




---

 DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION
 

---

311 Vernon Street, Roseville, CA 95678 (916) 774-5276

September 21, 2016

Dan Wilson and Cindy Mitchell  
 SWEC, Inc  
 8222 Smith Farm Court  
 Fair Oaks, CA 95628

Greg Bardini  
 Morton & Pitalo  
 75 Iron Point Drive  
 Folsom, CA 95630

**Subject: 2014 North Cirby Way, and 1202 & 1204 Samoa Way– Infill PCL 315 – Champion Oaks Rezone and General Plan Amendment Pre-Application– PL16-0263**

Dear Mr. Wilson and Ms. Mitchell,

The purpose of this correspondence is to provide you with the City's concerns associated with your proposed development of the property located off of Samoa Way. City staff from the Development Services – Planning and Public Works – Floodplain Management sections have reviewed your pre-application materials for the Infill PCL 315 – Champion Oaks Rezone and General Plan Amendment Pre-Application located at 2014 North Cirby Way, and 1202 & 1204 Samoa Way. The prospective project would include a Rezone of three parcels from Floodway (FW) to single-family residential (R-1) and a General Plan Amendment of the same parcels from Open Space/Parks and Recreation/Floodplain (OS/PR/FP) to Low Density Residential 3.5 (LDR 3.5). This letter describes the City's position regarding the request, given the historical flooding that has occurred in this area.

Of primary importance to the evaluation of this request is the history of flooding in this area, and the City's commitment to protect our community from the threat of future flood events. The 1995 flood event in Roseville resulted in reported damage to 358 homes along Dry, Linda, and Cirby Creeks, which included the area subject to the current request. In response to the nine major flood events reported within Roseville over the past sixty years, the City has constructed flood control improvements and implemented programs to reduce flood risks, which represents a significant investment of City resources and funding. This investment has resulted in key flood control improvements along Linda Creek within the project area including the widening of the stream's overbank area, construction of concrete floodwalls, and the grading of bypass channel improvements upstream of Rocky Ridge Drive. 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.

Current City General Plan policies have been established to prioritize the avoidance of flood hazards and promote the removal of homes from areas of flood hazard. City General Plan policies do not support development of flood-prone lands, as shown in **Table 1** on the following page. The General Plan does provide for exceptions to allow on-site increases in the water surface elevation and/or fill within the regulatory floodplain, including the floodway. However, these exceptions are associated with the development of essential facilities and services, such as roads, infrastructure, and detention (flood control) facilities. Construction of new residential housing does not provide an essential service, and does not qualify for this exception.

In addition to the General Plan, the City's Municipal Code also contains criteria for development within areas with a zoning designation of Floodway (FW). Two findings must be met in order for the approval of a Rezone. The first finding requires the project to be consistent with the General Plan. The second finding requires that: "The proposed rezone is consistent with the public interest, health, safety, and welfare of the City." Given that you are proposing to locate residential housing in an area that is prone to flooding, putting future residents at risk, these findings cannot be made.

As described previously, the City has invested significant resources to provide improvements to reduce flood risk in this area. These efforts have included the purchase of floodprone residential properties and restrictions on the use of those lots being limited to open-space. Having invested heavily in the removal of structures and properties

from flood-prone areas, the City does not believe it is in the public interest to allow development in areas of existing flood hazard. Even if the proposed development was elevated above the regulatory floodplain water surface elevation, the lots would still be in a risk-prone area. The streets that provide access to these lots are known to flood to be flooded and become impassible during major events. Thus, it is also not in the interests of public safety or welfare to allow development within areas of flood hazard.

Table 1		
Policy Document	Policy Number	Policy text
General Plan Safety Element	Floodplain Development Regulation 1	No development is permitted within the regulatory floodway.
General Plan Safety Element	Flood Protection Policy 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.
General Plan Safety Element	Flood Protection Policy 9	Where feasible, maintain natural stream courses and adjacent habitat and combine flood control, recreation, water quality, and open space functions.
General Plan Open Space and Conservation Element	Vegetation and Wildlife Policy 3	Require dedication of the City's Regulatory Floodplain, as defined in the Safety Element, or comparable mechanism to protection habitat and wildlife values in perpetuity.
General Plan Open Space and Conservation Element	Vegetation and Wildlife Policy 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 associations with other habitat areas, slope or topographical considerations, recreation opportunities, and maintenance access requirements.

The City has received past inquiries about the undeveloped lots along Champion Oaks Drive and Samoa Way, and 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 Way. This is consistent with the General Plan policies above, which 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. Documentation of the City's position includes a staff report to the Planning Commission (Attachment 1) and a General Information Memorandum to City Council (Attachment 2) regarding a past proposal to develop lots in this area (Project Files GPA 02-08, RZ 02-04, GP 03-19, and TP 03-30) The project was heard by the Planning Commission on February 9, 2006. At the public hearing, the Planning Commission expressed support for the development of lots which were already outside of the regulatory floodplain, but were not prepared to support lots which would require fill or elevation in order to develop. Based on this input, the applicant ultimately withdrew the project.

In review of the proposed project (Attachment 3, Rezone Exhibit) the City has identified the following:

- The proposal is inconsistent with the City's General Plan Policies:
- The proposal is locating residential housing in an area that has a documented history of flooding;
- The introduction of residential housing in an area designated as a flood hazard area and designated Floodway Zone district is inconsistent with the City's Zoning Ordinance;
- Past City actions by the Planning Commission has not supported modification of the General Plan or Zoning for properties in this area; and,
- The introduction of additional residential uses in flood prone areas does not support the health, safety or welfare of the existing and potential future residents of Roseville.

It is for these reasons that the City cannot support this project proposal. Although it is not supported as a viable development proposal, you have every right to submit a formal application to amend the General Plan land use and rezone the property.

If you have any questions or concerns please feel free to contact me at (916) 774-5294.

Sincerely,



Gregory W. Bitter, AICP  
Planning Manager

Attachments

1. Planning Commission Staff Report
2. General Information Memorandum to City Council
3. Proposed Rezone Exhibit

cc Rob Jensen, City Manager  
Kevin Payne, Development Services Director  
Carl Walker, Senior Civil Engineer



**CITY OF ROSEVILLE**  
**PLANNING DEPARTMENT STAFF REPORT**  
**PLANNING COMMISSION MEETING FEBRUARY 9, 2006**  
 Prepared by: Wendy W. Hartman, Project Planner

**ITEM V-A: GENERAL PLAN AMENDMENT, REZONE, GRADING PLAN & TREE PERMIT – 2009 N CIRBY WAY (PRIMARY APPLICATION ADDRESS) – DE MELLO REZONE – FILE #S: GPA 02-08, RZ 02-04, GP 03-19, & TP 03-30.**

**REQUEST**

The applicant requests approval of the following entitlements:

- A **General Plan Amendment** to change the land use of a portion of the property from Open Space/Parks & Recreation/Floodplain to Low Density Residential;
- A **Rezone** to change the zoning of a portion of the property from Floodway to Single Family Residential;
- A **Grading Plan** to import up to 10,050 cubic yards of fill material. The Grading Plan includes a request to place fill within the floodplain in order to elevate some of the lots above the 100-year water surface elevation. The proposed fill will change the boundary of the 100 year water surface elevation; and,
- A **Tree Permit** to remove up to 29 native oak trees and encroach into the protected zone of several others.

Applicant: Jerry Alass, Burrell Consulting Group  
 Property Owner: Multiple Property Owners – represented by Vasco De Mello

**SUMMARY RECOMMENDATION**

The Planning Department recommends that the Planning Commission:

- A. Adopt the Mitigated Negative Declaration;
- B. Recommend that the City Council adopt the findings of fact for the General Plan Amendment and Rezone and deny the applicant's request; and,
- C. Recommend Council approve staff's recommended project as described in the staff report.

**SUMMARY OF OUTSTANDING ISSUES**

The applicant is proposing to remove the Floodway (FW) zone and Open Space/Parks & Recreation/Floodplain (OS/PR/FP) land use designation from 17 lots within the Champion Oaks Unit 3 Subdivision. Five (5) of the lots are currently outside of the City's regulatory floodplain (above the 100 year water surface elevation), but within the City's Floodway zone. The remaining 12 lots are within the 100-year floodplain and would require placing fill within the floodplain in order to be developed.

Since the request to place fill within the floodplain is inconsistent with the City's General Plan policies and Flood Damage Prevention Ordinance, staff is recommending denial of the applicant's request and approval of a modified project. Staff is in support of changing the land use and zoning of the five (5) lots that are above the 100-year water surface elevation as well as the proposed Grading Plan and Tree Permit for development of these five lots. In addition, with staff's recommendation, eight additional native oak trees will be saved (total tree removals with staff's recommendation is 21). The applicant is not in agreement with staff's recommendation and requests that all 17 lots be approved for development.

John Hodgkins, a property owner in the area contends that his lots (south of Samoa Way) should be included in the current application (see Attachment 4). Because he did not come to terms with the applicant on the sharing of costs for the preparation of information and exhibits his lots were not included by the applicant and have not been evaluated by staff as part of this request. Staff has met with Mr. Hodgkins on several occasions to discuss the status of this project as well as the fact that his lots are not included in the application.

Staff has also received letters from the State of California Reclamation Board as well as several residents voicing concerns regarding the project and its potential impacts on the floodplain. Their comments are addressed in the Public Comment Section of this report.

**BACKGROUND**

The project consists of 17 lots (four of which are currently developed with single family homes) located within the infill area of the City. The lots are part of the Champion Oaks Unit 3 subdivision (see Attachment 1 and Figure 1). The combined acreage of the lots is approximately 3 acres.

In July of 1961 the final map for the Champion Oaks Unit 3 subdivision was recorded (112 single family lots & 3 open space lots). Subsequent to the approval of the subdivision, the City's floodplain maps were revised based on flooding that occurred in the vicinity of the project. In 1977, forty (40) of the lots within the Champion Oaks Unit 3 subdivision were rezoned from residential to floodway. The majority of these lots were undeveloped and within close proximity to Linda Creek. As a result, the undeveloped lots have not been permitted to be developed with residential uses.

Mr. De Mello, on behalf of several property owners, has submitted an application to the City of Roseville to change the zoning and land use of the 17 lots within this South Cirby Neighborhood from Floodway (FW) & Open Space/Parks & Recreation/Floodplain (OS/PR/FP) to a zoning designation of Single Family Residential (R1) and land use designation of Low Density Residential (LDR). His request also includes a Grading Plan to import up to 10,050 cubic yards of fill material and a Tree Permit to remove up to 29 native oak trees and encroach into the protected zone of several others.

**ON-SITE & ADJACENT ZONING AND LAND USE**

As shown in Figure 1 (Page 3 of staff report), vacant lots are located to the southwest (adjacent to Linda Creek) with single-family homes surrounding the rest of the project site. The current zoning and land use designation of the project site and surrounding parcels are shown in Table 1:

**Table 1: Zoning and Land Use**

LOCATION	ZONING	GENERAL PLAN LAND USE	CURRENT USE OF PROPERTY
<b>Site</b>	Single Family Residential (R1) & Floodway (FW)	Low Density Residential (LDR-4) & Open Space/Parks & Recreation/Floodplain (OS/PR/FP)	4 of the lots have single family homes, the remainder of the site is vacant
<b>North</b>	R1	LDR 4	Single Family Homes
<b>South</b>	FW	OS/PR/FP	Primarily vacant land & 2 homes
<b>East</b>	R1 and FW	LDR & OS/PR/FP	Single family homes and vacant property
<b>West</b>	R1 and FW	LDR & OS/PR/FP	Vacant property

**Figure 1: Aerial of Project Site**



## **EVALUATION**

The evaluation section of this report includes an analysis of each of the requested entitlements. Each of the entitlements is analyzed for its consistency with the goals and policies of the applicable regulations, such as the General Plan, the Zoning Ordinance, Grading Ordinance, FEMA Flood Insurance Rate Map, Nolte Flood Study, and Flood Damage Prevention Ordinance. Analysis is provided for the General Plan Amendment and Rezone first, and is followed by review of the Grading Plan and Tree Permit.

### **GENERAL PLAN AMENDMENT**

Flood Control Project: Since the 1986 flood, the City has constructed projects and implemented programs to help reduce flood impacts within Roseville. The City of Roseville's Flood Control Project (in this area) was completed in 2000. The project reduced flood levels on Linda Creek by excavating the channel overbank and establishing a bypass channel between Rocky Ridge Drive and North Kirby Way. These improvements allowed more area for the water to flow and lowered the 100-year water surface elevation between Rocky Ridge Drive and Old Auburn Road by approximately 2 ½ feet from previous flood levels. The current 100 year water surface elevation for the project site ranges from 155.9 to 158.7 feet above mean sea level. However, even with these improvements, some portions of the City are still within the 100 year floodplain.

The City's Flood Control Project has significantly reduced the number of homes that are within the floodplain from over 400 homes to approximately 88 homes. The success of the Flood Control Project was recently tested when we received 3.8 inches of rain in a 24-hour period. The water level was nearly as high as it was 10 years ago, but because of the City's Flood Project, hundreds of homes that had been damaged in the 1995 storm remained dry. This storm resulted in five homes (known to date) that sustained water damage. Fortunately, in most cases, the water was confined to the garages. Some of these homes are located in the project area (see photos 6-9 in Attachment 6). In addition, two of the streets that the project fronts on (Samoa Way and Hurst Way) were completely under water (see photos 1-4 in Attachment 6).

The City's Engineering Department visited the project site during the December 2005 storm event. They verified that the five lots the hydraulic analysis indicated were outside of the 100-year flood plane remained dry. Some of the other lots did have water within the first few feet of the lots. This is consistent with the results of the hydraulic analysis.

As shown in Attachment 6, the roads surrounding the project were inundated with Water. Chapter 10 of the City's Design Standards, stipulate that drainage systems shall be designed to accommodate a 10 year storm. However, the streets may convey water based on the type of street and intensity of storm. For example, during a 10 year storm a local street such as Samoa Way should remain clear of storm water (excluding the gutter). However during larger storm events, such as the one we had in December 2005 it is expected that some of the local roadways may be completely covered with water for a short period of time.

Land Use Request: As shown on the figure below, the project site currently has a General Plan land use designation of Low Density Residential & Open Space/Parks & Recreation/Floodplain. Therefore, the applicant desires to change the land use designation so that single-family homes can be constructed on the vacant lots.

**Figure 2: Existing Land Use Designation**



The General Plan contains goals and policies intended to promote land use patterns that enhance quality of life and minimize conflicts between land uses. The project is located in the infill area of the City where there are single family homes to the north, west and east of the site. However several of these existing homes are within the City's Floodway Zone district and 100 year floodplain.

Although the proposed land use of Low Density Residential is compatible with the adjacent land uses, approval of the project will require fill within the floodplain. The City regulates its floodplain areas through land use, zoning, and other development restrictions. This includes policies that require residential boundaries to be located outside the 100-year floodplain and that floodplain areas be permanently preserved in open space. This is why the lots are currently designated as Open Space/Parks & Recreation/Floodplain (OS/PR/FP). However, in accordance with the policies of the General Plan, encroachment into the floodplain may be permitted on a case-by-case basis and requires approval from the Planning Commission. The General Plan Guidelines for permitting fill/encroachment into the floodplain are as follows:

- The fill/encroachment is for an essential service such as roads and/or emergency/public services;
- No feasible alternatives exist that would eliminate the need to fill/encroach within the floodplain; and,
- No upstream or downstream flooding impacts will occur as a result of encroachment.

Staff and the applicant have been working together for over two years to develop accurate information regarding existing topography and floodplain elevations. This involved calibrating the flood model used for the flood control project certified by FEMA with new modeling done by the applicant's engineer. The applicant submitted a hydraulic analysis (HEC/RAS Study) that indicated the proposed project would not have a significant impact on either upstream or downstream properties. However, because the proposed project includes fill in the floodplain, staff does not believe the request is consistent with the policies and overall intent of the General Plan and Flood Damage Prevention Ordinance for the following reasons:

- A majority of the damage that resulted from the 1986 and 1995 floods occurred within the older infill area of the City where encroachments into the floodplain historically have occurred. Therefore, minimizing encroachments within the 100 year floodplain has become a primary goal of the City with regard to its floodplain management practices;
- Development of single family homes is not deemed an essential service; and
- The General Plan allows for the restriction of development in flood prone areas to protect the life and property of its citizens.

Based on this information, staff believes that the 12 lots that are within the City's 100 year floodplain should remain as Open Space/Parks & Recreation/Floodplain (OS/PR/FP). Staff does support removing the OS/PR/FP designation from the five (5) lots (Lots 134, 135, 136, 226, & 227) which are currently above the revised 100 year water surface elevation (based on the City's Flood Control Project). The applicant is not in agreement with staff's recommendation.

## **REZONE**

Section 19.86.050 of the Zoning Ordinance requires that two findings be made in order for the Planning Commission to recommend that the City Council approve a Rezone. The two findings are listed below.

1. *The proposed rezone is consistent with the General Plan; and*
2. *The proposed rezone is consistent with the public interest, health, safety, and welfare of the City.*

The proposed zoning of the site is Single Family Residential (R1). The rezone will remove the Floodway overlay from a portion of the property (south of the zoning boundary line) and allow the site to be developed with single-family homes.

The boundaries of the Floodway overlay zone were partially based on a study prepared by the Army Corp of Engineers (ACOE) in 1973. In some areas of the City, the boundary follows the actual location of the 100 year floodplain based on the ACOE study. In other areas, the boundary is in close proximity to the 1973 floodplain, but also took into consideration existing developments and location of property lines when establishing the location of the Floodway zone. Given the confusion between the regulatory floodplain (actual location of the 100 year water surface elevation) and the City's Floodway/Floodplain zoning and land use boundaries, as requests have come forward staff has made an effort to align the zoning and land use boundaries with the location of the 100 year water surface elevation. We also try to ensure that residential lots do not have more than one zoning designation and that any land that is within the floodplain is located outside of the residential property lines.

As previously discussed, since the establishment of the Floodway Overlay zone, the City has completed several flood control projects that along with other changes in the environment have changed the location/elevation of the 100 year floodplain. Due to these changes, five (5) of the lots are currently outside the 100-year floodplain. These five (5) lots are highlighted in the figure below:

**Figure 3:** Lots that are outside of the 100 year floodplain (shown in yellow)



The properties to the north, west, and east of the project site are zoned Single-family Residential. Therefore, changing the zoning of these five lots would be consistent with the adjacent land use and zoning. In addition, the proposed residential lots will be subject to the same development standards as the adjacent properties.

Similar to the General Plan Amendment request, staff does not support rezoning the 12 lots that are within the 100 year floodplain. By restricting approval to the five lots that are outside of the floodplain (Lots 134, 135, 136, 226, & 227) the proposed rezone will be consistent with the General Plan and the public interest, health, safety, and welfare of the City. The applicant is not in agreement with staff's recommendation and requests that all 17 lots be rezoned to R1.

### **Grading Plan**

The Grading Ordinance stipulates that any grading activity involving the movement of more than 50 cubic yards of material requires review and approval of a Grading Plan. In this case, a Grading Plan is required because the applicant is requesting to import up to 10,050 cubic yards of soil for the development of 17 single family homes. In situations where native oak trees or other natural features (100 year floodplain) are impacted by grading activity, a Major Grading Plan is required to be reviewed and approved by the Planning Commission.

Section 16.20.080 the Grading Ordinance requires that the following three (3) findings be made in order to approve or conditionally approve a Major Grading Plan:

1. *The Grading Plan conforms to the City's Improvements Standards and §16.20.070 (Grading) of the Roseville Municipal Code.*
2. *The proposed grading has been designed to accommodate, and/or mitigation conditions have been imposed to compensate for any potential impacts to any of the natural features of the property or to adjacent properties, and the grading will not result in any increase in water surface elevation in any stream channel located on the property and associated with the grading as approved.*
3. *The proposed grading is necessary to allow development of the property consistent with the General Plan Land Use allocation for the property.*

The Grading Plan consists of 340 cubic yards of cut and 10,050 cubic yards of fill. The Grading Plan has been modified since the original application to reduce impacts to native oak trees. The original

grading plan proposed to remove almost all of the 103 native oak trees located on the project site. The revised plan will result in the removal of up to 29 native oak trees.

Currently, several of the lots are  $\pm$  6 inches below the 100 year water surface elevation. The Grading Plan includes a request to place fill within the floodplain in order to elevate some of the lots above the 100 year water surface elevation. In order to evaluate the impact of the fill on the 100-year water surface elevation, the applicant submitted a hydraulic analysis (HEC/RAS study). The study was prepared by Burrell Consulting Group (dated December 12, 2003) and is available for review in the Planning & Redevelopment Department (a summary is included as Exhibit G). The study indicated that the proposed fill would result in less than a tenth of a foot increase, which is within the tolerance level of the model. The hydraulic analysis concluded that the project as proposed would not have a significant impact on either upstream or downstream properties. If approved, the proposed grading and fill within the floodplain will change the location of the 100 year water surface elevation, thus removing the remaining 12 lots from the City's regulatory floodplain.

The Flood Damage Prevention Ordinance and Improvement standards require building pads to be a minimum of two (2) feet above the 100 year water surface elevation. Therefore, the four vacant lots that are currently outside of the floodplain as well as the other vacant lots would require additional fill in order to meet this requirement. The City's Engineering Department has indicated that since the lots will have been elevated above the 100 year water surface elevation, the additional fill to raise the pads by two (2) feet would not have an impact on the floodplain.

As previously discussed, staff is not in support of allowing any fill within the floodplain. However, there are a few lots that are currently out of the floodplain due to the City's Flood Control Project and other changes in the surrounding environment. Staff would not object to these lots (vacant Lots 134, 135, 226, & 227) being graded in order to allow for the development of single family homes. Staff has added a condition (GP Condition 2a) that restricts grading activities to these four lots and prohibits any grading or fill within the floodplain.

As conditioned, the required findings can be made for the proposed Grading Plan. The applicant is not in agreement with staff's recommendation and would like Condition 2a to be deleted.

### **TREE PERMIT**

There are approximately 103 native oak trees on the property that are subject to the City's Tree Ordinance. The applicant is requesting to remove up to 29 native oak trees to allow for pad grading, driveway locations, and construction of good neighbor fencing between lots. Eight trees will have minor to moderate encroachment into their protected zones due to grading and location of retaining walls. As shown on Exhibit E, most of the trees proposed for removal are located on Lots 134 and 135 (these two lots are outside of the floodplain). The majority of the native oak trees (67 trees) located along the rear of the lots will not be impacted. Additional Tree Permits may be required in the future in order to allow for the construction of homes. These will be evaluated on a lot by lot basis.

The Tree Preservation Chapter of the Roseville Zoning Ordinance requires two findings to be made in order to approve a Tree Permit. The two findings 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 of the Roseville Zoning Ordinance.*
2. *Measures have been incorporated in the project or permits to mitigate impacts to remaining trees and to provide replacement for trees removed.*

The applicant has submitted an arborist report (Exhibit F) identifying the size and health of native oak trees on the site. The arborist report also includes recommendations to mitigate the impacts of construction activities on the trees. The recommendations of the arborist will be incorporated into the conditions for the tree permit. Below is a summary of the proposed tree impacts and arborists recommendations.

**Tree Removal:** Proposed grading activities to prepare the site for development of 13 single family homes will result in the removal of up to 29 native oak trees. As discussed in the Grading Section of this report the grading plan has been modified to reduce impacts to native oak trees. The majority of the trees proposed for removal are located in the front or center of the lots. Trees located in the rear or side yard areas of the lots are proposed to be preserved. In most cases, homes should be able to be developed on these lots without impacting additional trees. In the event that additional tree impacts are proposed for the construction of a home, a separate Tree Permit will be required.

The first two lots (134 & 135) listed in Table 2 below are outside of the 100 year water surface elevation. Four trees (140, 168, 191, & 192) located on Lots 133 and 166 are listed as conditional removals. Trees 140 and 168 are located along the property line and may need to be removed for the construction of a good neighbor fence. Two trees (191 & 192) located on Lot 166 may also be preserved, but will require 2:1 fill slopes as well as changes in the location of the house pad. If these lots are approved for development, efforts shall be made to preserve these trees. If during project construction, the arborist determines that impacts to these trees is too significant and the trees will not survive or pose a hazard the trees may be removed.

**Table 2:** Proposed Tree Removals

TREE #	Species <sup>1</sup>	DBH Inches <sup>2</sup>	Structure	Vigor	Reason for Removal
<b>Lot 135: this lot is outside of the 100 year floodplain</b>					
117	QL	10.5	Fair	Fair	Fill for Pad
118	QL	6	Fair	Fair	Fill for Pad
122	QL	8	Fair-Good	Fair-Good	Fill for Pad
123	QL	6 *	Fair	Fair-Good	Fill for Pad
124	QL	8.5 *	Fair	Fair	Fill for Pad
125	QW	6 *	Fair	Fair	Fill for Pad
126	QL	6.5 *	Fair	Fair	Fill for Pad
129	QL	9	Fair	Fair-Good	Fill for Pad
132	QL	9	Fair	Fair-Good	Fill for Pad
133	QL	7.5 *	Fair	Fair-Good	Fill for Pad
134	QL	8	Fair	Fair	Fill for Pad
<b>Lot 134: this lot is outside of the 100 year floodplain</b>					
127	QL	9	Fair	Fair-Good	Fill for Pad & utility excavation
128	QL	6	Fair	Fair-Good	Fill for Pad & utility excavation
130	QL	3*	Fair	Fair-Good	Fill for Pad & utility excavation
131	QL	4*	Fair	Fair-Good	Fill for Pad & utility excavation
135	QL	9 *	Fair	Fair-Good	Fill for Pad & utility excavation
136	QL	13.5 *	Fair	Fair-Good	Fill for Pad & utility excavation
137	QL	11.5 *	Fair-Good	Fair-good	Fill for Pad & utility excavation
138	QL	6.5	Fair-Good	Fair-Good	Driveway Footprint
139	QL	9	Fair-Good	Fair-Good	Driveway Footprint
<b>Lot 133</b>					
140 <sup>3</sup>	QW	5	Fair	Fair-Good	Possible property line fence conflict
168 <sup>3</sup>	QL	18	Fair	Fair-Good	Property line fence conflict
<b>Lot 166</b>					
190	QL	12	Fair	Fair	Driveway Footprint
191 <sup>3</sup>	QL	10	Fair	Fair	Fill for Pad
192 <sup>3</sup>	QL	10	Fair	Fair	Fill for Pad
<b>Lot 167</b>					
194	QL	4.5 *	Fair	Fair-Good	Fill for Pad

TREE #	Species <sup>1</sup>	DBH Inches <sup>2</sup>	Structure	Vigor	Reason for Removal
196	QL	8	Fair-Poor	Fair-Good	Fill for Pad & retaining wall
197	QL	10	Fair	Fair-Good	Wall

1. QL = Quercus lobata (Valley Oak); QW = Quercus wislizenii (Interior Live Oak)
2. “\*\*” multi trunk tree that is cumulatively 6 inches or larger in diameter. Size of largest trunk listed (minimum mitigation is 6 inches).
3. These trees are conditionally approved for removal. Efforts shall be made to preserve these trees as outlined in the arborist’s report

**Tree Mitigation:** The project developer has proposed to mitigate for the removal of native oak trees through the payment of in-lieu fees. The project does not include any common areas that could be replanted with oak trees. In addition, off-site planting of City owned property within the vicinity of the project is limited by existing flood control project mitigation plantings and the location of the floodplain. Payment of in-lieu fees is consistent with the provisions of Section 19.66.070 of the tree ordinance. Condition 3 of the Tree Permit addresses the mitigation requirement.

**Proposed Encroachments:** To reduce impacts to trees, the project has been designed to limit pad grading to the front portion of the lots and outside the protected zone radius of the native oak trees to the extent possible while still providing a developable area for construction of single family homes. Nine native oak trees will have encroachments into their protected zone radius in order to prepare the lots for development of single family homes. A summary of the proposed impacts and the arborist’s recommendations are listed in Table 3 below. Overall, the arborist has indicated that impacts to these trees will be minor with the exception of trees 193 and 202 which will receive moderate impacts due to fill.

**Table 3: Tree Encroachment**

TREE#	Species	DBH Inches	Structure	Vigor	% of Encroachment	IMPACT	MITIGATION RECOMMENDATIONS
<b>Lot 131</b>							
178	QL	11	Fair-Poor	Fair	Depends on location of fence	Fence	If possible fence should be notched or sectioned to allow for trunk growth. Fence posts shall not be located closer than 4’ on either side of the tree trunk.
<b>Lot 154</b>							
185	QL	14 *	Fair	Fair	14.8%	Fill & retaining wall	Subsurface fertilize prior to construction. Install an aeration system & utilize a pier foundation footing for the wall.
186	QL	12	Fair-Good	Fair-Good	17.5%	Fill	Recommend that the fill slope be constructed at the rear of the lot along the edge of the tree PZR. Fill should not exceed a depth greater than 1 foot.
<b>Lot 152</b>							
187	QL	13 *	Fair	Fair-Good	9.5%	Fill from lot 152	To reduce impacts, fill soil shall be placed into the PZR by mechanical equipment located outside of the PZR.
<b>Lot 166</b>							
193	QL	21	Fair	Fair-Poor	26.8%	Fill	Minimize fill encroachment into PZR and limit depth to 1’ or less. Subsurface Fertilization
<b>Lot 167</b>							
201	QL	10	Fair	Fair-Good	14.9%	Fill	Minimize fill encroachment into PZR and limit depth to 1’ or less. Subsurface Fertilization

202	QL	8 *	Fair	Fair-Good	22.1%	Fill	Minimize fill encroachment into PZR and limit depth to 1' or less. Subsurface Fertilization
203	QL	5.5	Fair	Fair	2.5%	Fill	Minimize fill encroachment into PZR and limit depth to 1' or less. Subsurface Fertilization
205	QL	15	Fair	Fair	4.8%	Fill	Minimize fill encroachment into PZR and limit depth to 1' or less. Subsurface Fertilization

1. QL = Quercus lobata (Valley Oak); QW = Quercus wislizenii (Interior Live Oak)
2. “\*\*” multi trunk tree that is cumulatively 6 inches or larger in diameter. Size of largest trunk listed (minimum mitigation is 6 inches).
3. SSF – Sub surface fertilization

**TREE PERMIT CONCLUSION**

Although the project has been designed to minimize impacts to native oak trees, staff is recommending that tree impacts be limited to Lots 134 and 135. These two (2) lots are located outside of the City’s floodplain. The other three (3) lots that are outside of the floodplain are either developed and therefore exempt from the Tree Ordinance or do not have any native oak trees located on them. Limiting impacts to these two lots is consistent with staff’s recommendation regarding the proposed General Plan Amendment, Rezone, and Grading Plan as discussed above. In addition, this will further reduce impacts to trees in that eight (8) additional trees will be saved and encroachments will be significantly reduced as well. The applicant is not in agreement with staff’s recommendation and requests that Tree Permit Condition 2a be modified to allow all of the trees listed in Table 2 be permitted for removal.

**PUBLIC COMMENT**

On September 6, 2005 the City hosted a neighborhood meeting to discuss the De Mello rezone project. Approximately 15 residents and/or property owners attended the meeting. The primary concerns voiced at the meeting were:

- Impact of placing fill within the floodplain on adjacent homes and properties;
- Flood Control Project and flooding concerns;
- Accuracy of the Hydraulic Analysis for the project;
- Impacts to native oak trees;
- School impacts; and
- Types of homes proposed and impact on existing homes.

The majority of the neighbor’s concerns have been responded to in the evaluation section of this report. A detailed response to their concerns is provided in Attachment 2. However, the majority of the neighbors are still opposed to the project.

Staff has received letters from several neighbors who oppose the projects based on their concerns with placing fill/development within the floodplain (Attachment 4). The State of California Reclamation Board has also submitted a letter (Attachment 3) voicing concerns with allowing encroachments and residential development within the floodplain. A few of the letters included comments and concerns that were not directly related to this application and therefore have not been addressed in the staff report (responses have been provided verbally and/or in writing regarding these items).

The applicant has submitted letters from two (2) neighbors (that do not own property included in this request) that are in support of the project as proposed (Attachment 5).

**ENVIRONMENTAL DETERMINATION**

The Planning & Redevelopment Director has determined that the above project will not have a significant effect on the environment and proposes that a Negative Declaration be adopted. This determination has been based upon an Initial Study, which has concluded that there will be no significant environmental impacts. At this meeting the Approving Authority may adopt the proposed Negative Declaration. The Negative Declaration was circulated for a 20-day public review period that began on October 22, 2005 and ended on November 10, 2005. A resident submitted a letter on November 10, 2005 regarding the Initial Study. Her concerns are addressed below.

The resident's letter (Attachment 4) indicates that she believes the initial study for the project lacks sufficient information to determine the project's impact on biological and cultural resources and that she also has concerns regarding cumulative impacts to the Linda Creek watershed. Overall the resident does not believe homes should be built within this area due to impacts to native oak trees, wild life, and potential flooding of future homeowners.

The original subdivision map approved for this site would have allowed for the development of the vacant lots with single family homes. Road and utility improvements were installed and the property was graded; therefore, disturbing the natural features of the site. Based on this, additional biological studies were not required since they were evaluated with the General Plan and original subdivision approval.

The neighbor's letter makes several references to the vacant lots adjacent to Linda Creek (south side of Samoa Way & Hurst Way) and the impact that development of this area would have on native oak trees, wildlife, and creek corridor. These lots are not part of the application and therefore would not be impacted by the proposed project. The grading of the lots that are included in this application have taken into consideration the location of native oak trees. Seventy-four of the 103 native oak trees located on the project site will be preserved.

Lastly, flooding and drainage impacts were addressed in the environmental document and staff reports. The City's Public Works – Engineering Division is confident that the proposed project will not impact the 100-year water surface elevation.

In conclusion, staff believes that the resident's concerns have been adequately addressed in the Initial Study. Therefore no changes or mitigation measures are proposed to the Initial Study or project.

### **RECOMMENDATION**

The Planning & Redevelopment Department recommends that the Planning Commission take the following actions (A-C):

- A. Adopt the Mitigated Negative Declaration;
- B. Deny the applicant's request; and,
- C. Approved Staff's Modified Project and recommendations as listed below:
  - 1. Recommend that the City Council approve the GENERAL PLAN AMENDMENT for Lots 134, 135, 136, 226, & 227 of the Champion Oaks Unit 3 subdivision – De Mello Rezone Project – FILE # GPA 02-08;
  - 2. Recommend that the City Council adopt the two findings of fact as stated in the staff report for the REZONE of Lots 134, 135, 136, 226, & 227 of the Champion Oaks Unit 3 subdivision – De Mello Rezone Project – FILE # RZ 02-04;
  - 3. Recommend that the City Council approve the REZONE of Lots 134, 135, 136, 226, & 227 of the Champion Oaks Unit 3 subdivision – De Mello Rezone Project – FILE # RZ 02-04;

4. Require the applicant to revise the GENERAL PLAN & REZONE EXHIBITS so they pertain only to Lots 134, 135, 136, 226, & 227 of the Champion Oaks Unit 3 subdivision – De Mello Rezone Project;
5. Adopt the three (3) findings of fact as stated in the staff report for the MAJOR GRADING PLAN for Lots 134, 135, 136, 226, & 227 of the Champion Oaks Unit 3 subdivision – De Mello Rezone Project – FILE # GP 03-19;
6. Approve the MAJOR GRADING PLAN for Lots 134, 135, 136, 226, & 227 of the Champion Oaks Unit 3 subdivision – De Mello Rezone Project – FILE # GP 03-19 with the 43 conditions listed below;
7. Adopt the two (2) findings of fact as stated in the staff report for the TREE PERMIT – De Mello Rezone Project – FILE # TP 03-30;
8. Approve the TREE PERMIT – De Mello Rezone Project – FILE # TP 03-67 with the 21 conditions listed below.

### **Alternative Action**

If the Planning Commission believes the findings can be made to approve the applicant's request, the following action should be taken:

1. Adopt the Mitigated Negative Declaration;
2. Recommend that the City Council approve the GENERAL PLAN AMENDMENT and REZONE for the De Mello Rezone Project – FILE # GPA 02-08;
3. Adopt the three (3) findings of fact as stated in the staff report for the MAJOR GRADING PLAN for the De Mello Rezone Project – FILE # GP 03-19;
4. Delete Major Grading Plan Condition 2a and approve the MAJOR GRADING PLAN for the De Mello Rezone Project – FILE # GP 03-19 with the 43 conditions listed below;
5. Adopt the two (2) findings of fact as stated in the staff report for the TREE PERMIT – De Mello Rezone Project – FILE # TP 03-30;
6. Modify Tree Permit Condition 2 as follows: ~~“Tree impacts shall be limited to trees located on lots 134, 135, 136, 226, & 227 of the Champion Oaks 3 subdivision. The following trees located on the above referenced lots are approved for removal: 117-118, 122-139, 190, 194, 196, & 197. Trees 140, 168, 191, & 192 are conditionally approved for removal. Efforts shall be made to preserve these four trees. 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;”~~ and,
7. Approve the TREE PERMIT – De Mello Rezone Project – FILE # TP 03-67 with the 21 conditions listed below and as modified above.

**Conditions of Approval for Major Grading Plan: GP 03-19**

1. This Grading Plan approval shall be effectuated within a period of one (1) year from this date and if not effectuated shall expire on **February 9, 2007**.
2. The project is approved as shown in Exhibits A-G and as conditioned or modified below:
  - a. Grading Activities shall be limited to lots 134, 135, 136, 226, & 227 (2009, 2011, & 2100 N. Cirby, 1203 and 1205 Samoa Way) of the Champion Oaks 3 subdivision. No fill or grading activities shall occur on lots that are all or partially within the City's regulatory floodplain (Lots 130-133, 145, 152- 155 of the Champion Oaks 3 subdivision. (Planning/Engineering)
3. 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)
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. A deposit in the amount of two (2) percent of the value of the public improvements, or \$1000, which ever is greater, shall be provided at the time plans are submitted to the City for review. Prior to plan approval, the applicant shall provide an additional deposit of two (2) percent of the value of the public improvements, or \$1000, whichever is greater. City costs will be billed against the deposited amount on a monthly basis. Monthly statements will be issued by the City's Finance Department to the applicant. If at any time the balance in the deposit account is less than \$500, the applicant may be required to deposit additional funds as estimated by the City. All funds remaining in the deposit account will be refunded upon completion of the project. (Engineering, Environmental Utilities, Finance)
5. The applicant shall not commence with any on-site improvements until such time as grading plans are approved and grading and/or encroachment permits are issued by the Department of Public Works (Engineering)

**PRIOR TO GRADING PERMIT/APPROVAL OF IMPROVEMENT PLANS:**

6. 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 Engineering prior to approval of any plans. (Engineering)
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. Erosion control devices (sediment traps, ditches, straw bales, etc.) shall be shown on the grading plans. 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 incumbent upon the applicant to ensure that necessary measures are taken to minimize silt discharge from the site. Therefore modification of the erosion control plan may be warranted during wet weather conditions.

- c. A rough grading permit may be approved by Engineering prior to approval of the improvement plans.
  - d. Access to the floodplain as required by Engineering and the Streets Department.
  - e. Standard Handicap ramps shall be installed at all curb returns per City Standards. (Engineering)
8. The grading plans shall be designed in accordance with the City's Improvement Standards and Construction Standards and shall reflect the following:
- a. Grading shall comply with the City grading ordinance. No cut and/or fill slopes steeper than a 4:1 slope ratio. Erosion control devices (sediment traps, ditches, straw bales, etc.) shall be shown on the grading plans. 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 incumbent upon the applicant to ensure that necessary measures are taken to minimize silt discharge from the site. Therefore modification of the erosion control plan may be warranted during wet weather conditions. (Engineering)
9. Prior to the approval of the Improvement Plans, the project proponent shall prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to the City, as defined by the Regional Water Quality Control Board. The SWPPP shall be submitted in a single three ring binder. Upon approval, the SWPPP will be returned to the project proponent during the pre-construction meeting. (Engineering)
10. 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 deficit earthen material shall be borrowed. A report issued by a geotechnical engineer shall be submitted to verify that the imported materials are suitable for fill. If the borrow site is within the City of Roseville, the contractor shall show proof of all approved grading plans. Haul routes to be used shall be specified." (Engineering)
11. The grading plans shall be accompanied with engineered structural calculations for all retaining walls greater than 4 feet in height. All retaining walls shall be of masonry or keystone block type construction. (Engineering)
12. Lots approved for development on North Cirby, Samoa, and Hurst shall be Class I drainage. Lots approved for development on Meadow lane may be Class II drainage. (Engineering)
13. The following improvements must be shown on the Improvement Plans and be completed prior to the notice of completion:
- a. The curb, gutter, and sidewalk shall be replaced along the northern side of North Cirby from the eastern limits of the project to the end of the street.
  - b. The curb, gutter, sidewalk, and pavement shall be removed and replaced along Samoa Way, Hurst Way, and Meadow Lane from the northern limits of the project. Sidewalk may be omitted along the southern side of Hurst Way.
  - c. New City standard pedestrian access ramps shall be installed at all curb returns on Samoa Way and Hurst Way. (Engineering)

14. The applicant shall apply for and obtain an encroachment permit from the Engineering Department prior to the commencement of work within City right-of-way or on-site work that will require material to be trucked to or from the site within City right-of-way's. (Engineering)
15. The applicant shall raise existing water and sewer services to lots where fill will occur as part of grading plans. (Engineering)
16. All grading shall occur no closer than 1.5 times the radius of a native oak tree's protected zone unless otherwise approved through a Tree Permit. (Planning)
17. The grading shall not change the drainage pattern within the distance of 1.5 times the radius of a native oak tree's protected zone. (Planning)
18. It is the developer's responsibility to notify PG&E of any work required on PG&E facilities. (PG&E)

**DURING CONSTRUCTION & PRIOR TO NOTICE OF COMPLETION:**

19. 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. (Engineering, Environmental Utilities, Electric)
20. The following note shall be added to the grading 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 to minimize dust.
  - b. Use tarpaulins or other effective covers on all stockpiled earth material and on all haul trucks to minimize dust.
  - c. Sweep the adjacent street 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 opinion of city staff, inadequate dust control or excessive wind conditions contribute to fugitive dust emissions. (Engineering)
21. Existing public facilities damaged during the course of construction shall repaired by the applicant, at the applicant's expense, to the satisfaction of the City. (Engineering)
  22. All improvements being constructed in accordance with the approved grading and improvement plans shall be accepted as complete by the City. (Engineering)
  23. Prior to the construction of any grading, the site shall be scarified and all deleterious vegetation shall be removed. (Engineering)
  24. All fill shall be placed in standard lifts, and shall be compacted to a minimum of 90% relative compaction. Prior to the approval and acceptance of the grading operation as complete, the

applicant shall provide a soils report generated from a registered geotechnical engineer certifying that the fill has been properly constructed. (Engineering)

25. Prior to the notice of completion, the developer must provide a Letter of Map Revision showing that the new house pads are 2 feet above the 100 year flood plain. (Engineering)
26. If at anytime prior to the "Notice of Completion", the determination is made that existing curb ramp(s) do not meet standard City requirements, it will be the responsibility of the developer to remove/replace or modify the deficient ramp(s) to meet City standards. (Engineering)
27. Equipment and materials shall be transferred to and from the site along North Cirby Way or Champion Oaks Drive. (Engineering)
28. Prior to the Notice of Completion, all vegetation and dirt shall be removed from the pavement, curbs, gutters, and sidewalks along Samoa Way, Hurst Way, Meadow Lane south of the northern limits of the project, and North Cirby west of the eastern edge of the project. (Engineering)
29. Prior to the Notice of Completion, the contractor shall verify positive drainage along the North Cirby Gutter pan from the improved parcels to the creek. Ponding in the gutter pan and street will not be allowed. (Engineering)
30. 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)
31. Any relocation, rearrangement, or change of existing electric facilities due to this development shall be at the developer's expense. (Electric)
32. 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, retaining walls, and structures of any type. (Electric)
33. It is the responsibility of the developer to insure 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:**

34. The applicant shall pay City's actual cost for providing plan check, installation, and inspection services. This may be a combination of staff costs and direct billing for contract professional services. (Engineering, Environmental Utilities)
35. All existing public utility, electric, water, sewer and reclaimed water easements shall be maintained. (Electric, Engineering, Environmental Utilities)
36. The project shall comply with all required environmental mitigation identified in the De Mello Initial Study and Mitigated Negative Declaration (state the Environmental Document name). (Planning)
37. The applicant shall have a qualified biologist conduct a raptor nest survey prior to construction for construction activity, which occurs during the breeding season (February 1 to August 1). If an active

nest is located, construction activities shall be limited in the area of the nest based upon the recommendations of the surveying biologist. (Planning, Engineering)

38. The applicant shall submit a fencing plan for the installation of a 5-foot high temporary fence around the base of the fill slopes, to protect the oak trees and wetland areas. The fencing plan shall be reviewed and approved by the Planning Department. (Planning)
39. Prior to construction activities on-site, the Planning Department shall inspect all fencing for compliance with the approved fencing plan. (Planning)
40. 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)
41. If site survey or earth moving work results in the discovery of hazardous materials in containers or what appears to be hazardous wastes released into the ground, the contractor or person responsible for the building permit must 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. (Fire)
42. The Grading Plan application shall not be deemed approved until the actions on the Rezoning and General Plan Amendment are approved and become effective. (Planning)
43. Prior to issuance of a building permit, the property owner shall pay school fees in accordance with the current adopted rates. The property owner may be required to enter into a mutual benefit agreement with the school districts. (Planning, Building)

<b>Conditions of Approval for Tree Permit: TP 03-30</b>
---------------------------------------------------------

CONDITION	COMPLIANCE VERIFIED/ INSPECTED	COMMENTS
<b><u>PRIOR TO ISSUANCE OF ANY PERMITS OR ANY CONSTRUCTION ON-SITE</u></b>		
1. All recommendations contained in the Arborist Report(s) (Exhibit F) shall be incorporated as part of these conditions except as modified herein. (Planning)		
2. Tree impacts shall be limited to trees located on lots 134, 135, 136, 226, & 227 of the Champion Oaks 3 subdivision. The following trees located on the above referenced lots are approved for removal: 117-118, & 122-139. 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 161.5. 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. (Planning)		

<p>5. A \$10,000 cash deposit or bond (or other means of security provided to the satisfaction of the Planning Department) for each lot under separate ownership shall be posted to insure 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)</p>		
<p>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)</p>		
<p>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, driveway, 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 Department prior to the placement of the protective fencing. (Planning)</p>		
<p>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. 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 DEPARTMENT". (Planning)</p>		
<p>9. Once the fencing is installed, the applicant shall schedule an appointment with the Planning Department to inspect and approve the temporary fencing before beginning any construction. (Planning)</p>		
<p>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 Arboriculturalists (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)</p>		
<p>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)</p>		
<p>12. A Site Planning Meeting shall be held with the applicant, the applicant's primary contractor, the Planning Department and the Engineering Department 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 Department and Engineering Division two weeks prior to the start of grading work to schedule the meeting and fencing inspection. (Planning)</p>		
<p><b>DURING CONSTRUCTION</b></p>		
<p>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)</p>		

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 and 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 Department. In no event shall the fencing be removed before the written authorization is received from the Planning Department. (Planning)		
<b>PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT</b>		
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 Department. 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. A copy of this completed Tree Permit Compliance Verification/Inspection form shall be submitted to the Planning Department. (Planning)		
21. The approval of this Tree Permit shall expire on the same date as the Grading Plan (GP03-19).		

**ATTACHMENTS**

1. Vicinity Map
2. September 6, 2005 Neighborhood Meeting Notes
3. Letter from the California Board of Reclamation
4. Letters from neighbors voicing concerns with proposed project
5. Letters from neighbors in support of the project
6. Photos from December 2005 Storm

**EXHIBITS**

- A. Aerial with Floodway zoning boundary and location of 100 year water surface elevation
- B. Mitigated Negative Declaration
- C. General Plan Amendment Exhibit
- D. Rezone Exhibit
- E. Grading Plan
- F. Arborist's Recommendations - October 12, 2005 (Complete arborist report available at the Planning & Redevelopment Department)
- G. Hydraulic Analysis Executive Summary (Complete study available at the Planning & Redevelopment Department)

**Note to Applicant and/or Developer:** Please contact the Planning Department 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 Director at, or prior to, the public hearing.



## GENERAL INFORMATION MEMORANDUM

**TO:** Mayor Gina Garbolino and Members of the City Council

**FROM:** Paul Richardson, Planning and Redevelopment Director

**PREPARED BY:** Wendy Hartman, Project Planner

**DATE:** June 6, 2006

**SUBJECT:** De Mello Rezone

### PURPOSE

The purpose of this memo is to provide the Council with the status of the De Mello Rezone application. The applicant is proposing to remove the Floodway (FW) zone and Open Space/Parks & Recreation/Floodplain (OS/PR/FP) land use designation from 17 lots within the Champion Oaks Unit 3 Subdivision. Five (5) of the lots are currently outside of the City's regulatory floodplain (above the 100 year water surface elevation), but within the City's Floodway zone. The remaining 12 lots are within both the 100-year floodplain and Floodway zone and therefore, would require placing fill within the floodplain in order to be developed.

**Figure 1:** Aerial of Project Site



Lots 134, 135, 136, 226, & 227 are currently above the 100-year water surface elevation (outside the floodplain)

### Project Description

- **General Plan Amendment** from Open Space/Parks & Recreation/Floodplain to Low Density Residential;
- **Rezone** from Floodway to Single Family Residential;
- **Grading Plan** to import up to 10,050 cubic yards of fill material; includes a request to place fill within the floodplain in order to elevate some of the lots above the 100-year water surface elevation; and,
- **Tree Permit** to remove up to 29 native oak trees and encroach into the protected zone of several others.

### Project Status

The application was heard by the Planning Commission on February 9, 2006. Commission members were generally in support of approving the Rezone, General Plan Amendment, Tree Permit, and Grading Plan for the five (5) lots that are naturally outside of the 100 year floodplain, but had reservations regarding the twelve lots that would require fill to elevate them above the 100 year water surface elevation. At the meeting the applicant introduced several project alternatives that had not been evaluated by City staff such as:

- Utilizing fill from adjacent lots (within the floodplain) owned by the applicant or City rather than bringing in fill from outside the immediate project area;
- Alternate construction methods such as using raised foundations rather than raising the elevations of the lots; and,
- Other improvements that could be made in the project area that would reduce the level of the 100-year water surface elevation.

Since, staff had not evaluated these alternatives, the Commission was not able to take action on the entire project. Instead, the Commission recommended that the five lots be approved and that the applicant prepare the studies necessary for staff to evaluate the proposed alternatives for the remaining 12 lots. The Commission also discussed whether the project should proceed to the Council for direction prior to commencing any additional studies.

The applicant has since met with representatives from Engineering and Planning to discuss how to proceed with their project. The Engineering Department is in the process of evaluating the benefits to the neighborhood of installing additional culverts at Champion Oaks Drive. They are also exploring other options that could improve water flow during lower frequency storm events (less than 100 year events) and ultimately increase flood protection in this area. As part of this process, the Engineering Department has hired a consultant (RBF) to evaluate the current project conditions and City's hydraulic model and to prepare a revised hydraulic analysis (HEC/RAS) that will evaluate the impact of the culvert and other potential improvements on the 10, 25, 50 and 100-year water surface elevation. Staff anticipates that the study will be completed within the next three to four weeks.

Upon completion of the HEC/RAS analysis, staff will share the findings with Mr. De Mello and inform him of our recommendation so that he can make an informed decision on how to proceed with his application. Depending on the findings of the hydraulic analysis, Mr. De Mello will either move forward with his original request for all 17 lots or a modified request (fewer number of lots).

**APPROACH**

Rather than breaking the project up into separate pieces for the Council to act on, staff believes it would be better to bring the entire project forward. Therefore, upon completion of the hydraulic analysis, staff intends to bring the project back to the Planning Commission, so they can make a recommendation to Council on the entire project.

If you have any questions or concerns regarding this proposal, please contact Paul Richardson at 774-5285 or Rob Jensen at 774-5349.

**APPROVED:**

---

W. Craig Robinson  
City Manager

Exhibit A: Arial with Floodway and 100-year water surface elevation boundaries

RECEIVED

AUG -2 2016

Planning Division

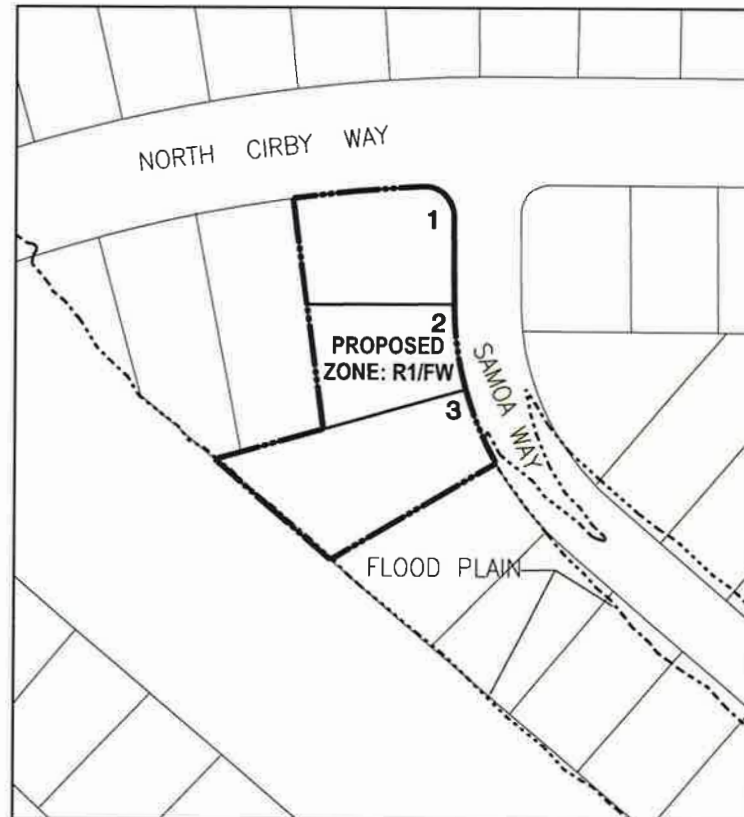
FILE COPY

# REZONE EXHIBIT for SUNSET WEST EXECUTIVE COMMUNITIES

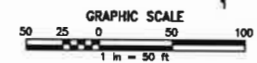
CITY OF ROSEVILLE, CALIFORNIA



EXISTING ZONING



PROPOSED ZONING



FULL COST  
PRE-APP

**PL16-0263**

INFILL PCL 315 -  
CHAMPION OAKS REZONE & GPA  
2014 N CIRBY WY