENTIAL SUBDIVISIONS – FILE #PL21-0306

1. The development standards, unit designs and landscape plans for INFILL PCL 107 are approved as described in Exhibit A, except as modified by these conditions of approval. (Planning)

2. This permit shall expire on the same date as the Tentative Subdivision Map for INFILL PCL 107, which is April 28, 2024. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval does not extend the expiration beyond April 28, 2025. Effectuation of this DRRS shall occur with the first residential Building Permit. (Planning)
3. The landscape plan shall comply with the City of Roseville Water Efficient Landscape Ordinance. (Planning)
4. Optional accessory structures (patio covers, gazebos, etc.) shall be consistent with the development standards outlined in Zoning Ordinance Section 19.22.030 (C). This includes setback, height, and coverage restrictions for both enclosed and unenclosed structures. (Planning)

PRIOR TO ISSUANCE OF BUILDING PERMITS:

5. The project Landscape Plans shall comply with the following:
 - a) The Landscape Plan shall indicate the location of, and be designed to avoid conflicts with, all pole-mounted light fixtures and utility equipment including (but not limited to) electric transformers, switchgear, and overhead lines, backflow preventers, fire department connections, and public water, sewer, and storm drain facilities. (Planning, Fire, EUD, Electric, Engineering)
 - b) At a minimum, landscaped areas not covered with live material shall be covered with a rock, (3") bark (no shredded bark) or (3") mulch covering. (Planning)
6. All on-site external lighting shall be installed and directed to have no off-site glare. (Planning)
7. Building permit plans shall comply with all applicable code requirements (California Building Code – CBC – based on the International Building Code, California Residential Code – CRC- based on the International Residential Code, California Green Building Standards Code-CGBSC, California Mechanical Code – CMC – based on the Uniform Mechanical Code, California Plumbing Code – CPC – based on the Uniform Plumbing Code, California Fire Code – CFC – based on the International Fire Code – with City of Roseville Amendments – RFC, California Electrical Code – CEC – based on the National Electrical Code, and California Energy Standards – CEC T-24 Part 6), California Title 24 and the American with Disabilities Act - ADA requirements, and all State and Federally mandated requirements in effect at the time of submittal for building permits (contact the Building Division for applicable Code editions). (Building)
8. The design and installation of all fire protection equipment shall conform to the California Fire Code and the amendments adopted by the City of Roseville, along with all standards and policies implemented by the Roseville Fire Department. (Fire)
9. The applicable codes and standards adopted by the City shall be enforced at the time construction plans have been submitted to the City for permitting. (Fire)
10. Testing of all fire systems shall be performed prior to opening the sales office for business. (Fire)
11. Framing construction cannot commence until access roads and public fire hydrants are approved by the Fire Department. (Fire)
12. It is the developer's responsibility to notify PG&E of any work required on PG&E facilities. (PG&E)

DURING CONSTRUCTION AND PRIOR TO ISSUANCE OF OCCUPANCY PERMITS:

13. All electric metering shall be directly outside accessible. (Electric)

14. It is the responsibility of the developer to ensure that all existing electric facilities remain free and clear of any obstruction during construction and when the project is complete. (Electric)

OTHER CONDITIONS OF APPROVAL:

15. The project is subject to the noise standards established in the City's Noise Ordinance. In accordance with the City's Noise Ordinance project construction is exempt between the hours of seven a.m. and seven p.m. Monday through Friday, and between the hours of eight a.m. and eight p.m. Saturday and Sunday. Provided, however, that all construction equipment shall be fitted with factory installed muffling devices and that all construction equipment shall be maintained in good working order. (Building)
16. The developer (or designated consultant) shall certify that the building foundation location has been placed according to all approved setback requirements shown on the approved site plan. The developer shall prepare a written statement confirming building placement and provide an original copy to the City Building Department Field Inspector at the time of or prior to the foundation inspection. (Building)
17. The required width of fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. Minimum required widths and vertical clearances established by the Fire Code shall be maintained at all times during construction. Closure of accesses for fire apparatus by gates, barricades and other devices shall be prohibited unless approved by the Fire Chief. (Fire)
18. Temporary aboveground storage tanks may be used at construction sites for diesel fuel only and shall not exceed 1,000 gallon capacity. Tanks shall comply with all provisions found within the Fire Code. A Fire Department Permit shall be obtained prior to tank installation. The permit shall expire after 90 days from the date of issuance, unless extended by the Fire Chief. (Fire)
19. All alley loaded driveways shall have the address and street name of the designated unit as identified on the approved city lot maps. (Fire)
20. Signs are not approved as part of the Design Review Permit. A Sign Permit is required for all project signs. (Planning)
21. Following the installation of the landscaping, all landscape material shall be maintained in a healthy and weed free condition; dead plant material shall be replaced immediately. All trees shall be maintained and pruned in accordance with the accepted practices of the International Society of Arboriculture (ISA). (Planning)
22. Fences and walls shall be consistent with the locations and treatments specified in the Roseville Municipal Code. (Planning)
23. The location and design of the gas service shall be determined by PG&E. The design of the gas service for this project shall not begin until PG&E has received a full set of City approved improvement plans for the project. (PG&E)
24. Any relocation or modification to the existing utility facilities or other existing improvements required for the development of this subdivision shall be at the developer's expense. (Electric, Environmental Utilities, Engineering, Fire)

CONDITIONS OF APPROVAL FOR THE TREE PERMIT – FILE #PL21-0306

PRIOR TO ISSUANCE OF ANY PERMITS OR ANY CONSTRUCTION ON-SITE

1. All recommendations contained in the Arborist Report (Exhibit A) are incorporated by reference into these conditions, except as modified herein. (Planning)

2. Tree #1 as listed in Exhibit A is approved for removal with this tree permit. All other native oak trees shall remain in place. Trees to be removed shall be clearly marked in the field and inspected by Planning Staff prior to removal. Removal of the trees shall be performed by or under the supervision of a certified arborist. (Planning)
3. The developer shall be responsible for the replacement of the total number of inches proposed for removal prior to any tree removal. The total number of inches for this project is 11.5. Mitigation must be provided prior to tree removal unless otherwise approved in the tree replacement plan or in these conditions. (Planning)
4. No activity shall be permitted within the protected zone of any native oak tree beyond those identified by this report. Encroachment into the protected zone of Tree(s) #2, #3, #7 as listed in Exhibit A and described in the staff report is permitted. (Planning)
5. A \$10,000 cash deposit or bond (or other means of security provided to the satisfaction of the Planning Division) shall be posted to ensure the preservation of all remaining trees during construction. The cash deposit or bond shall be posted in a form approved by the City Attorney. Each occurrence of a violation on any condition regarding tree preservation shall result in forfeiture of all or a portion of the cash deposit or bond. (Planning)
6. A violation of any of the conditions of this Tree Permit is a violation of the Roseville Municipal Code, the Zoning Ordinance (Chapter 19.74) and the Tree Preservation Ordinance (Chapter 19.66). Penalties for violation of any of the conditions of approval may include forfeiture of the bond, suspension or revocation of the permit, payment of restitution, and criminal penalties. (Planning)
7. A fencing plan shall be shown on the approved site plan and/or improvement plans demonstrating the Protected Zone for the affected trees. A maximum of three feet beyond the edge of the walls, driveways, or walkways will be allowed for construction activity and shall be shown on the fencing plan. The fencing plan shall be reviewed and approved by the Planning Division prior to the placement of the protective fencing. (Planning)
8. The applicant shall install a minimum of a five-foot high chain link fence (or acceptable alternative) at the outermost edge of the Protected Zone of the oak tree. Where encroachment is permitted pursuant to Condition 4, above, the fencing for encroachments shall be installed at the limit of construction activity. The applicant shall install signs at two equidistant locations on the temporary fence that are clearly visible from the front of the lot and where construction activity will occur. The size of each sign shall be a minimum of two feet (2') by two feet (2') and must contain the following language: "WARNING THIS FENCE SHALL NOT BE REMOVED OR RELOCATED WITHOUT WRITTEN AUTHORIZATION FROM THE PLANNING DIVISION". (Planning)
9. Once the fencing is installed, the applicant shall schedule an appointment with the Planning Division to inspect and approve the temporary fencing before beginning any construction. (Planning)
10. The applicant shall arrange with the arborist to perform, and certify in writing, the completion of deadwooding, fertilization, and all other work recommended for completion prior to the approval of improvement plans. Pruning shall be done by an Arborist or under the direct supervision of a Certified Arborist, in conformance with International Society of Arboriculture (I.S.A.) standards. Any watering and deep root fertilization which the arborist deems necessary to protect the health of the trees as noted in the arborist report or as otherwise required by the arborist shall be completed by the applicant. (Planning)
11. A utility trenching pathway plan shall be submitted depicting all of the following systems: storm drains, sewers, water mains, and underground utilities. The trenching pathway plan shall show the proposed locations of all lateral lines. (Planning)

12. A Site Planning Meeting shall be held with the applicant, the applicant's primary contractor, the Planning Division and the Engineering Division to review this permit, the approved grading or improvement plans, and the tree fencing prior to any grading on-site. The Developer shall call the Planning Division and Engineering Division two weeks prior to the start of grading work to schedule the meeting and fencing inspection. (Planning)
13. The following information must be located on-site during construction activities: Arborist Report, approved site plan/improvement plans including fencing plan, and conditions of approval for the Tree Permit. All construction must follow the approved plans for this tree permit without exception. (Planning)
14. All preservation devices (aeration systems, oak tree wells, drains, special paving, etc.) shall be designed and installed as required by these conditions and the arborist's recommendations, and shall be shown on the improvement plans or grading plans. (Planning)
15. If any native ground surface fabric within the Protected Zone must be removed for any reason, it shall be replaced within forty-eight (48) hours. (Planning)
16. Storage or parking of materials, equipment, or vehicles is not permitted within the Protected Zone of any oak tree. Vehicles and other heavy equipment shall not be operated within the Protected Zone of any oak tree. (Planning)
17. Where recommended by the arborist, portions of the foundation shall be hand dug under the direct supervision of the project arborist. The certified arborist shall immediately treat any severed or damaged roots. Minor roots less than one (1) inch in diameter may be cut, but damaged roots shall be traced back and cleanly cut behind any split, cracked or damaged area. Major roots over one (1) inch in diameter may not be cut without approval of an arborist and any arborist recommendations shall be implemented. (Planning)
18. The temporary fencing shall remain in place throughout the entire construction period and shall not be removed without obtaining written authorization from the Planning Division. In no event shall the fencing be removed before the written authorization is received from the Planning Division. (Planning)

PRIOR TO ISSUANCE OF FINAL:

19. Within 5 days of the completion of construction, a Certification Letter from a certified arborist shall be submitted to and approved by the Planning Division. The certification letter shall attest to all of the work (regulated activity) that was conducted in the protected zone of the tree, either being in conformance with this permit or of the required mitigation still needing to be performed. (Planning)
20. The approval of this Tree Permit shall expire on April 28, 2024. (Planning)

Attachments

1. Arborist Report

Exhibits

- A. Plans

<p>Note to Applicant and/or Developer: Please contact the Planning Division staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Manager at, or prior to, the public hearing.</p>
