

ITEM 6.1: **Specific Plan Amendment, Development Agreement Amendment, Tentative Parcel Map, and Tree Permit – 5251 Fiddymment Road – WRSP PCL F-22 – Parcel Map and Unit Transfer – File #PL22-0304**

REQUEST

The applicant requests a Tentative Parcel Map to subdivide West Roseville Specific Plan Parcel F-22 into two parcels, F-22A and F-22B. Parcel F-22A will have a unit allocation of 82 units and Parcel F-22B will have a unit allocation of 162 units. No changes to the overall WRSP unit count will be made. A Specific Plan Amendment and Development Agreement Amendment are requested to reallocate affordable housing units among the subject parcels. Lastly, a Tree Permit is requested to allow removal of one 68" valley oak tree on site to accommodate future development.

Applicant – Kris Steward, Plan Steward, Inc.
Property Owner – West Roseville Development Company Inc.

SUMMARY RECOMMENDATION

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

1. Recommend the City Council adopt a resolution approving the Specific Plan Amendment;
2. Recommend the City Council adopt the five (5) findings of fact and approve the Tenth Amendment of the Fiddymment Land Venture Development Agreement;
3. Adopt the three (3) findings of fact and approve the Tentative Parcel Map subject to seventeen (17) conditions of approval; and
4. Adopt the two (2) findings of fact and approve the Tree Permit subject to nineteen (19) 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 all recommended conditions of approval.

BACKGROUND

The project site is located on Parcel F-22 of the West Roseville Specific Plan (WRSP), at the northeast corner of Harvey Way and Fiddymment Road (see Figure 1 below). The site is currently vacant and has a General Plan land use designation of High Density Residential (HDR-24.9) and a zoning designation of Multi-Family Housing (R3). Surrounding uses include an Open Space parcel to the north, a Medium Density Residential subdivision to the east, the Plaza at Blue Oaks retail center to the south

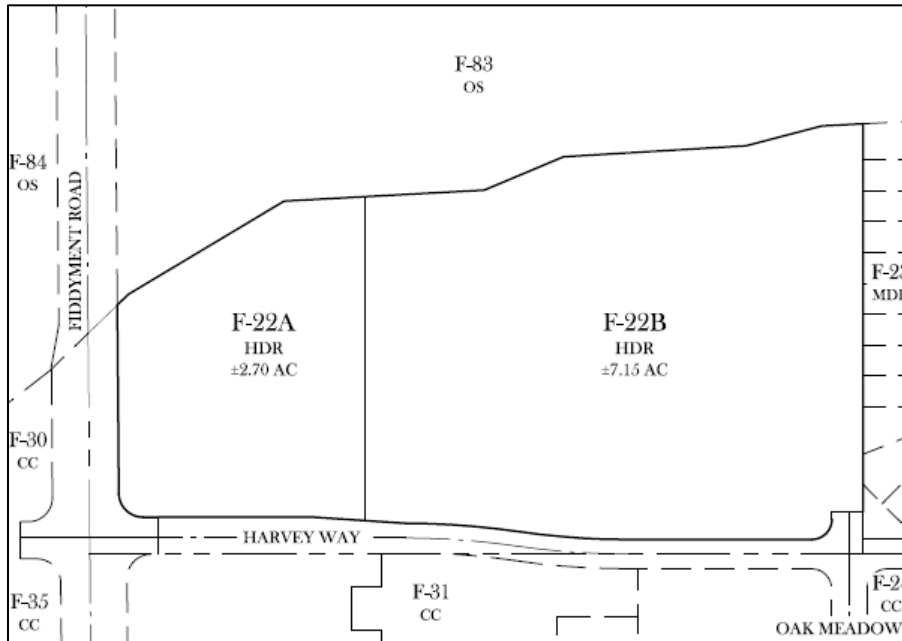


across Harvey Way, and a vacant Community Commercial parcel and Open Space parcel to the west across Fiddymnt Road.

Parcel F-22 has a current unit allocation of 244 units and 184 of these units are designated as affordable rental units (91 very low-income and 93 low-income) in the WRSP. The applicant is requesting a Tentative Parcel Map to subdivide the 9.84-acre parcel into two parcels, F-22A and F-22B. Parcel F-22A will be 2.7 net acres with a unit allocation of 82 units (81 very low), and Parcel F-22B will be 7.15 net acres with a unit allocation of 162 units (10 very low and 93 low). No changes to the overall WRSP unit count will be made. A Specific Plan Amendment and Development Agreement Amendment are requested to reallocate affordable housing units among the subject parcels. Lastly, a Tree Permit is requested to allow removal of one 68" valley oak tree on site to accommodate future development.

The requested entitlements will facilitate the development of an apartment project on each of the resultant parcels. The projects are subject to the City's Objective Design Standards (ODS) process because at least 20% of the units will be provided as affordable to lower income households. The ODS process was adopted by City Council on April 21, 2021 (Resolution 21-152) in order to streamline the construction of qualified affordable housing projects and to comply with State housing legislation. An ODS application is currently in review for Parcel F-22A (File #PL22-0380) and for Parcel F-22B (File #PL22-0383), however, the approval of these projects are dependent on the approval of the requested entitlements mentioned above.

Figure 2: Proposed Parcels F-22A & F-22B



EVALUATION – SPECIFIC PLAN AMENDMENT

Specific Plan Amendments (SPA) are analyzed for consistency with the goals and policies of the affected plan. The project includes a text only amendment to the West Roseville Specific Plan (WRSP). No changes are being made to the existing zoning and land use designation of the site. The SPA exhibit and WRSP change pages are included as Exhibits A and B. Changes to the text, tables, and figures of the WRSP will be made to reflect the subdivision of the site into two parcels (F-22A and F-22B) and the resulting unit allocations. Of the 244 units currently allocated to Parcel F-22, 82 units will be allocated to Parcel F-22A and 162 units will be allocated to Parcel F-22B. The proposed unit allocations result in a density that is consistent with the existing High Density Residential (HDR) land use designation of the site.

Consistent with the General Plan affordable housing goal, the WRSP includes an Affordable Housing Plan (Chapter 5) which designates 10% of the units in the WRSP for middle-, low- and very low-income households. This includes a mix of purchase housing that is affordable to middle-income households, and rental housing that is affordable to low- and very low-income households. The WRSP affordable housing goal is allocated to specific MDR and HDR parcels as identified in Table 5-3 of the WRSP. The intent is to distribute affordable units throughout the WRSP area. Parcel F-22, which is a HDR parcel, is allocated 184 affordable rental units, with 91 units allocated for very-low income households and 93 units allocated for low-income households. Given the project includes a subdivision of Parcel F-22, the Affordable Housing Plan will be amended to revise the affordable housing obligations among the parcels. Table 1 identifies the proposed unit allocations and the proposed affordable unit allocations.

Table 1: Unit Allocations

Specific Plan Parcel	Existing	Proposed		
	F-22	F-22A	F-22B	Total
Acres	9.85	2.70	7.15	9.85
Unit Allocation	244	82	162	244
Density	24.8	30.4	22.7	n/a
Affordable Units	184	81	103	184
Very low income units	91	81	10	91
Low income units	93	0	93	93

The project will maintain the same number of units in the WRSP. As such, there will be no impacts to planned infrastructure, roadways, or other public facilities. In addition, the project will maintain the existing obligation of 184 affordable units, which will be divided between the parcels as shown in Table 1 above. Based on the foregoing, staff supports the proposed SPA.

EVALUATION – DEVELOPMENT AGREEMENT AMENDMENT

Section 19.84.040 of the City of Roseville Zoning Ordinance specifies that recommendations for approval or denial of a Development Agreement (DA), including Amendments, shall include consideration of the following:

- 1. Consistency with the objectives, policies, general land uses and programs specified in the General Plan and the West Roseville Specific Plan;**
- 2. Consistency with the provisions of the City of Roseville Zoning Ordinance;**
- 3. Conformity with the public health, safety and general welfare;**
- 4. The effect on the orderly development of the property or the preservation of property values; and**
- 5. Whether the provisions of the Agreement shall provide sufficient benefit to the City to justify entering into the Agreement.**

The project includes a tenth amendment of the Fiddymnt Land Venture Development Agreement (DA). The DA Amendment is included as Exhibit C. Development Agreements are binding contracts that set the terms, rules, conditions, regulations, entitlements, responsibilities, and other provisions relating to the development of the covered properties.

The DA Amendment includes a revision to the land use plan exhibit contained in the original DA to reflect the subdivision of Parcel F-22. The DA Amendment will also amend the relevant sections of the original

DA to address the revised affordable housing obligations resulting from the proposed Tentative Parcel Map. The City's Housing Division reviewed the project and determined the proposed affordable unit allocations are acceptable and consistent with City policy. Items that are not addressed in the amendment are subject to the terms of the original DA. In summary, City staff has found the proposed DA Amendment is consistent with the General Plan, WRSP, and the Zoning Ordinance. The DA Amendment is in conformance with the public health, safety, and welfare, and will not adversely affect the orderly development of the property or the preservation of property values. Therefore, the proposed DA Amendment is consistent with items 1-5 above.

EVALUATION – TENTATIVE PARCEL MAP

Section 18.06.180 of the City of Roseville Subdivision Ordinance requires that three (3) findings be made prior to the approval of the Tentative Parcel Map. The required findings are listed below in ***italicized, bold text*** and are followed by an evaluation.

- 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 and the Community Design Guidelines, and the design standards of Title 18 (Subdivision Ordinance) of the Roseville Municipal Code.***

The proposed subdivision will result in the creation of two development parcels: F-22A and F-22B. Parcel F-22A will be 2.7 net acres and Parcel F-22B will be 7.15 net acres. The Subdivision Map Act and Subdivision Ordinance do not contain any maximum or minimum lot size. The site has already been mass graded and all of the surrounding roadways have been constructed, pursuant to previous land approvals in the area. The design, character, location, orientation, and configuration of the lots conform to all requirements.

- 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.***

There are no physical conditions in the area which would constrain the ability to build upon or use the parcels, and both parcels will retain roadway frontage and access to utilities. The resultant lots are of sufficient size and shape to accommodate future development. There are no watercourses or other natural features on the site that would impede development. The development of these parcels are being reviewed separately through the Objective Design Standards process, which will ensure compliance with the City's design and development standards.

- 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.***

Approval of the Tentative Parcel Map will not change the existing development intensity and allowed uses on the site, and thus will not increase demands on sewage services; there will be no impacts to the existing requirements established by the Regional Water Quality Control Board.

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 one native oak tree in preparation of future development of the 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 California Tree and Landscape Consulting, Inc., dated November 16, 2022 (see Exhibit E). A total of one (1) tree was found on the southern side of the property. The tree (Tree #181) is a protected valley oak tree with a total diameter of 68 inches. According to the arborist report, the tree is in fair health but has minor problems including an above average amount of dead branches and overextended/over-weighted branches. The tree would require installation of a rotary cable support system to maintain it. Removal of the tree is requested in order to accommodate the future development of the parcels.

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 68. Mitigation can be completed with a combination of on-site planting and 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 fee is required to be paid prior to the removal of the tree and prior to issuance of any permits.

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 removal of the tree 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 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 and on the City's Projects of Interest website. On November 29, 2022 the applicant held a public informational meeting at St. John's Episcopal Church. Notice of this meeting was posted on the RCONA website and mailed to all property owners within 300 feet of the project. In attendance were applicant representatives and City staff. Two members of the public attended and asked questions about the project. None of the attendees expressed opposition.

A notice of the public hearing was published in the Roseville Press Tribune on January 28, 2023 and a notice of the hearing was also distributed to all property owners within 300 feet of the site and posted on the RCONA website. No comments have been received as of publication of the staff report.

ENVIRONMENTAL DETERMINATION

The proposed project is statutorily exempt from environmental review pursuant to Section 15182 of the California Environmental Quality Act (CEQA) Guidelines, as a residential project pursuant to a Specific Plan. A project is eligible for this exemption if the public agency has prepared an EIR on a specific plan after January 1, 1980, and the criteria to require a subsequent or supplemental EIR are not met. The EIR for the West Roseville Specific Plan (SCH #2002082057) was certified by the City Council on February 4, 2004. No significant changes to the site or new, potentially significant impacts have been identified that would require the preparation of a subsequent or supplemental EIR, and the proposed project is consistent with the previously completed analysis.

RECOMMENDATION

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

1. Recommend the City Council adopt a resolution approving the **SPECIFIC PLAN AMENDMENT – 5251 FIDDYMENT ROAD – WRSP PCL F-22 – PARCEL MAP AND UNIT TRANSFER – FILE #PL22-0304**;
2. Recommend the City Council adopt the five (5) findings of fact and approve the **DEVELOPMENT AGREEMENT AMENDMENT – 5251 FIDDYMENT ROAD – WRSP PCL F-22 – PARCEL MAP AND UNIT TRANSFER – FILE #PL22-0304**;
3. Adopt the three (3) findings of fact and approve the **TENTATIVE PARCEL MAP – 5251 FIDDYMENT ROAD – WRSP PCL F-22 – PARCEL MAP AND UNIT TRANSFER – FILE #PL22-0304** subject to seventeen (17) conditions of approval; and
4. Adopt the two (2) findings of fact and approve the **TREE PERMIT – 5251 FIDDYMENT ROAD – WRSP PCL F-22 – PARCEL MAP AND UNIT TRANSFER – FILE #PL22-0304** subject to nineteen (19) conditions of approval.

CONDITIONS OF APPROVAL FOR THE TENTATIVE PARCEL MAP – FILE #PL22-0304

1. This Tentative Map approval shall be effectuated within a period of two (2) years from **February 9, 2023** and if not effectuated shall expire on **February 9, 2025**. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval does not extend the expiration beyond **February 9, 2029**. (Planning)
2. The project is approved as shown in Exhibit D, and as conditioned or modified below. (Planning)
3. 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. (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. (Engineering, Environmental Utilities, Finance)
5. The project shall comply with all required environmental mitigation identified in the West Roseville Specific Plan EIR, and shall include all applicable mitigation measures as notes on the plans. (Planning)

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

6. Grading around the native oak trees or other natural features shall be as shown on the Grading Plan/Tree Removal Plan, or as approved in these conditions. (Planning)
7. 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)

PRIOR TO OR UPON RECORDATION OF FINAL MAP

8. All existing easements shall be maintained, unless otherwise provided for in these conditions. (Environmental Utilities, Electric, Engineering)

9. The vacation of the right of way and vacation of the drainage easement as shown on the Tentative Parcel Map shall occur with recordation of the Parcel Map. (Engineering)
10. 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)
11. 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)
12. The Final/Parcel Map shall include an irrevocable offer to dedicate public rights-of-way and public and/or private easements as required by the City. (Engineering)
13. The words "traffic control appurtenances" shall be included in the list of utilities allowed in public utilities easements (PUEs) located along public roadways. (Engineering)
14. 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)
15. 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)
16. The applicant shall pay all applicable water and sewer fees. (Environmental Utilities)

OTHER CONDITIONS OF APPROVAL

17. The Tentative Parcel Map shall not be deemed approved until the actions on the Development Agreement Amendment and Specific Plan Amendment are approved and become effective. (Planning)

CONDITIONS OF APPROVAL FOR THE TREE PERMIT – FILE #PL22-0304

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

1. All recommendations contained in the Arborist Report (Exhibit E) are incorporated by reference into these conditions, except as modified herein. (Planning)
2. Tree #181 (or as listed in Exhibit E) are 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 68. 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 #181 as shown in Attachment 1 and Exhibit E, and as described in the staff report is permitted. (Planning)
5. 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)
6. 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)
7. 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)
8. 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)
9. 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)
10. 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)
11. 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)
12. 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)

13. 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)
14. 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)
15. 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)
16. 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)
17. 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

18. 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)
19. The approval of this Tree Permit shall expire on **February 9, 2025**. (Planning)

ATTACHMENT

1. Conceptual Grading Plan

EXHIBITS

- A. Specific Plan Amendment Exhibit
- B. WRSP Change Pages
- C. Tenth Amendment of the Fiddyment Land Venture DA
- D. Tentative Parcel Map
- E. Arborist Report

<p>Note to Applicant and/or Developer: Please contact 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>
