

ITEM 6.2: **General Plan Amendment and Rezone – 1202 Samoa Way – INFILL PCL 58 & 315 –
Champion Oaks GPA & Rezone – File #PL19-0047**

REQUEST

The applicant requests approval of a General Plan Amendment to change the land use designation of two contiguous parcels, located at 1202 Samoa Way and 2014 North Cirby Way, from Open Space/Parks and Recreation/Floodplain (OS/PR/FP) to Low Density Residential (LDR-3.5) and a Rezone to change the zoning designation of the parcels from Floodway (FW) to Single-Family Residential (R1) to facilitate the future development of two single-family residences.

Applicant – Greg Bardini, Morton & Pitalo, Inc.
Owner – Dan Wilson, Sunset West Executive Communities, Inc.

SUMMARY RECOMMENDATION

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

- A. Conclude that the two (2) findings of fact cannot be made and recommend that the City Council deny the General Plan Amendment and Rezone.

BACKGROUND

The project site consists of two contiguous parcels located in the City's Infill Planning area, at 1202 Samoa Way and 2014 North Cirby Way (see Figure 1). The parcels have a General Plan land use designation of Open Space/Parks and Recreation/Floodplain (OS/PR/FP) and a zoning designation of Floodway (FW). Surrounding uses include Low Density Residential (LDR) uses to the north across N. Cirby Wy., LDR and vacant OS/PR/FP parcels to the east across Samoa Wy., and vacant OS/PR/FP parcels to the south and west. The current request is a

General Plan Amendment to change the land use designation of the two subject parcels from OS/PR/FP to Low Density Residential (LDR) and a Rezone to change the zoning designation from FW to Single-Family Residential (R1) to facilitate the future development of a single-family residence on each lot. Should development occur, approval of a Tree Permit would be required for the removal or encroachment of the protected native oak trees on the properties.

Figure 1: Project Location



The subject parcels are part of the Champion Oaks Unit 3 subdivision, which was recorded in July 1961 and consisted of 112 single-family lots and three (3) open space lots. After approval of the subdivision, the City's floodplain maps were revised based on flooding that occurred in the vicinity of the project. Flooding in the City is associated with storm runoff exceeding creek and storm drainage capacities and

is generally limited to areas of low elevation adjacent to the creek systems. In 1977, forty (40) of the lots within the Champion Oaks Unit 3 subdivision were rezoned from Residential to Floodway (FW). The majority of these lots were undeveloped and within close proximity to Linda Creek. The FW zoning designation prohibits development of these lots with residential uses to minimize property, health, and safety hazards.

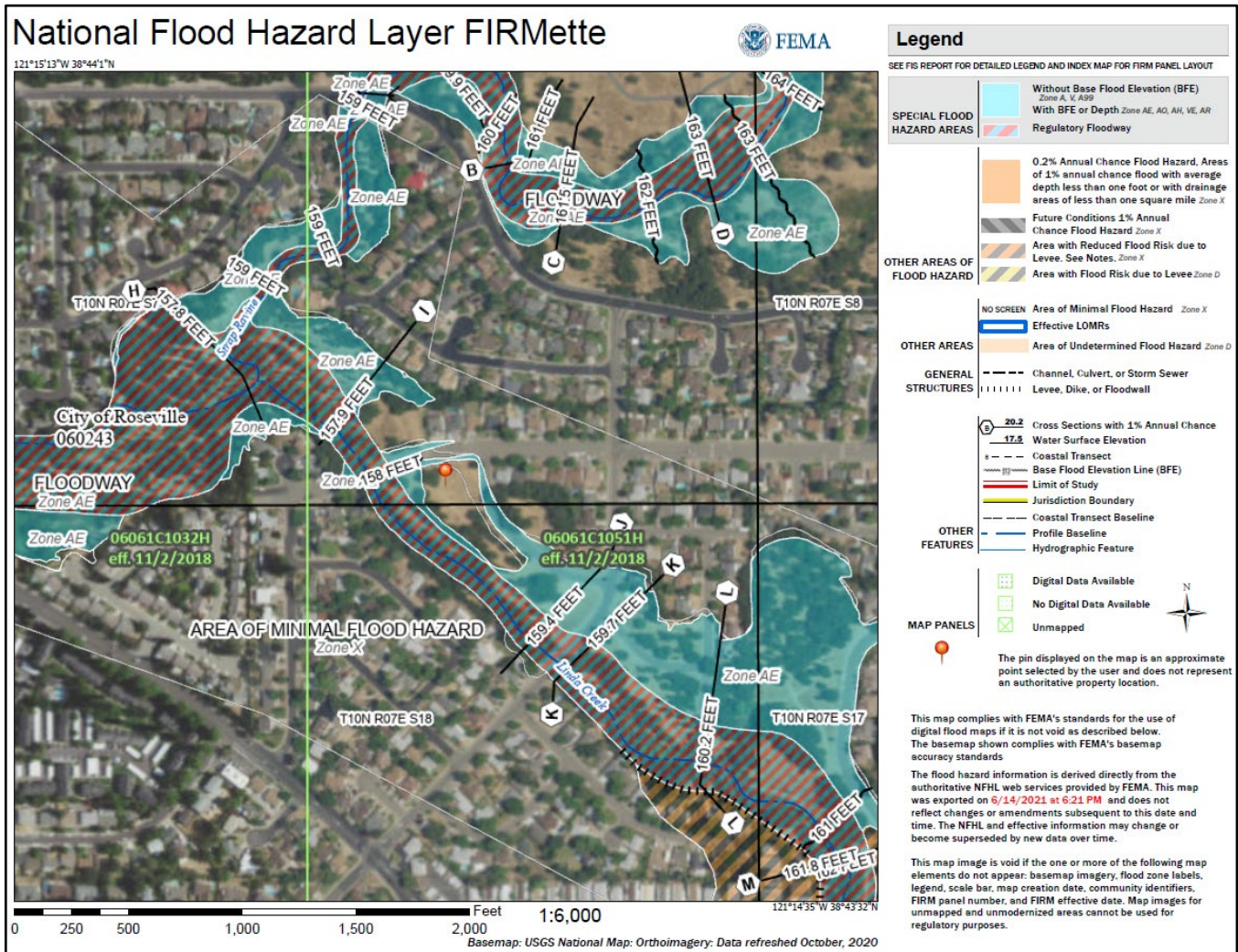
As detailed in the City's General Plan Safety Element, reports of flooding along Dry, Antelope, Cirby, and Linda Creeks have been recorded from the 1930s to present time. Flooding that resulted in property damage occurred about every three to five years since 1950, except for the period from 1973 to 1981 when no flooding was reported. In February 1986, a large flood event occurred which caused substantial damage to properties. The flood ranged between a 70 and 100-year event, depending upon the location. In January of 1995, the flooding of Cirby Creek and Linda Creek occurred and exceeded the 1986 flood event. The 1995 flood event resulted in reported damage to 358 homes along Dry, Linda, and Cirby Creeks, including the area subject to the current project request. In response to the nine major flood events reported within Roseville over the past 60 years, the City constructed flood control improvements and implemented programs to reduce flood risks. This represents a significant investment of City resources and funding, which resulted in key flood control improvements along Linda Creek such as the widening of the stream's overbank area, construction of concrete floodwalls, and the grading of bypass channel improvements upstream of Rocky Ridge Dr. On an annual basis, City crews maintain these structural improvements and the stream channel in as natural a state as possible to ensure that intense storms are less likely to cause flooding.

In 2016, the property owners of the subject parcels submitted a pre-application to discuss the proposed GPA and Rezone. At that time the request also included the parcel located at 1204 Samoa Wy., which is immediately south of 1202 Samoa Wy. The property owners were advised that the subject properties had a history of flooding and that the City had invested substantial resources in the area to reduce the risk of flooding, including the purchase of flood-prone residential properties and limiting the use of those lots to open space (see Attachment 1). The properties that were purchased by the City include the following: 1211, 1212, and 1214 Champion Oaks (all had homes that were demolished); 2200, 2204 and 2206 Hurst Way; and 1210, 1212, 1214, 1217, and 1219 Meadow Lane. The letter concludes the City would not be able to support the project proposal because it was inconsistent with General Plan policies and the findings for a Rezone could not be met. In 2019, a formal application for a General Plan Amendment and Rezone for the three parcels was submitted. At that time, the property owners were advised that staff would not support the request; however, the property owners chose to proceed. During review of the project, the City's Floodplain Manager indicated that the southernmost property, located at 1204 Samoa Way, could not be developed without modification to the floodplain. After several months of discussion, the property owners removed the southernmost parcel from the request.

The City has consistently indicated a lack of support for the development of any lots that are impacted by the regulatory floodplain and/or which are on the creekward (western) side of Samoa Wy. For example, in 2006, a proposal to develop lots along Champion Oaks Dr. and Samoa Wy. Was heard by the Planning Commission (file #GPA 02-08, RZ 02-04, GP 03-19, and TP 03-30). At the public hearing, the Planning Commission expressed support for the development of lots which were already outside of the regulatory floodplain but did not support the development on lots which would require fill or elevation in order to be developed. Based on this input, the applicant withdrew the project. The staff report for this project is included with Attachment 1.

The surrounding area is located within the Federal Emergency Management Agency (FEMA) Flood Zone AE, which is identified as a special flood hazard area with a base flood elevation (BFE) of 158 feet (see Figure 2 on the following page). FEMA considers this area a high flood risk where flood insurance is mandatory. The boundary of the FEMA Floodplain indicates that the roadways surrounding the subject properties would be inundated during a flood event.

Figure 2: FEMA Flood Hazard Map



The properties are also located within the City’s Regulatory Floodplain (see Figure 3 below). The extent of the City’s floodplain is determined using the FEMA floodplain as a minimum in conjunction with in-process and future drainage master plans and updated studies. The result is a floodplain that represents the cumulative local conditions. As shown on Figure 3, the extent of the City’s Regulatory Floodplain is beyond that of the FEMA floodplain with more of the subject property and the entire street inundated.

Figure 3: City’s Regulatory Floodplain

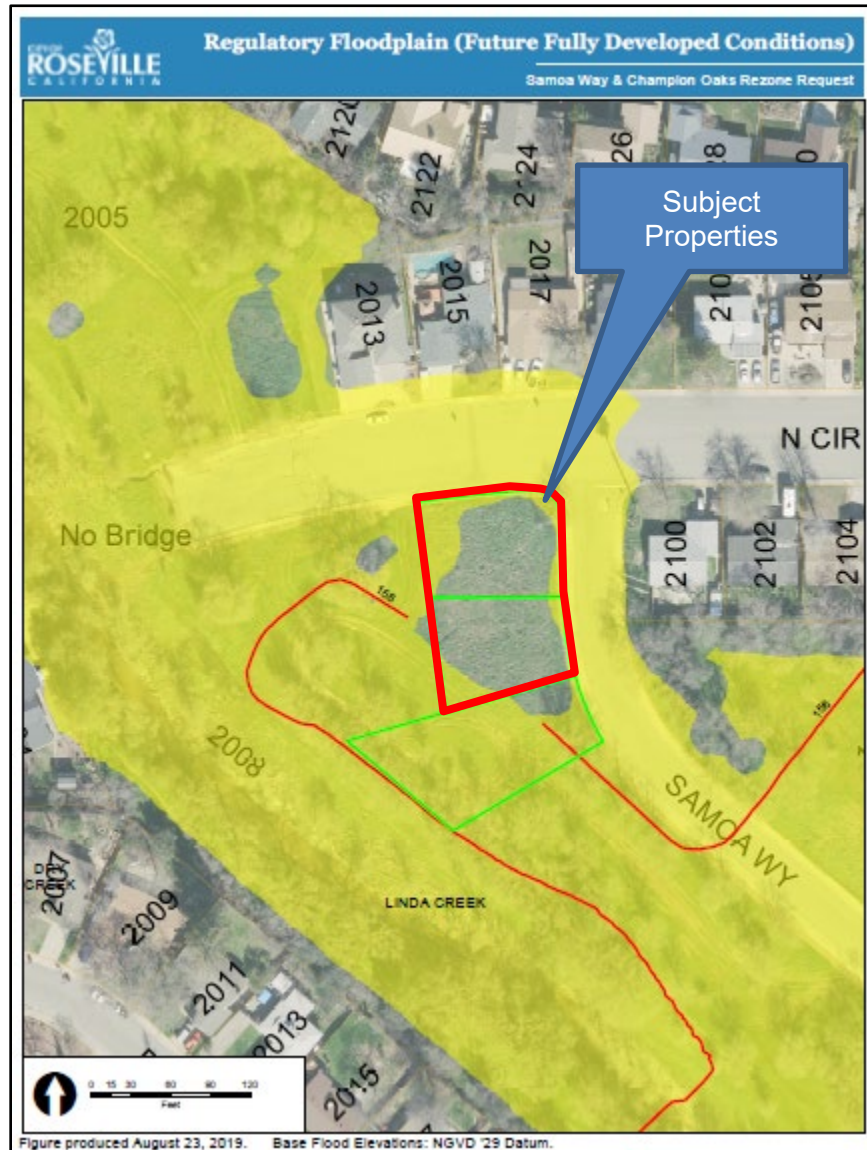
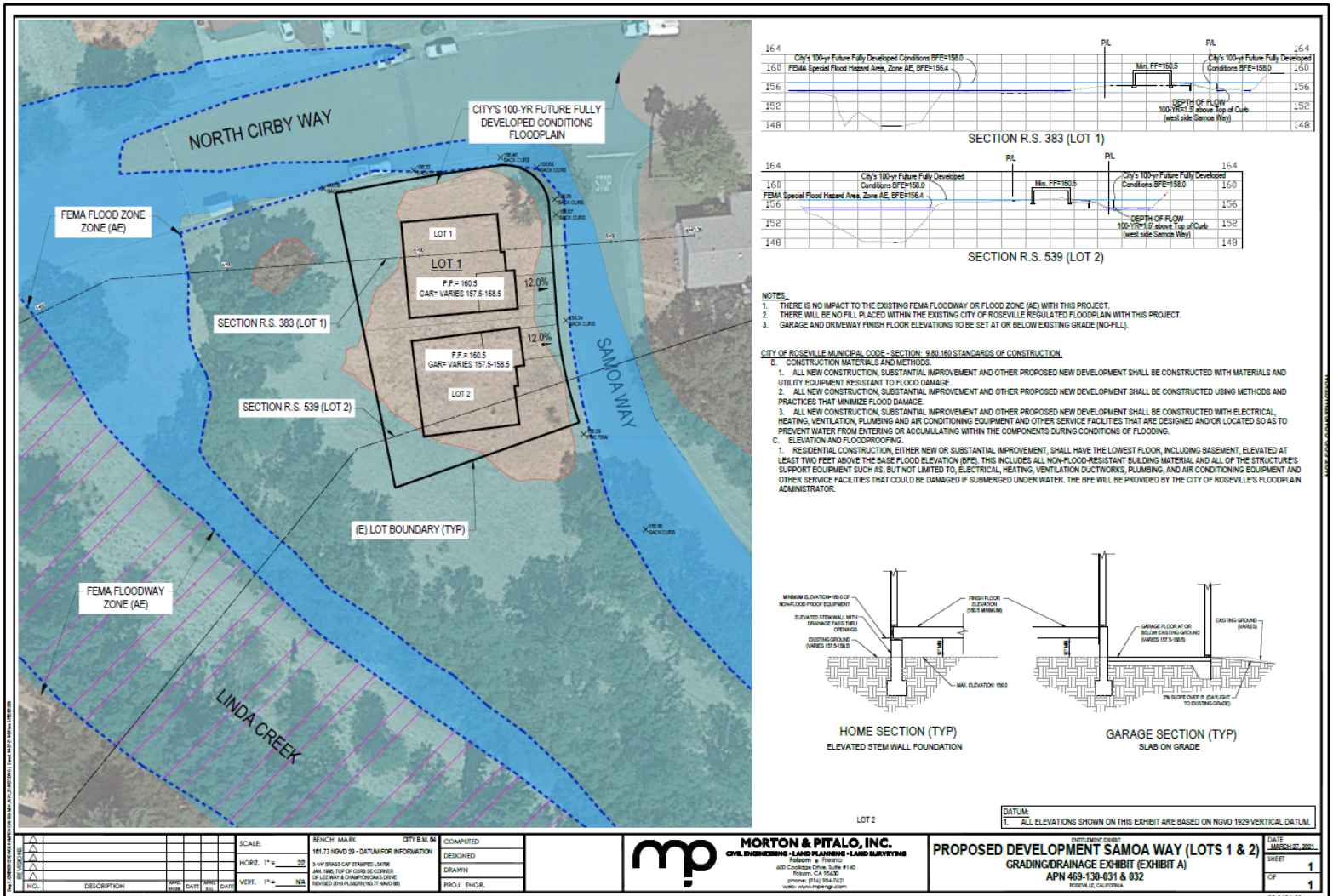


Figure 4 below (also included as Attachment 2) shows the comparison of these two floodplain boundaries with sections showing the expected floodplain elevations. The FEMA floodplain is shown in dark blue and the City’s Regulatory floodplain is shown in light blue. Per the Safety Element of the City’s General Plan, no development is permitted within the regulatory floodway in Infill areas of the City. However, development may be permitted by the City within the regulatory floodway fringe (i.e., the areas of a floodplain on either side of the designated floodway), provided that such development is limited to that which cumulatively results in no more than one-foot of rise in the water surface elevation.

Figure 4: Combined Floodplain



SITE INFORMATION

Location: 1202 Samoa Wy. (APN 469-130-032-000) and 2014 N. Cirby Wy. (APN 469-130-031-000)

Total Size: 0.36 acres

Topography and Setting: The parcels are relatively flat and vegetated with native and non-native grasses, as well as native oak trees at the corner of N. Cirby Wy. and Samoa Wy. Frontage improvements, including sidewalks, and curb and gutter exist along the project frontage. Parcels immediately adjacent to the site are vacant and are also zoned FW, while existing single-family residences are located to the north and east across N. Cirby Wy. and Samoa Wy. As mentioned, the project site is within proximity to Linda Creek to the west, which consists of several native oak trees.

EVALUATION: GENERAL PLAN AMENDMENT AND REZONE

Proposed amendments to the General Plan are analyzed for consistency with the goals and policies of the General Plan. For the proposed rezone, Zoning Ordinance Section 19.86.050 specifies that recommendations for approval or denial of a rezone shall include consideration of the proposed amendment’s consistency with:

- 1. The public interest, health, safety, or welfare of the City, and**
- 2. The General Plan and any applicable Specific Plan.**

The proposed project would be locating residential housing in an area that has a documented history of flooding and is designated as a flood hazard area. As mentioned in the background section, the City has invested significant resources to provide improvements to reduce flood risk in this area, including the purchase of flood-prone residential properties and removal of structures from flood-prone areas. The introduction of additional residential uses in flood-prone areas does not support the public interest, health, safety, or welfare of the existing and potential future residents of Roseville. Although the dwelling units are proposed to be constructed on elevated stem walls with openings in the foundation walls to allow drainage pass-thru during high-flow rain events and to ensure no additional fill is placed within the City’s Regulatory Floodplain, the lots would still be in a risk-prone area. The streets that provide access to these lots are known to flood and become impassible during major flood events. Thus, it is not in the interests of public safety, health, or welfare to allow development within areas of flood hazard.

The project is inconsistent with the City’s General Plan, which does not support development of flood-prone lands. The General Plan has policies that have been established to prioritize the avoidance of flood hazards and to promote the removal of homes from areas of flood hazard. The General Plan does allow for exceptions that are associated with the development of essential facilities and services, such as roads, infrastructure, and detention (flood control) facilities. However, construction of new residential housing does not qualify for this exception as it does not provide an essential service. The applicable General Plan policies are listed in the table below. The General Plan policies indicate that development within the floodway is prohibited, the City should regulate flood-prone lands, and that areas within the regulatory floodplain and/or along creeksides should be preserved as open space.

Table 1: Applicable General Plan Policies

General Plan Policy Document	Policy Number	Policy Text
Safety Element	Floodplain Development Regulation 1	No development is permitted within the regulatory floodway.
Safety Element	Policy SAFE2.1	Continue to regulate, through land use, zoning, and other restrictions, all uses and development in areas subject to potential flooding and require new development to comply with the State Plan of Flood Control requirements.
Safety Element	Policy SAFE2.9	Where feasible, maintain natural stream courses and adjacent habitat and combine flood control, recreation, water quality, and open space functions.

Open Space and Conservation Element	Policy OS2.3	Require dedication of the City's Regulatory Floodplain (as defined in the Safety Element) or comparable mechanism to protect habitat and wildlife values in perpetuity.
Open Space and Conservation Element	Policy OS2.4	Require preservation of contiguous areas in excess of the City's Regulatory Floodplain, as defined in the Safety Element, as merited by special resources or circumstances. Special circumstances may include, but are not limited to, sensitive wildlife or vegetation, wetland habitat, oak woodland areas, grassland connections in association with other habitat areas, slope or topographical considerations, recreation opportunities, and maintenance access requirements.

Based on the foregoing, staff does not support the proposed project because it is inconsistent with the City's General Plan policies and the Zoning Ordinance, and the findings for approval of a rezone cannot be made.

PUBLIC OUTREACH

The proposed project was distributed to all internal and external agencies and departments who have requested such notice, and all comments or recommended conditions of approval have been incorporated into the project, as appropriate. Early notification of the project was posted on the Roseville Coalition of Neighborhood Associations (RCONA)'s website. Additionally, a notice of the proposed action was posted on the subject properties. To date two opposition letters from the public have been received and are included as Attachment 3. The letters cite concerns with the flood risks of the project site and the costs and impacts to the local community and the City.

During initial review of the project, staff requested that the applicant hold a neighborhood meeting to present the request. On August 11, 2020, a virtual neighborhood meeting was hosted by the applicant's team. During the meeting the applicant's team presented the project and answered questions from the community. Multiple residents expressed concern related to previous flooding in the area. Planning staff responded to those concerns detailing the measures that the City had undertaken to limit this risk. Attendees were informed that staff was not in support of the request.

A notice of the public hearing was published in the Roseville Press Tribune on July 13, 2023 and a notice of the hearing was also distributed to all property owners within 300 feet of the site, to interested persons, and posted on the RCONA website. No comments have been received as of publication of the staff report.

ENVIRONMENTAL DETERMINATION

Projects that are denied by a public agency are exempt from California Environmental Quality Act (CEQA) review per Public Resources Code Section 21080(b)(5) and as affirmed by the Sunset Sky Ranch Pilots Association v. County of Sacramento (2009) decision. Although staff is recommending denial of the project, the City of Roseville, acting as Lead Agency, prepared an Initial Study/Mitigated Negative Declaration (IS/MND) in the event the Planning Commission or City Council choose to approve the project. The document was released for a 30-day public comment period, which began on May 17, 2023 and ended

on June 16, 2023. The document analyzed the potential for environmental impacts due to project implementation and determined that potentially significant impacts related to Tribal Cultural Resources could be reduced to less than significant levels with mitigation. The Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program are included as Exhibit A. One comment letter was received from the Central Valley Regional Water Quality Control Board which consisted of information on standard permitting requirements (see Attachment 4), however no public comments on the adequacy of the document were received.

RECOMMENDATION

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

- A. Conclude that the two (2) findings of fact cannot be made and recommend that the City Council deny the **GENERAL PLAN AMENDMENT AND REZONE – 1202 SAMOA WAY – INFILL PCL 58 & 315 – CHAMPION OAKS GPA & REZONE – FILE #PL19-0047**.

ATTACHMENTS

1. Pre-Application Letter, September 21, 2016
2. Preliminary Grading & Drainage Plan
3. Public Comments
4. Central Valley Regional Water Quality Control Board Letter

EXHIBITS

- A. Initial Study/Mitigated Negative Declaration
- B. Rezone
- C. General Plan Amendment

<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>
