



AGENDA

September 26, 2019

PLANNING COMMISSION MEETING

7:00 p.m.

Council Chambers
311 Vernon Street
Roseville, California
www.roseville.ca.us

THE CITY OF ROSEVILLE WELCOMES YOUR PARTICIPATION

If an agenda item is open to public comment, such public comment shall be addressed to the chair of the meeting.

Public Comment - Speakers have three minutes under Public Comment to speak on issues that are not listed on the agenda and are within the City's jurisdiction. The Brown Act does not permit any action or discussion on items not listed on the agenda.

Consent Calendar - If applicable, the Consent Calendar consists of routine items that may be approved by one motion. Any person can remove an item from the Consent Calendar to be discussed separately.

Agenda Items - Speakers have five minutes to address items that are listed on the agenda.

Americans with Disabilities Act - Notify the City Clerk or Secretary at least 72 hours in advance if special assistance is required to participate in a meeting including the need of auxiliary aids or services.

Audio/Visual Presentations - If making a presentation regarding an agenda item, audio/visual materials must be submitted to the City Clerk or Secretary at least 72 hours in advance.

Roseville City Clerk 311 Vernon Street, Roseville, CA 916-774-5200 TDD 916-774-5220

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC COMMENTS**
5. **CONSENT CALENDAR**
 - 5.1. Minutes of September 12, 2019

5.2. NIPA PCL 47A - Cokeva Parcel Map & DAA - 9000 Foothills BI - PL19-0152

REQUEST

The applicant requests approval of a Development Agreement Amendment (DAA) between the City of Roseville and R10 Foothill, LLC relative to the Hewlett-Packard Master Plan for Parcel 2 to vest development rights, clarify development obligations, and extend the term of the agreement. This DAA will be the 8th amendment to the Hewlett-Packard Development Agreement.

Applicant: Hilary Brown, Ubora Engineering & Planning, Inc.

Owner: Ann Nguyen, R10 Foothill, LLC

RECOMMENDATION

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

- A. Recommend that the City Council approve the Development Agreement Amendment for R10 Foothill, LLC (Eighth Amendment).

6. REQUESTS/PRESENTATIONS

6.1. SRSP PCL 47 - Renpoint Addition - 441 Renpoint Ct - PL19-0169

REQUEST

The applicant requests the approval of an Administrative Permit to construct a 2,286-square-foot addition and a 583-square-foot second garage to an existing single family residence. The addition includes the expansion and relocation of three bedrooms and creation of a second garage, a loggia and other living spaces. Pursuant to the City's Zoning Ordinance, residential additions exceeding 700 square feet in area require approval of an Administrative Permit.

Applicant: David Sipes, ESI Builders and Remodelers

Owner: Flaviane Petersen

RECOMMENDATION

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

- A. Adopt the three (3) findings of fact and approve the Administrative Permit subject to thirteen (13) conditions of approval.

6.2. WRSP PCL F-81 - Fiddymment Plaza - 4701 Fiddymment RD - PL19-0013

REQUEST

The applicant requests approval of a Design Review Permit to develop the project site with a mixed-use commercial development, including a gas station and fueling canopy (with five dispensers/ ten pumps), an 8,802 square-foot commercial building that includes 3,977 square feet of retail space, 1,938 square feet of restaurant space, and 2,887 square feet for a convenience store, and associated site improvements including parking, lighting, and landscaping.

Applicant: David Heumann, K12 Architects, Inc.

Owner: Dhillon & Son Enterprises, Inc.

RECOMMENDATION

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

- A. Consider the Addendum to the West Roseville Specific Plan Environmental Impact Report (2004) and the Fiddymment Ranch Specific Plan Amendment 3 Subsequent Environmental Impact Report (2014).
- B. Adopt the four (4) findings of fact and approve the Design Review Permit subject to eighty-eight (88) conditions of approval.

7. BOARD MEMBER / COMMISSIONER / STAFF REPORT

8. ADJOURNMENT



PLANNING COMMISSION COMMUNICATION

Title: Minutes of September 12, 2019
Contact: Lupe Nelson, lnelson@roseville.ca.us, 916-774-5281

Meeting Date: 9/26/2019
Item #: 5.1.

ATTACHMENTS:

Description

Minutes of September 12, 2019



MINUTES

September 12, 2019

PLANNING COMMISSION MEETING

7:00 p.m.

Council Chambers
311 Vernon Street
Roseville, California
www.roseville.ca.us

1. CALL TO ORDER

Chair Caporusso called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Brashears, Martin, Mendonsa, Caporusso
Absent: Dohner, Jensen, Krafka

3. PLEDGE OF ALLEGIANCE

Commissioner Mendonsa led those in attendance in the Pledge of Allegiance.

4. PUBLIC COMMENTS

Chair Caporusso opened the Public Comment period. Hearing none,
Chair Caporusso closed the Public Comment period.

5. CONSENT CALENDAR

Motion by Commissioner Mendonsa, seconded by Vice-Chair
Brashears, to approve the Minutes of August 22, 2019.

The Motion Passed.

Roll call vote:

Ayes: Mendonsa, Martin, Brashears, Caporusso
Absent: Dohner, Jensen, Krafka

5.1. Minutes of August 22, 2019

6. REQUESTS/PRESENTATIONS

6.1. SRSP PCL 47 - Renpoint Addition - 441 Renpoint Ct - PL19-0169

This item was withdrawn from the Agenda and will be renoticed.

6.2. Creekview Specific Plan Amendment - 3764 Westbrook BL - PL18-0190

REQUEST

The applicant requests approval of a General Plan Amendment, Specific Plan Amendment, Rezone, Development Agreement Amendment, and Tentative Subdivision Map Modification for: 1) General Plan Amendment and Specific Plan Amendment to change the land use designations as follows: General Commercial (GC) from 15.5 acres to 9.3 acres; eliminate the Community Commercial/Business Professional (CC/BP) zoned lot; Medium Density Residential (MDR) from 66.0 acres to 51.2 acres; High Density Residential (HDR) from 18.7 acres to 17.7 acres; and Low Density Residential (LDR) from 157.3 to 182.7 acres; 2) Specific Plan Amendment to transfer 17 HDR units and 49 MDR units from lots south of the creek to lots north of the creek; 3) Rezone consistent with the land use changes; 4) Development Agreement Amendment to reflect these changes; and 5) Small Lot Tentative Subdivision Map Modification to create 1,133 residential lots.

Applicant: Kris Steward, Phillips Land Law, Inc.

Owner: Anthem United Creekview Developments, LP

RECOMMENDATION

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

- A. Consider the Addendum to the Creekview Specific Plan EIR,
- B. Recommend the City Council approve the General Plan Text and Land Use Amendments,
- C. Recommend the City Council approve the Specific Plan Text and Land Use Amendments,
- D. Recommend the City Council adopt the two (2) findings of fact and approve the Rezone,
- E. Recommend the City Council approve the Development Agreement Amendment,
- F. Adopt the three (3) findings of fact and approve the Tentative Subdivision Map Modification subject to (127) conditions of approval.

Associate Planner, Charity Gold, presented the staff report.

Chair Caporusso opened the public hearing and invited comments from the applicant and/or audience.

Applicant representative, George Phillips, stated he had received a copy of the staff report and was in agreement with staff's recommendation. He also thanked staff for quickly addressing the concerns of the substation.

Commissioner Discussion:

- Commercial property is being reduced. Is it being provided somewhere else?
- Electric substation trigger for Amoruso Ranch and Creekview Specific Plan.
- Are Brookfield Sunset LLC and Anthem United Creekview Developments, LP satisfied with the wording of the Development Agreement Amendment?

- Has the City, Roseville Electric, signed off on the proposed solution?

Public Comments:

Marcus LoDuca thanked staff for addressing the concerns of Brookfield Sunset LLC.

Chair Caporusso closed the public hearing.

Motion by Commissioner Martin, seconded by Vice-Chair Brashears, to,

- A. Consider the Addendum to the Creekview Specific Plan EIR.
- B. Recommend the City Council approve the General Plan Amendment.
- C. Recommend the City Council approve the Specific Plan Amendment.
- D. Recommend the City Council adopt the two (2) findings of fact as stated in the staff report and approve the Rezone.
- E. Recommend the City Council approve the Development Agreement Amendment as amended in the September 11, 2019 Memorandum, Attachment 2.
- F. Continue the Tentative Subdivision Map Modification to October 10, 2019, Planning Commission hearing.

The Motion Passed.

Roll call vote:

Ayes: Brashears, Mendonsa, Martin, Caporusso

Absent: Dohner, Jensen, Krafka

7. BOARD MEMBER / COMMISSIONER / STAFF REPORT

Staff Reports

- A Planning Commission meeting will be held on September 26, 2019. As Chair Caporusso and Vice-Chair Brashears will not be in attendance, a temporary Chair will be elected for the meeting.
- A Planning Commission meeting is scheduled for October 10, 2019. At this time, it is not known if a Planning Commission meeting will be held on October 24, 2019.
- City Council will consider the 6:00 p.m. Planning Commission start time at its October 2, 2019 meeting. If the City Council approves the new start time, the October 24, 2019 Planning Commission meeting will begin at 6:00 p.m.

8. ADJOURNMENT

Motion by Vice-Chair Brashears, seconded by Commissioner Mendonsa, to adjourn the meeting. The Motion Passed unanimously at 7:33 p.m. with a voice vote.



PLANNING COMMISSION COMMUNICATION

Title: NIPA PCL 47A - Cokeva Parcel Map & DAA - 9000 Foothills BI - PL19-0152

Contact: Kinarik Shallow, kshallow@roseville.ca.us, 916-746-1309

Meeting Date: 9/26/2019

Item #: 5.2.

ATTACHMENTS:

Description

Staff Report

Exhibit A 8th DAA

ITEM 5.2: **Development Agreement Amendment – 9000 Foothills Boulevard – NIPA PCL 47A – Cokeva Development Agreement Amendment – File # PL19-0152**

REQUEST

The applicant requests approval of a Development Agreement Amendment (DAA) between the City of Roseville and R10 Foothill, LLC relative to the Hewlett-Packard Master Plan for Parcel 2 to vest development rights, clarify development obligations, and extend the term of the agreement. This DAA will be the 8th amendment to the Hewlett-Packard Development Agreement.

Applicant – Hilary Brown, Ubora Engineering & Planning, Inc.
Property Owner – Ann Nguyen, R10 Foothill, LLC

SUMMARY RECOMMENDATION

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

- A. Recommend that the City Council approve the Development Agreement Amendment for R10 Foothill, LLC (Eighth Amendment).

SUMMARY OF OUTSTANDING ISSUES

There are no outstanding issues associated with this request.

BACKGROUND

The project site is located at 9000 Foothills Boulevard, within the North Industrial Planning Area (NIPA) of the City (see Figure 1). The parcel makes up a portion of the original Hewlett-Packard (HP) Campus, which consists of ±500 acres of Light Industrial (±450 acres) and Open Space (±45 acres) land uses. The entire HP Campus was originally owned by Hewlett-Packard, but it has since been subdivided and is currently owned by five separate property owners (BBC Roseville, SIF Roseville CA LLC, 8000 Foothills LLC (Strada), R10 Foothill, LLC (Cokeva) and Quality Investment Properties (QIP)). The subject property (Parcel 2) is owned by Cokeva and consists of one lot totaling approximately 57 acres. The property has a zoning designation of Light Industrial/Special Area (M1/SA) and a land use designation of Light Industrial (LI), and is currently developed with a ±316,000-square-foot building with associated parking and landscaping. The site is

Figure 1: Project Location (bordered in red)



The site is

adjacent to the QIP property to the north, the Campus Oaks Master Plan to the west, Foothills Boulevard to the east, and Roseville Parkway to the south.

Development of the HP Campus was anticipated with the HP Master Plan approved in June 1996. The HP Master Plan identified land uses, permitted uses, and infrastructure demands based on the permitted development thresholds for the campus. The original HP Campus property was also governed by a Development Agreement (DA) (1996 and 1st Amendment in 2001) that included the vested development capacities (e.g. intensity thresholds) identified in the HP Master Plan and rights and obligations for the entire property. With the sale of the HP Campus properties, private “side-agreements” divided the vested development capacities between the individual properties. In 2015, the HP and Campus Oaks properties amended the original HP DA (2nd Amendment; File #PL14-0374) to recognize the subdivision of the HP Campus and divest the two properties from the original DA. At the same time, HP (3rd Amendment) and BBC Roseville (4th Amendment) each processed individual DAAs to address specific development rights and obligations for their properties (File #PL14-0373). With the 3rd and 4th DAAs, the City formalized the individual development capacities for the BBC Roseville and HP properties. In 2016, BBC Roseville processed the 5th Amendment (File #PL16-0153) for the purpose of changing the 4th DAA to address obligations associated with land use modifications. In 2017, QIP processed the 6th Amendment (File #PL16-0443) to memorialize specific development rights and obligations for the QIP property. Lastly, in 2018, BBC Roseville (7th Amendment) processed a DAA to reflect the land use changes for a portion of the Campus Oaks property referred to as the “Campus Oaks Town Center” (File #PL18-0080).

The current request (8th DAA) will formalize the development capacities and clarify obligations specific to the Cokeva property, similar to previous amendments for HP, BBC Roseville, and QIP. The DAA is provided as Exhibit A. Development of the property is not being proposed at this time. The project request initially included a Tentative Subdivision Map to subdivide the existing parcel into six (6) lots. However, the applicant has indicated a different parcel configuration is being evaluated and requested the map application be processed at a later date. As such, the map will be processed administratively separate from the DAA.

EVALUATION

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 Hewlett Packard Roseville Campus Master 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.***

As mentioned in the background section, the City entered into a Development Agreement with Hewlett Packard in 1996 to guide development of the entire site as a single owner and operator. Since then the original campus has been subdivided and has multiple property owners. In an effort to recognize these individual development interests, property owner specific amendments to the HP DA have been processed. The DAAs define development capacities for the participating properties consistent with the approved Master Plan. These allocations are reflective of existing private side agreements that were transferred with the individual parcels. If approved, this DAA will allow Cokeva to develop independently

of the other parcels within the Master Plan, provided any development shall not alter or negatively impact any of the rights of the other property owners. Approval of this DAA will also allow Cokeva to have their individual development rights defined. This will allow Cokeva better flexibility when developing or expanding their site in the future. Items that are not addressed in this amendment are subject to the terms of the original DA and the 1st Amendment. The key elements addressed in the proposed DAA include:

- **Extension of Term** – The term of the agreement is extended to December 31, 2049, for an additional 30 years.
- **Independent Ownership** – Acknowledges R10 Foothill, LLC (Cokeva) as the property owner of Parcel 2 and allows Cokeva to process agreements/amendments on their parcels without approval of other HP Campus property owners, as long as the modifications do not negatively affect or impose obligations on other parcels.
- **Vested Entitlements** – Identifies the intensity thresholds for Water, Sewer, Electric, and Traffic for the Cokeva property, as identified in Table 1 below:

Table 1: Cokeva Development Capacities

Property	Acreage	Gross Sq. Ft.	Average Floor to Area Ratio (FAR)	Water (Max Daily Demand)	Sewer (Max Daily Flow)	Electric (Peak Annual Demand) ¹	Traffic (PM Peak Hour Trips)
R10 Foothill (Parcel 2)	57.3	600,000	0.24	0.23 mgd (million of gallons/day)	0.16 mgd	4.04 MW (Megawatts)	684

1. Electric Demand is based on gross square foot allocations. Actual demand may increase with infrastructure improvements.

- **Sewer Improvements** – Revised to state that the existing sewer lines within Painted Desert Drive and Woodcreek Oaks Boulevard are designed to provide sewer infrastructure to the existing and future development of Parcel 2 and Parcel 3, and the Landowner has no obligations to construct an additional sewer line along Blue Oaks Boulevard.
- **Detention Basins** – Deletion of references to detention basins that are not on the Cokeva property and are therefore not applicable.
- **Blue Oaks Boulevard** – Revised to state that the Landowner has no further obligations for improvements to Blue Oaks Boulevard.
- **Legal Action** – Landowner waives all claims for monetary damages against the City and agrees to hold the City harmless from any liability.

The DAA acknowledges R10 Foothill, LLC (Cokeva) as the property owner of Parcel 2. The DAA does not amend any previous development obligations. The amendment does not alter the original total allocated development capacities for the HP Campus, it simply assigns an allocation directly to Parcel 2. As with the previous BBC Roseville and HP DAAs, the assignment of allocated capacity is based on individual private “side-agreements” that were entered into at the sale of the individual properties. These allocations are consistent with the original DA and HP Master Plan. In summary, City staff has found the proposed DAA to be consistent with the HP Master Plan and with the City’s Zoning Ordinance. The DAA 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 DAA is consistent with items 1-5 above.

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. A notice of the public hearing was published on September 13, 2019 and a notice of the hearing was also distributed to all property owners within 300 feet of the site, and to the Roseville Coalition of Neighborhood Associations. To date, no comments have been received.

ENVIRONMENTAL DETERMINATION

This project is exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) (General Rule) and Section 305 of the City of Roseville CEQA Implementing Procedures. The Planning Manager has determined that this project is substantially consistent with the previously certified Hewlett-Packard Master Plan EIR, certified by the City Council on June 5, 1996 (SCH# 95112022), and that the 8th Amendment to the Development Agreement (DA) does not result in any physical changes to the environment or changes to environmental impacts previously considered in connection with the approval of the existing DA. As such, no additional environmental documentation is required.

RECOMMENDATION

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

- A. Recommend that the City Council approve the **DEVELOPMENT AGREEMENT AMENDMENT – 9000 FOOTHILLS BOULEVARD – NIPA PCLA 47A – COKEVA DEVELOPMENT AGREEMENT AMENDMENT – FILE #PL19-0152.**

EXHIBIT

- A. Eight (8th) Amendment to the Hewlett-Packard Development Agreement for Parcel 2 between the City of Roseville and R10 Foothill, LLC

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.

OFFICIAL BUSINESS

Document entitled to free recording
Government Code Section 6103

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City Clerk
City of Roseville
311 Vernon Street
Roseville, CA 95678

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

EIGHTH AMENDMENT OF THE
DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF ROSEVILLE AND R10 FOOTHILL, LLC RELATIVE TO THE
ROSEVILLE MASTER PLAN FOR PARCEL 2

THIS EIGHTH AMENDMENT OF THE DEVELOPMENT AGREEMENT FOR PARCEL 2 (the "Eighth Amendment") is entered into this ____ day of _____, 2019, by and between the CITY OF ROSEVILLE, a municipal corporation ("CITY"), and R10 FOOTHILL, LLC, a California limited liability company ("LANDOWNER"), pursuant to the authority of Sections 65864 through 65869.5 of the Government Code of California.

WITNESSETH:

A. Property (Parcel 2). The subject of this Eighth Amendment is the development of a portion of the overall Master Plan property known as Parcel 2. Parcel 2 consists of approximately 57.3 acres and is described in Revised Exhibit A and depicted in Revised Exhibit A-1 attached hereto. LANDOWNER hereby represents that, as to Parcel 2, LANDOWNER owns such Property in fee and that all other persons holding legal or equitable interests in such Parcel shall be bound by this Eighth Amendment. As to this Eighth Amendment, "Property" shall mean Parcel 2 as described above.

B. Development Agreement. On August 1, 1996, the CITY and Hewlett-Packard entered into that certain agreement entitled "Development Agreement By and Between The City of Roseville and Hewlett-Packard Company Relative to the Roseville Master Plan" (the "Original Development Agreement"). The Original Development Agreement was recorded in the Official Records of Placer County on August 16, 1996, as Instrument No. 96-0047544 and re-recorded on March 25, 1998 as Instrument No. 98-0019739.

C. First Amendment of Development Agreement. On May 23, 2001, the CITY and Hewlett-Packard entered into that certain agreement entitled "First Amendment of Development Agreement By and Between The City of Roseville and Hewlett-Packard Relative to the Roseville Master Plan" ("First Amendment"). The First Amendment was recorded in the Official

Records of Placer County on June 7, 2001, as Instrument No. 2001-0056191. The Original Development Agreement, as amended by the First Amendment, shall be referred to herein as the "Development Agreement." Except as otherwise defined herein, all capitalized terms used herein shall have the meanings ascribed thereto in the Development Agreement unless otherwise provided herein. All references to "Section" herein, unless otherwise noted, shall mean and refer to the corresponding Section of the Development Agreement.

D. Subdivision of Hewlett-Packard Property. Hewlett-Packard subdivided the Master Plan Property into four Parcels. Subsequent to that time, Hewlett-Packard transferred and/or sold parcels to other landowners. Other landowners with legal interest in the existing Development Agreement are as follows: Hewlett-Packard owns "Parcel 1;" Quality Investment Properties Roseville, LLC owns "Parcel 3;" and BBC Roseville Oaks, LLC, owns the majority of "Parcel 4."

E. Campus Oaks Master Plan. On August 5, 2015, the CITY approved the Hewlett-Packard Campus Oaks Master Plan Amendment that amended the Master Plan for Parcel 1 and Parcel 4. The Hewlett-Packard Campus Oaks Master Plan Amendment does not apply to Parcel 2.

F. Second Amendment of Development Agreement for Parcel 1 and 4. On August 19, 2015, the CITY approved entering into a Second Amendment to the Development Agreement for Parcel 1 and Parcel 4 with Hewlett-Packard and BBC Roseville Oaks LLC. The Second Amendment is not applicable to Parcel 2.

G. Third Amendment of Development Agreement for Parcel 1. On August 19, 2015, the CITY approved entering into a Third Amendment to the Development Agreement for Parcel 1 with Hewlett-Packard. The Third Amendment is not applicable to Parcel 2.

H. Fourth Amendment of Development Agreement for Parcel 4. On August 19, 2015, the CITY approved entering into a Fourth Amendment to the Development Agreement for Parcel 4 with BBC Roseville Oaks, LLC. The Fourth Amendment is not applicable to Parcel 2.

I. Fifth Amendment of Development Agreement for Parcel 4. On September 7, 2016, the CITY approved entering into a Fifth Amendment to the Development Agreement for Parcel 4 with BBC Roseville Oaks, LLC. The Fifth Amendment is not applicable to Parcel 2.

J. Sixth Amendment of Development Agreement for Parcel 3. On May 18, 2017, the CITY approved entering into a Sixth Amendment to Development Agreement for Parcel 3 with Quality Investment Properties Roseville, LLC. The Sixth Amendment is not applicable to Parcel 2.

K. Seventh Amendment of Development Agreement for Parcel 4. On January 18, 2019, the CITY approved entering into a Seventh Amendment to Development Agreement for Parcel 4 with BBC Roseville Oaks, LLC. The Seventh Amendment is not applicable to Parcel 2.

L. Purpose of Eighth Amendment. LANDOWNER and CITY desire to amend the Development Agreement to facilitate the development of the Property by clearly establishing and confirming the existing vested entitlements under the Development Agreement allocated to Parcel 2. This Agreement amends and restates the specific vested rights pertaining to Parcel 2. This Eighth Amendment is not applicable to Parcels 1, 3, and 4. LANDOWNER and CITY also desire to extend the term of the Development Agreement, all in substantial conformance with the intent and basic provisions of the Hewlett-Packard Roseville Master Plan, as adopted by Resolution No. 96-203, amended by Resolution No. 01-97.

M. Authorization. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864, et seq., of the Government Code (the "Development Agreement Statute"), which authorizes the City of Roseville and an applicant for a development project to enter into a development agreement establishing certain development rights in and obligations with respect to Parcel 2 which is the subject of the development project application. In addition to this statutory authorization, Section 1.4 of the Development Agreement allows for the amendment of said Development Agreement.

N. Planning Commission Hearing. On _____, _____, the City Planning Commission, designated by Roseville Ordinance No. 3014 as the planning agency for purposes of development agreement review pursuant to Government Code Section 65867, in a duly noticed public hearing, considered this Eighth Amendment to the Development Agreement and recommended that the City Council approve this Eighth Amendment.

O. Environmental Review. On June 5, 1996, the City Council, in Resolution 96-204 certified as adequate and complete, the Final EIR (the "Plan EIR") for the Hewlett-Packard Roseville Master Plan (the "Master Plan"). Feasible mitigation measures were identified in the Plan EIR and were adopted and incorporated into the Master Plan and made terms and conditions of the existing Development Agreement. On August 5, 2015, the City Council adopted an Addendum to the Plan EIR (the "Addendum"). On August 17, 2016, the City Council adopted a second Addendum to the Plan EIR (the "2nd Addendum"). On _____, _____, the City Council, in Ordinance _____ found, based on substantial evidence, that this Eighth Amendment of the Development Agreement does not result in any changes to the Entitlements that would result in any physical changes to the environment or changes to environmental impacts from those previously considered in connection with the approval of the Original Development Agreement through the Seventh Amendment; therefore, no further environmental review relating to the adoption of this Eighth Amendment is required.

P. Development Agreement Ordinance. CITY and LANDOWNER have taken all actions mandated by and fulfilled all requirements set forth in the Development Agreement Ordinance of the City of Roseville, Chapter 19.84 of the Roseville Municipal Code. This Agreement, to the extent it amends and affects the terms of the Development Agreement for Parcel 2, is consistent with and authorized by the amendment provisions of Section 1.4 of the Development Agreement.

Q. Consistency with General Plan and Master Plan. Having duly examined and considered this Agreement and having held properly noticed public hearings hereon, CITY finds

and declares that this Agreement is consistent with the General Plan of the City of Roseville and with the Master Plan. In particular, the CITY finds that all amendments herein related to the implementation of the Master Plan, including the allocation of Intensity Thresholds are consistent with the intent and basic provisions of the Master Plan.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Amendment of Development Agreement. The following sections of the Development Agreement are hereby amended with respect to development of Parcel 2 as follows:

A. Revised Recitals (Property). The description of the "Property" which is the subject of the Eighth Amendment of the Development Agreement is hereby acknowledged to refer to Parcel 2 as depicted in **Revised Exhibit A-1** attached to this Eighth Amendment.

B. Extended Term. For purposes of Section 1.3, CITY and LANDOWNER hereby agree to extend the term of the Development Agreement to and through December 31, 2049, unless the Development Agreement is terminated, modified or extended by circumstances set forth in the Development Agreement, as amended, or by mutual consent of the parties hereto.

C. Revised Section 1.4 (Subsequent Amendments, New Development Agreements and/or Master Plan Amendments). Section 1.4 is hereby revised in its entirety to read as follows:

"1.4 Subsequent Amendments, New Development Agreements and/or Master Plan Amendments. This Agreement and /or the Master Plan may be replaced and/or amended from time to time as to Parcel 2, or any such parcel or as to any portion thereof, by mutual consent of CITY and a Landowner, including any successor owner of any portion of Parcel 2 subject of such amendment, in accordance with the provisions of the Development Agreement Statute and City Ordinance and as provided for herein. If the proposed amendment or new agreement affects less than all of Parcel 2, then such amendment or new agreement need only be approved by the owner(s) in fee of the portion of such Parcel that is subject to or affected by such amendment or new agreement subject to provisions of this Agreement.

"LANDOWNER may seek to amend this Agreement or adopt a new development agreement for the parcel owned thereby, including changes to the allowable land uses and other terms and provisions of the Master Plan vested hereby applicable to the development and use of such parcel, or any portion thereof, independent of and without the consent of the other Landowners subject to the Development Agreement. LANDOWNER, at its discretion may seek as part of any such amendment or new agreement to amend the Master Plan as applied to the parcel owned thereby or to create its own separate plan for development of its parcel, or any portion thereof, independent of and in place of the Master Plan. However, CITY hereby agrees that any such amendment or new agreement and/or amendment to the Master Plan by a Landowner with respect to the parcel owned thereby shall:

1. Not negatively affect or reduce the development rights allocated to and vested in the Development Agreement for any other Parcel, or any portion thereof, granted pursuant to the Development Agreement, as amended by the Second through Seventh Amendments and this Eighth Amendment, unless otherwise agreed to in writing by the Landowner of the other parcel or property whose allocated development rights are proposed to be affected or reduced thereby pursuant to a corresponding, concurrently approved amendment or new agreement and/or amendment to the Master Plan for such other affected parcel or property; and
2. Not impose any new obligations or conditions upon development of any other Parcel subject to the Development Agreement, or any portion thereof, to mitigate any impacts associated with the amendment, new agreement and/or amendment to the Master Plan for the parcel that is the subject of such amendment, or portion thereof, which impacts shall be fully addressed and/or mitigated through the terms of the amendment, new agreement and/or amendment of the Master Plan applicable to the amending parcel, or the amending portion thereof.”

D. Revised Section 2.2 (Vested Entitlements). Section 2.2 is hereby revised in its entirety to read as follows:

“2.2 Vested Entitlements. Subject to the provisions and conditions of this Agreement, CITY agrees that CITY is granting and grants herewith, a fully vested entitlement and right to develop Parcel 2 in accordance with the terms and conditions of this Agreement and the Entitlements. CITY acknowledges that the Entitlements include the following land uses for Parcel 2:

Light Industrial: 57.3 acres

as depicted in Exhibit B. Such uses shall be developed in accordance with the Entitlements, as such Entitlements provide on the effective date of this Agreement, or as they may provide from time-to-time by amendment of the Master Plan by LANDOWNER as provided for herein. LANDOWNER’s vested right to proceed with development of Parcel 2 shall be subject to the Intensity Thresholds defined in this section below. Such vested rights are also subject to subsequent approvals as defined and as provided for in the Master Plan, provided that any conditions, terms, restrictions, and requirements for such subsequent approvals shall not prevent development of Parcel 2 for the uses and density and intensity of development or rate of timing of development set forth in this Agreement so long as the limitations set forth in the Intensity Thresholds have not been reached for Parcel 2 as described below and further provided that LANDOWNER is not in default under this Agreement.

“For purposes of this Eighth Amendment and development of Parcel 2 pursuant to the Master Plan and all other entitlements that exist at the time this Agreement is

executed, the CITY and LANDOWNER hereby agree that the Intensity Thresholds for uses described for Parcel 2 in the Master Plan are allocated to Parcel 2 as follows:

<u>Property</u>	<u>Acreage</u>	<u>Gross Sq. Ft.</u>	<u>Average FAR</u>	<u>Water</u> <i>(Max Daily Demand)</i>	<u>Sewer</u> <i>(Max Daily Flow)</i>	<u>Electric</u> <i>(Peak Annual Demand)¹</i>	<u>Traffic</u> <i>(PM Peak Hour Trips)</i>
R10/Parcel 2	57.3 Light Industrial	600,000	0.24	.23 mgd	.16 mgd	4.04 MW	684

1. Electric Demand is based on gross square foot allocations. Actual demand may increase with infrastructure improvements.

“As a result of these allocations of Intensity Thresholds to Parcel 2, the CITY acknowledges and agrees that the development rights allocated to and vested for such Parcel pursuant to this Section 2.2, shall not be affected or reduced by any action taken by the CITY. The CITY reserves the right to review each subsequent entitlement application for development of Parcel 2 to ensure that the thresholds are not exceeded in the future without appropriate mitigation by the owner of such Parcel and to ensure that the proposed development meets all other applicable design guidelines. So long as the development of the Parcel is consistent with the vested development rights allocated thereto under this Development Agreement, the obligations associated with that development shall be limited to the payment of all fees associated with such development and the installation of roadway and utility improvements described in the terms of this Development Agreement and the Master Plan.”

E. Revised Section 3.6.2 (Sewer Improvements). For purposes of Section 3.6.2 of the Development Agreement, CITY hereby agrees that the existing sewer line within Painted Desert Drive constructed by BBC Roseville Oaks is designed to sewer the existing and future development of Parcel 2 and Parcel 3 consistent with the vested Entitlements to connect to the existing sewer lines in Woodcreek Oaks Boulevard in place of the 12” sewer line along Blue Oaks Boulevard. LANDOWNER shall have no obligation or right to construct the additional 12” sewer line along Blue Oaks Boulevard to sewer development of the Property. LANDOWNER and CITY hereby agree that except to the extent clarified herein, all other terms and provisions of Section 3.6.2 shall remain in full force and effect.”

F. Revised Section 3.4.4 (Detention Basins). All references within Section 3.4.4 to the “Northern Detention Basin” and the “Undeveloped Northern Watershed” are hereby deleted.

G. Revised Section 3.8.1 (Blue Oaks Boulevard). Section 3.8.1 is hereby revised in its entirety to read as follows:

“3.8.1. Blue Oaks Boulevard. LANDOWNER has no further obligations for improvements to Blue Oaks Boulevard.”

H. Revised Section 5.4 (Legal Action). Section 5.4 is hereby revised in its entirety to read as follows:

“5.4 Legal Action. In addition to any other rights or remedies, any party may institute legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation. Provided, however, that LANDOWNER, its successors and assigns hereby waive any and all claims for monetary damages against CITY arising out of this Agreement at any time. All legal actions shall be initiated in the Superior Court of the County of Placer, State of California, or the Federal District Court in the Eastern District of California.”

I. Revised Section 6 (Hold Harmless). Section 6 is hereby revised in its entirety to read as follows:

“ 6.0 Hold Harmless. LANDOWNER and its heirs, successors-in-interest and assigns, hereby agrees to, and shall defend and hold CITY, and its elective and appointive boards, commissions, officers, agents, employees, and volunteers harmless from any liability for damage or claims of damage for personal injury, or bodily injury including death, as well as from claims for property damage which may arise from operation of LANDOWNER’s, or LANDOWNER’s contractors, or contractors’ subcontractors, agents, or employees under this Agreement, whether such operations be by LANDOWNER, or by LANDOWNER’s contractors, subcontractors, or by any one or more persons directly or indirectly employed by, or acting as agent for LANDOWNER of any of LANDOWNER’s contractors or subcontractors unless such damage or claim arises from negligence or willful misconduct of CITY. The foregoing indemnity obligation shall not apply to any liability for damage or claims for damage with respect to any damage to or use of any public improvements after the completion and acceptance thereof by CITY.”

J. Revised Section 10 (Notices). The notice addresses for the CITY and LANDOWNER in Section 10 are hereby revised to read as follows:

Development Services Director
City of Roseville
311 Vernon Street
Roseville, CA 95678

with copy to:
City Attorney
City of Roseville
311 Vernon Street
Roseville, CA 95678

Notice required to be given to LANDOWNER shall be addressed as follows:

R10 Foothill, LLC
9000 Foothills Blvd
Roseville, CA 95747
Attn: Ann Nguyen, CEO and President
E-mail: ann.nguyen@cokeva.com

with copy to:
Abbott and Kindermann, LLP
2100 21st Street
Sacramento, CA 95818
Attn: William W. Abbott, Esq.
E-mail: wabbott@aklandlaw.com

2. Exhibits. The following New Exhibit and Revised Exhibits are attached hereto and incorporated herein by reference and hereby replace and supersede the respective Exhibits previously attached to the Development Agreement. Accordingly, all references to the applicable Exhibits in the Development Agreement, as amended hereby, shall mean and refer to the corresponding New and Revised Exhibits below:

Revised Exhibit A	Legal Description of Parcel 2
Revised Exhibit A-1	Revised Diagram of the Property
Revised Exhibit B	Land Use Map of the Property

3. Consistency with General Plan. The CITY hereby finds and determines that execution of this Eighth Amendment is in the best interest of the public health, safety and general welfare and is consistent with the General Plan.

4. Amendment; Balance of Development Agreement Remains In Full Force. This Eighth Amendment amends, but does not replace or supersede, the Development Agreement. In the event of any conflict, the language of this Eighth Amendment shall be controlling in all events or circumstances. Except as modified hereby, all other terms and provisions of the Development Agreement shall remain in full force and effect.

5. Form of Amendment; Execution in Counterparts. This Eighth Amendment is executed in duplicated originals, each of which is deemed to be an original, and may be executed in counterparts.

IN WITNESS WHEREOF, the City of Roseville, a municipal corporation, has authorized the execution of this Amendment in duplicate by its City Manager and the attestation to this Amendment by its City Clerk under the authority of Ordinance No. ____, adopted by the Council of the City of Roseville on the ____ day of _____, 2019, and LANDOWNER have caused this Amendment to be executed.

CITY:

CITY OF ROSEVILLE,
a municipal corporation

By: _____
Dominick Casey, City Manager

ATTEST:

Sonia Orozco, City Clerk

APPROVED AS TO FORM:

Robert R. Schmitt, City Attorney

APPROVED AS TO SUBSTANCE:

Mike Isom, Development Services Director

LANDOWNER:

R10 FOOTHILL, LLC, a California limited
liability company

By: _____
Name: _____
Title: _____

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of _____
County of _____

On _____, 2017, before me, _____
(Here insert Name and Title of Officer)
personally appeared _____,

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

NOTARY PUBLIC SIGNATURE

NOTARY PUBLIC SEAL

Revised Exhibit A

Legal Description of Property

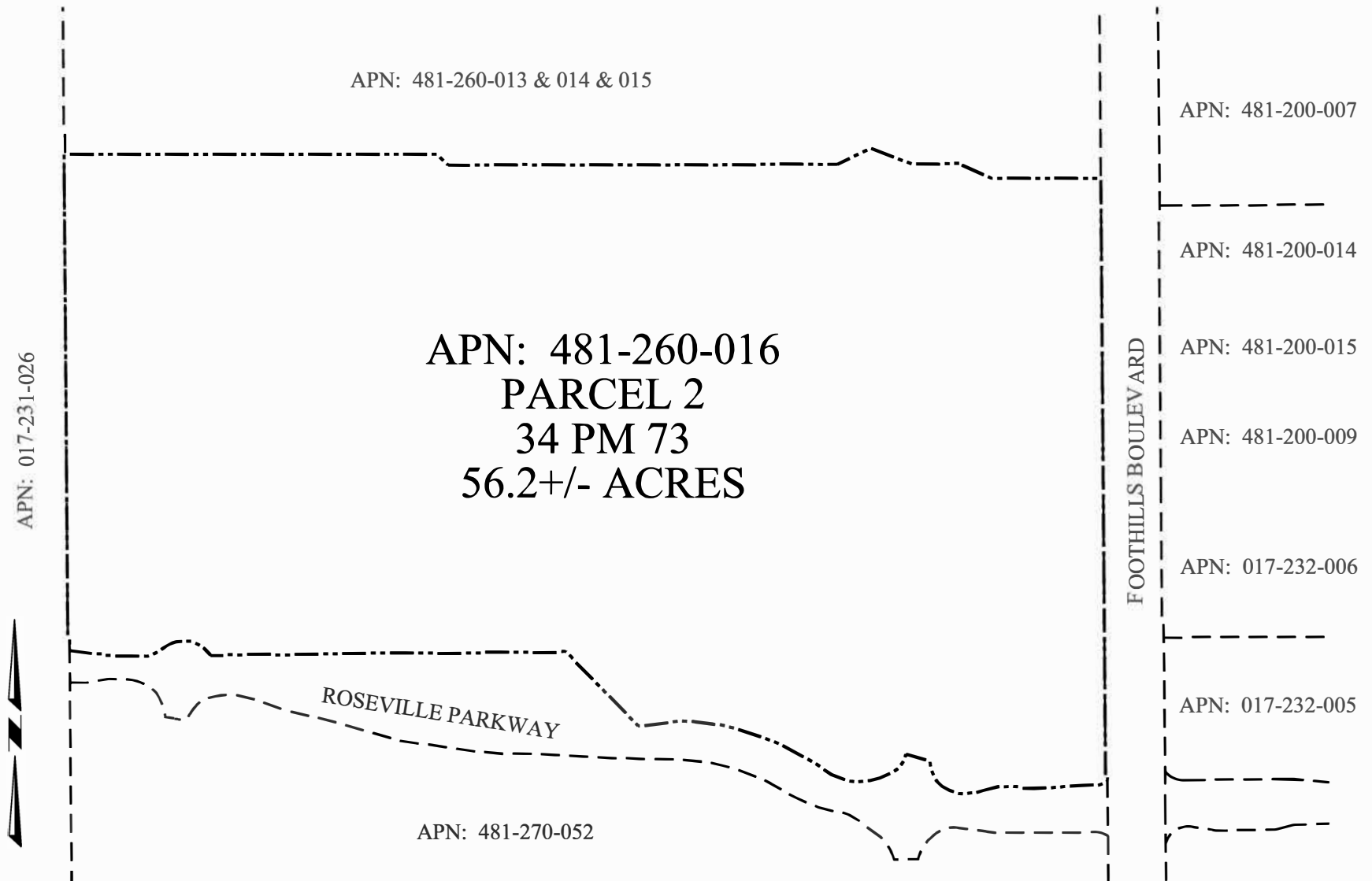
Parcel 2

The land referred to herein is situated in the State of California, County of Placer, City of Roseville, and is described as follows:

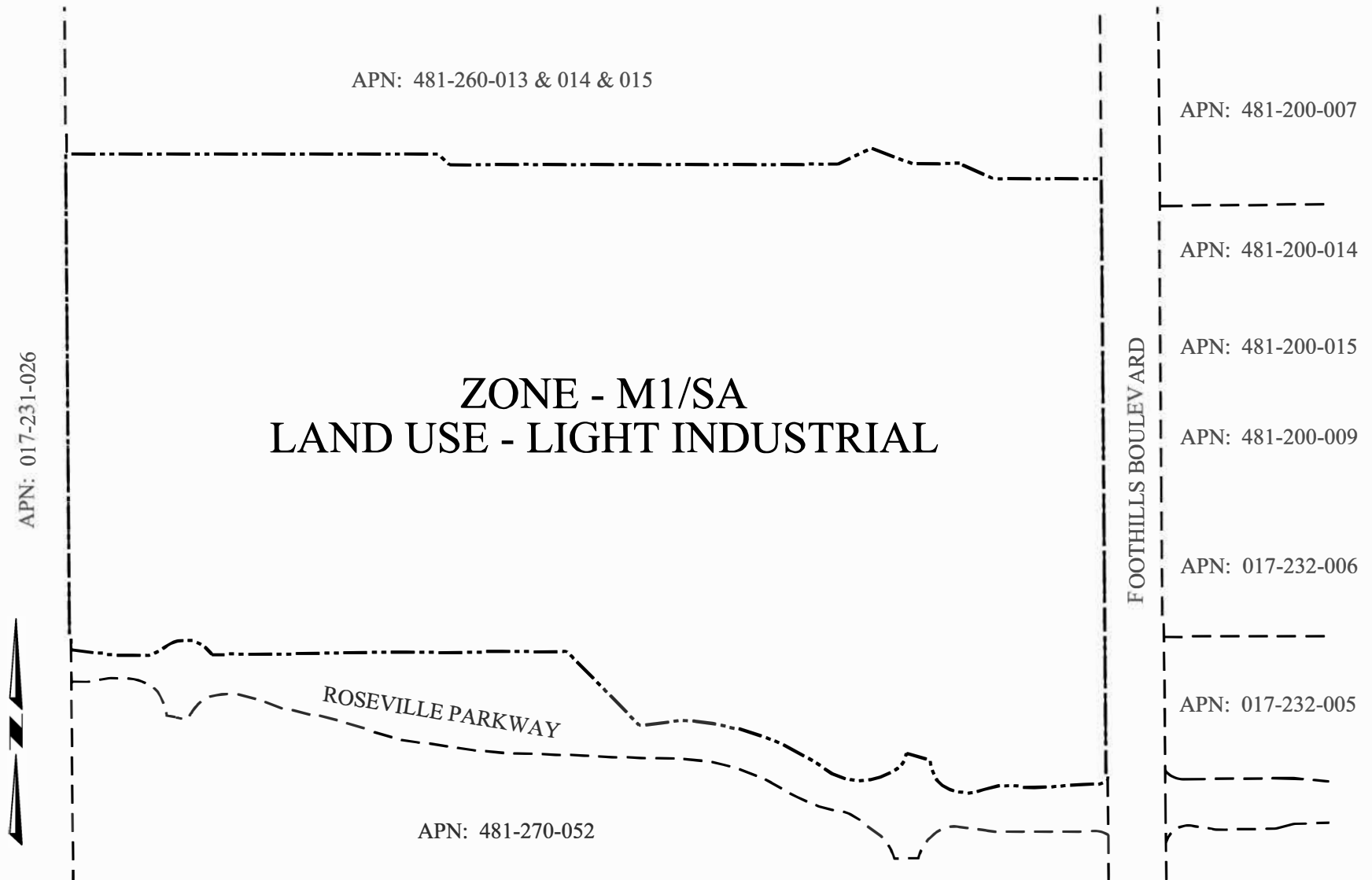
Parcel 2, as shown on that certain Parcel Map of Hewlett-Packard Subdivision No. Sub-000105, recorded on June 4, 2008, in the Office of the Recorder for the County of Placer, State of California, in Book 34 of Parcel Maps, at Page 73.

APN: 481-260-016

REVISED EXHIBIT A-1: DIAGRAM OF THE PROPERTY



REVISED EXHIBIT B: LAND USE MAP OF THE PROPERTY





PLANNING COMMISSION COMMUNICATION

Title: SRSP PCL 47 - Renpoint Addition - 441 Renpoint Ct - PL19-0169

Contact: Sean Morales, smorales@roseville.ca.us, 916-774-5282

Meeting Date: 9/26/2019

Item #: 6.1.

ATTACHMENTS:

Description

Staff Report

Attachment 1 Original Plot Plan

Exhibit A Site Plans

Exhibit B Floor Plans

Exhibit C Elevations



Planning Division Staff Report

Planning Commission Meeting September 26, 2019

Prepared by: Sean Morales, Assistant Planner & Anna Quan,
Assistant Planner

ITEM 6.1: Administrative Permit – 441 Renpoint Court – SRSP PCL 47 – Renpoint Home Addition – PL19-0169

REQUEST

The applicant requests the approval of an Administrative Permit to construct a 2,286-square-foot addition and a 583-square-foot second garage to an existing single family residence. The addition includes the expansion and relocation of three bedrooms and creation of a second garage, a loggia and other living spaces. Pursuant to the City's Zoning Ordinance, residential additions exceeding 700 square feet in area require approval of an Administrative Permit.

Owner – Flaviane Petersen

Applicant – David Sipes, ESI Builders and Remodelers

SUMMARY RECOMMENDATION

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

- A. Adopt the three (3) findings of fact and approve the Administrative Permit subject to thirteen (13) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

Typically, requests for an Administrative Permit can be approved by the Planning Manager unless a public hearing is requested. In this case, a nearby property owner has requested a public hearing. The request cited concerns about the size of the addition, the length of construction, construction traffic, and safety during construction. Staff believes the applicant's proposal meets the development standards of the zone and any construction-related concerns will be regulated by the City's construction standards.

BACKGROUND

The subject property is located at 441 Renpoint Ct. within the Stoneridge Specific Plan (Figure 1). The property is an approximately .5 acre interior lot developed with a 1,921-square-foot single-family home. The parcel is considered to be an irregularly shaped lot as it is bounded by five (5) lot lines. The property has a zoning designation of Small Lot Residential with an overlay of the Stoneridge Specific Plan Development Standards (RS/DS-SR) and a General Plan land use designation of Low Density Residential (LDR-4.1).

The current request is to construct a 2,286-square-foot house addition and a 583-square-foot garage addition on the northeastern side of the home, for a total of 4,207 square feet of living space and total garage space of 1,206 square feet. The addition will allow the property owner to relocate and expand three (3) bedrooms; create an office, a loggia, and connecting spaces, such as a hall and a foyer; and create another garage. Section 19.22.030 of the Zoning Ordinance states that additions to primary structures that exceed 700 square feet in area require the approval of an Administrative Permit.

Figure 1. Project Site

The subject property has a zoning designation of Small Lot Residential with Development Standards as specified by the Stoneridge Specific Plan (RS/DS-SR). Additions to single-family homes are permitted, provided they meet the development standards of the zone. The table below includes the applicable development standards of the RS/DS-SR zone for the existing home and proposed addition. In the case of an irregularly shaped lot, a line within the lot having a length of 30 feet parallel to and most distant from the front lot line is considered as the rear lot line for the purpose of determining required setbacks. As shown in Table 1 below, the proposed addition complies with the RS/DS-SR development standards.

Table 1: Applicable RS/DS-SR Development Standards

Criteria	RS/DS-SR Zoning District Standard	Existing Home	Proposed Addition
Front Yard Setback	15'; 20' minimum driveway depth	±20'-5"	±21'-3"
North Side Setback	5'	±10'-1"	No impact
Northeast Side Setback	5'	±20'-10"	±10'-10"
Southeast Side Setback	5'	±109'-7"	±40'-1"
South Side Setback	5'	±120'-6"	±58'-1"
Rear Yard Setback	15' with minimum useable open space (1,000 sf for first two bedrooms plus 200 sf for each additional bedroom)	±36'-10" with ±21,937 square feet of useable open space (a)	±36'-10" with ±19,068 square feet of useable open space (a)

a) Rear yard line is interpreted as the lot line that is behind the existing home. See Exhibit D.

3. *The location, size, design, and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.*

The subject property is 0.56 acres and located at the end of a cul-de-sac, with ample room in the east and south sides of the property to accommodate the addition. The existing home is a one-story dwelling, and the addition will also be one-story.

To the southeast of the subject property is a large swath of public open space (width: ±367 sf) that rests within the floodplain. This large strip of open space functions as an integral part of the storm drainage system, as multiple outlets drain into this open space area.

The nearest residence to the proposed addition is the property adjacent to the northeast (516 Dorrington Ct), which has a smaller lot (0.35 acres) and large rear and side yards. The house on this parcel is located ±80 feet east of the proposed addition. The distance between the structures reduces the visual impact of the addition.

There is a 12.5' Public Utility Easement (PUE) in the front yard, which is not an issue, because both the existing house and addition meet the 15' required front yard setback.

In order to construct the addition, the property owner will remove nine (9) protected trees. Three of these trees, blue oaks, have major structure or health problems. One interior live oak tree has extreme structure

or health problems. According to Chapter 19.66, “Tree Preservation,” removal of protected trees on property developed with single-family dwellings does not require a Tree Permit.

Staff has reviewed the proposed location, size, design, and operating characteristics of the structure and concludes the addition is compatible with the character of the property and the neighborhood. Furthermore, Staff has not identified any detrimental effects of this project upon the public health, safety, and welfare; or upon property or improvements in the vicinity of the project site.

PUBLIC OUTREACH

The proposed project was distributed to the various agencies and departments which have requested notice of City applications, and all comments were considered and incorporated into the Conditions of Approval, as appropriate. Notice of the application was also distributed to the Roseville Coalition of Neighborhood Associations. No comments were received.

On July 12, 2019, a Notice of Intent to approve an Administrative Permit was distributed to property owners within 300 feet of the project. Two requests for public hearing were received in response to the Notice of Intent. In response, the property owner discussed and explained the project with both of the requestors. One neighbor withdrew their request for a public hearing. The second neighbor remained concerned about the size of the addition, the length of construction, construction traffic, and safety during construction. A hearing before the Planning Commission was scheduled. A public notice of the Planning Commission hearing was published on August 30, 2019, and was distributed to all property owners within 300 feet of the project site as well as the property owner requesting the public hearing, who is located outside of the 300-foot radius.

CONCLUSION

As proposed and conditioned, the project complies with the City of Roseville General Plan and the Zoning Ordinance. The project is consistent with the development standards of the RS/DS zoning district, as well as with the findings for approval of an Administrative Permit.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, “New Construction or Conversion of Small Structures”. Consistent with the exemption classification, the project entails the “construction and location of limited numbers of new, small facilities or structures” on a single-family residence.

RECOMMENDATION

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

- A. Adopt the three (3) findings of fact as stated in the staff report and approve the **Administrative Permit – 441 Renpoint Court – SRSP PCL 47 – Renpoint Home Addition– PL19-0169** subject to thirteen (13) conditions of approval.

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (File # PL19-0169)

1. The project is approved as shown in **Exhibits A – C** and as conditioned or modified below. (Planning)
2. The Administrative Permit shall be valid for a period of two (2) years from this date and if not effectuated shall expire on **September 26, 2021**. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval shall not be extended beyond **September 26, 2022**.

3. A building permit must be issued by the City's Building Division prior to commencement of construction of the proposed addition. A separate Building Permit will be required for each building/structure. The construction plans may include all buildings/structures. (Building)
4. Materials and colors for the proposed addition shall be consistent with the existing residence. (Planning)
5. The applicant shall not commence with any on-site improvements such time as grading plans have been submitted for review and are approved with a grading permit issued by the Department of Development Services – Engineering Division. (Engineering)
6. The applicant shall pay City's actual costs for providing plan check, mapping, GIS, and inspection services. This may be a combination of staff costs and direct billing for contract professional services. Project billing may occur up to two (2) months after the end of project. (Engineering, Environmental Utilities, Electric, Finance)
7. The design and construction of all improvements shall conform to the Design and Construction Standards of the City of Roseville, or as modified by these conditions of approval, or as directed by the City Engineer. (Engineering)
8. A note shall be added to the grading plans that states:

“Prior to the commencement of grading operations, the contractor shall identify the site where the **excess/borrow** earthen material shall be imported/deposited. If the **borrow/deposit** site is within the City of Roseville, the contractor shall produce a report issued by a geotechnical engineer to verify that the exported materials are suitable for the intended fill, and shall show proof of all approved grading plans. Haul routes to be used shall be specified.” (Engineering)
9. The grading plans shall include an erosion and sediment control plan showing best management practices to prevent erosion and the transport of sediment. (Engineering)
10. Improvement plans shall show the Preserve boundary and label it as a protected area. The Pre-Construction meeting shall address the presence of the Preserve, the sensitive habitats present and minimization of disturbance to the Preserve. During grading and construction the preserve area shall be avoided and shall not be used for parking, storage, or project staging. The contractor shall remove all trash blown into the preserve from adjacent construction on a daily basis. After construction is complete, the temporary fencing shall be removed from the preserve, along with all temporary erosion control measures (e.g., straw bales, straw waddles and stakes, silt fencing). (Engineering, Development Services Department, Planning)
11. Prior to construction within any phase of the project, high visibility temporary construction fencing shall be installed along the parcel adjacent to the Preserve. Fencing shall be maintained daily until permanent fencing is installed, at which time the temporary fencing shall be removed from the project site. (Engineering, Development Services Department, Planning)
12. With the exception of access required for maintenance and/or emergency vehicles, the project shall be designed to prevent vehicle access into the Preserve. Post and cable fencing or other improvements shall be utilized to meet this requirement. (Public Works, Development Services Department, Planning)
13. Added runoff due to new construction and including pool drains shall be collected and directed to the appropriate storm drain or sewer lines prior to crossing and daylighting into the open space. (Parks)

Attachments

1. Original Plot Plan

Exhibits

- A. Site Plans
- B. Floor Plans
- C. Elevations

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

Attachment 1

APPROVED BY
PLANNING DEPARTMENT
CITY OF ROSEVILLE

APR 27 2004

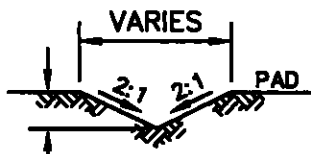
ATTEST: CA

ATP 03-24

CITY OF
ROSEVILLE
TRADITION • PRIDE • PROGRESS

Revised
MAY 02 2004

APPROVED
CONSTRUCTION DOCUMENTS
MUST BE ON JOB SITE
RENPOINT COURT



0.5' MIN.

TYPICAL SWALE
THRU DRIP LINE

NOTE:

1. SLOPE AT 1% MIN.

2. SWALE ECHROACHMET ON TREE NO.
1048 IS APPROXIMATELY 4% AND
BUILDING IS APPROXIMATELY 4%.

NOTE:

This Plot plan has been prepared for the purpose of showing the building foundation relationship to the property line, proposed drainage elevations and directions of flow to conform to local ordinances and for the purpose of building permit issuance. Information shown is approximate except for those setbacks, which are minimums required by ordinance. This plot does not reflect as-built conditions, which will likely vary from this plan. Retaining walls may be added, deleted, or changed as field conditions warrant. All swales are 1% Min. slope.

SERVICE ON
LEFT SIDE OF LOT.

PAD = 384.0
PLAN = 3211AR
FOOTPRINT AREA = 2,628
LOT AREA = 24,477
MIN. OPEN SPACE = 1,400
REAR YARD SPACE = 3,021

LOT 51
441 RENPOINT COURT

STONERIDGE EAST VILLAGE 4
ROSEVILLE, CALIFORNIA

Elliott Homes

A Tradition of Quality for more than 50 Years.
2390 E. Bidwell Street
Folsom, California 95630

3222 Roman Circle Sacramento CA 95827
(916) 366-3300 Fax (916) 366-3303

R.E.Y. ENGINEERS, Inc.
Civil Engineers / Land Surveyors



JOB NO. 2881.031
DRAWN MAM
CHECKED KB
DATE 04.27.04
SCALE 1"=40'

OFFICE

LEGEND:

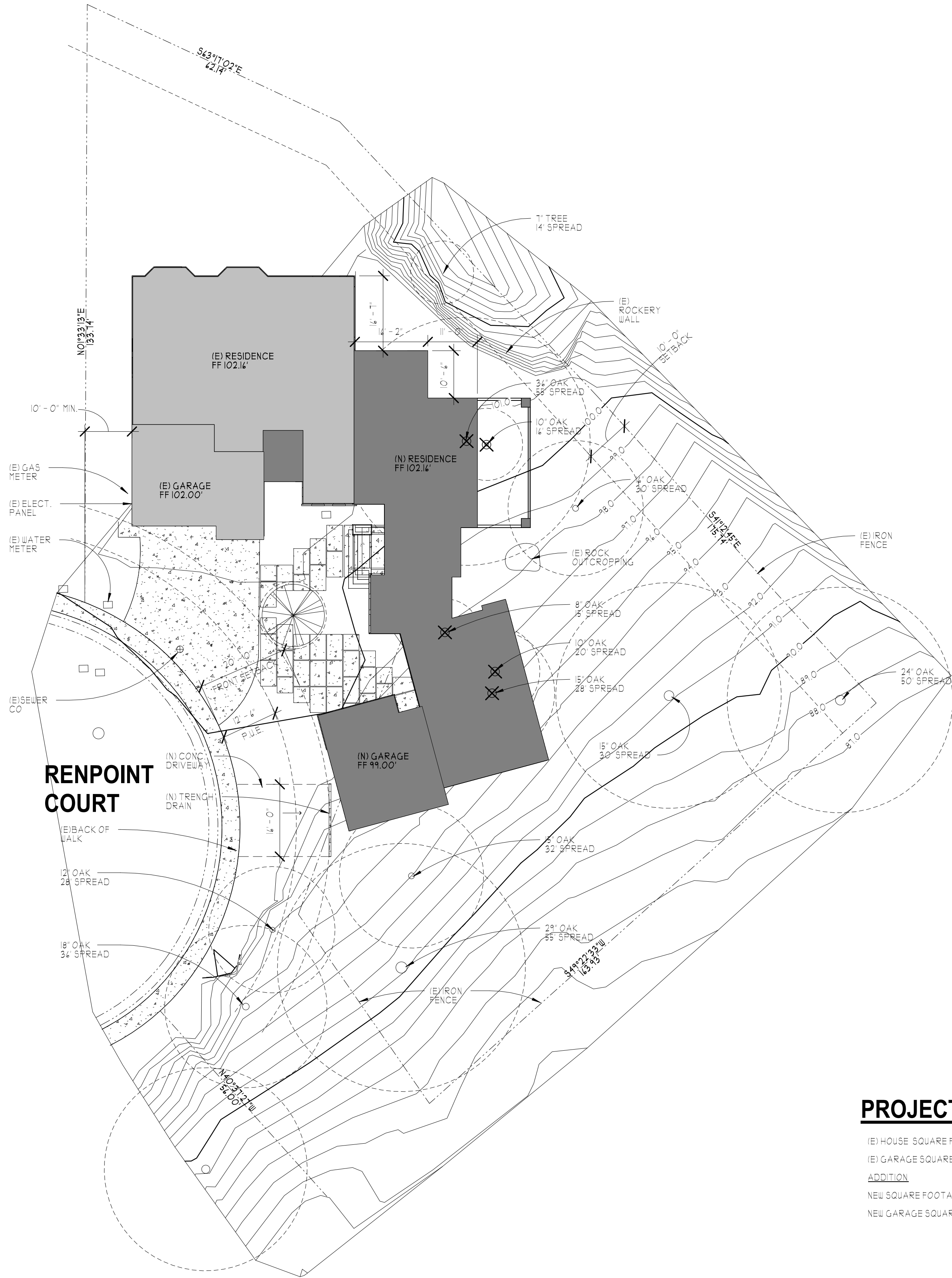
- S SEWER
- W WATER
- TRANSFORMER
- STREET LIGHT
- FIRE HYDRANT
- DRAIN INLET
- SWALE
- UTILITY
- FENCE - WOOD
- FENCE - IRON

PETERSEN-SEIDEL RES.

441 RENPOINT COURT
ROSEVILLE, CA

PREPARED FOR:

FLAVIANE PETERSEN
& ZEB SEIDEL



PROJECT INFORMATION:

(E) HOUSE SQUARE FOOTAGE	1,919 SQ. FT.
(E) GARAGE SQUARE FOOTAGE	429 SQ. FT.
ADDITION	
NEW SQUARE FOOTAGE:	2,284 SQ. FT.
NEW GARAGE SQUARE FOOTAGE:	589 SQ. FT.

SCHEMATIC
SITE PLAN

SCALE: 1/16" = 1'-0"

DATE: APRIL 5, 2019

SHEET:

Exhibit A

SITE/GRADING PLAN 441 RENPOINT COURT APN 455-100-044-000 LOT 51 OF STONERIDGE EAST, VILLAGE 4 ROSEVILLE, CALIFORNIA

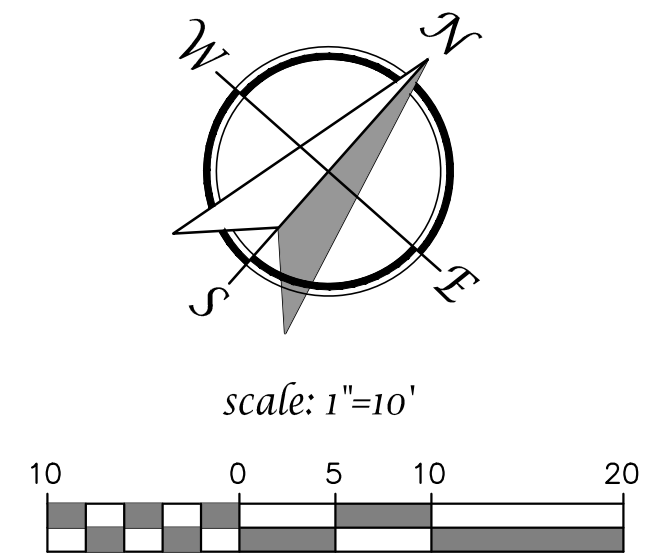
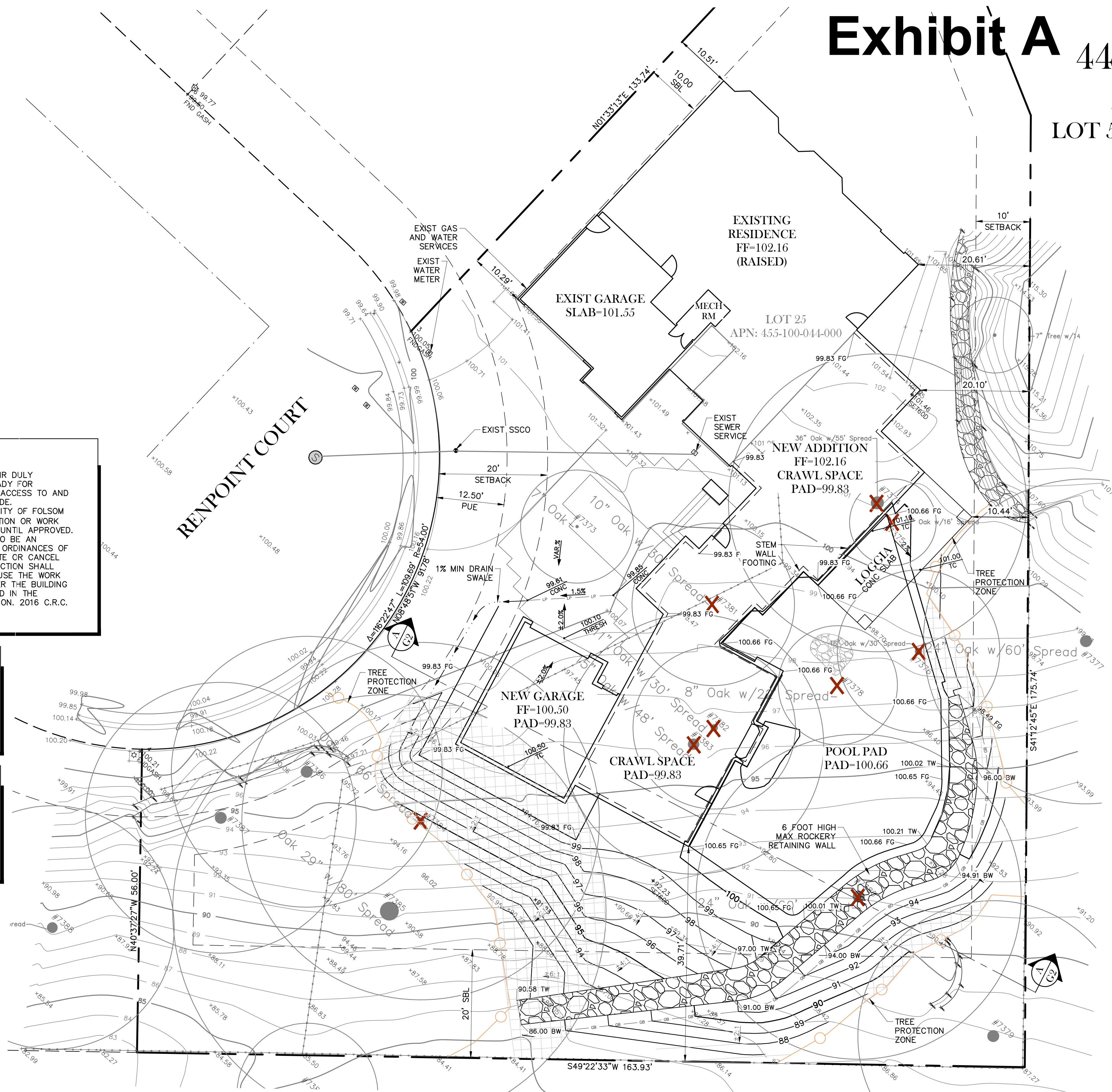
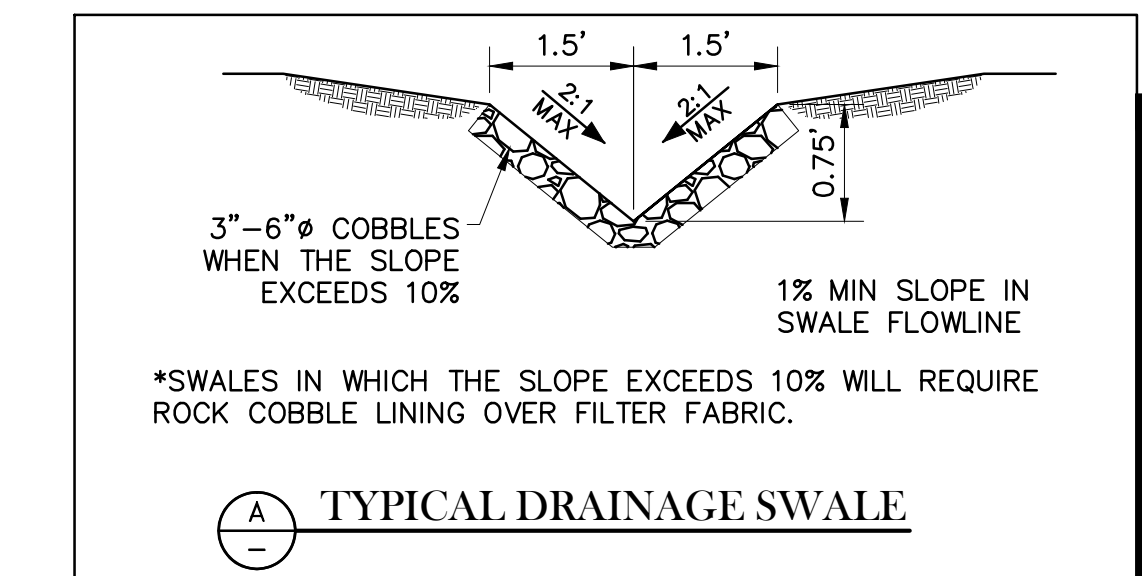
- TREE PROTECTION NOTES:**
1. EACH TREE OR GROUP OF TREES TO BE PRESERVED SHALL BE ENCLOSED WITH 4" HIGH-VISIBILITY FENCING ON 5' T-STAKES SET A MAXIMUM OF 10' APART. INSPECTION BY THE CITY ARBORIST IS REQUIRED PRIOR TO ANY GRADING, GRUBBING, TRENCHING, MOVEMENT OF HEAVY EQUIPMENT OR OTHER CONSTRUCTION ACTIVITY.
 2. WEATHERPROOF SIGNS 11"x17" SPACED A MAXIMUM OF 50' APART SHALL BE POSTED ON ALL SIDES OF FENCES SURROUNDING EACH TREE OR TREES STATING THAT ENCLOSED TREES ARE TO BE PRESERVED.
 3. PARKING OF VEHICLES, EQUIPMENT, OR STORAGE OF MATERIAL WITHIN THE PROTECTED ZONE OF TREES IS PROHIBITED AT ALL TIMES.
 4. TPZ FENCING SHALL REMAIN UPRIGHT AND INTACT UNTIL AUTHORIZATION FROM CITY ARBORIST IS GIVEN AT THE FINAL INSPECTION.
 5. THIS PLAN CORRESPONDS WITH AN ARBORIST REPORT BY CALIFORNIA TREE AND LANDSCAPE CONSULTING INC. DATED NOVEMBER 29, 2018

OAK TREE IMPACTS		
TREE NO.	TOTAL DRIP AREA	TREE IMPACT AREA
7377	2832 sf	215 sf = 7.6%
7379	1966 sf	110 sf = 5.6%
7380	2826 sf	103 sf = 3.6%
7385	5027 sf	1450 sf = 28.8%
7386	1964 sf	200 sf = 10%

- INSPECTIONS**
- A. IT SHALL BE THE DUTY OF THE HOLDER OF THE BUILDING PERMIT OR THEIR DULY AUTHORIZED AGENT TO NOTIFY THE BUILDING OFFICIAL WHEN WORK IS READY FOR INSPECTION. IT SHALL BE THE DUTY OF THE PERMIT HOLDER TO PROVIDE ACCESS TO AND MEANS FOR INSPECTIONS OF SAID WORK THAT ARE REQUIRED BY THIS CODE.
 - B. ALL CONSTRUCTION WORK SHALL BE SUBJECTED TO INSPECTION BY THE CITY OF FOLSOM BUILDING OFFICIAL (OR HIS/HER REPRESENTATIVES) AND SUCH CONSTRUCTION OR WORK SHALL REMAIN ACCESSIBLE AND EXPOSED FOR INSPECTION PURPOSES UNTIL APPROVED. APPROVAL AS A RESULT OF AN INSPECTION SHALL NOT BE CONSTRUED TO BE AN APPROVAL OF A VIOLATION OF THE PROVISIONS OF THIS CODE OR OTHER ORDINANCES OF THE JURISDICTION. INSPECTIONS PRESUMING TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF THIS CODE OR OF OTHER ORDINANCES OF THE JURISDICTION SHALL NOT BE VALID. IT SHALL BE THE DUTY OF THE PERMIT APPLICANT TO CAUSE THE WORK TO REMAIN ACCESSIBLE AND EXPOSED FOR INSPECTION PURPOSES. NEITHER THE BUILDING OFFICIAL NOR THE JURISDICTION SHALL BE LIABLE FOR EXPENSES ENTAILED IN THE REMOVAL OR PLACEMENT OF ANY MATERIAL REQUIRED TO ALLOW INSPECTION. 2016 C.R.C. SECTION R109.

- ADDITIONAL GRADING NOTES:**
1. COMPACTION TEST REQUIRED ON ALL FILL AREAS.
 2. CALL U.S.A. AT 1-800-642-2444 PRIOR TO EXCAVATION.
 3. ROCK LINE ANY SWALES STEEPER THAN 10%.
 4. CONTRACTOR TO VERIFY BUILDING STRUCTURAL SECTION PRIOR TO CONSTRUCTION.

- RETAINING WALL NOTES:**
1. RETAINING WALLS SHOWN HEREON ARE FOR INFORMATION ONLY AND NOT CONSTRUCTED UNDER THIS PERMIT. SAID WALLS SHALL BE CONSTRUCTED UNDER SEPARATE PERMIT.
 2. NO PART OF THE ROCKERY WALL CONSTRUCTION, INCLUDING FOOTING AND DRAINAGE SYSTEM, WILL EXTEND OVER THE PROPERTY LINE.
 3. REFER TO ROCKERY DESIGN AND CONSTRUCTION GUIDELINES BY FHWA OR ASCE.



SHEET INDEX	
G1	SITE/GRADING PLAN
G2	GRADING SECTION
G3	EROSION & SEDIMENT CONTROL PLAN
RSN.1	STRUCTURAL NOTES - RETAINING WALL
RSD.1	STRUCTURAL DETAILS - RETAINING WALL

OWNER/APPLICANT
ZEB SEIDEL
441 RENPOINT COURT
ROSEVILLE, CA 95661
PHONE: (916) 521-4435
EMAIL: zseidel@bamonauction.com

PRELIMINARY

SITE/GRADING PLAN
441 Renpoint Court
MAY 6, 2019

AMENDED CONSTRUCTION DOCUMENTS

WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE APPROVED CONSTRUCTION DOCUMENTS, AND ANY CHANGES MADE DURING CONSTRUCTION THAT ARE NOT IN COMPLIANCE WITH THE APPROVED CONSTRUCTION DOCUMENTS SHALL BE RESUBMITTED FOR APPROVAL AS AN AMENDED SET OF CONSTRUCTION DOCUMENTS.

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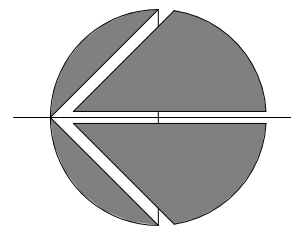
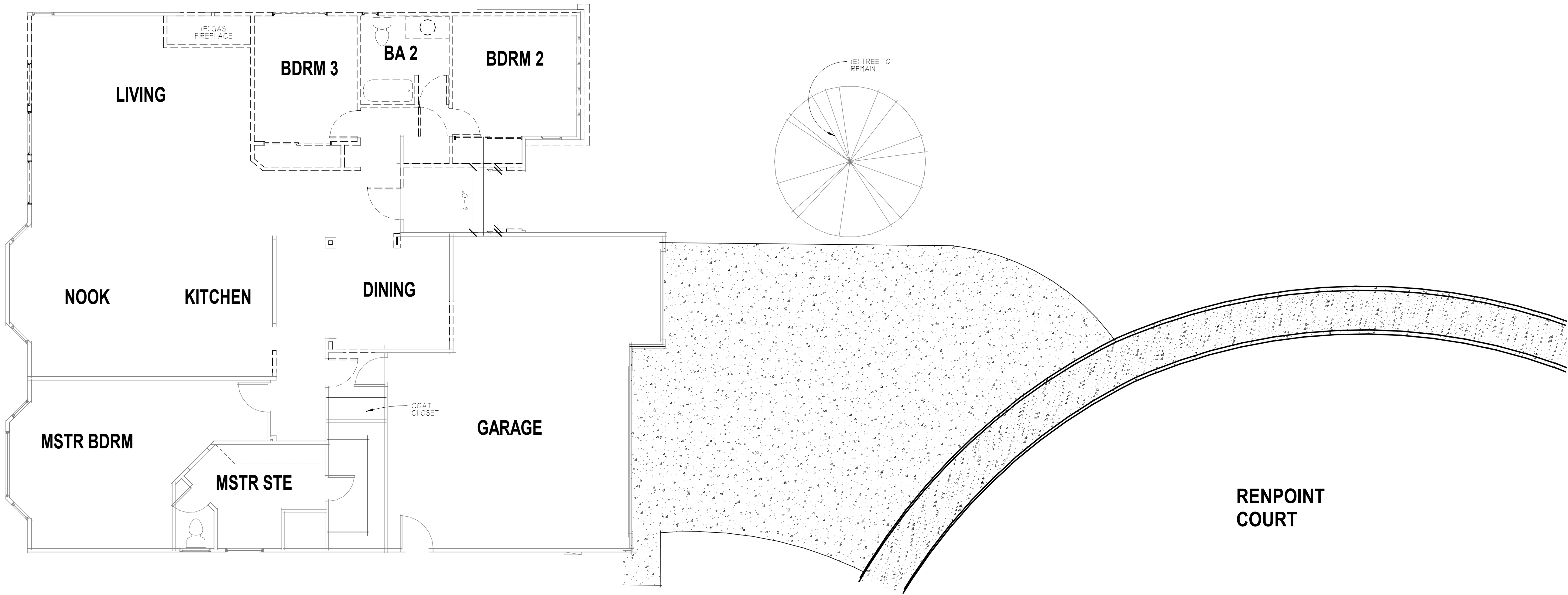
Exhibit B

PETERSEN-SEIDEL RES.

441 RENPOINT COURT
ROSEVILLE, CA

PREPARED FOR:

FLAVIANE PETERSEN
& ZEB SEIDEL



EXISTING
HOUSE/DEMO
PLAN

SCALE: 3/16" = 1'-0"

DATE: APRIL 5, 2019

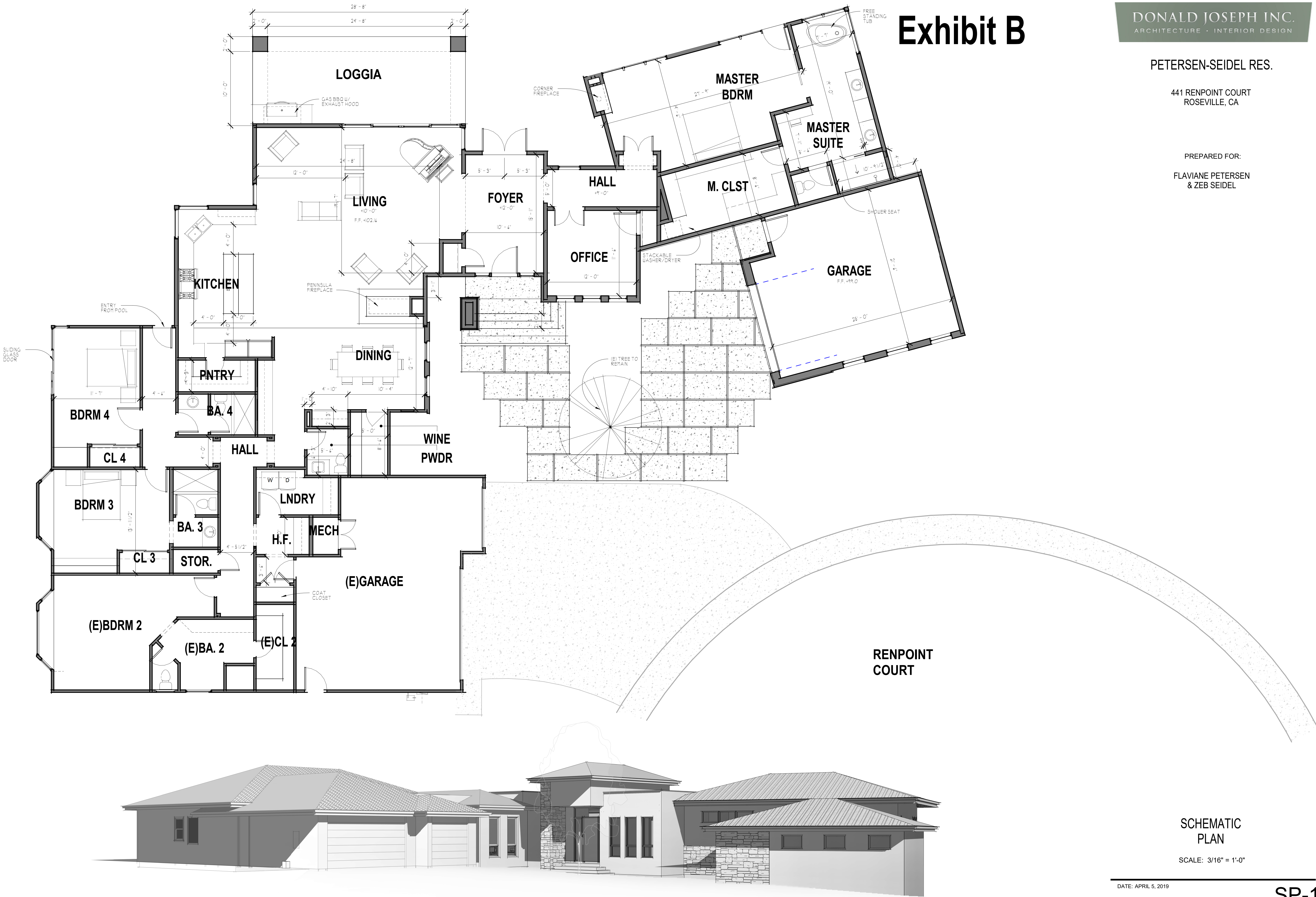
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Exhibit B

PETERSEN-SEIDEL RES.

441 RENPOINT COURT
ROSEVILLE, CA

PREPARED FOR:
FLAVIANE PETERSEN
& ZEB SEIDEL



SCHEMATIC
PLAN

SCALE: 3/16" = 1'-0"

DATE: APRIL 5, 2019

SHEET:

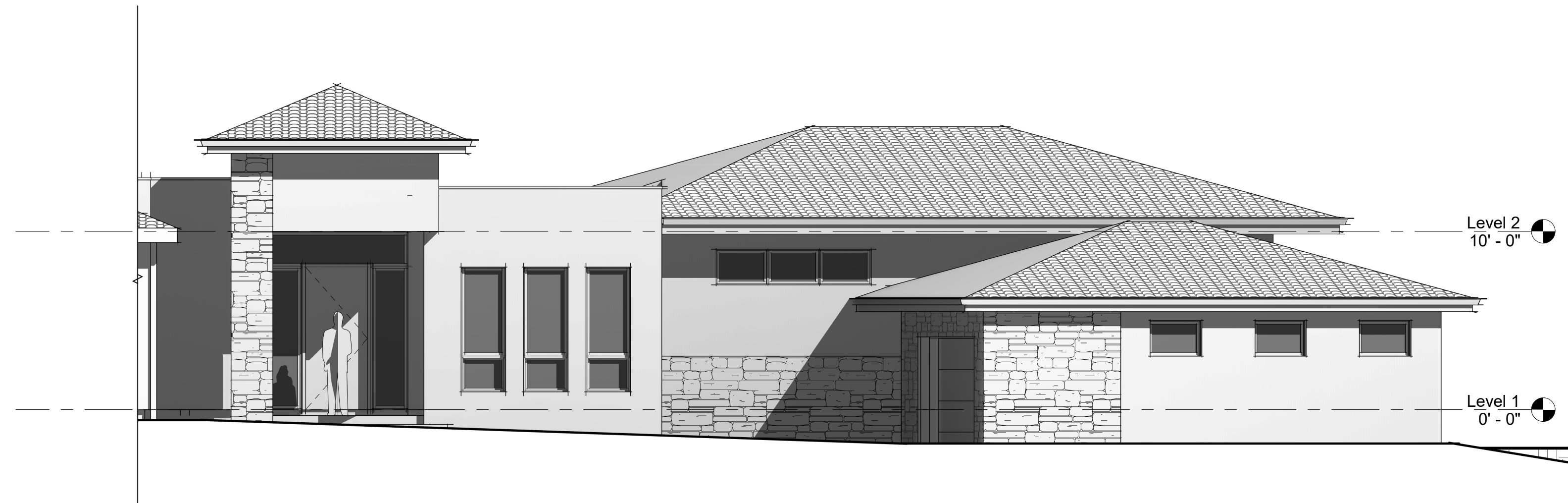
Exhibit C

DONALD JOSEPH INC.
ARCHITECTURE • INTERIOR DESIGN

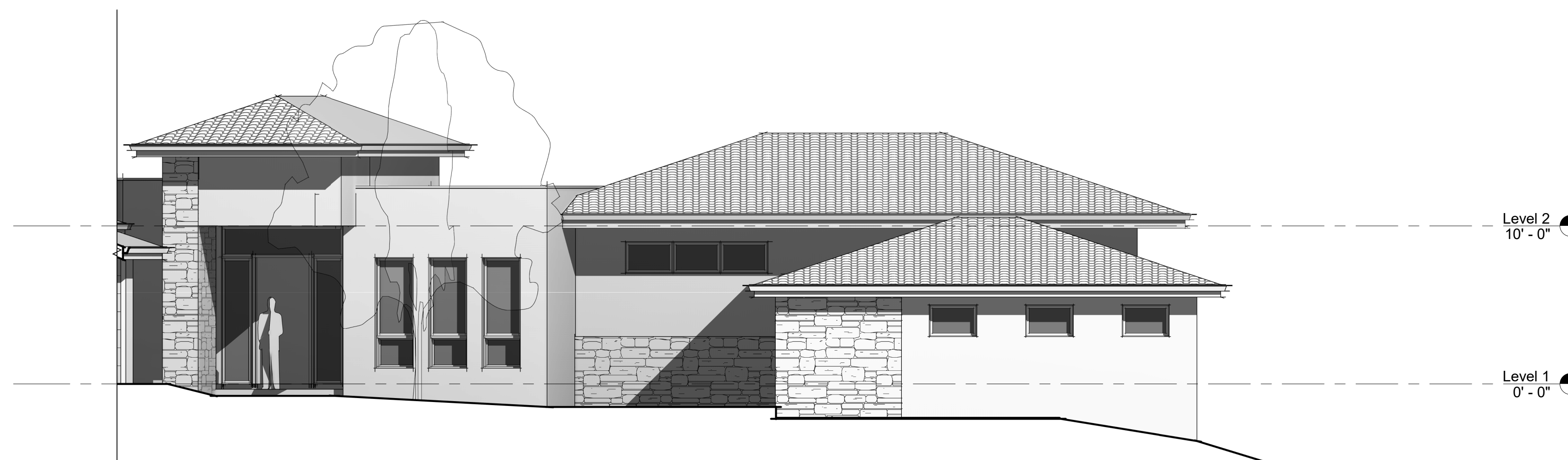
PETERSEN-SEIDEL RES.

441 RENPOINT COURT
ROSEVILLE, CA

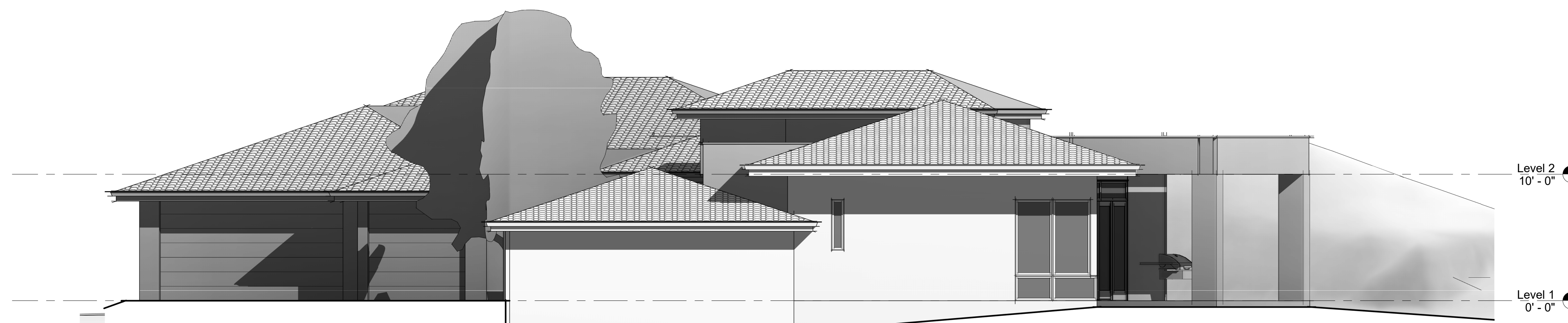
PREPARED FOR:
FLAVIANE PETERSEN
& ZEB SEIDEL



1 ELEVATION - WEST - ENTRY



2 ELEVATION - WEST - GARAGE



3 ELEVATION - SOUTH

SCHEMATIC
ELEVATIONS

SCALE: 3/16" = 1'-0"

DATE: APRIL 5, 2019

SHEET:

SP-2

Exhibit C

PETERSEN-SEIDEL RES.

441 RENPOINT COURT
ROSEVILLE, CA

PREPARED FOR:

FLAVIANE PETERSEN
& ZEB SEIDEL



1 ELEVATION - EAST



2 ELEVATION - MASTER

SCHEMATIC
ELEVATIONS

SCALE: 3/16" = 1'-0"



PLANNING COMMISSION COMMUNICATION

Title: WRSP PCL F-81 - Fiddymment Plaza - 4701 Fiddymment RD - PL19-0013

Contact: Shelby Vockel, svockel@roseville.ca.us, 916-746-1347

Meeting Date: 9/26/2019

Item #: 6.2.

ATTACHMENTS:

Description

Staff Report

Attachment 1 Addendum to 2004 WRSP EIR and 2014 SPA3 SEIR

Attachment 2 Superior Court Ruling

Attachment 3 July 11, 2019 Letter from Law Office of Donald B. Mooney

Exhibit A Architectural Site Plans

Exhibit B Floor Plans

Exhibit C Commercial Building Elevations Page 1 and 2

Exhibit C Commercial Building Elevations Page 3

Exhibit C Commercial Building Elevations Page 4

Exhibit D Fuel Canopy Elevations

Exhibit E Preliminary Stormwater Quality Control Plan

Exhibit F Preliminary Grading and Utility Plan

Exhibit G Preliminary Landscape Plan

ITEM 6.2 **Design Review Permit – 4701 Fiddymment Road – WRSP PCL F-81 – Fiddymment Plaza – PL19-0013**

REQUEST

The applicant requests approval of a Design Review Permit to develop the project site with a mixed-use commercial development, including a gas station and fueling canopy (with five dispensers/ ten pumps), an 8,802 square-foot commercial building that includes 3,977 square feet of retail space, 1,938 square feet of restaurant space, and 2,887 square feet for a convenience store, and associated site improvements including parking, lighting, and landscaping.

Owner – Dhillon & Son Enterprises, Inc.
Applicant—David Heumann, K12 Architects, Inc.

SUMMARY RECOMMENDATION

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

- A. Consider the Addendum to the West Roseville Specific Plan Environmental Impact Report (2004) and the Fiddymment Ranch Specific Plan Amendment 3 Subsequent Environmental Impact Report (2014).
- B. Adopt the four (4) findings of fact and approve the Design Review Permit subject to eighty-eight (88) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

There are no outstanding concerns related to City departmental review or with the applicant at this time. The applicant has reviewed and is in agreement with all of the recommended conditions of approval.

The project request is a re-application for a Design Review Permit for the project known as Fiddymment Plaza. The previous entitlement approval was vacated and set aside by the City Council on January 16, 2019, in compliance with a Writ of Mandate from the Superior Court of the State of California. The entitlement history is further discussed in the Background section of this report. Neighborhood concerns were raised throughout the prior project process, including during a neighborhood meeting on April 11, 2017, as well as at the Planning Commission and City Council hearings for the prior project. These concerns are detailed in both the Background and Public Outreach sections of this report.

A staff report for the current Fiddymment Plaza project was published on July 5, 2019, with a scheduled hearing date of July 11, 2019. A letter from the Law Office of Donald B. Mooney was received by staff on the afternoon of July 11, 2019. The letter stated that Ms. Michele Threlkel and Petitioners of West Roseville “oppose the proposed Project on the grounds that the City has failed to comply with the requirements of the California Environmental Quality Act (CEQA)”. Mr. Mooney’s letter is included as Attachment 3 to this staff report. In order to allow time for the project proponent to adequately respond to the letter, the project hearing was continued from July 11, 2019 to a future date. Subsequently, an Addendum to the previously certified West Roseville Specific Plan Environmental Impact Report (EIR) and Fiddymment Ranch Amendment 3 Subsequent EIR was prepared to evaluate the potential for new environmental impacts as a result of the proposed project (Attachment 1). No new impacts were identified. A new public hearing notice was distributed on September 13, 2019.

BACKGROUND

The project site is located on the corner of Fiddymment Road and Angus Road near the northern City limits, and has a land use and zoning designation of Community Commercial (CC). The 1.38 acre site is within the West Roseville Specific Plan (WRSP) area, and is surrounded by residential development to the north, south, and east. The site is bordered on the west side by Fiddymment Road, and additional residential development and a park site are located to the west of Fiddymment Road (Figure 1).

A 50-foot-wide public right-of-way easement is located directly to the east of the project site, between the site and the adjacent residential development. The easement originally contained the prior alignment of Fiddymment Road and overhead electric utilities; however, the road design was reconfigured to its current location to the west of the subject parcel. The right-of-way has been partially improved with landscaping adjacent to the Crocker Ranch residential subdivision and an eight-foot-wide sidewalk.

Figure 1 – Vicinity Map



The subject parcel was rezoned from Single-Family Residential/ Development Standards (R1/DS) to Community Commercial (CC) as part of the WRSP Specific Plan Amendment (SPA) 3 project in 2014. It was decided at the time that, given the unusual triangular shape of the property and its location along Fiddymment Road (an arterial roadway), the parcel would better accommodate commercial development and could support uses to serve the neighborhood. Several neighborhood meetings were held as a part of the rezone process, and notices were mailed to residents of the surrounding community.

Prior Fiddymment Plaza Design Review Permit, File # PL2016-0335

An application for a Design Review Permit was submitted to the City of Roseville Planning Division in September of 2016 to allow the construction of a 10,306 square-foot mixed-use building, consisting of 7,606 square feet of retail, 2,700 square feet of restaurant space, and a 3,310 square-foot gas station canopy with five fuel bays/ ten gas pumps for the project known as Fiddymment Plaza. Access to the project site was proposed from Fiddymment Road and Angus Road, and the site plan included a parking lot with 53 parking spaces. An analysis conducted by City staff concluded that the proposed project was categorically exempt from California Environmental Quality Act (CEQA) review per Section 15332, which pertains to infill development projects, as well as pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures.

The applicant hosted a neighborhood meeting on April 11, 2017 to present the project to nearby neighbors. Approximately six of the twenty neighbors in attendance expressed opposition to the gas station component of the project due to concerns of crime, proximity to the casino, alcohol sales, hours of operation, noise, compatibility with the neighborhood, and views of the buildings from adjacent residential areas. Based on the level of interest and the concerns raised by neighbors, the Design Review Permit (which is an entitlement typically reviewed by the City's Design Committee) was forwarded to the Planning Commission for formal action.

On August 10, 2017, the Planning Commission approved (4 Yes – 1 No) the Design Review Permit (DRP) for the Fiddymment Plaza project. In the Planning Commission staff report, City staff concluded that the proposed gas station is a principally permitted use in the Community Commercial (CC) zone, and that the appropriate entitlement for review was the DRP. The requested entitlement was found to be consistent with the City's General Plan, Zoning Ordinance, WRSP, and the Community Design Guidelines (CDG), and the Planning Commission approved the project based on the required four findings of fact for a DRP.

The neighbors in opposition to the project filed an appeal to the City Council, citing concerns related to inadequate noticing, increased traffic, air quality impacts, and incompatibility with the surrounding neighborhoods. The City Council denied the appeal and approved the project, based on the required four findings of fact for a DRP.

Lawsuit and Subsequent Action

Following the City Council's denial of the appeal a coalition of neighbors opposed to the project, represented by Michele Threlkel, filed a lawsuit called a Petition for Writ of Mandate to challenge the City Council's approval of the project (*Michele Threlkel, et al. vs. City of Roseville, et al.*) (Attachment 2). The Petition argued that the City's approval was invalid on three counts, including CEQA violations, violations to the Roseville Municipal Code, and violations to Planning and Zoning Laws. The court ruled that the project was consistent with the General Plan and the CDG, and that there were no violations of the Roseville Municipal Code or Planning and Zoning laws during the approval process. Accordingly, the court ruled in favor of the City on the second and third causes of action.

However, regarding the first cause of action for CEQA violations, the court determined that the City had violated CEQA by failing to provide substantial evidence to support the determination that the project was exempt from CEQA under Section 15332 for small in-fill development projects. Under CEQA Section 15332, certain in-fill projects qualify for a categorical exemption to CEQA. The in-fill development exemption may be used if a project meets five factors. One of the factors that must be shown is that approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. Petitioners argued that the City had failed to prove that there would not be any significant effects to air quality due to the gas station's close proximity to residential neighborhoods. City staff's

position was that since the property owner needed to obtain a permit from the Placer County Air Pollution Control District (“PCAPCD”) in order to dispense gasoline, the City could rely upon the PCAPCD’s permitting process to avoid air quality impacts. Although the court held that the City could legitimately rely upon the PCAPCD’s regulations, the court faulted the City for not identifying the PCAPCD’s applicable rules or regulations relied upon for its determination. Accordingly, the court issued an order called a Peremptory Writ of Mandate instructing the City Council within 60 days to vacate and set aside Resolution No. 17-430 adopted on October 4, 2017 and to vacate and set aside the City’s determinations that the project qualifies for a categorical exemption as an in-fill development under CEQA.

Finally, it is important to note what the court did not rule. The court did not prohibit the project from being reapproved. The court did not rule that the City must prepare an Environmental Impact Report (“EIR”) in order to reapprove the project. The court did not rule that the City was prohibited from relying upon the in-fill exemption when re-evaluating the project. The court’s ruling was narrowly focused on the substantial evidence used to justify the use of an infill exemption. The applicant has the opportunity to provide additional evidence to support the use of a categorical exemption, including the rules and regulations of the PCAPCD, with the new application for a Design Review Permit.

Subsequent to the court’s ruling, the City Council complied with the Writ and vacated the previous approvals for the Fiddymment Plaza Design Review Permit (PL16-0335) on January 16, 2019.

Current Project

A new application for a Design Review Permit was accepted by the Planning Division on January 18, 2019, following the vacation of the prior approvals by City Council on January 16th. The currently proposed project is substantially similar to the previously approved development, with minor changes to the site design and elevations.

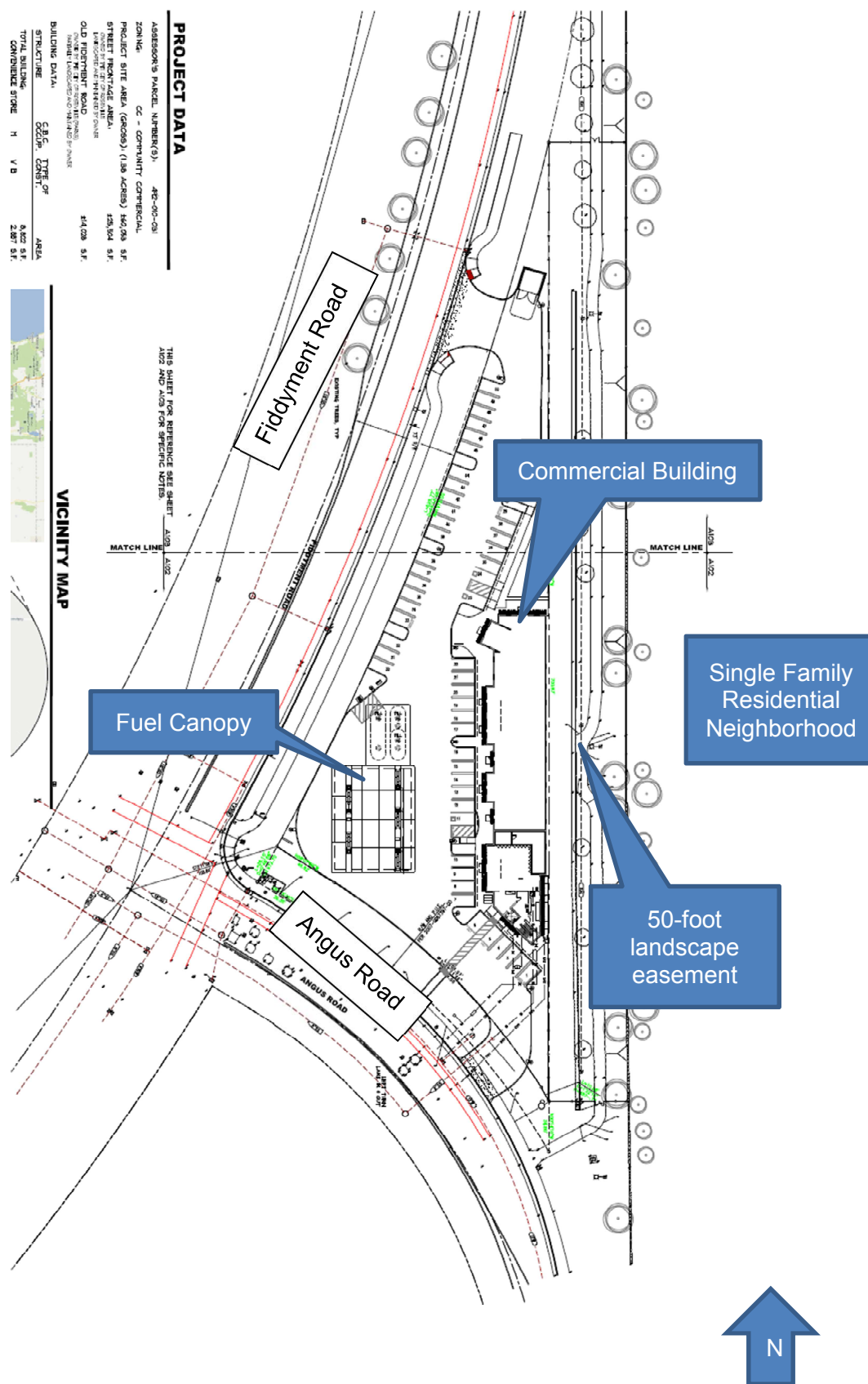
The proposed project includes the construction of a mixed-use commercial development, including a gas station and fueling canopy (with five dispensers/ten pumps), a 8,802 square-foot commercial building with 3,977 square feet of retail space, 1,938 square feet of restaurant space, and 2,887 square feet for a convenience store (see Figure 2). The project also includes associated site improvements such as parking, lighting, and landscaping. The size of the commercial building has been reduced by approximately 1,500 square feet compared to the previous approval.

SITE INFORMATION

Location: 4701 Fiddymment Road, WRSP Parcel F-81

Total Size: 1.38 acres

Topography and Setting: The site is comprised of flat terrain, at an elevation of approximately 112 to 114 above mean sea level. The elevation of the subject site is similar to the adjacent properties, and the pad grades of the nearest residential homes range between 114 to 117 feet above mean sea level. Rough grading of the site occurred in 2014, and the project area is presently characterized by non-native annual grasses. With the proposed project, pad grading will be necessary to construct the new building, gas station, and site improvements.



DESIGN REVIEW PERMIT EVALUATION

General Plan and Specific Plan Consistency: The General Plan land use designation for the subject property is Community Commercial (CC). According to the General Plan, the purpose of the CC land use designation is to provide a broader range of goods and services than the Neighborhood Commercial (NC) land use, to an expanded service area. The CC land use designation is typically found on parcels ranging from 5-25 acres in size on the corners of and adjacent to arterial roadways. The General Plan does not preclude placing the CC designation on parcels less than five acres in size. While the NC designation specifically list gas stations as a primary use, the CC designation includes uses identified as allowable in the NC land use designation, as well as retail stores and businesses selling a full range of goods and services.

As provided in the General Plan, the CC land use is conditionally compatible with residential development. The site has been designed to reduce impacts on the nearby residential homes through building orientation, landscaping, and the use of enhanced architecture that is compatible with the neighborhood.

As mentioned above, the General Plan also states that the CC land use is appropriate adjacent to arterial roadways, such as Fiddymment Road. As the project site is located on an arterial roadway, and will create a mixed-use commercial development with retail, restaurant, and gas station facilities to serve the nearby neighborhoods, the proposed project is consistent with the intent of the General Plan CC land use designation.

The WRSP identifies the project site as Parcel F-81, with a CC land use designation. The WRSP states that “Parcel F-81 is a small-sized parcel that provides an opportunity for neighborhood or community serving uses near Villages F-14 and F-15.” The permitted land uses are as identified in the Zoning Ordinance. The project includes retail space, opportunity for a restaurant, as well as convenience and gasoline sales. The proposed project is consistent with the WRSP.

Zoning Ordinance Consistency and CDG Development Standards

Consistent with the CC land use designation, the project site has a zoning designation of Community Commercial (CC). Zoning Ordinance Section 19.12.020, provides that gas stations, restaurants, and retail commercial are all principally permitted uses in the CC zone. Section 19.12.030 states that permitted uses shall comply with the City’s adopted CDG, applicable Specific Plans (in this case, the WRSP), and to any approved DRP. Since DRPs are required for any new construction (Section 19.74.010), the DRP is the appropriate entitlement for the review of the proposed project. DRPs evaluate site design, parking, landscaping, building elevations, and other design features. Whether or not a use is allowable or appropriate for a property is not a factor in the evaluation.

The following table (Table 1) illustrates the required and proposed development standards and design guidelines for the proposed project, as outlined in the Zoning Ordinance and the WRSP. The project as proposed is consistent with the Zoning Ordinance and CDG development standards.

Table 1 -- Required vs. Proposed Development Standards for the Fiddymment Plaza Project

Zoning Ordinance and Community Design Guidelines Development Standards	Required	Proposed
Building Setbacks	35'	40' – fuel canopy
Landscape Setbacks	35'	35'
Building Height Limit	50' maximum	27.5' – commercial building 23.5' – fuel canopy
Parking Spaces	1 per 300 sq. ft. retail: 23 spaces 1 per 100 sq. ft. restaurant: 20 spaces Total: 43 spaces	50 parking spaces
% of Compact Spaces	Up to 30%	0
# of Accessible Parking Spaces	2	3
% of Shaded Parking	50%	56%
Bicycle Racks	3	3

Section 19.78.060 of the City of Roseville Zoning Ordinance requires that four findings be made in order to approve or conditionally approve a Design Review Permit. The four findings are listed below in ***italicized, bold*** text and are followed by an evaluation of the project in relation to each finding.

- 1. The project as approved preserves and accentuates the natural features of the property, such as open space, topography, trees, wetlands, and water courses, provides adequate drainage for the project, and allows beneficial use to be made of the site for development.***

The project site is currently undeveloped; however, there are no natural features present on-site. The property is devoid of trees, vernal pools, and other water features. The site has been graded, and is primarily populated by non-native annual grasses and dirt.

Stormwater landscape planters will be located at the side and rear of the commercial building. The proposed planters will incorporate swales that limit surface water and pollutant runoff by maximizing the use of pervious surfaces and vegetative ground cover. The largest of these planters will be located on the north side of the building, adjacent to the proposed restaurant space, and will enhance the project design by incorporating landscape materials and reducing the overall amount of asphalt on the site.

The proposed project has been reviewed by the City Engineering Division, and improvement plans are required to ensure that adequate drainage and stormwater quality facilities are constructed. The proposed use is consistent with the site's commercial land use designation, and will develop an underutilized parcel.

- 2. *The project site design as approved provides open space; access; vehicle parking; vehicle, pedestrian, and bicycle circulation; pedestrian walks and links to alternative modes of transportation; loading areas; landscaping, irrigation, and lighting which results in a safe, efficient, and harmonious development; and which is consistent with the applicable goals, policies, and objectives set forth in the General Plan, the Community Design Guidelines, and the applicable Specific Plan and/or applicable design guidelines.***

Site Planning and Building Siting: The project proposes a fuel canopy and a mixed-use commercial building which will be set back from the road 40 and 90 feet, respectively. The fuel canopy will be situated near the corner of the site (outside of the frontage easement) with parking spaces primarily located on the north and east sides of the parcel. The lot is surrounded by public right-of-way easements on all three sides, which will be utilized for landscaping by the developer. Given the unique configuration of the lot and the need to provide adequate space for parking and vehicular circulation, the commercial building will be constructed adjacent to the rear (eastern) property line. The Building Division has reviewed the location of the commercial building adjacent to the property line and has no concerns due to the 50-foot wide public right-of-way easement to the east of the subject property. No other concerns related to the location of the building have been identified by City staff.

The primary entrances to the commercial tenant spaces will be oriented towards the street. With the right-of-way easement to the east of the parcel, the building will be located greater than 50 feet from the nearest single-family property line in the existing neighborhood to the east of the project site. In addition, an existing six-foot-tall masonry wall along the western edge of the residential subdivision (to the east of the subject property and the 50-foot right-of-way easement) will further buffer the residential properties from the commercial use.

Vehicle Access and Circulation: Access to the project site will be provided by two driveways, one on Fiddymment Road and one on Angus Road. The driveway on Fiddymment Road will be restricted to right turns for ingress and egress into and out of the project site. A portion of the existing median shall be removed from Angus Road, and the driveway onto Angus Road will allow full right and left ingress and egress turn movements. The City's Engineering Division has reviewed the proposed turn movements and found the plan to be acceptable. Conditions #25 and #27 ensure that the applicant will provide appropriate lane striping and turn lanes in the public right-of-way.

The project's internal circulation pattern will consist of a two-way drive aisle along the front of the commercial building and a drive aisle around the western portion of the commercial building and under the canopy that will facilitate traffic through the site. The internal circulation pattern also provides adequate approach distance to the trash enclosures, and is configured to allow emergency vehicle access through the site.

Pedestrian access will be rerouted around to the project frontage, and a new eight-foot-wide sidewalk will be constructed along Fiddymment Road to connect to the existing sidewalk on Angus Road. To limit pedestrian activity at the rear of the site, a six-foot-tall wrought iron fence will be installed at either end of the project site. Access to the landscape area behind the proposed project will be restricted.

Parking: Per Zoning Ordinance Section 19.26.030, off-street parking requirements for the proposed project are based on the area allocated to each use. The project proposes 1,938 square feet of restaurant space, which requires one parking space per 100 square feet of area, for a total of 20 parking spaces. Additionally 6,864 square feet of the commercial building will be devoted to neighborhood commercial (including neighborhood commercial supporting gasoline sales), to be parked at a ratio of one space per 300 square feet of area. This results in a total of 23 parking spaces required for the commercial portion of the building. In total, 43 parking spaces are required for the proposed project. The site plan shows that 50 parking spaces are proposed on the project site, which exceeds the minimum required 43 parking

spaces. In addition, ten additional spaces are provided under the proposed canopy for customers purchasing gasoline. The project therefore complies with the parking requirements outlined in the Zoning Ordinance.

Lighting: Pedestrian scale lighting shall be incorporated into the outdoor areas and integrated into the building and landscape design. Main entries and storefronts will have the highest level of illumination, and all lighting sources will have cut-off lenses to avoid light spillage and glare onto adjacent properties (see Condition #10). Exterior lighting shall use white, LED lamps and the maximum height of the parking lot light poles shall not exceed 16 feet (see Condition #11).

At present, there are four streetlight poles located along the landscaped path on the east side of the project site. As a condition of approval, Roseville Electric is requiring the removal of the four streetlight bases, which are no longer appropriate for that location due to the realignment of Fiddymment Road (Condition #72).

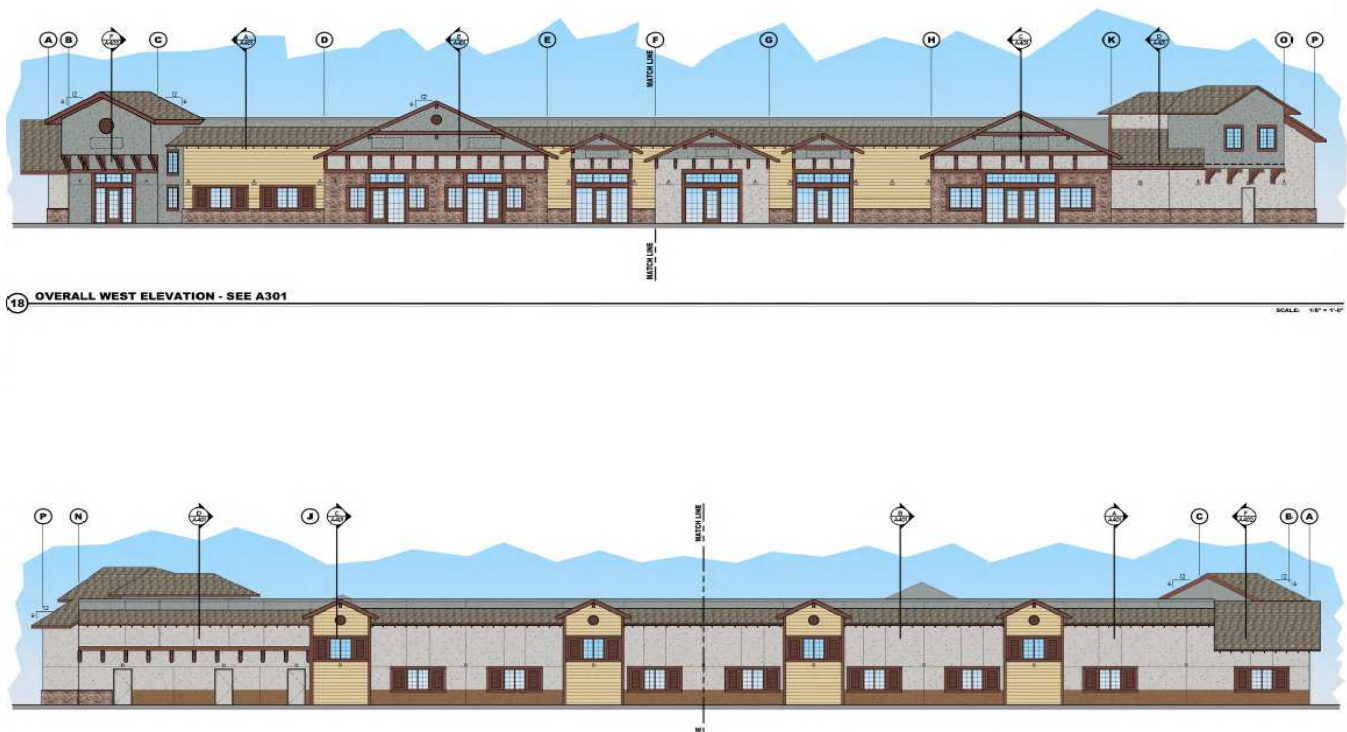
Landscaping: The project provides a 35-foot-wide landscape corridor along Fiddymment and Angus Roads, which will be planted with Chinese Pistache, Sycamore, Valley Oak, Chinese Elm, and a variety of shrubs and groundcover. Landscaping internal to the site will include several parking lot shade trees such as Crape Myrtles and Sycamores. In addition, substantial planting along the rear of the property will include seven Frontier Elm trees and ten Japanese pagoda trees that will assist with screening views of the proposed building from the nearby homes. The landscaping located around the perimeter of the site (within the public right-of-way) will be maintained by the property owner. Condition #28 has been added, requiring the applicant to enter into a landscape maintenance agreement with the City of Roseville to allow the planting and maintenance of landscaping within these easement areas. Additionally, staff recommends Condition #13, which requires plants to be pruned to maintain a clear line of sight, due to safety concerns that were raised by neighbors at the April 11, 2017 neighborhood meeting.

3. *The building design, including the materials, colors, height, bulk, size, and relief, and the arrangement of the structures on the site, as approved, is harmonious with other development and buildings in the vicinity and which is consistent with the applicable goals, policies, and objectives set forth in the General Plan, the Community Design Guidelines, and the applicable Specific Plan and/or applicable design guidelines.*

The building architecture includes a cottage-inspired design that incorporates traditional elements with modern features. The design draws from surrounding homes, and includes pitched roof elements, stacked stone, stucco, and horizontal wood siding. Additional elements are proposed to enhance visual interest, including rustic beams, corbels, aluminum storefront windows, wood trim, and tile roofing. Tower elements bookend the building, creating a slightly raised second-story element. Special consideration was given to the east-facing elevation during the design process, as that elevation faces single-family residences. Additional windows, wood siding, and roof-pitches have been incorporated into the façade to break up the wall plane on the rear (east) side of the building. The proposed color scheme is consistent with the character of the neighborhood, consisting of shades of gray, beige, and brown (Figure 3).

Elements of the design incorporate feedback presented at the April 11, 2017 neighborhood meeting for the prior Design Review Permit project (PL16-0355). Based on feedback from residents at that meeting, the overall building height was reduced approximately seven feet (from 34 to approximately 27 feet in height) to limit impacts on the residential homes to the east. The height remains approximately 27 feet in the current application. Additionally, a condition of approval was adopted for the prior project that would require that no more than 20-percent of the windows be covered in signage, due to concerns presented about safety and visibility into the convenience store. This condition will also be applied to the current project (Condition #9).

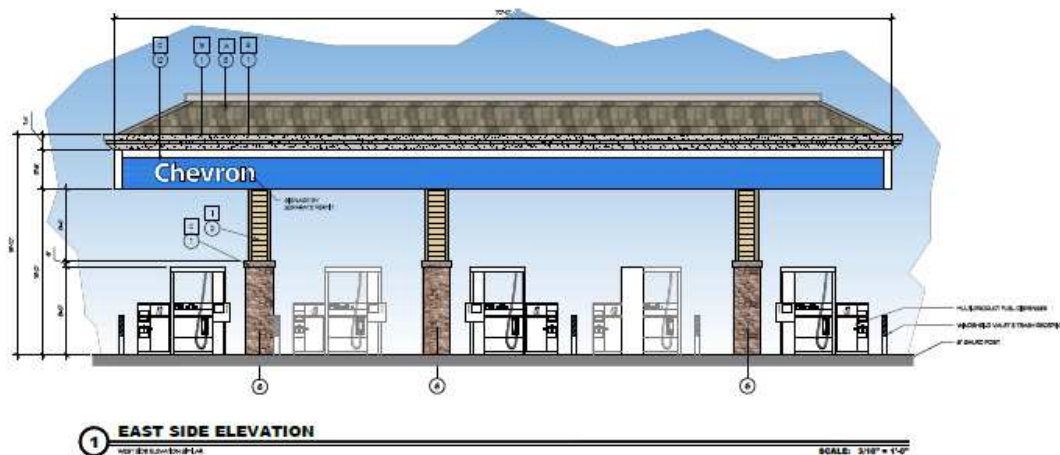
Figure 3 – Proposed Commercial Building Elevations



In addition to the main retail building, the project proposes a 23-foot tall, 3,365 square-foot gas station canopy on the southwest portion of the project site, along Fiddymment Road. The canopy design will incorporate the same materials as the retail building, and will include columns mirroring the stacked stone and wood paneling design (Figure 4). The roof of the canopy structure will utilize the same brown concrete tile as the primary building. To ensure limited impacts on the neighbors, the canopy fascia will be finished with stucco and the only down lighting will be used to illuminate the fueling pumps.

While the CDG recommends that projects on corners of prominent intersections should be treated as community gateways and that fuel canopies should be located away from a corner, staff determined that the proposed configuration is preferable given the irregular shape of the subject parcel and the location of the single-family homes to the east of the site. This guideline is a general recommendation that is not necessarily applicable to all intersections. In addition, the proposed configuration is not unlike several other gas station locations within the City that have fuel canopies adjacent to intersections. As proposed, the fuel canopy and pumps are situated to provide the greatest separation between the proposed use and the surrounding homes. As designed, the homes to the south and west are separated from the use by a two-lane and a four-lane roadway, respectively. The City's Design Guidelines are the framework to use when evaluating project; however, deviations to the guidelines are permitted through the DRP process. The proposed buildings and structures are consistent with the General Plan, WRSP, and CDG with regard to architecture, siting, and compatibility with surrounding development.

Figure 4 – Gas Station Fuel Canopy Elevation



- 4. The design of the public services, as approved, including but not limited to, trash enclosures and service equipment, are located so as not to detract from the appearance of the site, and are screened appropriately and effectively using construction materials, colors, and landscaping that are harmonious with the site and the building designs.**

The CDG provide standards for the screening and compatibility of service areas within a commercial project site. The proposed project includes two trash enclosures on the north side of the site to serve the proposed commercial building. The enclosures will have landscape screening on three sides of the structures, obscuring them from view. Although the enclosures are within five feet of the eastern property line, the 50-foot landscape buffer between the proposed project and the residential neighborhood satisfies the intent of the screening policy. The enclosures are also screened from Fiddymment Road due to their orientation and additional vegetation. The trash enclosures and project service areas are consistent with the CDG standards for service areas.

The mechanical equipment for the commercial building will be roof-mounted, and will be located within a well to screen the equipment from view.

PUBLIC OUTREACH

The proposed project was distributed to the various agencies and departments which have requested notice of City applications, and all comments were considered and incorporated into the Conditions of Approval, as appropriate. Notice of the application was also distributed to the Roseville Coalition of Neighborhood Associations. Additionally, staff created a webpage for the proposed project early in the review process, and the website link was provided to neighbors who expressed an interest in following the project. Several neighbors reached out Planning staff to ensure they would be included in the project mailing list.

In emails received by Planning staff, two neighbors outlined concerns with the proposed project. One neighbor expressed concerns about the impact of the proposed project on nearby Harrigan Greens Park, stating that he believed additional traffic and alcohol sales attributable to the proposed use would invite strangers into the neighborhood. Another neighbor stated that they believed that the proposed gas station use would have negative air quality impacts, and pose a risk to the surrounding neighborhood.

No neighborhood meeting was held for the current application as the previously approved project (PL16-0355), which had an almost identical site and building design, was presented at the Fiddymment Farm

Neighborhood Association meeting on April 11, 2017. Approximately six of the twenty neighbors in attendance expressed opposition to the gas station component of the project due to concerns of crime, proximity to the casino, alcohol sales, hours of operation, noise, compatibility with the neighborhood, and views of the buildings from adjacent residential areas. Following the meeting, the applicant worked with City staff to ensure a design that is compatible with the residential feel of the neighborhood, provided a landscape design that allows visibility throughout the site, and reduced the building height to minimize impacts on surrounding homes. These revisions are described in the Design Review Permit Evaluation of this report.

Additional concerns were raised by the neighbors with the filing of an appeal of the Planning Commission's August 10, 2017 decision. Staff elaborated on the traffic concerns in the Council Communication presented to City Council on October 4, 2017, clarifying that the proposed project would generate 27 PM peak hour trips, which is less than the 61 PM peak hour trips allocated for the site based on the City's Traffic Model. In addition, the Council Communication addressed concerns raised by the neighbors regarding the gas station's proximity to Harrigan Greens Park, explaining that the Zoning Ordinance does not prohibit specific uses from locating within proximity to a park site, and that the gas station will be approximately 350 feet from the park and separated by a four-lane arterial roadway. Other concerns that were raised in the appeal, such as land use compatibility, parcel size, and fuel canopy placement, are discussed in the Design Review Permit Evaluation section of this report.

A public notice for the Fiddymment Plaza project was published on June 28, 2019 for the July 11, 2019 Planning Commission hearing. The notice was distributed to all property owners within 300 feet of the project site as well as to neighbors who requested to be added to the mailing list. Staff received the Donald B. Mooney letter (Attachment 3) in the afternoon of July 11, 2019. In order to allow time to adequately respond to the letter, the hearing was continued to a future date.

A new public notice was published on September 13, 2019 for the September 26, 2019 Planning Commission hearing. The notice was revised to reflect that the City had prepared an Addendum to the previously certified WRSP EIR and Fiddymment Ranch Amendment 3 Subsequent EIR. The notice was distributed to the same property owners and interested parties that received the July 11, 2019 hearing notice. At the time of staff report publication, no new comments had been received.

ENVIRONMENTAL DETERMINATION

During entitlement review, Planning staff determined that the project should be considered categorically exempt from CEQA per Section 15332 of the CEQA Guidelines, which pertains to infill development projects, as well as pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures. A staff report, which included an evaluation of the proposed infill exemption, exception criteria (as outlined in CEQA Section 16300.2), and substantial evidence in support of the exemption determination, was published on July 5, 2019.

On July 11, 2019, the City received a letter from the Law Office of Donald B. Mooney challenging the City's proposed use of the infill project categorical exemption under CEQA Guidelines § 15332. The City disagrees with the letter's assertions (included as Attachment 3 of this staff report), because substantial evidence in the record supports the conclusions that the Project fits within the infill exemption and that none of the exceptions to the exemption apply. Nonetheless, out of an abundance of caution and due to the potential of future litigation, the City has elected to prepare additional environmental documentation. The analysis shows that proposed project is consistent with the previously certified EIR and SEIR, and that the project will not generate new significant impacts nor substantially more severe impacts that what was previously analyzed.

An Addendum to the 2004 West Roseville Specific Plan Environmental Impact Report (EIR) and the 2014 Fiddymment Ranch Specific Plan Amendment 3 Subsequent EIR has been prepared for the Fiddymment Plaza project (File # PL19-0013) consistent with California Environmental Quality Act Section 15164. The Addendum and all attachments are included as Attachment 1 of this staff report. A technical memorandum prepared by Environmental Permitting Specialists, Inc. is included in Appendix A of the Addendum to refute assertions included in the letter submitted by Mr. Mooney regarding air quality impacts associated with the fueling station. No new environmental impacts will occur as a result of this project.

CONCLUSION

As proposed and conditioned, the project complies with the City of Roseville General Plan, the WRSP, the Zoning Ordinance, and the CDG. The project is consistent with the Community Commercial land use and zoning designations, as well as the intended use of Parcel F-81 as identified in the WRSP (discussed on pages 6 and 7 of this report). Additionally, the project is consistent with the site development standards, the policies provided for commercial development in the CDG, and the required findings for a Design Review Permit, as discussed in the Design Review Permit Evaluation section of this report (pages 7-11).

An Addendum to the 2004 West Roseville Specific Plan Environmental Impact Report (EIR) and the 2014 Fiddymment Ranch Specific Plan Amendment 3 Subsequent EIR has been prepared for the Fiddymment Plaza project (File # PL19-0013) consistent with California Environmental Quality Act Section 15164. The analysis shows that proposed project is consistent with the previously certified EIR and SEIR, and that the project will not generate new significant impacts nor substantially more severe impacts that what was previously analyzed.

RECOMMENDATION

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

- A. Consider the Addendum to the West Roseville Specific Plan Environmental Impact Report (2004) and the Fiddymment Ranch Specific Plan Amendment 3 Subsequent Environmental Impact Report (2014).
- B. Adopt the findings of fact as stated in the staff report and approve the **DESIGN REVIEW PERMIT– 4701 FIDDYMENT ROAD – WRSP PCL F-81 – FIDDYMENT PLAZA - PL19-0013** subject to eighty-eight (88) conditions of approval.

CONDITIONS OF APPROVAL FOR DESIGN REVIEW PERMIT FILE #PL19-0013

- 1. This Design Review Permit approval shall be effectuated within a period of two (2) years from **September 26, 2019** and if not effectuated shall expire on **September 26, 2021**. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval does not extend the expiration beyond **September 26, 2022**. (Planning)
- 2. The project is approved as shown in Exhibits A - G and as conditioned or modified below. (Planning)
- 3. The project shall be addressed as 4701 Fiddymment Road. All projects with multi-tenants or buildings must submit a site plan with building footprint(s) and suite numbers to the Development Services Department (Business Services – Addressing) for review and approval. The City Addressing Guidelines should be used for reference when assigning suite numbers. (Business Services)

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

PRIOR TO ISSUANCE OF BUILDING PERMITS

8. Parking lot design shall conform to the City's design standards, including the following minimum standards for parking stalls:
 - a) All parking stalls shall be double-striped. Parking stalls adjacent to sidewalks, landscaped areas or light fixtures, and all Accessible stalls shall have a 6-inch raised curb or concrete bumper. (Planning)
 - b) Standard – 9 feet x 18 feet; Compact – 9 feet x 16 feet; Accessible – 14 feet x 18 feet (a 9-foot-wide parking area plus a 5-foot-wide loading area) and a minimum of one (1) parking space shall be Accessible van accessible – 17 feet x 18 feet (9-foot-wide parking area plus an 8-foot-wide loading area). (Planning)
 - c) An 'exterior routes of travel' site accessibility plan incorporating slope, cross-slope, width, pedestrian ramps, curb ramps, handrails, signage, detectable warnings or speed limit signs or equivalent means shall comprise part of the site improvement plans submitted to City for review, prior to building plan check approvals. This site accessibility plan shall also include:
 - i) Accessible parking stalls shall be dispersed and located closest to accessible entrances. The total number of accessible parking spaces shall be established by Table 11B-208.2 of the CBC.
 - ii) Accessible Parking spaces and crosswalks shall be signed, marked and maintained as required by Chapter 11 of the CBC.
 - iii) Accessible parking and exterior route of travel shall comply with CBC, Sections 11B-206 and 11B-208. (Building)
9. No more than 20-percent of any storefront window shall be posted with signage of any type. (Planning)
10. All exterior lighting sources shall have cut-off lenses to avoid light spillage and glare onto adjacent properties. (Planning)

11. Exterior lighting shall be white light, using LED lamps, and the maximum height of the parking lot light poles shall not exceed 16 feet. (Planning)
12. There shall be no lighted signs on the north, south, or east side of the commercial building to reduce the potential impact to the adjacent residential areas. (Planning)
13. Landscaping shall be pruned to allow a clear line of sight throughout the project site, to the satisfaction of the Planning Division. (Planning)
14. Signs and/or striping shall be provided on-site as required by the Planning Division to control on-site traffic movements. Parking lot striping and signage shall be maintained in a visible and legible manner. (Planning)
15. The plans submitted to the Building Division for permits shall indicate all approved revisions/alterations as approved by the Commission including all conditions of approval. (Planning)
16. The project Landscape Plans shall comply with the following:
 - a) The Landscape Plan shall indicate the location of, and be designed to avoid conflicts with, all pole-mounted light fixtures and utility equipment including (but not limited to) electric transformers, switchgear, and overhead lines; backflow preventers; fire department connections; and public water, sewer, and storm drain facilities. (Planning, Fire, Environmental Utilities, Electric, Public Works)
 - b) The tree plantings in the parking lot shall be designed to provide a minimum of 50% shade coverage after 15 years. (Planning)
 - c) At a minimum, landscaped areas not covered with live material shall be covered with a rock, (3") bark (no shredded bark) or (3") mulch covering. (Planning)
 - d) The landscape plan shall comply with the Landscape Guidelines for West Roseville Specific Plan and the City of Roseville Water Efficient Landscape Ordinance. (Planning, Environmental Utilities)
 - e) Landscaping adjacent to preserve areas shall consist of California native, drought-tolerant groundcover, shrubs, plants, and trees. (Open Space, Planning)
 - f) All landscaping in areas containing electrical service equipment shall conform to the Electric Department's Landscape Requirements and Work Clearances as outlined in Section 10.00 of the Departments "Specification for Commercial Construction." (Electric)
 - g) Slopes within landscape planters shall be no more than 3:1. A two-foot flat bench located at back-of-walk shall be included in the landscape area to slow or allow absorption of nuisance run-off from the planters. (Parks, Recreation, and Libraries)
 - h) All landscaping shall conform to the standards of crime prevention through environmental design with the intent to create natural surveillance, controlling access, and territorial reinforcement to property boundaries. (Police)
17. Any roof-mounted equipment and satellite dishes proposed shall be shown on the building plans. The equipment shall be fully screened from public streets and the surrounding properties. (Planning)

18. At the time of building permit application and plan submittal, the project applicant shall submit a proposed plan which shows the proposed suite addressing for individual tenant spaces within the building. The Building Official, or the designee, shall approve said plan prior to building permit approval. Refer to the *City of Roseville Addressing Guidelines*. (Building)
19. A separate Architectural Site Accessibility Plan which details the project's site accessibility information as required by California Title 24, Part 2 shall be submitted as part of the project Building Permit Plans. (Building)
20. Building permit plans shall comply with all applicable code requirements (California Building Code – CBC – based on the International Building Code, California Green Building Standards Code–CGBSC, California Mechanical Code – CMC – based on the Uniform Mechanical Code, California Plumbing Code – CPC – based on the Uniform Plumbing Code, California Fire Code – CFC – based on the International Fire Code – with City of Roseville Amendments – RFC, California Electrical Code – CEC – based on the National Electrical Code, and California Energy Standards – CEC T-24 Part 6), California Title 24 and the American with Disabilities Act - ADA requirements, and all State and Federally mandated requirements in effect at the time of submittal for building permits (contact the Building Division for applicable Code editions). (Building)
21. For restaurants, other food services, or commercial swimming pools: The developer shall obtain all required approvals and permits from the Placer County Health Department and the City of Roseville Industrial Waste Division. (Building, Environmental Utilities)
22. Maintenance of copy of building plans: Health and Safety Code section 19850 requires the building department of every city or county to maintain an official copy of the building plans for the life of the building. As such, each individual building shall be submitted as a separate submittal package. Building plan review, permit issuance and archiving is based on each individual building address. (Building)
23. The Improvement Plans shall include a complete set of Landscape Plans. The Landscape Plans shall be approved with the Improvement Plans. (Planning, Engineering, Fire, Environmental Utilities, Electric)
24. A note shall be added to the grading plans that states:

*“Prior to the commencement of grading operations, the contractor shall identify the site where the **excess/borrow** earthen material shall be imported/deposited. If the **borrow/deposit** site is within the City of Roseville, the contractor shall produce a report issued by a geotechnical engineer to verify that the exported materials are suitable for the intended fill, and shall show proof of all approved grading plans. Haul routes to be used shall be specified.”* (Public Works)
25. The site shall be accessed from Fiddymment Road through a standard 35-foot wide A-7 driveway with a 150-foot right turn lane and 90-foot taper. The driveway shall be located a minimum of 240-feet north of Angus Road as measured from curb return to curb return and shall be restricted to right turn movements only. (Engineering)
26. An 8-foot wide sidewalk shall be constructed north along Fiddymment Road and connect into the existing walk. (Engineering)
27. The site shall be accessed from Angus Road through a standard Type S Commercial Driveway located a minimum of 185-feet east of Fiddymment Road as measured from curb return to start of driveway. The existing median in Angus Drive shall be modified, by removing approximately 80 feet

of median curb, to allow for full right and left ingress/egress turn movements into the Angus Road driveway. (Engineering)

28. **Prior to issuance of permits**, the property owner shall enter into a maintenance agreement with the City for the maintenance of the private landscaping that is located within City right of way. (Engineering)
29. All storm drainage, including roof drains, shall be collected on site and treated with Best Management Practices (BMP's) per the City's Stormwater Quality Design Manual. All storm water shall be routed to the nearest existing storm drain system or natural drainage facility. Drain outfalls shall extend down to the receiving water and shall be constructed with adequate velocity attenuation devices. The grading/improvement plans for the site shall be accompanied with a shed map that defines that area tributary to this site and all drainage facilities shall be designed to accommodate the tributary flow. The storm drain system and proposed BMP's shall be privately owned and maintained by the property owner. Prior to the issuance of any permits, the owner shall provide a plan for the maintenance of the proposed BMP's. (Engineering)
30. Prior to the approval of the Improvement Plans, the project proponent shall provide proof of preparation and submittal of a Storm Water Pollution Prevention Plan (SWPPP) to the Regional Water Quality Control Board (RWQCB). Proof shall be in the form of the Waste Discharge Identification Number (WDID#), provided to the applicant from RWQCB, placed on the coversheet of the improvement plans. Upon approval of the improvement plans, a copy of the SWPPP shall be required onsite and available for viewing by City inspection staff upon request. (Engineering)
31. The developer shall be responsible for any necessary relocation of signal interconnect cables that may require re-location as a result of the construction of turn lanes and/or driveways. (Engineering)
32. To ensure that the design for any necessary widening, construction, or modifications of Public Streets does not conflict with existing dry utilities generally located behind the curb and gutter, and prior to the submittal of design drawings for those frontage improvements, the project proponent shall have the existing dry utilities pot holed for verification of location and depth. (Engineering)
33. Sight distances for all driveways shall be clearly shown on the improvement plans to verify that minimum standards are achieved. It will be the responsibility of the project proponent to provide appropriate landscaping and improvement plans, and to relocate and/or modify existing facilities as needed to meet these design objectives. (Engineering)
34. The applicant shall remove and reconstruct any existing damaged curb, gutter, and sidewalk along the property frontage. During plan check of the improvement plans and/or during inspection, Development Services – Engineering Division will designate the exact areas to be reconstructed. Any existing public facilities damaged during the course of construction shall be repaired by the property owner and at the property owner's expense, to the satisfaction of the City. (Engineering)
35. Prior to the approval of the improvement plans, it will be the project proponent's responsibility to pay the standard City Trench Cut Recovery Fee for any cuts within the City streets that are required for the installation of underground utilities. (Engineering)
36. Prior to the issuance of building permits, the property owner shall pay into the following fee programs: Citywide Drainage Fee, Citywide Traffic Mitigation Fee (TMF), Highway 65 Joint Partners Association (JPA), South Placer Regional Transportation Authority (SPRTA), and City/County Fee. (Engineering)

37. The applicant/developer shall prepare a Transportation Systems Management (TSM) Plan for Fiddymment Plaza to be reviewed and approved by the Transportation Commission. (Alternative Transportation)
38. Prior to the issuance of a grading permit or approval of Improvement Plans, the grading plans shall clearly identify all existing water, sewer and recycled water utilities within the boundaries of the project (including adjoining public right of way). Existing utilities shall be identified in plan-view and in profile-view where grading activities will modify existing site elevations over top of or within 15 feet of the utility. Any utilities that could potentially be impacted by the project shall be clearly identified along with the proposed protection measures. The developer shall be responsible for taking measures and incurring costs associated with protecting the existing water, sewer and recycled water utilities to the satisfaction of the Environmental Utilities Director. (Environmental Utilities)
39. The applicant shall pay all applicable water and sewer fees. (Environmental Utilities)
40. Water and sewer infrastructure shall be designed pursuant to the adopted City of Roseville Improvement Standards and the City of Roseville Construction Standards and shall include:
 - a) Utilities or permanent structures shall not be located within the area which would be disturbed by an open trench needed to expose sewer trunk mains deeper than 12 feet unless approved by Environmental Utilities in these conditions. The area needed to construct the trench is a sloped cone above the sewer main. The cone shall have 1:1 side slopes.
 - b) Water, sewer and recycled mains shall not exceed a depth of 12 feet below finished grade, unless authorized in these conditions of approval.
 - c) All sewer manholes shall have all-weather, 10-ton vehicle access unless otherwise authorized by these conditions of approval. (Environmental Utilities)
41. Recycled water infrastructure shall be designed pursuant to the adopted City of Roseville Improvement Standards and the City of Roseville Construction Standards. The applicant shall pay all applicable recycled water fees. Easements shall be provided as necessary for recycled water infrastructure. (Environmental Utilities)
42. Trash enclosures, recycling areas, and enclosure approaches shall be designed to current Refuse Division specifications, the materials and colors shall match the building, and the location of such facilities shall be reviewed and approved by the Refuse Division, Planning and the Fire Department. The enclosure must have inside dimensions of 12 feet wide and 9 feet deep and be built to the specifications of the Solid Waste Department's Enclosure Description. (Refuse, Planning, Fire)
43. Access to trash enclosures shall have an inside turning radius of 25 feet and an outside turning radius of 45 feet must be maintained to allow the refuse truck access to and from the enclosure. Enclosures must have a clear approach of 65 feet in front of the enclosure to allow servicing bins. (Refuse)
44. A trash enclosure and recycling enclosure is required for each building and each tenant, otherwise, the building owner is responsible for the trash service. (Refuse)
45. The design and installation of all fire protection equipment shall conform to the California Fire Code and the amendments adopted by the City of Roseville, along with all standards and policies implemented by the Roseville Fire Department. (Fire)
46. The applicable codes and standards adopted by the City shall be enforced at the time construction plans have been submitted to the City for permitting. (Fire)

47. The fire department access road shall meet the City's requirements for width and turning radii of 30 and 50 as noted on the fire department standards for access. This designated access road shall also maintained 20 feet wide unobstructed and 13 feet 6 inches vertical clearance. These provisions will be enforced at the time plan are submitted for review. Additional information can be found on the City's web site www.roseville.ca.us or contact Patrick Chew, Senior Fire Inspector, at 916-774-5823 or pchew@roseville.ca.us with the Fire and Life Safety Division for information. (Fire)
48. The Roseville Fire Department is a Certified Unified Public Agency (CUPA) for the State. Therefore, the use, increase of hazardous materials or storage, liquids, gases and/or chemicals, shall meet the requirements of the Chapter 6.95 of the Health and Safety Code, the Roseville Fire Department and the National Fire Codes. The proposed qualities used shall meet the provisions of both CUPA and Fire Code. Submit a complete plan set and the Hazardous Materials Business Plan, including names and amount of any hazardous materials that will be stored or used, to the Fire and Life Safety Division for review and approval. A permit application shall also be provided at the time of submittal. Contact our Hazardous Materials Division within the Fire Department at (916) 774-5800 to initiate the process.
49. Automatic fire extinguishing system risers, fire alarm system panels and digital alarm communicator system panels shall be located within an approved fire control room and shall be accessible from an adjacent fire apparatus roadway. There shall be only one fire control room per building. Said fire control room shall be a minimum size of thirty-five (35) square feet in size and shall be openable from the exterior via an approved door opening. However, if this project requires the installation of a fire pump, this room will likely be much larger than the minimum stated by ordinance. (Fire)
50. If added cornice construction is involved, the design shall support the weight of a ladder leaning against the assembly as well as a 330-pound vertical load applied to the **leading edge** of the horizontal projection of the cornice (a 250-pound firefighter carrying 80 pounds of equipment stepping off of a ladder onto the top of the cornice). (Fire)
51. An **approved** automatic fire extinguishing system shall be provided for all buildings where the total fire area is **3,600** square feet or greater, as required by California Fire Code as adopted by this city for non-single family residential units. All amendments, standards, policies and fee schedule can be found on the City's web site www.roseville.ca.us or contact the Fire and Life Safety Division for information at 916-774-5800. (Fire)
52. The fire flow required, at a 50% reduction due to the buildings being sprinklered, will be based on the largest single structure in accordance with the California Fire Code at the time detail plans are submitted to the City of Roseville for review. The maximum fire flow will not exceed 2,500 gpm based on the Appendix III-AA of the California Fire Code. (Fire)
53. The Electric Department requires the submittal of the following information in order to complete the final electric design for the project:
- a) one (1) set of improvement plans
 - b) load calculations
 - c) electrical panel one-line drawings
54. All on-site external lighting shall be installed and directed to have no off-site glare. Lighting within the parking areas and pedestrian walkways shall provide a maintained minimum of one (1) foot-candle, and 0.5 foot-candle of light, respectively. All exterior light fixtures shall be vandal resistant. (Planning, Police)

55. The parking lot shall have properly posted signs that state the use of the parking area is for the exclusive use of employees and customers of this project. (See California Vehicle Code Sections 22507.8, 22511.5, 22511.8, 22658(a), and the City of Roseville Municipal Code Section 11.20.110). The location of the signs shall be shown on the approved site plan. (Planning, Police)
56. It is the developer's responsibility to notify PG&E of any work required on PG&E facilities. (PG&E)
57. No permanent structures shall be built within 10 feet of PG&E overhead facilities. (PG&E)

DURING CONSTRUCTION & PRIOR TO ISSUANCE OF OCCUPANCY PERMITS:

58. Any backflow preventers visible from the street shall be painted green to blend in with the surrounding landscaping. The backflow preventers shall be screened with landscaping and shall comply with the following criteria:
- a) There shall be a minimum clearance of four feet (4'), on all sides, from the backflow preventer to the landscaping.
 - b) For maintenance purposes, the landscaping shall only be installed on three sides and the plant material shall not have thorns.
 - c) The control valves and the water meter shall be physically unobstructed.
 - d) The backflow preventer shall be covered with a green cover that will provide insulation. (Planning, Environmental Utilities)
59. The following easements shall be provided by separate instrument and shown on the site plan, unless otherwise provided for in these conditions:
- a) A 25-foot-wide public utilities easement along all road frontages.
 - b) Water, sewer, and reclaimed water easements.
 - c) Additional internal easements will be required to cover primary electrical facilities to the project when the final electrical design is completed. (Electric)
60. Easement widths shall comply with the City's Improvement Standards and Construction Standards. 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. All existing public utility, electric, water, sewer and reclaimed water easements shall be maintained unless otherwise authorized by these conditions of approval. (Public Works, Environmental Utilities, Electric)
61. Inspection of the potable water supply system on new commercial/industrial/office projects shall be as follows:
- a) The Environmental Utilities Inspector will inspect all potable water supply up to the downstream side of the backflow preventer.
 - b) The property owner/applicant shall be responsible for that portion of the water supply system from the backflow preventer to the building. The builder/contractor shall engage a qualified inspector to approve the installation of this portion of the water supply. The Building Division will require from the builder/contractor, a written document certifying that this portion of the

potable water supply has been installed per improvement plans and in accordance with the Uniform Plumbing Code. This certificate of compliance shall be submitted to the Building Division before a temporary occupancy or a building final is approved.

- c) The building inspectors will exclusively inspect all potable water supply systems for the building from the shutoff valve at the building and downstream within the building. (Building, Environmental Utilities)
- 62. All improvements being constructed in accordance with the approved grading and improvement plans shall be accepted as complete by the City. (Engineering)
- 63. The words "traffic control appurtenances" shall be included in the list of utilities allowed in public utilities easements (PUE's) located along public roadways. (Engineering)
- 64. The applicant/developer shall prepare a Transportation Systems Management (TSM) Agreement for Fiddymment Plaza to be reviewed and approved by the City Manager. (Engineering, Alternative Transportation)
- 65. Water, sewer and reclaimed water shall be constructed pursuant to the adopted City of Roseville Improvement Standards and the City of Roseville Construction Standards. (Environmental Utilities)
- 66. All water backflow devices shall be tested and approved by the Environmental Utilities Department. (Environmental Utilities)
- 67. **Restaurants or other Food Service Establishment (FSE).** The applicant shall design for installation and/or install an exterior grease interceptor if the proposed business could potentially discharge substances containing fats, oils and grease (FOG) into the sewer system. The grease interceptor shall be adequate to separate and remove FOG contained in the wastewater from FSE's prior to discharge to the public sewer. (Environmental Utilities)
- 68. In the event an exterior grease interceptor cannot be installed due to space limitation, the developer shall install a grease trap, per City Standards, that will mechanically separate the FOG contained in the wastewater from the FSE prior to discharge to the public sewer. (Environmental Utilities)
- 69. Pursuant to the Municipal Code, the applicant shall apply for and obtain a FOG waste discharge permit (FOG WDP) from the Environmental Utilities Industrial Waste Division prior to occupancy or prior to discharging waste to the public sewer. The applicant shall submit information required by the Environmental Utilities Department for evaluation, including but not limited to: site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, FOG control device, grease interceptor or other pretreatment equipment and appurtenances by size, location and elevation. Additional information related to the applicant's business operations and potential discharge may be requested to properly evaluate the FOG WDP application. (Environmental Utilities)
- 70. All Electric Department facilities, including streetlights where applicable, shall be designed and built to the "City of Roseville Specifications for Commercial Construction." (Electric)
- 71. The City of Roseville Electric Department has electrical construction charges which are to be paid by the developer and which are explained in the City of Roseville "Specification for Commercial Construction." These charges will be determined upon completion of the final electrical design. (Electric)

72. Any relocation, rearrangement, or change of existing electric facilities due to this development shall be at the developer's expense. This shall include the removal of the 4 existing streetlight bases along the East side of this parcel (Electric)
73. The existing streetlight on Fiddymment Rd may be in conflict with the proposed deceleration lane. If so, relocation of the existing streetlight will be required. (Electric)
74. Any facilities proposed for placement within public/electric utility easements shall be subject to review and approval by the Electric Department before any work commences in these areas. This includes, but is not limited to, landscaping, lighting, paving, signs, trees, walls, and structures of any type. (Electric)
75. All electric metering shall be directly outside accessible. This can be accomplished in any of the following ways:
- a) Locate the metered service panel on the outside of the building.
 - b) Locate the metered service panel in a service room with a door that opens directly to the outside. The developer will be required to provide a key to the door for placement in a lock box to be installed on the outside of the door. Any doors leading from the service room to other areas of the building shall be secured to prohibit unauthorized entry. (Electric)
76. One ¾-inch conduit with a 2-pair phone line shall be installed from the building's telephone service panel to the meter section of the customer's electrical switchgear or panel. (Electric)
77. It is the responsibility of the developer to ensure that all existing electric facilities remain free and clear of any obstruction during construction and when the project is complete. (Electric)

OTHER CONDITIONS OF APPROVAL:

78. Signs shown on the elevations are not approved as part of the Design Review Permit. A Sign Permit is required for all project signs. (Planning)
79. Following the installation of the landscaping, all landscape material shall be maintained in a healthy and weed-free condition; dead plant material shall be replaced immediately. All trees shall be maintained and pruned in accordance with the accepted practices of the International Society of Arboriculture (ISA). (Planning)
80. The City reserves the right to restrict vehicle turning movements within the public right-of-way in the future if deemed necessary by the City Engineer. (Engineering)
81. The required width of fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. Minimum required widths and vertical clearances established by the Fire Code shall be maintained at all times during construction. Closure of accesses for fire apparatus by gates, barricades and other devices shall be prohibited unless approved by the Fire Chief. (Fire)
82. 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)
83. 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)

84. The location and design of the gas service shall be determined by PG&E. The design of the gas service for this project shall not begin until PG&E has received a full set of City approved improvement plans for the project. (PG&E)
85. 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 that all construction equipment shall be fitted with factory installed muffling devices and be maintained in good working order. (Building)
86. The developer (or designated consultant) shall certify that the building foundation location has been placed according to all approved setback requirements shown on the approved site plan. The developer shall prepare a written statement confirming building placement and provide an original copy to the City Building Division Field Inspector at the time of or prior to the foundation inspection. (Building)
87. Prior to Certificate of Occupancy, the applicant may apply for a Temporary Certificate of Occupancy (TCO) of the building. If a TCO is desired, the applicant must submit a written request to the Building Division a minimum of thirty (30) days prior to the expected temporary occupancy date and shall include a schedule for occupancy and a description of the purpose for the Temporary Certificate of Occupancy. (Building)
88. Concurrent with submittal for plan check and prior to a request for final building inspection, the applicant may request City approval of an occupancy phasing plan to allow individual or multiple building occupancies. This request shall be made in writing to the Building Division and shall include of the following:
 - a) A description of measures that will be undertaken to minimize conflict between residents/building occupants and construction traffic (e.g. fencing, etc.);
 - b) A phasing plan showing the proposed buildings, internal roads and access routes, landscaping, trash enclosure locations, and any other improvements planned for each phase; and
 - c) An estimated time frame for each phase and a specific date for the first phase. (Planning, Building)

Attachments

1. Addendum to the 2004 West Roseville Specific Plan Environmental Impact Report and the 2014 Fiddymment Ranch Amendment 3 Subsequent Environmental Impact Report, Attachments and Appendices
2. Superior Court Ruling for *Michele Threlkel et.al vs. City of Roseville et. al*, November 9, 2018
3. July 11, 2019 Letter from the Law Office of Donald B. Mooney

Exhibits

- A. Architectural Site Plans
- B. Floor Plans
- C. Commercial Building Elevations
- D. Fuel Canopy Elevations
- E. Preliminary Stormwater Quality Control Plan
- F. Preliminary Grading and Utility Plan
- G. Preliminary Landscape Plan

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



 DEVELOPMENT SERVICES DEPARTMENT-PLANNING DIVISION

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

ADDENDUM TO THE WEST ROSEVILLE SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (SCH # 2002082057, ADOPTED FEBRUARY 2, 2004) AND THE FIDDYMENT RANCH SPECIFIC PLAN AMENDMENT 3 SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SCH # 2010082075, ADOPTED APRIL 16, 2014) FOR THE FIDDYMENT PLAZA PROJECT (FILE # PL19-0013)

Project Title/File Number:	WRSP PCL F-81 – Fiddymment Plaza/ File # PL19-0013
Project Location:	4701 Fiddymment Road; APN 492-0130-001-000
Project Description:	The applicant requests approval of a Design Review Permit to develop the project site with a mixed-use commercial development, including a gas station and fueling canopy (with five dispensers/ ten pumps), an 8,802 square-foot commercial building that includes 3,977 square feet of retail space, 1,938 square feet of restaurant space, and 2,887 square feet for a convenience store, and associated site improvements including parking, lighting, and landscaping.
Project Applicant:	David Heumann, K12 Architects, Inc.
Property Owner:	Dhillon & Son Enterprises, Inc.
Lead Agency Contact:	Shelby Vockel, Associate Planner

Dhillon & Son Enterprises, Inc., has submitted an application to the City of Roseville for a Design Review Permit (DRP) for the construction of a mixed-use commercial development known as Fiddymment Plaza (Project). The Fiddymment Plaza project site consists of 1.38 acres located within the existing West Roseville Specific Plan (WRSP). The WRSP was approved by the City in 2004 and subsequently amended in 2014. The City previously prepared and certified an environmental impact report (EIR) for the WRSP in 2004. The project site was rezoned from Single-Family Residential/Development Standards (R1/DS) to Community Commercial (CC) as part of the WRSP Fiddymment Ranch Specific Plan Amendment 3 (SPA3) project in 2014. The City prepared and certified a subsequent EIR (SEIR) for the SPA3 project. In accordance with the California Environmental Quality Act (CEQA), this Addendum has been prepared to evaluate the potential environmental impacts of the proposed Fiddymment Plaza project in comparison to those analyzed in the 2004 EIR and 2014 SEIR.

An Addendum to a previously certified and adopted negative declaration or environmental impact report may be prepared for a project if only minor technical changes or additions are necessary or none of the conditions calling for the preparation of a subsequent EIR or negative declaration have occurred (California Environmental Quality Act Guidelines [CEQA] Section 15164). Consistent with CEQA Guidelines Section 15164, the below analysis has been prepared in order to demonstrate that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR have occurred and that only minor technical changes or

additions are necessary in order to deem the certified EIR adequate to describe the impacts of the proposed project. CEQA Guidelines Section 15164 also states that an addendum need not be circulated for public review, but can be included in or attached to the certified EIR for consideration by the hearing body. This Addendum focuses only on those aspects of the project or its impacts which require additional discussion.

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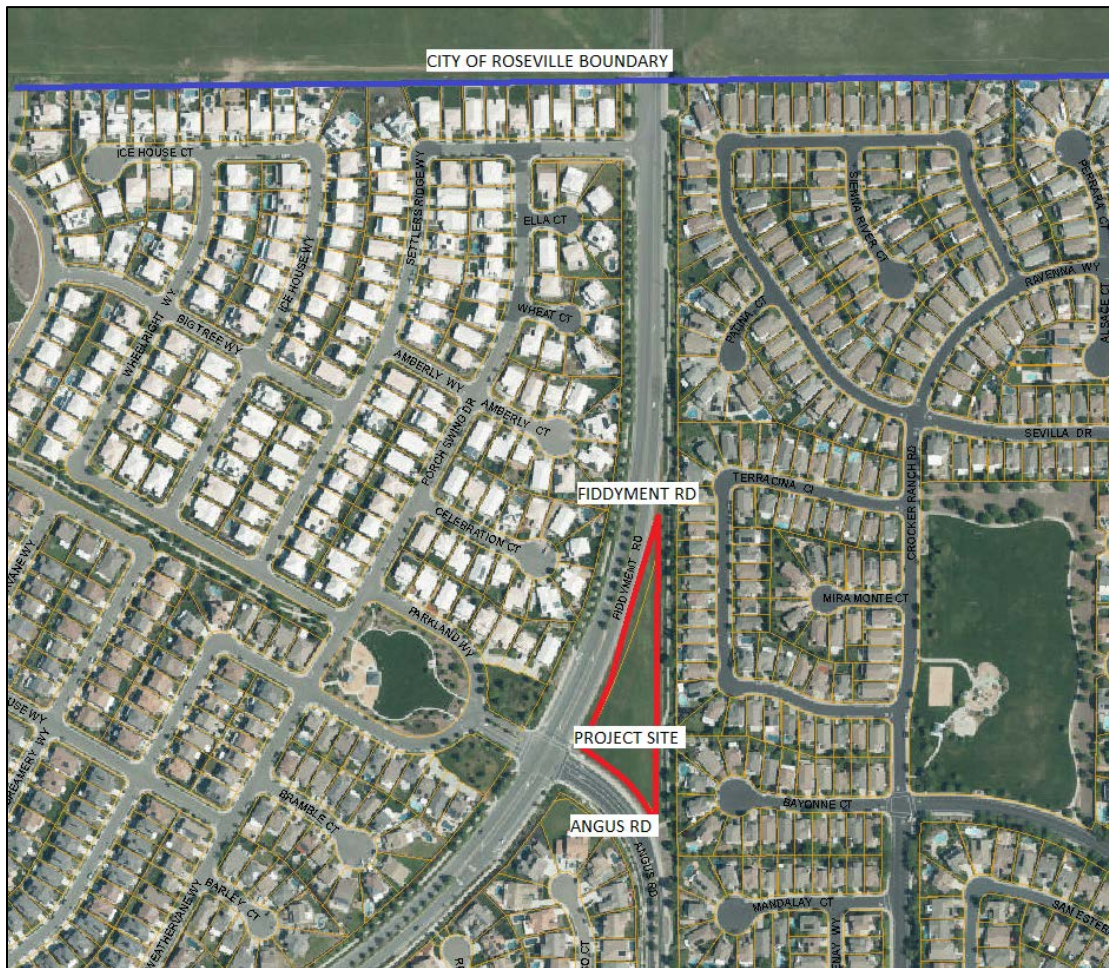
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PROJECT DESCRIPTION

Project Location

The project site is located 4701 Fiddymment Road, at the intersection of Fiddymment Road and Angus Road. The site is a single parcel in the City of Roseville's West Roseville Specific Plan area, approximately 1,300 feet south of the City's northern boundary (see Figure 1).

Figure 1: Project Location



Background

West Roseville Specific Plan

The 1.38-acre project site is located within the West Roseville Specific Plan (WRSP). The WRSP includes 3,162 acres in the northwest portion of the City. The WRSP is located west of Fiddymment Road, generally north of Pleasant Grove Boulevard. The WRSP area was annexed into the City of Roseville from unincorporated Placer County. The WRSP includes 8,792 single and multi-family units, including approximately 704 age-restricted units, 57 acres of Commercial, 109 acres of Industrial, 255 acres of Park, 705 acres of Open Space, and 108 acres of Schools. At build-out, the WRSP area is expected to accommodate approximately 22,332 residents and provide 3,726 jobs. The WRSP was approved by the City in February 2004. The City prepared and certified an environmental impact report (EIR) for the WRSP at that time. (WRSP EIR, pp. 3-1 to 3-2.)

Fiddymment Ranch Specific Plan Amendment 3

In 2014, the City approved the Fiddymment Ranch Specific Plan Amendment 3 (SPA 3) to the WRSP. The SPA 3 included amendments to the WRSP to change the land use allocations on approximately 805 acres in the northern portion of the 1,678-acre Fiddymment Ranch area of the WRSP. The SPA 3 amended the WRSP to accommodate up to 1,661 additional residential units in the Fiddymment Ranch area. The project site was rezoned from Single-Family Residential/Development Standards (R1/DS) to Community Commercial (CC) as part of the SPA3. The City prepared and certified a subsequent EIR (SEIR) for the SPA3 project. (SPA 3 SEIR, pp. 2-1 to 2-5.)

Fiddymment Plaza Project

An application for a Design Review Permit was submitted to the City in September 2016 to allow the construction of a 10,306 square-foot mixed-use building, consisting of 7,606 square feet of retail, 2,700 square feet of restaurant space, and a 3,310 square-foot gas station canopy with five fuel bays/ ten gas pumps for the project known as Fiddymment Plaza. Access to the project site was proposed from Fiddymment Road and Angus Road, and the site plan included a parking lot with 53 parking spaces. An analysis conducted by City staff concluded that the proposed project was categorically exempt from California Environmental Quality Act (CEQA) review per Section 15332 of the CEQA Guidelines, which pertains to infill development projects, as well as pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures. The project was approved by the City of Roseville, but the approval was later vacated following a Peremptory Writ of Mandate from the California Superior Court.

A new application for a Design Review Permit was accepted by the Planning Division on January 18, 2019, following the vacation of the prior approvals by City Council on January 16th. The currently proposed project is substantially similar to the prior (vacated) approved development, with minor changes to the site design and elevations. Staff determined that the project should be considered categorically exempt from CEQA per Section 15332 of the CEQA Guidelines, which pertains to infill development projects, as well as pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures. A staff report, which included an evaluation of the proposed infill exemption, exception criteria (as outlined in CEQA Section 16300.2), and substantial evidence in support of the exemption determination, was published on July 5, 2019.

On July 11, 2019, the City received a letter from the Law Office of Donald B. Mooney challenging the City's proposed use of the infill project categorical exemption under CEQA Guidelines § 15332. The City disagrees with the letter's assertions, because substantial evidence in the record supports the conclusions that the Project fits within the infill exemption and that none of the exceptions to the exemption apply. Nonetheless, out of an abundance of caution and due to the potential of future litigation, the City has elected to prepare this Addendum.

Environmental Setting

The 1.38-acre project site is located at 4701 Fiddymment Road, at the northeastern corner of the intersection of Fiddymment Road and Angus Road. The site is composed of flat terrain that has been graded and is characterized by non-native annual grasses.

The triangular-shaped parcel is bordered by Fiddymment Road on the west side and Angus Road to the south. A 50-foot landscape easement is located to the east of the project site, which contains landscaping and a sidewalk. A powerline easement is also located within the buffer area. Single-family residential neighbors are located to the east, west, and south of the project site.

Location	Zoning	General Plan Land Use	Actual Use of Property
Site	CC	CC (Community Commercial)	Vacant
North	RS/DS	LDR (Low Density Residential)	Single-family residential

South	R1/DS	LDR-3.8 (Low Density Residential)	Single-family residential
East	RS/DS-NR	LDR-6 (Low Density Residential)	Single-family residential
West	RS/DS	LDR-4 (Low Density Residential)	Single-family residential

Proposed Project

The applicant proposes to develop the approximately 1.38 acre site at 4701 Fiddymment Road with a retail commercial building and gas station. The proposed project includes a Design Review Permit for the construction of a commercial development, including a gas station and fueling canopy (with five dispensers/ten pumps), a 8,802 square-foot commercial building with 3,977 square feet of retail space, 1,938 square feet of restaurant space, and 2,887 square feet for a convenience store. The project also includes associated site improvements such as parking, lighting, and landscaping. No additional entitlements are requested as the proposed use is consistent with the zoning and land use designations.

The project proposes a fuel canopy and a commercial building which will be set back from the road 40 and 90 feet, respectively. The fuel canopy will be situated near the southwest corner of the site with parking spaces primarily located on the north and east sides of the parcel. The lot is surrounded by public right-of-way easements on all three sides, which will be utilized for landscaping by the developer. The commercial building is proposed adjacent to the rear (eastern) property line. The primary entrances to the commercial tenant spaces will be oriented towards Fiddymment Road. With the right-of-way easement to the east of the parcel, the building will be located greater than 50 feet from the nearest single-family property line in the existing neighborhood to the east of the project site.

Architecture: The building architecture includes a cottage-inspired design that incorporates traditional elements with modern features. The design draws from surrounding homes, and includes pitched roof elements, stacked stone, stucco, and horizontal wood siding. Additional elements are proposed to enhance visual interest, including rustic beams, corbels, aluminum storefront windows, wood trim, and tile roofing. Tower elements bookend the building, creating a slightly raised second-story element. The overall height of the structure is 27 feet, consistent with Zoning Ordinance standards for commercial buildings.

In addition to the main retail building, the project proposes a 23-foot tall, 3,365 square-foot gas station canopy on the southwest portion of the project site, along Fiddymment Road. The canopy design will incorporate the same materials as the retail building, and will include columns mirroring the stacked stone and wood paneling design. The roof of the canopy structure will utilize the same brown concrete tile as the primary building. The canopy fascia will be finished with stucco and the only down lighting will be used to illuminate the fueling pumps.

Landscaping and Lighting: The project provides a 35-foot-wide public access easement along Fiddymment and Angus Roads, which will be planted with Chinese Pistache, Sycamore, Valley Oak, Chinese Elm, and a variety of shrubs and groundcover. Landscaping internal to the site will include several parking lot shade trees such as Crape Myrtles and Sycamores. In addition, planting along the eastern boundary of the property will include seven Frontier Elm trees and ten Japanese pagoda trees. Stormwater landscape planters will be located at the north and east sides of the commercial building. The proposed planters will incorporate swales that limit surface water and pollutant runoff by maximizing the use of pervious surfaces and vegetative ground cover. The largest of these planters will be located on the north side of the building, adjacent to the proposed restaurant space, and will enhance the project design by incorporating landscape materials and reducing the overall amount of asphalt on the site.

Pedestrian scale lighting shall be incorporated into the outdoor areas and integrated into the building and landscape design. Main entries and storefronts will have the highest level of illumination, and all lighting sources will have cut-off lenses to avoid light spillage and glare onto adjacent properties. Exterior lighting shall use white, LED lamps and the maximum height of the parking lot light poles shall not exceed 16 feet.

Site Access and Circulation: Vehicular access to the project site will be provided by two driveways, one on Fiddymment Road and one on Angus Road. The driveway on Fiddymment Road will be restricted to right turns for ingress and egress into and out of the project site. . A portion of the existing median shall be removed from Angus Road, and the driveway onto Angus Road will allow full right and left ingress and egress turn movements. The project's internal circulation pattern will consist of a two-way drive aisle along the front of the commercial building, as well as a drive aisle around the western portion of the commercial building and under the canopy that will facilitate traffic through the site. The internal circulation pattern also provides adequate approach distance to the trash enclosures, and is configured to allow emergency vehicle access through the site. Pedestrian access will be rerouted around to the project frontage, and a new eight-foot-wide sidewalk will be constructed along Fiddymment Road to connect to the existing sidewalk on Angus Road. To limit pedestrian activity at the rear of the site, a six-foot-tall wrought iron fence will be installed at either end of the project site.

PURPOSE AND SCOPE OF ADDENDUM

As discussed in the Background Section, an Environmental Impact Report (EIR) was certified for the West Roseville Specific Plan (WRSP) on February 4, 2004, and a Subsequent EIR (SEIR) was certified for the Fiddymment Ranch Specific Plan Amendment (SPA3) on April 16, 2014. Both the 2004 EIR and 2014 SEIR are available on the City of Roseville's website at the following web address:

<https://www.roseville.ca.us/cms/One.aspx?portalId=7964922&pageId=8775152>

The proposed project is substantially consistent with the anticipated Community Commercial development on the project site as was contemplated within the WRSP.

The 2004 WRSP EIR identified the following impacts as significant and unavoidable:

- Potential incompatibility of internal land uses (WRSP and Remainder Areas)
- Conversion of agricultural land to developed uses (WRSP Area)
- Inducement of substantial population growth (WRSP and Remainder Areas)
- Increased traffic on City of Roseville roadways (SOI, WRSP, and Remainder Areas)
- Increased traffic on State Highways (SOI, WRSP, and Remainder Areas)
- Increased traffic on Placer County roadways (SOI, WRSP, and Remainder Areas)
- Increased traffic on City of Rocklin roadways (SOI and Remainder Areas)
- Increased traffic on Sacramento County roadways (SOI and Remainder Areas)
- Increased congestion due to proposed General Plan Pedestrian District Overlay (SOI and Remainder Areas)
- Increased emissions of fugitive dust and PM10 from grading and trenching activities (short term) (SOI, WRSP, and Remainder Areas)
- Increased emissions of ozone precursors during construction (short term) (SOI, WRSP, and Remainder Areas)
- Increased emissions of air pollutants during operation
- Increase in off-site traffic noise (SOI and Remainder Areas)
- Loss of oak trees of greater than 6 inches dbh (short term) (WRSP and Remainder Areas)
- Removal of historically significant properties and/or loss of historic integrity of such resources (WRSP and Remainder Areas)
- Siting of a school within one-fourth mile of the handling of transportation of hazardous materials (Remainder Area)
- Availability of water supplies to meet demand in wet years (Remainder Area)
- Availability of water supplies to meet demand in dry years (Remainder Area)
- Capacity of water treatment system to meet potable demand (Remainder Area)
- Increased demand for solid waste services at the landfill (WRSP and Remainder Areas)

- Increased demand for solid waste services at the MRF (WRSP and Remainder Areas)
- Construction debris demand for solid waste services (WRSP and Remainder Areas)
- Alteration of the visual character of the site and vicinity (WRSP and Remainder Areas)
- New sources of light and glare (WRSP and Remainder Areas)

The EIR also identified the following cumulative impacts as significant and unavoidable:

- Agricultural land conversion (SOI and WRSP Areas)
- Increased traffic on City of Roseville roadways with Kaiser Medical Center (SOI and WRSP Areas)
- Increased traffic on City of Roseville roadways with Placer Parkway (SOI Area)
- Increased traffic on Placer County roadways with Placer Parkway (SOI Area)
- Increased traffic in Placer County under Cumulative 2020 conditions with additional development (SOI Area)
- Air quality emissions from construction (SOI and WRSP Areas)
- Air quality emissions from operation (SOI and WRSP Areas)
- On-site noise levels that exceed City standards (SOI and WRSP Areas)
- Off-site noise levels that exceed City standards (SOI and WRSP Areas)
- Loss of historic resources (SOI and WRSP Areas)
- Increased demand for water (SOI and WRSP Areas)
- Increased demand for water treatment (SOI Area)
- Increased demand for recycled water distribution system (SOI and WRSP Areas)
- Increased generation of solid waste (SOI and WRSP Areas)
- Increased stormwater runoff in the Curry Creek Watershed (SOI and WRSP Areas)
- Change in visual character (SOI and WRSP Areas)

The analyses within this Addendum rely on the 2004 WRSP EIR and 2014 SPA3 SEIR with minor supplements or technical updates where appropriate. Most of the project impacts remain identical to the impacts of the EIRs because the proposed project is consistent with the commercial use type envisioned and analyzed for the subject property. No changes are proposed to the land use or zoning designation of the site. Impacts to physical resources (such as agricultural land, biological resources, etc.) are based on the grading and development of an area, not the proposed use types of the buildings (i.e. restaurant vs. retail) on the property. For other types of impacts which are affected by use type and square footage, the project uses reduce or maintain the same level of potential impacts, as discussed in this Addendum.

ENVIRONMENTAL CHECKLIST FOR ADDENDUM ENVIRONMENTAL REVIEW

The purpose of this checklist is to evaluate the categories in terms of any “changed condition” (i.e. changed circumstances, project changes, or new information of substantial importance) that may result in a changed environmental result. A “no” answer does not necessarily mean there are no potential impacts relative to the environmental category, but that there is no change in the condition or status of the impact since it was analyzed and addressed in prior environmental documents.

EXPLANATION OF CHECKLIST EVALUATION CATEGORIES

Where Impact was Analyzed

This column provides a cross-reference to the pages of the prior environmental documents where information and analysis may be found relative to the environmental issue listed under each topic.

Do Proposed Changes Involve New Significant Impacts?

Pursuant to Section 15162(a)(1) of the CEQA Guidelines, this column indicates whether the changes represented by the current project will result in new significant impacts that have not already been considered

and mitigated by the prior environmental review documents and related approvals, or will result in a substantial increase in the severity of a previously identified impact.

Any new Circumstances Involving New Impacts?

Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this column indicates whether there have been changes to the project site or the vicinity (circumstances under which the project is undertaken) which have occurred subsequent to the certification or adoption of prior environmental documents, which would result in the current project having new significant environmental impacts that were not considered in the prior environmental documents or that substantially increase the severity of a previously identified impact.

Any new Information Requiring New Analysis or Verification?

Pursuant to Section 15162(a)(3)(A–D) of the CEQA Guidelines, this column indicates whether new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental documents were certified or adopted is available requiring an update to the analysis of the previous environmental documents to verify that the environmental conclusions and mitigation measures remain valid. Either “yes” or “no” will be answered to indicate whether there is new information showing that: (A) the project will have one or more significant effects not discussed in the prior environmental documents; (B) that significant effects previously examined will be substantially more severe than shown in the prior environmental documents; (C) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (D) that mitigation measures or alternatives which are considerably different from those analyzed in the prior environmental documents would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. If “no,” then no additional environmental documentation (supplemental or subsequent EIR) is required.

Mitigation Measures Implemented or Addressing Impacts

Pursuant to Section 15162(a)(3) of the CEQA Guidelines, this column indicates whether the prior environmental documents provide mitigation measures to address effects in the related impact category. In some cases, the mitigation measures have already been implemented. A “yes” response will be provided in any instance where mitigation was included, regardless of whether the mitigation has been completed at this time. If “none” is indicated, this environmental analysis concludes a significant impact does not occur with this project, no mitigation was previously included, and no mitigation is needed.

DISCUSSION AND MITIGATION SECTIONS

Discussion

A discussion of the elements of the checklist is provided under each environmental category in order to clarify the answers. The discussion provides information about the particular environmental issue, how the project relates to the issue and the status of any mitigation that may be required or has already been implemented.

Mitigation Measures

Applicable mitigation measures from the prior environmental review that apply to the project are listed under each environmental category.

Conclusions

A discussion of the conclusion relating to the analysis contained in each section.

OTHER CONSIDERATIONS

Since the publication of the prior EIRs, the Office of Planning and Research (OPR) has updated CEQA Guidelines Appendix G (Environmental Checklist Form). These updates address legislative changes to CEQA, clarify language, and update language consistent with case law. None of the changes to the checklist require

new analysis related to impacts which were not known or which could not have been known at the time the EIRs were prepared. The majority of the checklist changes clarify language, reorganize existing language, or eliminate analysis requirements. For analysis requirements which have been eliminated, this is in response to case law affirming that analysis must focus on impacts caused by the project, not impacts to the project. An example of each of these types of changes is included below:

- Cultural Resources (a): Cause a substantial adverse change in the significance of an historic resource ~~as defined in~~ pursuant to Section 15064.5?

The replacement of “as defined in” with “pursuant to” is a phrasing change which has no impact on required analysis.

- Cultural Resources (c) has been moved to Geology and Soils (f).

Moving the topical section of this analysis requirement (which is related to paleontological resources) from Cultural Resources to Geology and Soils has no impact on required analysis.

- Noise (b): ~~Exposure of persons to or~~ Generation of excessive ground borne vibration of ground borne noise levels?

The above changes redirect the analysis from considering overall exposure of persons to ground borne vibration, and focus the analysis on any ground borne vibration generated by a project. This same change is reflected in all other checklist questions related to noise. Therefore, the EIRs include more analysis than is currently required, because they included analysis related to exposing neighboring areas to noise, but also analyzed the effect of noise on the proposed uses; the latter analysis is no longer required.

The updated CEQA Guidelines Appendix G also includes two new sections (Tribal Cultural Resources and Energy) and includes new and modified requirements as part of the Transportation/Traffic section. Although the Tribal Cultural Resources section is new, the analysis of this impact area was included in the EIRs as part of the Cultural Resources section. The new Energy section was formerly included in CEQA Guidelines Appendix F, but has been moved into the Appendix G, so while it is new to the checklist it is not new to the CEQA Guidelines. The changes to the Transportation/Traffic section—which is now called simply Transportation—refocuses the analysis on vehicle miles traveled (VMT). However, while OPR has promulgated these changes, the legislation requiring the use of VMT in CEQA analysis specifies that the requirement for lead agencies to use VMT goes into effect on July 1, 2020. Therefore, a VMT analysis is not currently required, and has not been included in this Addendum.

Based on the foregoing, none of the modifications to CEQA Guidelines Appendix G require new analysis related to impacts which were not known or which could not have been known at the time the EIRs were prepared. Therefore, an Addendum is the appropriate environmental document to describe the impacts of the proposed project.

CHECKLIST

I. Aesthetics

	Where Impact Was Analyzed in Prior Environmental Documents	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents' Mitigation Measures Implemented or Addressing Impacts.
a. Have a substantial adverse effect on a scenic vista?	2004 WRSP EIR Ch. 4.13 Pg. 39	No	No	No	None
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	2004 WRSP EIR Ch. 4.13 Pg. 39	No	No	No	None
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	2004 WRSP EIR Ch. 4.13 Pg. 31	No	No	No	None
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	2004 WRSP EIR Ch. 4.13 Pg. 35	No	No	No	2004 WRSP EIR MM 4.13-1 (a-d), MM 4.13-2

Discussion:

2004 WRSP EIR

The 2004 WRSP EIR concluded that the WRSP project would result in the following aesthetics impacts:

- Impact 4.13-1 – alteration of the visual character of the site and vicinity (significant and unavoidable);
- Impact 4.13-2 – new sources of light and glare (significant and unavoidable);
- Impact 4.13-3 – visual incompatibility between land uses (less than significant);
- Impact 4.13-4 – degradation of scenic resources (less than significant).

Mitigation measures were provided to reduce all aesthetics impacts to a less-than-significant level except for significant and unavoidable impacts related to the alteration of visual character of the site and vicinity and to new sources of light and glare. (2004 DEIR, pp. 3-19 to 3-20.)

2014 SPA3 SEIR

The 2014 SPA3 SEIR concluded that the proposed SPA3 project would not result in any aesthetics impacts beyond what was previously analyzed in the 2004 WRSP EIR. As the SEIR noted in its discussion of effects found to have been adequately analyzed in the prior EIR and thus excluded from the SEIR:

The proposed project would not substantially alter the general character of development in Fiddymment Ranch. The area would continue to be developed as a primarily residential community that includes parks, open space, and some commercial and public/quasi-public uses. Development under the proposed Fiddymment Ranch SPA 3 project would be subject to the City's Community Design Guidelines, the WRSP Design Guidelines, and General Plan goals and policies. The WRSP EIR found that development of the Specific Plan would result in a Significant and Unavoidable impact by altering the visual character of the area. Development under the proposed project would contribute to this impact; but would not increase the severity of it, as it would not increase the development footprint, change the City's development standards, or change the general character of the Fiddymment Ranch community. Comments on the 2010 NOP suggested that the increased densities proposed by the project would alter the character of development in Fiddymment Ranch, and that potential development under the City's Zoning Ordinance which allows density bonuses consistent with existing state law for certain projects that propose affordable housing subsidies would further increase densities and allow for reduced development standards such as reduced height restrictions and setbacks. It is noted that there are no specific proposals at this time to develop any portion of the project site under the density bonus provisions of the City's Zoning Ordinance. At the time that specific development is proposed for each parcel (regardless of whether development is proposed using the a density bonus), the City will evaluate whether the proposed development meets the City's development standards and will consider whether each project would result in site-specific environmental impacts that have not been fully evaluated under the WRSP EIR or this Fiddymment Ranch SPA 3 Recirculated Draft Subsequent EIR. If not, additional environmental review would be required.

Current Fiddymment Plaza Project

The proposed project would result in no additional aesthetics impacts beyond what was previously analyzed in the 2004 WRSP EIR and 2014 SPA3 SEIR. The overall aesthetic impacts of development under the WRSP were determined to be significant and unavoidable in the 2004 WRSP EIR. The 2014 SPA3 SEIR concluded that the land uses changes proposed as part of the SPA3 project, including the change in land use for the project site from Single-Family Residential (RI) to Community Commercial (CC), would not result in additional aesthetics impacts beyond what would occur with the original WRSP.

Mitigation Measures:

2004 WRSP EIR MM 4.13-1c requires the use of low glare materials for new commercial developments in the WRSP. This mitigation measure applies to the Project and can be found in the Table of Applicable Mitigation Measures.

II. Agricultural & Forestry Resources

	Where Impact Was Analyzed in Prior Environmental Documents	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents' Mitigation Measures Implemented or Addressing Impacts.
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	2004 WRSP EIR Ch. 4.1 Pg. 45-47 2014 SPA3 SEIR Pg. 4-5	No	No	No	2004 WRSP EIR MM 4.1 – 4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	2004 WRSP EIR Ch. 4.1 Pg. 46 2014 SPA3 SEIR Pg. 4-5	No	No	No	No impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	Not analyzed	No	No	No	None
d) Result in the loss of forest land or conversion of forest land to non-forest use?	Not analyzed	No	No	No	None
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	2004 WRSP EIR Ch. 4.1 Pg. 45-47 2014 SPA3 SEIR Pg. 4-5	No	No	No	2004 WRSP EIR MM 4.1 -4

Discussion:2004 WRSP EIR

The 2004 WRSP EIR concluded that the WRSP project would result in the following agricultural resources impacts:

- Impact 4.1-2 – potential incompatibility with existing agricultural and other land uses in the Remainder Area, the County, and the City of Roseville (significant);
- Impact 4.1-4 – conversion of agricultural land to developed uses (significant and unavoidable for WRSP area, less than significant for remainder area).

Mitigation measures were provided to reduce all agricultural resources impacts to a less-than-significant level except for significant and unavoidable impacts associated with the conversion of agricultural land to developed uses. (2004 DEIR, p. 3-8.) The 2004 DEIR did not address impacts to forestry resources, because the WRSP project area did not include any such resources.

2014 SPA 3 SEIR

The 2014 SPA3 SEIR concluded that the SPA 3 project would result in no additional impacts to agricultural resources beyond what was previously analyzed in the 2004 EIR. As the SEIR noted in its discussion of effects found to have been adequately analyzed in the prior EIR and thus excluded from the SEIR:

The proposed project would not alter the development footprint for Fiddymment Ranch. As discussed in the WRSP EIR, the Fiddymment Ranch project area supports Prime Farmland, which previously supported a pistachio orchard. The site is no longer in active agricultural production. As mitigation for impacts associated with loss of the Prime Farmland, the WRSP EIR required acquisition of offsite conservation easement(s), and this mitigation requirement has already been satisfied. Development under the proposed Fiddymment Ranch SPA 3 project would not change the development footprint nor result in any substantial changes in the agricultural impacts identified in the WRSP EIR. Forestry impacts were not addressed by the WRSP EIR; however the project area does not include any forests or timberland and does not support any timber harvesting activities, and the project would have no impact to forestry resources. (2014 SEIR, p. 1-7.)

Fiddymment Plaza

The proposed Fiddymment Plaza project would result in no additional agricultural and forestry resources impacts beyond what was previously analyzed in the 2004 WRSP EIR and 2014 Fiddymment Ranch SPA3 SEIR. The proposed project would result in no changes in development footprint beyond what was analyzed in the 2004 WRSP EIR and 2014 SPA3 SEIR. The project site does not contain agricultural or forestry land, as the site has a land use designation and zoning of Community Commercial (CC) under the City's General Plan and the WRSP. For these reasons, no subsequent or supplemental EIR is required for the project with respect to agricultural and forestry resources.

Mitigation Measures: No mitigation measures are required for this project.

III. Air Quality

	Where Impact Was Analyzed in Prior Environmental Documents.	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents' Mitigation Measures Implemented or Addressing Impacts.
a) Conflict with or obstruct implementation of the applicable air quality plan?	2004 WRSP EIR Ch. 4.4 Pg. 18-26 2014 SPA3 SEIR Ch. 7 Pg. 17-23	No	No	No	2004 WRSP EIR MM 4.4 -1 through 4.4 -4 2014 SPA3 SEIR MM 7.1a through MM 7.1b
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	2004 WRSP EIR Ch. 4.4 Pg. 18-26 2014 SPA3 SEIR Ch. 7 Pg. 23-26	No	No	No	2004 WRSP EIR MM 4.4 -5 and MM 4.4 -6 2014 SPA3 SEIR MM 7.2a and MM 7.2b
c) Result in a cumulatively considerable net increase of any criteria for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	2004 WRSP EIR Ch. 4.4 Pg. 18-26 2014 SPA3 SEIR Pg. 26, 27	No	No	No	2004 WRSP EIR MM 4.4 -1 Through MM 4.4 -5
d) Expose sensitive receptors to substantial pollutant concentrations?	2004 WRSP EIR Ch. 4.4 Pg. 26-30	No	No	No	2004 WRSP EIR MM 4.4 -5 2004 WRSP EIR MM 4.4 -7
e) Create objectionable odors affecting a substantial number of people?	2004 WRSP EIR Ch. 4.4 Pg. 32-33	No	No	No	None
Discussion: <u>2004 WRSP EIR</u>					

The 2004 WRSP EIR concluded that the WRSP project would result in the following air quality impacts:

- Impact 4.4-1 – fugitive dust and PM10 from grading and trenching activities (short-term significant and unavoidable);
- Impact 4.4-2 – construction emissions (short-term significant and unavoidable);
- Impact 4.4-3 – operational emissions (significant and unavoidable);
- Impact 4.4-4 – exposure of sensitive receptors to unacceptable TAC levels (significant);
- Impact 4.4-5 – carbon monoxide emissions at local intersections (less than significant);
- Impact 4.4-6 – exposure to objectionable odors (less than significant).

Mitigation measures were provided to reduce all air quality impacts to a less-than-significant level except for short-term significant and unavoidable impacts related to fugitive dust and PM10 from grading and trenching activities and construction emissions and significant unavoidable impacts related to operational emissions. (2004 DEIR, pp. 3-10 to 3-11.)

2014 SPA3 SEIR

The 2014 SPA3 SEIR identified the following additional project-level and cumulative air quality impacts associated with the Fiddymment Ranch SPA 3 project:

- Impact 7.1 – generate construction related emissions that conflict with the air quality plan or violate air quality standards (significant and unavoidable);
- Impact 7.2 – generate emissions during project operation that conflict with the air quality plan or violate air quality standards (significant and unavoidable);
- Impact 7.3 – generate substantial carbon monoxide concentrations at local intersections (less than significant);
- Impact 11.10 – result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (significant and unavoidable).

Mitigation measures were provided to reduce additional air quality impacts, but significant and unavoidable impacts would remain with respect to construction and operational emissions and contribution to cumulative air quality impacts. (2014 SEIR, pp. 2-15 to 2-18, 2-22 to 2-23.)

In addition, the 2014 SPA 3 SEIR provided the following explanation of why the SPA 3 project would not result in any increase in odors beyond what was analyzed in the 2004 WRSP EIR:

As discussed in the Initial Study, the WRSP EIR evaluated potential impacts associated with exposure to odors associated with the Pleasant Grove Wastewater Treatment Plant (PGWWTP) and other odor sources in the project area. This analysis found that treatment facilities and operations at the PGWWTP could generate objectionable odors that could affect project site residents. The WRSP EIR concluded that “with normal operation and with the use of chlorine, odors associated with the PGWWTP would be minimal and unlikely to be unpleasant for closest residents.” The proposed project would not place residents any closer to the PGWWTP than was evaluated in the WRSP EIR, therefore the proposed project would not increase the severity of this less than significant impact. The WRSP EIR analysis also found that exposure to odors from other typical

sources within and in proximity to the project site, such as restaurants, dry cleaning facilities and gas stations, would not result in significant adverse conditions. (2014 SEIR, p. 1-7.)

Fiddymment Plaza

The proposed project would result in no additional air quality impacts beyond what was previously analyzed in the 2004 WRSP EIR and 2014 Fiddymment Ranch SPA3 SEIR. The 2014 SPA3 SEIR addressed the additional air quality impacts (beyond what was analyzed in the 2004 WRSP EIR) associated with the land uses changes proposed as part of the SPA3 project. The proposed project would result in no change in air quality emissions from what was analyzed in the 2014 SPA3 SEIR.

The project will generate less traffic than anticipated in the City's Traffic Model, thus resulting in less Air Quality impacts associated with traffic. The gas station fueling pumps will be approximately 160 feet from the nearest single family property line. The SEIR included air quality mitigation measures that the project must comply with. (See SEIR Chapter 7 regarding Air Quality and FEIR for WRSP SOI Amendment, Section 4.4 dated January 9, 2004.) In addition, air quality impacts related to gas stations are governed by Placer County Air Pollution Control District (PCAPCD) which requires a gas station operation to secure an annual permit to operate. This permit process through PCAPCD ensures that the required local, state, and federal standards are adhered to as it relates to air quality impacts and that no permit is provided if PCAPCD significance thresholds are exceeded. (See Appendix A, which includes PCAPCD's jurisdiction and permitting process, PCAPCD Rules 501 and 502, and the PCAPCD Advisory Notice for Gasoline Dispensing Facilities dated August 21, 2002.) The project has obtained a PCAPCD Authority to Construct/Temporary Permit to Operate, issued on May 21, 2018, which included a technical memorandum analyzing Public Health Risk associated with the project. The analysis found that the project is well within the PCAPCD significance thresholds and the permit was accordingly issued. Both of these documents are included in Appendix A. The City relied on PCAPCD's Authority to Construct/Temporary Permit to Operate, based on the applicable rules and policies outlined in Appendix A, in reaching its determination on air quality. Therefore, there will be no significant effects related to air quality.

While the SPA 3 SEIR did not analyze the air quality impacts of the specific use of a proposed gas station on the project site, the air permitting process required for the proposed gas station will ensure that the Project results in no significant air quality impacts. State law gives local air pollution control districts "the primary responsibility for control of air pollution from all sources, other than emissions from motor vehicles." (Health & Safety Code, § 40000.) Pursuant to this authority, the PCAPCD requires that gas stations obtain a permit known as an "Authority to Construct" prior to building the facility and another annual permit known as a "Permit to Operate" before dispensing gasoline. The PCAPCD's Rules and Regulations require denial of these permits if the proposed gas station's air emissions would violate federal, state, or local air quality standards. (PCAPCD, Rules and Regulations, Rule 501, § 303, and Rule 502, § 408.) In addition to controlling the emission of various "criteria pollutants," it should be noted that the PCAPCD's permits will address any potential emission of Toxic Air Contaminants (TACs) from the gas station, including benzene. The PCAPCD will review the proposed "annual throughput" for the gas station and will place any necessary restrictions on the operation to ensure that the facility's emissions of TACs do not exceed the APCD's established "health risk" threshold of 10 in 1 million. (PCAPCD Advisory Notice for Gasoline Dispensing Facilities; WRSP EIR, p. 4.4-29.) Notably, this "10 in 1 million" threshold is identical to the PCAPCD's CEQA threshold of significance for TACs. (WRSP EIR, p. 4.4-18.) Accordingly, it can be said with certainty that a gas station which must obtain an Authority to Construct and Permit to Operate from APCD will not result in any significant TAC emission impacts.

As part of the PCAPCD's air permitting process, a health risk assessment was conducted by Environmental Permitting Specialists (EPS) for the Project demonstrating that it would not result in the exposure of sensitive receptors to unacceptable TAC levels (Appendix A). EPS determined that the maximum cancer residential risk associated with the Project would be 1.21 cancers/million, well below the PCAPCD's significance threshold of 10 cancers/million. EPS determined that the maximum non-cancer risks at nearby homes would be a hazard index (HI) of 0.005 for maximum chronic non-cancer risk and an HI of 0.15 for maximum acute non-cancer risk, both numbers well below the PCAPCD's significance threshold of 1.0 HI for both chronic and acute non-cancer health risks. A copy of that health risk assessment is included in Appendix A of this document. (Environmental Permitting Specialists, April 27, 2018.)

In August 2019, EPS conducted a supplemental health risk assessment to include other emissions sources for the Project consisting of mobile source emissions from customer vehicles and refueling trucks. EPS concluded that the addition of mobile sources from the Project would increase the maximum cancer residential risk from 1.21 to 2.36 cancers/million, still well below the PCAPCD's significance threshold of 10 cancers/million. EPS also determined that the total project-related non-cancer risk health index (HI) would be less than 0.01 for both chronic and acute non-cancer risks, well below the PCAPCD's significance threshold of 1.0 HI for both chronic and acute non-cancer risks. Thus, the Project would not result in a significant impact with respect to both cancer and non-cancer health risks. (Environmental Permitting Specialists, August 27, 2019.)

For these reasons discussed above, the Project would not result in a new significant impact nor a substantial increase in the severity of a previously identified impact with respect to air quality. Therefore, no subsequent or supplemental EIR is required for the project with respect to air quality.

Mitigation Measures:

Mitigation Measures 2004 WRSP EIR MM 4.4-3 and 2014 SPA3 SEIR MM 7.1a, 7.1b, and 7.2b are all applicable to the Project to mitigate construction and operational air quality impacts. The mitigation measures can be found in the attached Table of Applicable Mitigation Measures.

IV. Biological Resources

	Where Impact Was Analyzed in Prior Environmental Documents.	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents' Mitigation Measures Implemented or Addressing Impacts.
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	2004 WRSP EIR Ch. 4.7 Pg. 37	No	No	No	2004 WRSP EIR MM 4.7 through 4.7 -9
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	2004 WRSP EIR Ch. 4.7 Pg. 40 2004 WRSP EIR Ch. 4.7 Pg. 57	No	No	No	2004 WRSP EIR MM 4.7 -4 2004 WRSP EIR MM 4.7 -12 2004 WRSP EIR MM 4.7 -13
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	2004 WRSP EIR Ch. 4.7 Pg. 32	No	No	No	2004 WRSP EIR MM 4.7 -1 through 4.7 -3
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	2004 WRSP EIR Ch. 4.7 Pg. 49	No	No	No	2004 WRSP EIR MM 4.7 -10 2004 WRSP EIR MM 4.7 -11 2004 WRSP EIR MM 4.7 -13(d) 42004 WRSP EIR MM.13 – 1(d)
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	2004 WRSP EIR Ch. 4.7 Pg. 53	No	No	No	None

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?		No	No	No	None
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Discussion:

2004 WRSP EIR

The 2004 WRSP EIR concluded that the WRSP project would result in the following impacts to biological resources:

- Impact 4.7-1 – loss of federally protected wetlands and “other waters” of the United States (significant);
- Impact 4.7-2 – loss of federally listed vernal pool crustaceans and their habitat (significant);
- Impact 4.7-3 – loss of rare plant populations (significant);
- Impact 4.7-4 – loss or degradation of habitat for western spadefoot, a special status species (significant);
- Impact 4.7-5 – disruption of Swainson’s hawk, burrowing owl, and other legally protected raptors (significant);
- Impact 4.7-6 – loss of grassland habitat (significant);
- Impact 4.7-7 – substantial interference with the movement of resident and migratory wildlife species (significant);
- Impact 4.7-8 – loss of oak trees greater than 6” dbh (short-term significant and unavoidable, long-term less than significant);
- Impact 4.7-9 – loss of riparian habitat (significant);
- Impact 4.7-10 – loss of biological resources due to construction of off-site infrastructure (significant);
- Impact 4.7-11 – changes in General Plan policies regarding flood control facilities in open space (less than significant);
- Impact 4.7-12 – conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (no impact).

Mitigation measures were provided to reduce all biological resources impacts to a less-than-significant level except for short-term significant and unavoidable impacts to oak trees greater than 6” dbh. (2004 DEIR, pp. 4-13 to 4-15.)

2014 SPA3 SEIR

The 2014 SPA3 SEIR concluded that the SPA 3 project would result in no additional impacts to biological resources beyond what was previously analyzed in the 2004 EIR. As the SEIR noted in its discussion of effects found to have been adequately analyzed in the prior EIR and thus excluded from the SEIR:

The proposed project would not alter the development footprint for Fiddymment Ranch. The proposed Fiddymment Ranch SPA 3 project includes construction of new Class I bikeway components within the 50-foot preserve buffer surrounding the ±130-acre open space parcel in the northwest corner of the Fiddymment Ranch area. As noted on page 18 of the Initial Study circulated with the NOP for this EIR, the WRSP anticipated this construction and indicated that the Class I bikeway would be routed to avoid direct impacts to federally protected wetlands and other waters of the United States. The WRSP EIR evaluated impacts to biological resources, including wetlands, special-status species, and sensitive habitats. The mitigation measures identified in the WRSP EIR are applicable to development of the Fiddymment Ranch project area. With implementation of the mitigation measures identified in the WRSP EIR and summarized in the Initial Study for the current project, development under the proposed Fiddymment Ranch SPA 3 project would not result in any substantial changes in the

biological resource impacts identified in the WRSP EIR. The WRSP EIR required acquisition of offsite conservation easement(s), and offsite preservation of wetlands as part of the Clean Water Act Section 404 permits. This mitigation requirement has already been satisfied. (2014 SEIR, pp. 1-7 to 1-8.)

Current Fiddymment Plaza Project

The proposed project would result in no additional impacts to biological resources beyond what was previously analyzed in the 2004 WRSP EIR and 2014 Fiddymment Ranch SPA3 SEIR. The proposed project would result in no changes in development footprint beyond what was analyzed in the 2004 WRSP EIR and 2014 SPA3 SEIR. In addition, it should be noted that there are no natural features present onsite. The project site is devoid of trees, vernal pools, and other water features. The site has been graded and is primarily populated by non-native annual grasses and dirt. For these reasons, no subsequent or supplemental EIR is required for the project with respect to biological resources.

Mitigation Measures: No mitigation measures are required for this Project.

V. Cultural, Archeological, or Paleontological Resources

	Where Impact Was Analyzed in Prior Environmental Documents.	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents' Mitigation Measures Implemented or Addressing Impacts.
a) Cause a substantial adverse change in the significance of an historic resource as defined in Section 15064.5?	2004 WRSP EIR Ch. 4.8 - 14	No	No	No	2004 WRSP EIR MM 4.8 - 4(a) through MM 4.8 -9
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	2004 WRSP EIR Ch. 4.8 - 12	No	No	No	2004 WRSP EIR MM 4.8 -1 through MM 4.8 - 3
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	2004 WRSP EIR Ch. 4.8 - 16	No	No	No	2004 WRSP EIR MM 4.8 -10 and MM 4.8 -11
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	2004 WRSP EIR Ch. 4.8 - 17	No	No	No	2004 WRSP EIR MM 4.8 -1 2004 WRSP EIR MM 4.8 -2 2004 WRSP EIR MM 4.8 -5 through MM 4.8 -8 2004 WRSP EIR MM 4.8 -10 through 4.8 -13

Discussion:

2004 WRSP EIR

The 2004 WRSP EIR concluded that the WRSP project would result in the following impacts to cultural resources:

- Impact 4.8-1 – disturb, damage, or destroy unidentified subsurface archaeological resources during project construction (significant);
- Impact 4.8-2 – removal of historically significant properties and/or loss of historic integrity of such resources (significant and unavoidable);
- Impact 4.8-3 – disturb unknown paleontological resources during site preparation (significant);
- Impact 4.8-4 – damage or destroy historic or prehistoric resources during construction of off-site infrastructure (significant).

Mitigation measures were provided to reduce all cultural resources impacts to a less-than-significant level except for significant and unavoidable impacts related to the removal of historically significant properties and/or loss of historic integrity of such resources. (2004 DEIR, p. 3-15.)

2014 SPA3 SEIR

The 2014 SPA3 SEIR concluded that the SPA 3 project would result in no additional impacts to cultural resources beyond what was previously analyzed in the 2004 EIR. As the SEIR noted in its discussion of effects found to have been adequately analyzed in the prior EIR and thus excluded from the SEIR:

The WRSP EIR identified that the project area supported a historically significant site – the Fiddymment Ranch Main Complex. The proposed Fiddymment Ranch SPA 3 project does not affect land in the area of this site. As discussed in the WRSP EIR, a field survey was conducted to identify archeological resources throughout the WRSP area. No archeological resources were identified during this survey. While there are no known archeological resources within the Fiddymment Ranch SPA 3 project site, as is typical of most projects in the area, there is the potential that subsurface cultural resources could be uncovered during project construction. The likelihood of subsurface resources is no greater with or without the project since earthmoving would be required under the existing WRSP as well as under the proposed Fiddymment Ranch SPA 3 project. The WRSP EIR identifies mitigation measures to ensure that any subsurface archeological or paleontological resources uncovered during project construction are adequately protected. With implementation of these measures, development under the proposed project would not result in any substantial changes in the cultural resource impacts identified in the WRSP EIR. (2014 SEIR, p. 1-8.)

Current Fiddymment Plaza Project

The proposed project would result in no additional impacts to cultural resources beyond what was previously analyzed in the 2004 WRSP EIR and 2014 Fiddymment Ranch SPA3 SEIR. The proposed project would result in no changes in development footprint beyond what was analyzed in the 2004 WRSP EIR and 2014 SPA3 SEIR. For these reasons, no subsequent or supplemental EIR is required for the project with respect to cultural resources.

Mitigation Measures: Mitigation measures in 2004 WRSP EIR MM 4.8-1 and MM 4.8-10, which are intended to mitigate disturbance of unanticipated historic or prehistoric resources during the construction process, apply to the Project. These measures can be found in the attached Table of Applicable Mitigation Measures.

VI. Energy

	Where Impact Was Analyzed in Prior Environmental Documents.	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents' Mitigation Measures Implemented or Addressing Impacts.
e) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	2004 WRSP EIR Ch. 4.11 Pg. 95	No	No	No	2004 WRSP EIR MM 4.11-13
f) Conflict with or obstruct a state or local plan for renewable energy or energy inefficiency?	2004 WRSP EIR Ch. 4.11 Pg. 95	No	No	No	2004 WRSP EIR MM 4.11-13

Discussion:

2004 WRSP EIR

The 2004 WRSP EIR concluded that the WRSP project would result in the following impacts to energy, as part of its section on public utilities:

- Impact 4.11-12 – increased demand for electricity (less than significant for WRSP area, significant for remainder area);
- Impact 4.11-13 – increased demand for natural gas (less than significant).

Mitigation measures were provided to reduce all energy impacts to a less-than-significant level. (2004 DEIR, p. 3-18.)

2014 SPA3 SEIR

The 2014 SPA 3 SEIR concluded that the effects to energy were adequately analyzed in the prior EIR and thus excluded from the SEIR. As the SEIR noted in its discussion of effects found to have been adequately analyzed in the prior EIR and thus excluded from the SEIR:

Electricity in the area is provided by Roseville Electric and natural gas is provided by Pacific Gas & Electric (PG&E). Impacts 4.11-12 and 4.11-13 in the WRSP EIR evaluated the potential for development of the WRSP to increase demands for electricity and natural gas and found these impacts to be less than significant. The proposed project would increase the amount of residential and commercial development within the WRSP, which would incrementally increase the total demand for electricity and natural gas in the Specific Plan area. There are no known constraints for provision of electric or natural gas service to the WRSP, including the additional residences and commercial land uses that would be developed under the proposed project. Existing and planned facilities would be sufficient to serve the

increased demands associated with the proposed Fiddymment Ranch SPA 3 project. Revenue sources for service providers would include direct installation fees collected as a condition of approval for the project as well as electric and natural gas service rates collected from service users (i.e., individual home owners/renters and commercial businesses). As noted in the WRSP EIR, compliance with Title 20 and 24 of the California Code of Regulations, which mandate minimum energy efficiency standards, would ensure that energy consumption from each individual building is minimized. Further, since the time that the WRSP EIR was prepared, a new California Building Code, referred to as CalGreen, has been adopted. CalGreen establishes additional energy efficiency standards that would further reduce energy consumption and commitments relative to greenhouse gas emissions.(2014 SEIR, pp. 1-11 to 1-12.)

Current Fiddymment Plaza Project

The proposed project would result in no additional impacts related to energy beyond what was previously analyzed in the 2004 WRSP EIR and 2014 Fiddymment Ranch SPA3 SEIR. The 2014 SPA3 SEIR addressed the additional energy impacts beyond what was analyzed in the 2004 WRSP EIR associated with the land uses changes proposed as part of the SPA3 project, including the change in land use for the project site from Single-Family Residential (RI) to Community Commercial (CC). Furthermore, the proposed project would result in no change in demand for energy from what was analyzed in the 2014 SPA3 SEIR. For these reasons, no subsequent or supplemental EIR is required for the project with respect to energy impacts.

Mitigation Measures: No mitigation measures are required for this Project.

VII. Geology and Soils

	Where Impact Was Analyzed in Prior Environmental Documents.	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents' Mitigation Measures Implemented or Addressing Impacts.
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	2004 WRSP EIR Ch. 4.6 Pg. 17-23				
i) Ruptures of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	Same	No	No	No	None
ii) Strong seismic ground shaking?	Same	No	No	No	None
iii) Seismic-related ground failure, including liquefaction?	Same	No	No	No	None
iv) Landslides?	Same	No	No	No	None
b) Result in substantial soil erosion or the loss of topsoil?	Same	No	No	No	None
c) Be located in a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Same	No	No	No	None
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Same	No	No	No	None

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	Same	No	No	No	None
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Discussion:2004 WRSP EIR

The 2004 WRSP EIR concluded that the WRSP project would result in the following impacts to geology and soils:

- Impact 4.6-1 – exposure of people and structures to seismic hazards (less than significant);
- Impact 4.6-2 – development of structures on expansive soils or on soils with other limitations (less than significant);
- Impact 4.6-3 – soil erosion from grading activities (less than significant);
- Impact 4.6-4 – slope instability and increased erosion along stream channels (less than significant);
- Impact 4.6-5 – loss of topsoil due to conversion of agricultural land to urban uses (less than significant).

Thus, the WRSP concluded that the WRSP project would not result in any significant impacts to geology and soils. (2004 DEIR, p. 3-13.)

2014 SPA3 SEIR

The 2014 SPA3 SEIR concluded that the SPA 3 project would result in no additional impacts related to geology and soils beyond what was previously analyzed in the 2004 EIR. As the SEIR noted in its discussion of effects found to have been adequately analyzed in the prior EIR and thus excluded from the SEIR:

The proposed project would not alter the development footprint for Fiddymment Ranch or introduce land uses that require more substantial grading than was evaluated in the WRSP EIR. Development under the proposed Fiddymment Ranch SPA 3 project would not result in any substantial changes in the impacts related to geology and soils identified in the WRSP EIR. All impacts related to geology and soils associated with the proposed project have been adequately addressed in the previous EIR. The WRSP EIR determined that all impacts related to geology and soils would be less than significant and no mitigation measures were required.(2014 SEIR, p. 1-8.)

Current Fiddymment Plaza Project

The proposed project would result in no additional impacts to geology and soils beyond what was previously analyzed in the 2004 WRSP EIR and 2014 Fiddymment Ranch SPA3 SEIR. The proposed project would result in no changes in development footprint beyond what was analyzed in the 2004 WRSP EIR and 2014 SPA3 SEIR. For these reasons, no subsequent or supplemental EIR is required for the project with respect to geology and soils.

Mitigation Measures: No mitigation measures are required for this Project.

VIII. Greenhouse Gases

	Where Impact Was Analyzed in Prior Environmental Documents.	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents' Mitigation Measures Implemented or Addressing Impacts.
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	2014 SPA3 SEIR Ch. 11 Pg. 22	No	No	No	None
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	2014 SPA3 SEIR Ch. 8 Pg. 17	No	No	No	2014 SPA3 SEIR MM 8.1a and MM 8.1b

Discussion:2004 WRSP EIR

The 2004 WRSP EIR did not address climate change or greenhouse gas emissions, because CEQA did not require such analysis at the time the WRSP EIR was certified and the WRSP was approved.

2014 SPA 3 SEIR

The 2014 Fiddymment Ranch SPA 3 SEIR analyzed the SPA 3 project's impacts on climate change. The 2014 SEIR concluded that the SPA 3 project would result in the following project-level and cumulative climate change/greenhouse gas impacts:

- Impact 8.1 – generate a substantial contribution to GHG emissions that conflict with an applicable plan or policy (significant);
- Impact 8.2 – be affected by climate change effects (less than significant);
- Impact 11.11 – make a considerable contribution to global climate change (less than significant)

(2014 SEIR, pp. 2-19, 2-23.)

Current Fiddymment Plaza Project

The proposed project would result in no additional impacts related to greenhouse gas emissions and climate change beyond what was previously analyzed in the 2014 Fiddymment Ranch SPA3 SEIR. The 2014 SPA3 SEIR addressed the greenhouse gas/climate change impacts associated

with the land uses changes proposed as part of the SPA3 project, including the change in land use for the project site from Single-Family Residential (RI) to Community Commercial (CC). As noted in the Staff Report, the Project would generate fewer trips than anticipated in the City's Traffic Model and the traffic analysis performed for the SPA 3 EIR; thus, the Project would result in less air quality and greenhouse gas emissions than were evaluated in the 2014 SEIR. (Staff Report, July 11, 2019, p. 13.) For these reasons, no subsequent or supplemental EIR is required for the project with respect to greenhouse gas emissions.

Mitigation Measures: No mitigation measures are required for this Project.

IX. Hazards and Hazardous Materials

	Where Impact Was Analyzed in Prior Environmental Documents.	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents' Mitigation Measures Implemented or Addressing Impacts.
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	2004 WRSP EIR Ch. 4.9 Pg. 23, 35	No	No	No	2004 WRSP EIR MM 4.9 – 1 through MM 4.9 - 3
b) Create a significant hazard to the public or the environment though reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	2004 WRSP EIR Ch. 4.9 Pg. 23, 27	No	No	No	2004 WRSP EIR MM 4.10 -3
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within on-quarter mile of an existing or proposed school?	2004 WRSP EIR Ch. 4.9 Pg. 36	No	No	No	None
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	2004 WRSP EIR Ch. 4.9 Pg. 30	No	No	No	2004 WRSP EIR MM 4.9 -1 and MM 4.9 -2
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	Not analyzed	No	No	No	None
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing in the project area?	Not analyzed	No	No	No	None

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	2004 WRSP EIR Ch. 4.9 Pg. 25	No	No	No	2004 WRSP EIR MM 4.10 -3
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	Not analyzed	No	No	No	None

Discussion:2004 WRSP EIR

The 2004 WRSP EIR concluded that the WRSP project would result in the following impacts to hazards and hazardous materials:

- Impact 4.9-1 – increased potential for accidental release or spill of hazardous materials during construction or occupancy (less than significant);
- Impact 4.9-2 – increased demand for hazardous materials incident emergency response (less than significant for WRSP area, significant for remainder area);
- Impact 4.9-3 – risk of exposure to accidental releases of hazardous materials from the Pleasant Grove Wastewater Treatment Plant (less than significant);
- Impact 4.9-4 – increased risk of soil or water contamination from improper disposal of household hazardous wastes (less than significant);
- Impact 4.9-5 – soil or groundwater contamination related to past uses (significant);
- Impact 4.9-6 – use of recycled water for landscape irrigation in areas accessible to the public (less than significant);
- Impact 4.9-7 – potential effects of electromagnetic fields (EMFs) from high-voltage transmission lines (no impact on WRSP area, less than significant for remainder area);
- Impact 4.9-8 – temporary truck route for transportation of hazardous materials through the WRSP Area (less than significant for WRSP area, no impact for remainder area);
- Impact 4.9-9 – siting of a school within one-fourth mile of the handling or transportation of hazardous materials (less than significant for WRSP, significant and unavoidable for remainder area).

Mitigation measures were provided to reduce all hazards and hazardous materials impacts to a less-than-significant level except for significant and unavoidable impacts related to the siting of schools within one-fourth mile of the handling or transportation of hazardous materials for the remainder area (not-applicable to the WRSP). (2004 DEIR, pp. 3-15 to 3-16)

2014 SPA3 SEIR

The 2014 SPA3 SEIR concluded that the SPA 3 project would result in no additional impacts related to hazards and hazardous materials beyond what was previously analyzed in the 2004 EIR. As the SEIR noted in its discussion of effects found to have been adequately analyzed in the prior EIR and thus excluded from the SEIR:

The proposed project would not alter the development footprint for Fiddymment Ranch or introduce any land use designations that were not included in the WRSP. Based on field and literature review completed as part of the WRSP EIR, there are no known hazardous materials or hazardous site conditions within the Fiddymment Ranch SPA 3 area. In addition, the WRSP EIR includes a mitigation measure applying to all construction in the Specific Plan area requiring identification and remediation of hazardous site conditions should soil contamination be encountered during construction. With implementation of this measure, development under the proposed Fiddymment Ranch SPA 3

project would not result in any substantial changes in the impacts related to hazards and hazardous materials identified in the WRSP EIR.(2014 SEIR, p. 1-8.)

Current Fiddymment Plaza Project

The proposed project would result in no additional impacts related to hazards and hazardous materials beyond what was previously analyzed in the 2004 WRSP EIR and 2014 Fiddymment Ranch SPA3 SEIR. The proposed project would result in no changes in development footprint beyond what was analyzed in the 2004 WRSP EIR and 2014 SPA3 SEIR. The 2014 SPA3 SEIR addressed the additional impacts (beyond what was analyzed in the 2004 WRSP EIR) associated with the land uses changes proposed as part of the SPA3 project, including the change in land use for the project site from Single-Family Residential (RI) to Community Commercial (CC). As discussed previously, gas stations are a permitted use in the CC zone. (Staff Report, July 11, 2019, pp. 6, 12.) In addition, compliance with state and federal standards governing gas stations, including the PCAPCD's permitting requirements for such uses, would ensure that the Project does not result in significant impacts related to hazards and hazardous materials. For these reasons, no subsequent or supplemental EIR is required for the project with respect to hazards and hazardous materials.

Mitigation Measures: No mitigation measures are required for this Project.

X. Hydrology and Water Quality

	Where Impact Was Analyzed in Prior Environmental Documents.	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents' Mitigation Measures Implemented or Addressing Impacts.
a) Violate any water quality standards or waste discharge requirements?	2004 WRSP EIR Ch. 4.12 Pg. 32	No	No	No	None
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	2004 WRSP EIR Ch. 4.12 Pg. 48, 57	No	No	No	2004 WRSP EIR MM 4.11-2
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?	2004 WRSP EIR Ch. 4.12 Pg. 32	No	No	No	None
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?	2004 WRSP EIR Ch. 4.12 Pg. 32	No	No	No	2004 WRSP EIR MM 4.12 - 1
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted water?	2004 WRSP EIR Ch. 4.12 Pg. 32	No	No	No	2004 WRSP EIR MM 4.12 -1 through MM 4.12 -3
f) Otherwise substantially degrade water quality?	2004 WRSP EIR Ch. 4.12 Pg. 42	No	No	No	None

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	2004 WRSP EIR Ch. 4.12 Pg. 39	No	No	No	2004 WRSP EIR MM 4.12 -4
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	2004 WRSP EIR Ch. 4.12 Pg. 39	No	No	No	2004 WRSP EIR MM 4.12 -4
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	2004 WRSP EIR Ch. 4.12 Pg. 39	No	No	No	None
j) Inundation by seiche, tsunami, or mudflow?	2004 WRSP EIR Ch. 4.12 Pg. 39	No	No	No	None

Discussion:2004 WRSP EIR

The 2004 WRSP EIR concluded that the WRSP project would result in the following impacts to hydrology and water quality:

- Impact 4.12-1 – changes in the rate of stormwater runoff (peak flows) through the development of new impervious surfaces (less than significant for WRSP, significant for remainder);
- Impact 4.12-2 – increase in the amount of surface runoff, which would exceed the capacity of existing storm drainage systems and increase the potential for downstream flooding (significant);
- Impact 4.12-3 – placement of fill or structures in the 100-year floodplain could affect water surface elevations, which could increase the risk of flooding (less than significant for the WRSP, significant for the remainder);
- Impact 4.12-4 – erosion and runoff from construction sites containing soil or other materials could degrade water quality if discharged to local streams (less than significant);
- Impact 4.12-5 – changes in surface water or groundwater quality resulting from urban stormwater runoff (less than significant);
- Impact 4.12-6 – groundwater use during dry years (significant for WRSP area, no impact for remainder area);
- Impact 4.12-7 – changes in groundwater recharge potential through the development of impervious surfaces (less than significant).

Mitigation measures were provided to reduce all hydrology and water quality impacts to a less-than-significant level. (2004 DEIR, p. 3-19.)

2014 SPA3 SEIR

The 2014 SPA3 SEIR concluded that the SPA 3 project would result in no additional impacts related to hydrology and water quality beyond what was previously analyzed in the 2004 EIR. As the SEIR noted in its discussion of effects found to have been adequately analyzed in the prior EIR and thus excluded from the SEIR:

The proposed project would increase the amount of impervious surfaces within the project area, as identified in the Initial Study. Specifically, page 31 of the Initial Study states that based on the drainage study for the WRSP, the proposed Fiddymment Ranch SPA would increase impervious surfaces by 5.54 acres and would increase the volume of stormwater runoff from the project site by 5.46 acre-feet per year. The WRSP EIR identifies mitigation requiring that all development within the WRSP contribute a proportionate amount to fund development of a regional retention basin at the time that building permits are issued. The WRSP EIR also found that development within the WRSP must comply with City Improvement Standards, Stormwater Management Manual, other City regulations, and the NPDES program. Implementation of the identified mitigation measure and compliance with the applicable regulations would ensure that impacts associated with stormwater runoff and water quality remain less than significant and that the increased rate and volume of stormwater runoff from the project would not contribute to any downstream flooding impacts. Use of groundwater and associated impacts to groundwater supply are evaluated in this Recirculated Draft Subsequent EIR in Chapter 9 Public Utilities.(2014 SEIR, pp. 1-8 to 1-9.)

Current Fiddymment Plaza Project

The proposed project would result in no additional impacts related to hydrology and water quality beyond what was previously analyzed in the 2004 WRSP EIR and 2014 Fiddymment Ranch SPA3 SEIR. The proposed project would result in no changes in development footprint beyond what was analyzed in the 2004 WRSP EIR and 2014 SPA3 SEIR. Furthermore, the proposed project would result in no change in land use from what was analyzed in the 2014 SPA3 SEIR. The 2014 SPA3 SEIR addressed the additional impacts (beyond what was analyzed in the 2004 WRSP EIR) associated with the land use changes proposed as part of the SPA3 project, including the change in land use for the project site from Single-Family Residential (RI) to Community Commercial (CC). As discussed previously, gas stations are a permitted use in the CC zone. (Staff Report, July 11, 2019, pp. 6, 12.) For these reasons, no subsequent or supplemental EIR is required for the project with respect to hydrology and water quality.

Mitigation Measures: Mitigation Measure 2004 WRSP EIR 4.12 -2 applies to the Project, which requires the payment of fair share drainage fees prior to issuance of a building permit. The measure has been implemented by incorporating the appropriate development impact fee requirements into the City's building permit application process. Therefore, no further mitigation is required.

XI. Land Use and Planning

	Where Impact Was Analyzed in Prior Environmental Documents.	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents' Mitigation Measures Implemented or Addressing Impacts.
a) Physically divide an established community?	Not analyzed	No	No	No	None
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	2004 WRSP EIR Ch. 4.1 Pg. 50	No	No	No	None
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	Not analyzed	No	No	No	None

Discussion:2004 WRSP EIR

The 2004 WRSP EIR concluded that the WRSP project would result in the following land use and planning impacts:

- Impact 4.1-1 -- potential incompatibility of internal land uses (significant and unavoidable);
- Impact 4.1-2 – potential incompatibility with existing agricultural and other land uses in the Remainder Area, the County, and the City of Roseville (significant);
- Impact 4.1-3 – potential incompatibility with the Pleasant Grove Wastewater Treatment Plant (less than significant for WRSP area, no impact for the remainder area);
- Impact 4.1-5 – interim access to City-owned property (less than significant);
- Impact 4.1-6 – potential incompatibility with the City's General Plan and Zoning Code (less than significant).

(2004 DEIR, p. 3-8.)

2014 SPA3 SEIR

The 2014 SPA3 SEIR identified the following additional project-level and cumulative land use impacts associated with the Fiddymment Ranch SPA 3 project:

- Impact 4.1 – conflict with the General Plan, Specific Plan, and Zoning designations (no impact);
- Impact 4.2 – conflict with local and/or regional land use plans and policies adopted for the purpose of avoiding or mitigating an environmental effect (significant);
- Impact 4.3 – creation of land use conflicts or incompatibility (less than significant);
- Impact 11.1 – cumulative land use incompatibility (less than significant)

(2014 SEIR, pp. 2-11, 2-21.)

Current Fiddymment Plaza Project

The proposed project would result in no additional land use and planning impacts beyond what was previously analyzed in the 2004 WRSP EIR and 2014 Fiddymment Ranch SPA3 SEIR. The project site has a land use designation and zoning of Community Commercial (CC) under the City's General Plan and the WRSP. As noted in the staff report, the Project is consistent with the City's General Plan and the WRSP:

General Plan and Specific Plan Consistency: The General Plan land use designation for the subject property is Community Commercial (CC). According to the General Plan, the purpose of the CC land use designation is to provide a broader range of goods

and services than the Neighborhood Commercial (NC) land use, to an expanded service area. Although the CC land use is intended for parcels greater than five acres in size, it does not preclude development on parcels less than five acres. While the NC designation specifically list gas stations as a primary use, the CC designation includes uses identified as allowable in the NC land use designation, as well as retail stores and businesses selling a full range of goods and services.

As provided in the General Plan, the CC land use is conditionally compatible with residential development. The site has been designed to reduce impacts on the nearby residential homes through building orientation, landscaping, and the use of enhanced architecture that is compatible with the neighborhood.

The General Plan also states that the CC land use is appropriate adjacent to arterial roadways, such as Fiddymment Road. As the project site is located on an arterial roadway, and will create a mixed-use commercial development with retail, restaurant, and gas station facilities to serve the nearby neighborhoods, the proposed project is consistent with the intent of the General Plan CC land use designation.

The WRSP identifies the project site as Parcel F-81, with a CC land use designation. The WRSP states that “Parcel F-81 is a small-sized parcel that provides an opportunity for neighborhood or community serving uses near Villages F-14 and F-15.” The permitted land uses are as identified in the Zoning Ordinance. The project includes retail space, opportunity for a restaurant, as well as convenience and gasoline sales. The proposed project is consistent with the WRSP.

The project site has a zoning designation of Community Commercial (CC). The proposed use is allowed as of right in the CC zone subject to the Design Review Permit (DRP) being sought for the Project. The Project is consistent with the City’s Zoning Ordinance and Community Design Guidelines (CDG) development standards:

Consistent with the CC land use designation, the project site has a zoning designation of Community Commercial (CC). Zoning Ordinance Section 19.12.020, provides that gas stations, restaurants, and retail commercial are all principally permitted uses in the CC zone. Section 19.12.030 states that permitted uses shall comply with the City’s adopted Community Design Guidelines, applicable Specific Plans (in this case, the WRSP), and to any approved Design Review Permit (DRP). Since DRPs are required for any new construction (Section 19.74.010), the DRP is the appropriate entitlement for the review of the proposed project. DRPs evaluate site design, parking, landscaping, building elevations, and other design features. Whether or not a use is allowable or appropriate for a property is not a factor in the evaluation.

For these reasons, no subsequent or supplemental EIR is required for the project with respect to land use and planning impacts.

Mitigation Measures: No mitigation measures are required for this Project.

XII. Mineral Resources

	Where Impact Was Analyzed in Prior Environmental Documents.	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents' Mitigation Measures Implemented or Addressing Impacts.
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	Not analyzed	No	No	No	None
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	Not analyzed	No	No	No	None

Discussion:

2004 WRSP EIR

The 2014 WRSP EIR did not analyze impacts on mineral resources, because there are no known mineral resources within the WRSP area. (SEIR, p. 1-9.)

2014 SPA3 SEIR

The 2014 SPA3 SEIR concluded that the SPA 3 project would not result in significant impacts related to mineral resources. As the SEIR noted in its discussion of effects found not to be significant or to have been adequately analyzed in the prior EIR and thus excluded from the SEIR:

There are no known mineral resources within the WRSP area. Development of Fiddymment Ranch under the proposed Fiddymment Ranch SPA 3 project would not result in any significant impacts to mineral resources. (SEIR, p. 1-9.)

Current Fiddymment Plaza Project

The proposed project would result in no additional mineral resources impacts beyond what was previously analyzed in the 2004 WRSP EIR and 2014 Fiddymment Ranch SPA3 SEIR. As noted in the 2014 SEIR, the WRSP area, including the project site, contains no mineral resources. (SEIR, p. 1-9.) Therefore, no subsequent or supplemental EIR is required for the project with respect to mineral resources.

Mitigation Measures: No mitigation measures are required for the Project.

XIII. Noise

	Where Impact Was Analyzed in Prior Environmental Documents.	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents' Mitigation Measures Implemented or Addressing Impacts.
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	2004 WRSP EIR Ch. 4.5 Pg. 20 2014 SPA3 SEIR 6-15	No	No	No	2004 WRSP EIR MM 4.5 - 1 and MM 4.5 -2 2014 SPA3 SEIR MM 6.2a
b) Exposure of persons to or generation of excessive ground borne vibration of ground borne noise levels?	2004 WRSP EIR Ch. 4.5 Pg. 41	No	No	No	None
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	2004 WRSP EIR Ch. 4.5 Pg. 22, 23, 27, 32	No	No	No	2004 WRSP EIR MM 4.5-3 through 4.5- 10
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	2004 WRSP EIR Ch. 4.5 Pg. 20	No	No	No	2004 WRSP EIR MM 4.5 - 1
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	2014 SPA3 SEIR 6-18	No	No	No	None
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	Not analyzed	No	No	No	None

Discussion:2004 WRSP EIR

- The 2004 WRSP EIR concluded that the WRSP project would result in the following noise impacts:
- Impact 4.5-1 – short-term noise generated by construction activity (less than significant);
- Impact 4.5-2 – commercial noise sources (significant);
- Impact 4.5-3 – industrial noise (significant for SOI and WRSP areas, no impact for remainder area);
- Impact 4.5-4 – noise from school-related activities (less than significant);
- Impact 4.5-5 – Citywide park noise (significant);
- Impact 4.5-6 – Pleasant Grove Wastewater Treatment Plant noise (less than significant);
- Impact 4.5-7 – fire station noise (less than significant);
- Impact 4.5-8 – on-site traffic noise (significant);
- Impact 4.5-9 – off-site traffic noise levels (less than significant for WRSP area, significant and unavoidable for SOI and remainder area);
- Impact 4.5-10 – changes to City noise contours (less than significant for WRSP area and SOI area, significant for remainder area);
- Impact 4.5-11 – groundborne vibration levels (less than significant).

Mitigation measures were provided to reduce all noise impacts to a less-than-significant level except for significant and unavoidable impacts related to off-site traffic noise levels for properties within the SOI and remainder area. (2004 DEIR, pp. 3-11 to 3-13.)

2014 SPA3 SEIR

The 2014 SPA3 SEIR identified the following additional project-level and cumulative noise impacts associated with the Fiddymment Ranch SPA 3 project:

- Impact 6.1 – expose existing sensitive receptors to excessive traffic noise levels (less than significant);
- Impact 6.2 – expose future sensitive receptors within the project site to excessive traffic noise levels (significant);
- Impact 6.3 – expose future sensitive receptors within the project site to excessive noise levels associated with the Roseville Energy Park (less than significant);
- Impact 6.4 – expose future sensitive receptors within the project site to excessive aviation-related noise levels (less than significant);
- Impact 11.9 – contribute to cumulative increases in noise levels (potentially significant).

Mitigation measures were provided to reduce all additional noise impacts to a less-than-significant level. (2014 SEIR, pp. 2-14 to 2-15, 2-21 to 2-22.)

Current Fiddymment Plaza Project

The proposed project would result in no additional noise impacts beyond what was previously analyzed in the 2004 WRSP EIR and 2014 Fiddymment Ranch SPA3 SEIR. The 2014 SPA3 SEIR addressed the additional noise impacts (beyond what was analyzed in the 2004 WRSP EIR) associated with the land uses changes proposed as part of the SPA3 project, including the change in land use for the project site from Single-Family Residential (RI) to Community Commercial (CC). The proposed project would result in no change in land use and associated noise impacts from what was analyzed in the 2014 SPA3 SEIR.

The nearest single-family homes are located to the east of the proposed project, and are separated from the driveways and parking areas within the project site by the rear yards of the homes, a six-foot-tall masonry wall, a 50-foot easement, landscaping, and the proposed commercial building. Primary access to the commercial building will occur on the west side of the building, oriented away from those homes. Additionally, there are single-family homes to the west of the project site; however, these homes are buffered from activity on the project site by a six-foot tall masonry wall, landscaping, a four-lane arterial roadway, and additional landscaping adjacent to the project site. Noise impacts are expected to be less than significant. However, consistent with City policy the project will be required to comply with the City's Noise Ordinance to ensure minimal impacts on the nearby homes. Therefore, there will be no significant effects relating to noise.

For these reasons, no subsequent or supplemental EIR is required for the project with respect to noise impacts.

Mitigation Measures: 2004 WRSP EIR MM 4.5-1 and MM 4.5-3 apply to the proposed project. Please refer to the attached Table of Mitigation Measures.

XIV. Population and Housing

	Where Impact Was Analyzed in Prior Environmental Documents.	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Mitigation Measures Implemented or Addressing Impacts.
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, though extension of roads or other infrastructure)?	2004 WRSP EIR Ch. 4.2 Pg. 14, 20	No	No	No	None
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	2004 WRSP EIR Ch. 4.2 Pg. 20	No	No	No	2004 WRSP EIR MM 4.2 - 2
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	2004 WRSP EIR Ch. 4.2 Pg. 20	No	No	No	2004 WRSP EIR MM 4.2 - 2

Discussion:

2004 WRSP EIR

The 2004 WRSP EIR concluded that the WRSP project would result in the following impacts to population and housing:

- Impact 4.2-1 – changes in jobs/housing balance (less than significant);
- Impact 4.2-2 – provision of affordable housing (less than significant for WRSP area, significant for remainder area);
- Impact 4.2-3 – displacement of existing housing (less than significant);
- Impact 4.2-4 – inducement of substantial population growth (significant and unavoidable);
- Impact 4.2-5 – consistency with adopted City policies (less than significant).

Mitigation measures were provided to reduce all population and housing impacts to a less-than-significant level except for significant and unavoidable impacts associated with inducement of substantial population growth. (2004 DEIR, pp. 3-8 to 3-9.)

2014 SPA3 SEIR

The 2014 SPA3 SEIR concluded that the SPA 3 project would result in no additional impacts related to population and housing beyond what was previously analyzed in the 2004 EIR. As the SEIR noted in its discussion of effects found to have been adequately analyzed in the prior EIR and thus excluded from the SEIR:

All population and housing impacts associated with the proposed project have been adequately addressed in the previous EIR. The proposed project would increase the anticipated residential population of Fiddymment Ranch by 4,335 people, based on the 2010 Census average household size for the City of Roseville of 2.61 persons. This would increase the extent of impacts related to population and housing. The WRSP EIR identified population growth as a significant and unavoidable impact. The proposed project would induce additional population growth beyond the level anticipated in the WRSP EIR, but would not significantly increase or exacerbate the impact; the additional population growth associated with the proposed project would be consistent with the significant and unavoidable impact determination reached in the WRSP EIR. The Initial Study found that development of the WRSP under the proposed Fiddymment Ranch SPA 3 project would result in 1.34 jobs per employee housed within the Specific Plan area, which meets the City's standards for jobs/housing balance. The Initial Study also found that development under the proposed project would be required to comply with the City's General Plan policy requiring 10% of new dwelling units to be affordable, which would ensure that the project would have a less than significant impact related to provision of affordable housing. (2014 SEIR, p. 1-9.)

Current Fiddymment Plaza Project

The proposed project would result in no additional impacts related to population and housing beyond what was previously analyzed in the 2004 WRSP EIR and 2014 Fiddymment Ranch SPA3 SEIR. The 2014 SPA3 SEIR concluded that the land uses changes proposed as part of the SPA3 project, including the change in land use for the project site from Single-Family Residential (RI) to Community Commercial (CC), would not result in additional population and housing impacts beyond what would occur with the original WRSP and was analyzed in the 2004 WRSP EIR. Furthermore, the proposed project would result in no change in land use from what was analyzed in the 2014 SPA3 SEIR. For these reasons, no subsequent or supplemental EIR is required for the project with respect to population and housing.

Mitigation Measures: No mitigation measures are required for this Project.

XV. Public Services

	Where Impact Was Analyzed in Prior Environmental Documents.	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Mitigation Measures Implemented or Addressing Impacts.
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any the public services:					
a) Fire protection?	2004 WRSP EIR Ch. 4.10 Pg. 5	No	No	No	2004 WRSP EIR MM 4.10-3 through MM 4.10-6
b) Police protection?	2004 WRSP EIR Ch. 4.10 Pg. 12	No	No	No	2004 WRSP EIR MM 4.10 – 1a, MM 4.10-2
c) Schools?	2004 WRSP EIR Ch. 4.10 Pg. 23	No	No	No	2004 WRSP EIR MM 4.10-7, MM 4.10-8
d) Parks?	2004 WRSP EIR Ch. 4.10 Pg. 35	No	No	No	None
e) Other public facilities?	2004 WRSP EIR Ch. 4.10 Pg. 29	No	No	No	2004 WRSP EIR MM 4.10-9, MM 4.10-10
Discussion: <u>2004 WRSP EIR</u> The 2004 WRSP EIR concluded that the WRSP project would result in the following public services impacts: Impact 4.10-1 – increased demand for police protection services (significant);					

- Impact 4.10-2 – increased demand for fire protection services (less than significant for WRSP area, significant for remainder area);
- Impact 4.10-3 – increased demand for schools (less than significant for WRSP area, significant for remainder area);
- Impact 4.10-4 – insufficient schools for CUSD students in proximity to the SOI Amendment Area (no impact for the WRSP area, significant for the remainder area);
- Impact 4.10-5 – increased demand for library services (significant);
- Impact 4.10-6 – increased demand for park facilities (less than significant).

Mitigation measures were provided to reduce all public services impacts to a less-than-significant level. (2004 DEIR, pp. 3-16 to 3-17.)

2014 SPA3 SEIR

The 2014 SPA3 SEIR identified the following additional public services impacts associated with the Fiddymment Ranch SPA 3 project:

- Impact 10.1 – increase demands for fire protection; require construction of new or expanded fire protection facilities (less than significant);
- Impact 10.2 – increase demands for police protection; require construction of new or expanded police protection facilities (less than significant);
- Impact 10.3 – increase demands for library services; require construction of new or expanded library facilities (less than significant);
- Impact 10.4 – increase demands for school services; require construction of new or expanded school facilities (less than significant);
- Impact 10.5 – increase demands for park facilities (less than significant);
- Impact 11.15 – contribute to cumulative increases in demands for public services (less than significant).

(2014 SEIR, pp. 2-20 to 2-21, 2-23.)

Current Fiddymment Plaza Project

The proposed project would result in no additional public services impacts beyond what was previously analyzed in the 2004 WRSP EIR and 2014 Fiddymment Ranch SPA3 SEIR. The 2014 SPA3 SEIR addressed the additional public services impacts (beyond what was analyzed in the 2004 WRSP EIR) associated with the land uses changes proposed as part of the SPA3 project, including the change in land use for the project site from Single-Family Residential (RI) to Community Commercial (CC). The proposed project would result in no change in land use and associated public services impacts from what was analyzed in the 2014 SPA3 SEIR. For these reasons, no subsequent or supplemental EIR is required for the project with respect to public services impacts.

Mitigation Measures: No mitigation measures are required for this Project.

XVI. Recreation

	Where Impact Was Analyzed in Prior Environmental Documents.	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Mitigation Measures Implemented or Addressing Impacts.
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that physical deterioration of the facility would occur or be accelerated?	2004 WRSP EIR Ch. 4.10 Pg. 35	No	No	No	None
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	2004 WRSP EIR Ch. 4.10 Pg. 35	No	No	No	None

Discussion:2004 WRSP EIR

The 2004 WRSP EIR concluded that the WRSP project would result in the following impact to recreation:

- Impact 4.10-6 – increased demand for park facilities (less than significant).

(2004 DEIR, p. 3-17.)

2014 SPA3 SEIR

The 2014 SPA3 SEIR concluded that the SPA 3 project would result in no additional impacts related to recreation beyond what was previously analyzed in the 2004 EIR. As the SEIR noted in its discussion of effects found to have been adequately analyzed in the prior EIR and thus excluded from the SEIR:

As stated in the NOP for this EIR and documented in Section XV Recreation of the Initial Study, the project's potential impacts related to recreation were adequately addressed in the WRSP EIR. As discussed in Section XV of the Initial Study, development under the proposed Fiddymment Ranch SPA 3 project would increase the residential population of the WRSP area, which would increase the total amount of parkland and open space necessary to meet the City's required park-to-population standard of nine acres per 1,000 residents. Specifically, the standard requires includes three acres each of city-wide parks, neighborhood parks, and open space per 1,000 residents. With the increased residential population under the proposed Fiddymment Ranch SPA 3 project, the WRSP area would support a total of 26,038 residents, requiring 78.11 credited acres of each type of parkland and open space throughout the WRSP. A traditional active park is normally granted a 1:1 park acreage credit, while open space areas are granted partial park acreage credits of either 10:1 or 5:1. Most of the open space within the WRSP is credited towards the open space requirement at a 10:1 ratio.

The WRSP land use plan provides more park and open space than is needed to meet the City's required park-to-population standard. When accounting for the partial park acreage credits given to open space areas, the WRSP including the proposed Fiddymment Ranch SPA 3 project, which includes slight increases in parkland and open space, would provide a total of 123.49 acres of City-wide parks, 87.52 acres of neighborhood parks, and 79.48 acres of open space. The parcels allocated for parkland and open space under the WRSP are identified in the Specific Plan, which is available for review at the City of Roseville Permit Center located at 311 Vernon Street and at the City's website at:

http://www.roseville.ca.us/planning/planning_document_library/default.asp

Park sites and acreage would not change substantially under the proposed Fiddymment Ranch SPA 3 project. The potential environmental effects from developing park sites within the Fiddymment Ranch area are adequately addressed and evaluated throughout the WRSP EIR and the Initial Study for the proposed project.

In addition to meeting the City's requirements for City-wide parks, neighborhood parks, and open space, Fiddymment Ranch would include 13.43 acres of Pocket Parks, which are five individual sites ranging in size from 1.0 to 1.32 acres associated with each LDR neighborhood. Pocket parks would be landscaped and include opportunities for informal recreation, including features such as children's play areas, picnic areas, benches, informal turf areas, and shade structures. Each pocket park would be constructed by the home builders for each LDR area and are not included in the calculations of parkland dedication. Ongoing maintenance for each pocket park would be funded by a services district, separate from and in addition to the funding mechanism for neighborhood and City-wide park maintenance. If residents eliminate the services district, the City's obligation to retain the pocket parks would change.

Parks and recreation facilities in Roseville are funded through a variety of mechanisms. The proposed Fiddymment Ranch SPA 3 project, which includes slight increases in parkland and open space, would pay fees that would help build improvements in the proposed neighborhood parks within the WRSP. Under the Fiddymment Ranch Development Agreement, construction of the park site improvements (other than the Pocket Parks) is the responsibility of the City of Roseville. The Neighborhood and City Wide Park Fees would be collected upon issuance of building permits for each residential unit. The applicants for development within the project area would be required to pay park development fees, and any identified in-lieu fees for park dedication. Pocket parks are not paid for through the park development fees and are the sole responsibility of the developer. As outlined in the Fiddymment Ranch Development Agreement, Community Facilities Districts (CFDs) will pay for ongoing maintenance of the neighborhood parks and pocket parks. With the amount of parkland and open space dedication meeting the City's standards and ongoing parkland maintenance fees provided, adequate park and open space facilities would be available to serve all residents of the WRSP, including the additional residents that would be accommodated by the proposed project. Therefore, the proposed project would not have any adverse effects on existing neighborhood or regional parks or other recreation facilities.

(2014 SEIR, pp. 1-9 to 1-10.)

Current Fiddymment Plaza Project

The proposed project would result in no additional impacts related to recreation beyond what was previously analyzed in the 2004 WRSP EIR and 2014 Fiddymment Ranch SPA3 SEIR. The project is a commercial project that would generate no demand for recreational facilities. The 2014 SPA3 SEIR concluded that the land uses changes proposed as part of the SPA3 project, including the change in land use for the project site from Single-Family Residential (RI) to Community Commercial (CC), would not result in additional recreation impacts beyond what would occur with the original WRSP and was analyzed in the 2004 WRSP EIR. Furthermore, the proposed project would result in no change in land use and associated impacts to recreational facilities from what was analyzed in the 2014 SPA3 SEIR. For these reasons, no subsequent or supplemental EIR is required for the project with respect to recreation impacts.

Mitigation Measures: No mitigation measures are required for this project.

XVII. Transportation/Traffic

	Where Impact Was Analyzed in Prior Environmental Documents.	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Mitigation Measures Implemented or Addressing Impacts.
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	2004 WRSP EIR Ch. 4.3 Pg. 51 2014 SPA3 SEIR 5-26	No	No	No	2004 WRSP EIR MM 4.3-1 through MM 4.3-9 2014 SPA3 SEIR MM 5.1a, MM 5.5a, MM 5.6a, MM 5.8a, MM 5.12a, MM 5.13a,
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	2004 WRSP EIR Ch. 4.3 Pg. 51	No	No	No	2004 WRSP EIR MM 4.3-1 through MM 4.3-6 2014 SPA3 SEIR MM 5.1a, MM 5.5a, MM 5.6a, MM 5.8a, MM 5.12a, MM 5.13a,
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	Not analyzed	No	No	No	None
d) Substantially increase hazards due to a design feature(s) (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Not analyzed	No	No	No	None
e) Result in inadequate emergency access?	2004 WRSP EIR Ch. 4.10 Pg. 11	No	No	No	2004 WRSP EIR MM 4.10-1 through 4.10-6

f) Conflict with adopted policies, plans, or programs supporting public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	2004 WRSP EIR Ch. 4.3 Pg. 75, 76, 78 2014 SPA3 SEIR 5-32	No	No	No	2004 WRSP EIR MM 4.3-7, MM 4.3-8, MM 4.3-9
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Discussion:**2004 WRSP EIR**

The 2004 WRSP EIR concluded that the WRSP project would result in the following transportation impacts:

- Impact 4.3-1 – increased traffic on City of Roseville roadways (significant and unavoidable);
- Impact 4.3-2 – increased traffic on State highways (significant and unavoidable);
- Impact 4.3-3 – increased traffic on Placer County roadways (significant and unavoidable);
- Impact 4.3-4 – increased traffic on City of Rocklin roadways (less than significant for WRSP area, significant and unavoidable for SOI and remainder areas);
- Impact 4.3-5 – increased traffic on Sutter County roadways (less than significant);
- Impact 4.3-6 – increased traffic on Sacramento County roadways (less than significant for WRSP area, significant and unavoidable for SOI and remainder areas);
- Impact 4.3-7 – increased demand for bicycle facilities (less than significant for WRSP area, significant for SOI and remainder areas);
- Impact 4.3-8 – transit access and circulation (significant);
- Impact 4.3-9 – increased congestion due to proposed pedestrian district overlay (less than significant for WRSP area, significant and unavoidable for SOI and remainder areas).

Mitigation measures were provided to reduce transportation impacts to a less-than-significant level except for the significant and unavoidable impacts indicated above. (2004 DEIR, pp. 3-9 to 3-10.)

2014 SPA3 SEIR

The 2014 SPA3 SEIR identified the following additional project-level and cumulative transportation impacts associated with the Fiddymment Ranch SPA 3 project:

- Impact 5.1 – increased traffic volumes through City of Roseville intersections under existing plus project conditions (significant);
- Impact 5.2 – increased demand for transit services within the City of Roseville under existing plus project conditions (less than significant);
- Impact 5.3 – increased demand for bicycle facilities within the City of Roseville under existing plus project conditions (less than significant);
- Impact 5.4 – increased traffic volumes through intersections within the City of Rocklin under existing plus project conditions (significant and unavoidable);
- Impact 5.5 – increased traffic volumes through intersections within Placer County under existing plus project conditions (significant and unavoidable);

- Impact 5.6 – increased traffic volumes on roadways within Placer County under existing plus project conditions (significant and unavoidable);
- Impact 5.7 – increased traffic volumes through intersections within Sacramento County under existing plus project conditions (less than significant);
- Impact 5.8 – increased traffic volumes on roadways within Sacramento County under existing plus project conditions (significant and unavoidable);
- Impact 5.9 – increased traffic volumes through intersections within Sutter County under existing plus project conditions (significant and unavoidable);
- Impact 5.10 – increased traffic volumes on roadways within Sutter County under existing plus project conditions (less than significant);
- Impact 5.11 – increased traffic volumes at state highway interchanges under existing plus project conditions (less than significant);
- Impact 5.12 – increased traffic volumes on state highways under existing plus project conditions (significant and unavoidable);
- Impact 5.13 – increased traffic volumes through City of Roseville intersections under 2025 CIP plus project conditions (significant and unavoidable);
- Impact 5.14 – increased traffic volumes through Placer, Sacramento, and Sutter County intersections under 2025 CIP plus project conditions (less than significant);
- Impact 5.15 – increased traffic volumes on Placer, Sacramento, and Sutter County roadway segments under 2025 CIP plus project conditions (less than significant);
- Impact 5.16 – increased traffic volumes at state highway interchanges under 2025 CIP plus project conditions (less than significant);
- Impact 5.17 – increased traffic volumes on state highways under 2025 CIP plus project conditions (significant and unavoidable);
- Impact 11.2 – increased traffic volumes on City of Roseville roadways under 2025 cumulative plus project conditions (less than significant);
- Impact 11.3 – increased traffic volumes on City of Rocklin roadways under 2025 cumulative plus project conditions (less than significant);
- Impact 11.4 – increased traffic volumes on Placer County roadways under 2025 cumulative plus project conditions (less than significant);
- Impact 11.5 – increased traffic volumes on Sacramento County roadways under 2025 cumulative plus project conditions (less than significant);
- Impact 11.6 – increased traffic volumes on Sutter County roadways under 2025 cumulative plus project conditions (less than significant);
- Impact 11.7 – increased traffic volumes on state highway interchanges under 2025 cumulative plus project conditions (less than significant);
- Impact 11.8 – increased traffic volumes on state highways under 2025 cumulative plus project conditions (significant and unavoidable).

Mitigation measures were provided to reduce transportation impacts to a less-than-significant level except for the significant and unavoidable impacts indicated above. (2014 SEIR, pp. 2-11 to 2-14, 2-21.)

Current Fiddymment Plaza Project

The proposed project would result in no additional traffic impacts beyond what was previously analyzed in the 2004 WRSP EIR and 2014 Fiddymment Ranch SPA3 SEIR. The 2014 SPA3 SEIR addressed the additional traffic impacts (beyond what was analyzed in the 2004 WRSP

EIR) associated with the land uses changes proposed as part of the SPA3 project, including the change in land use for the project site from Single-Family Residential (RI) to Community Commercial (CC). The proposed project would result in no change in land use and associated traffic impacts from what was analyzed in the 2014 SPA3 SEIR. In fact, the project will generate fewer trips than anticipated in the City's traffic model and the traffic analysis performed for the Fiddymment Ranch SPA 3 SEIR. The City's Engineering Division noted that the proposed use would generate approximately 27 p.m. peak hour trips, which is less than the 61 p.m. peak hour trips allocated for the site based on the City's traffic model and assumed in the 2014 SPA 3 SEIR traffic analysis.

Access to the project site will be provided by two driveways, one on Fiddymment Road and one on Angus Road. The driveway on Fiddymment Road will be restricted to right turns for ingress and egress into and out of the project site. The Angus Road driveway will also have restricted movement and will be limited to right turns only. The City's Engineering Division has reviewed the proposed turn movements and found the plan to be acceptable. The project will be required to will provide appropriate lane striping and turn lanes in the public right-of-way, as shown in the project design and memorialized in the conditions of approval. The project's internal circulation pattern will consist of a two-way drive aisle along the front of the commercial building and a drive aisle around the western portion of the commercial building and under the canopy that will facilitate traffic through the site. The internal circulation pattern also provides adequate approach distance to the trash enclosures, and is configured to allow emergency vehicle access through the site.

Pedestrian access will be rerouted around to the project frontage, and a new eight-foot-wide sidewalk will be constructed along Fiddymment Road to connect to the existing sidewalk on Angus Road. To limit pedestrian activity at the rear of the site, a six-foot-tall wrought iron fence will be installed at either end of the project site. Access to the landscape area behind the proposed project will be restricted.

For these reasons, no subsequent or supplemental EIR is required for the project with respect to transportation impacts.

Mitigation Measures: Mitigation Measures 2004 WRSP EIR MM 4.3-1, MM 4.3-2, and MM 4.3-8, which require the payment of development impact fees, apply to the Project. The measures have been implemented by incorporating the appropriate development impact fee requirements into the City's building permit application process. Therefore, no further mitigation is required.

XVIII. Tribal Cultural Resources

	Where Impact Was Analyzed in Prior Environmental Documents.	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Mitigation Measures Implemented or Addressing Impacts.
Would the project cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	2004 WRSP EIR Ch. 4.8	No	No	No	2004 WRSP EIR MM 4.8 – 4(a) through MM 4.8 -9
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 the lead agency shall consider the significance of the resource to a California Native American tribe.	Not analyzed	No	No	No	None

Discussion: In addition to archeological resources, tribal cultural resources are also given particular treatment. Tribal cultural resources are defined in Public Resources Code Section 21074, as either 1) a site, feature, place, geographically-defined cultural landscape, sacred place, or object with cultural value to a California Native American Tribe, that is listed or eligible for listing on the California Register or Historical Resources, or on a local register of historical resources or as 2) a resource determined by the lead agency, supported by substantial evidence, to be significant according to the historical register criteria in Public Resources Code section 5024.1(c), and considering the significance of the resource to a California Native American Tribe. This section was added to the CEQA Guidelines after the publication of the prior environmental document to which this Addendum is attached, but cultural resources were addressed in that document. The only item not completed was the required notice to tribes which have requested such notice pursuant to the Public Resources Code.

2004 WRSP EIR

The requirement to analyze impacts on tribal cultural resources was not added to CEQA until 2015 with the passage of Assembly Bill (AB) 52. However, the 2004 WRSP EIR analyzed impacts on cultural resources, which include tribal cultural resources. The 2004 WRSP EIR concluded that the WRSP project would result in the following impacts to cultural resources:

- Impact 4.8-1 – disturb, damage, or destroy unidentified subsurface archaeological resources during project construction (significant);
- Impact 4.8-2 – removal of historically significant properties and/or loss of historic integrity of such resources (significant and unavoidable);
- Impact 4.8-3 – disturb unknown paleontological resources during site preparation (significant);
- Impact 4.8-4 – damage or destroy historic or prehistoric resources during construction of off-site infrastructure (significant).

Mitigation measures were provided to reduce all cultural resources impacts to a less-than-significant level except for significant and unavoidable impacts related to the removal of historically significant properties and/or loss of historic integrity of such resources. (2004 DEIR, p. 3-15.)

2014 SPA3 SEIR

As discussed above, the requirement to analyze impacts on tribal cultural resources was not added to CEQA until 2015 with the passage of AB 52. However, the 2014 SPA3 SEIR addressed impacts on cultural resources, which include tribal cultural resources. The 2014 SPA3 SEIR concluded that the SPA 3 project would result in no additional impacts to cultural resources beyond what was previously analyzed in the 2004 EIR. As the SEIR noted in its discussion of effects found to have been adequately analyzed in the prior EIR and thus excluded from the SEIR:

The WRSP EIR identified that the project area supported a historically significant site – the Fiddymment Ranch Main Complex. The proposed Fiddymment Ranch SPA 3 project does not affect land in the area of this site. As discussed in the WRSP EIR, a field survey was conducted to identify archeological resources throughout the WRSP area. No archeological resources were identified during this survey. While there are no known archeological resources within the Fiddymment Ranch SPA 3 project site, as is typical of most projects in the area, there is the potential that subsurface cultural resources could be uncovered during project construction. The likelihood of subsurface resources is no greater with or without the project since earthmoving would be required under the existing WRSP as well as under the proposed Fiddymment Ranch SPA 3

project. The WRSP EIR identifies mitigation measures to ensure that any subsurface archeological or paleontological resources uncovered during project construction are adequately protected. With implementation of these measures, development under the proposed project would not result in any substantial changes in the cultural resource impacts identified in the WRSP EIR.(2014 SEIR, p. 1-8.)

Current Fiddymment Plaza Project

No AB 52 consultation is required for the project, because it does not trigger the preparation of a negative declaration, mitigated negative declaration, or EIR. (Public Resources Code § 21080.3.1(b).) The proposed project would result in no additional impacts to cultural resources, including tribal cultural resources, beyond what was previously analyzed in the 2004 WRSP EIR and 2014 Fiddymment Ranch SPA3 SEIR. The proposed project would result in no changes in development footprint beyond what was analyzed in the 2004 WRSP EIR and 2014 SPA3 SEIR. For these reasons, no subsequent or supplemental EIR is required for the project with respect to tribal cultural resources.

Mitigation Measures: Applicable measures to mitigate Cultural Resources impacts are discussed in Section V of this Addendum.

XIX. Utilities and Service Systems

	Where Impact Was Analyzed in Prior Environmental Documents.	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Mitigation Measures Implemented or Addressing Impacts.
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	2004 WRSP EIR Ch. 4.11 Pg. 38 2014 SPA3 SEIR 9B-8	No	No	No	2004 WRSP EIR MM 4.11-3
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	2004 WRSP EIR Ch. 4.11 Pg. 25, 31, 38, 41 2014 SPA3 SEIR 9B-10	No	No	No	2004 WRSP EIR MM 4.11- 1 through 4.11-4 2014 SPA3 SEIR MM 9B.3a
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	2004 WRSP EIR Ch. 4.12 Pg. 32	No	No	No	2004 WRSP EIR MM 4.12 -2
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	2004 WRSP EIR Ch. 4.11 Pg. 25 2014 SPA3 SEIR 9A-19	No	No	No	2004 WRSP EIR MM 4.11- 1
e) Result in a determination by the wastewater treatment provider which serves the project that it has adequate capacity to serve the project's projected demand in addition of the provider's existing commitments?	2004 WRSP EIR Ch. 4.11 Pg. 66, 70	No	No	No	2004 WRSP EIR MM 4.11-5, MM 4.11-6
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	2004 WRSP EIR Ch. 4.11 Pg. 81, 85	No	No	No	2004 WRSP EIR MM 4.11-7 through MM 4.11-12

g) Comply with federal, state, and local statutes and regulations related to solid waste?	2004 WRSP EIR Ch. 4.11 Pg. 81	No	No	No	2004 WRSP EIR MM 4.11-12
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Discussion:2004 WRSP EIR

The 2004 WRSP EIR concluded that the WRSP project would result in the following impacts to public utilities:

- Impact 4.11-1 – availability of water supplies to meet demand in wet years (less than significant for WRSP area, significant and unavoidable for remainder area);
- Impact 4.11-2 – availability of water supplies to meet demand in dry years (significant for WRSP area, significant and unavoidable for remainder area);
- Impact 4.11-3 – capacity of water treatment system to meet potable demand (less than significant for WRSP area, significant and unavoidable for remainder area);
- Impact 4.11-4 – extension of existing potable water distribution system (less than significant for WRSP area, significant for remainder area);
- Impact 4.11-5 – availability of recycled water to meet demand and installation of recycled water infrastructure (less than significant);
- Impact 4.11-6 – construction or expansion of wastewater collection facilities (less than significant);
- Impact 4.11-7 – construction or expansion of wastewater treatment facilities (significant);
- Impact 4.11-8 – increased wastewater discharge regulated by the RWQCB (less than significant);
- Impact 4.11-9 – increased demand for solid waste services at the landfill (significant and unavoidable);
- Impact 4.11-10 – increased demand for solid waste services at the MRF (significant and unavoidable);
- Impact 4.11-11 – construction debris demand for solid waste services (significant and unavoidable);
- Impact 4.11-12 – increased demand for electricity (less than significant for WRSP area, significant for remainder area);
- Impact 4.11-13 – increased demand for natural gas (less than significant);
- Impact 4.11-14 – increased demand on cable television and telephone services (less than significant).

Mitigation measures were provided to reduce all utilities impacts to a less-than-significant level except for significant and unavoidable impacts associated with solid waste services at both the landfill and the MRF. (2004 DEIR, pp. 3-17 to 3-18.)

2014 SPA3 SEIR

The 2014 SPA3 SEIR concluded that the SPA 3 project would result in the following additional impacts to utilities beyond what was previously analyzed in the 2004 EIR:

- Impact 9A.1 – require new or expanded water supply entitlements (less than significant);
- Impact 9A.2 – impact on American River and Delta associated with surface water diversion (less than significant);
- Impact 9A.3 – require new or expanded water treatment facilities (less than significant);

- Impact 9A.4 – deplete groundwater supplies (less than significant);
- Impact 9B-1 – impair water quality as a result of increased wastewater discharges (less than significant);
- Impact 9B.2 – construction or expansion of wastewater collection/conveyance facilities (less than significant);
- Impact 9B.3 – exceed wastewater treatment capacity or result in physical environmental effects from construction or expansion of wastewater treatment facilities (significant);
- Impact 11.12 – contribute to cumulative increase in demands for potable water (significant and unavoidable);
- Impact 11.13 – contribute to cumulative increase in demands for wastewater treatment and conveyance (significant and unavoidable);
- Impact 11.14 – contribute to cumulative increases in demands for recycled water (less than significant).

Mitigation measures were provided to reduce the additional utilities impacts to a less-than-significant level, with the exception of significant and unavoidable cumulative impacts to potable water supply and wastewater treatment facilities. (2014 SEIR, pp. 2-19 to 2-20, 20-23.)

In addition, the SEIR concluded that the effects to solid waste, electricity, and natural gas were adequately analyzed in the prior EIR and thus excluded from the SEIR. As the SEIR noted in its discussion of effects found to have been adequately analyzed in the prior EIR and thus excluded from the SEIR:

Solid Waste

As discussed in the Initial Study, development under the proposed Fiddymment Ranch SPA 3 project would increase the amount of solid waste processed at the Materials Recovery Facility (MRF) and the Western Regional Sanitary Landfill (WRSL). The additional material processed at the MRF would not exceed the MRF daily processing capacity. The additional material disposed of at the landfill would contribute to a shortening of the lifespan of the landfill. The WRSP EIR identified several mitigation measures to reduce the amount of solid waste generated at the project site including requiring payment of collection fees, a portion of which shall be used to service bonds necessary to fund expansion of the landfill, providing each residence with a green waste container, and requiring the construction waste stream be reduced by 50%. Development under the proposed project would be required to implement these mitigation measures, but the impact would remain significant and unavoidable, as identified in the WRSP EIR.

Electricity and Natural Gas

Electricity in the area is provided by Roseville Electric and natural gas is provided by Pacific Gas & Electric (PG&E). Impacts 4.11-12 and 4.11-13 in the WRSP EIR evaluated the potential for development of the WRSP to increase demands for electricity and natural gas and found these impacts to be less than significant. The proposed project would increase the amount of residential and commercial development within the WRSP, which would incrementally increase the total demand for electricity and natural gas in the Specific Plan area. There are no known constraints for provision of electric or natural gas service to the WRSP, including the additional residences and commercial land uses that would be developed under the proposed project. Existing and planned facilities would be sufficient to serve the increased demands associated with the proposed Fiddymment Ranch SPA 3 project. Revenue sources for service providers would include direct installation fees collected as a condition of approval for the project as well as electric and natural gas service rates collected from service users (i.e., individual home owners/renters and commercial businesses). As noted in the WRSP EIR, compliance

with Title 20 and 24 of the California Code of Regulations, which mandate minimum energy efficiency standards, would ensure that energy consumption from each individual building is minimized. Further, since the time that the WRSP EIR was prepared, a new California Building Code, referred to as CalGreen, has been adopted. CalGreen establishes additional energy efficiency standards that would further reduce energy consumption and commitments relative to greenhouse gas emissions. (2014 SEIR, pp. 1-11 to 1-12.)

Current Fiddymment Plaza Project

The proposed project would result in no additional impacts related to utilities and service systems beyond what was previously analyzed in the 2004 WRSP EIR and 2014 Fiddymment Ranch SPA3 SEIR. The 2014 SPA3 SEIR addressed the additional utilities impacts beyond what was analyzed in the 2004 WRSP EIR associated with the land uses changes proposed as part of the SPA3 project, including the change in land use for the project site from Single-Family Residential (RI) to Community Commercial (CC). Furthermore, the proposed project would result in no change in demand for utilities from what was analyzed in the 2014 SPA3 SEIR. For these reasons, no subsequent or supplemental EIR is required for the project with respect to utilities and service systems.

Mitigation Measures: Mitigation Measures 2004 WRSP EIR MM 4.11-7 and 2014 SPA3 SEIR MM 9B.3a, which require the payment of development impact fees, apply to the Project. The measures have been implemented by incorporating the appropriate development impact fee requirements into the City's building permit application process. Therefore, no further mitigation is required.

XX. Mandatory Findings of Significance

	Where Impact Was Analyzed in Prior Environmental Documents.	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Mitigation Measures Implemented or Addressing Impacts.
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, threatened or rare species, or eliminate important examples of the major periods of California history or prehistory?	2004 WRSP EIR Ch. 5 Pg. 15 2014 SPA3 SEIR 11-4	No	No	No	None
b) Does the project have impacts which are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	Same	No	No	No	2014 SPA3 SEIR MM 11.8a, MM 11.9a, MM 11.10a
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	Same	No	No	No	None

Discussion: The WRSP EIR evaluated the potential for cumulative impacts. The Project is consistent with the level of development assumed in the WRSP EIR and SPA3 SEIR. As discussed above, the proposed project would not result in new significant effects or a substantial increase in the severity of previously identified environmental effects beyond what was analyzed in the 2004 WRSP EIR and the 2014 SPA 3 SEIR. Pursuant to CEQA Guidelines Section 15164, subdivision (a), the City finds that “none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred” relative to the mandatory findings.

ENVIRONMENTAL DETERMINATION:

In reviewing the site specific information provided for this project and acting as Lead Agency, the City of Roseville, Development Services Department, Planning Division has analyzed the potential environmental impacts created by this project and determined that the findings of CEQA Section 15162 concerning the decision not to prepare a subsequent EIR or negative declaration and the findings of CEQA Section 15164 concerning the decision to prepare an Addendum can be made. As supported by substantial evidence within the Addendum to the WEST ROSEVILLE SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (SCH # 2002082057, adopted February 2, 2004) and the FIDDYMENT RANCH SPECIFIC PLAN AMENDMENT 3 SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SCH # 201082075, adopted April 16, 2014), the Lead Agency makes the following findings:

[X] No substantial changes are proposed in the project which would require major revisions of the previous EIR or Mitigated Negative Declaration.

[X] No substantial changes have occurred with respect to the circumstances under which the project is undertaken.

[X] There is no new information of substantial importance which was not known and could not have been known with the exercise of due diligence at the time the previous EIR was certified as complete.

[X] Only minor technical changes or additions are necessary in order to deem the adopted environmental document adequate.

Addendum Prepared by:

Shelby Vockel

Shelby Vockel, Associate Planner
City of Roseville, Development Services–Planning Division

Attachments:

Attachment 1 – Table of Applicable Mitigation Measures

Appendix A – Air Quality Permits, Regulations, and Technical Memoranda



TABLE OF APPLICABLE MITIGATION MEASURES

Mitigation Measure	Implementation	Timing	Reviewing Party	Documents to be Submitted to City	Staff Use Only
2004 WRSP EIR MM 4.4-3: Reduction of Construction Emissions The prime contractor shall submit to the PCAPCD a comprehensive inventory (i.e., make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. District personnel, with assistance from the California Air Resources Board, will conduct initial Visible Emission Evaluations of all heavy-duty equipment on the inventory list. ☐ An enforcement plan shall be established by the contractor in conjunction with the air district to weekly evaluate project-related on-and-off- road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180–2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy-duty on-road equipment emissions for compliance with this requirement. Operators of vehicles and equipment found to exceed opacity limits will be notified and the equipment must be repaired within 72 hours. ☐ Contractors shall provide a plan for approval by the PCAPCD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project-wide fleet average 30 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. ☐ Minimize idling time to 10 minutes. ☐ Use low sulfur fuel for stationary construction equipment, if feasible. ☐ Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators. ☐ Use low emission on-site stationary equipment.	The applicants shall submit the required plans as part of the Grading Permit or Improvement Plan application. Engineering will review plans for inclusion of these measures prior to issuance of permits or approval of plans.	<i>Pre-Construction:</i> Prior to issuance of Grading Permits or Improvement Plans. Add as note on Improvement Plans.	Engineering	Required plans and proof of submittal to PCAPCD	
2004 WRSP EIR MM 4.5-1: Construction noise reduction As discussed under Impact 4.5-1, compliance with the City’s Noise Ordinance would result in a less-than-significant impact for construction noise. However, the following measures are recommended to further reduce the effects of construction noise on residents. Equipment warm-up areas, water tanks, and equipment storage areas shall be located a minimum of 150 feet from occupied residences, where feasible. Flexible sound control curtains shall be placed around drilling apparatus and drill rigs, if sensitive receptors are located nearby. These measures would reduce the amount of noise at residences by placing stationary sources of noise far enough from residences that the noise generated would not be disturbing, particularly during the daytime, when construction activities would occur. In addition, they would assist in reducing the potential for noise disturbances and potential noise-related complaints.	Project plans will be reviewed for compliance.	<i>Pre-Construction:</i> Prior to issuance of Improvement Plans and/or Building Permits. Add as note on Improvement Plans and Building Plans	Engineering and Building	None	
2004 WRSP EIR MM 4.5-3: Commercial noise control For all commercial uses within 150 feet of residential uses, implement the following or equally effective measures: (a) For commercial loading docks and on-site truck circulation areas that are planned to be within 150 feet of sensitive receptors (including backyards), the following measures shall be implemented:	Project plans will be reviewed for compliance.	<i>Pre-Construction:</i> Prior to issuance of Improvement Plans and/or Building Permits Add as note on Improvement Plans and Building Plans	Engineering will review Improvement Plans for compliance with wall and noise requirements. Building will review Building Plans for	An Acoustical Study	

(1) Loading docks and on-site truck circulation routes shall be designed to ensure that noise levels do not exceed 70 dB Lmax or 50 dB hourly Leq at the nearest residence. An acoustic analysis shall demonstrate that the loading area design, including any noise attenuation features (e.g., covering, sound walls, orientation) would be adequate to achieve this standard; and, (2) Deliveries shall generally be limited to the hours between 7:00 A.M. and 10:00 P.M. (b) For all commercial buildings, roof-top HVAC shall be oriented away from residential areas and systems shall not produce noise levels that exceed 50 dB at a distance of 25 feet. In addition, roof-top parapets shall block line-of-sight from noise-sensitive uses to HVAC equipment. (c) Setbacks or enhanced barriers (e.g., 8 feet tall) as needed to achieve City standards. An acoustical analysis shall be conducted to demonstrate that City noise standards would be achieved by these measures. Additional measures shall be implemented, if needed, to meet the standards.			compliance with HVAC requirements.		
2004 WRSP EIR MM 4.8-1: Cease Work and Consult with Qualified Archaeologist Should any cultural resources, such as structural features, any amount of bone or shell, artifacts, human remains, or architectural remains be encountered during any subsurface development activities, work shall be suspended within 100 feet of the find, and the City of Roseville shall be immediately notified. At that time, the City shall coordinate any necessary investigation of the site with qualified archaeologists as needed to assess the resource and provide proper management recommendations. Possible management recommendations for important resources could include resource avoidance or data recovery excavations. The contractor shall implement any measures deemed necessary for the protection of the cultural resources. In addition, pursuant to section 5097.98 of the State Public Resources Code, and section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.	This condition shall be reflected in all construction and building plans, and construction site workers shall be advised by the site manager of this measure.	<i>Construction:</i> Measure applies if resources are discovered during construction. Add as note on Improvement Plans and Building Plans.	Engineering and Building	None	
2004 WRSP EIR MM 4.8-10: Cease Work Until Review Conducted by Qualified Paleontologist and Recommendations Implemented Should any evidence of paleontological resources (e.g., fossils) be encountered during grading or excavation, work shall be suspended within 100 feet of the find, and the City of Roseville shall be immediately notified. At that time, the City shall coordinate any necessary investigation of the site with a qualified paleontologist to assess the resource and provide proper management recommendations. Possible management recommendations for important resources could include resource avoidance or data recovery excavations. The contractor shall implement any measures deemed necessary by the paleontologist for the protection of the paleontological resources.	This condition shall be reflected in all construction and building plans, and construction site workers shall be advised by the site manager of this measure.	<i>Construction:</i> Measure applies if resources are discovered during construction. Add as note on Improvement Plans and Building Plans.	Engineering and Building	None	
2004 WRSP EIR MM 4.13-1(c): Use Low-Glare Materials for New Development In order to reduce the effects of daytime glare from development of commercial, office, and industrial uses within the WRSP, building developers shall make use, when feasible, of low-glare materials.	Comply with the measure	<i>Pre-Construction:</i> Ensure fixtures shown on Building Plans comply with the measure. Add as note on Building Plans	Building	None	
2014 SPA3 SEIR MM 7.1: Generate Construction Related Emissions That Conflict with the Air Quality Plan or Violate Air Quality Standards 7.1a: Each prime contractor for future construction projects within the proposed Fiddymont Ranch Specific Plan Amendment 3 project shall prepare a construction dust control plan for approval by the Placer County APCD prior to any ground disturbance. This plan shall address the minimum Administrative Requirements found in Section 400 of District Rule 228, Fugitive Dust (www.placer.ca.gov/airpollution/airpolut.htm). Specific required components of the dust control plan include the following: A. Control dust and prevent dirt from going offsite. Apply water to control dust as needed to prevent dust impacts off site. Operational water truck(s) shall be on site as required to control dust. Construction vehicles leaving the site shall be cleaned to prevent dust,	7.1a: Each prime contractor for future construction projects within the project area shall be responsible for preparing a construction dust control plan that meets the standards established in Mitigation Measure 7.1a. The Placer County APCD shall be responsible for reviewing and approving dust control plans. Prime contractors shall be responsible for implementing the approved dust control plan.	7.1a <i>Pre-Construction and Construction:</i> The dust control plan shall be approved prior to issuance of grading permits and implemented throughout the entire duration of constructions. 7.1b <i>Pre-Construction:</i> Prior to approval of grading or improvement plans, whichever occurs first	Engineering	7.1a Dust Control Plan, approved by PCAPCD 7.1b Construction equipment list, construction timeline, and Construction Emissions Mitigation calculator, approved by PCAPCD	

silt, mud, and dirt from being released or tracked offsite. This includes the use of tarpaulins for haul trucks which travel on public streets. B. Cover all trucks delivering or exporting soil, sand, or other loose materials or ensure that all trucks hauling such materials maintain at least two feet of freeboard. C. Suspend grading operations when wind is sufficient to generate visible dust clouds, generally when wind speeds are greater than 20 miles per hour (mph) average during an hour. D. Pave, use gravel cover, or spray a dust control agent on all haul roads. E. Install sandbags or other erosion control measures to prevent silt runoff onto public roadways. F. Provide graveled, paved, or grass-covered areas for construction employee vehicle parking. G. Institute measures to reduce wind erosion when site preparation is completed. H. Control dust from inactive areas. Apply approved chemical soil stabilizers, vegetative mats, or other appropriate best management practices to manufacturer's specifications, to all-inactive construction areas (previously graded areas which remain inactive for 96 hours). I. Control dust on unpaved roads and adjacent public thoroughfares. Spread soil binders on unpaved roads and employee/equipment parking areas and wet broom or wash streets if silt is carried over to adjacent public thoroughfares. Reduce speeds on unpaved roads to 15 mph or lower (this speed must be posted). J. Immediately following any mass grading phase, the following dust control measures shall be implemented: • Apply soil stabilizers or commence reestablishing ground cover to construction areas within 96 hours of completing grading activities; • Develop and implement a wind erosion monitoring program for areas which will remain inactive for extended period; this program should at a minimum provide for weekly monitoring of inactive sites to assess the effectiveness of wind erosion controls. 7.1b: Each prime contractor for future construction projects within the proposed Fiddymment Ranch Specific Plan Amendment 3 project shall provide a list of construction equipment and anticipated construction timeline for approval by PCAPCD. The prime contractor for each construction project shall submit to the District a comprehensive inventory (i.e., make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. The construction timeline shall demonstrate that between May and October, the number of vehicles and equipment operating at the same time is minimized. Each prime contractor for future construction projects within the proposed Fiddymment Ranch Specific Plan Amendment 3 project shall also provide a plan for approval by the District demonstrating that the heavy-duty (greater than 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. To verify that the required reduction has been achieved, the project applicant or prime contractor shall complete the Sacramento Metropolitan Air Quality Management District's Construction Mitigation Calculator, which shall be submitted to Placer County APCD for review and verification. The Contraction Mitigation Calculator is available at the Sacramento Metropolitan Air Quality Management District's website: http://www.airquality.org/ceqa/mitigation.shtml#construction	7.1b: Using the Construction Emissions Mitigation calculator, the applicant shall be responsible for providing written calculations demonstrating that heavy-duty off-road vehicles used in construction achieve a project-wide fleet average of 20 percent of NOx reduction and 45 percent particulate reduction as compared to CARB's current year statewide fleet average emissions.				
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2014 SPA3 SEIR MM 7.2b: Generate Emissions During Project Operation That Conflict with the Air Quality Plan or Violate Air Quality Standards 7.2b: Prior to issuance of building permits, the project applicant shall implement one or more of the following mitigation strategies. The mitigation shall be sufficient to offset the amount of summertime project operation emissions of ROG and NOx from one ozone season that exceed 10 pounds per day. The estimated amount that the mitigation must be sufficient to offset is 348.19 pounds per day of ROG and 147.89 pounds per day of NOx, a total of 296.08 pounds per day for a 182-day period (summer days). A. Establish mitigation offsite within west Placer County by participating in an offsite mitigation program, coordinated through the Placer County Air Pollution Control District. Examples include, but are not limited to participation in a “biomass” program that provides emissions benefits; retrofitting, repowering, or replacing heavy duty engines from mobile sources (i.e. busses, construction equipment, road haulers); or other program that the project proponent may propose to reduce emissions. B. Participate in the Placer County Air Pollution Control District Offsite Mitigation Program by paying the equivalent amount of money, which is equal to the project’s contribution of pollutants (ROG and NOx) in excess of the cumulative threshold of 10 pounds per day during summertime. The payment shall be based on the established fee of \$17,080 per ton and shall be calculated based on a single year of summertime emissions (182-days). The actual amount to be paid shall be determined, and satisfied pursuant to current California Air Resource Board guidelines at the time of building permit issuance.	7.2b: the project applicant shall be responsible for implementing one or more of the mitigation strategies set forth in Mitigation Measure 7.2b.	<i>7.2b Pre-Construction:</i> prior to issuance of building permits	Development Services		
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NOTE: This table is provided as a courtesy to the developer, to highlight the text of measures which are required to be placed on Improvement Plans and/or Building Plans. Refer to the applicable environmental document (e.g. Environmental Impact Report) for a full list of measures, and for context. Other measures may be applicable, but are not included here because they have already been completed or they are addressed via other mechanisms (e.g. development fees).

ADDENDUM TO THE WEST ROSEVILLE SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (SCH # 2002082057, ADOPTED FEBRUARY 2, 2004) AND THE FIDDYMENT RANCH SPECIFIC PLAN AMENDMENT 3 SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SCH # 2010082075, ADOPTED APRIL 16, 2014) FOR THE FIDDYMENT PLAZA PROJECT (FILE # PL19-0013)

APPENDIX A

Air Quality Permits, Regulations, and Technical Memoranda

A.1 – PCAPCD Authority to Construct/Temporary Permit to Operate.....	Page 1
A.2 – PCAPCD Air Quality Permitting.....	Page 8
A.3 – Rule 501 General Permit Requirements.....	Page 9
A.4 – PCAPCD Advisory Notice for Gasoline Dispensing Facilities.....	Page 49
A.5 – EPS, Revised Technical Memorandum (Dated April 27, 2018).....	Page 51
A.6 – EPS, Response to Comments on Fiddymment Plaza Gas Station.....	Page 61



PLACER COUNTY APCD
110 Maple Street
Auburn, CA 95603
(530) 745-2330 - Fax (530) 745-2373

Authority to Construct
Temporary Permit To Operate

ISSUED TO

DHILLON AND SONS ENTERPRISES
201 BELLINGHAM COURT
ROSEVILLE, CA 95747

AC NUMBER: AC-18-G-09

FACILITY LOCATION

DHILLON AND SONS ENTERPRISES
4701 FIDDYMENT ROAD
ROSEVILLE, CA 95747

EXPIRATION DATE: 08/09/2020

Erik C. White for

Erik C. White
Air Pollution Control Officer

ISSUE DATE: 7/10/2019

PROCESS DESCRIPTION: INSTALLATION OF A NEW RETAIL GASOLINE DISPENSING FACILITY
WITH PHASE I EVR AND PHASE II EVR

EQUIPMENT

Equipment	Rating
01 Gasoline Dispensing Facility - 10 Nozzles	10.00 NOZ
02 Phase I - OPW EVR System - VR-102 Series	
03 Phase II - EVR VR-204 with ISD and Clean Air Separator	

	NOZ
Total	10.00

OPERATING CONDITIONS

- OC-1** The gasoline dispensing facility shall not dispense more than 1,008,000 gallons of gasoline per calendar year without obtaining prior written approval from the District.
- OC-2** The Phase I and Phase II Enhanced Vapor Recovery Systems are subject to the Executive Orders listed in the Equipment descriptions and their associated CARB approved Installation, Operation, and Maintenance Manual and any applicable CARB Approval letters.

- OC-3** All components of the Phase I and Phase II vapor recovery systems, including all associated underground plumbing, shall be installed, operated, and maintained in accordance with the California Air Resources Board (CARB) most current Executive Orders and the specifications in the CARB approved Installation, Operation, and Maintenance (IOM) Manual and any applicable CARB Approval letters and the Authority to Construct issued for the installation at this site.
- OC-4** Only the equipment listed in Exhibit 1 of the Executive Orders, unless exempted in writing by CARB shall be installed and shall be clearly identified by the permanent identification number showing the manufacturer's name and model number as required by the Executive Orders.
- OC-5** A copy of the applicable CARB Executive Orders, the corresponding IOMs, and any applicable CARB Approval letters, shall be maintained at this facility as long as the certified Phase I and Phase II systems are installed.
- OC-6** Installation, maintenance, and repair of system components, including removal and installation of such components in the course of any required tests, shall be performed by technicians certified by the appropriate manufacturer unless otherwise specified in the IOM. Additional certifications may be required in accordance with local district requirements.
- OC-7** The Phase II vapor recovery equipment shall be inspected weekly, quarterly, and annually per the procedures identified in the CARB Approved IOM Manual. Only a technician certified by the appropriate manufacturer can service any problems discovered while conducting the Weekly, Quarterly, and Annual inspection/testing. Provided that there are no other local district requirements, an owner/operator can remove and install nozzles, curb hoses, breakaways, flow limiters and whip hoses without a manufacturer's certification.
- OC-8** A vapor collection sleeve (VST nozzle) or a vapor collection bellows (EMCO nozzle), shall be installed at the base of the spout.
- OC-9** Any nozzle with the following defects must be replaced or repaired according to the CARB Approved IOM. Sheared or bent spouts must be replaced.
- A. VST Nozzle
- i. The nozzle collection sleeve has greater than 18 inches total length of cuts or if greater than 0.4 square inches of material is missing.
- ii. The nozzle face plate has greater than 30% of the material missing or greater than 2.5 inches of the accumulated faceplate circumference is missing.
- B. EMCO Nozzle
- i. Greater than 0.4 square inches of boot face material is missing (e.g. a triangular or similar shape in which greater than 7/16 inches of the boot face circumference is missing (accumulated)).
- ii. A cut across seven (7) consecutive bellows convolutions.
- iii. A 360 degree cut around the bellows convolutions.
- OC-10** Any nozzle with a defective vapor valve, as determined by Exhibit 7 or when the vapor valve has a leak rate that exceeds 0.07 cubic feet per minute at a pressure of two (2) inches WC as determined by TP-201.2B, shall be immediately removed from service.
- OC-11** The maximum length of the hose assembly, including the curb hose, whip hose, and breakaway, shall be no more than fifteen (15) feet.
- OC-12** Any hose configuration is allowed when installed in accordance with the applicable IOM.
- OC-13** Any hose with a visible opening is considered a defect and must be replaced.
- OC-14** Testing is required after reconnecting the breakaway to ensure proper operation and no observed leaks. The procedure for reconnecting the breakaway and fueling point testing after a drive-off shall be conducted to verify that the breakaway, hose and nozzle are operating properly after a drive-off.
- OC-15** No flow limiters are allowed for this system.

- OC-16** The Clean Air Separator is a passive tank pressure management system with no electrical requirements. A Clean Air Separator that fails the leak decay test shall be considered a defect. Unless there is maintenance or testing being conducted on the Clean Air Separator, the four ball valves shall be locked in the positions for normal operation. A Clean Air Separator that is not in the proper operating configuration shall be considered a defect.
- OC-17** The system shall be removed from service when the Clean Air Separator fails the leak decay test.
- OC-18** The Clean Air Separator can be installed up to 100 feet from the vent line(s), provided that the piping is sloped 1/8" per foot minimum toward the vent line(s).
- OC-19** The Air Breather Assembly for the Clean Air Separator shall be installed at least twelve feet (12') above grade.
- OC-20** Copies of the manufacturer's warranty for the system and/or components shall be made available to the facility owner/operator and a warranty tag shall be affixed as required in the CARB Certification Procedure.
- OC-21** All vapor return and vent lines shall be a minimum nominal internal diameter of 2 inches from the dispensers to the first manifold. All lines after the first manifold and back to the underground storage tank shall have a minimum nominal internal diameter of 3 inches.
- OC-22** All vapor return lines shall have a minimum slope of 1/8 inch per foot from the dispenser riser to the riser of the UST. A slope of ¼ inch or more per foot is recommended whenever feasible.
- OC-23** Any dispenser with a dispenser piping test valve in the closed position shall be considered a defect.
- OC-24** For facilities without In-Station Diagnostics (ISD) equipment, if 600,000 gallons of gasoline or greater is dispensed in a calendar year, ISD equipment shall be installed by November 1st of the following year.
- OC-25** For facilities with ISD, warning and failure alarms may only be cleared by a certified technician. The only exception to this are the alarms specifically listed in CARB Overpressure Alarm Advisory 405-D, or a subsequent update, that occur between November 1 – March 31. Dispensing may only be re-enabled following shutdown of the submersible pumps to all gasoline tanks by the ISD systems by a certified technician.
- OC-26** For facilities with a Liquid Condensate Trap (LCT), the Liquid Level Sensor audible alarm shall be installed at a location that is most likely to be heard by the station attendant during normal station operation (e.g. cash register).
- OC-27** For facilities with a LCT, a metal tag specifying the capacity of the LCT shall be installed and maintained as specified in the Installation, Operation, and Maintenance Manual.
- OC-28** Instructions for the proper operation of vapor recovery equipment shall be conspicuously posted.
- OC-29** The conditions of this Permit to Operate may reflect some but not all applicable requirements. The owner/operator is solely responsible for compliance with all applicable regulations.

RECORDKEEPING AND REPORTING

- RR-1** Each owner/operator shall keep a Maintenance Log Book on site detailing the maintenance and inspections performed at the facility per the applicable executive order(s). This includes the weekly, quarterly and annual inspections. Forms for the inspections can be found in the appropriate CARB Approved IOMs and are available from the District. The maintenance records shall include the maintenance, annual test date, repair date to correct test failure, maintenance or test performed, affiliation, telephone number, name and Certified Technician Identification Number of the individual conducting maintenance or test. Such records shall be maintained on site for at least two years and made available to the District upon request.
- RR-2** Maintenance shall be conducted in accordance with Approved Installation, Operation and

Maintenance Manuals. RECONNECTION of breakaways shall be included in the maintenance records.

- RR-3** If an ISD system is installed, the operator/owner shall keep records of all alarms detected by the ISD system. Alarm History records shall be maintained on site in accordance with district requirements. The records shall include the alarm date, the nature of the alarm, type of test and test date to verify the validity of ISD alarm, maintenance or repair date to correct the cause of the alarm, maintenance or repair performed to correct the cause of the alarm, affiliation, telephone number, name and Certified Technician Identification Number of individual conducting maintenance or test. Additional information may be required in accordance with local district requirements.
- RR-4** A record of the throughput (i.e. gasoline dispensed, in gallons) shall be made and kept on site for at least two years, pursuant to Rule 410, Record-keeping for Volatile Organic Compound Emissions. This information shall be made available to the District upon request and at the time of annual permit renewal.

PERFORMANCE TESTING

- PT-1** Performance tests, using the most recent versions of the test procedures, are required for both new and modified facilities, and for existing facilities. Tests for new or modified facilities shall be successfully conducted within 30 days of startup. Annual tests for existing facilities shall be conducted at least once in each 12 month period. All test results shall be submitted to the District within 30 days following completion of the tests.
- PT-2** Notice of time and date of proposed testing shall be given to the District at least 15 days prior to the scheduled testing, unless otherwise agreed to by the District. The District must approve the proposed test schedule. Testing outside of District business hours may be approved on a case-by-case basis. Communication regarding vapor recovery testing can be sent by email to vaporrecoverytesting@placer.ca.gov.
- PT-3** Perform the weekly and quarterly inspections prior to the Annual Inspection/Testing. Forms for the annual Inspection/Testing are found in the appropriate Executive Order in the Installation, Operation and Maintenance Manual.

- PT-4** The following tests are required for startup of new or modified systems and annually.
- A. A Nozzle Bag Test shall be conducted as outlined in Executive Order VR-203 or VR-204.
 - B. A test for the Determination of Static Pressure Performance of the Healy Clean Air Separator shall be conducted as outlined in Executive Order VR-203 or VR-204. If there is insufficient vacuum, a positive pressure decay procedure shall be conducted as outlined Executive Order VR-203 or VR-204.
 - C. The Static Torque of Rotatable Phase I Adaptor Test, CARB Source Test Procedure 201.1B shall be conducted.
 - D. The Pressure Integrity of Drop Tube/Drain Valve Test, CARB Source Test Procedure 201.1C or Leak Rate of Drop Tube Overfill Prevention Device and Spill Container Drain Valve, TP 201.1D, as appropriate, shall be conducted.
 - E. Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, CARB Source Test Procedure 201.3. Prior to conducting this test, the tester shall document that each step was followed prior to conducting this source test procedure by utilizing the form in VR-203 or VR-204.
 - F. A Dynamic Pressure Performance Test, CARB Source Test Procedure 201.4.
 - G. The Liquid Removal Test Procedure shall be conducted as per Executive Order VR-203 or VR-204. If the Option 1 test passes, Option 2 is not required. If Option 2 is performed, the liquid removal requirement is applicable to all grades of gasoline.
 - H. If ISD is installed, the Veeder-Root or Incon ISD Operability Test Procedure provided in Executive Order VR-204, shall be used at GDF sites to determine the operability of the Veeder-Root or Incon ISD system to comply with applicable performance standards and performance specification in CP-201. Testing the ISD equipment in accordance with this procedure will verify the proper selection, setup and operation of the TLS Console sensors and interface modules.
 - I. If the facility contains a Liquid Condensate Trap, the LCT Compliance Test, as out
- PT-5** Failure to conduct the Annual Testing or submit the results within 30 days can result in a monetary penalty. All tests listed above are to be conducted unless otherwise specified.

PERMIT EMISSION LIMIT CONDITIONS

- EL-1** No emissions are permitted, from any source, which are a nuisance per District Rule 205, Nuisance.
- EL-2** The emissions from the operations and equipment listed on this permit shall not exceed the following rates:

POLLUTANT	LBS/DAY	LBS/QTR	TPY
Volatile Organic Compounds (VOCs)	4.93	129	0.26

GENERAL CONDITIONS

- GC-1** This permit shall be maintained on the premises of the subject equipment. (Rule 501)
- GC-2** The equipment must be properly maintained and kept in good operating condition and shall be leak free and vapor tight as per the California Code of Regulations Title 17, Section 93101.
- GC-3** Failure to maintain the vapor recovery equipment may result in a penalty for each "Out of Order" defect or for each 7-day deficiency not corrected in 7 days.

- GC-4** Performance testing observation and inspection will be charged at the current District hourly rate for recovery of costs.
- GC-5** The authorized District agents shall have the right of entry to any premises on which an air pollution emission source is located for the purpose of inspecting such source, including securing samples of emissions there from, or any records required to be maintained therewith by the District. (Rule 402)
- GC-6** In the event of any violation of District Rules and Regulations the station manager shall cease operation of violating equipment and take action to end such violation.
- GC-7** The District must be notified of any upset or breakdown of emission control or associated equipment pursuant to District Rule 404, Upset Conditions, Breakdown or Scheduled Maintenance.
- GC-8** Revisions of this permit may be requested pursuant to District Rule 501, General Permit Requirements, Section 400.
- GC-9** Compliance of the permitted facility is required with the provisions of the "Air Toxics 'Hot Spots' Information and Assessment Act" of 1987 (Health and Safety Code Sections 44300 et seq.).
- GC-10** Prior to the installation, modification or replacement of any equipment for which an Authority to Construct is required pursuant to Health and Safety Code, Section 42300, and District Rule 501, General Permit Requirements, Section 300, an Authority to Construct application shall be filed with the District. This includes a Change of Ownership or name.
- GC-11** The applicant/Permittee has an obligation to defend and indemnify the District against third party challenges in accordance with District Rule 411, Indemnification.



110 Maple Street, Auburn, CA 95603 • (530) 745-2330 • Fax (530) 745-2373 • www.placerair.org

Erik C. White, Air Pollution Control Officer

COMPLETION OF CONSTRUCTION NOTIFICATION

Upon completion of equipment construction and within seven (7) days of initial operation, please fill out the following information and submit a copy of this form to Zach Lee by mail at 110 Maple Street, Auburn, CA 95603 or by email at zlee@placer.ca.gov. This form notifies the District that the equipment is ready for inspection. The District will contact you to schedule an inspection.

Company Name: DHILLON AND SONS ENTERPRISES

Authority to Construct #: AC-18-G-09

Date Construction Complete: _____

Date Operation Began/Will Begin: _____

Company Contact: _____

Contact Phone Number: _____

Print Name of Responsible Official: _____

Signature of Responsible Official: _____

PCAPCD Air Quality Permitting

State law gives local air pollution control districts “the primary responsibility for control of air pollution from all sources, other than emissions from motor vehicles.” (Health & Safety Code, § 40000.) Pursuant to this authority, the Placer County APCD requires that gas stations obtain a permit known as an “Authority to Construct” prior to building the facility and another annual permit known as a “Permit to Operate” before dispensing gasoline. The APCD’s Rules and Regulations require denial of these permits if the proposed gas station’s air emissions would violate federal, State or local air quality standards. (Placer County APCD, Rules and Regulations, Rule 501, § 303, and Rule 502, § 408.) In addition to controlling the emission of various “criteria pollutants,” the APCD’s permits will address any potential emission of Toxic Air Contaminants from gas stations, including benzene. The APCD will review the proposed “annual throughput” for the gas station and will place any necessary restrictions on the operation to ensure that the facility’s emissions of TACs do not exceed the APCD’s established “health risk” threshold of 10 in 1 million. (See PCAPCD Advisory Notice for Gasoline Dispensing Facilities) Notably, this “10 in 1 million” threshold is identical to the APCD’s CEQA threshold of significance for TACs. Accordingly, it can be said with certainty that a gas station which must obtain an Authority to Construct and Permit to Operate from APCD will not result in any significant TAC emission impacts.

RULE 501 GENERAL PERMIT REQUIREMENTS

Adopted 12-08-70

(Amended 05-09-72, 11-12-74, 05-24-77, 06-19-79, 09-21-93, 11-03-94, 12-09-04, 8-12-10)

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100 GENERAL

101 PURPOSE: To provide an orderly procedure for the review of new sources of air pollution and modification and operation of existing sources through the issuance of permits. Procedures for issuing, modifying, or renewing Title V Permits to Operate for stationary sources that are subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall also be consistent with the procedures specified in that rule.

102 EXEMPTION RECORDKEEPING: Records must be maintained to substantiate the following exemptions. Records must be maintained on site and made available to the District upon request.

110 EXEMPTION, GENERAL: An Authority to Construct and Permit to Operate shall not be required for the equipment listed in Sections 111 to 122, unless an emissions unit is:

110.1 Subject to New Source Performance Standards, except engines less than 50 horsepower subject to NSPS JJJJ, Standards of Performance for Stationary Spark Ignition ICE; or

110.2 Subject to National Emission Standards for Hazardous Air Pollutants; or

110.3 Subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM; or

110.4 Emits, in levels deemed appropriate for review by the Air Pollution Control Officer, substances identified as a toxic air contaminant or which are under review pursuant to Health and Safety Code Section 39650 et seq.; or

110.5 The Air Pollution Control Officer makes a determination that the emission unit may not operate in compliance with the District Rules and Regulations; or

110.6 An emissions unit or stationary source for which emission reduction credits have been requested or granted in accordance with Rule 504, EMISSION REDUCTION CREDITS.

110.7 An otherwise exempt piece of equipment that is part of a process that requires a permit.

111 EXEMPTION, MOBILE SOURCES:

111.1 Engines used to propel mobile equipment or a motor vehicle of any kind, but not including any article, machine, equipment or other contrivance mounted on such a vehicle that would otherwise require a permit under the provisions of these rules and regulations.

111.2 Locomotives, airplanes and watercraft used to transport passengers or freight. This exemption shall not apply to equipment used for dredging of waterways or equipment used in pile driving adjacent to or in waterways.

112 EXEMPTION, COMBUSTION AND HEAT TRANSFER EQUIPMENT:

112.1 Internal combustion engines with a manufacturer's maximum continuous rating of 50 brake horsepower or less or gas turbine engines with a maximum heat input rate of 3,000,000 British Thermal Units (Btu) per hour or less at ISO standard day conditions (288 degrees Kelvin, 60 percent relative humidity, and 101.3

kilopascals pressure). The ratings of all engines or turbines used in the same process will be accumulated to determine whether this exemption applies.

- 112.2 Any combustion equipment that has a maximum heat input of less than 1,000,000 Btu per hour (gross) and is equipped to be fired exclusively with natural gas, liquefied petroleum gas or any combination thereof. The ratings of all combustion equipment used in the same process will be accumulated to determine whether this exemption applies.
- 113 EXEMPTION, RESIDENTIAL STRUCTURES:** Equipment utilized exclusively in connection with any structure, when the structure is designed for and used exclusively as a dwelling for not more than four families.
- 114 EXEMPTION, AGRICULTURAL OPERATIONS:** Equipment used exclusively in the growing of agricultural crops, or in the commercial raising of fowl or other animals. This exemption does not apply to an agricultural source, as defined in this Rule, that is:
- 114.1 A Major Stationary Source or Major Modification, as defined in Rule 502, NEW SOURCE REVIEW, or
- 114.2 A stationary source that emits in any 12-month period air contaminant emissions equal to or more than the following quantities of emissions:
- a. 50 percent of the major source thresholds for regulated air pollutants (excluding HAPs);
 - b. 5 tons per year of a single HAP;
 - c. 12.5 tons per year of any combination of HAPs; and
 - d. 50 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.
- 115 EXEMPTION, COOLING SYSTEMS AND VACUUM CLEANING:** Refrigeration, air conditioning, ventilating, or vacuum cleaning systems not designed to remove air contaminants generated by equipment which would require a permit under these rules and regulations.
- 116 EXEMPTION, COOLING TOWERS:** Water cooling towers that have a circulation rate of less than 10,000 gallons per minute and which are not used for the cooling of process water, water from barometric jets, or water from barometric condensers.
- 117 EXEMPTION, STORAGE AND TRANSFER:** Tanks, reservoirs, vessels or other containers and their associated dispensing, pumping and compression systems used exclusively for the storage of:
- 117.1 Liquefied or compressed gases.
- 117.2 Unheated organic materials with an initial boiling point of 150 degrees Celsius (302 degrees Fahrenheit) or greater, as determined by the testing procedure specified in Section 501.2, or with an organic vapor pressure of 5 mm Hg (0.1 psia) or less at 20°C, as determined by the testing procedure specified in Section 501.3.
- 117.3 Organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psia) or less at 20°C, as determined by the testing procedure specified in Section 501.3, stored in containers having a capacity of 23,000 liters (6076 gallons or less). Equipment used exclusively for the transfer of organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psia) at 20°C to or from storage.

117.4 Unheated solvent dispensing containers of 380 liters (100 gallons) capacity or less.

118 EXEMPTION, SURFACE COATING AND PREPARATION:

118.1 Water solution containing no more than two percent volatile organic compounds by weight for surface preparation, cleaning, stripping, etching (other than chemical milling) or the electrolytic plating with electrolytic polishing of, or the electrolytic stripping of brass, bronze, cadmium, copper, iron lead, nickel, tin, zinc, and precious metals.

118.2 Surface coating operations using a combined total of one gallon per day or less of coating material and solvent.

118.3 Unheated non-conveyorized solvent rinsing containers or unheated non-conveyorized coating dip tanks of 380 liters (100 gallons) capacity or less with an open surface area of one square meter (11 square feet) or less providing no more than 25 gallons of solvent are evaporated or lost to the atmosphere from all such equipment per calendar year.

119 EXEMPTION, FOOD PROCESSING: The following processing equipment for food or other human consumables and exhaust systems or collectors serving exclusively such equipment:

119.1 Used in eating establishments for the purpose of preparing food for human consumption.

119.2 Smokehouses in which the maximum horizontal inside cross sectional area does not exceed 2 square meters (21.5 square feet).

119.3 Mixers and blenders used in bakeries.

119.4 Confection cookers.

119.5 Used exclusively to grind, blend or package tea, cocoa, spices, or roasted coffee.

120 EXEMPTION, LABORATORY EQUIPMENT: Laboratory equipment used exclusively for chemical or physical analysis and bench scale tests, including associated vacuum-producing equipment.

121 EXEMPTION, REPAIRS AND MAINTENANCE: Repairs or maintenance not involving changes to any equipment for which a permit has been granted under Section 301 of this rule.

122 EXEMPTION, OTHER EQUIPMENT: Unless subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, other equipment authorized for exemption by the Air Pollution Control Officer and which would emit less than 2 pounds in any 24 hour period of any pollutants without the benefit of air pollution control devices.

200 DEFINITIONS: Unless otherwise defined below, the terms used in this rule are defined in Rule 502, NEW SOURCE REVIEW; Rule 504, EMISSIONS REDUCTION CREDITS; and Rule 102, DEFINITIONS; and apply in hierarchical order.

201 ADMINISTRATIVE PERMIT AMENDMENT: An amendment to a Permit to Operate which:

- 201.1 Corrects a typographical error; or
 - 201.2 Identifies a minor administrative change at the stationary source; for example, a change in the name, address, or phone number of any person identified in the permit; or
 - 201.3 Requires more frequent monitoring or reporting by a responsible official of the stationary source; or
- 202 AGRICULTURAL SOURCE OF AIR POLLUTION OR AGRICULTURAL SOURCE:** A source of air pollution or a group of sources used in the production of crops, or the raising of fowl or animals located on contiguous property under common ownership or control, including, but not limited to the following criteria:
- 202.1 Is a confined animal facility, including, but not limited to, any structure, building, installation, barn, corral, coop, feed storage area, milking parlor, or system for the collection, storage, treatment, and distribution of liquid and solid manure, if domesticated animals, including, but not limited to, cattle, calves, horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks are corralled, penned, or otherwise caused to remain in restricted areas for commercial agricultural purposes and feeding is by means other than grazing.
 - 202.2 Is an internal combustion engine used in the production of crops or the raising of fowl or animals, including, but not limited to, an engine subject to Section 41750 of the California Health & Safety Code, except an engine that is used to propel implements of husbandry, as that term is defined in Section 36000 of the Vehicle Code, as that section existed on January 1, 2003.
- 203 ANNIVERSARY DATE:** The day and month of issuance of a Permit to Operate and that same day and month of each succeeding year.
- 204 APPLICABLE REQUIREMENTS:** Air quality requirements with which a facility must comply pursuant to the District's regulations, codes of California statutory law, the Federal Clean Air Act as amended in 1990 and implementing regulations, other provisions of the United States Code, and the Code of Federal Regulations.
- 205 AUTHORITY TO CONSTRUCT:** A preconstruction permit authorizing construction prior to the starting of construction and conforming to the requirements of Rule 502, NEW SOURCE REVIEW.
- 206 COMMENCE:** As applied to construction, means that the owner or operator has all of the necessary permits or approvals required under state and federal air quality control laws, District Rules and Regulations, and those air quality control laws and regulations which are part of the California State Implementation Plan, and has:
- 206.1 Begun, or caused to begin, a continuous program of on-site construction of the source, to be completed in a reasonable time; or
 - 206.2 Entered into binding agreements or contractual obligations which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.
- 207 CONTIGUOUS PROPERTY:** Two or more parcels of land with a common boundary or separated solely by a public roadway or other public right-of-way.

- 208 EMISSIONS UNIT:** An identifiable operation or piece of process equipment such as an article, machine, or other contrivance which controls, emits, may emit, or results in the emissions of any air pollutant directly or as fugitive emissions.
- 209 REGULATED POLLUTANT:** A pollutant for which an Ambient Air Quality Standard has been established by the EPA or by the California Air Resources Board (ARB), and the precursors to such pollutants.
- 210 RESPONSIBLE OFFICIAL:** An individual with the authority to certify that a source complies with all applicable requirements, including the conditions of permits issued to sources in accordance with Regulation 5, PERMITS. A "responsible official" means one of the following:
- 210.1 For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - 210.1.1 The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - 210.1.2 The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer;
 - 210.2 For a partnership or sole proprietorship, a general partner or the proprietor, respectively; or
 - 210.3 For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or
 - 210.4 For an acid rain unit subject to Title IV (Acid Deposition Control) of the Clean Air Act, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.
- 211 STARTUP:** means the setting in operation of a stationary source or emission unit for any purpose.
- 212 STATIONARY SOURCE (SOURCE OR FACILITY):** Any building, structure, facility, or emissions unit which emits or may emit any regulated pollutant directly or as fugitive emissions.
- 212.1 Building, structure, facility, or emissions unit includes all pollutant emitting activities which:
 - 212.1.1 Belong to the same industrial grouping; and
 - 212.1.2 Are located on one property or on two or more contiguous properties; and
 - 212.1.3 Are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control.

212.2 Pollutant emitting activities shall be considered as part of the same industrial grouping if:

212.2.1 They belong to the same two-digit standard industrial classification code under the system described in the 1987 Standard Industrial Classification Manual; or

212.2.2 They are part of a common production process. (Common production process includes industrial processes, manufacturing processes and any connected processes involving a common material.)

212.3 The emissions of cargo carriers associated with the stationary source shall be considered emissions from the stationary source to the extent that emission reductions from these cargo carriers are proposed as offsets.

213 TITLE V PERMITS: A permit issued, denied, renewed, amended, or reopened pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, and the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.), and Part 70 Code of Federal Regulations, "State Operating Permit Programs".

300 STANDARDS

301 AUTHORITY TO CONSTRUCT: Any person building, erecting, placing on site, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer (APCO) as specified in Section 403 of this rule. The emissions unit(s) shall not commence operation until the Air Pollution Control Officer takes final action to approve the Authority to Construct. After the emissions unit(s) commence operation, the Authority to Construct may remain in effect as a Temporary Permit to Operate until a Permit to Operate the equipment is granted or denied or the application is canceled.

301.1 An Authority to Construct, unless extended, shall expire no later than one year following the construction completion date given by the applicant, or no later than two years following the date of permit issuance, whichever occurs first.

301.2 If a written request to extend the Authority to Construct is received by the Air Pollution Control Officer prior to the expiration of the Authority to Construct, an extension may be granted for up to two years if the Air Pollution Control Officer determines that: (1) commencement of construction has occurred, and a good faith effort to complete the project has been made; and (2) the parameters of the project remain the same as in the initial application.

301.3 The Air Pollution Control Officer shall be notified of the anticipated date of initial startup or operation of any permitted emission unit.

301.4 The Air Pollution Control Officer shall be notified of the actual date of initial startup within five (5) days after such date.

302 PERMIT TO OPERATE: Any person operating an emission unit, shall first obtain a written permit from the Air Pollution Control Officer.

303 STANDARDS FOR GRANTING APPLICATIONS:

303.1 The Air Pollution Control Officer shall deny an Authority to Construct or Permit to Operate, except as provided in Rule 502, NEW SOURCE REVIEW, if the

applicant does not show that every emission unit is so designed, controlled, equipped, and operated with such air pollution control equipment that it may be shown to operate without emitting or without causing to be emitted air contaminants in violation of these rules and regulations or of such state or federal statutes as may be enforceable by the Air Pollution Control Officer on the date the application is deemed complete.

303.2 No Permit to Operate shall be granted, either by the Air Pollution Control Officer or the Hearing Board, for any emission unit which has been constructed or installed without authorization as required by Section 301 of this rule, until:

303.2.1 The information necessary to enable the Air Pollution Control Officer to make the determination required by Section 303 of this rule and Rule 502, NEW SOURCE REVIEW is presented to the Air Pollution Control Officer; and

303.2.2 Such emission unit is altered, if necessary, and made to conform to the standards set forth in Section 303 of this rule, elsewhere in these rules and regulations, and in the California Health and Safety Code.

303.3 In acting upon a Permit to Operate, if the Air Pollution Control Officer finds that the emission unit has not been constructed in accordance with the Authority to Construct, he or she shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for a Permit to Operate the emission unit so constructed until he or she finds that the emission unit has been reconstructed in accordance with the Authority to Construct.

303.4 The Air Pollution Control Officer shall require enforceable emission limitations as permit conditions in Authorities to Construct and Permits to Operate to assure the permanence of surplus actual emissions reductions applied for use as internal reductions or emission reduction credits in accordance with Rule 502, NEW SOURCE REVIEW and Rule 504, EMISSION REDUCTION CREDITS.

303.5 The Air Pollution Control Officer shall determine that an applicant for an authority to construct or modify a potential source of air contaminants located within 1,000 feet from the outer boundary of a school has complied with the applicable requirements of California Health and Safety Code Section 42301.6, preparation and distribution of a public notice, prior to approving an application for an Authority to Construct permit.

303.6 Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with all applicable requirements, including applicable provisions of the California State Implementation Plan, District Rules and Regulations, or State or Federal law.

303.7 The Air Pollution Control Officer shall require the applicant, as a condition of the Authority to Construct, to comply with the requirements of California Health and Safety Code Part 6, (Section 44300 et seq.), Air Toxics "Hot Spots" Information and Assessment Act.

304 PROVISION OF SAMPLING AND TESTING FACILITIES: In addition to the monitoring and testing required to comply with state or federal laws or regulations, the Air Pollution Control Officer may, upon reasonable written notice or before an Authority to Construct or Permit to Operate is granted, require the applicant or the owner or operator of any emission unit to:

- 304.1 Provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the equipment in question. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling, testing, and air monitoring equipment. Such platform and access shall be constructed in accordance with the applicable General Industry Safety Orders of the State of California.
- 304.2 Provide and maintain sampling and monitoring apparatus to measure emissions of air contaminants.
- 304.2.1 Continuous emission monitoring systems, as a minimum, shall be installed to meet the performance specifications required, by Section 502 of this rule.
- 304.2.2 A violation of emission standards of these rules, as shown by the continuous emission monitoring system, shall be reported by the owner or operator to the Air Pollution Control Officer within 96 hours, or such earlier time as may be required by Rule 404, UPSET CONDITIONS, BREAKDOWN AND SCHEDULED MAINTENANCE.
- 304.2.3 In the event of a breakdown of monitoring equipment, the owner or operator shall notify the Air Pollution Control Officer within 48 hours and shall initiate repairs. The owner or operator shall inform the Air Pollution Control Officer of the intent to shutdown any monitoring equipment at least 24 hours prior to the event.
- 304.2.4 Compliance with the subsections above, does not exempt the owner or operator from applicable provisions of Rule 404, UPSET CONDITIONS, BREAKDOWN AND SCHEDULED MAINTENANCE, the emergency provisions of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, pursuant to 40 CFR 70.6(g), or the separate reporting requirements of other federal regulations to which the stationary source or emissions unit is subject.
- 304.3 If the Air Pollution Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of a numerical emission standard infeasible, the Air Pollution Control Officer may instead prescribe a design, operational, or equipment standard. In such cases, the Air Pollution Control Officer may require the installation or modification of process monitoring devices such that the design characteristics or equipment will be properly maintained, or that the operational conditions will be properly performed, so as to continuously achieve the assumed degree of control. To the extent applicable, reporting requirements for process monitors shall be the same as for continuous emission monitoring systems.
- 304.4 A person operating or using a continuous emission monitoring system shall, upon written notice from the Air Pollution Control Officer, provide a summary of the data obtained from such systems. This summary of the data shall be in the form and manner prescribed by the Air Pollution Control Officer. The summary of data shall be available for public inspection at the office of the Air Pollution Control District. Records from the monitoring equipment shall be kept by the owner or

operator for a period of five (5) years, during which time they shall be available to the Air Pollution Control Officer in such form as he or she directs.

- 305 TRANSFER:** An Authority to Construct or Permit to Operate shall only be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another by means of an application for authorization in accordance with Section 403 of this rule.
- 306 PERMIT RENEWAL:** Every Permit to Operate, except as specified below, shall be renewable annually on the permit's anniversary date, commencing one (1) year after the date of issuance.
- 306.1 Action to suspend or revoke the permit has been initiated and such action has resulted in a final determination to suspend or revoke the permit by the Air Pollution Control Officer or the Hearing Board and all appeals, or time for appeals, has been exhausted.
- 306.2 Fees applicable to the renewal of the permit(s) to operate have not been paid, as specified in Regulation 6, FEES.
- 306.3 The Air Pollution Control Officer shall review every Permit to Operate upon annual renewal, pursuant to Health and Safety Code Section 42301(e), to determine that permit conditions are adequate to ensure compliance with, and the enforceability of, District Rules and Regulations and state and federal laws and regulations applicable to the emission unit for which the permit was issued. Applicable District Rules and Regulations shall include those which were in effect at the time the permit was issued or modified, or which have subsequently been adopted and made retroactively applicable to an existing emission unit by the District Board of Directors. The Air Pollution Control Officer shall revise the conditions, if such conditions are not consistent, in accordance with these rules, regulations, and laws.
- 306.4 The Air Pollution Control Officer may establish an annual permit renewal date for all Permits to Operate held by a stationary source. Thereafter, Permits to Operate shall be renewable that same day and month of each succeeding year, subject to any other requirements of these Rules and Regulations and of state law, regarding validity, voiding or revocation of permits.
- 307 PERFORMANCE TESTING:** Within sixty (60) days after achieving the maximum production rate or the maximum rate of emissions to which the source is limited by enforceable conditions, but not later than one hundred eighty (180) days after initial startup of such source, or as otherwise required by the Air Pollution Control Officer to determine continuous compliance with emission limitations or to confirm emission reductions claimed, the owner or operator of such source shall conduct performance test(s) in accordance with methods and under operating conditions as are approved by the Air Pollution Control Officer and furnish the Air Pollution Control Officer a written report of the results of such performance test(s) within 60 days of completion of such tests..
- 307.1 Such test(s) shall be at the expense of the owner or operator.
- 307.2 Testing shall be conducted with the source(s) of emissions operating at maximum capacity or other rate conforming to the maximum rate of emissions to which the source(s) are limited by enforceable condition(s).

- 307.3 The Air Pollution Control Officer may monitor such test and may also conduct performance tests.
- 307.4 The owner or operator of a source shall provide the Air Pollution Control Officer prior notice of the performance test to afford the Air Pollution Control Officer the opportunity to have an observer present. Notice shall be at least 15 days prior to the test, or as agreed to by the Air Pollution Control Officer.
- 307.5 The Air Pollution Control Officer may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Air Pollution Control Officer's satisfaction that the source is being operated in compliance with all local, state, and federal regulations which are part of the California State Implementation Plan.

400 ADMINISTRATIVE REQUIREMENTS

- 401 POSTING:** A person who has been granted a Permit to Operate any emission unit described in Section 302 of this rule shall maintain a legible copy of said permit on the premises of the subject equipment. Other information, analysis, plans or specifications which disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged from such source shall be readily available for inspection by the Air Pollution Control Officer.
- 402 ALTERING OF PERMIT:** A person shall not willfully deface, alter, forge, counterfeit, or falsify a Permit to Operate any emission unit described in Section 302 of this rule. A permit amendment or revision requested by the owner or operator, other than an administrative permit, shall require the filing of an application. For an administrative permit amendment, a responsible official may implement the change addressed in the written request immediately upon submittal of the request. The Air Pollution Control Officer shall take final action no later than sixty (60) days after receiving the written request for an administrative permit amendment.
 - 402.1 After verifying that the permit revision is an administrative permit amendment, the Air Pollution Control Officer may revise the permit without providing notice to the public or any affected state.
 - 402.2 The Air Pollution Control Officer shall provide a copy of the revised permit to the responsible official
 - 402.3 While the Air Pollution Control Officer need not make a completeness determination on a written request, the Air Pollution Control Officer shall notify the responsible official if the Air Pollution Control Officer determines that the permit cannot be revised as an administrative permit amendment.
- 403 APPLICATIONS:** An application for an Authority to Construct, Permit to Operate, change of ownership, or an application for a permit amendment, permit reopening, or revision shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determinations required by Section 303 of this rule and other applicable District Rules and Regulations and state and federal laws and regulations.
 - 403.1 A responsible official representing the owner or operator shall certify the truth, accuracy and completeness of application forms.
 - 403.2 When the information submitted with the application is insufficient for the Air Pollution Control Officer to make the required determinations, upon the written

request of the Air Pollution Control Officer a responsible official shall supplement any complete application with additional information within the time frame specified by the Air Pollution Control Officer.

403.3 A responsible official shall promptly provide additional information in writing to the Air Pollution Control Officer upon discovery of submittal of any inaccurate information as part of the application or as a supplement thereto, or of any additional relevant facts previously omitted which are needed for accurate analysis of the application.

403.4 Intentional or negligent submittal of inaccurate information shall be reason for denial of an application.

403.5 An application for an Authority to Construct, Permit to Operate, or permit amendment or revision shall be accompanied by payment of the application filing fee specified in Regulation 6, FEES.

404 ACTION ON APPLICATIONS: The Air Pollution Control Officer shall notify the applicant in writing of his or her approval, conditional approval, suspension, or denial of the application for an Authority to Construct or Permit to Operate.

404.1 In the event said notification or notification of application completeness pursuant to Rule 502, NEW SOURCE REVIEW, is not received by applicant within 30 days of the filing of the application, or within 30 days of providing further information as required by Section 403, the applicant may, at his or her option, deem the application to construct or Permit to Operate denied.

404.2 Service of said notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the person(s) served or affidavit of the person making the service.

405 CONDITIONAL APPROVAL: The Air Pollution Control Officer may issue an Authority to Construct or a Permit to Operate subject to conditions which will bring the operation of the emission unit within the standards of Section 303 of this rule. The conditions shall be specified in writing. Commencing work under such an Authority to Construct, or operation under such a Permit to Operate, shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an Authority to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the emission unit can operate under the revised conditions within the standards of Section 303 of this rule.

406 DENIAL OF APPLICATION: In the event of a denial of an Authority to Construct or Permit to Operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the person(s) served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his or her reasons for denial of the Authority to Construct or the Permit to Operate.

407 DISCLOSURE: The Air Pollution Control Officer, at any time, may require from an applicant, or holder of, any permit provided for in these rules and regulations, such information, analyses, plans, or specifications which will disclose the nature, extent, quality, or degree of air contaminants which are, or may be, discharged by the source for which the permit was issued or applied. The Air Pollution Control Officer may require that such disclosures be certified by a professional engineer registered in the State of

California. A responsible official representing the owner or operator shall certify the truth, accuracy and completeness of disclosures. Studies necessary to provide such information shall be at the expense of the owner or operator of the source for which a permit was issued or applied.

- 408 EMISSION STATEMENT:** Upon the request of the Air Pollution Control Officer and as directed by the Air Pollution Control Officer, the owner or operator of any stationary source operation which emits or may emit oxides of nitrogen or reactive organic gas shall provide the Air Pollution Control Officer with a written statement, in accordance with Rule 503, EMISSION STATEMENT, showing actual emissions of oxides of nitrogen and reactive organic gas from that source.
- 409 SUSPENSION:** The Air Pollution Control Officer may suspend a permit if a holder of such permit willfully fails and refuses to furnish information, analyses, plans, and specifications, within a reasonable time, as requested by the Air Pollution Control Officer pursuant to California Health and Safety Code Section 42303, District Rules and Regulations, or any other law, rule, regulation, agreement, or order enforceable by the District. The Air Pollution Control Officer shall serve notice, in writing, of such suspension and the reasons therefore. Service of said notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served or affidavit of the person making the service. The permit shall be reinstated when the Air Pollution Control Officer is furnished with all requested information, analyses, plans, and specifications.
- 410 CANCELLATION OF APPLICATION:** An Authority to Construct or Permit to Operate application may be canceled by the Air Pollution Control Officer:
- 410.1 At the request of the applicant; or
 - 410.2 If additional information has been requested of the applicant in accordance with Section 403 without the subsequent submittal of information within a reasonable time.
 - 410.3 If applicable permit fees of Rule 601, PERMIT FEES are not paid when due the application may be cancelled and any issued Authority to Construct or Permit to Operate may be voided.
- 411 CANCELLATION OF PERMIT TO OPERATE:** If, prior to the surrender of the operating permit, the Air Pollution Control Officer determines that the source or the emissions unit has been removed or fallen into an inoperable or un-maintained condition, the Air Pollution Control Officer may notify the owner of the intent to cancel the permit, providing the owner or operator with 30 days to respond. If the owner cannot demonstrate to the satisfaction of the Air Pollution Control Officer that the owner intended to operate again, or the owner does not respond within 30 days from the date a second noticing of the District's intent to cancel the permit is mailed by the District to the owner or operator, then the Air Pollution Control Officer may cancel the permit and deem the source or emissions unit shutdown as of the last known date the source or emissions unit discharged emissions.
- 411.1 The owner or operator may request an extension of time, in writing prior to the end of the sixty (60) day period following the initial notice, from the Air Pollution Control Officer.
 - 411.2 The Air Pollution Control Officer may grant an extension of time not to exceed ninety (90) days.

411.3 The owner or operator may claim emissions reductions resulting from the shutdown in accordance with the provisions of Rule 504, EMISSION REDUCTION CREDITS, prior to the end of the sixty (60) day period following the initial notice, or prior to the expiration of an extension.

411.4 The Air Pollution Control Officer shall advise, in writing, the owner or operator of the stationary source or emissions unit for which a permit is canceled of the cancellation decision.

411.5 The owner or operator may appeal the decision to cancel the permit pursuant to Section 413 of this rule.

412 TEMPORARY PERMIT: The Air Pollution Control Officer may issue a temporary Permit to Operate. The temporary Permit to Operate shall specify a reasonable period of time during which the emission unit may be operated in order for the District to determine whether it will operate in accordance with the conditions specified in the permit.

413 APPEALS: Within ten days after notice, by the Air Pollution Control Officer, of cancellation, suspension, denial, or conditional approval of an Authority to Construct, Permit to Operate, or emissions reduction credit application, the applicant or any other aggrieved person who participated in the permit issuance proceedings may petition the Hearing Board, in writing, for an order modifying or reversing that decision. The Hearing Board after public notice and a public hearing held within thirty days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

500 MONITORING AND RECORDS

501 TESTING PROCEDURES:

501.1 General Requirements: Except as otherwise specified in the District Rules and Regulations, the State Implementation Plan, and the applicable federal requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, testing methods for determining compliance with emission limits shall be:

501.1.1 The appropriate methods adopted by the California Air Resources Board and cited in Title 17, California Code of Regulations, Division 3, Subchapter 8, Compliance with Non-vehicular Emission Standards; or

501.1.2 The appropriate methods of 40 CFR part 50, Appendix M, Recommended Test Methods for State Implementation Plans; or

501.1.3 Any appropriate method of 40 CFR part 60, Appendix A, Test Methods; or

501.1.4 An alternative method following review and approval of that method by the California Air Resources Board and US Environmental Protection Agency.

501.2 Initial Boiling Point: ASTM D-1078-86, "Test Method for Distillation Range of Volatile Organic Liquids".

501.3 Vapor Pressure: ASTM D-2879-86, "Vapor Pressure-Temperature Relation and Initial Decomposition Temperature of Liquids by Isoteniscope".

502 MONITORING: As applicable, each emission source subject to the requirements of Section 301 and 302 shall comply with the following monitoring requirements:

502.1 The requirements of Title 40, Code of Federal Regulations, Part 60, Appendix B and F.

502.2 The applicable federal requirements for monitoring of Title V of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).

503 RECORDKEEPING:

503.1 The following records shall be maintained and provided to the Air Pollution Control Officer upon request.

503.1.1 Emissions monitoring and process data records necessary for the determination and reporting of emissions, in accordance with applicable provisions of the District Rules and Regulations, shall be maintained. Records shall be kept for at least two years and shall be kept 5 years for sources subject to the applicable requirements of Title V and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

503.1.2 Other records of the nature and amounts of emissions or any other information as may be deemed necessary by the Air Pollution Control Officer to determine whether the stationary source or emissions unit is in compliance with applicable emission limitations, credited emission reductions, exemptions from rule provisions, or other requirements. The information must include emission measurements, continuous emission monitoring system performance testing measurements, performance evaluations, calibration checks and adjustments, maintenance performed on such monitoring systems, and other records and reports required by Title 40, Code of Federal Regulations, Part 60, Appendix B and F.

503.1.3 Operation and maintenance plans shall be submitted to the District for all add-on capture and control equipment for review and approval by the Air Pollution Control Officer. Such plans shall demonstrate, though the use of specific recordkeeping requirements, continuous operation of the add-on control equipment when emission producing operations are occurring. The plan shall also specify records to be kept to document the performance of required periodic maintenance. Records shall be consistent with compliance time frames and employ the most recent US Environmental Protection Agency recordkeeping guidance.

503.2 The Air Pollution Control Officer may require recordkeeping to verify or maintain any exemption.

RULE 502 NEW SOURCE REVIEW

Adopted 11-12-74

(Amended 05-24-77, 06-19-79, 09-21-93, 11-03-94, 08-09-01, 12-09-04,
rescinded and re-adopted 2-11-10, amended 10-13-11, 8-8-13)

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100 GENERAL

101 PURPOSE: The purpose of this rule is to provide for the review of new and modified stationary air pollution sources and to provide mechanisms, including emission offsets, by which authorities to construct for such sources may be granted without interfering with the attainment or maintenance of ambient air quality standards.

102 APPLICABILITY: This rule shall apply to all new stationary sources and emissions units and all modifications to existing stationary sources and emissions units that, after construction, emit or may emit any NSR regulated pollutant within the District.

If any source or modification becomes a major source or major modification solely by virtue of the relaxation of any limitation that was established after August 7, 1980, on the capacity of the source or modification to emit a federal nonattainment pollutant or its precursor such as a restriction on hours of operation, then the requirements of this rule shall apply to such a source or modification as though construction had not yet commenced on the source or modification.

This rule shall not apply to prescribed burning of forest, agriculture or range land; open burning in accordance with District Regulation 3, OPEN BURNING; road construction, or any non-point source common to timber harvesting or agricultural practices.

The regulations in effect at the time any application for an Authority to Construct for a new or modified source is deemed complete shall apply to that source except when a new federal requirement not yet incorporated into this Rule applies to the new or modified source.

103 PUBLIC NOTIFICATION REQUIREMENTS: The public notice requirements of Sections 406 and 407 shall apply if the project is for a new or modified stationary source or emissions unit for which offsets are required pursuant to Section 303.1, and to all new or modified stationary sources that are projected to emit increased actual lead emissions at a rate of 5 tons per year or greater.

200 DEFINITIONS: The following definitions apply for all terms used in this Rule. If a term is not defined below, then the definitions provided in Rule 102, DEFINITIONS, and Rule 504, EMISSIONS REDUCTION CREDITS, apply in that hierarchical order.

201 ACTUAL EMISSIONS: Emissions having occurred from a source, based on source test and actual fuel consumption or process data, or monitoring data. If source test or monitoring data is not available, other appropriate, APCO-approved, emission factors may be used. Fugitive emissions associated with the emissions unit shall be included in the actual emissions of the emissions unit.

202 ACTUAL EMISSIONS REDUCTIONS (AER): The decrease of actual emissions, compared to Baseline Actual Emissions, from an emissions unit. AER shall be real, federally enforceable, quantifiable, surplus, and permanent.

203 ACTUAL INTERRUPTIONS OF ELECTRICAL POWER: When electrical service is interrupted by an unforeseeable event.

204 ALLOWABLE EMISSIONS: The emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, hours of operation, or both) and the most stringent of the following:

204.1 Any applicable standards set forth in these regulations and 40 CFR Part 60, 61, or 63;

- 204.2 Any applicable emission limitation in the State Implementation Plan (SIP), including those with a future compliance date; or
- 204.3 The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.
- 205 AMBIENT AIR QUALITY STANDARDS:** There are both State and federal ambient air quality standards. For the purpose of submittal to the U.S. Environmental Protection Agency for inclusion in the California State Implementation Plan all references in this rule to Ambient Air Quality Standards shall be interpreted as National Ambient Air Quality Standards.
- 206 BASELINE ACTUAL EMISSIONS (BAE):**
- 206.1 "Baseline Actual Emissions" are the actual emissions for the existing emissions unit averaged over the consecutive two (2) year period immediately preceding the date of the application. If the last two years are unrepresentative of normal source operations as determined by the APCO, then any other 2 consecutive year period during the last five years which the APCO determines represents normal source operations may be used.
- 206.2 If, at any time during the 2 year period, actual emissions exceeded allowable emission levels, then actual emissions shall be reduced to reflect emission levels that would have occurred if the unit were in compliance with all applicable limitations and rules.
- 206.3 Where an emissions unit has been in operation for less than 2 years, a shorter averaging period of at least 12 months may be used, provided that the averaging period is representative of the full operational history of the emissions unit. If less than 12 months has passed since the date of issuance of the Permit to Operate then Actual Emissions shall be used as the Baseline Actual Emissions.
- 207 BEGIN ACTUAL CONSTRUCTION:** Initiation of physical on-site construction activities on an emissions unit which is of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipe work, and construction of permanent storage structures. With respect to a change in method of operation that does not involve a physical change, this term refers to those on-site activities, other than preparatory activities, which mark the start of the change in the method of operation.
- 208 BEST AVAILABLE CONTROL TECHNOLOGY (BACT):** The most stringent emission limitation or control technique of the following:
- 208.1 Achieved in practice for such category and class of source; or
- 208.2 Contained in any SIP approved by the EPA for such category and class of source. A specific limitation or control technique shall not apply if the owner of the proposed emissions unit demonstrates to the satisfaction of the APCO that such a limitation or control technique is not presently achievable; or
- 208.3 Contained in an applicable federal New Source Performance Standard; or
- 208.4 Any other emission limitation or control technique, including process and equipment changes of basic or control equipment, found by the APCO to be cost effective and technologically feasible for such class or category of sources.

- 209 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):** The California Environmental Quality Act, Public Resources Code, Section 21000, et seq.
- 210 CLASS I AREA:** Any area listed as Class I in 40 CFR 81.405 or an area otherwise specified as Class I in the legislation that creates a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore. The only designated Class I area within 20 miles of Placer County as of October 13, 2011 was Desolation Wilderness Area in El Dorado County.
- 211 COMMENCE:** As applied to construction of a major stationary source or major modification means that the owner or operator has all necessary preconstruction approvals or permits and either has:
- 211.1 Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
 - 211.2 Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.
- 212 CARGO CARRIERS:** Cargo carriers are trains dedicated to a specific source.
- 213 CONSTRUCTION:** Means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.
- 214 CONTIGUOUS PROPERTY:** Two or more parcels of land with a common point or boundary or separated solely by a public roadway or other public right-of-way.
- 215 COST-EFFECTIVE:** A cost per unit of emissions reduction which is lower than or equivalent to the maximum unit costs of the same emissions reduction through the use of Best Available Control Technology, calculated in current year dollars, in accordance with methodology and criteria specified in guidelines developed by the District.
- 216 EMERGENCY ENGINES:** A stationary engine that meets the criteria specified below:
- 216.1 It is installed for the primary purpose of providing electrical power or mechanical work for emergency use and is not the source of primary power at the facility; and
 - 216.2 It is operated to provide electrical power or mechanical work during any emergency use; and
 - 216.3 It is operated no more than 100 hours per year for maintenance and testing, emissions testing or initial start-up testing. Diesel engines may be further limited by the California Air Resources Board's Airborne Toxic Control Measure for Stationary Compression Engines in Section 93115.6(a)).
- 217 EMERGENCY USE:** The providing of electrical power or mechanical work during any of the following events.
- 217.1 The failure or loss of all or part of normal electrical power service or normal natural gas supply to the facility, or the failure of a facility's internal power distribution system:

- 217.1.1 Which is caused by any reason other than the adherence to a contractual obligation the owner or operator has with a third party or any other party; and
- 217.1.2 Which is demonstrated by the owner or operator, to the APCO's satisfaction, to have been beyond the reasonable control of the owner or operator.
- 217.2 The pumping of water or sewage to prevent or mitigate a flood or sewage overflow.
- 217.3 The pumping of water for fire suppression or protection.
- 217.4 The powering of ALSF-1 or ALSF-2 airport runway lights under category II or III weather conditions.
- 217.5 The pumping of water to maintain pressure in the water distribution system for the following reasons:
 - 217.5.1 A pipe break that substantially reduces water pressure; or
 - 217.5.2 High demand on the water supply system due to high use of water for fire suppression; or
 - 217.5.3 The breakdown of electric-powered pumping equipment at sewage treatment facilities or water delivery facilities.
- 217.6 The emergency operation of ski lifts during an actual interruption of normal electrical power service to the facility.
- 218 EMISSION DECREASE:** Any modification that would result in an emission decrease of actual emissions.
- 219 EMISSION REDUCTION CREDITS (ERC):** Reductions of actual emissions from emission units that are certified by an air district in accordance with that district's rules and are issued by the air district in the form of ERC certificates.
- 220 EMISSIONS LIMITATION:** One or more federally enforceable permit conditions specific to an emissions unit that restricts its maximum emissions, at or below the emissions associated with the maximum design capacity; and that is contained in the latest Authority to Construct or enforceable by the latest Permit to Operate for the emission unit.

Emissions limitations should be stated in a manner consistent with testing procedures. They may be expressed as an enforceable design, operational, or equipment standard.
- 221 EMISSIONS UNIT:** An identifiable operation or piece of process equipment such as an article, machine, or other contrivance which controls, emits, may emit, or results in the emissions of any air pollutant directly or as fugitive emissions.
- 222 FEDERALLY ENFORCEABLE:** All limitations and conditions which are enforceable by the EPA administrator, including those requirements developed pursuant to 40 CFR parts 60, 61 and 63, requirements within the California State Implementation Plan (SIP), any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR part 51, subpart I, including operating permits issued under an EPA-approved program that is incorporated into the SIP and expressly requires adherence to any permit issued under such program.

- 223 FUGITIVE EMISSIONS:** Those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- 224 FUNCTIONALLY EQUIVALENT EMISSION UNIT:** An emission unit that serves the identical function as the unit being replaced. The maximum rating and the potential to emit any pollutant shall not be greater from the functionally equivalent emission unit than the replaced unit. The emission increase from any such replacement shall not result in a major modification.
- 225 HALOGENATED HYDROCARBONS:** For the purposes of this rule, halogenated hydrocarbons are the following:
- 225.1 1,1,1-trichloroethane
 - 225.2 methylene chloride
 - 225.3 2,2-dichloro-1,1,1-trifluoroethane (HCFC-123)
 - 225.4 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
 - 225.5 trichlorofluoromethane (CFC-11)
 - 225.6 dichlorodifluoromethane (CFC-12)
 - 225.7 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113)
 - 225.8 1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane (CFC-114)
 - 225.9 chloropentafluoroethane (CFC-115)
 - 225.10 pentafluoroethane (HFC-125)
 - 225.11 1,1,2,2-tetrafluoroethane (HFC-134)
 - 225.12 tetrafluoroethane (HFC-134a)
 - 225.13 1,1-dichloro-1-fluoroethane (HCFC-141b)
 - 225.14 1-chloro-1,1-difluoroethane (HCFC-142b)
 - 225.15 1,1,1-trifluoroethane (HFC-143a)
 - 225.16 chlorodifluoromethane (HCFC-22)
 - 225.17 trifluoromethane (HFC-23)
 - 225.18 1,1-difluoroethane (HFC-152a)
 - 225.19 The following four classes of perfluorocarbon compounds:
 - a. Cyclic, branched, or linear, completely fluorinated alkanes.
 - b. Cyclic, branched, or linear, completely fluorinated ethers, with no unsaturations.
 - c. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.
 - d. Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
 - e. Perfluorocarbon compounds will be assumed to be absent from a product or process unless a manufacturer or facility operator identifies the specific individual compounds (from the broad classes of perfluorocarbon compounds) and the amounts present in the product or process and provides a validated test method which can be used to quantify the specific compounds.
- 226 HAZARDOUS AIR POLLUTANT (HAP):** Any air pollutant listed pursuant to Section 112(b) of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).
- 227 HISTORIC ACTUAL EMISSIONS (HAE):** Historic Actual Emissions shall be calculated for each pollutant.
- 227.1 For a new emissions unit Historic Actual Emissions are equal to zero.
 - 227.2 For an existing emissions unit, Historic Actual Emissions equals either, in hierarchical order;

227.2.1 The federally enforceable potential to emit (PTE) limit contained in the most recent Authority to Construct or Permit to Operate, if actual emissions are at least 80% of the permitted PTE limit, or

227.2.2 The federally enforceable PTE limit contained in the most recent Authority to Construct or Permit to Operate, if the emission unit was fully offset for any emission increases incurred since September 21, 1993, within the 5 year period prior to the date of application for the current project, or

227.2.3 The Baseline Actual Emissions.

228 IDENTICAL EMISSION UNIT: A replacement emissions unit which is the same as the original unit in all respects except for serial number.

229 LAKE TAHOE AIR BASIN: Established pursuant to Section 39606 of the Health & Safety Code of the State of California and as described in Title 17, California Code of Regulations, Section 60113 (b), the basin includes that portion of Placer County within the drainage area naturally tributary to Lake Tahoe including said Lake, plus that area in the vicinity of the head of the Truckee River described as follows: commencing at the point common to the aforementioned drainage area crest line and the line common to Townships 15 North and 16 North, Mount Diablo Base and Meridian (M.D.B. & M.), and following that line in a westerly direction to the northwest corner of Section 3, Township 15 North, Range 16 East, (M.D.B. & M.), thence south along the west line of Sections 3 and 10, Township 15 North, Range 16 East, M.D.B. & M., to the intersection with the drainage crest line, thence following the said drainage area boundary in a southwesterly, then northeasterly direction to and along the Lake Tahoe Dam, thence following the said drainage area crest line in a northeasterly, then northwesterly direction to the point of beginning. This Air Basin is delineated on an official map on file at the California Air Resources Board Headquarters Office.

230 MAJOR STATIONARY SOURCE – SACRAMENTO AIR BASIN: A stationary source which emits or has the potential to emit: 25 tons per year (tpy) or more of nitrogen oxides or reactive organic compounds, or 100 tpy or more of sulfur oxides, or PM2.5. In addition, any physical change occurring at a stationary source not otherwise qualifying as a major stationary source, which would constitute a major stationary source by itself, makes the source a major stationary source.

231 MAJOR STATIONARY SOURCE – MOUNTAIN COUNTIES AIR BASIN: A stationary source which emits or has the potential to emit 25 tons per year (tpy) or more of nitrogen oxides or reactive organic compounds. In addition, any physical change occurring at a stationary source not otherwise qualifying as a major stationary source, which would constitute a major stationary source by itself, makes the source a major stationary source.

232 MAJOR MODIFICATION: A modification to a major stationary source in the Sacramento or Mountain Counties Air Basins which results in a significant emissions increase of the pollutant for which the source is classified as a major stationary source. For nitrogen oxides and reactive organic compounds, the increase shall be aggregated with all other increases and decreases in potential to emit over the period of the four consecutive years before the application for modification, plus the calendar year of the most recent application.

233 MODIFICATION: Any physical change, change in method of operation (including change in fuel characteristics), addition to, or any change in hours of operation, or change in production rate of, which:

- 233.1 For an emissions unit: would necessitate a change in permit conditions, permit equipment description, or emissions limitation.
- 233.2 For a stationary source: is a modification of any emissions unit, or addition of any new emissions unit.
- 233.3 Unless previously limited by a permit condition and that permit condition must be changed, the following shall not be considered a modification:
 - 233.3.1 A change in ownership.
 - 233.3.2 Routine maintenance and repair, or an identical replacement.
 - 233.3.3 The addition of a continuous emission monitoring system.
 - 233.3.4 The replacement of air pollution control equipment with new control equipment if the actual emissions of the new equipment are less than or equal to those from the original piece of equipment and the replacement is not a major modification under the United States Environmental Protection Agency (EPA) regulations promulgated pursuant to Title I of the Federal Clean Air Act, including 40 CFR Part 51.
 - 233.3.5 Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), or by reason of a natural gas curtailment plan pursuant to the Federal Power Act.
 - 233.3.6 Use of an alternative fuel by reason of an order or rule under Section 125 of the Act.
- 233.4 A reconstructed stationary source or emissions unit shall be treated as a new stationary source or emissions unit, not as a modification.
- 234 **MOUNTAIN COUNTIES AIR BASIN:** Established pursuant to Section 39606 of the Health & Safety Code of the State of California and as described in Title 17, California Code of Regulations, Section 60111 (I), the Mountain Counties Air Basin includes all of Placer County except that portion included in the Lake Tahoe Air Basin, defined by 17 CCR 60113(b), and that portion included in the Sacramento Valley Air Basin, defined by 17 CCR 60106(k).
- 235 **NECESSARY PRECONSTRUCTION APPROVALS OR PERMITS:** Federal air quality control laws and regulations and those air quality control laws and regulations which are part of the SIP.
- 236 **NONATTAINMENT POLLUTANT:** Any pollutant as well as any precursors of such pollutants which have been designated "nonattainment" by the U.S. Environmental Protection Agency as codified in 40 CFR 81.305, or which has been designated nonattainment by the California Air Resources Board pursuant to Section 39607 of the Health and Safety Code for specific air basins in Placer County.
- 237 **NSR REGULATED POLLUTANT:** A pollutant for which an Ambient Air Quality Standard has been established by the EPA or by the California Air Resources Board (ARB), and the precursors to such pollutants, including, but not limited to, reactive organic compounds (ROC), nitrogen oxides (NOx), sulfur oxides (SOx), PM10, PM2.5, carbon monoxide (CO) and lead.

- 238 PM2.5:** Particulate matter with an aerodynamic diameter smaller than or equal to a nominal 2.5 microns. Gaseous emissions which condense to form PM2.5 shall also be counted as PM2.5.
- 239 PM10:** Particulate matter with an aerodynamic diameter smaller than or equal to a nominal 10 microns. Gaseous emissions which condense to form PM10 shall also be counted as PM10.
- 240 PORTABLE EQUIPMENT:** Equipment that is periodically relocated and is not operated more than a total of 180 days at any one location in the District within any continuous twelve (12) month period.
- 241 POTENTIAL TO EMIT (PTE):** The maximum physical and operational design capacity to emit an air pollutant. Any limitation on the physical or operational design capacity, including emission control devices and restrictions on hours of operation, or on the type, or amount of material combusted, stored, or processed, may be considered as part of the design only if the limitation, or the effect it would have on emissions, is incorporated into the Authority to Construct as a federally enforceable permit condition. Fugitive emissions associated with the emissions unit or stationary source shall be included in the potential to emit of the emissions unit or stationary source.
- 242 PRECURSOR:** A pollutant that, when emitted into the atmosphere, may undergo either a chemical or physical change which then produces another pollutant for which an Ambient Air Quality Standard has been adopted, or whose presence in the atmosphere will contribute to the violation of one or more Ambient Air Quality Standards. The following precursor-secondary air contaminant relationships shall be used for the purposes of this rule:

Precursor	Secondary Air Contaminant
Reactive Organic Compound	a. Photochemical oxidants (Ozone) b. Organic fraction of PM10
Nitrogen Oxides	a. Nitrogen dioxide b. Nitrate fraction of PM10 c. Nitrate fraction of PM2.5 d. Photochemical oxidants (Ozone)
Sulfur Oxides	a. Sulfur dioxide b. Sulfates c. Sulfate fraction of PM10 d. Sulfate fraction of PM2.5

- 243 PREVENTION OF SIGNIFICANT DETERIORATION (PSD):** A federal permitting program for new and modified major stationary sources of air pollution for pollutants that do not exceed National Ambient Air Quality Standards.
- 244 PRIORITY RESERVE BANK:** A depository for preserving emission reduction credits pursuant to Rule 505, PRIORITY RESERVE.
- 245 PROPOSED EMISSIONS:** Emissions based on the potential to emit for the new or modified emissions unit which will be incorporated into the permit as federally enforceable permit conditions.
- 246 QUARTERLY:** Calendar quarters beginning January 1, April 1, July 1, and October 1.
- 247 QUARTERLY EMISSION LIMITATION:** One or a combination of permit conditions specific to an emissions unit that restricts its maximum emissions, in pounds per quarter, at or below the emissions associated with the maximum design capacity. A quarterly emissions limitation must be:

- 247.1 Contained in the latest Authority to Construct or enforceable by the latest Permit to Operate for the emissions unit, and
- 247.2 Enforceable on a quarterly basis.
- 248 REACTIVE ORGANIC COMPOUND:** For the purposes of this rule, reactive organic compound (ROC) has the same definition as volatile organic compound (VOC) in Rule 102, DEFINITIONS.
- 249 RECONSTRUCTED SOURCE:** Any stationary source or emissions unit undergoing physical modification where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new stationary source or emissions unit. Fixed capital cost means that capital needed to provide all the depreciable components. A reconstructed source shall be treated as a new stationary source or emissions unit.
- 250 REDUCED SULFUR COMPOUNDS:** The sulfur compounds hydrogen sulfide, carbon disulfide and carbonyl sulfide.
- 251 REPLACEMENT EMISSION UNIT:** An emissions unit for which all the criteria listed below are met. No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced unless:
- 251.1 The emissions unit is a reconstructed unit within the meaning of 40 CFR 60.15(b)(1), or the emissions unit completely takes the place of an existing emissions unit, or
- 251.2 The emissions unit is an identical emission unit or a functionally equivalent emission unit, or
- 251.3 The replacement does not alter the basic design parameters of the process unit, and
- 251.4 The replaced emissions unit is permanently removed from the stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is federally enforceable. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.
- 252 SACRAMENTO VALLEY AIR BASIN:** Established pursuant to Section 39606 of the Health & Safety Code of the State of California and as described in Title 17, California Code of Regulations, Section 60106(k), the basin includes that portion of Placer County which lies west of Range 9 east, Mount Diablo Base and Meridian (M.D.B. & M.).
- 253 SIGNIFICANT:** In reference to an emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:
- 253.1 Carbon monoxide: 100 tpy;
- 253.2 Nitrogen oxides: 25 tpy;
- 253.3 Sulfur dioxide: 40 tpy;
- 253.4 Ozone: 25 tpy of VOCs or 25 tpy of nitrogen oxides;
- 253.5 PM10: 15 tpy

- 253.6 PM2.5: 10 tpy of direct PM2.5 emissions or 40 tpy of sulfur dioxide emissions or 40 tpy of nitrogen oxide emissions
- 253.7 Lead: 0.6 tpy.
- 254 SIGNIFICANT EMISSIONS INCREASE:** For a regulated NSR pollutant, an increase in emissions that is significant for that pollutant.
- 255 STATIONARY SOURCE (SOURCE OR FACILITY):** Any building, structure, facility, or emissions unit that emits or may emit any NSR regulated pollutant directly or as fugitive emissions.
- 255.1 Building, structure, facility, or emissions unit includes all pollutant emitting activities which:
- 255.1.1 belong to the same industrial grouping, and;
- 255.1.2 are located on one property or on two or more contiguous properties, and;
- 255.1.3 are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control.
- 255.2 Pollutant emitting activities shall be considered as part of the same industrial grouping if:
- 255.2.1 they belong to the same two digit standard industrial classification code under the system described in the 1987 Standard Industrial Classification Manual, or;
- 255.2.2 they are part of a common production process. (Common production process includes industrial processes, manufacturing processes and any connected processes involving a common material.)
- 255.3 The emissions of cargo carriers associated with the stationary source shall be considered emissions from the stationary source to the extent that emission reductions from these cargo carriers are proposed as offsets.
- 256 STATIONARY SOURCE PTE:** The sum of the PTE for each emission unit which has been issued a Permit to Operate, Authority to Construct or for which an application has been submitted. Any fugitive emissions from such emission units shall be included in this calculation.
- 257 SURPLUS:** The amount of emission reductions that are, at the time of generation of an Emissions Reduction Credit (ERC), not otherwise required by federal, state, or local law, not required by any legal settlement or consent decree, and not relied upon to meet any requirement related to the California State Implementation Plan (SIP). However, emission reductions required by a state statute that provides that the subject emission reductions shall be considered surplus may be considered surplus for purposes of this Rule if those reductions meet all other applicable requirements.

Examples of federal, state, and local laws, and of SIP-related requirements, include, but are not limited to, the following:

- 257.1 The federally-approved California SIP;

- 257.2 Other adopted state air quality laws and regulations not in the SIP, including but not limited to, any requirement, regulation, or measure that: (1) the District or the state has included on a legally-required and publicly-available list of measures that are scheduled for adoption by the District or the State in the future; or (2) is the subject of a public notice distributed by the District or the State regarding an intent to adopt such revision;
- 257.3 Any other source- or source-category specific regulatory or permitting requirement, including, but not limited to, Reasonable Available Control Technology (RACT), New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Best Available Control Measures (BACM), Best Available Control Technology (BACT), and the Lowest Achievable Emission Rate (LAER); and
- 257.4 Any regulation or supporting documentation that is required by the federal Clean Air Act but is not contained or referenced in 40 C.F.R. Part 52, including but not limited to: assumptions used in attainment and maintenance demonstrations (including Reasonable Further Progress demonstrations and milestone demonstrations), including any proposed control measure identified as potentially contributing to an enforceable near-term emissions reduction commitment; assumptions used in conformity demonstrations; and assumptions used in emissions inventories.
- 258 **TEMPORARY SOURCE:** Temporary emission sources such as pilot plants, and portable facilities which will be terminated or located outside the District after less than a cumulative total of 90 days of operation in any 12 continuous months.
- 259 **TOTAL REDUCED SULFUR COMPOUNDS:** The sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide and dimethyl disulfide.

300 STANDARDS

- 301 **EMISSION AND OFFSET CALCULATIONS:** The following provisions shall be used to calculate emission increases and decreases from all new and modified emissions units located at a stationary source.
- 301.1 **BACT – Emissions Increase:** The emissions increase for each emissions unit related to the project for the purposes of determining BACT applicability shall be calculated as the proposed emissions minus the Baseline Actual Emissions. Calculations shall be performed separately for each emissions unit for each calendar quarter.
- 301.2 **Offsets - Emissions Increase or Decrease:** The emissions increase or decrease for each emissions unit related to the project for the purposes of determining Offset applicability shall be calculated as the proposed emissions, minus the Historic Actual Emissions. Emission increases or decreases shall be calculated for each emission unit and the project as a whole.
- 301.3 **Project Emissions:** If a project consists of more than one emission unit, the total emissions from all emissions units shall be summed for each pollutant to determine the emissions increase for the project. The project includes the entire scope of the preconstruction application for a new or modified stationary source.
- 301.4 **Calculation Periods:** The emissions increase or decrease for a project shall be calculated on a daily, quarterly and annual basis for each pollutant.

- 301.5 **Potential To Emit - Stationary Sources:** The potential to emit of a new or modified stationary source shall be calculated as the sum of the potential to emit, including fugitive emissions, for all emissions units, based on emission limitations established by current Permits to Operate, Authorities to Construct where permits to operate have not been issued, and the pending application.
- 301.6 **Quantity of Offsets Required For New Major Sources or Major Modifications:** If offsets are required pursuant to Section 303.2, the quantity of offsets to be provided shall be determined by calculating the emission increase for the project and applying the appropriate offset ratio based on pollutant and location as specified in Section 303.3. The calculations shall be performed separately for each pollutant and each emissions unit for each calendar quarter.
- 301.7 **Quantity of General (State) Offsets Required:** If offsets are required pursuant to Section 303.1, the quantity of offsets to be provided shall be determined as follows:
- 301.7.1 If offsets have already been provided by a stationary source for a particular pollutant, then multiply the emission increase calculated for the project by the appropriate offset ratio based on pollutant and location as specified in Section 303.3, or
- 301.7.2 If no offsets have been provided previously by a stationary source for a particular pollutant, then subtract the offset threshold specified in Section 303.1 for that pollutant from the stationary source PTE and multiply the value by the appropriate offset ratio based on pollutant and location as specified in Section 303.3.
- 301.8 **Quantity of Offsets Required For A Modification That Makes An Existing Source A Major Stationary Source:** When the proposed modification will make an existing minor source a new major source, offsets required shall be calculated as the sum of proposed PTE for all emissions units installed after September 21, 1993 based on current permits to operate and Authority to Construct where permits to operate have not been issued, plus the pending application, minus offsets supplied since September 21, 1993. Calculations shall be performed separately for each pollutant and each emissions unit for each calendar quarter. The offset ratios of Section 303.3 shall be applied to determine the ERCs required.
- 302 REQUIREMENT TO APPLY BEST AVAILABLE CONTROL TECHNOLOGY:** An applicant shall apply Best Available Control Technology (BACT) to a new emissions unit or modification of an existing emissions unit, except cargo carriers, if the change would result in an increase in quarterly emissions of a NSR regulated pollutant from the new or modified emissions unit and if the PTE of the new or modified emissions unit equals or exceeds the levels specified below.

<u>Pollutant</u>	<u>lb/day</u>
Reactive organic compounds	10
Nitrogen oxides	10
Sulfur oxides	80
PM10	80
PM2.5	80
Carbon monoxide	550
Lead	3.3
Vinyl chloride	5.5
Sulfuric acid mist	38
Hydrogen sulfide	55

Total reduced sulfur compounds	55
Reduced sulfur compounds	55

303 OFFSET REQUIREMENTS

- 303.1 General Requirement to Provide Offsets: An applicant whose facility is located in the Sacramento Valley Air Basin or the Mountain Counties Air Basin shall provide offsets for a NSR regulated pollutant if the potential to emit of a new or modified source exceeds either of the threshold quantities listed below:

<u>Pollutant</u>	<u>Pounds per quarter</u>	<u>Tons per year</u>
Reactive organic compounds	5,000	10
Nitrogen oxides	5,000	10
Sulfur oxides	13,750	27.5
PM10	7,500	15
PM2.5	7,500	15
Carbon monoxide	49,500	99

- 303.2 Major Source or Major Modification Requirement to Provide Offsets: An applicant whose facility is located in the Sacramento Valley Air Basin or the Mountain Counties Air Basin, and whose project emissions will result in a new major source or major modification, shall provide offsets for each NSR regulated pollutant that constitutes a major source or major modification.

- 303.3 Location of Offsets and Offset Ratios: The applicable offset ratio shall be determined based on the location of the new or modified stationary source required to provide offsets and the distance to the location of the emission offsets, as indicated in the following table.

<u>Location of Offset</u>	<u>Offset Ratio</u>	<u>Offset Ratio</u>
	<u>NOx and ROC</u>	<u>Other Pollutants</u>
Same Source	1.0 to 1.0	1.0 to 1.0
Within 15-Mile radius and within the same air basin	1.3 to 1.0	1.2 to 1.0
Greater than 15-Miles but within 50-Mile radius within the same air basin	1.5 to 1.0	1.5 to 1.0
Greater than 50-Mile radius and within the same air basin	Greater than 1.5 to 1.0	Greater than 1.5 to 1.0

- 303.3.1 The APCO may impose, based on the air quality analysis, a higher offset ratio such that the new or modified stationary source will not prevent or interfere with the attainment or maintenance of any ambient air quality standard.

- 303.3.2 Applicants providing offsets obtained pursuant to Rule 505, PRIORITY RESERVE, shall be subject to an offset ratio of 1.2 to 1.0 for all pollutants, except NOx and VOC, at all distances. The offset ratio for NOx and VOC offsets obtained pursuant to Rule 505, PRIORITY RESERVE, shall be subject to an offset ratio of 1.3 to 1.0 at all distances.

303.4 General Offset Provisions

- 303.4.1 All offsets shall be real, surplus, federally enforceable, quantifiable and permanent.

- 303.4.2 All offsets provided for major sources and major modifications shall be surplus at the time ERCs are surrendered to the District.
- 303.4.3 All offsets shall be surrendered to the District prior to the initial startup of the new or modified source, and the offsets shall be maintained throughout the operation of the new or modified source which is the beneficiary of the offsets.
- 303.4.4 Offsets can only come from air basins with the same or worse air quality designations than that of the stationary source requiring the offsets.
- 303.4.5 In no case shall halogenated hydrocarbons, exempt compounds or any other compound excluded from the definition of reactive organic compounds, be used as offsets for reactive organic compounds.
- 303.4.6 For sources which have provided full offsets of total suspended particulate (TSP), the PM10 emissions from an existing stationary source shall be recalculated from the TSP emission increases and decreases which have occurred since December 31, 1976, using PM10 emission factors. When PM10 emission factors do not exist, it shall be assumed that 50% of the TSP is PM10.
- 303.5 Timing of Quarterly Emission Offsets: Sufficient offsets shall be provided, from the same calendar quarter as the proposed emission increase, with the following exceptions:
 - 303.5.1 Emission reductions of reactive organic compounds or nitrogen oxides during the quarters starting April 1 or July 1 may be used to offset emission increases of the same pollutants during any calendar quarter.
 - 303.5.2 Emission reductions of carbon monoxide during the quarters starting January 1 or October 1 may be used to offset emission increases of carbon monoxide during any calendar quarter.
 - 303.5.3 Emission reductions of PM10 or PM2.5 during the quarters starting January 1 or October 1 may be used to offset emission increases of PM10 or PM2.5 during any calendar quarter.
 - 303.5.4 Emission reductions of sulfur oxides during any quarter may be used to offset emission increases of sulfur oxides during any calendar quarter.
- 303.6 Interpollutant Offsets
 - 303.6.1 The APCO may approve interpollutant offsets for precursor pollutants on a case by case basis, provided that the applicant demonstrates, through the use of an air quality model, that the emission increases from the new or modified source will not cause or contribute to a violation of an ambient air quality standard.
 - 303.6.2 Interpollutant offsets between PM10 and PM10 precursors are allowed only if PM10 precursors contribute significantly to the PM10 levels that exceed the PM10 ambient standards.
 - 303.6.3 PM10 emissions shall not be allowed to offset nitrogen oxides or reactive organic compound emissions in ozone nonattainment areas,

nor be allowed to offset sulfur oxide emissions in sulfate nonattainment areas.

303.6.4 Interpollutant emission offsets between PM_{2.5} precursors are not allowed unless modeling demonstrates that PM_{2.5} interpollutant offset ratios are appropriate in an approved PM_{2.5} attainment plan.

303.6.5 EPA and ARB must concur with all proposed interpollutant offsets ratios prior to use.

303.7 Intra-District Offsets

303.7.1 ERCs generated in another district may be used to offset emission increases in Placer County.

303.7.2 If the ERC generating source and the source with the proposed emissions increase are not in the same air basin, both of the following requirements must be met:

- a. The ERC generating source must be located in an upwind district that is classified, pursuant to Health and Safety Code Section 40910 et seq., as being in the same or a worse nonattainment status than the downwind district where the stationary source with the proposed emission increases will be located.
- b. The stationary source at which the emission increases are to be offset must be located in a downwind district that is overwhelmingly impacted, as determined pursuant to Health and Safety Code Section 39610, by emissions transported from the upwind district where the ERC generating source is located.

303.7.3 Any offset credited to a stationary source in one district using offsets obtained from reductions at a stationary source in another district shall be approved by a resolution adopted by the governing boards of both the upwind and downwind districts, after taking into consideration the impact of the offset on air quality, public health, and the regional economy. The District's governing board may delegate to the APCO the Board's authority to approve the offsets credited.

303.7.4 For ERCs generated in another district, the District may adjust the value of such credits to reflect any District requirements that would have applied if the credits had been generated within the District.

303.8 Emission Reductions, Shutdowns, and Curtailments: Actual emission reductions from an internal shutdown or curtailment of a permitted emission unit may be credited for the purposes of providing internal offsets provided:

- 303.8.1 The crediting of emission reductions from source shutdowns and curtailments comply with the current U.S. Environmental Protection Agency emissions trading policy and applicable federal regulations; and
- 303.8.2 Emissions reductions are ensured by federally enforceable emission limitations contained in the Permit to Operate, or the permanent surrender or cancellation of the Permit to Operate; and
- 303.8.3 If the shutdown emission unit is being replaced with a new or modified emission unit, the APCO may allow a maximum of 90 days as a

shakedown period for simultaneous operation of the existing and the new or modified emission unit.

303.9 Exemptions From Offset Requirements

- 303.9.1 Offsets shall not be required for temporary sources or portable equipment, if the emissions from such units do not constitute a major source or major modification to a major source.
- 303.9.2 Offsets shall not be required for an emergency engine which is used exclusively for testing, maintenance and emergency use, if the emissions from the emergency engine, excluding emergency use, do not exceed the offset limit by itself.
- 303.9.3 Offsets shall not be required for increases in carbon monoxide emissions if the applicant, using an Air Quality Model approved by the APCO, demonstrates that the increase in ambient concentration does not exceed 500 micrograms per cubic meter, 8 hour average, at or beyond the property line of the stationary source.
- 303.9.4 The requirement to provide offsets shall not apply to the following:
 - a. Relocation of emissions units solely within only one air basin within the District, and the relocation does not result in any increase in potential to emit.
 - b. Replacement emissions units, provided the replacement does not constitute a major source or major modification.
 - c. Modifications necessary to comply with any regulations contained in Regulation 2 – PROHIBITIONS, or in the SIP, unless the modification will result in a major modification. This provision does not apply to changes in production rate, hours of operation, or any other change or modification not required for compliance with Regulation 2 or the SIP.
 - d. If requested by the APCO, the applicant shall demonstrate through the use of an air quality model that the emission increases from the new or modified source will not cause or contribute to a violation of an ambient air quality standard.

304 **MAJOR SOURCE ADMINISTRATIVE REQUIREMENTS:** The following administrative requirements shall apply to any new major source or major modification regulated by the rule. Power plants over 50 megawatts shall be subject to the additional requirements of Section 500.

- 304.1 Alternative Siting: The applicant shall prepare an analysis functionally equivalent to the requirements of Division 13 of the Public Resources Code (California Environmental Quality Act-CEQA). The District will not issue an Authority to Construct unless the APCO has concluded, based on the information included in the Alternative Siting Analysis that the benefits of the proposed source significantly outweigh the environmental and social cost imposed as a result of its location, construction, or modification.
- 304.2 Certification of Compliance: The owner or operator of the proposed new or modified source has certified that all existing major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under

common control with such person) in California which are subject to emission limitations are in compliance, or on an expeditious schedule for compliance, with all applicable emission limitations and standards.

- 304.3 Potential Visibility Impacts: The APCO shall consult with the Federal Land Manager on a proposed major stationary source or major modification that may impact visibility in any Class 1 Area, in accordance with 40 CFR 51.307 if the net emissions increase from the new or modified source exceeds 10 tons/year of PM_{2.5}, 15 tons/year of PM₁₀, or 40 tons/year of NO_x; and the location of the source, relative to the closest boundary of a specified federal Class I area is within 20 miles.

305 GENERAL PROVISIONS

- 305.1 Air Quality Models: All estimates of ambient concentrations required pursuant to this rule shall be based on applicable air quality models, databases, and other requirements specified in 40 CFR Part 51, Appendix W ("Guideline on Air Quality Models"). Where an air quality model specified in 40 CFR Part 51, Appendix W ("Guideline on Air Quality Models") is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis. Written approval from the United States Environmental Protection Agency (EPA) must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment.

- 305.2 Ambient Air Quality Standards: In no case shall emissions from the new or modified stationary source prevent or interfere with the attainment or maintenance of any applicable ambient air quality standard. The Air Pollution Control Officer (APCO) may require the use of an air quality model to estimate the effects of a new or modified stationary source. The analysis shall estimate the effects of the new or modified stationary source, and verify that the new or modified stationary source will not prevent or interfere with the attainment or maintenance of any ambient air quality standard. In making this determination the APCO shall take into account the mitigation of emissions through offsets pursuant to this rule and the impacts of transported pollutants on downwind pollutant concentrations. The APCO may impose, based on an air quality analysis, offset ratios greater than the requirements of Section 303.2.

400 APPLICATION PROCESSING

- 401 **REQUIREMENT TO SUBMIT APPLICATION:** Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, shall first obtain authorization for such construction from the APCO as specified in this rule. Exemptions from this requirement are listed in Rule 501, GENERAL PERMIT REQUIREMENTS. The application shall be submitted on forms supplied by the District.
- 402 **COMPLETE APPLICATION REQUIREMENT:** The APCO shall determine whether an application is complete no later than 30 days after receipt of the application, or after such longer time period that the applicant and the APCO have agreed to in writing.

If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information required. Upon receipt of any re submittal of the application, a new 30-day period to determine completeness shall begin. Completeness of an application or a re-submitted application shall be evaluated on the basis of the information requirements set forth in District regulations as they exist on

the date on which the application or re-submitted application was received, or when the CEQA-related information which satisfies the requirements of the District's CEQA Guidelines has been received, whichever is later.

The APCO may, during the processing of the application, request an applicant to clarify, amplify, correct, or otherwise supplement the information submitted in the application.

- 403 PRELIMINARY DECISION:** Following acceptance of an application as complete, the APCO shall perform the evaluations required to determine compliance with all applicable District rules and regulations and make a preliminary written decision as to whether an Authority to Construct should be approved, conditionally approved, or denied.

The decision shall be based on the Section 300 standards in force on the date the application is deemed complete, except when a new federal requirement not yet incorporated into this Rule applies to the new or modified source.

When the District is the CEQA Lead Agency for a project, the APCO shall not issue a preliminary decision until the draft Environmental Impact Report or Negative Declaration is available for public review. The decision shall be supported by a succinct written analysis. For projects requiring offsets, the APCO shall transmit its preliminary written decision and analysis to the California Air Resources Board and the U.S. Environmental Protection Agency for a 45 day review period.

404 TIMING FOR FINAL ACTION

- 404.1** The APCO shall not take final action for any project for which an Environmental Impact Report (EIR) or a Negative Declaration is being prepared until a final EIR for that project has been certified or a Negative Declaration for that project has been approved, and the APCO has considered the information in that final EIR or Negative Declaration.

The APCO shall take final action on the application within whichever of the following periods of time is longer:

404.1.1 Within 180 days after the certification of the final EIR or approval of the Negative Declaration, or

404.1.2 Within 180 days of the date on which the application was determined complete by the APCO.

- 404.2** Except as provided in Section 103, the APCO shall provide written notice of the final action to the applicant, any commenters, the U.S. Environmental Protection Agency, and the California Air Resources Board.

- 405 AUTHORITY TO CONSTRUCT AND PERMIT TO OPERATE CONTENT:** Each Authority to Construct and/or Permit to Operate issued by the APCO shall include the following minimum terms and conditions:

- 405.1** A provision stating that the emission unit shall be operated in a manner consistent with the application used to determine compliance with this rule.

- 405.2** The following emissions limitations shall be included, if applicable:

405.2.1 BACT emission limitations if required by Section 302. Such condition(s) shall be expressed in a manner consistent with testing procedures, such as ppmv NOx, g/liter VOC, or lbs/hr.

405.2.2 A quarterly emissions limitation for each offset pollutant, if offsets are required pursuant to Section 303.

405.2.3 An emission limitation (daily, monthly, or quarterly) shall be contained in the Authority to Construct and Permit to Operate for all NSR pollutants for which offsets are not being provided pursuant to Section 303, or when required to be consistent with ambient air quality standards.

405.3 Design, Operational, or Equipment Standards: If the APCO determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of a numerical emission standard infeasible, the APCO may instead prescribe a design, operational, or equipment standard. In such cases, the District shall make its best estimate as to the emission rate that will be achieved and shall specify that rate in required submissions to the U.S. Environmental Protection Agency. Any Authority to Construct or permit issued without an enforceable numerical emission standard must contain enforceable conditions which assure that the design characteristics or equipment will be properly maintained, or that the operational conditions will be properly performed, so as to continuously achieve the assumed degree of control.

406 **PUBLICATION AND PUBLIC COMMENT:** If a proposed project is required to provide offsets pursuant to Section 303, or if a proposed project may emit increased actual lead emissions at a rate of 5 tons per year or greater, within ten calendar days following a preliminary decision, the APCO shall publish in at least one newspaper of general circulation in the District a notice stating the preliminary decision of the APCO, noting how the pertinent information can be obtained, and inviting written public comment for a 30-day period following the date of publication.

407 **PUBLIC INSPECTION:** Except as provided in Section 103, the APCO shall make available for public inspection at the District's office the information submitted by the applicant and the APCO's analysis no later than the date the notice of the preliminary decision is published. Information submitted which contains trade secrets shall be handled in accordance with Section 6254.7 of the California Government Code and relevant sections of the California Administrative Code. Further, all such information shall be transmitted no later than the date of publication to the California Air Resources Board and the U.S. Environmental Protection Agency regional office, and to any party which requests such information.

408 **DENIAL, FAILURE TO MEET STANDARDS:** The APCO shall deny any Authority to Construct or Permit to Operate if the APCO finds that the subject of the application would not comply with the standards set forth in District, state, or federal rules or regulations.

409 **DENIAL, FAILURE TO MEET CEQA:** The APCO shall deny any Authority to Construct or Permit to Operate if the APCO finds that the subject of the application would not comply with the standards set forth in CEQA.

410 **ISSUANCE, PERMIT TO OPERATE:** The APCO shall issue a Permit to Operate an emissions unit subject to the requirements of this rule after determining that all conditions specified in the Authority to Construct have been complied with or will be complied with by the dates specified on the Authority to Construct. Such applicable conditions shall be contained in the Permit to Operate. Where a new or modified stationary source is, in whole or in part, a replacement for an existing stationary source on the same property, the APCO may allow a maximum of 90 days as a shakedown period for simultaneous operation of the existing stationary source and the new source or replacement.

500 ADDITIONAL PROVISIONS FOR POWER PLANTS: This Section shall apply to power plants with maximum ratings equal to, or in excess of 50 megawatts proposed to be constructed in the District and for which a Notice of Intention (NOI) or Application for Certification (AFC) has been accepted by the California Energy Commission.

501 Within 14 days of receipt of a Notice of Intention, the APCO shall notify the California Air Resources Board and the California Energy Commission of the District's intent to participate in the Notice of Intention proceeding. If the District chooses to participate in the Notice of Intention proceeding, the APCO shall prepare and submit a report to the California Air Resources Board and the California Energy Commission prior to the conclusion of the non-adjudicatory hearing specified in Section 25509.5 of the California Public Resources Code. That report shall include, at a minimum:

501.1 A preliminary specific definition of Best Available Control Technology for the proposed facility;

501.2 A preliminary discussion of whether there is substantial likelihood that the requirements of this rule and all other District regulations can be satisfied by the proposed facility;

501.3 A preliminary list of conditions which the proposed facility must meet in order to comply with this rule or any other applicable District regulation.

The preliminary determinations contained in the report shall be as specific as possible within the constraints of the information contained in the Notice of Intention.

502 Upon receipt of an Application for Certification for a power plant, the APCO shall conduct a determination of compliance review. This determination shall consist of a review identical to that which would be performed if an application for an Authority to Construct had been received for the power plant. If the information contained in the Application for Certification does not meet the requirements of this rule, the APCO shall, within 20 calendar days of receipt of the Application for Certification, so inform the California Energy Commission, and the Application for Certification shall be considered incomplete and returned to the applicant for re-submittal.

503 The APCO shall consider the Application for Certification to be equivalent to an application for a permit to construct during the determination of compliance review, and shall apply all provisions of this rule which apply to applications for an Authority to Construct.

504 The APCO may request from the applicant any information necessary for the completion of the determination of compliance review. If the APCO is unable to obtain the information, the APCO may petition the presiding Commissioner of the California Energy Commission for an order directing the applicant to supply such information.

505 Within 180 days of accepting an Application for Certification as complete, the APCO shall make a preliminary decision on:

505.1 Whether the proposed power plant meets the requirements of this rule and all other applicable District regulations, and;

505.2 In the event of compliance, what permit conditions will be required including the specific Best Available Control Technology requirements and a description of required mitigation measures.

The preliminary written decision of this Section shall be treated as a preliminary decision under Section 403 of this Rule, and shall be finalized by the APCO only after being

subject to the public notice and comment requirements of Sections 406 and 407. The APCO shall not issue a determination of compliance for the power plant unless all requirements of this rule are met.

506 Within 240 days of the filing date, the APCO shall issue and submit to the California Energy Commission a determination of compliance or, if such a determination cannot be issued, shall so inform the California Energy Commission. A determination of compliance shall confer the same rights and privileges as an Authority to Construct only when and if the California Energy Commission approves the Application for Certification, and the California Energy Commission certificate includes all requirements of the conditions contained within the determination of compliance.

507 Any applicant receiving a certificate from the California Energy Commission pursuant to this Section and in compliance with all conditions of the certificate shall be issued a Permit to Operate by the APCO.

600 MONITORING AND RECORDS

601 RECORDKEEPING: The following records shall be maintained for two years. Records shall be provided to the APCO upon request.

601.1 Emergency Engines: Records of hours of operation for maintenance purposes and for actual interruptions of electrical power. Such records shall include the date and hours of operation, as well as the reason for operation.

601.2 Portable and Temporary Equipment: Records of operating location(s) and corresponding dates of operation.

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www.placer.ca.gov/apcd

August 21, 2002

ADVISORY NOTICE FOR GASOLINE DISPENSING FACILITIES

This advisory notice is intended for all persons who are required to *have a Permit to Operate for a retail or a non-retail gasoline dispensing facility* in Placer County. Information is provided below regarding Enhanced Vapor Recovery regulations and Air Toxics Review of new and/or existing gasoline dispensing facilities.

ENHANCED VAPOR RECOVERY

On April 1, 2001, the California Air Resources Board (ARB) adopted an "Enhanced Vapor Recovery" (EVR) program that seeks to fix existing problems with service station vapor recovery systems. This EVR Program will phase in new standards over a four (4) year period to achieve a total of 25 tons per day in statewide VOC emission reductions over the performance of existing systems. By April 1, 2005, all underground tanks will need to change to the new EVR equipment.

In the June 2002 Advisory sent out with this fiscal year's billing for your permits, the District noted that any changes that require an upgrade to EVR equipment requires an Authority to Construct. Based on clarification and information obtained from the California Air Resources Board (CARB), the District has refined the criteria for applying for and obtaining an Authority to Construct for the installation of Phase I EVR equipment.

The District is classifying the installation of Phase I EVR equipment into two categories: **major modifications** and **non-major modifications**.

A **major modification** is one in which underground excavation occurs and requires the replacement of Phase I vapor recovery equipment. All major modifications require an Authority to Construct prior to the installation of Phase I EVR replacement equipment.

A **non-major modification** occurs when replacing failed components on Phase I systems. All replacement parts must be EVR-certified parts or components. However, if Phase I EVR components or parts are not compatible, pre-EVR certified parts or components may continue to be sold and used. For example, currently there are no certified Phase I EVR components for Phase I coaxial systems, thus non-EVR components can still be used in repairs. All facilities that replace Phase I equipment as a non-major modification are required to notify the District to assure that such replacement is not considered a major modification. Additionally, facilities will be required to apply for and obtain an Authority to Construct to "capture" these changes when the EVR systems must be demonstrated to be in place by April 1, 2005.

Further information on EVR can be found at the CARB website under Programs at www.arb.ca.gov

AIR TOXICS REVIEW

Background

The Air Toxics "Hot Spots" Information and Assessment Act was enacted in September 1987, with subsequent amendments. The Air Toxics "Hot Spots" Act establishes a formal air toxics emission inventory risk quantification program that Districts manage. The goal of the Air Toxics "Hot Sports" Act is to:

- ? collect emission data indicative of routine predictable releases of toxic substances to the air;
- ? identify facilities having localized impacts;
- ? evaluate health risks from exposure to the emissions;
- ? notify nearby residents of significant risks; and
- ? reduce risk below the determined level of significance.

Those facilities that pose a potentially significant health risk are required to reduce their risks, thereby reducing the near-source exposure of Californians to toxic air pollutants. Significant risks posed by facilities require public notification and if requested, districts must make health risk assessments available for public review.

The District is evaluating both proposed and existing GDFs to determine the cancer risk that is based upon annual gasoline throughput. Listed below is the specific process for proposed and existing facilities.

For proposed facilities, the District is using an initial health risk screening that is based upon the proposed annual throughput for the facility. For those facilities proposing to pump 1.5 million gallons of gasoline or more a year (i.e. those that have a cancer risk greater than 10-in-a-million), a slightly refined risk screening analysis will be conducted by utilizing distance information from the centroid of the pump islands to the nearest commercial and residential structures. If the cancer risk remains greater than 10-in-a-million following the refined risk assessment, a gasoline throughput limitation will be placed upon the facility. This limitation will be based on a gasoline throughput that will reduce the cancer risk too less than 10-in-a-million. If the applicant chooses, a detailed health risk assessment, approved by the District, may be conducted by the applicant or risk reduction measures may be implemented to reduce emissions. These steps may result in the 10-in-a-million cancer risk threshold being exceeded at a higher annual gasoline throughput limitation.

For existing GDFs, the District is reviewing the high throughput facilities that have an initial screening of greater than 10-in-a-million cancer risk. Information regarding distances from the centroid of the pump islands to the nearest commercial and residential structures is being gathered to refine the initial screening. If the cancer risk remains greater than 10-in-a-million, then the risk analysis will be submitted to the facility for review and comment before being forwarded to the Office of Environmental Health Hazard Assessment (OEHHA) for approval.

Following OEHHA approval of the risk assessment, Public Notification is required of all persons exposed in accordance with adopted District policies, and risk reduction through gasoline throughput curtailment or improved emission controls will be required. These requirements are likely to apply to only those facilities that have a very high annual throughput and with neighbors in close proximity.

This advisory notice and other previously issued advisories can be found on our website at www.placer.ca.gov/apcd or by calling Ms. Ann Hobbs at (530) 889-7137.



REVISED FINAL TECHNICAL MEMORANDUM

To: James B. Wiley
Partner
Taylor & Wiley

Date: April 27, 2018

From: Ray Kapahi *RK*

Project: Fiddymment Plaza Gasoline
Station HRA

Tel: 916-687-8352

E-Mail: ray.kapahi@gmail.com

Subject: Analysis of Public Health Risks Associated with Proposed Gasoline Station
Roseville, California

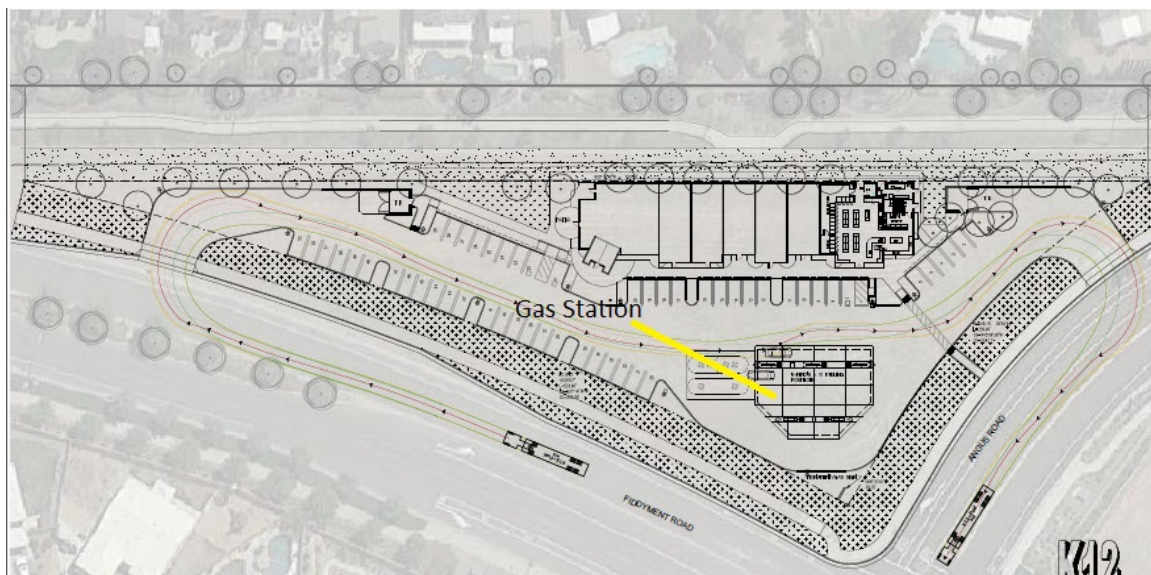
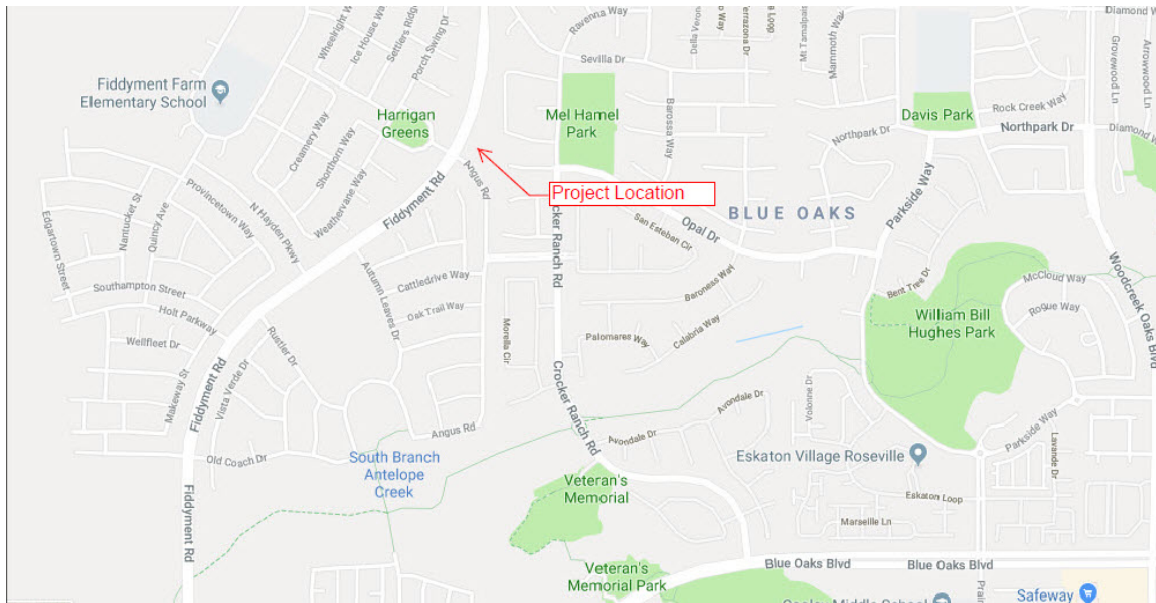
1. INTRODUCTION

Environmental Permitting Specialists (EPS) has been retained by the law firm Taylor & Wiley to evaluate potential health risks associated with the operation of a proposed gasoline station. The proposed gasoline stations would be located at the Fiddymment Plaza commercial center at 4701 Fiddymment Road in Roseville, California (Figure 1).

The proposed gasoline station would dispense a maximum of 1,008,000 gallons of gasoline per year from five dispensing pumps. Each dispensing station is equipped with Enhanced Phase II vapor recovery nozzles.

The process of gasoline delivery to the gas station as well as vehicle re-fueling would release small amounts of gasoline vapors into the atmosphere. Gasoline contains trace amounts of benzene that is regulated as a toxic air contaminant by the Placer County Air Pollution Control District (PCAPCD).

Figure 1
Project Location and Site Map



EPS evaluated the release and dispersion of gasoline vapors from the gasoline station to nearby homes and potential health risks associated with exposure to gasoline vapors and benzene.

Three types of health risks were evaluated from exposure to gasoline vapors:

1. Cancer Risk
2. Chronic Non-Cancer Risk
3. Acute Non-Cancer Risk

A three-step procedure was used to determine these health risks.

1. Calculate the emission rates of gasoline and benzene into the atmosphere
2. Determine the concentration of benzene in the vicinity of the proposed gasoline station
3. Calculate health risks associated with exposure to benzene

These steps are discussed below. The results of the analysis appear in Section 4 followed by a discussion of the significance of the health risks. Detailed calculations and other technical data are attached.

2. ESTIMATE OF EMISSIONS

Gasoline and benzene vapors are released into the atmosphere from a variety of sources and processes at a gasoline dispensing station. These sources and processes include the actual dispensing of gasoline, bulk delivery of fuel, spillage, hoses, etc..

The emissions from vehicle refueling depend on two factors:

1. If the vehicle is equipped with an on-board re-fuelling vapor recovery system (ORVR) system
2. Category/type of vapor recovery system being used at the gasoline dispensing facility

Since not all vehicles are equipped with ORVR, we estimated the fraction of vehicles equipped with ORVR using ARB estimates. These estimates appear in Table 1-2, of the ARB document: *Revised Emission Factors for Phase II Vehicle Fueling at California Gasoline Dispensing Facilities, December 23, 2013*. For 2018, the percent of gasoline dispensed to ORVR vehicles is 83%.

The proposed gasoline dispensing facility would be equipped with Phase II Enhanced Vapor Recovery (EVR). ARB has determined that the emission factors for Phase II EVR and these emission factors appear in Table 1-1 in the December 23, 2013 ARB

document referenced above. For ORVR with Phase II EVR, the recommended emission factor is 0.021 lbs of total organic compounds per 1,000 gallons of gasoline dispensed.

Based on these factors and with discussions with PCAPCD staff, Table 1 presents the annual emission rates of toxic air pollutants. The main TAC associated with gasoline dispensing is benzene. In addition to annual emissions, maximum daily emissions were calculated based on peak daily gallons of gasoline dispensed and delivery of gasoline on the same day. Under this scenario, peak daily gallons dispensed is two times the monthly daily average and delivery of 25,000 gallons of bulk fuel all on the same day.

Under this scenario, maximum daily emissions of benzene were estimated to be as follows:

Emissions from Bulk Delivery of Fuel: $0.00045 \text{ lbs Benzene/kgal} \times 25 \text{ kgal} = 0.00113 \text{ lbs}$

Emissions from Re-Fueling: $20 \text{ kgal} \times 0.002742 \text{ lb/kgal} = 0.05484 \text{ lbs}$

Total [Bulk Delivery + Re-Fueling] = 0.056 lbs/day or 0.00233 lbs/hr .

The California Air resources Board (CARB) and the California Air Pollution Control Officers Association (CAPCOA) have issued industry wide risk assessment guidelines for determining public health risks near gasoline stations.

EPS has followed these Guidelines and in consultation with PCAPCD determined the emission rates of benzene based on 1,008,000 gallons of fuel per year at the proposed gasoline station. The emission estimate is summarized in Table 1. Overall, the facility would release approximately 3 pounds of benzene per year,

Table 1 Estimate of Emissions					
Source	Gasoline Vapor/Liquid		Emission Factor		Emissions Benzene (lb/yr)
			TOG (lb/kgal)	Benzene (lb/kgal)	
Phase II Fueling	Vapor		0.081	0.000243	0.245
Bulk Delivery	Vapor		0.15	0.00045	0.454
Pressure	Vapor		0.024	0.000072	0.073
Spillage	Liquid		0.24	0.0024	2.419
Hoses	Vapor		0.009	0.000027	0.027
TOTAL					3.218
Annual Gasoline Throughput:			1,008,000	gallons/yr	
			1,008	kgal/yr	
Benzene Content:					
In Vapor			0.30%		
In Liquid			1%		

3. DETERMINE THE CONCENTRATION OF BENZENE

The concentration of benzene at nearby homes depends on the emission rate (calculated in Section 2), distance of the homes from the gasoline station and local weather conditions (wind speed, wind direction, temperature) and details of the release (e.g., release height, geometry of the pump, etc).

An air dispersion model was used to calculate the concentration of benzene in the vicinity of the project site. CARB and PCAPCD recommended AERMOD dispersion model was used along with four years of hourly meteorological data from Sacramento Metropolitan International Airport. The meteorological data covered the period (2010 to 2014). A description of AERMOD is provided in Appendix. Figure 2 shows the layout of the modeling grid used in determining the concentration of benzene. The modeling domain included location of five nearby homes and a total of 625 individual grid points spaced 50 meters apart.

4. CALCULATE HEALTH RISKS

Health risks from exposure to benzene were calculated based on its concentration (Section 3) and its toxicity. EPS used the HARP2 risk model developed by CARB and the Office of Environmental Health Hazard Assessment (OEHHA) to calculate the actual health risks. As noted in Section 1, three types of health risks were calculated (cancer, chronic non-cancer and acute non-cancer).

Figure 2

Modeling Domain



The spatial distribution of cancer risk is shown in Figure 3. The results are in terms of a probability (cancers risk per million). The maximum cancer risk at nearby homes is 1.2 cancers per million. Risk at other homes varies between 1.2 to less than 0.1 cancer per million.

The maximum non-cancer risks at nearby homes are calculated in terms of a hazard index (HI) as follows:

Maximum Chronic Non-Cancer (HI); 0.005

Maximum Acute Non-Cancer HI: 0.15

Excerpts of the HARP2 model showing the calculated health risks are attached.

5. SIGNIFICANCE AND INTERPRETATION OF ESTIMATED PUBLIC HEALTH RISKS

A comparison of estimated project risk with the thresholds of significance is shown in Table 2.

Table 2 Comparison of Maximum Project Health Risks with Significance Thresholds Established by Placer County Air Pollution Control District			
Risk Metric	Max. Project Risk	Significance Threshold	Risk Significant?
30 year Cancer Risk	1.2	10 per million	No
Chronic Hazard Index	0.005	1.0	No
Acute Hazard Index	0.159	1.0	No

The health risks summarized in Table 2 are *theoretical* calculations that based on several conservative assumption. Understanding the assumptions and uncertainties is a critical component in interpreting the risk results presented in this evaluation.

For example, the calculations assume the maximum amount of fuel (1,008,000 gallons) will be dispensed annually for 30 years. It was further assumed that individuals would be continuously exposed to the toxic emissions for 30 years. This is very conservative since most residents do to stay in their homes 24 hours per 365 days per year for 30 years. As

a result of this assumption, the risk is overstated by a factor of 2 to 3. In other words, the risk would be one half to one third the values presented in Table 2.

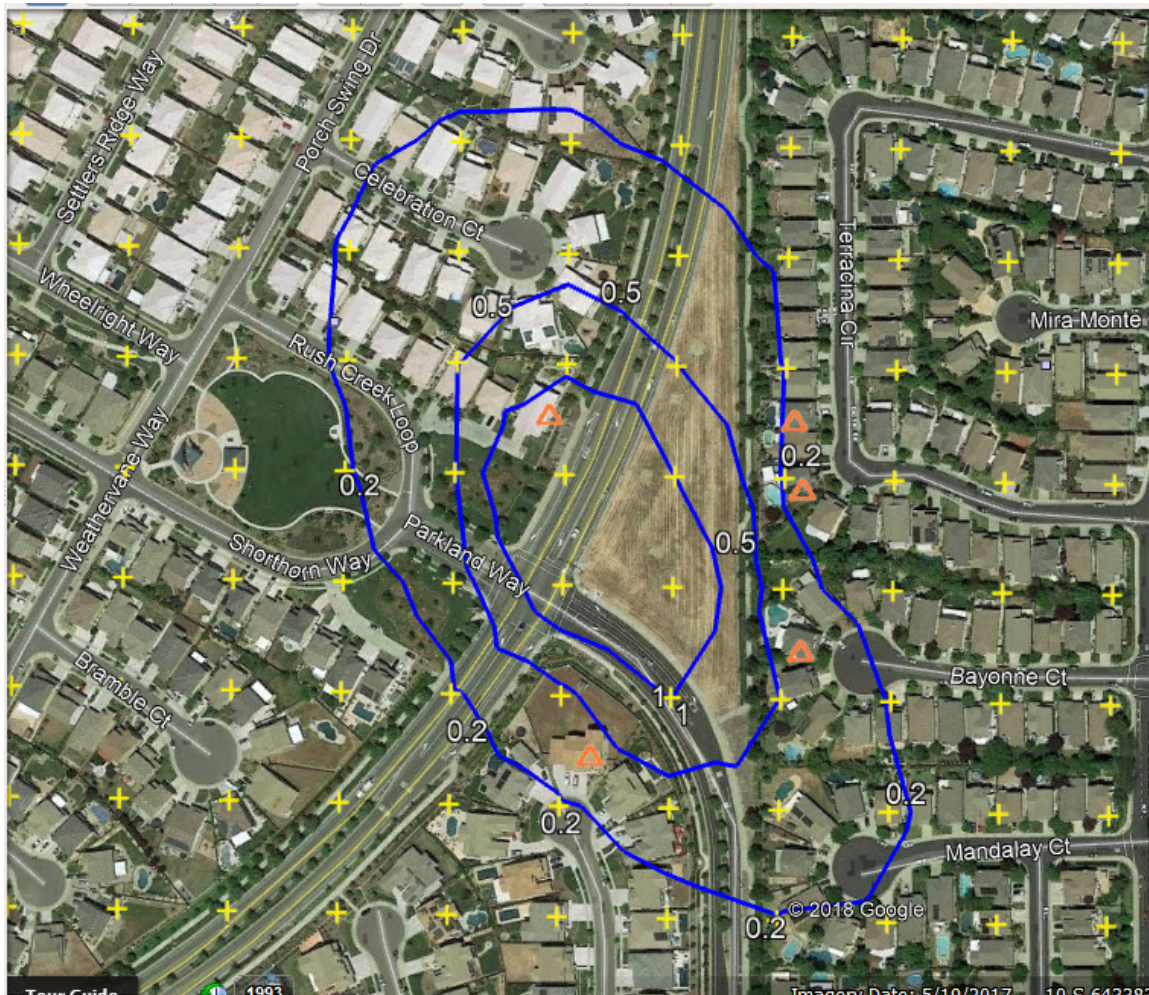
Finally, the toxicity data used to calculate health risks are extrapolated from animal studies with a substantial safety margin and uncertainty. As a result, the actual public risk would be a small fraction (1/100 to 1/1000) of the calculated theoretical public risk.

EPA in 1989 noted that the conservative assumptions used in the risk assessment are intended to assure the public that the estimated risk is not underestimated. The actual risks posed by the site do not represent actual risks that would be experienced by the public at or near the site.

The 1989 EPA report states that:

“These values (of risk estimates) are upper bound estimates of excess cancer risk potentially arising from lifetime exposure to the chemical in question. A number of assumptions have been made in the derivation of these values, many of which are likely to overestimate exposure and toxicity. The actual incidence of cancer is likely to be lower than these estimates and may be zero.”

Figure 3
Spatial Variation of Cancer Risk (*per million*)



6. REFERENCES

CAPCOA (1997) "Gasoline Service Station Industry wide Risk Assessment Guidelines", November 1997. Available at: <https://www.arb.ca.gov/ab2588/rrap-iwra/GasIWRA.pdf>

CARB (2013) "Revised Emission Factors for phase II Vehicle Fuelling at California Gasoline Dispensing Facilities" December 2013. Available at: <https://www.arb.ca.gov/vapor/gdf-emisfactor/gdf-emisfactor.htm>

EPA (1989) Risk Assessment Guidance for Superfund Human Health Risk Assessment. US EPA Region IX Recommendations. San Francisco, CA December 15, 1989.

OEHHA (2017) " Air Toxics Hot Spots Program". Information available at: <https://oehha.ca.gov/air/air-toxics-hot-spots>



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RESPONSE TO COMMENTS ON FIDDYMENT PLAZA GAS STATION

ROSEVILLE, CA

EPS has reviewed the comments received from the Law Office of Donald B. Mooney, dated July 11, 2019 and the attached exhibits to the letter, including correspondence from Dr. Markus Hilpert, dated June 22, 2019. Based on our review, no revisions to the FTM are necessary because the analysis correctly assessed the maximum residential cancer and non-cancer risks associated with the Project. The basis for this conclusion is provided in our responses to the specific comments below.

1. NUMERICAL GRID IS TOO COARSE

Comment

The comment raises three (3) issues:

1. The numerical grid is too coarse at locations where exposure can be expected to be the highest
2. Some residential properties were modeled only as single receptors. As a result, this approach does not account for the fact that residents spend part of the time at different locations of their property
3. For several nearby residential properties, benzene exposure and cancer risk was not modeled at all.

Response

1.Numerical Grid is Too Coarse

The comment fails to recognize that two categories of receptor locations were modeled:

- A grid consisting of 625 individual locations around the proposed gas station
- Discrete receptors placed selected residences to pinpoint the risk

The grid provides an overview of the spatial distribution of risk in the vicinity of the gas station. Since the individual grid points may not coincide with the exact location of homes near the gas station, discrete receptors were placed at selected residences where the highest cancer risk is likely to occur.

The regulatory metric in determining the project's impact on public risk is maximum residential cancer and non-cancer risk. A project's impacts are considered significant if maximum cancer risk exceeds 10 in a million or if

non-cancer hazard indices exceed 1.0. For the current project, the maximum residential cancer risk was estimated to be 1.2 cancers per million. Non-cancer risks were estimated to be below 1 at all residential locations.

We agree that the health risks would be higher on the gas station property, including the fence line. However, there are no residences at these locations. Therefore, although on-site risks are greater, such risks are irrelevant in determining the project's impact on public health risk. Since there are no residences at these locations, health risks at these areas are not an issue.

A review of the spatial distribution of cancer risk (Figure 3 FTM) shows that the highest residential risks occur approximately 75 meters northwest of the project. These are residences between the risk contours labeled 1.0 and 0.5 cancers per million. Since Figure 3 provides only an approximate estimate of cancer risk, a second set of receptors were used to pinpoint the risk at individual residences. These receptors appear as triangles in Figure 3 of FTM. Based on the cancer risks at these residences, it was determined that the maximum residential cancer risk occurs 75 meters NW of the project. Cancer risk at all other residential locations is lower than the risk at this location.

For example, the cancer risk at residences east and north-east of the gas station ranges from 0.5 to 0.2 cancers/million. These include residences along Terracina Circle and Mira Monte Court north and east of the gas station.

Would the use of a finer grid identify residential areas where the risks are greater than those shown in the FTM Figure 2?

To address this possibility, EPS re-modeled the risk using a grid size of 20 meters (versus 50 meters used in the FTM Figure 2). Under this scenario, a 100 meter x 100 meter square would have 25 receptors (versus 4 receptors used in the FTM Figure 2). Our analysis shows that the spatial distribution of cancer risk is virtually identical when using the finer grid. The maximum residential cancer risk still occurs at the same location as identified in the FTM Figure 2. See Exhibit A for a side by side comparison of the risk distribution.

2. Some residential properties were modeled as single receptor.

The FTM analysis provided risk at the center of the residence. Risk at other locations on the property, for example, the back yard would be similar. To verify this, we ran the HARP2 model for the residence with the highest cancer risk (Receptor # 626) by placing additional receptors at each corner of the property. Cancer risk was calculated and a spatial average over the entire property was calculated (See Exhibit B). The results show that the spatially averaged cancer risk over the entire property is 1.034 cancers/million as compared to 1.211 cancers/million reported in the FTM. This calculation demonstrates that when we take into account that individuals may spend time at different locations on the property, the overall, spatially averaged cancer risk is 14.6% lower than peak risk reported in the FTM at a single location.

4. For several properties, benzene exposure and cancer risk were not modeled

All the residences within 1.25 kilometers (0.75 miles) were included in the modeling grid. Not every residence was modeled as a single discrete location. This is because the cancer risk at most of the residences were well below 0.5 cancers per million. The focus of the analysis was on maximum residential cancer risk which was estimated to be 1.2 cancers/million. Risks at all residences can easily be inferred by reviewing FTM Figure 3 and Exhibit A.

2. NON-SUITABLE SQUARE GRID

Comment

For computational purposes, it would have made much more sense to use polar coordinates with the origin at the center.

Response

EPS elected to use a rectangular (X-Y) coordinate grid for several reasons. First, the location of emission sources in the HARP2/AERMOD model can only be specified as X-Y coordinated (see Section 3.5, Attachment 1, CAPCOA 2009 Guidelines "Coordinate System"). Second, the terrain elevations developed by the US Geological Survey are only available in X-Y format, not in polar coordinates. Finally, the modeling results were overlaid onto Google Earth that uses a X-Y [Universal Transverse Mercator (UTM)] coordinate system not a polar coordinate system.

In our view, using a polar coordinate system for the modeling grid and then using an X-Y system for other parameters makes no sense when a single coordinate system could be used throughout the modeling effort. We note that the risk at any given location depends on its location relative to the gas station; not on the choice of the coordinate system. Therefore, regardless of the coordinate system, the risk results would remain the same.

3. QUESTIONABLE INTERPOLATION OF HEALTH RISK

Comment

Numerical grid is too coarse to capture the non-linearities in cancer risk in the vicinity of the gas station.

Response

As noted in the response to Comment #1, risks near the gas station are not relevant as there are no residences at that location. A more refined grid would capture the risk near the gas station, however, risk at or near the gas stations is not relevant for the purposes of determining maximum residential risk.

No interpolation was used to determine maximum cancer risk. Instead, discrete receptors were placed a several nearby residences to pinpoint the location and value of maximum risk.

4. RECEPTOR HEIGHT WAS NOT STATED

Comment

Risks were not calculated at the height of the breathing zone or at the height of the vent pipe.

Response

Risks were calculated at ground level (0 meters above ground). The risk 1.5 meters above ground (typical breathing height) or at a two story dwelling would be similar to the risk at ground level. In order to demonstrate this, the cancer risk was re-calculated at several residences assuming receptor elevation of 1.5 meters. At one location, the risk was calculated assuming a 10 meter receptor height that would simulate a 2 story residence. The results show no difference in the cancer risk. See Exhibit C.

5.MODELING OF EMISSION LOCATIONS MIGHT BE INADEQUATE

Comment

It is not clear where the individual emission sources of the gas station are located.

Response

The location of the gasoline pumps is shown in Figure 1 of the FTM. The specific (UTM Zone 10) coordinates of the gasoline pumps and the vent pipe used in the analysis are as follows:

Gasoline Pumps (Modeled as Volume Sources)

LOCATION V1 VOLUME 643267 4296458
 LOCATION V2 VOLUME 643268 4296452
 LOCATION V3 VOLUME 643272 4296462
 LOCATION V4 VOLUME 643273 4296458
 LOCATION V5 VOLUME 643276 4296453

Vent Pipe (modeled as point source)

LOCATION S1 POINT 643280 4296477

Excerpts of the HARP2 model showing these location coordinates are provided in Exhibit D.

Vent pipe emissions were included in the risk calculation for each grid and discrete receptor. As noted in response to Comment #1, however, the maximum residential cancer risk occurs to the northwest approximately 75 meters from the pumps. The highest residential risk does not occur at the closest residences due to the prevailing winds that blow from the south/southeast.

6. CALCULATION OF CANCER RISK

Comment

The FTM missed to make clear how cancer risk was inferred from the modeled atmospheric benzene concentration.

Response

Consistent with CAPCOA July 2009 Guidelines (Attachment 1, Appendix B), the FTM noted that HARP2 risk model was used. In addition, EPS staff consulted with PCAPCD staff to confirm the most current methodologies are used. This is consistent with the guidance in the CAPCOA 2009 HRA Guidelines (Attachment 1). Excerpts of these Guidelines appear below.

The Exposure Assessment components are based on the procedures developed by the California Office of Environmental Health Hazard Assessment (OEHHA). These calculation methodologies may change over time as the OEHHA refines the methodologies. **It is important that the air district be contacted before any risk assessment calculations are prepared, so that the most current methodologies are applied.**

The HARP2 model is based on the most current (2015) OEHHA Guidelines. The OEHHA Guidelines also recommend that an exposure of 30 years be used. This is the exposure that was also recommended by PCAPCD staff and therefore a 30 year exposure was used in the analysis. The 2005 CalEPA/CARB guidance noted in the comment is out of date. It has been replaced by the 2015 OEHHA Guidelines. Excerpts of the HARP2 model were provided in the FTM. Additional excerpts appear in Exhibits C and D.

7. EMISSIONS FROM SEPARATOR POTENTIALLY UNDERESTIMATED

Comment

Emissions of VOCs from separator due to overpressure were potentially underestimated

Response

The comment incorrectly assumes that an overpressure alarm would automatically result in excess VOC emissions being released into the atmosphere. This is because the vent pipe from the underground storage tanks does not vent directly into the atmosphere. The system that will be used at the gas station differs from the schematic referenced in Hilpert et al. 2019 “Graphic Abstract”. The schematic used in the technical paper shows a vent pipe leading from the underground tank into the atmosphere.

This is not the case with the current project. Emissions in the vent pipe are removed using activated carbon. The activated carbon, is routinely replaced to ensure removal of VOCs. As a result, no excess emissions would occur and the acute RELs noted in the comment would not be exceeded.

8. EMISSIONS FROM NON-PERMITTED SOURCES

Comment

Emissions from both permitted and non-permitted sources need to be included in the risk assessment.

Response

The comments noted that the FTM did not address the combined health risk associated with both permitted and non-permitted emission sources associated with the proposed project. The FTM focused on permitted (stationary) sources. As noted in the comment, CEQA requires an evaluation of emissions from both permitted and non-permitted emission sources. Therefore, this memorandum address the additional health risk from non-permitted/exempt sources from the Fiddymment Plaza project.

For the proposed project, there are two permit exempt emission sources that would contribute to public health risks:

1. Fuel delivery trucks
2. Autos and light trucks visiting the facility (customers)

Fuel delivery trucks would release diesel particulate matter (DPM). DPM is regulated as a carcinogen by the Office of Environmental Health Hazard Assessment (OEHHA)¹ and the California Air Resources Board (CARB). It consists of both organic and metal emissions.

Fuel delivery trucks would travel Northeast on Fiddymment Road (from Blue Oaks Drive) and then enter Fiddymment Plaza. Customers could travel Northeast or Southwest on Fiddymment Road and enter the Plaza. The travel routes for the fuel delivery trucks and autos are shown in Figure 1, Exhibit E.

ESTIMATE OF EMISSIONS

Emissions from Fuel Delivery Trucks

Fuel would be delivered using 11,000 gallon tanker trucks. Approximately 100 deliveries per year are expected. DPM emissions would be released along Fiddymment Road and on-site from truck idling.

The emission rate of DPM during truck travel and truck idling is based on the EMFAC 2017 emissions model². This model provides emission rates of fine particulate (PM-10) associated with vehicle travel or vehicle idling. PM-10 is assumed to represent the DPM. Calculation of annual DPM emissions based on 100 fuel deliveries per year is provided in Table 1, Exhibit E

Truck emissions during travel along Fiddymment Road are modeled as a single line source 0.25 miles in length. Truck idling emissions are modeled as a single point source located near the gasoline dispensers with a release height of 10 feet. The maximum idle time is assumed to be 10 minutes per truck consistent with current regulations³.

Emissions from Autos and Light Trucks

It is estimated that 1,000 vehicles would enter the facility daily. This is based on the 10th Edition of ITE Trip Generation Manual⁴ for *Gasoline/Service Station with Convenience Market*. Customer vehicles (assumed to be automobiles and light-duty trucks) would travel Northeast or Southwest along Fiddymment Road as shown in Figure 1, Exhibit E. For the purposes of this analysis, it was assumed that project trips would be evenly split in either direction. Thus, an average of 500 vehicles per day to/from the project site were assumed to travel in each direction along Fiddymment Road.

Cars and light trucks release a variety of toxic air emissions, such as formaldehyde and benzene. There have been numerous studies that have measured toxic air emissions from on-road cars and light trucks. Two studies sponsored by CARB⁵⁶ specifically measured the emission rates of toxic emissions from cars in Northern and

¹ 2018 "Consolidated Table of OEHHA/ARB Approved Risk Assessment Health Values", August 20, 2018. Available at: <https://ww3.arb.ca.gov/toxics/healthval/contable.pdf>

² EMFAC 2017 Web Database. CARB 2017. Available at: <https://www.arb.ca.gov/emfac/2017/>

³ 13 CCR Section 2485. Available at: https://ww3.arb.ca.gov/msprog/truck-idling/13ccr2485_09022016.pdf

⁴ ITE Trip Generation Manual 10th Edition for Land use 945. Available at: <https://www.ite.org/technical-resources/topics/trip-and-parking-generation/trip-generation-10th-edition-formats/>

⁵ Zhu, X, et. Al (July 2004) "Internal Combustion Engine (ICE) Air Toxic Emissions" Final Report to CARB. University of California Riverside. Available at: <https://ww3.arb.ca.gov/research/apr/past/02-334parta.pdf>

⁶ Harley, R. A. (August 2004) "Chemical Composition of Vehicle-Related Volatile Organic Compound Emissions in Central California. Final Report to CARB. Dept. of Civil and Environmental Engineering, University of California Berkeley. Available at: https://www.arb.ca.gov/airways/ccos/review/reports/sip_support/00-14/II5_0014_Aug04_dfr.pdf

Central California. Based on these studies, the most common toxic air emissions released from cars and light trucks are:

- 1,3 Butadiene
- Acetaldehyde
- Formaldehyde
- Benzene

These two studies quantified the emission rates of each of these toxic air emissions in terms of grams per vehicle mile. Annual emission rates of these toxic air pollutants were calculated based on these studies for the two 0.25 mile segments identified in Figure 2. Detailed calculations are provided in Table 2. To account of on-site emissions (idling/start-up and shut-down), the annual emissions were increased by 50%.

Emissions from autos were modeled as two individual line sources (Segment 1 and 2 in Figure 2). Each line source would be 0.25 mile in length and carry 500 vehicles per day (total 1,000 vehicles per day) entering and exiting Fiddymment Plaza.

ESTIMATE OF HEALTH RISKS

As in the FTM, the HARP2 model was run to determine the maximum residential cancer risk. With the exception of the addition of new sources, no other changes were made in running the HARP2 model. Inclusion of emissions from autos and fuel delivery trucks increases the maximum cancer residential risk from 1.21 to 2.36 cancers/million. The overall distribution of cancer risk is shown in Figure 4, Exhibit E. The maximum residential cancer risk at receptor 262 is identified in Figure 5, Exhibit E.

Inclusion of emissions from cars and trucks did not change the location of maximum cancer risk. The point of maximum residential cancer risk remains at the Northwest corner of Fiddymment Road and Parkland Way (Receptor # 626).

Non-cancer risks were calculated in terms of a Hazard Index (HI). For both acute and chronic risks, the HI was below 0.01 at all receptors. A HI index above 1 denotes a significant non-cancer health risk.

In the FTM, an approximate hourly emission rate of benzene was used (0.1 lbs/hr) that resulted in a very conservative estimate of an acute HI of 0.159.

In the current analysis, the hourly emission rate was calculated by dividing the annual emissions by the number of hours per year (8,760 hours per year). The calculated hourly emission rates are shown in Figure 3, Exhibit E. As shown in this figure, the actual hourly emission rates of benzene and other pollutants are well below 0.001 lbs/hr. This has resulted in an acute hazard index below 0.01 at all receptors.

Overall, the inclusion of emissions from permit-exempt sources did not lead to significant residential cancer or non-cancer health risks.

Exhibit A

Comparison of Spatial Variation of Cancer Risk Using a Finer Grid

Figure 1a

Risk Contours Based on 50 meter Grid

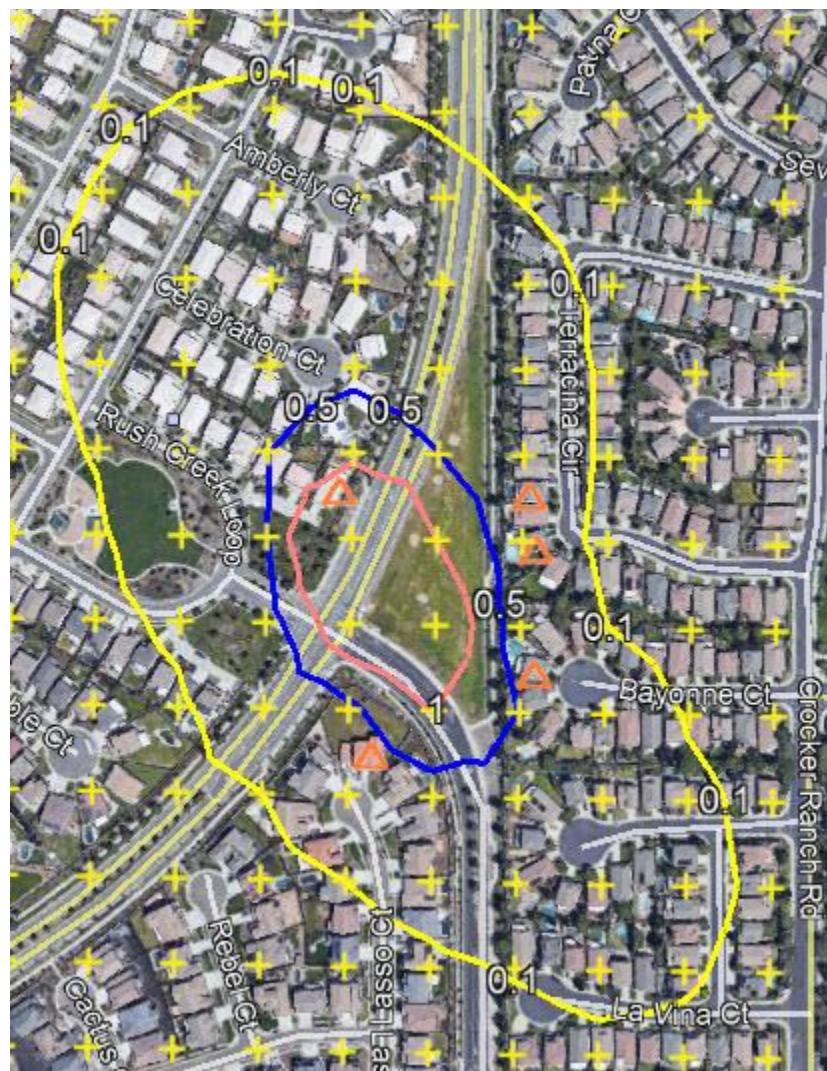


Figure 1b

Risk Contours Based on 20 meter Grid



EXHIBIT B

Variation of Cancer Risk Within the Property Boundaries



Location	Cancer Risk (per million)
NW Corner	0.755
NE Corner	0.792
SW Corner	0.897
SE Corner	1.692
Average Cancer Risk Over Property	1.034
Original Cancer Risk Reported in FTM	1.211
Difference	0.177
% Difference	-14.62%

Exhibit C

Evaluation of Cancer Risk for Elevated Receptors

Sensitive Receptors					
Import Export Save Delete All					
	ID	X (m)	Y (m)	Elev (m)	Name
	S1	643242.68	4296527.04	10	Residence
	S2	643358.89	4296422.12	2	Residence
	S3	643358.49	4296494.96	2	Residence
	S4	643354.19	4296525.87	2	Residence
	S5	643263.85	4296373.22	2	Residence
	NW	643239.80	4296551.65	10	NW Corner of Lot
	NE	643259.74	4296549.74	10	NE Corner of Lot
	SW	643219.23	4296511.45	10	SW Corner of Lot
	SE	643237.66	4296501.19	10	SE Corner of Lot
▶*					

Cancer Risk

626	SENSITIV	Residenc	643242.7	4296527	1.2117e-06	30YrCancerDerived_InhSoilDemMMilk_FAH16to70
627	SENSITIV	Residenc	643358.9	4296422	3.4820e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70
628	SENSITIV	Residenc	643358.5	4296495	1.4634e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70
629	SENSITIV	Residenc	643354.2	4296526	1.7472e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70
630	SENSITIV	Residenc	643263.9	4296373	3.0790e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70
631	SENSITIV	NW Come	643239.8	4296552	7.5458e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70
632	SENSITIV	NE Come	643259.8	4296550	7.9210e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70
633	SENSITIV	SW Come	643219.3	4296512	8.9670e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70
634	SENSITIV	SE Come	643237.7	4296501	1.6922e-06	30YrCancerDerived_InhSoilDemMMilk_FAH16to70

Exhibit D

Excerpts of HARP2 Model Results Showing Location of Emission Sources

Sources						
Add Import Export Delete All View						
	Source ID	Description	Source Type	Group ID	X	Y
►	V1	Gas Pump 1	VOLUME		643267	4296458
	V2	Gas Pump #2	VOLUME		643268	4296452
	V3	Gas Pump #3	VOLUME		643272	4296462
	V4	Gas Pump #4	VOLUME		643273	4296458
	V5	Gas Pump #5	VOLUME		643276	4296453
	S1	Gasoline Tank Vent	POINT		643280	4296477

EXHIBIT E

Risks from Non-Permitted Sources

Table 1

Calculation of Emissions of DPM from Fuel Delivery Trucks

Emissions From Truck Travel Along Fiddymont Road

No. of Trucks	100	veh/yr	<i>Based on 100 fuel deliveries/yr</i>
Length of Roadway	0.25	mile	per segment
Annual miles travelled	25	miles/yr	

	EF ¹	Emission Rate (Vehicle Travel)		
TAC	(g/mile)	(g/yr)	Lbs/yr	
DPM	0.084655	2.116	0.0047	

On-Site Emissions From Truck Idle

No. of trucks	100	trucks/yr
Idle time/truck	10	minutes per truck
Total annual idle time	16.67	hrs/yr
Truck Idling Emission Factor ²	0.01438	grams/day per truck
	0.000599167	grams/hr per truck
Truck idle emissions (all trucks)	0.0100	grams/yr
	2.20E-05	lbs/yr

Notes:

1. From EMFAC 2017 for Placer County for trucks travelling at 35 mph.
2. Idle emission factor from EMFAC 2017.

Table 2
Calculation of Emissions of Autos Based on 1,000 Trips per Day

No. of Vehicles per Day	1,000	veh/day total
	365,000	veh/yr total
	182,500	veh/yr per segment
No. of segments	2	
Length of segment	0.25	mile
Annual miles travelled per segment	45,625	miles/yr

	EF ¹	Emission Rate (Off-Site Vehicle Travel)			Total Emissions (vehicle travel + idle + start-up/shut down)
Toxic Air Contaminant	(mg/mile)	(mg/yr)	(g/yr)	(lb/yr)	(lb/yr)
1,3 Butadiene	4.48	204,400	204.4	0.450	0.675
Benzene	45.28	2,065,900	2065.9	4.550	6.826
Formaldehyde	12.87	587,194	587.2	1.293	1.940
Acetaldehyde	2.77	126,381	126.4	0.278	0.418

NOTES

1. Emission Factors From: Zhu, Durbin, Norbeck and Cocker (July 2004)

"Internal Combustion Engine (ICE) Air Toxic Emissions"

Final Report to Research Division CARB, Sacramento, CA

2. Traffic volume based on estimates in ITE Trip Generation Rates (10th Ed) for Land Use 945

"Gasoline/Service Station with Convenience Market"

3. Emissions from Vehicle Idle + start-up and shut-down estimated to equal 50% of emissions from off-site vehicle travel

Figure 1
Fuel Delivery and Auto Travel Routes



Figure 2
Screenshot of HARP2 Model Showing Additional Sources

Air Dispersion Import/Calc GLCs Risk Analysis	Sources						
	Add Import Export Delete All View						
		Source ID	Description	Source Type	Group ID	X	Y
		V1	Gas Pump 1	VOLUME		643267	4296458
		V2	Gas Pump #2	VOLUME		643268	4296452
		V3	Gas Pump #3	VOLUME		643272	4296462
		V4	Gas Pump #4	VOLUME		643273	4296458
		V5	Gas Pump #5	VOLUME		643276	4296453
		S1	Gasoline Tank Vent	POINT		643280	4296477
		LINE1	Fiddymment Rd E 0.25 mile...	LINE		643298.36	4296491.13
		LINE2	Fiddymment Rd SW 0.25 mi	LINE		643298.36	4296491.13
	▶	TRUCK1	Truck Idle Point Source 1...	POINT		643290	4296447

Notes:

Sources "Line1, Line2" represent roadway segments 1 and 2. Source "Truck1" represents truck idle emissions

Figure 3
Screenshot of HARP2 Model Showing Emissions from
Cars and Fuel Delivery Trucks

Emission Inventory								
Add	Import	Export	Delete All	Options	Filter:	All	▼ All	▼
	SrcID	StkID	ProID	PolID	PolAbbrev	Multiplier	Annual Ems (lbs/yr)	Max Hr Ems (lbs/hr)
	V1	0	0	71432	Benzene	1	0.644	7.35E-05
	V2	0	0	71432	Benzene	1	0.644	7.35E-05
	V3	0	0	71432	Benzene	1	0.644	7.35E-05
	V4	0	0	71432	Benzene	1	0.644	7.35E-05
	V5	0	0	71432	Benzene	1	0.644	7.35E-05
	LINE1	0	0	106990	1,3-Butadiene	1	0.675	7.71E-05
	LINE1	0	0	71432	Benzene	1	6.825	0.000779
	LINE1	0	0	50000	Formaldehyde	1	1.94	0.000221
	LINE1	0	0	75070	Acetaldehyde	1	0.418	4.77E-05
	LINE2	0	0	106990	1,3-Butadiene	1	0.675	7.71E-05
	LINE2	0	0	50000	Formaldehyde	1	1.94	0.000221
	LINE2	0	0	75070	Acetaldehyde	1	0.418	4.77E-05
	LINE2	0	0	9901	DieselExhPM	1	0.0047	0.001
	S1	0	0	71432	Benzene	1	0.454	5.18E-05
▶	LINE2	0	0	71432	Benzene	1	6.826	0.000779
	TRUCK1	0	0	9901	DieselExhPM	1	2.2E-05	0.001

Notes:

Annual emission rates (lbs/yr) for sources Line1, Line2 and Truck1 are from Tables 1 and 2. Hourly emission rates are equal to annual emission rate divided by 8,760 (number of hours in 1 year).

Figure 4

Revised Risk Contour

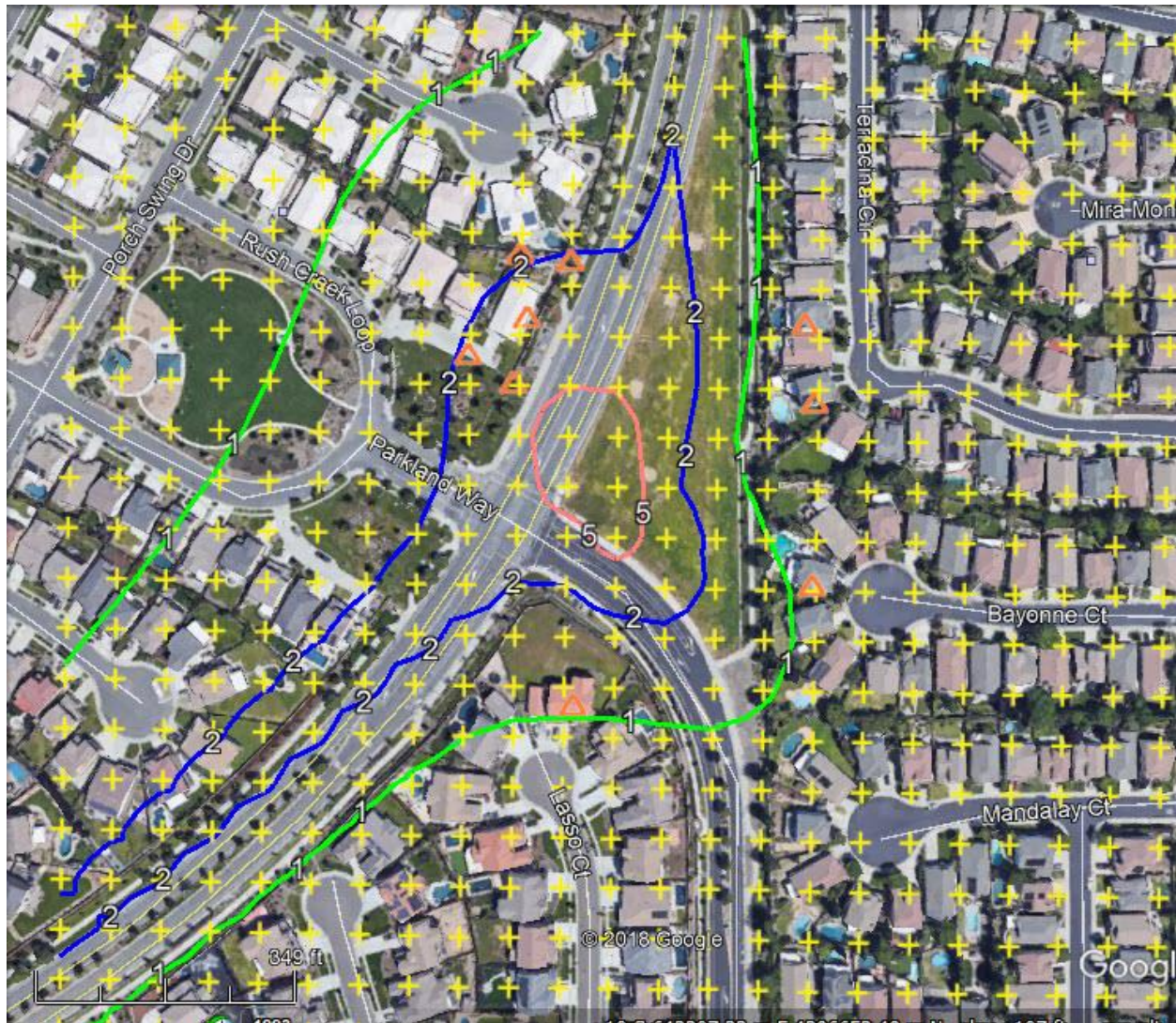


Figure 5

Maximum Residential Cancer Risk

View Risk Results							
Cancer	Chronic	8-hour	Acute				
Load File	Risk Views	Options	Export				
REC	GRP	NETID	X	Y	RISK_SUM	SCENARIO	
610	CARTGRID	GRD1	643240	4296640	8.5200e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
611	CARTGRID	GRD1	643260	4296640	9.2078e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
612	CARTGRID	GRD1	643280	4296640	1.0755e-06	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
613	CARTGRID	GRD1	643300	4296640	1.5686e-06	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
614	CARTGRID	GRD1	643320	4296640	9.4943e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
615	CARTGRID	GRD1	643340	4296640	7.1100e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
616	CARTGRID	GRD1	643360	4296640	5.6703e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
617	CARTGRID	GRD1	643380	4296640	4.5764e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
618	CARTGRID	GRD1	643400	4296640	3.7407e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
619	CARTGRID	GRD1	643420	4296640	3.1327e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
620	CARTGRID	GRD1	643440	4296640	2.6782e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
621	CARTGRID	GRD1	643460	4296640	2.3251e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
622	CARTGRID	GRD1	643480	4296640	2.0617e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
623	CARTGRID	GRD1	643500	4296640	1.8548e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
624	CARTGRID	GRD1	643520	4296640	1.6822e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
625	CARTGRID	GRD1	643540	4296640	1.5357e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
626	SENSITIV	Residenc	643242.7	4296527	2.3600e-06	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
627	SENSITIV	Residenc	643358.9	4296422	7.5636e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
628	SENSITIV	Residenc	643358.5	4296495	4.9192e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
629	SENSITIV	Residenc	643354.2	4296526	5.7551e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	
630	SENSITIV	Residenc	643263.9	4296373	9.1989e-07	30YrCancerDerived_InhSoilDemMMilk_FAH16to70	

REFERENCES

CAPCOA (20018): Health Risk Assessments for Proposed Land Use Projects. CAPCOA Guidance Documents. July 2009.

OEHHA (2015): Guidance Manual for Preparation of Health Risk Assessments. Office of Environmental Health Hazard Assessment. Cal EPA. February 2015.

FILED
Superior Court of California
County of Placer

NOV 09 2018

Jake Chatters
Executive Officer & Clerk
By: M. Taylor, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF PLACER

MICHELE THRELKEL and PETITIONERS
OF WEST ROSEVILLE,

Petitioners,

vs.

CITY OF ROSEVILLE, et al.,
Respondents.

DHILLON & SON ENTERPRISES, INC.,
et al.,

Real Parties in Interest.

Case No.: SCV 40328

Ruling on Submitted Matter

CEQA CASE

The hearing on the petition for writ of mandate in this action came on for hearing on October 19, 2018 at 8:30 a.m. in Department 42. Don Mooney, Esq. appeared on behalf of petitioners. Kate Wheatley, Esq. and Michelle Sheidenberger, Esq. appeared on behalf of the respondent City of Roseville. James Wiley, Esq. appeared on behalf of respondents. The court has carefully considered the briefing and oral arguments of the parties. The court rules on the petition as follows:

The current action stems from a dispute over an infill development off

1 of Fiddymment Road in Roseville, California. The Fiddymment Plaza Project
2 involves the development of a 1.38 acre parcel at 4701 Fiddymment Road.



(Figure taken from AR 05004)

22 The parcel is part of the West Roseville Specific Plan (WRSP), which
23 was originally adopted in February of 2004. (AR 01688.) The parcel falls
24 within the Fiddymment Ranch, a 1,678 acreage portion in the northwest part
25 of the WRSP containing a residential community. (AR 02555.) The parcel
26 originally consisted of 1.93 acres zoned as Single Family
27 Residential/Developmental Standards (R1/DS) for Low Density Residential
28 (LDR) land use. (AR 02549-02551, 02553-02554, 02581.) The parcel, also

PROJECT SITE

LEGEND

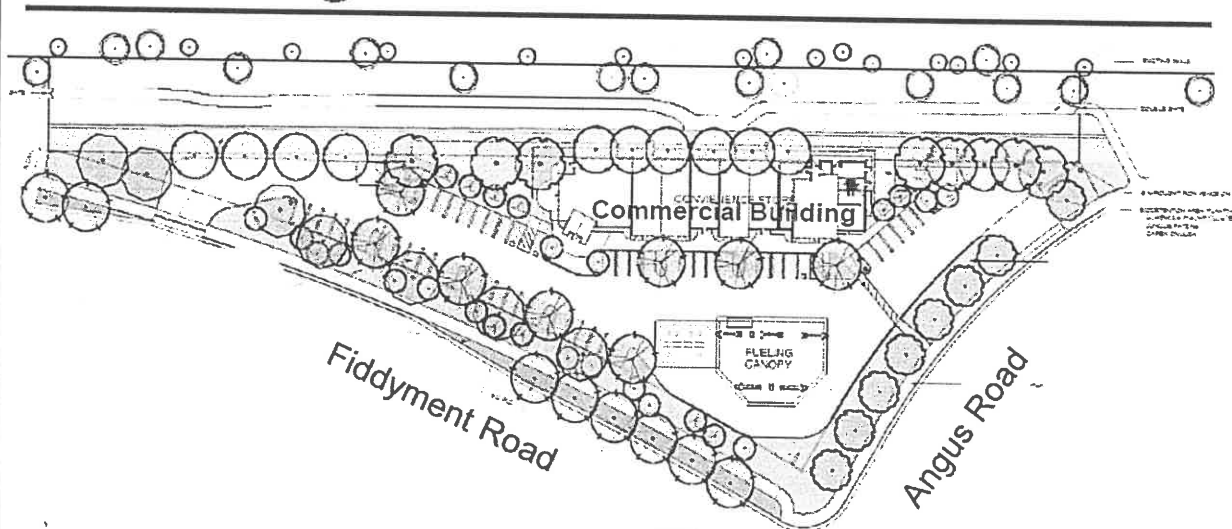
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- OPEN SPACE
- PARK
- PUBLIC UTILITY RIGHT-OF-WAY
- CONCEPT DEVELOPMENT

- 3

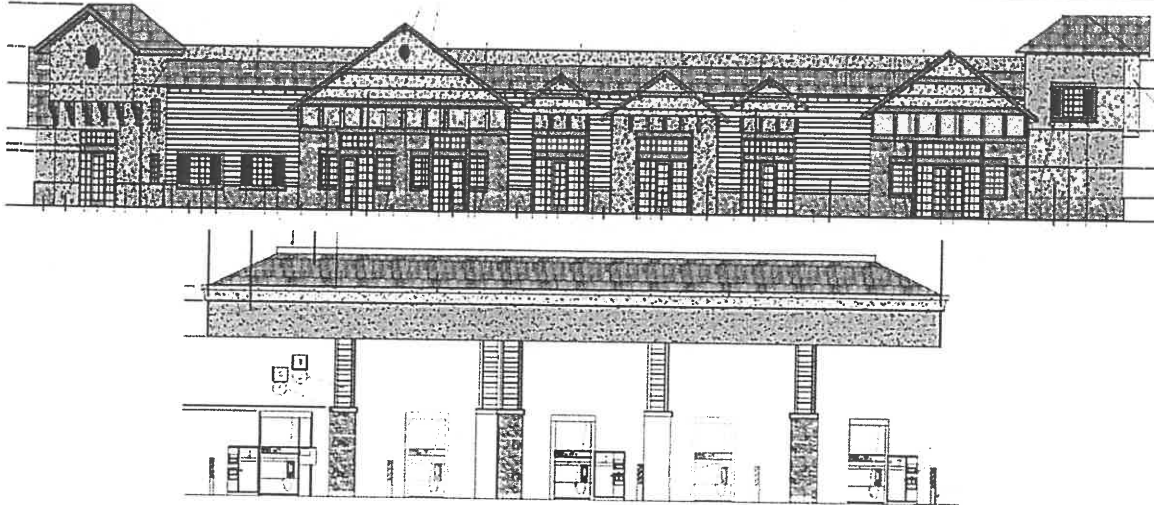
The rezoning of the parcel from R1/DS (LDR) to CC was a specific objective of the SPA 3: "Given limited services on the western side of the city, change the designation of a two-acre parcel in the northeast portion of Phase 2, at the corner of Angus Road and Fiddymment Road, from residential to Community Commercial in order to provide neighborhood services proximate to planned residential uses." (AR 02556.) The recognized CC land uses included grocery stores, retail stores, banks, restaurants, personal services, professional offices, and gas stations. (AR 02561.) The SPA 3 required all future projects to comply with the WRSP Design Guidelines. (AR 02564, 02578-02579.) The parcel was also subject to the City of Roseville's Community Design Guidelines for commercial parcel development. (AR 02586.)

On September 28, 2016, Dhillon & Son Enterprises, Inc. filed a universal application seeking a design review permit (DRP) to build the Fiddymment Plaza Project. (AR 01134-01163.) The Project consists of a 10,306 square foot mix use commercial development with 7,606 square feet of retail and 2,700 square feet of restaurant sites. The retail portion encompasses a 2,766 square foot convenience store with a 3,310 square foot gas station canopy for a five fuel bay, ten pump fueling station. The Project also includes a parking lot and landscaping.

Site Design



Building Design



(Figures taken from AR 05008-05009)

The Project went through the design review process within the Planning Division, who determined there was a categorical exemption under CEQA as an infill development under 14 C.C.R. Section 15332. (AR 00096, 01052.) The Planning Division also made recommendations regarding four findings of fact and one hundred conditions of approval. (AR 00045-00056.) A public hearing before the Planning Commission was set for August 10, 2017. (AR 01052.) The Planning Commission subsequently adopted the Planning Division's four findings of fact and one hundred conditions of approval with an amendment to Condition No. 9 prohibiting signage on the east elevation of the commercial building. (AR 00229.)

The Planning Commission's findings and approvals were then set for final approval before the Roseville City Council. A public hearing was set for October 4, 2017. (AR 01044-01046.) The Council approved the actions of the Planning Commission and adopted Resolution No. 17-430. (AR 00003-00005, 00130-00131.) The City posted a notice of exemption for the Project on October 5, 2017. (AR 00001.)

The Project garnered opposition throughout the approval process with members of the community appearing at every hearing to oppose the

1 Project along with filing all applicable appeals. Some of these individuals
2 continued their opposition after the notice of exemption was posted,
3 including filing the writ petition in this action.

4 Requests for Judicial Notice

5 The City brings two separate requests for judicial notice in support of
6 its opposition to the petition. In the first request, filed June 14, 2018, the
7 City seeks judicial notice of the following documents:

8 Exhibit 1 City of Roseville Municipal Code sections 19.12.020;
9 19.74.010; and 19.78.060

10 Exhibit 2 Placer County Air Pollution Control District Rules 501 and
11 502

12 Exhibit 3 Placer County Air Pollution Control District Advisory Notice
13 for Gasoline Dispensing Facilities dated August 21, 2002

14 Exhibit 4 City of Roseville, FEIR for West Roseville Specific Plan &
15 SOI Amendment, Section 4.4 dated January 9, 2004

16 The court grants the request for judicial notice of these four
17 documents under Evidence Code section 452.

18 In its second request, filed July 17, 2018, the City seeks judicial notice
19 of the following document:

20 Exhibit 1 PCAPCD Authority to Construct/Temporary Permit to
21 Operate Permit issued on May 21, 2018 and Final
22 Memorandum re Analysis of Public Health Risks dated
23 March 29, 2018

24 The petitioners objected to this document during oral argument. The
25 objection is well taken and the court sustains the objection. This exhibit
26 appears to encompass two separate and distinct documents; however, it is
27 submitted as a single document without any distinction. The first part is a
28 temporary permit issued by the PCAPCD. The second part is a technical

1 memorandum that appears to be drafted by a private consulting firm and
2 addressed to counsel for the real party in interest. The combination of these
3 two documents into a single submission appears misleading since it is not
4 apparent the memorandum has been incorporated into the temporary
5 permit. Whether intentional or unintentional, the submission amounts to
6 extra-record evidence that was not in existence at the time the City
7 determined the CEQA categorical exemption applied and would be improper
8 to consider at this time. It appears to have been drafted, *after the fact*, to
9 justify the City's previous determination. (*Western States Petroleum Assn.*
10 *v. Superior Court* (1995) 9 Cal.4th 559, 576.)

11 Petitioners' Contentions

12 Petitioners seek relief based on (1) CEQA violations; (2) violations of
13 the Roseville Municipal Code; and (3) violation of Planning and Zoning Laws.
14 First, petitioners argue the City could not rely upon the infill development
15 project categorical exemption since the City failed to show that the Project
16 met all of the conditions of an infill development. (14 C.C.R. section 15332.)
17 They also contend the City did not sufficiently address whether there was a
18 reasonable possibility that the Project would have a significant effect on the
19 environment due to unusual circumstances. (14 C.C.R. section 15300.2(c).)
20 Second, petitioners assert the City violated sections of the Roseville
21 Municipal Code when it approved the design for the noncompliant Project.
22 Finally, petitioners contend the City violated Planning and Zoning Laws since
23 the Project conflicted with the City's general plan.

24 First Cause of Action – CEQA Violations

25 Application of the Infill Development Exemption to CEQA Review

26 There are instances where a project may be exempt from CEQA
27 review. These include classes of projects that the Secretary of the Natural
28 Resources Agency has found do not have significant effects on the

1 environment. (Public Resources Code section 21084(a).) Also referred to as
2 categorical exemptions, the qualifying projects are fully exempted from
3 CEQA and listed in the CEQA Guidelines. (Ibid; 14 C.C.R. section
4 15061(b)(2), 15354, 15300-15329.) This includes infill development
5 projects.

6 Certain infill projects qualify for a categorical exemption to CEQA. (14
7 C.C.R. section 15332.) The infill development exemption may be applied if
8 the project meets five factors: (1) the project is consistent with general
9 plan designations, general plan policies, zoning designations, and zoning
10 regulations; (2) the proposed development falls within city limits on a site no
11 larger than five acres and substantially surrounded by urban uses; (3) the
12 site has no endangered, rare, or threatened species habitat; (4) approving
13 the project will not result in any significant effects to traffic, noise, air
14 quality, or water quality; and (5) the site can be adequately served by
15 utilities and public services. (14 C.C.R. section 15332(a)-(e).) Even if a
16 categorical exemption - such as the infill development project exemption - is
17 germane, it cannot be used if there is an applicable exception. (14 C.C.R.
18 section 15300.2.) For example, an exception exists where there is a
19 reasonable probability that the project will have a significant effect on the
20 environment due to unusual circumstances. (14 C.C.R. section 15300.2(c).)
21 Under these circumstances, an exception exists that prevents the usage of a
22 categorical exemption. (Ibid.)

23 Standard of Review

24 A review of the City's determination to claim a categorical exemption
25 to CEQA falls under Public Resources Code section 21168.5, which reviews
26 the City's determination for a prejudicial abuse of discretion. (*Berkeley*
27 *Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1009-1110;
28 *California Farm Bureau Federation v. California Wildlife Conservation Bd.*

1 (2006) 143 Cal.App.4th 173, 178.) Section 21168.5 provides that an abuse
2 of discretion exists where "the agency has not proceeded in a manner
3 required by law or if the determination or decision is not supported by
4 substantial evidence." The application of this standard when contesting a
5 categorical exemption determination depends upon how the petitioner
6 frames the challenge. If the petitioner challenges whether the requirements
7 of a categorical exemption have been met, then the determination is
8 reviewed to see if the agency failed to proceed in a manner required by law.
9 (*Walters v. City of Redondo Beach* (2016) 1 Cal.App.5th 809, 817; *Fairbanks*
10 *v. City of Mill Valley* (1999) 75 Cal.App.4th 1243, 1251.) If the petitioner's
11 challenges go to the factual determinations of an agency, then the
12 determinations are reviewed for the existence of substantial supporting
13 evidence within the record. (*Walters v. City of Redondo Beach* (2016) 1
14 Cal.App.5th 809, 817.)

15 The standard of review is applied differently when assessing whether
16 an exception bars reliance on a categorical exemption. Where the unusual
17 circumstances exception under 14 C.C.R. section 15300.2(c) is involved, an
18 agency's determination is reviewed under the "fair argument" standard.
19 (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086,
20 1115.) That is, the agency must show there is substantial evidence in the
21 record sufficient to support a fair argument regarding the agency's
22 determination on significant impacts and the reviewing court determines
23 whether the agency properly applied this test. (*Ibid.*) The substantial
24 evidence standard is applied to review an agency's factual determinations on
25 whether a project presents unusual circumstances. (*Id.* at p. 1114.)

26 Challenges Asserted by Petitioners

27 Petitioners' challenge here is limited in scope. First, they argue that
28 the categorical exemption could not be relied upon by the City. Petitioners

1 specifically challenge the project's ability to qualify under the infill
2 categorical exemption, asserting that the City failed to meet the project
3 consistent with general plan factor or the lack of significant effects to air
4 quality factor. Second, petitioners contend the significant effects exception
5 prevents the City from relying on the infill categorical exemption.

6 Infill Development Project Categorical Exemption – Consistencies
7 with the General Plan

8 Petitioners contend that the City's application of the infill categorical
9 exemption was unlawful since the project is inconsistent with the City's
10 general plan. They argue the project is inconsistent with the general plan in
11 two key respects. First, they argue that the project is not harmonious,
12 efficient, or safe within a residential development. Second, petitioners
13 assert that the general plan does not identify a gas station as a primary or
14 secondary use for CC zoning.

15 Every city is required to adopt "a comprehensive, long-term general
16 plan for the physical development of the ... city...." (Government Code
17 section 65300.) " 'An action, program, or project is consistent with the
18 general plan if, considering all its aspects, it will further the objectives and
19 policies of the general plan and not obstruct their attainment.' [Citation.]'
20 [Citation.] State law does not require perfect conformity between a
21 proposed project and the applicable general plan...." (*Friends of Lagoon*
22 *Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 817.) Further,
23 "[g]eneral plans ordinarily do not state specific mandates or prohibitions.
24 Rather, they state 'policies,' and set forth 'goals.' " (*Napa Citizens for*
25 *Honest Government v. Napa County Bd. of Supervisors* (2001) 91
26 Cal.App.4th 342, 378.) A project is inconsistent if it conflicts with
27 fundamental, mandatory, and clear policies with the general plan. (*Families*
28 *Unafraid to Uphold Rural El Dorado County v. El Dorado County Bd. of Sup'rs*

1 (FUTURE) (1998) 62 Cal.App.4th 1332, 1341-1342.) A city's determination
2 of consistency with its own general plan is provided great deference; the city
3 is in a unique position of competency to interpret the policies adopted in the
4 general plan since it acts in both a legislative and adjudicatory nature in
5 relation to those policies. (*The Highway 68 Coalition v. County of Monterey*
6 (2017) 14 Cal.App.5th 883, 896.)

7 In light of this deference, the trial court's review of the city's
8 determination is limited. The trial court reviews the record to decide
9 whether the city officials considered the applicable policies and the extent to
10 which the project conforms with the policies. (*Ibid.*) An agency's findings of
11 consistency will only be reversed upon a showing that no reasonable person
12 could have reached the same conclusion. (*Ibid*; *FUTURE, supra*, 62
13 Cal.App.4th at p. 1338.) The petitioners bear the burden of showing why
14 the City's determination is unreasonable based upon the evidence in the
15 record. (*The Highway 68 Coalition v. County of Monterey* (2017) 14
16 Cal.App.5th 883, 896; *California Native Plant Society v. City of Rancho*
17 *Cordova* (2009) 172 Cal.App.4th 603, 639.)

18 The City's Determination of Project Consistency with the
19 General Plan

20 The City, in determining that the project was consistent with the
21 general plan, relied upon the recommendations of the Planning Division.
22 The Planning Division issued a staff report for the August 10, 2017 Planning
23 Commission meeting that stated:

24 "ENVIRONMENTAL DETERMINATION

25 The project is categorically exempt from the environmental review
26 requirements of the California Environmental Quality Act (CEQA) per Section
27 15332 pertaining to Infill development projects and pursuant to Section 305
28 of the City of Roseville CEQA Implementing Procedures." (AR 00097.)

1 The Planning Division did not present any further information regarding this
2 determination at the meeting. (Id. at 00227-00304.)

3 The Planning Division provided another staff report to the City Council
4 for its October 4, 2017 meeting. This staff report went into more detail
5 discussing the project's consistency with the City's general plan.
6 Specifically, the report stated that a CC land use designation is conditionally
7 compatible with residential development. (AR 00017.) The staff report
8 further stated that design elements were adopted to reduce impacts on the
9 residential homes. (Ibid.) The design review plan analysis went into further
10 detail regarding vehicular and pedestrian circulation aimed at consistency
11 with the Community Design Guidelines, WRSP, and zoning ordinances. (Id.
12 at 00017-00018.) The general plan suggests that commercial development
13 should be on parcels between five to twenty-five acres but does not preclude
14 development on parcels that are under five acres. (Id. at 00018.) The
15 general plan also identifies that CC land use should be on the corners of or
16 adjacent to arterial roadways and the staff highlighted that the site was on
17 such an arterial road. (Ibid.) The staff also pointed out that zoning
18 ordinances did not prohibit such a project from being built within the
19 proximity of a park site. (Ibid.)

20 The staff report addressed the location of the gas station canopy. The
21 report acknowledged the placement was a deviation from the City's Design
22 Guidelines but highlighted that the guidelines are a framework which allows
23 for applicable deviations. (Ibid.) Staff stated the project canopy design was
24 similar to several other designs within the City that had canopies adjacent to
25 intersections. (Ibid.)

26 The staff report also added a specific discussion section,
27 "Environmental Review," which broke down the five factors required to claim
28 a categorical exemption for an infill development project. In reference to

1 the consistency of the project to the City's general plan, the report stated:
2 "The project site has a land use and zoning designation of CC which
3 principally permits the proposed use. Furthermore, as noted herein the
4 project is consistent with the Zoning Ordinance standards and Community
5 Design Guidelines." (AR at 00019.) The staff did not present any new
6 evidence, outside of what was submitted in their report, at the October 4,
7 2017 meeting. (AR 00121-00132.)

8 The Evidence within the Record Shows that the City's
9 Determination was Reasonable

10 Contrary to petitioners' assertions, the record contains sufficient
11 evidence to support the City's determination the project is consistent with
12 the City's general plan. The general plan specifically states that proposed
13 land use definitions are "broad in scope to allow the flexibility necessary to
14 achieve the General Plans policies related to pedestrian orientation and
15 convenience gained by allowing mixed use projects." (AR 01205.)
16 Petitioners are correct that this designation within the general plan refers to
17 larger parcels that will support full scale retail and businesses or professional
18 offices like medical offices and clinics. (Id. at 01213.) However, the
19 purpose of the CC category under the general plan is to provide "a broader
20 range of goods and services to an expanded service area." (Ibid.) There is
21 nothing within the language of the general plan that prevents a project on a
22 parcel designated CC from including smaller scale projects. To the contrary,
23 the express language of the general plan states that the CC category is
24 broader rather than limited in scope. (Ibid.)

25 The dispute here is caused in part by the category designation chosen
26 by the City. A review of the general plan language shows that the parcel
27 falls more along the lines of a neighborhood commercial (NC) category
28 rather than a CC category. The NC designation refers to parcels "intended

1 to provide basic commercial services for the convenience of surrounding
2 neighborhoods within walking distance of major residential areas." (Id. at
3 01212.) The primary use of NC is a "limited range of goods and services,
4 including gas stations, intended for the convenience of the immediate
5 neighborhood and compatible with adjacent land uses." (Ibid.) The general
6 plan describes the standard for the NC category as "applied to lands that are
7 adjacent to collector and/or arterial streets, and residential neighborhoods.
8 Goods and services may be provided in stand-alone buildings, or in small
9 centers, on three to seven acres, with a floor area ratio between 20% to
10 40%. Project designs in this category will have a pedestrian scale and
11 orientation, and provide convenient pedestrian and bicycle access thereby
12 reducing the need for an automobile trip." (Id. at 01213.)

13 The project falls squarely within one typically found within this NC
14 designation since it is limited in size to 1.38 acres on an arterial street,
15 adjacent to collector street, and surrounded by LDR. The project also
16 consists of a single commercial building for some retail and restaurants
17 along with a gas station. This apparent deviation in designation, however,
18 does not render the project inconsistent. To the contrary, the project falls
19 squarely within the realm of usage contemplated for such a parcel. The fact
20 that the WRSP provided a broader land use designation with the CC category
21 does not render the project inconsistent with the general plan. The WRSP
22 redesignated the parcel as CC in order to provide neighborhood or
23 community serving uses near the surrounding Village neighborhoods. (AR
24 01716, 01718, 01731.) The CC land use designation allowed for greater
25 zoning flexibility as compared to an NC designation. An NC category only
26 allows for NC and planned development (PD) zoning. (Id. at 01208.) A CC
27 designation allows for expanded zoning, which includes CC; NC; PD;
28 highway commercial (HC); general commercial (GC); and commercial mixed

1 use (CMU). There is no inconsistency here since the project is among the
2 land uses allowed for the parcel and is the specific type of project sought for
3 a parcel surrounded by LDR.

4 Nor is the gas canopy design/positioning inconsistent with the general
5 plan. One of the goals for community design under the general plan is to
6 "achieve a consistent level of high quality aesthetic and functional design
7 through the development of, and adherence to, superior design concepts
8 and principles as defined in the Community Design Guidelines." (AR 01228.)
9 "The intent of the guidelines is to define those design elements that are
10 important to the City, that, when applied during development review, will
11 ensure quality design for both public and private projects." (Id. at 01230.)
12 In addressing gas station canopies, Guideline CC-5 states that "[g]as station
13 canopies, ..., ... *should* be located away from the corner." [Emphasis added.]
14 (Id. at 04822.) This language suggests, but does not mandate, the
15 positioning of gas canopies away from the corner of the parcel. As is stated
16 in the guidelines, their purpose is to provide project designers flexibility and
17 encourage creativity to satisfy the design objections. (Id. at 04811.) The
18 staff report acknowledged the gas canopy placement was a deviation from
19 CC-5 but also stated the design was similar to other projects within the City
20 that had deviated in position, placing the canopies adjacent to intersections.
21 (Id. at 00018.) The record supports the City's determination regarding the
22 gas canopy and its consistency with the general plan.

23 Infill Development Project Categorical Exemption – Significant
24 Effects to Air Quality

25 Petitioners also argue the City's reliance on the infill categorical
26 exemption was improper since the City failed to show the project will not
27 significantly impact air quality. They assert the record is absent any specific
28 findings or evidence supporting the City's position. To reiterate, one of the

1 five factors the City must show to invoke the infill categorical exemption is
2 approval of the project will not result in any significant effects to, among
3 other things, air quality. (14 C.C.R. section 15332(d).) The City's factual
4 determinations regarding a project falling within an exemption category are
5 reviewed for substantial evidence within the record. (*Save Our Carmel River*
6 *v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 667,
7 694; *San Francisco Beautiful v. City and County of San Francisco* (2014) 226
8 Cal.App.4th 1012, 1021.) Reviewing the record for substantial evidence
9 involves reviewing the evidence, resolving all conflicts in favor of the agency
10 with all reasonable and legitimate inferences indulged in to uphold the
11 agency's determination. (*Western States Petroleum Assn. v. Superior Court*
12 (1995) 9 Cal.4th 559, 570-571.) Any evidence, whether contradicted or
13 uncontradicted, may support the determination so long as it is substantial.
14 (*Ibid.*) Furthermore, the court cannot substitute its own deductions when
15 two or more inferences can be reasonably deduced from the facts within the
16 record. (*Ibid.*)

17 The City's Determination the Project Would Not Result in
18 any Significant Effects to Air Quality

19 Again, the City relied upon the recommendations of the Planning
20 Division when it determined the project would have no significant effects to
21 air quality. The Division's staff report for the August 10, 2017 Planning
22 Commission meeting included a single sentence stating that the project was
23 exempt from CEQA under the infill exemption. (AR 00097.) The Planning
24 Division provided no further information regarding this determination at the
25 August 2017 meeting. (*Id.* at 00227-00304.) The second staff report,
26 provided at the October 4, 2017 meeting, included further details on the five
27 infill exemption factors. The staff report stated the following in relation to
28 the lack of significant effects to air quality:

1 "As noted above, the project will generate fewer trips than anticipated
2 by the City's Traffic Model and air quality impacts related to gas stations are
3 governed by PCAPCD. The project was circulated to PCAPCD and no special
4 comments were submitted. The Subsequent Environmental Impact Report
5 (SEIR) for SPA 3 included air quality mitigation measures that the project
6 must meet. Additionally, the nearest homes back up to the site or the
7 adjacent roadway and will be setback from the gas station a minimum of
8 125'. These homes will also be screened by landscaping and a six foot tall
9 masonry wall further reducing noise impacts. Staff does not anticipate any
10 noise impacts or significant air quality impacts to adjoining properties
11 beyond those customarily associated with traffic from the nearby roadways.
12 However, consistent with City policy the project will be required to comply
13 with the City's Noise Ordinance to ensure minimal impacts on nearby homes,
14 and the proposed gas station will be required to secure an annual permit to
15 operate, through PCAPCD, ensuring the required local, state, and federal
16 standards are adhered to as it relates to air quality impacts." (AR 00020.)

17 Staff from the Planning Division appeared at the October 4, 2017
18 hearing to discuss the report. At the meeting, Associate Planner Wayne
19 Wiley made several statements regarding the project. First, Mr. Wiley
20 framed the review process for the project: "... I think it's important to
21 provide information on the design elements of the project, because as noted
22 in my staff report, legally with the design permit, we are only able to
23 analyze the design aspects of the project. And as such, the proposed uses
24 are not in question as the project cannot be denied by virtue of including a
25 gas station" (AR 00139.) Mr. Wiley addressed the issue of air quality:
26 "...[A]t the [August 10, 2017] meeting there were issues or concerns raised
27 regarding air quality impacts or issues. And in response we noted that the
28 Air District governs gas stations and actually has a very stringent permit

1 process that ensures compliance with regulatory standards." (Id. at 00143.)
2 He discussed the matters outlined in the staff report: "But as outlined in my
3 staff report the project is exempt per CEQA pertaining to [infill] projects. In
4 addition, the project will have to comply with the City's noise ordinance and
5 will have to secure a permit through the air district prior to operating the gas
6 station." (Id. at 00145-00146.) Mr. Wiley also stated: "But for CEQA
7 purpose projects are characterized as in fill development if they meet five
8 conditions which include the project will not have or result in significant
9 traffic [noise], air quality or water quality impacts, So, all of these are
10 outlined in your staff report on page three and they are followed by an
11 analysis." (Id. at 00146.) Mr. Wiley also acknowledged that members of
12 the community had voiced concerns throughout the process regarding the
13 impacts to air quality that the project would have to the surrounding
14 residential communities (Id. at 00143-146), concluding: "[S]taff
15 acknowledges that there are residents with concerns and we have addressed
16 those to the best extent possible." (Id. at 00147.)

17 The applicant's representative, Marcus LoDuca, also testified at the
18 hearing: "[T]his project is exactly what the State had in mind by adopting
19 State CEQA guidelines section 15332 related to exemptions for small infill
20 projects. That exemption notwithstanding one thing that has been
21 mentioned is this site has already been the subject of an environmental
22 impact report done for the SPA three project which you approved in April of
23 2014. That EIR analyzed all of the land uses in the SPA Three project, ...,
24 All impacts, including traffic, noise, air quality, greenhouse gas emissions,
25 and others were analyzed in that EIR assuming that the commercial parcels,
26 including this parcel, and the SPA Three project, would be built out As
27 for air quality, again, as staff mentioned, you have to go through the air
28 pollution control district to get your permit to construct, you have to comply

1 with their rules on nozzles and the gas station and all of the rest. Those
2 have gotten stricter and stricter over the years, but more, moreover, the Air
3 District has commented on this project. When the City gets an application in
4 it sends it to all commenting agencies, it went to the Air District last year,
5 the Air District submitted a letter to the city, it had no comments, it just
6 said, you have to comply with our rules to be able to construct the project.
7 So, again, as staff mentioned, there are the, any air quality issues are dealt
8 with by the Air District in the context of their authority to give a permit to
9 construct. So, in short, there simply aren't any CEQA issues with this
10 project." (Id. at 00154-00156.) Mr. LoDuca provided an additional
11 statement after public comments from the petitioners and other community
12 members to readdress air quality: "[T]he process relative to the air pollution
13 control district. The application process to the air pollution control district
14 takes place when improvement plans are prepared after the local action by
15 the City is done, the applicant then spends several months preparing
16 improvement plans, it goes through the building and engineering
17 departments there, and at that time they develop the information relative to
18 what the air district will look at putting through put, how the pumps are
19 designed, there are vapor recovery systems in all, that's the process." (Id.
20 at 00199-00200.)

21 Mr. Wiley made additional statements regarding air quality after the
22 public comment portion of the hearing: "[W]e route projects initially [to
23 PCAPCD], when a project first comes in we route a fairly complete project
24 description, and so, we have correspondence from the Air District last
25 October regarding the project, and they recognize that there were going to
26 be five gas fueling pumps with, you know, obviously two hoses per pump, so
27 then stations to fuel from. So, they had an idea as to the number of pumps.
28 And in our correspondence and all of our correspondence they haven't

1 indicated any issues with the location of this, of this gas station relative to
2 the residential units. So, they will not only have to comply with Air District
3 regulations to build a gas station but they will have to comply with ongoing
4 operational regulations from the Air District to ensure that they are not
5 creating an air quality impact.” (Id. at 00206-00207.)

6 Greg Bitter, the Planning Manager, also responded to address the role
7 of PCAPCD, stating that PCAPCD would regulate the issues related to the gas
8 station, including through put; thresholds and distance requirements from
9 sensitive receptors; and maximum number of gallons to sold per year. (Id.
10 at 00210.) Mr. Bitter further stated: “[W]hen we receive correspondence
11 back from the Air District, they didn’t have any, any concerns, ... it was our
12 assumption that ..., ..., because their regulations are ministerial, you have to
13 meet, you cannot operate a gas station [if] you are not meeting their
14 regulations. There is no discretion that the Air District has. You meet their
15 regulations in order to operate your gas station.” (Id. at 00212.) No
16 additional evidence was submitted by the City at the time of the hearing.

17 Substantial Evidence Does Not Exist within the Record to
18 Support the City’s Determination that the Project Would
19 Not Significantly Effect Air Quality

20 The City’s determination on this factor relies upon two specific areas.
21 First, the City relies on the air quality mitigation measures analyzed in the
22 SEIR for SPA 3. Second, the City relies on the gas station being regulated
23 by the PCAPCD. Both of these areas will be addressed separately.

24 One of the bases for determining that the project would not have a
25 significant effect on air quality was the City’s reliance on the SEIR for SPA 3
26 with the City determining that the project would have to implement those
27 mitigation measures. The SPA 3 rezoned the subject parcel from LDR to CC
28 designation, expanding its zoning usages. This rezoning was identified as a

1 specific objective within the SPA 3. (AR 02556.) While rezoning for the
2 parcel was an objective of the SPA 3, the SEIR did not provide analysis
3 discussing the parcel. The SEIR focused upon the environmental impacts for
4 the undeveloped portions of phases 2C through 3B for the Fiddymment Ranch
5 development. (AR 02359.) This project parcel was part of phase 2B, which
6 had been substantially completed. (Ibid.) In light of this, the environmental
7 analysis for air quality and mitigation measures focused upon construction
8 related emissions and project operation emissions centered on residential
9 construction. (Id. at 01951-01955, 01957-01958, 02342-02373.)

10 The SEIR did identify gas stations as sources of toxic air contaminants
11 (TACs), which include the release of benzene. (Id. at 02349-02350.) It
12 identified residences and schools as sensitive receptors that are considered
13 more sensitive to air pollutants. (Id. at 02350.) The SEIR also referred to
14 the PCAPCD, its Air Quality Handbook, and the PCAPCD's rules/regulations
15 as identifying various mitigation measures where a project's impact exceeds
16 any significant threshold criteria. (Id. at 02354-02356.) The SEIR,
17 however, does not significantly analyze any of these issues. As previously
18 stated, the focus of the environmental analysis and related mitigation
19 measures was on the development of further subdivisions within phases 2C
20 through 3B of Fiddymment Ranch. There was no significant analysis regarding
21 the air quality impact of a gas station in a residential subdivision, or the
22 specialized air quality concerns that surround the release of TACs from a gas
23 station, as there was no such project slated at the time the SEIR was
24 drafted.

25 The second basis of reliance for the City's determination is the
26 PCAPCD's rules and regulations over the project. The record, however, does
27 not identify any of the applicable rules or regulations relied upon by the City
28 in its determination. The Planning Division's first staff report for the August

1 2017 meeting is completely devoid of substantive discussion, let alone
2 analysis, regarding the project's effects on air quality. (AR 00227-00304.)
3 In the second staff report, the Planning Division provides a paragraph
4 recitation to conclude that the gas station will not significantly effect traffic,
5 noise, water quality, and air quality without identifying the specific PCAPCD
6 rules and/or regulations applicable to the project. (Id. at 00020.) The staff
7 also spent a significant amount at the October 2017 hearing focusing upon
8 their limited role in analyzing the air quality for the project. (Id. at 00139,
9 00143, 00145-00147, 00206-00207, 00212.) That's all.

10 The question before the court is whether there is substantial evidence
11 in the record to support the City's determination that the project will not
12 have a significant effect on air quality. The answer here is "no". After
13 making an initial, conclusory determination that the project was exempt
14 from CEQA review, the City switched gears to rely on a patchwork of items
15 to support its prior conclusory determination. The SEIR identifies - but
16 never analyzes - the significance of TACs or their impacts on sensitive
17 receptors and the mitigation measures do not take these issues into
18 account. Furthermore, mitigation measures generally cannot be used to
19 support a categorical exemption to CEQA. (*San Francisco Beautiful v. City*
20 *and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1032.)

21 As to the PCAPCD rules and regulations, the City argues it is entitled to
22 rely upon PCAPCD's generally applicable regulations to support its conclusion
23 that the gas station will not significantly effect air quality. (*San Francisco*
24 *Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012,
25 1033.) This assertion misses the mark. The City can legitimately rely upon
26 the PCAPCD's regulations but first it has to identify them. The record makes
27 it clear that justification for reliance on the categorical exemption was an
28 afterthought that arose when residents in the surrounding neighborhood,

1 which include petitioners, voiced their concerns. The City then gathered
2 information in order to respond but throughout their responses, staff for the
3 City made it clear they were ceding the entire air quality issue to the
4 PCAPCD. With this concession, however, the record does not show that the
5 PCAPCD ever took on the mantle of providing a discussion or analysis
6 regarding the project's significant effects, or lack thereof, on air quality. To
7 the contrary, the PCAPCD provided a letter correspondence providing some
8 "comments for consideration". (AR 00392-00393.) The PCAPCD never
9 expressly stated, nor does the record show, that the PCAPCD would provide
10 some justification to support the City's determination regarding air quality.

11 The City's position that mere regulation of the gas station by the
12 PCAPCD meets the categorical exemption factor also fails to sufficiently
13 support its determination. To reiterate, the record is silent regarding the
14 PCAPCD rules and regulations the City relied upon to support its air quality
15 determination. This is because the City took the position, without providing
16 any substantive discussion or analysis, that the PCAPCD permitting and
17 regulation process would sufficiently address any air quality impacts. In its
18 opposition to this petition, the City attempts to cobble together, through
19 judicial notice requests, the applicable rules and regulations that support its
20 determination. This post hoc attempt to legitimize its determination does
21 not salvage the fact that the record fails to include substantial evidence to
22 support the City's determination. To be considered substantial evidence, the
23 evidence must be of ponderable legal significance with reasonable, credible,
24 and solid value. (*Roddenberry v. Roddenberry* (1996) 44 Cal.App.4th 634,
25 651.) Logical and reasoned inferences can be considered substantial
26 evidence. (*Ibid.*) Speculation or conjecture, however, are generally not
27 considered substantial evidence. (*Ibid.*) What the record shows is that the
28 City relied upon speculation or conjecture regarding the strictness of the

1 PCAPCD's rules and regulations without actually identifying or reviewing
2 them. These conclusory determinations were not based upon any specific
3 evidence present within the record. Indeed, there is a substantial lack of
4 evidence. Moreover, there is a striking portion of the record that directly
5 contradicts the City's current arguments. It is the notice of exemption
6 posted on October 5, 2017, which states as follows: "REASONS WHY
7 PROJECT IS EXEMPT: The project is consistent with the development
8 assumptions anticipated by the land use and zoning, and the potential
9 impacts of the project were acknowledged in the General Plan and
10 Fiddymment Ranch Specific Plan Amendment 3 (FRSPA) EIR
11 (SCH#2010082075). The project is consistent with the anticipated impacts
12 identified in the General Plan and FRSPA EIR; therefore, no further
13 environmental review is necessary." (AR 00001.) The City's own notice of
14 exemption fails to rely upon any of the PCAPCD rules or regulations as a
15 basis for exemption from CEQA review. For these reasons, it cannot be
16 determined that substantial evidence supports the City's determination
17 regarding the lack of significant impacts to air quality.

18 Exception to the Infill Development Project Categorical
19 Exemption

20 Since it has been determined that substantial evidence does not exist
21 to support the City's determination regarding the fourth factor necessary to
22 invoke this categorical exemption, the court need not discuss whether an
23 exception exists.

24 Second Cause of Action – Violations of the Roseville Municipal Code

25 In the second cause of action, petitioners once again challenge the
26 consistency of the project, this time as it pertains to Roseville Municipal
27 Code section 19.78.060(B)(3). They argue the project violates the section
28 since the gas canopy deviates from the Guidelines and the gas station is not

1 harmonious with the general plan. Section 19.78.060(B)(3) states in
2 pertinent part:

3 "Section 19.78.060 – Required Findings for Approval or Conditional
4 Approval of Permits and Variances

5 The Approving Authority may approve or conditionally approve an
6 application for a permit or variance, as defined in Section 19.14.010,
7 only if all of the following applicable findings, in addition to those
8 findings that are applicable in this Title are made.

9 B. Findings for a Design Review Permit. The Approving Authority
10 shall make the following findings to approve a Design Review
11 Permit:

12 [1][1]

13 3. The building design, including the materials, colors, height,
14 bulk, size and relief, and the arrangement of the structures
15 on the site, as approved is harmonious with other
16 development and buildings in the vicinity and which is
17 consistent with the applicable goals, policies and objectives
18 set forth in the General Plan, the Community Design
19 Guidelines and the applicable Specific Plan and/or
20 applicable design guidelines."

21 Petitioners' contention here does not involve interpretation of the
22 section, rather, it is a different framing of the same challenge to the City's
23 determination of the project's consistency with the general plan and
24 community design guidelines. This determination is reviewed for substantial
25 evidence. (*Eskeland v. City of Del Mar* (2014) 224 Cal.App.4th 936, 941-
26 942.) As previously discussed above, these assertions lack merit and the
27 second cause of action fails.

28 Third Cause of Action – Planning and Zoning Law Violations

1 As previously discussed, a city must adopt a comprehensive, long-term
2 general plan to pursue an effective planning process. (Government Code
3 section 65300; *Orange Citizens for Parks & Recreation v. Superior Court*
4 (2016) 2 Cal.5th 141, 152.) " 'The propriety of virtually any local decision
5 affecting land use and development depends upon consistency with the
6 applicable general plan and its elements.' " (*Citizens of Goleta Valley v.*
7 *Board of Supervisors* (1990) 52 Cal.3d 553, 570 (*Goleta Valley*).) The
8 standard of review under the Planning and Zoning laws is similar to that
9 analyzing the general plan consistency element for a CEQA infill project
10 categorical exemption. "Where a consistency determination involves the
11 application of a general plan's established land use designation to a
12 particular development, it is fundamentally adjudicatory. In such
13 circumstances, a consistency determination is entitled to deference as an
14 extension of a planning agency's ' "unique competence to interpret [its]
15 policies when applying them in its adjudicatory capacity." [Citation.]'
16 Reviewing courts must defer to a procedurally proper consistency finding
17 unless no reasonable person could have reached the same conclusion.
18 [Citations.]" (*Orange Citizens for Parks & Recreation v. Superior Court*
19 (2016) 2 Cal.5th 141, 155.) Petitioners argue the City violated Planning and
20 Zoning laws due to the inconsistency between the project and the general
21 plan. Specifically, they claim that the gas canopy deviations; small parcel
22 size; parcel position to arterial and connector streets; and the gas station
23 not being listed as a primary or secondary use. These assertions do not
24 establish inconsistencies in the general plan for the reasons detailed in the
25 prior CEQA discussion. In light of this, petitioners' third cause of action fails.

26 Disposition

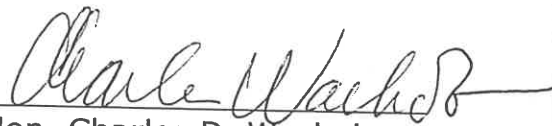
27 Petitioners do not prevail on their second cause of action.

28 Petitioners also do not prevail on their third cause of action.

1 Petitioners prevail on their first cause of action for CEQA violations.
2 Specifically, substantial evidence does not support the City's determination
3 as to the fourth factor that the project will not have a significant effect on air
4 quality to allow the City to rely upon the infill project categorical exemption.

5 Let a peremptory writ of mandate issue instructing respondent City of
6 Roseville to vacate and set aside City of Roseville Resolution No. 17-430,
7 adopted on October 4, 2017, along with vacating and setting aside the
8 determinations that the project qualifies for a categorical exemption as an
9 infill development project under CEQA.

10
11 Dated: 11-9-18


12 Hon. Charles D. Wachob
13 Judge of the Superior Court
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**SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF PLACER**

CLERK'S CERTIFICATE OF MAILING (C.C.P. §1013a(4))

Case No.: **S-CV-0040328**

Case Name: **Michelle Threlkel, et al vs City of Roseville, et al**

I, the undersigned, certify that I am the clerk of the Superior Court of California, County of Placer, and I am not a party to this action.

I mailed copies of the documents(s) indicated below:

Ruling on Submitted Matter

True copies of the documents were mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as follows:

Donald Mooney
129 "C" Street, Ste 2
Davis, CA 95616

Robert Schmitt
311 Vernon St
Roseville, CA 95678

Kate Wheatley
500 Capitol Mall, Ste 1150
Sacramento, CA 95814

I am readily familiar with the court's business practices for collecting and processing correspondence for mailing; pursuant to those practices, these documents are delivered to

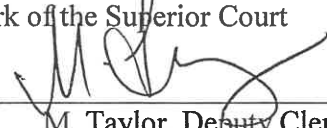
- ☒ the US Postal Service
- ☐ UPS
- ☐ FedEx
- ☐ Interoffice mail
- ☐ Other

on November 9, 2018 in Placer County, California.

Dated: November 9, 2018

JAKE CHATTERS
Clerk of the Superior Court

by:


M. Taylor, Deputy Clerk

417 Mace Boulevard, Suite J-334
Davis, CA 95618
530-758-2377
dbmooney@dcn.org

July 11, 2019

VIA ELECTRONIC MAIL

svockel@roseville.ca.us)

Shelby Vockel
Planning Division
City of Roseville
311 Vernon Street
Roseville, CA 95678

Re: Design Review Permit WRSP PCL F-81
Fiddymment Plaza Project #PL19-0013

Dear Ms. Vockel:

This office represents Michele Threlkel and Petitioners of West Roseville regarding the proposed Fiddymment Plaza Project #PL19-0013. Ms. Threlkel and Petitioners of West Roseville oppose the proposed Project on the grounds that the City has failed to comply with the requirements of the California Environmental Quality Act (CEQA), Public Resources Code, section 21000 *et seq.* As discussed below, neither CEQA nor the record support a determination or finding that the Project is categorically exempt as an infill project under CEQA Guidelines, section 15332.

The proposed Project provides for the construction of a 8,802 square-foot mixed-use building consisting of 3,977 square feet of retail, 1,938 square feet of restaurant space and 2,887 square feet for a convenience store. A gas station canopy with 5 fuel bays and 10 pumps will also be constructed.

A. *The Project Does Not Qualify for an Infill Exemption Under CEQA Guidelines section 15332*

The City relies upon CEQA Guidelines section 15332, otherwise known as the "infill exemption." Section 15332 states:

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

In order for the “infill exemption” to apply, the proposed Project must meet all of the conditions listed in section 15332. (*Id.*; see also *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1347.) Additionally, to qualify for this exemption, a project “must comply with all applicable general plan designations and regulations and all applicable zoning designations and regulations. (193 Cal.App.4th at 1347.) As discussed below and in comments submitted by local residents, the proposed Project will result in significant effects to air quality. Thus, the City may not rely upon the “infill exemption” under CEQA. Such reliance would violate CEQA and constitute a prejudicial abuse of discretion and be contrary to law. (See Code Civ. Proc. § 1094.5, Pub. Resources Code, § 21168.)

The City’s reliance upon an in-fill exemption must be supported by substantial evidence in the administrative record. Substantial evidence “includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.” (Pub. Resources Code, § 21080(e)(1).) Substantial evidence does not include argument, speculation or unsubstantiated opinion. (Pub. Resources Code, § 21080(e)(2).) Rather “substantial evidence” means “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” (CEQA Guidelines, § 15384(a).)

In the present matter, the record lacks substantial evidence to support the City’s determination that approval of the project would not result in any significant effects to air quality. The Staff Report states that “[t]he SEIR included air quality mitigation measures that the project must comply with. (See SEIR Chapter 7 regarding Air Quality and FEIR for WRSP SOI Amendment, Section 4.4 dated January 9, 2004.)” Staff Report at p. 13.) This issue was properly disposed of by the Superior Court wherein it stated: “The SEIR identifies – but never analyzes – the significance of TACs or their impacts on sensitive receptors and the mitigation measures do not take these issues into account. Furthermore, mitigation measures generally cannot be used to support a categorical exemption to CEQA. (*San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1032.)” (Ruling on Submitted Matter, *Threlkel v. City of Roseville* (2018), Placer County Superior Court Case No. SCV 40328 at p. 20.)

The Staff Report further states:

In addition, air quality impacts related to gas stations are governed by PCAPCD which requires a gas station operation to secure an annual

permit to operate. This permit process through PCAPCD ensures that the required local, state, and federal standards are adhered to as it relates to air quality impacts and that no permit is provided if PCAPCD significance thresholds are exceeded. (See Attachment 5 describing PCAPCD's jurisdiction and permitting process, PCAPCD Rules 501 and 502 and the PCAPCD Advisory Notice for Gasoline Dispensing Facilities dated August 21, 2002.) The project has obtained a PCAPCD Authority to Construct/ Temporary Permit to Operate, issued on May 21, 2018, which included a technical memorandum analyzing Public Health Risk associated with the project. The analysis found that the project is well within the PCAPCD significance thresholds and the permit was accordingly issued. Both of these documents are included as Attachment 5. The City relied on PCAPCD's Authority to Construct/ Temporary Permit to Operate, based on the applicable rules and policies outlined in Attachment 5, in reaching its determination on air quality. Therefore, there will be no significant effects related to air quality. (Staff Report at 13-14.)

First, compliance with standards in and of itself does not constitute substantial evidence that a project will not have a significant impact. (*See Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 128.) Thus, the Staff Report's statement that the Project will operate based upon applicable rules and policies does not constitute substantial evidence that the Project will not have significant impacts to air quality.

Second, the attached analysis and comments by Dr. Markus Hilbert, an associate professor in the Department of Environmental Health Sciences at Columbia University identifies the flaws in the Final Technical Memorandum ("FTM") relied upon by the City. (Dr. Markus Hilbert's June 22, 2019 letter is attached as Exhibit A.) According to Dr. Hilbert, the FTM does not make a convincing case that the health risks due to gasoline emissions from the gas station are insignificant. As indicated by Dr. Hilbert's analysis, this not a mere disagreement among experts. Instead, Dr. Hilbert indicates the flaws in the FTM. For instance, Dr. Hilbert concluded that since the numerical grid is too coarse the analysis does not account for the fact that residents spend time at different locations of their property and for several nearby residential properties, benzene exposure and cancer risks are not modeled at all. Additionally, the coarse grid is inadequate to capture nonlinear changes in atmospheric benzene concentrations and associated health risks.

Dr. Hilbert also found that FTM does not contain any information about the height of the receptors, for which health risks were estimated. This is important because the analysis should estimate the risks in the breathing zone and some of the nearby residences appear to be two-story.

The FTM also fails to identify location of the emission sources which effects the results of the modeling. The FTM also fails to adequately address the cancer risk. As indicated by Dr. Hilpert, the FTM estimated only a 30-year cancer risk and not a 70-year cancer risk as used by the California Air Resources Board ("CARB").

Finally, Dr. Hilpert comments on the fact that the proposed gas station intends to use Enhanced Vapor Recovery ("EVR") technology to prevent fuel vapors in overpressurized tanks from being expelled into the atmosphere. These systems are a concern, however, because of an excessive number of storage pressure alarms which has the potential for increases in VOC emissions and "potential near source health risk issues at worst case sites due to increased benzene exposure." (Citing CARB 2018.) As a result, the FTM's health risk calculations fail to account for the potentially important emission source and thus, probably underestimates the associated health risks associated with the project adjacent to a residential neighborhood.

The Staff Report also fails to address that the CAPCOA Handbook (July 2009) specifically states that the permitting process does not adequately address the health risk assessments for CEQA purposes.

Generally, a health risk assessment for CEQA purposes must include all sources of emissions that will emanate from a project. This includes existing and proposed facility-wide emissions. This includes all sources of potential emissions whether or not the project is subject to district permitting requirements. Additionally, all substances that the Office of Environmental Health Hazard Assessment has identified as having toxicity values must be included in the health risk assessment; some districts may allow a less detailed risk assessment.

It is not permissible to omit permitted sources in a CEQA risk assessment, even if these sources will be evaluated during the permit process. ***The permitting process does not evaluate the cumulative risk associated with the entire facility, only the individual permit unit.*** A challenge to the completeness of the risk assessments can be made if these sources are not included in the analysis.

It is also not permissible to omit criteria pollutants in the facility risk assessment, assuming that these emissions will be evaluated separately. Criteria pollutants have OEHHA approved RELs that must be included in the chronic and acute hazard indices. Again, a challenge to the completeness of the risk assessments can be made if these substances are omitted. (Emphasis added.)

CAPCOA Handbook (July 2009) at p. 73; see Exhibit C to this letter.)

The California Supreme Court also recently addressed the need to conduct Health Risk Assessments during the environmental review process. (See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502.) While *Sierra Club* involved the Court's review of an Environmental Impact Report and was not an exemption case, the Court's analysis and discussion regarding Health Risks Assessments is applicable in this matter given the requirement that the City must determine that approval of the project would not result in any significant effects relating to air quality and that such determination must be supported by substantial evidence.

In *Sierra Club*, even the County of Fresno, the agency that approved the project and certified the EIR that the Court found legally inadequate, recognized the need to conduct a Health Risk Assessments for these types of projects. As stated in *Sierra Club*:

Health Risk Assessments are typically prepared for inclusion in development specific project EIRs when certain types of development commonly known to have the potential to result in a human health risk are being proposed (*automobile fueling stations [for example]*). (*Id.* at 519 [emphasis added].)

A "Health Risk Assessment" is defined in the Health and Safety Code as a type of analysis undertaken in connection with the siting of hazardous substances, "a detailed comprehensive analysis ... to evaluate and predict the dispersion of hazardous substances in the environment and the potential for exposure of human populations and to assess and quantify both the individual and population wide health risks associated with those levels of exposure." (Health & Saf. Code, § 44306.) While, CEQA does not mandate such an in-depth risk assessment, it does require the environmental review make a reasonable effort to discuss relevant specifics regarding the general health effects associated with a particular pollutant and the estimated amount of that pollutant the project will likely produce. (6 Cal.5th at 522.) This discussion allows the public to make an informed decision, as CEQA requires. (*Id.*)

The City has failed to conduct a Health Risk Assessment to support its determination that the Project will not impact air quality, particularly to those residences adjacent to or near the gas station. As discussed in Dr. Hilpert's comments, the FTM and Authority to Construct, makes it impossible for the public to understand the adverse health impacts or to understand why there is no health risk from the gas station time. As such, the EIR's discussion of air quality impacts in this case was inadequate and not supported by substantial evidence.

B. The Project Does Not Qualify for an Categorical Exemption due to Unusual Circumstances

CEQA provides that if there is "reasonable possibility" that an activity will have a significant effect on the environment due to "unusual circumstances," an agency may not

find the activity to be categorically exempt from CEQA. (CEQA Guidelines, § 15300.2(c). The unusual circumstances exception applies when both unusual circumstances and a significant impact as a result of those unusual circumstances are shown. (*Berkeley Hillside Preservation v City of Berkeley* (2015) 60 C4th 1086, 1104.)

In the present case, the unusual circumstances are the placement of a gas station adjacent to a neighborhood and storage tanks so close to the neighborhood. As discussed below, even the Federal Housing Administration ("FHA") considers the placement of underground storage tanks within 300 feet of residences as risky.

When the project presents unusual circumstances, the second question is whether there is "a reasonable possibility of a significant effect on the environment due to "those circumstances." (*Berkeley Hillside, supra*, 60 C4th at 1115.) This question is answered by determining if there is any substantial evidence before the agency would support a fair argument that a significant impact on the environment may occur. (*Id.*)

The fair argument test requires that an agency "prepare an EIR whenever substantial evidence in the record supports a fair argument that a proposed project may have a significant effect on the environment." (*Gentry v. City of Murrieta*, (1995) 36 Cal.App.4th 1359, 1399-1400; see *Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123.) "If there is substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment, an environmental impact report shall be prepared." (Pub. Resources Code, § 21080(d); § 21151(a. 571.) Thus, an EIR must be prepared "whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact" even if there is substantial evidence to the contrary. (*Arvin Enterprises, Inc. v. South Valley Area Planning Com.* (2002) 101 Cal.App.4th 1333, 1346; *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002). Moreover, CEQA requires that "if there is a disagreement among expert opinion supported by facts over the significance of an effect on the environment, [then] the Lead Agency shall treat the effect as significant and shall prepare an EIR." (CEQA Guidelines, § 15064(b); see *City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 245 (EIR required to resolve conflicting expert testimony).)

In the present matter, Dr. Hilbert's comments regarding the flaws in the FTM and the Project's potentially significant impacts constitutes substantial evidence supporting a fair argument the Project may have potentially significant impacts to air quality. The fact that the City or applicant's expert may disagree with Dr. Hilbert is irrelevant with regards to the fair argument standard. Thus, in the present matter, CEQA mandates that the City prepare an EIR in this matter and not rely upon a categorical exemption. (CEQA Guidelines, § 15064(b).)

C. *The Project Will Impact the Ability to Finance Homes within 300 Feet of the Underground Storage Tanks*

The Staff Report states that the “gas station fueling pumps will be approximately 160 feet from the nearest family property line.” (Staff Report at p. 13.) The Staff Report, however, fails to address the impact to the parcels within 300 feet of the underground storage tanks. The FHA insures home mortgages to assist Americans buy homes. In considering whether a property is eligible for an FHA-insured loan, the Department of Housing and Urban Development (“HUD”) requires that a site be rejected if the property being appraised is subject to hazards, environmental contaminants, noxious odors, offensive sights or excessive noises to the point of endangering the physical improvements or affecting the livability of the property, its marketability or the health and safety of its occupants. More specifically, the Federal Housing Administration Single Family Housing Policy Handbook provides that:

If the subject property line is located *within 300 feet of an aboveground or subsurface stationary storage tank with a capacity of 1,000 gallons or more of flammable or explosive material*, then the Property is ineligible for FHA insurance, and the Appraiser must notify the Mortgagee of the deficiency of MPR or MPS. This includes domestic and commercial uses as well as automotive service station tanks. (Emphasis added.)

(A copy of the relevant pages of the FHA Single Family Housing Policy Handbook is attached to this letter as Exhibit C.)

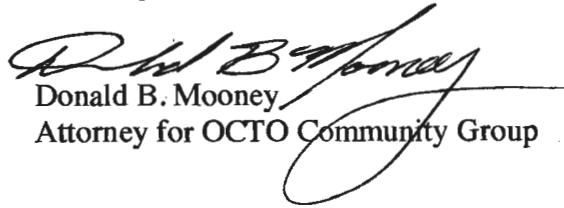
Thus, any parcels within 300 feet of the underground storage tanks may not be eligible for an FHA loan, which may affect the ability of the current owners to refinance their property or to sell their property to otherwise qualified buyers. As such, the City should identify those parcels that would be effected by the location of the underground storage tanks and notify those owners of the impact to their homes.

The FHA’s lending rules also raise the issue of why FHA will not insure housing loans if a property is within 300 feet of underground storage tanks. It is reasonable to assume that the FHA found that an underground storage tank in such close proximity to the homes poses an undue risk to the residents and the property. Such risks are identified in Dr. Hilpert’s analysis and comments. Nothing in the Staff Report addresses why the City thinks there is no health or safety risk in approving a gas station within 300 feet of a residence, even when the federal government has determined that such proximity is too risky for insuring home loans.

Based upon foregoing, the City’s reliance upon the infill exemption violates CEQA. As such, prior to approving the Project, the City must prepare an environmental document that provides the decision makers and the public with information regarding the Project’s potentially significant environmental impacts.

Ms. Shelby Vockel
July 11, 2019
Page 8

Sincerely,


Donald B. Mooney
Attorney for OCTO Community Group

cc: Client

Exhibit A

Exhibit A

Dr. Markus Hilpert
3260 Henry Hudson Parkway
Bronx NY 10463

Don Mooney
Law Office of Donald B. Mooney
Davis, CA 95618

Fiddymment Plaza Gasoline Station in Roseville, CA

June 22, 2019

Dear Mr. Mooney:

As requested I have evaluated the Final Technical Memorandum (FTM) authored by Environmental Permitting Specialists (2018) with regard to the proposed Fiddymment Plaza Gasoline Station in Roseville, CA. The FTM provides estimates of the additional risks to human health due to emissions of unburned fuel from the proposed gas station.

I am an associate professor in the Department of Environmental Health Sciences at Columbia University. I have over 25 years of experience conducting research in environmental science and engineering as well as hydrology. One particular research interest lies in the environmental and health effects of chronic hydrocarbon releases at gas stations (Hilpert & Breysse, 2014; Hilpert et al., 2015; Adrià Mora & Hilpert, 2017; Hilpert et al., 2019). I have served on proposal review panels for the National Science Foundation, the Environmental Protection Agency, and the Department of Energy. I also serve as an Associate Editor for Water Resources Research and on the Editorial Board for Advances in Water Resources.

In my opinion, the FTM does not make a convincing case that the health risks due to gasoline emissions from the gas station are insignificant. This is for the following reasons:

1. **Numerical grid is too coarse.** The authors used a numerical grid, which is too coarse at locations where exposures can be expected to be highest, i.e., on the gas station property, at its fence line, and at adjacent residences. Specifically, the authors used a square grid with a spatial resolution of 50 m. With the current resolution, for some residential properties benzene exposure and cancer risk are modeled only at a single location (see Figure 1). This approach does not account for the fact that residents spend time at different locations of their property. However, for several nearby residential properties, benzene exposure and cancer risk are not modeled at all.

Moreover, the very coarse grid is inadequate to capture nonlinear changes in atmospheric benzene concentrations and associated health risks. As an example I show in Figure 2 modeling results by the California Air Resources Board (CARB) that illustrate the rapid change in cancer risk as a function of distance from a gas station (CARB, 1997). Instead of choosing a modeling domain that is $24 \times 50 \text{ m} = 1.2 \text{ km}$ wide, the FTM should have resolved the spatial variations in health risk at a higher spatial resolution (and it would have been reasonable to do so in a smaller modeling domain).

2. **Non-suitable square grid.** From a computational perspective, it would have made much more sense to choose a numerical grid with polar coordinates, the origin of which is located at the center of the gas station. Figure 3 shows a sample polar grid. I note that the CAPCOA (1997) study, which is cited in the report, also used polar grids. In my own research on health risks of fuel emissions from gas stations, I have also used polar grids.

Figure 4 shows benzene concentrations that my group modeled using such a polar grid for a different gas station (Hilpert et al., 2019), and some of the grid points were less than 1 meter apart (much less than the 50 meters in the FTM). Clearly, modeled benzene levels vary significantly within a 50-meter distance, and they vary when “walking” on a circle around the gas station due to preferential wind directions, which cause emitted benzene vapors to be carried away in a nonuniform fashion. It is important to model these spatial patterns in benzene levels when estimating health risks. Choice of a non-suitable numerical grid is not only computationally inefficient but in the FTM study also did not allow accurate estimation of health risks to nearby residents.

3. **Questionable interpolation of health risk.** Figure 3 in the FTM (magnified in Figure 5 in this evaluation), which shows the spatial distribution of cancer risk, is not trustworthy, because the numerical grid is too coarse to capture potential nonlinearities in cancer risk in the vicinity of a gas station. This also explains why increased cancer risks close to emission sources (due to spatial variations in benzene levels as illustrated in Figure 4 for a different gas station) are not recognizable in Figure 3 in the FTM. Figure 3 in the FTM is likely based on some sort of interpolation (perhaps linear), which cannot capture nonuniform benzene levels such as the ones shown in Figure 4. One cannot expect this interpolation scheme to capture adequately the potentially increased cancer risks in adjacent residences.
4. **Receptor height was not stated.** No information was given about the height of the receptors, for which health risks were estimated. It seems as if risks were estimated for only one height. However, it is important to estimate these risks both in the breathing zone and at the elevation of the vent pipe(s) (e.g., 4 m) (Hilpert et al., 2019). This comment is particularly important because at least some of the nearby residences appear to be two-story as shown in Figure 6.

5. **Modeling of emission source locations might be inadequate.** It is not clear from the report where the individual emission sources of the gas station are located. One should specify the exact location of the point, areal and volume sources, from which gasoline vapor emissions occur. This is particularly important when health risks to nearby residential areas are estimated. In the context of the proposed gas station, this comment could be particularly important for the vent pipes from the gasoline storage tanks, which are often located on the border of a gas station. If the locations of the vent pipes are not accurately modeled and if the vent pipes were indeed close to residences, the health risks to residents could be substantially underestimated.

It is even not clear where the center of the gas station is located exactly in the model presented in the FTM. The red arrow in Figure 1 that points from the “Gasoline Station” textbox into the brownish land parcel only gives an indication where the center of the gas station is assumed to be, but the exact location is needed to be able to evaluate the findings of the FTM.

6. **Calculation of cancer risk.** The FTM missed to make clear how cancer risk was inferred from modeled atmospheric benzene concentrations. I note that the CAPCOA (1997) study, on which the report is based, explicitly states how cancer risk was calculated: a unit risk value for benzene of $2.9\text{E-}05 (\mu\text{g}/\text{m}^3)^{-1}$ was used. The equation used to calculate cancer risk including numerical values for its parameters should have been listed in order to understand better the modeled cancer risks. I was surprised to see that the FTM estimated only a 30-year and not a 70-year cancer risk. I note that for cancer health effects, CARB expressed such a risk as an estimate of the increased chances of getting cancer due to facility emissions over a 70-year lifetime (see page G-4 in CalEPA/CARB, 2005).
7. **Emissions from separator potentially underestimated.** The proposed gas station would use Enhanced Vapor Recovery (EVR) technology that is supposed to prevent fuel vapors in overpressurized tanks from being expelled into the atmosphere. Specifically, a clean air separator (“bladder tank”) would be used, into which the gasoline vapor/air mixture is directed as the pressure in the combined ullage space of the storage tank increases, and from which the mixture is redirected into the fuel storage tanks if the ullage pressure becomes negative when fuel is dispensed (Hilpert et al., 2019). However, CARB was informed about an excessive number of storage tank overpressure alarms related to these clean air separator systems (CARB, 2017). This is of concern because of its impacts on air quality. CARB is specifically concerned about “potential V.O.C. emission increases” and “potential near source health risk issues at worst case sites due to increased benzene exposure” (CARB, 2018). The health risk calculations in the report do not account for this potentially important emission source and can be expected to underestimate the associated health risks.

Given the concerns raised above, I cannot support the conclusion from the FTM that no significant health risks are associated with the operation of the proposed gas station.

A handwritten signature in black ink, appearing to read 'Markus Hilpert', with a stylized flourish at the end.

Markus Hilpert (PhD)



Figure 1: Numerical grid used in the FTM. This figure magnifies a relevant portion of Figure 2 from the FTM.

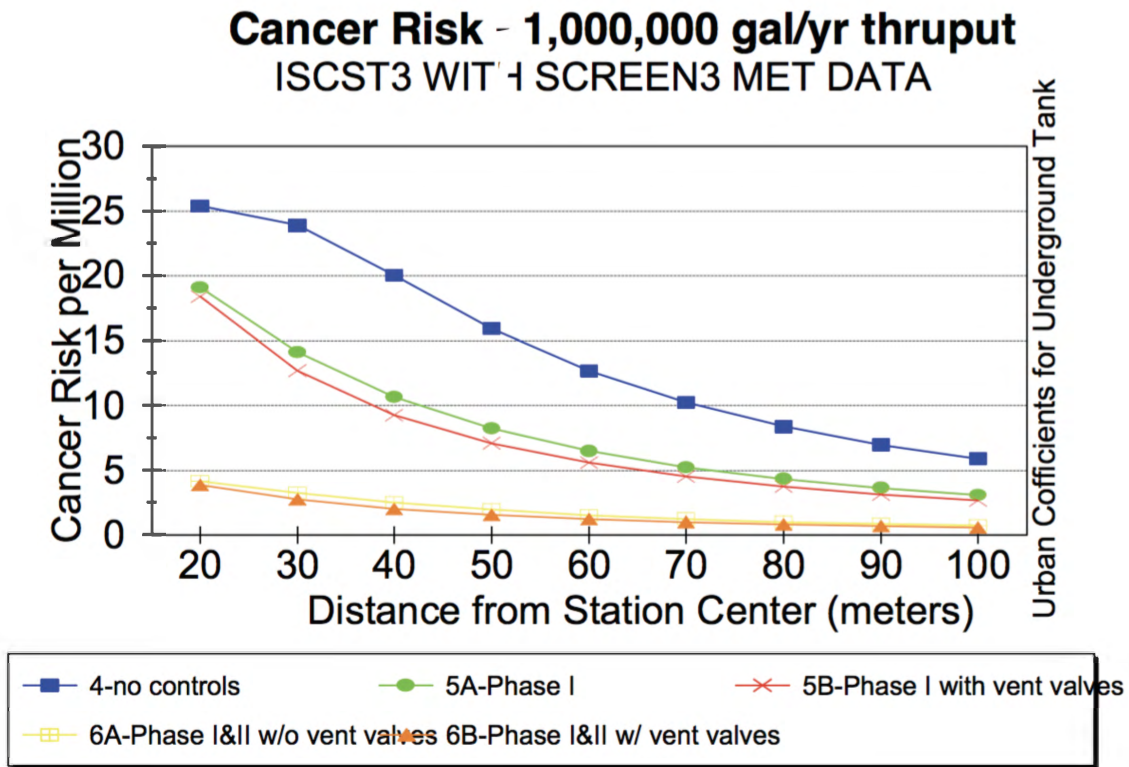
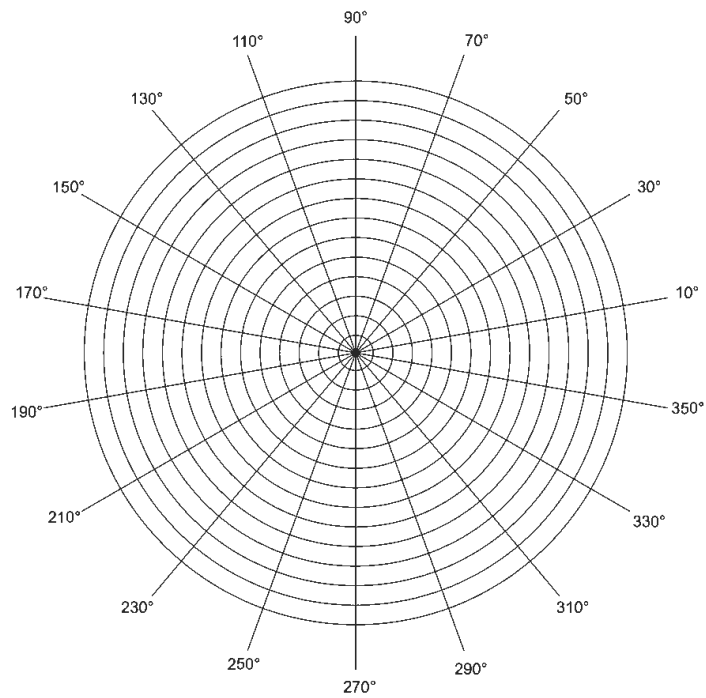


Figure 2: Sample results for cancer risk modeling presented in the CAPCOA study. Cancer risk varies significantly along a 50-meter distance. Such variations cannot be accurately discerned in the FTM, because it calculates cancer risk only every 50 meters. Thus, cancer risk hot spots may be missed.



Polar Grid In Degrees With Radius 20°

VectorStock®

VectorStock.com/17350733

Figure 3: Sample polar numerical grid. Such a grid was used in the CAPCOA (1997) study and is cited in the FTM. However, the FTM used a square grid.

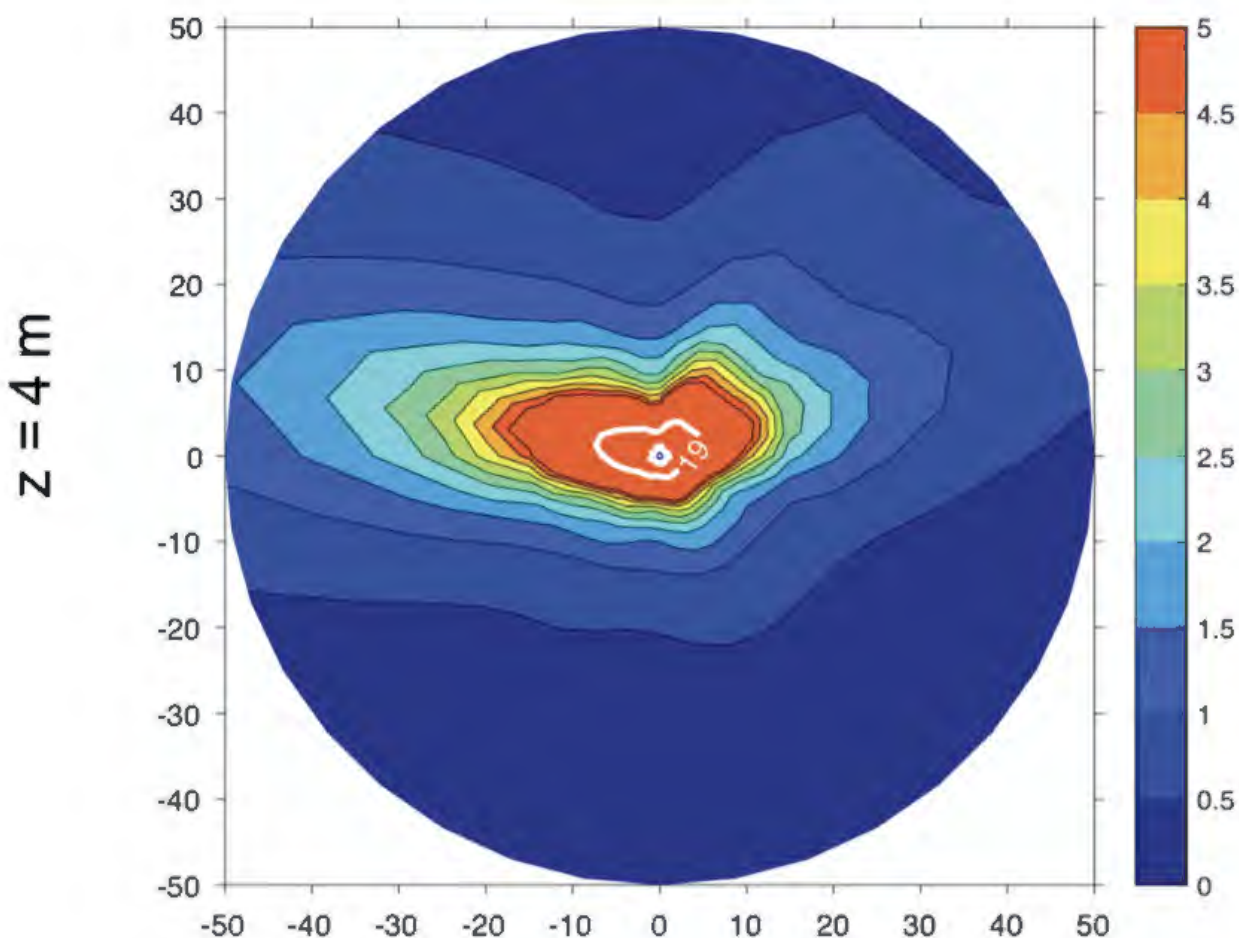


Figure 4: Example of high-resolution modeling (using a polar grid) of atmospheric benzene levels due to benzene emissions from a gas station (from Hilpert et al., 2019). Close to the center, grid points for which benzene levels are modeled are less than 1 meter apart. Note the significant variations within 50 meters from the center of the gas station. Horizontal and vertical axes labels indicate distance in meters. The colors indicate average benzene concentrations in $\mu\text{g}/\text{m}^3$.



Figure 5: Magnification of the contour plot of cancer risk presented in Figure 3 in the FTM.



Figure 6: View onto the land parcel (green area) to be developed. (The photo is possibly out of date.) The residences behind the green area are two-story homes suggesting that exposures should also be evaluated at the elevation of the vent pipe openings (about 4 m).

REFERENCES

- Adrià Mora, B., and M. Hilpert (2017). Differences in infiltration and evaporation of diesel and gasoline droplets spilled onto concrete pavement. *Sustainability* 9: 1271.
- CAPCOA (1997). Gasoline Service Station Industrywide Risk Assessment Guidelines. Toxics Committee of the California Air Pollution Control Officers Association (CAPCOA).
- CARB (2017). PUBLIC WORKSHOP TO DISCUSS: Overpressure conditions at gasoline dispensing facilities equipped with underground storage tanks and phase ii enhanced vapor recovery including in-station diagnostic systems. December 12–13, 2017 Diamond Bar & Sacramento, CA California Air Resources Board.
https://www.arb.ca.gov/vapor/op/wrkshps/dec2017op_vr_pres.pdf Accessed on June 20, 2019.
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- Hilpert, M. and P.N. Breyse (2014). Infiltration and evaporation of small hydrocarbon spills at gas stations. *Journal of Contaminant Hydrology* 170: 39-52.
- Hilpert, M., B. Adria-Mora , J. Ni, Ana Rule, and K. Nachman (2015). Hydrocarbon release during fuel storage and transfer at gas stations: environmental and health effects. *Current Environmental Health Reports* 2: 412-422.
- Hilpert, M., A.M. Rule, B. Adria-Mora, and T. Tiberi (2019). Vent pipe emissions from storage tanks at gas stations: Implications for setback distances. *Science of the Total Environment* 650: 2239-2250.

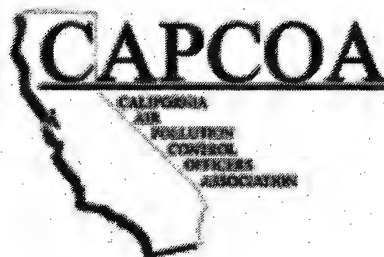
Exhibit B

Exhibit B

Health Risk Assessments for Proposed Land Use Projects



CAPCOA Guidance Document



Prepared by:
CAPCOA Planning Managers

Approved for Release
July 2009

Attachment 1

Technical Modeling and Risk Assessment Guidance

Prepared by
CAPCOA Planning Managers
HRA Subcommittee

It is the responsibility of the submitter to ensure proper completion and analysis of any air dispersion modeling assessment delivered for review.

7.3 Level of Detail of Health Risk Assessments

Generally, a health risk assessment for CEQA purposes must include all sources of emissions that will emanate from a project. This includes existing and proposed facility-wide emissions. This includes all sources of potential emissions whether or not the project is subject to district permitting requirements. Additionally, all substances that the Office of Environmental Health Hazard Assessment has identified as having toxicity values must be included in the health risk assessment; some districts may allow a less detailed risk assessment.

It is not permissible to omit permitted sources in a CEQA risk assessment, even if these sources will be evaluated during the permit process. The permitting process does not evaluate the cumulative risk associated with the entire facility, only the individual permit unit. A challenge to the completeness of the risk assessments can be made if these sources are not included in the analysis.

It is also not permissible to omit criteria pollutants in the facility risk assessment, assuming that these emissions will be evaluated separately. Criteria pollutants have OEHHA approved RELs that must be included in the chronic and acute hazard indices. Again, a challenge to the completeness of the risk assessments can be made if these substances are omitted.

Chapter 8. Exposure Assessment Procedures

8.0 Cancer Risk Assessment Procedure for Inhalation Only Pathway Pollutants

The following procedure may be used to assess the health risks from facilities for which diesel particulate matter is emitted or other substances identified as only entering the body through the inhalation pathway. Risk Assessments involving substances that enter the body through other pathways must be analyzed for each pathway. A risk assessment involving multipathway substances can to be prepared using the HARP program available through the California Air Resources Board.

Cancer Risk Procedure for Inhalation only Substances:

- Model emissions to determine both the:
 - annual average ground-level concentrations, and the
 - one hour maximum concentration (or other period depending on the acutely toxic substance)
- Create a plot file for these ground-level concentrations.
- Open the plot file using Microsoft EXCEL or another spreadsheet program.
- Copy the data from the plot(s) into Excel.
- To determine the cancer risk, apply the following formula to each ground-level concentrations:

Exhibit C

Exhibit C



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-8000

ASSISTANT SECRETARY FOR HOUSING-
FEDERAL HOUSING COMMISSIONER

Special Attention of:

All FHA Approved Mortgagees
All Direct Endorsement Underwriters
All FHA Roster Appraisers
All FHA Roster Inspectors
All FHA-Approved 203(k) Consultants
All HUD-Approved Housing Counselors
All HUD-Approved Nonprofit Organizations
All Governmental Entity Participants
All Real Estate Brokers
All Closing Agents

Transmittal: Handbook 4000.1

Issued: March 27, 2019

Effective Date: Multiple; See Below

1. This Transmits:

1. Handbook 4000.1, FHA Single Family Housing Policy Handbook.
2. Previously published updates to Handbook 4000.1, FHA Single Family Housing Policy Handbook.

Brian D. Montgomery
Assistant Secretary for Housing – Federal Housing Commissioner

II. ORIENTATION THROUGH POST-CLOSING/ENDORSEMENT

D. Appraiser and Property Requirements for Title II Forward and Reverse Mortgages

3. Acceptable Appraisal Reporting Forms and Protocols

Lines pass directly over any dwelling, Structure or related property improvement, including pools, spas, or water features.

The Appraiser must notify the Mortgagee of the deficiency of MPR or MPS if the dwelling or related property improvements are located within an Easement or if they appear to be located within an unsafe distance of any power line or tower.

The Appraiser must note and comment on the effect on marketability resulting from the proximity to such site hazards and nuisances. The Appraiser must also determine if the guidelines for Encroachments apply.

(6) Smoke, Fumes and Offensive or Noxious Odors

The Appraiser must notify the Mortgagee if excessive smoke, chemical fumes, noxious odors, stagnant ponds or marshes, poor surface drainage or excessive dampness threaten the health and safety of the occupants or the marketability of the Property.

The Appraiser must consider the effect of the condition in the valuation of the Property if the conditions exist but do not threaten the occupants or marketability.

(7) Stationary Storage Tanks

If the subject property line is located within 300 feet of an aboveground or subsurface stationary storage tank with a capacity of 1,000 gallons or more of flammable or explosive material, then the Property is ineligible for FHA insurance, and the Appraiser must notify the Mortgagee of the deficiency of MPR or MPS. This includes domestic and commercial uses as well as automotive service station tanks.

iv. Site Conditions

(A) Access to Property

(1) Definition

Adequate Vehicular Access to Property refers to an all-weather road surface over which emergency and typical passenger vehicles can pass at all times.

(2) Required Analysis and Reporting

The Appraiser must notify the Mortgagee of the deficiency of MPR or MPS if the Property does not have safe pedestrian access and Adequate Vehicular Access from a public street or private street that is protected by a permanent recorded Easement, ownership interest, or is owned and maintained by an HOA. Shared driveways that are not part of an HOA must also meet these requirements.



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CONSULTANTS:

CONTRACTOR:

PROJECT:

**FIDDYMENT
PLAZA**

**NEW CONVENIENCE STORE
WITH FUELING,
SHELL RETAIL TENANT SPACE**

**4701 Fiddymment Road
Roseville, California 95747**

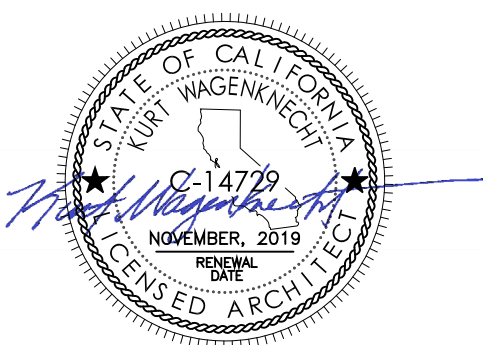
DEVELOPER:

**DHILLON AND SONS
ENTERPRISES**

**201 Bellingham ct
Lincoln, CA 95648**

REVISIONS:

PROFESSIONAL SEALS:



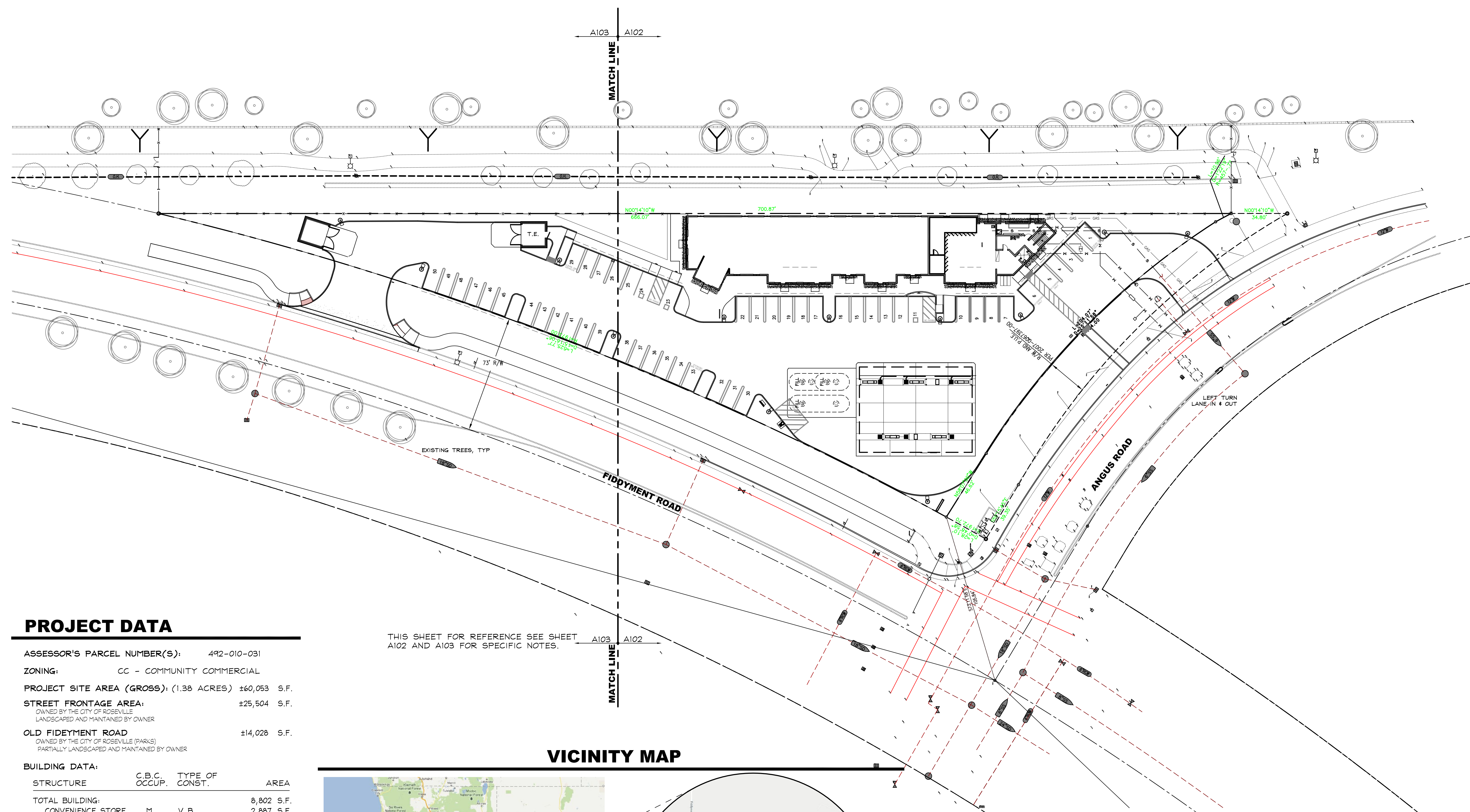
PROJECT NUMBER: **16-021** PROJECT DATE: **8-10-2018**

SHEET CONTENTS:

**ARCHITECTURAL
OVERALL SITE PLAN**

SHEET NUMBER:

A101



PROJECT DATA

ASSESSOR'S PARCEL NUMBER(S): 492-010-031
ZONING: CC - COMMUNITY COMMERCIAL
PROJECT SITE AREA (GROSS): (1.38 ACRES) ±60,053 S.F.
STREET FRONTAGE AREA: ±25,504 S.F.
OWNED BY THE CITY OF ROSEVILLE
LANDSCAPED AND MAINTAINED BY OWNER
OLD FIDEYMENT ROAD ±14,028 S.F.
OWNED BY THE CITY OF ROSEVILLE (PARKS)
PARTIALLY LANDSCAPED AND MAINTAINED BY OWNER

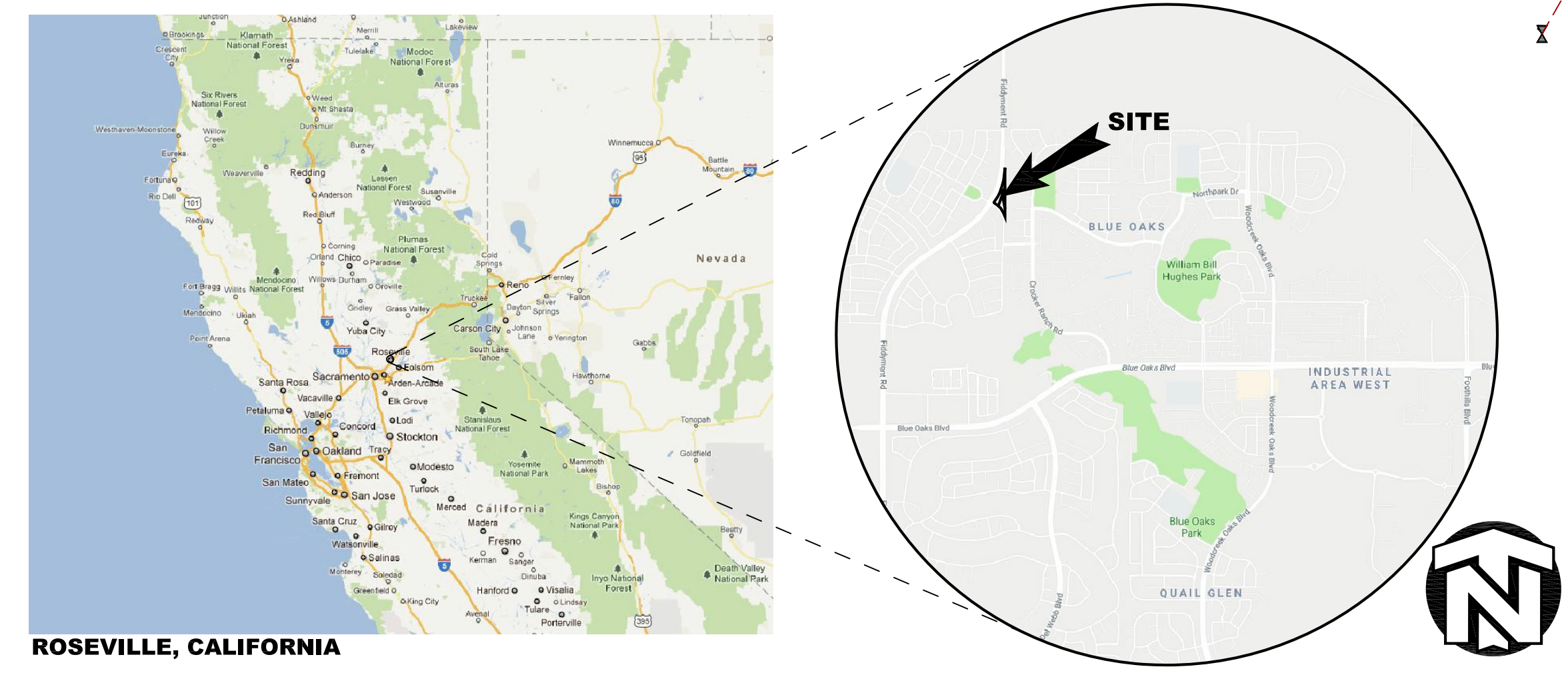
BUILDING DATA:			
STRUCTURE	C.B.C. OCCUP.	TYPE OF CONST.	AREA
TOTAL BUILDING:			
CONVENIENCE STORE	M	V B	2,887 S.F.
RETAIL SHELL	M	V B	3,977 S.F.
RESTAURANT SHELL	A-2	V B	UP TO 1,938 S.F.
FUELING CANOPY	B	II B	3,310 S.F.

PARKING DATA:			
BUILDING AREA	PARKING RATIO	REQ'D.	
RETAIL SPACE 1 : 300 S.F.	(6,864 / 300)	= 23	
RESTAURANT 1 : 100 S.F.	(1,938 / 100)	= 19	
TOTAL			= 42

PARKING PROVIDED	
REGULAR SPACES	= 47
ACCESSIBLE SPACES	= 3
TOTAL=	50

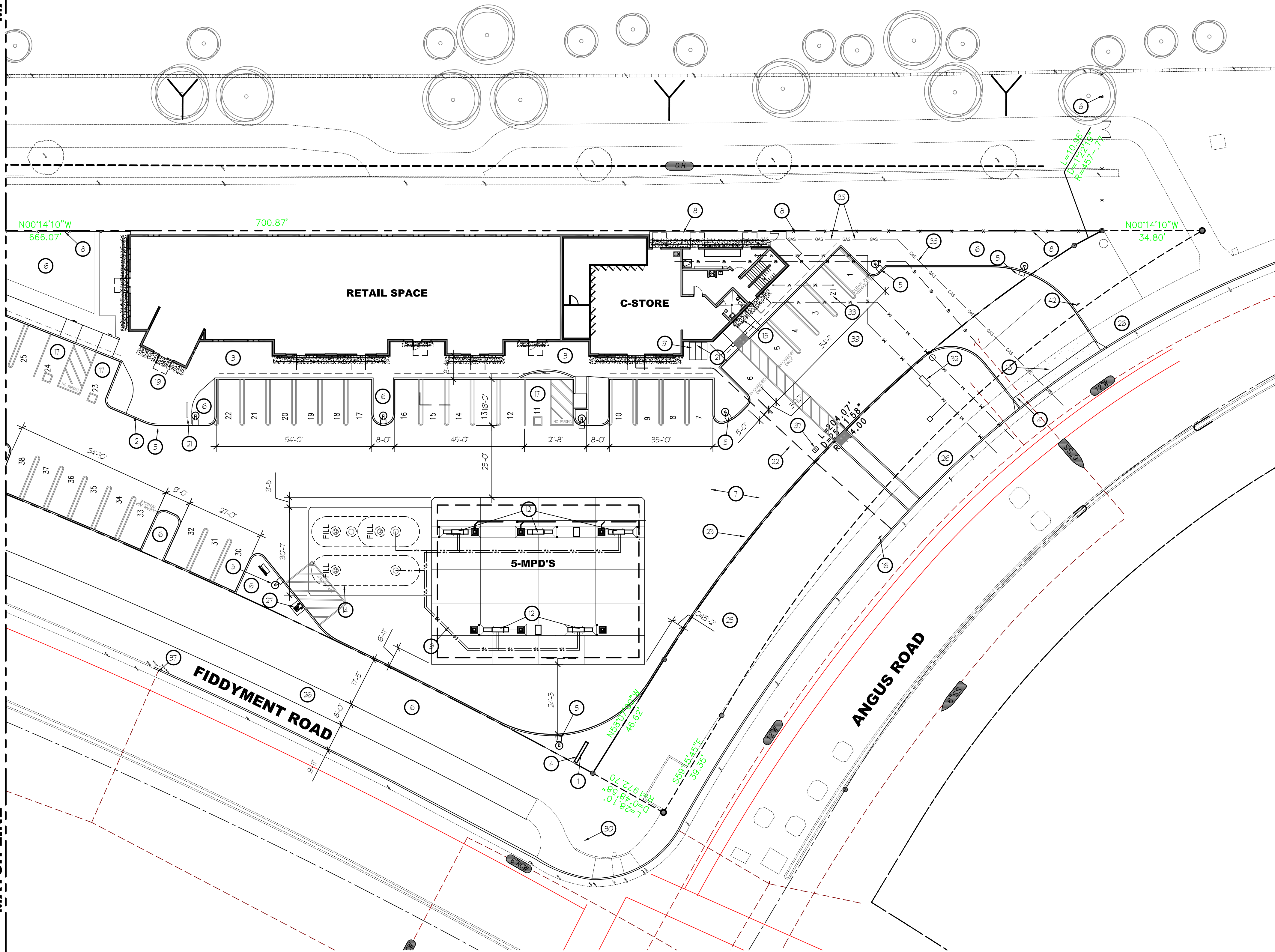
THIS SHEET FOR REFERENCE SEE SHEET A102 AND A103 FOR SPECIFIC NOTES.

VICINITY MAP



MATCH LINE

MATCH LINE



SCALE: 1" = 20'-0"

SITE PLAN KEYNOTES

- FUEL PRICING MONUMENT SIGN, BY OWNER
- CONCRETE CURB
- CONCRETE WALK
- MULTI-TENANT DEVELOPMENT SIGN
- SITE YARD LIGHT, WITH CONCRETE BASE SHALL HAVE A DRY BACK FINISH, TYPICAL
- LANDSCAPING, SEE LANDSCAPING DRAWINGS
- A/C PAVING
- NEW 6'-0" HIGH WROUGHT IRON FENCE
- LINE OF AUTO FUELING CANOPY OVERHANG
- TRASH ENCLOSURE AND CONC. APPROACH SLAB
- PROPOSED ELECTRICAL TRANSFORMER
- MULTI-PRODUCT FUEL DISPENSER
- AIR & WATER SERVICE
- UNDERGROUND FUEL STORAGE TANKS
- EMPLOYEE BIKE LOCKER
- PATH OF ACCESSIBLE TRAVEL SIGNAGE, SEE DETAIL 13/A103
- ACCESSIBLE VAN PARKING STALL
- NEW DRIVEWAY - SEE CIVIL DWGS
- DECORATIVE CONCRETE PATIO FOR OUTDOOR SEATING AREA
- NOT USED
- BIKE RACK
- 48" WIDE STRIPED ACCESS WALK WAY
- TRUNCATED DOMES - WIDTH OF ACCESS X 36" DEEP
- 250' VISIBILITY EASEMENT
- EXISTING LANDSCAPED AREA
- EXISTING SIDEWALK
- VENT SUMP AND RACK
- HEAVY TANK MOUNT ON A 4X4 CONC SLAB, 6" THICK
- GREASE INTERCEPTOR
- 1" RECLAIM WATER METER & BACK-FLOW PREVENTOR FOR LANDSCAPING
- P.O.C. FOR 4' S.S.
- P.O.C. FOR 4' S.S. TO CO AND 6' S.S. TO STREET- SEE CIVIL
- GREASE TRAP- SEE PLUMBING
- 1" WATER METER & BACK-FLOW PREVENTER- SEE CIVIL
- GAS LINE TO BLDG.
- TENANT GAS METERS- SEE PLUMBING
- D.I.- SEE CIVIL
- AIR/WATER PARKING W/ 4'-0" ACCESS AISLE
- 2 EV/C PARKING STALLS
- EXISTING CONC. WALK
- NEW CURB AND GUTTER & STREET PAVING- SEE CIVIL
- PARKING SIGN- SEE 5/A102

ALL WALKWAYS AND SIDEWALKS ALONG ACCESSIBLE ROUTES OF TRAVEL (1) ARE CONTINUOUSLY ACCESSIBLE, (2) HAVE A MAXIMUM 1/2" CHANGE IN ELEVATION, (3) ARE MINIMUM 48" IN WIDTH, (4) HAVE A MAXIMUM 2% GROSS SLOPE, AND (5) WHERE NECESSARY TO CHANGE ELEVATION AT A SLOPE EXCEEDING 5% (I.E., 1:20) SHALL HAVE RAMPS COMPLYING WITH 2016 CBC, SECTION 11B-405 OR 11B-406 AS APPROPRIATE WHERE A WALK CROSSES OR JOINS A VEHICULAR WAY, AND THE WALKING SURFACES ARE NOT SEPARATED BY CURBS, RAILINGS OR OTHER ELEMENTS BETWEEN THE PEDESTRIAN AREAS AND VEHICULAR AREAS SHALL BE DEFINED BY A CONTINUOUS DETECTABLE WARNING WHICH IS 36" WIDE, COMPLYING 2016 CBC, SECTION 11B-705.1.2.5.

--- PATH OF TRAVEL



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PLAZA**

**NEW CONVENIENCE STORE
WITH FUELING,
SHELL RETAIL TENANT SPACE**

**4701 Fiddymment Road
Roseville, California 95747**

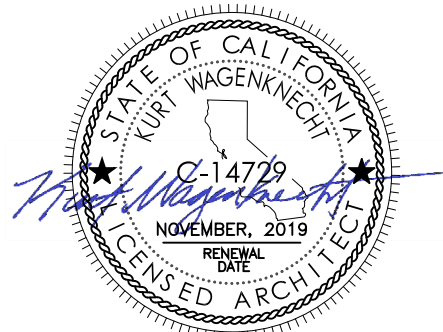
DEVELOPER:

**DHILLON AND SONS
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**201 Bellingham ct
Lincoln, CA 95648**

REVISIONS:

PROFESSIONAL SEALS:



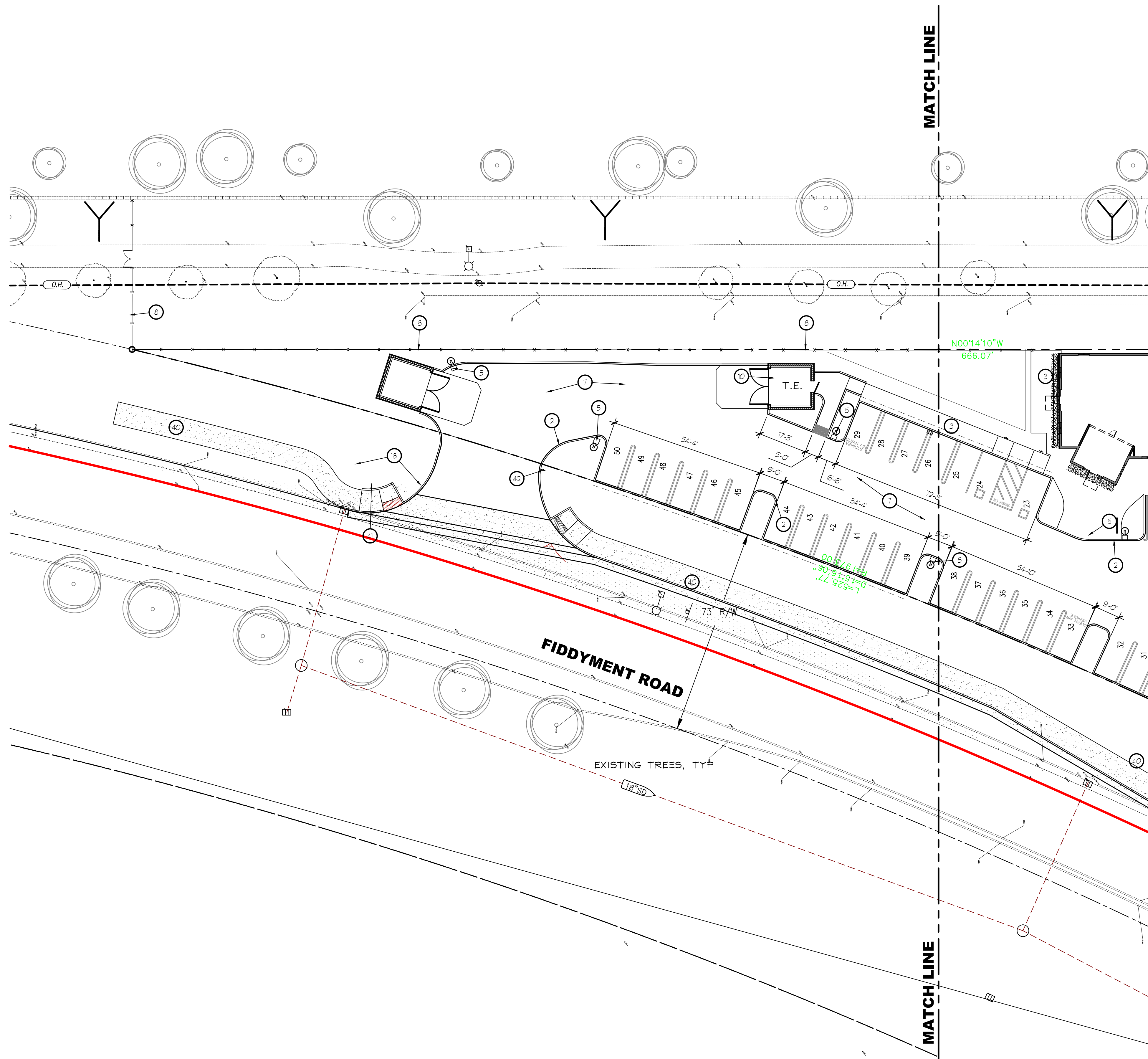
PROJECT NUMBER: **16-021** PROJECT DATE: **8-10-2018**

SHEET CONTENTS:

**ARCHITECTURAL
ENLARGED
SITE PLAN**

SHEET NUMBER:

A102



SITE PLAN KEYNOTES

- 1 FUEL PRICING MONUMENT SIGN, BY OWNER
- 2 CONCRETE CURB
- 3 CONCRETE WALK
- 4 MULTI-TENANT DEVELOPMENT SIGN
- 5 SITE YARD LIGHT, WITH CONCRETE BASE SHALL HAVE A DRY SACK FINISH, TYPICAL
- 6 LANDSCAPING, SEE LANDSCAPING DRAWINGS
- 7 A/C PAVING
- 8 NEW 6'-0" HIGH WROUGHT IRON FENCE
- 9 LINE OF AUTO FUELING CANOPY OVERHANG
- 10 TRASH ENCLOSURE AND CONC. APPROACH SLAB
- 11 PROPOSED ELECTRICAL TRANSFORMER
- 12 MULTI-PRODUCT FUEL DISPENSER
- 13 AIR & WATER SERVICE
- 14 UNDERGROUND FUEL STORAGE TANKS
- 15 EMPLOYEE BIKE LOCKER
- 16 PATH OF ACCESSIBLE TRAVEL SIGNAGE, SEE DETAIL 13/A103
- 17 ACCESSIBLE VAN PARKING STALL
- 18 NEW DRIVEWAY - SEE CIVIL DWGS
- 19 DECORATIVE CONCRETE PATIO FOR OUTDOOR SEATING AREA
- 20 NOT USED
- 21 BIKE RACK
- 22 48" WIDE STRIPED ACCESS WALK WAY
- 23 TRUNCATED DOMES - WIDTH OF ACCESS X 36" DEEP
- 24 250' VISIBILITY EASEMENT
- 25 EXISTING LANDSCAPED AREA
- 26 EXISTING SIDEWALK
- 27 VENT SUMP AND RACK
- 28 HEALY TANK MOUNT ON A 4X4' CONC SLAB, 6" THICK
- 29 GREASE INTERCEPTOR
- 30 1" RECLAIM WATER METER & BACK-FLOW PREVENTOR FOR LANDSCAPING
- 31 P.O.C. FOR 4" S.S.
- 32 P.O.C. FOR 4" S.S. TO CO AND 6" S.S. TO STREET- SEE CIVIL
- 33 GREASE TRAP- SEE PLUMBING
- 34 1" WATER METER & BACK-FLOW PREVENTER- SEE CIVIL
- 35 GAS LINE TO BLDG.
- 36 TENANT GAS METERS- SEE PLUMBING
- 37 D.I.- SEE CIVIL
- 38 AIR/WATER PARKING W/ 4'-0" ACCESS AISLE
- 39 2 EV/C PARKING STALLS
- 40 EXISTING CONC. WALK
- 41 NEW CURB AND GUTTER & STREET PAVING- SEE CIVIL
- 42 PARKING SIGN- SEE 5/A102

ALL WALKWAYS AND SIDEWALKS ALONG ACCESSIBLE ROUTES OF TRAVEL (1) ARE CONTINUOUSLY ACCESSIBLE, (2) HAVE A MAXIMUM 1/2" CHANGE IN ELEVATION, (3) ARE MINIMUM 48" IN WIDTH, (4) HAVE A MAXIMUM 2% CROSS SLOPE, AND (5) WHERE NECESSARY TO CHANGE ELEVATION AT A SLOPE EXCEEDING 5% (I.E., 120) SHALL HAVE RAMPS COMPLYING WITH 2016 CBC, SECTION 11B-405 OR 11B-406 AS APPROPRIATE. WHERE A WALK CROSSES OR JOINS A VEHICULAR WAY, AND THE WALKING SURFACES ARE NOT SEPARATED BY CURBS, RAILINGS OR OTHER ELEMENTS BETWEEN THE PEDESTRIAN AREAS AND VEHICULAR AREAS SHALL BE DEFINED BY A CONTINUOUS DETECTABLE WARNING WHICH IS 36" WIDE, COMPLYING 2016 CBC, SECTION 11B-705.1.2.5.

--- PATH OF TRAVEL



SCALE: 1" = 20'-0"



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PROJECT:

**FIDDYMENT
PLAZA**

**NEW CONVENIENCE STORE
WITH FUELING,
SHELL RETAIL TENANT SPACE**

**4701 Fiddymment Road
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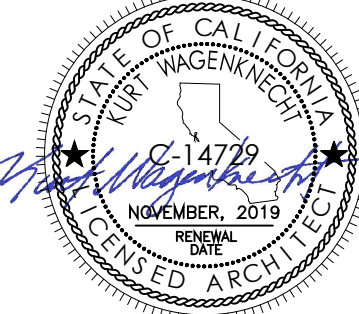
DEVELOPER:

**DHILLON AND SONS
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**201 Bellingham ct
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REVISIONS:

PROFESSIONAL SEALS:



PROJECT NUMBER: **16-021** PROJECT DATE: **8-10-2018**

SHEET CONTENTS:

**ARCHITECTURAL
ENLARGED
SITE PLAN**

SHEET NUMBER:

A103

ARCHITECTURAL ENLARGED SITE PLAN



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CONSULTANTS:

CONTRACTOR:

PROJECT:

FIDDYMENT PLAZA

**NEW CONVENIENCE STORE
WITH FUELING,
SHELL RETAIL TENANT SPACE**



**4701 Fiddymment Road
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REVISIONS:

PROFESSIONAL SEALS:



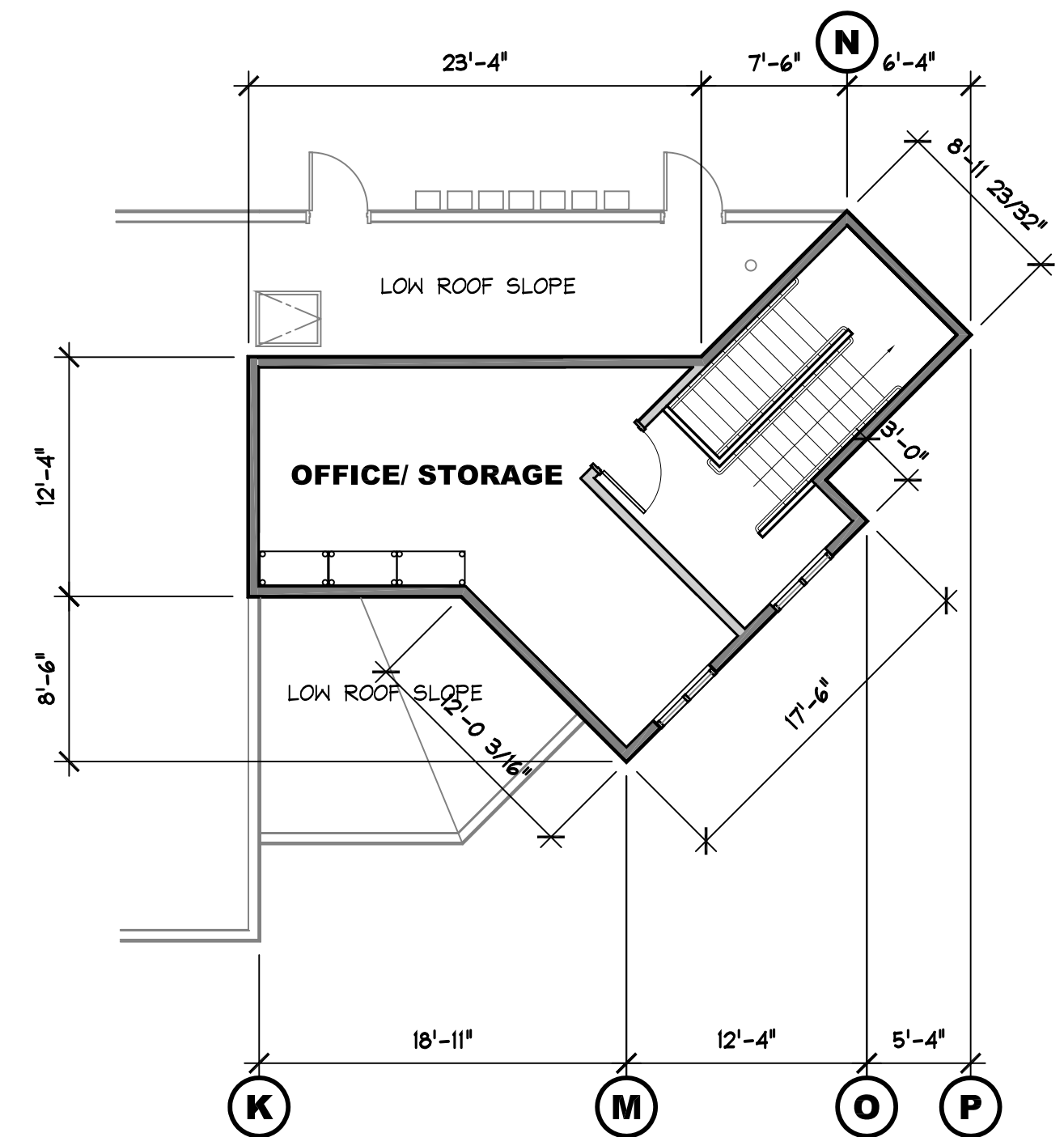
PROJECT NUMBER: **16-021** PROJECT DATE: **8-10-2018**

SHEET CONTENTS:

**OVERALL
FLOOR PLAN**

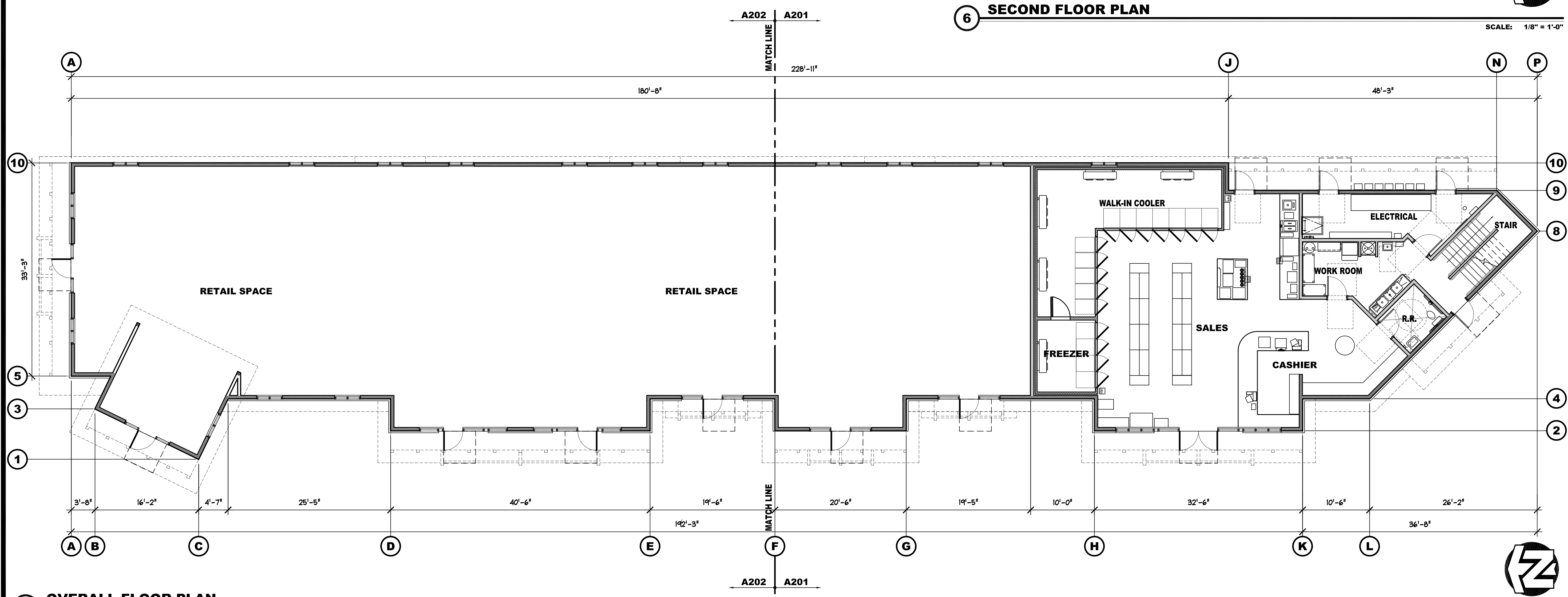
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A200



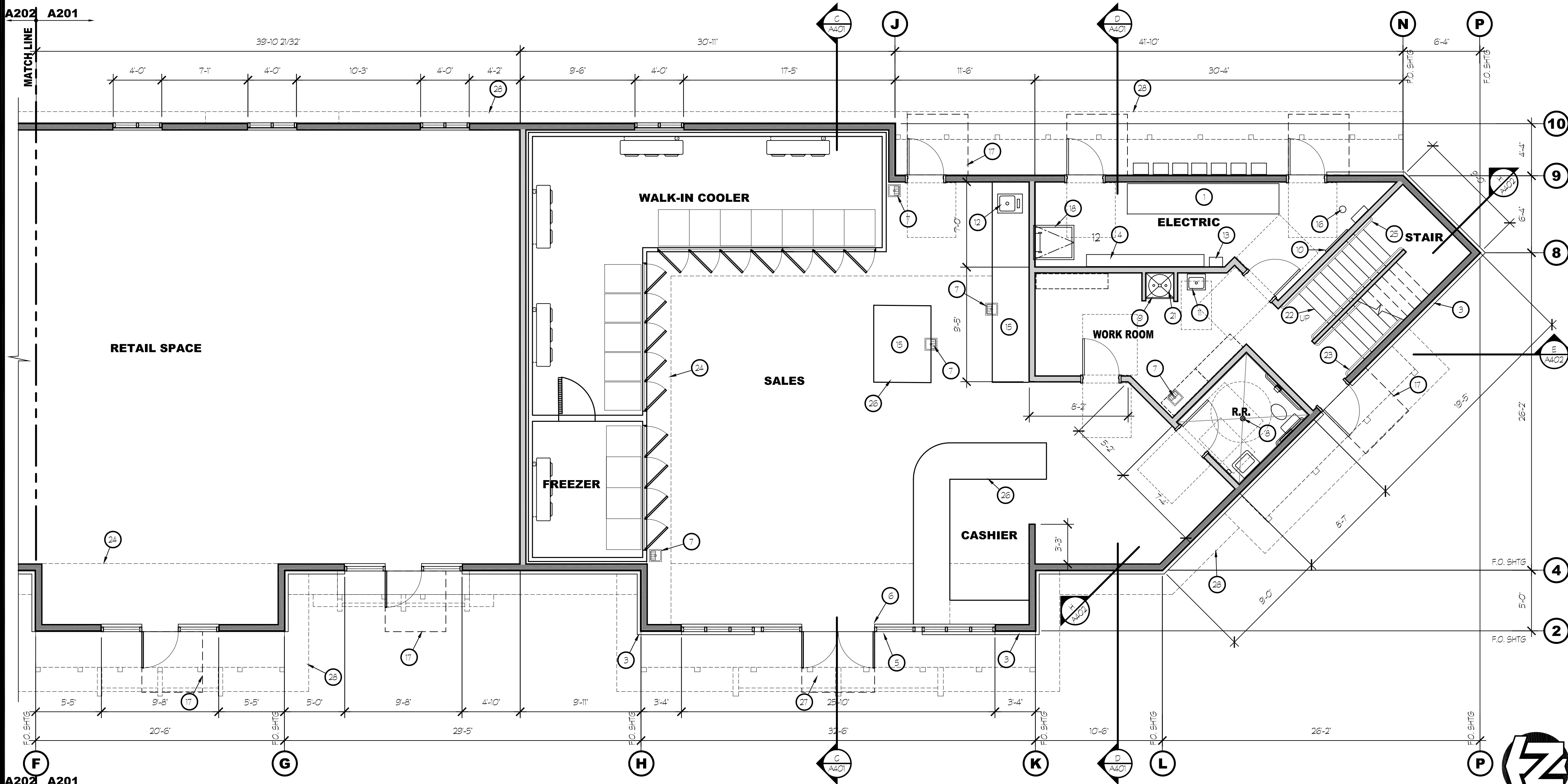
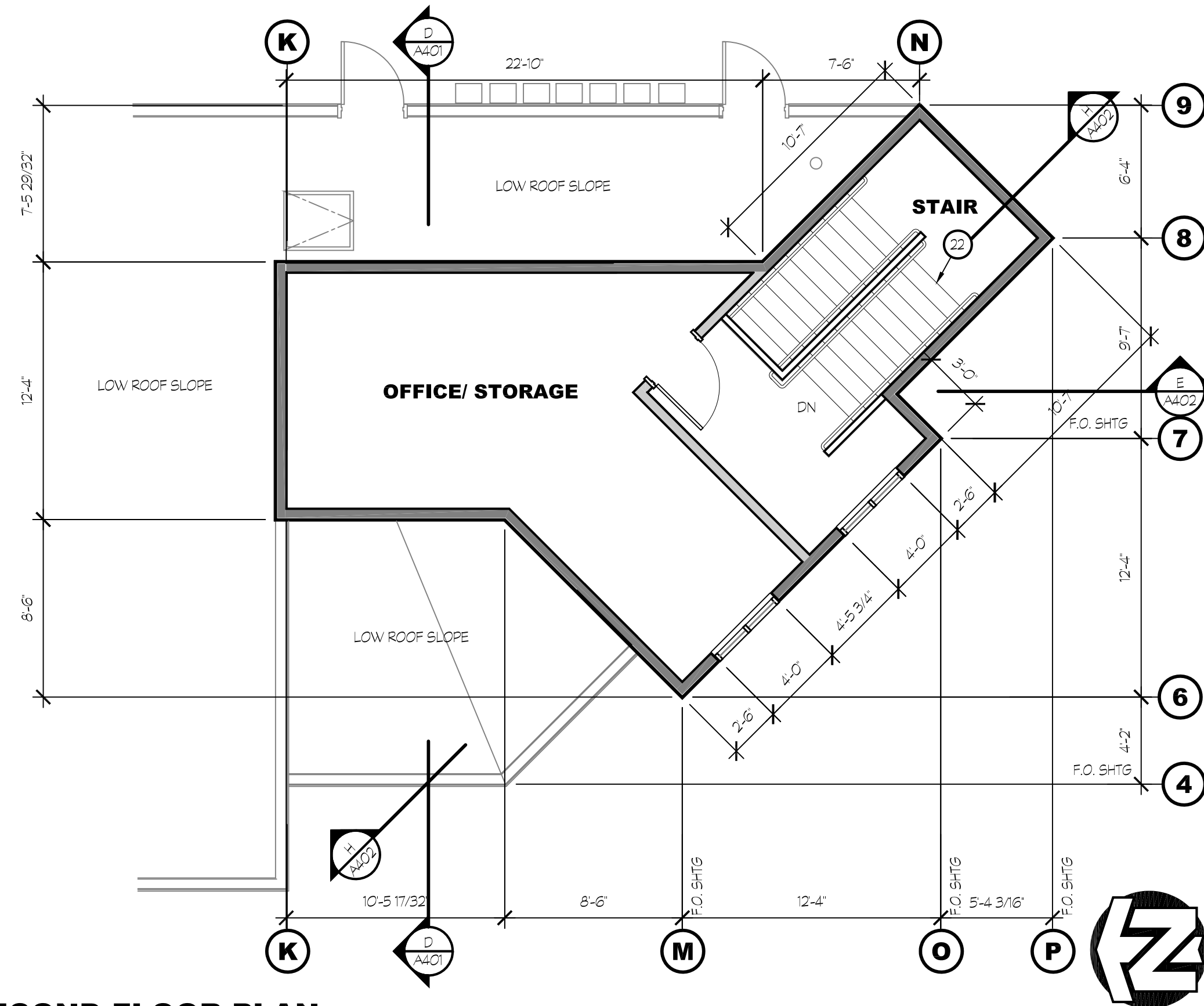
6 SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"



20 OVERALL FLOOR PLAN

SCALE: 1/8" = 1'-0"



KEY NOTES

- 1 ELECT MSB
- 2 (1) 2A10BC FIRE EXTINGUISHER- MOUNT IN RECESSED CABINET ON WALL. CABINET TO BE LOCKABLE.
- 3 STONE WAINSCOT WITH WATER SILL- SEE SHEETS A301 AND A302 FOR TYPE AND COLOR
- 4 ELECTRICAL PANELS- SEE ELECTRICAL DRAWINGS
- 5 INTERNATIONAL SIGN OF ACCESSABILITY DECAL, MOUNTED TO GLAZING
- 6 INSTALL TACTILE EXIT SIGN TO GLAZING AT INTERIOR OF DOOR. ALIGN EXIT SIGN WITH INTERNATIONAL ACCESSIBILITY DECAL.
- 7 FLOOR SINK
- 8 FLOOR DRAIN
- 9 MOP SINK
- 10 TELEPHONE TERMINAL BACKBOARD
- 11 WALL HUNG HAND SINK
- 12 COUNTER MOUNTED HAND SINK, W/ SOAP & TOWEL DISP.
- 13 TLS-350 FUEL PANEL, W/ REMOTE ALARM AT CASHIER
- 14 WATER FILTER AT +7'-6" AFF
- 15 REFER TO SHEET A204 FOR EQUIPMENT FLOOR PLAN
- 16 FIRE RISER FOR SPRINKLERS
- 17 60"x60" LEVEL LANDINGS AT EXTERIOR DOOR- 24" CLEAR TO SWING SIDE OF DOOR, SLOPED NO MORE THAN 2% IN EITHER DIRECTION.
- 18 ROOF LADDER
- 19 FIRE ALARM CONTROL PANEL (FACP)
- 20 COUNTER FOR EQUIPMENT
- 21 WATER HEATER ABOVE MOP SINK
- 22 INSTALL VISUAL STRIPPING AT TOP & BOTTOM TREADS.
- 23 HANDRAIL - EXTEND 12" PAST NOSING OF TOP TREAD
- 24 SOFFIT LINE ABOVE
- 25 HANDRAIL - EXTEND ONE TREAD WIDTH & 12" PAST BOTTOM TREAD.
- 26 CABINETS BY OWNER, TO BE +3'-4" ABOVE FINISHED FLOOR
- 27 72"x60" LEVEL LANDINGS AT EXTERIOR DOOR- 24" CLEAR TO SWING SIDE OF DOOR, SLOPED NO MORE THAN 2% IN EITHER DIRECTION.
- 28 LINE OF ROOF OVERHANG



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REVISIONS:

PROFESSIONAL SEALS:



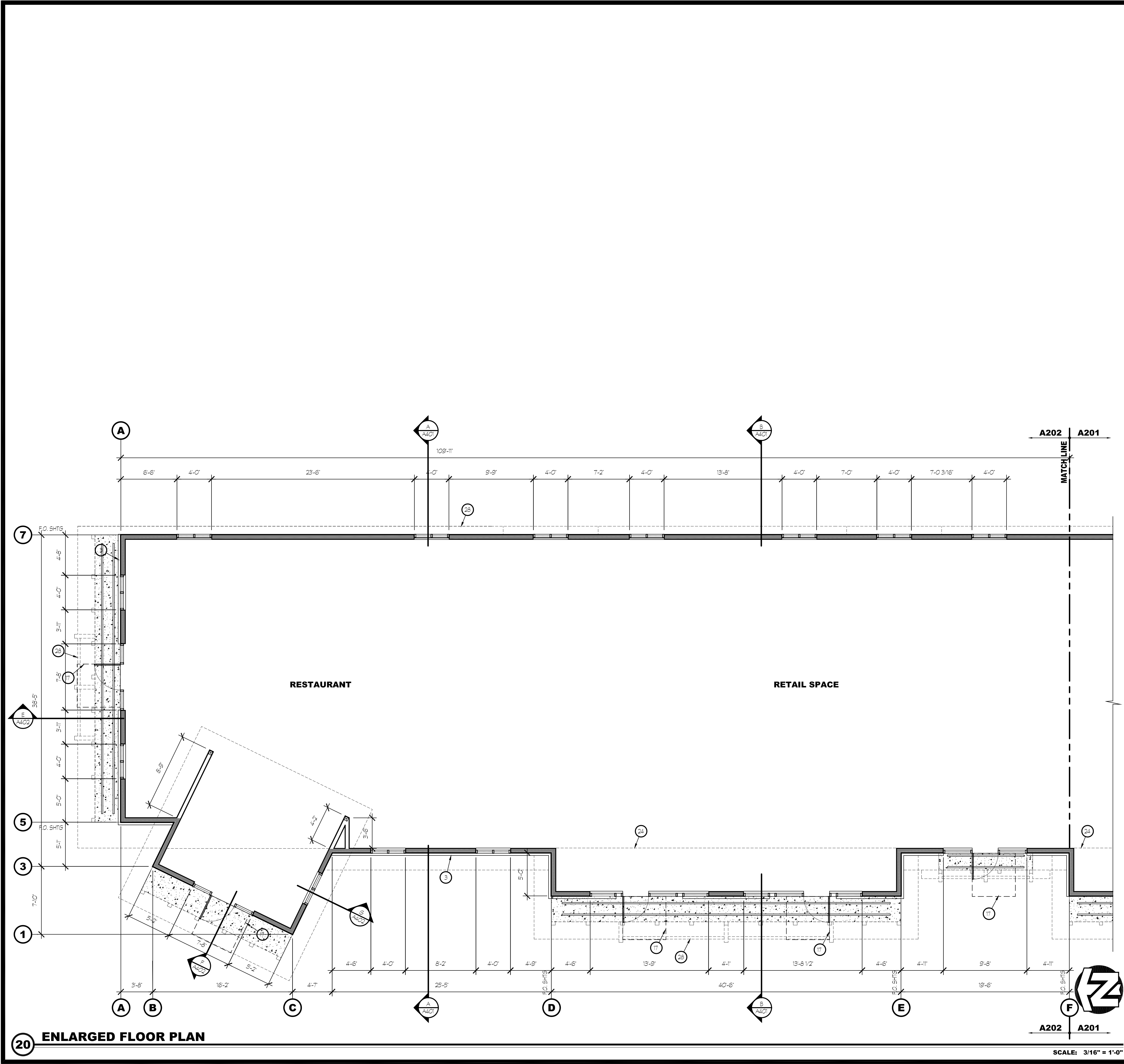
PROJECT NUMBER: **16-021** PROJECT DATE: **8-10-2018**

SHEET CONTENTS:

**ENLARGED
FLOOR PLAN**

SHEET NUMBER:

A201



KEY NOTES

- 1 ELECT MSB
- 2 (1) 2A10BC FIRE EXTINGUISHER- MOUNT IN RECESSED CABINET ON WALL. CABINET TO BE LOCKABLE.
- 3 STONE WAINSCOT WITH WATER SILL- SEE SHEETS A301 AND A302 FOR TYPE AND COLOR
- 4 ELECTRICAL PANELS- SEE ELECTRICAL DRAWINGS
- 5 INTERNATIONAL SIGN OF ACCESSABILITY DECAL, MOUNTED TO GLAZING
- 6 INSTALL TACTILE EXIT SIGN TO GLAZING AT INTERIOR OF DOOR. ALIGN EXIT SIGN WITH INTERNATIONAL ACCESSABILITY DECAL.
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- 13 TLS-350 FUEL PANEL, W/ REMOTE ALARM AT CASHIER
- 14 WATER FILTER AT +7'-6\"/>
- 15 REFER TO SHEET A204 FOR EQUIPMENT FLOOR PLAN
- 16 FIRE RISER FOR SPRINKLERS
- 17 60\"/>
- 18 ROOF LADDER
- 19 FIRE ALARM CONTROL PANEL (FACP)
- 20 COUNTER FOR EQUIPMENT
- 21 WATER HEATER ABOVE MOP SINK
- 22 INSTALL VISUAL STRIPPING AT TOP & BOTTOM TREADS.
- 23 HANDRAIL - EXTEND 12\"/>
- 24 SOFFIT LINE ABOVE
- 25 HANDRAIL - EXTEND ONE TREAD WIDTH & 12\"/>
- 26 CABINETS BY OWNER, TO BE +34\"/>
- 27 72\"/>
- 28 LINE OF ROOF OVERHANG



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CONSULTANTS:

CONTRACTOR:

PROJECT:

**FIDDYMENT
PLAZA**

**NEW CONVENIENCE STORE
WITH FUELING,
SHELL RETAIL TENANT SPACE**

**4701 Fiddymment Road
Roseville, California 95747**

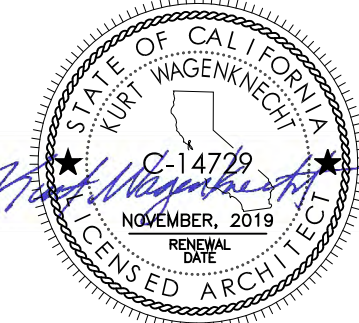
DEVELOPER:

**DHILLON AND SONS
ENTERPRISES**

**201 Bellingham ct
Lincoln, CA 95648**

REVISIONS:

PROFESSIONAL SEALS:



PROJECT NUMBER: **16-021** PROJECT DATE: **8-10-2018**

SHEET CONTENTS:

**ENLARGED
FLOOR PLAN**

SHEET NUMBER:

A202



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Lincoln, CA 95648**

REVISIONS:

PROFESSIONAL SEALS:



PROJECT NUMBER:
16-021

PROJECT DATE:
8-10-2018

SHEET CONTENTS:

**EXTERIOR
NORTH AND SOUTH
ELEVATIONS**

SHEET NUMBER:

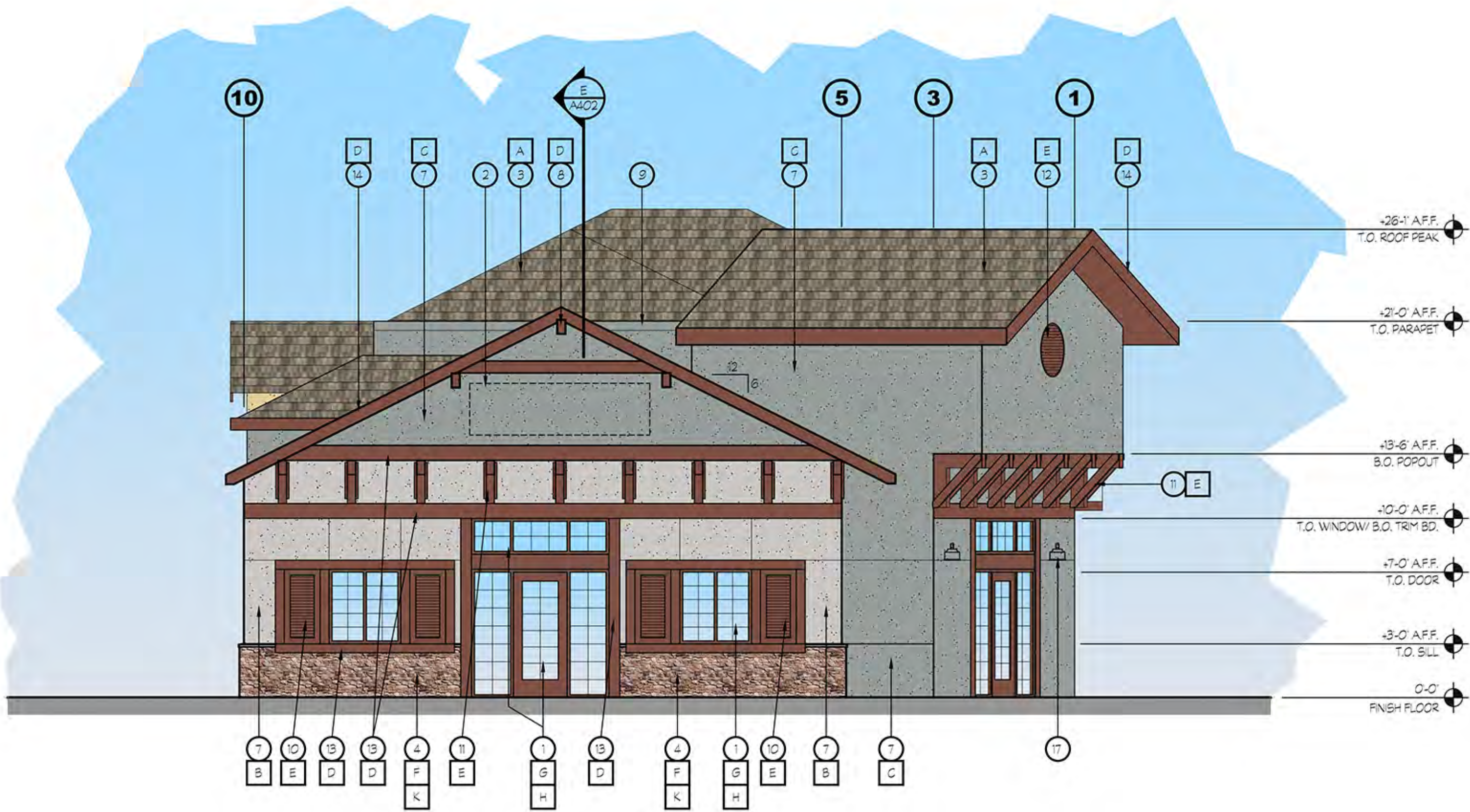
A303

KEY NOTES

- 1 STOREFRONT WINDOW SYSTEM, 2x4-5' CENTER GLAZING SYSTEM, WITH 1' CLEAR DUAL GLAZING
- 2 FUTURE SIGN LOCATION
- 3 CONCRETE TILE ROOFING
- 4 STUCCO STONE WITH WATERTABLE OVER EXTERIOR CEMENT PLASTER OVER METAL LATH OVER DUPONT TYVEK DRAINWRAP
- 5 HOLLOW METAL DOOR AND FRAME PAINTED TO MATCH SURROUNDING BUILDING MATERIAL
- 6 LED WALL PACK MOUNTED LIGHT FIXTURE, SEE ELECTRICAL DWGS.
- 7 7/8" THREE COAT STUCCO SYSTEM OVER DUPONT TYVEK DRAINWRAP
- 8 WOOD OUTRIGGER, PAINTED
- 9 METAL FLASHING, PAINTED TO MATCH SURROUNDING BUILDING FINISH
- 10 PANEL WOOD SHUTTER, PAINTED
- 11 CORBELS, PAINTED
- 12 VENTS, PAINTED
- 13 HARD TRIM BOARD, PAINTED
- 14 FASCIA BOARD, PAINTED
- 15 12" TALL CAN TYPE ADDRESS NUMBERS, BACKLIT, FACE COLOR: BLACK; RETURN COLOR: MATCH FASCIA TRIM, MOUNTED FACING ROADWAY
- 16 LAP SIDING
- 17 LED WALL SCONCE MOUNTED LIGHT FIXTURE, SEE ELECTRICAL DWGS.

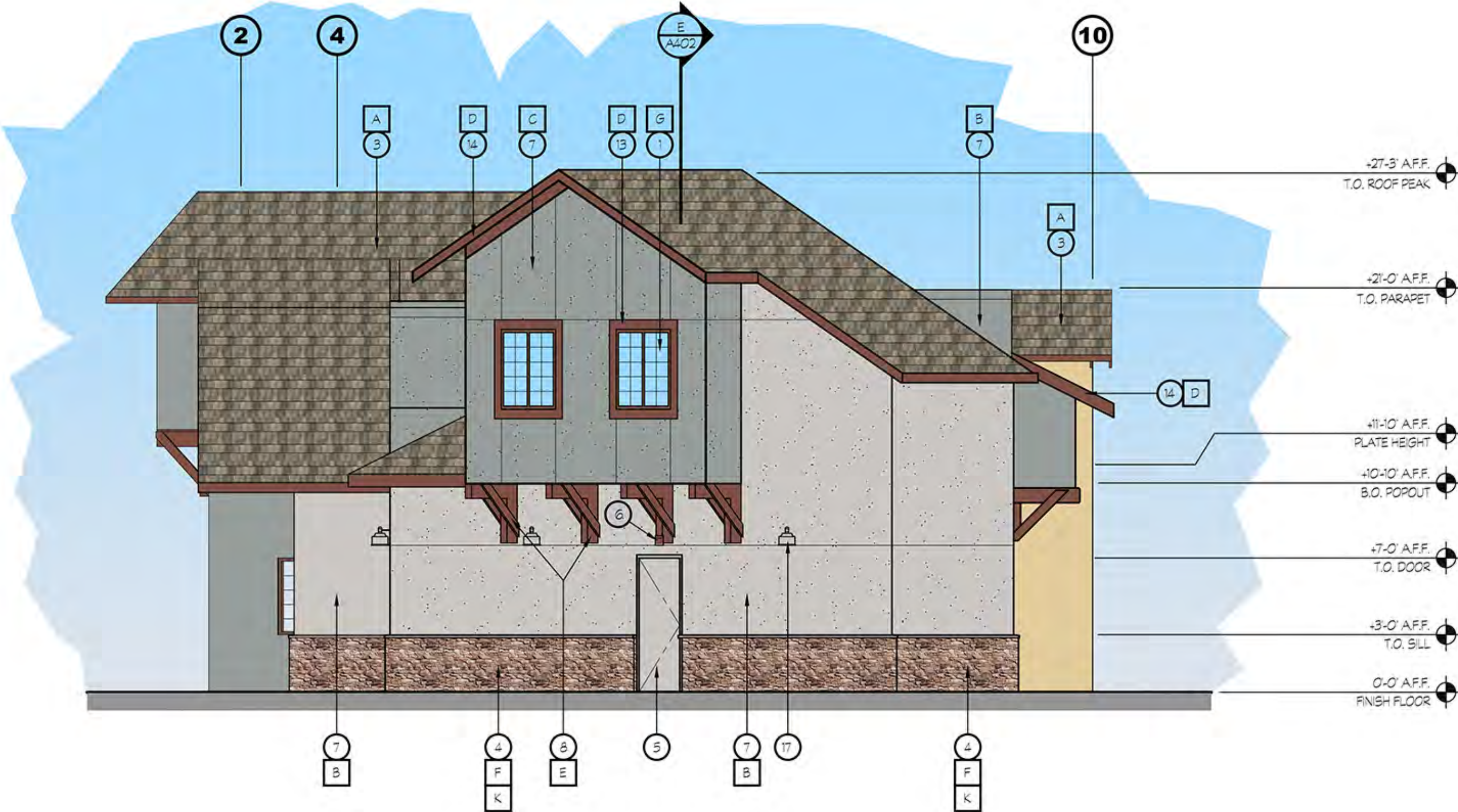
COLOR LEGEND

- | | |
|---|--|
| A | EAGLE ROOFING, PROFILE: GOLDEN EAGLE, COLOR: 1834 KINGS CANYON BLEND |
| B | DUNN EDWARDS, DEC780 'ICE GRAY' |
| C | DUNN EDWARDS, DEC789 'LIGHT GRAY' |
| D | DUNN EDWARDS, DEC750 'BISON BEIGE' |
| E | DUNN EDWARDS, DET488 'RED ROOSTER' |
| F | CORONADO STONE, 75% FRENCH COUNTRY VILLA, COLOR: 'VERSAILLES'
25% TUSCAN VILLA, COLOR: 'VERONA' |
| G | ALUMINUM STOREFRONT SYSTEM, OLD CASTLE 'SAGE BROWN' |
| H | GLAZING, CLEAR |
| I | DUNN EDWARDS, DET488 'PRAIRIE LAND' |
| J | DUNN EDWARDS, DET688 'WILD HORSES' |
| K | CORONADO STONE, CHISELED STONE SILL - 'BROWNSTONE' |



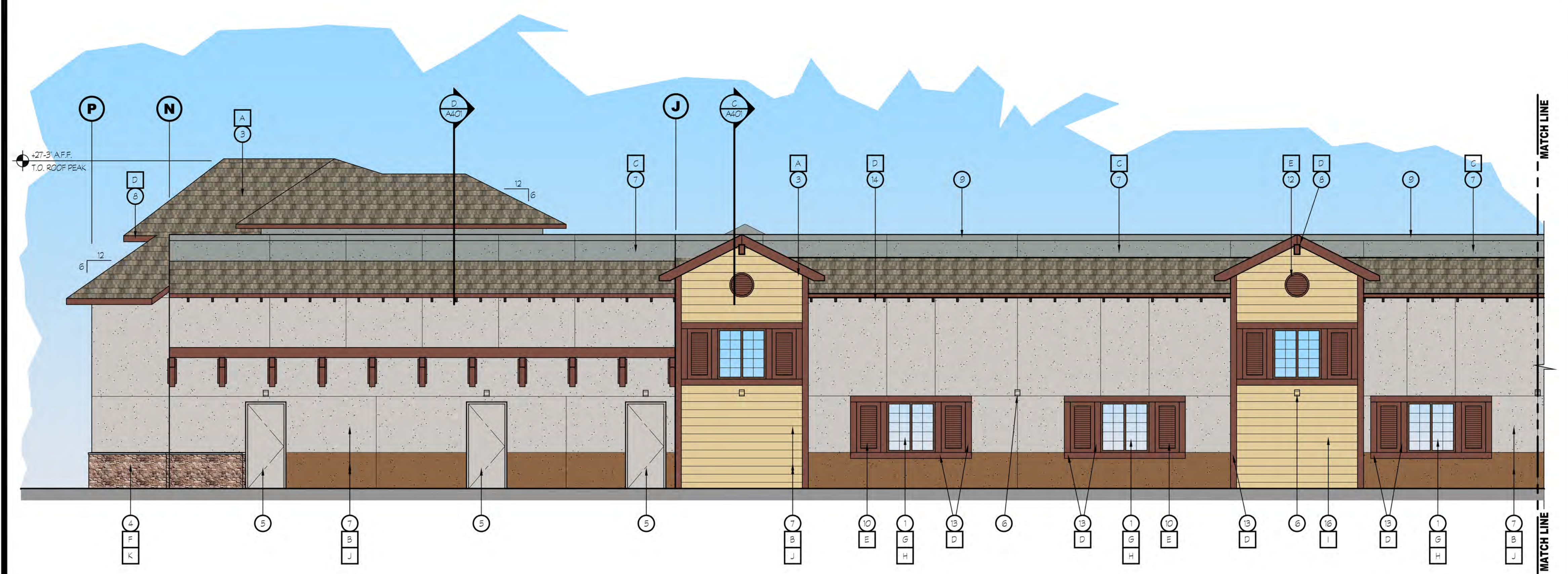
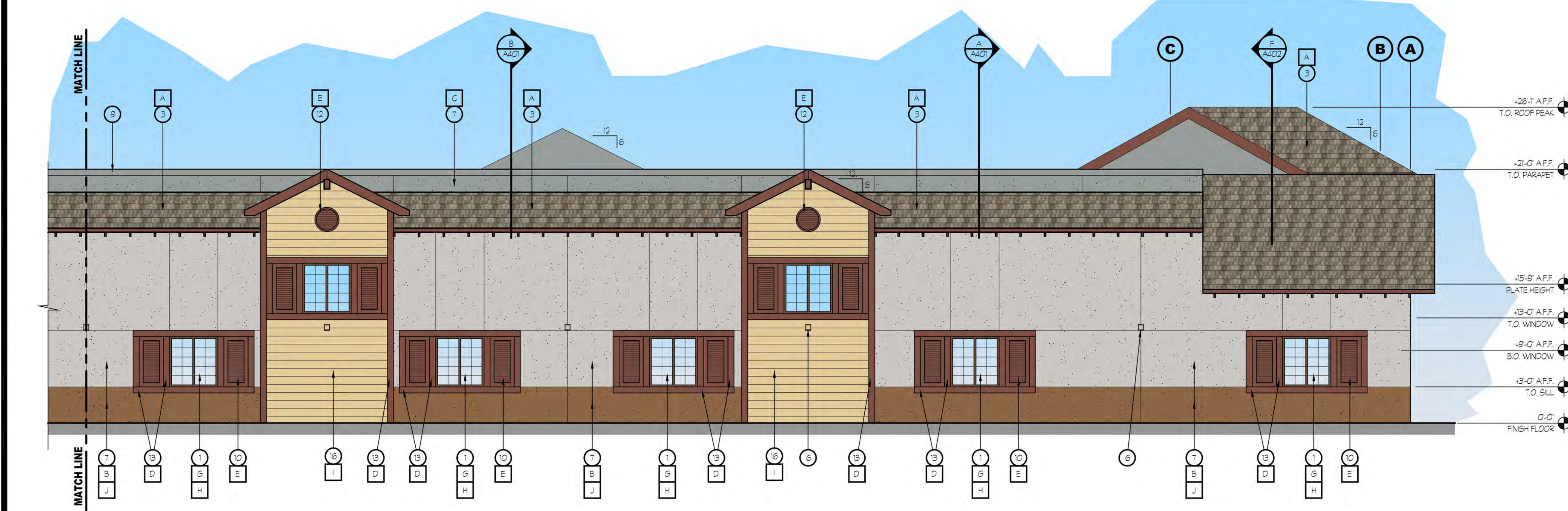
14 SOUTH ELEVATION

SCALE: 3/16" = 1'-0"



16 NORTH ELEVATION

SCALE: 3/16" = 1'-0"



KEY NOTES

- 1 STOREFRONT WINDOW SYSTEM; 2'x4.5' CENTER GLAZING SYSTEM; WITH 1" CLEAR DUAL GLAZING
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- 9 METAL FLASHING; PAINTED TO MATCH SURROUNDING BUILDING FINISH
- 10 PANEL WOOD SHUTTER, PAINTED
- 11 CORBELS; PAINTED
- 12 VENTS; PAINTED
- 13 HARDTRIM BOARD; PAINTED
- 14 FASCIA BOARD; PAINTED
- 15 12" TALL CAN TYPE ADDRESS NUMBERS; BACKLIT, FACE COLOR: BLACK; RETURN COLOR: MATCH FASCIA TRIM, MOUNTED FACING ROADWAY
- 16 LAP SIDING
- 17 LED WALL SCONCE MOUNTED LIGHT FIXTURE, SEE ELECTRICAL DWGS.

COLOR LEGEND

- A EAGLE ROOFING; PROFILE: GOLDEN EAGLE; COLOR: 1634 KINGS CANYON BLEND
- B DUNN EDWARDS; DEC790 'ICE GRAY'
- C DUNN EDWARDS; DEC789 'LIGHT GRAY'
- D DUNN EDWARDS; DEC750 'BISON BEIGE'
- E DUNN EDWARDS; DET489 'RED ROOSTER'
- F CORONADO STONE; 75% FRENCH COUNTRY VILLA, COLOR: 'VERSAILLES' 25% TUSCAN VILLA, COLOR: 'VERONA'
- G ALUMINUM STOREFRONT SYSTEM; OLD CASTLE 'SAGE BROWN'
- H GLAZING: CLEAR
- I DUNN EDWARDS; DET489 'PRAIRIE LAND'
- J DUNN EDWARDS; DET663 'WILD HORSES'
- K CORONADO STONE; CHISELED STONE SILL- 'BROWNSTONE'

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CONTRACTOR:

PROJECT:
FIDDYMENT PLAZA

NEW CONVENIENCE STORE WITH FUELING, SHELL RETAIL TENANT SPACE

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DEVELOPER:
DHILLON AND SONS ENTERPRISES
**201 Bellingham ct
Lincoln, CA 95648**

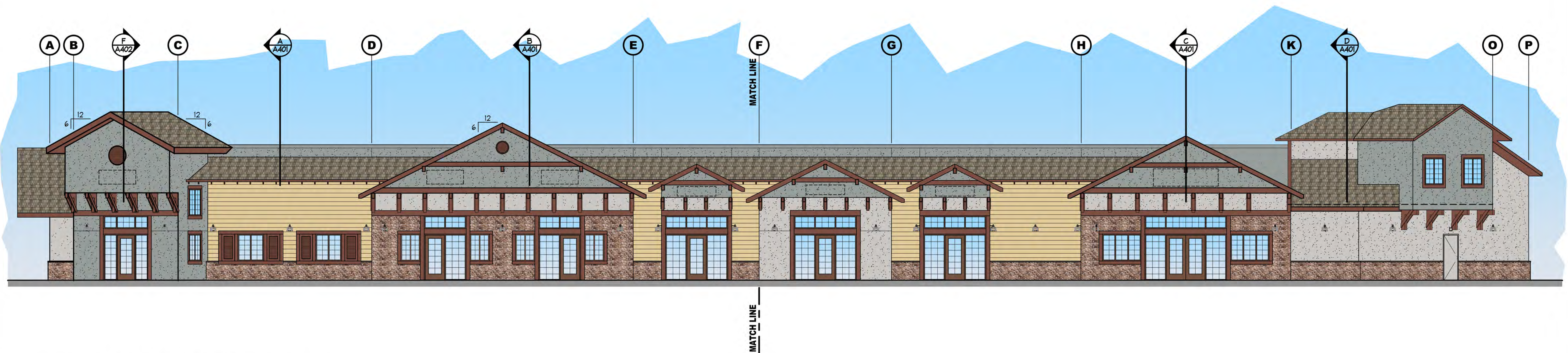
REVISIONS:

PROFESSIONAL SEALS:

PROJECT NUMBER: **16-021** PROJECT DATE: **8-10-2018**
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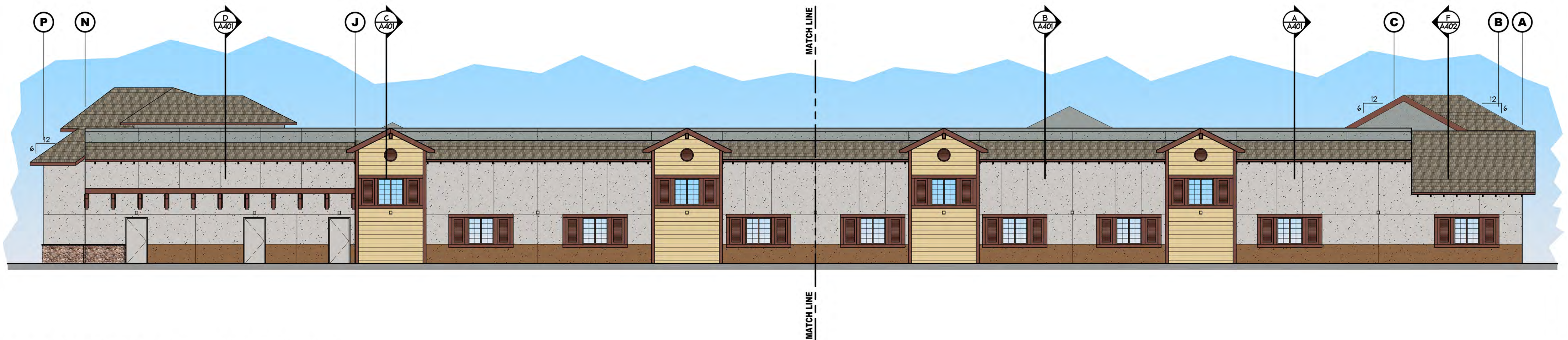
EXTERIOR ENLARGED EAST ELEVATION

SHEET NUMBER:
A302



18 OVERALL WEST ELEVATION - SEE A301

SCALE: 1/8" = 1'-0"



20 OVERALL EAST ELEVATION - SEE A302

SCALE: 1/8" = 1'-0"



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PLAZA**

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**201 Bellingham ct
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REVISIONS:

PROFESSIONAL SEALS:



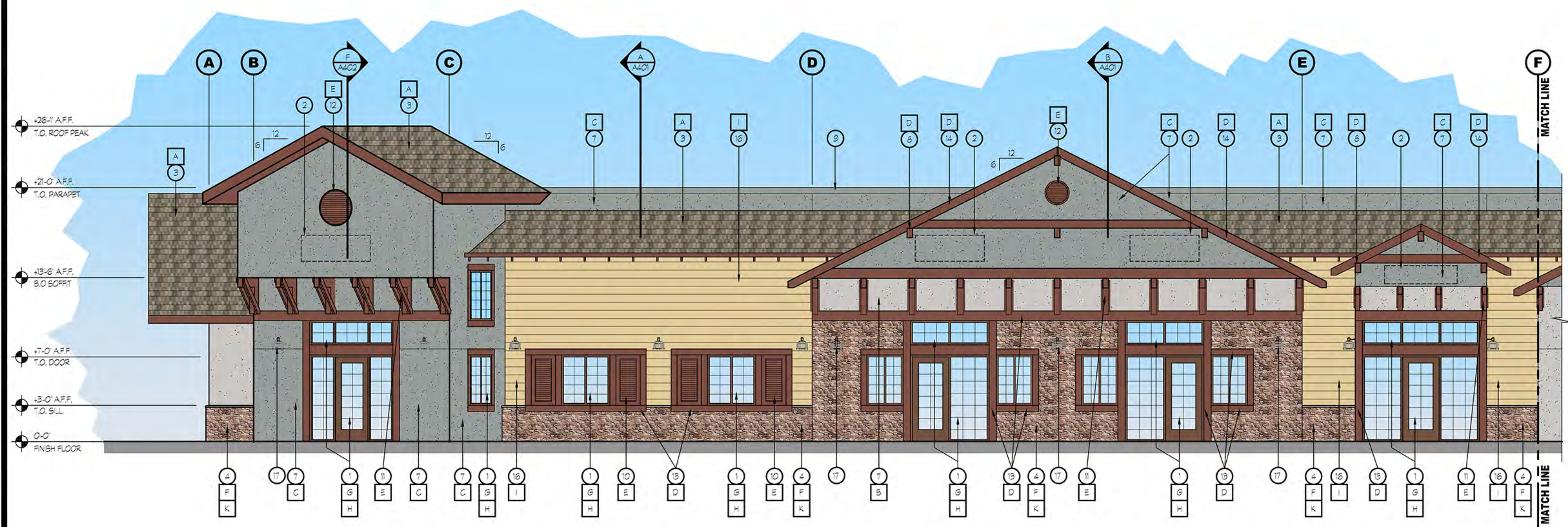
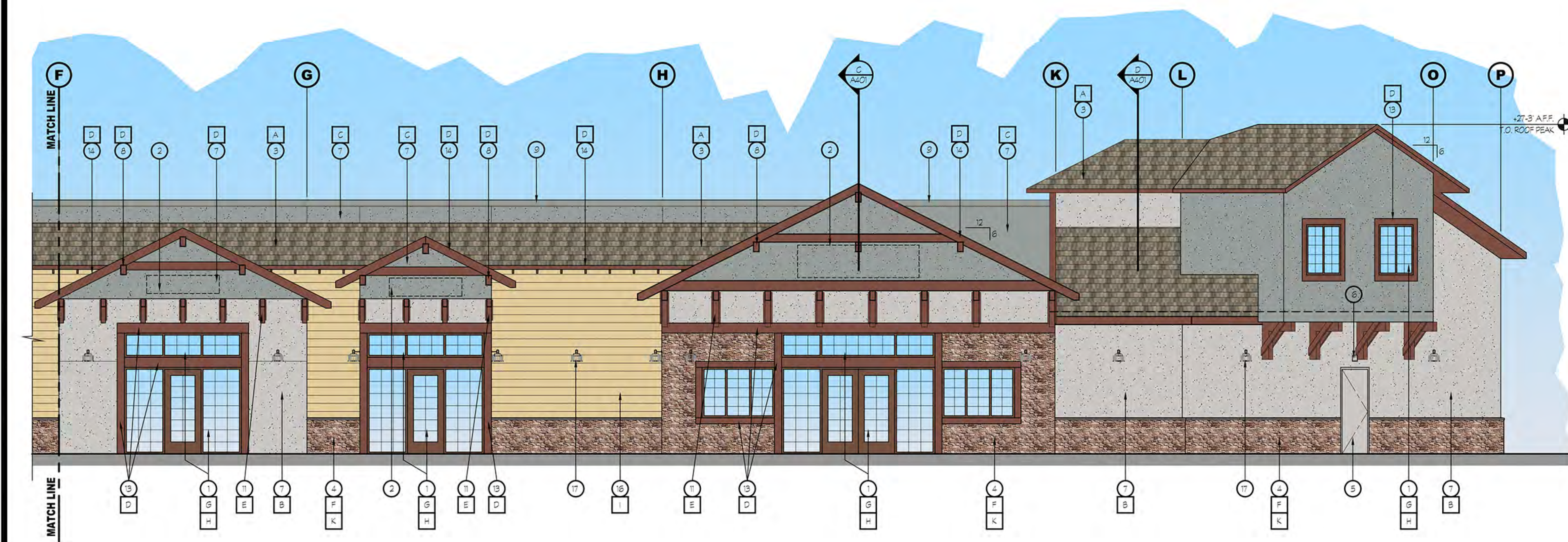
PROJECT NUMBER: **16-021** PROJECT DATE: **8-10-2018**

SHEET CONTENTS:

**OVERALL EXTERIOR
EAST & WEST
ELEVATIONS**

SHEET NUMBER:

A300



20 ENLARGED WEST ELEVATION

SCALE: 3/16" = 1'-0"

KEY NOTES

- 1 STOREFRONT WINDOW SYSTEM; 2x4.5' CENTER GLAZING SYSTEM; WITH 1' CLEAR DUAL GLAZING
- 2 FUTURE SIGN LOCATION
- 3 CONCRETE TILE ROOFING
- 4 STUCCO STONE WITH WATERTABLE OVER EXTERIOR CEMENT PLASTER OVER METAL LATH OVER DUPONT TYVEK DRAINWRAP
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- 16 LAP SIDING
- 17 LED WALL SCONCE MOUNTED LIGHT FIXTURE, SEE ELECTRICAL DWGS.

COLOR LEGEND

- | | |
|---|--|
| A | EAGLE ROOFING; PROFILE: GOLDEN EAGLE; COLOR: 1834 KINGS CANYON BLEND |
| B | DUNN EDWARDS; DEC780 'ICE GRAY' |
| C | DUNN EDWARDS; DEC789 'LIGHT GRAY' |
| D | DUNN EDWARDS; DEC750 'BISON BEIGE' |
| E | DUNN EDWARDS; DEC489 'RED ROOSTER' |
| F | CORONADO STONE: 75% FRENCH COUNTRY VILLA, COLOR: 'VERSAILLES'; 25% TUSCAN VILLA, COLOR: 'VERONA' |
| G | ALUMINUM STOREFRONT SYSTEM; OLD CASTLE 'SAGE BROWN' |
| H | GLAZING; CLEAR |
| I | DUNN EDWARDS; DEC489 'PRAIRIE LAND' |
| J | DUNN EDWARDS; DEC683 'WILD HORSES' |
| K | CORONADO STONE; CHISELED STONE SILL - 'BROWNSTONE' |



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DEVELOPER:

DHILLON AND SONS ENTERPRISES

**201 Bellingham ct
Lincoln, CA 95648**

REVISIONS:

PROFESSIONAL SEALS:



PROJECT NUMBER: **16-021**

PROJECT DATE: **8-10-2018**

SHEET CONTENTS:

EXTERIOR ENLARGED WEST ELEVATION

SHEET NUMBER:

A301



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CONSULTANTS:

CONTRACTOR:

PROJECT:

FIDDYMENT
PLAZA

NEW CONVENIENCE STORE
WITH FUELING,
SHELL RETAIL TENANT SPACE

4701 Fiddymment Road
Roseville, California 95747

DEVELOPER:

DHILLON AND SONS
ENTERPRISES

201 Bellingham ct
Lincoln, CA 95648

REVISIONS:

PROFESSIONAL SEALS:



PROJECT NUMBER:

16-021

PROJECT DATE:

8-10-2018

SHEET CONTENTS:

CANOPY ELEVATION

SHEET NUMBER:

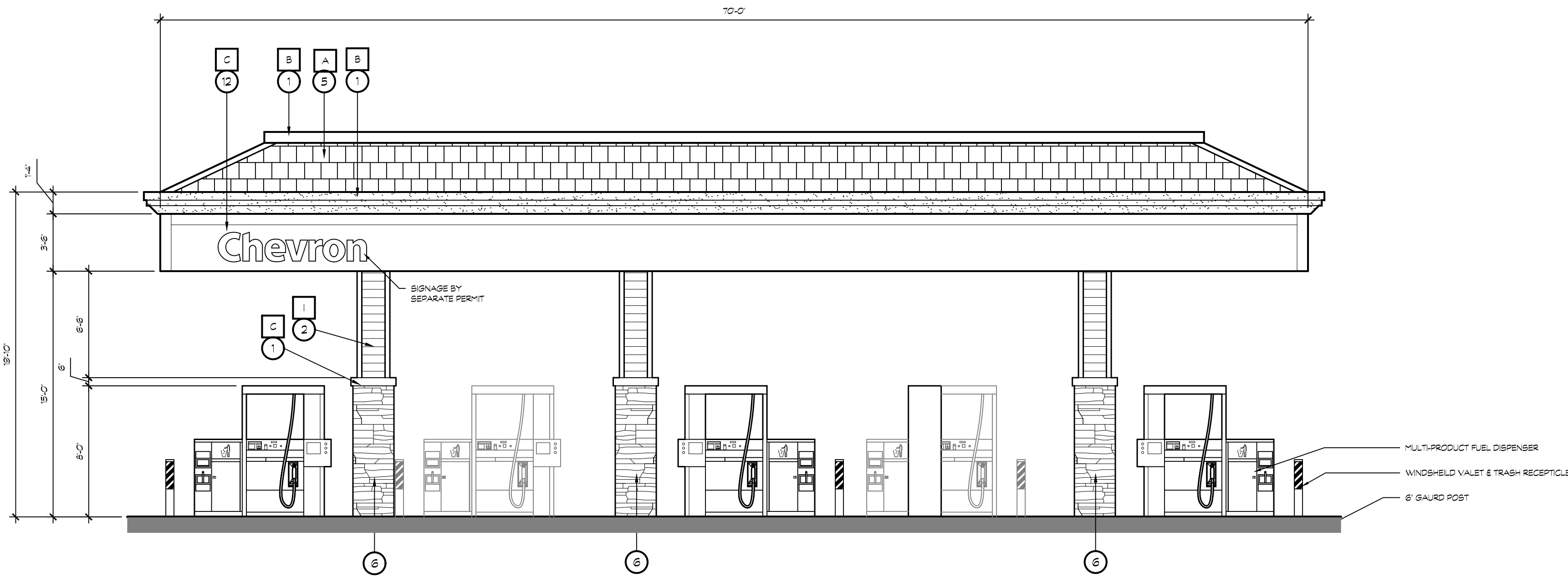
A901

KEY NOTES

- 1 PAINTED CORNICE
- 2 HARDIE PLANK WITH TRIM TO MATCH BUILDING
- 3 SIGN BY SEPARATE PERMIT
- 4 6" GUARD POST- SEE DETAIL 4, SHEET A104
- 5 CONC. ROOF TILES: EAGLE ROOFING: GOLDEN EAGLE: 1634 KINGS CANYON BLEND
- 6 CORANADO STONE OVER EXTERIOR CEMENT PLASTER OVER METAL LATH OVER DUPONT TYVEK DRAINWRAP.
- 7 STONE CAP
- 8 MULTI-PRODUCT FUEL DISPENSER
- 9 7/8" THREE COAT STUCCO SYSTEM OVER DUPONT TYVEK DRAINWRAP
- 10 WINDSHIELD VALET & TRASH RECEPTICLE
- 11 ROOF TILE RIDGE
- 12 ACM PANELS

COLOR LEGENDS

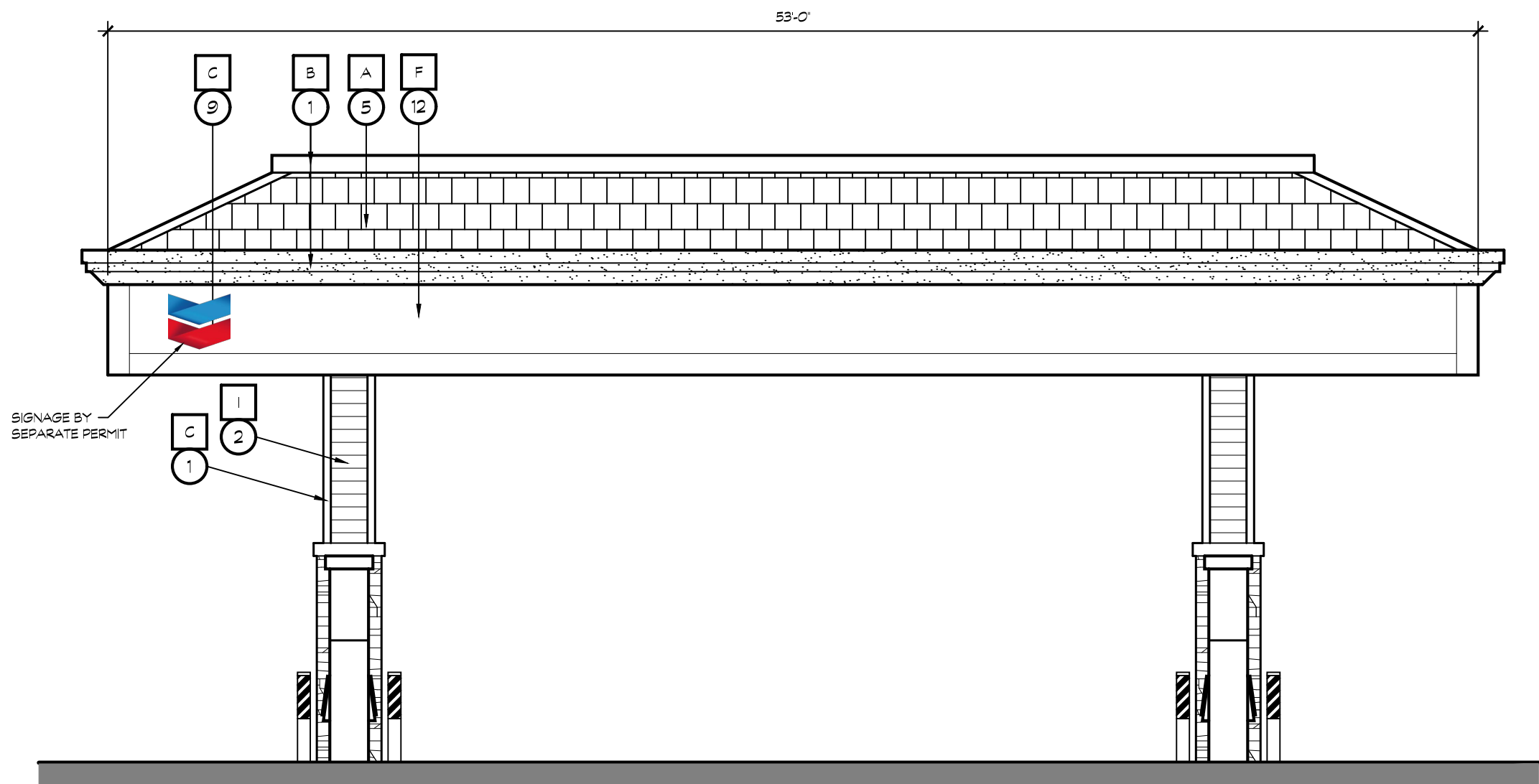
- | | |
|---|---|
| A | EAGLE ROOFING; PROFILE: GOLDEN EAGLE;
COLOR: 1634 KINGS CANYON BLEND |
| B | DUNN EDWARDS; DEC780 'ICE GRAY' |
| C | CHEVRON BLUE |
| D | DUNN EDWARDS; DEC780 'BISON BEIGE' |
| E | DUNN EDWARDS; DET489 'PRAIRIE LAND' |
| F | CHEVRON WHITE |



1 EAST SIDE ELEVATION

WEST SIDE ELEVATION SIMILAR

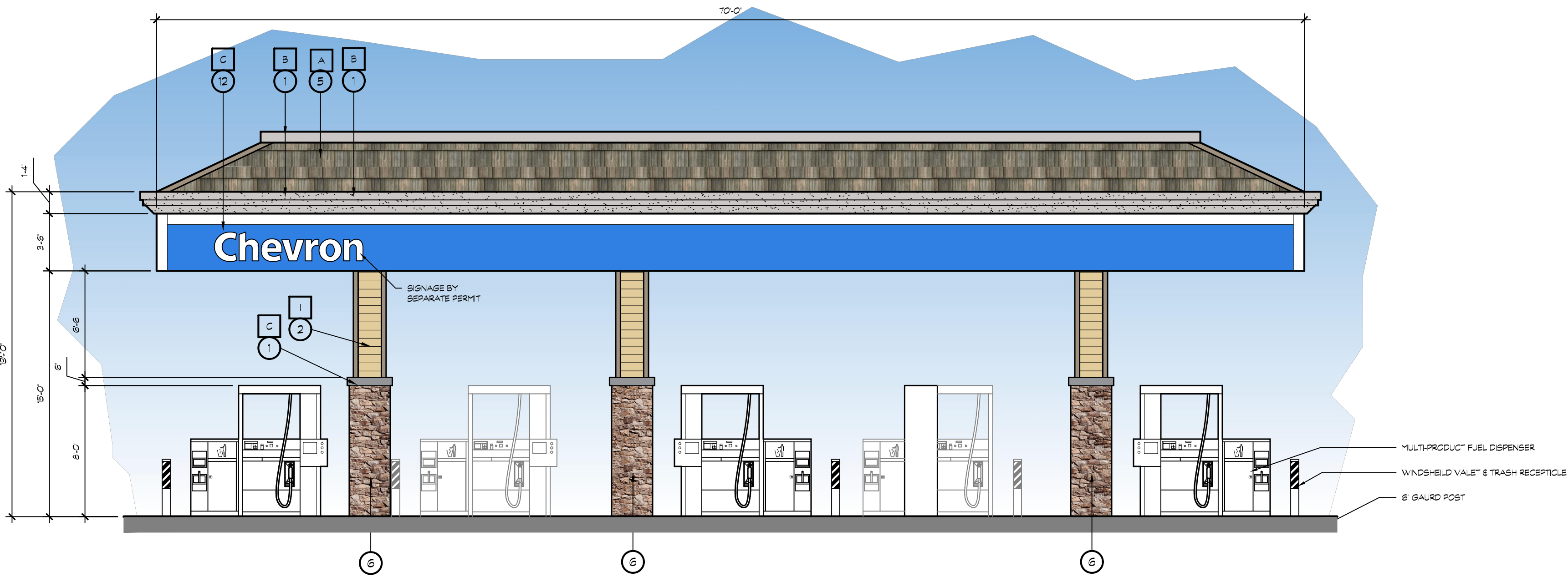
SCALE: 3/16" = 1'-0"



2 FIDDYMENT ROAD ELEVATION

ANGUS STREET ELEVATION SIMILAR

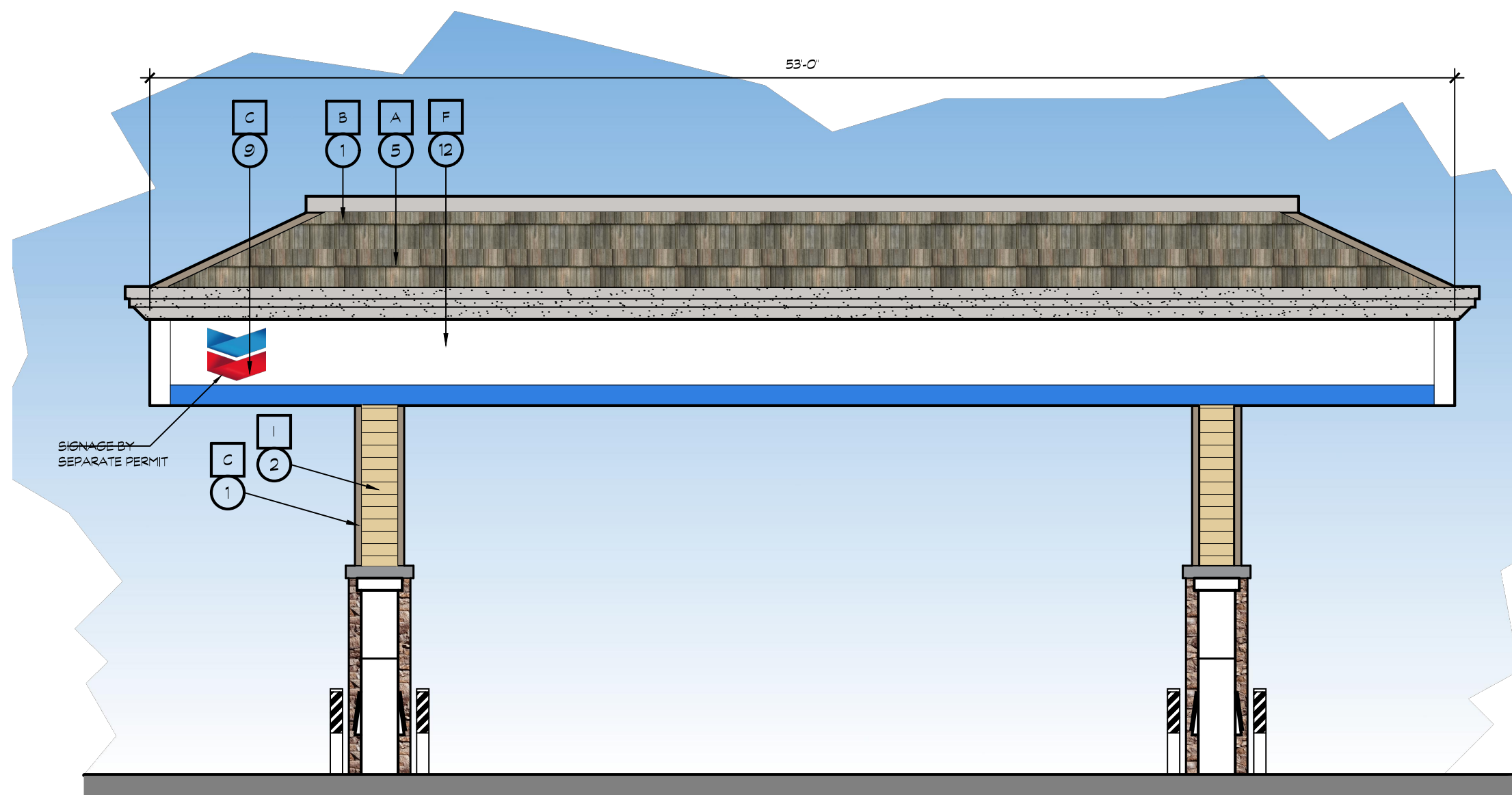
SCALE: 3/16" = 1'-0"



1 EAST SIDE ELEVATION

WEST SIDE ELEVATION SIMILAR

SCALE: 3/16" = 1'-0"



2 FIDDYMENT ROAD ELEVATION

ANGUS STREET ELEVATION SIMILAR

SCALE: 3/16" = 1'-0"

KEY NOTES

- 1 PAINTED CORNICE
- 2 HARDIE PLANK WITH TRIM TO MATCH BUILDING
- 3 SIGN BY SEPARATE PERMIT
- 4 6" GUARD POST- SEE DETAIL 4, SHEET A104
- 5 CONC. ROOF TILES: EAGLE ROOFING: GOLDEN EAGLE: 1634 KINGS CANYON BLEND
- 6 CORANADO STONE OVER EXTERIOR CEMENT PLASTER OVER METAL LATH OVER DUPONT TYVEK DRAINWRAP.
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COLOR LEGENDS

- | | |
|---|--|
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| D | DUNN EDWARDS; DEC780 'BISON BEIGE' |
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PLAZA**

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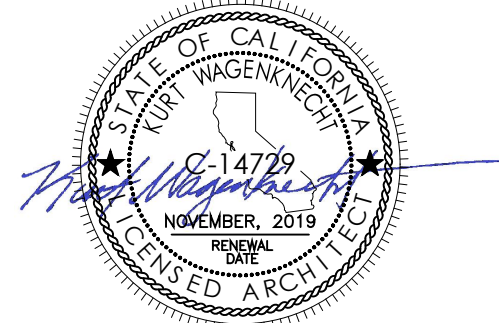
DEVELOPER:

**DHILLON AND SONS
ENTERPRISES**

**201 Bellingham ct
Lincoln, CA 95648**

REVISIONS:

PROFESSIONAL SEALS:



PROJECT NUMBER:

16-021

PROJECT DATE:

8-10-2018

SHEET CONTENTS:

**CANOPY COLOR
ELEVATION**

SHEET NUMBER:

A902

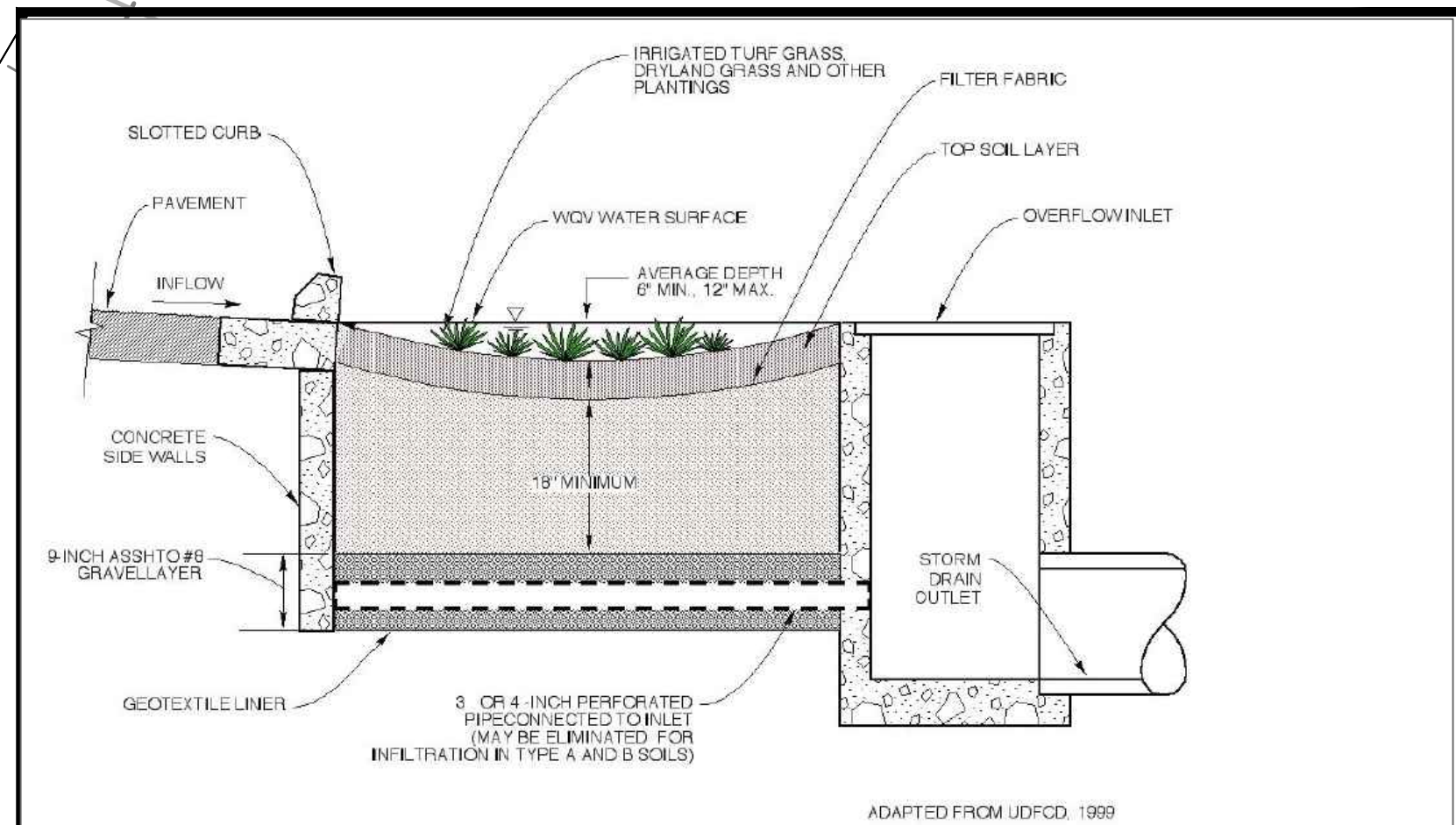
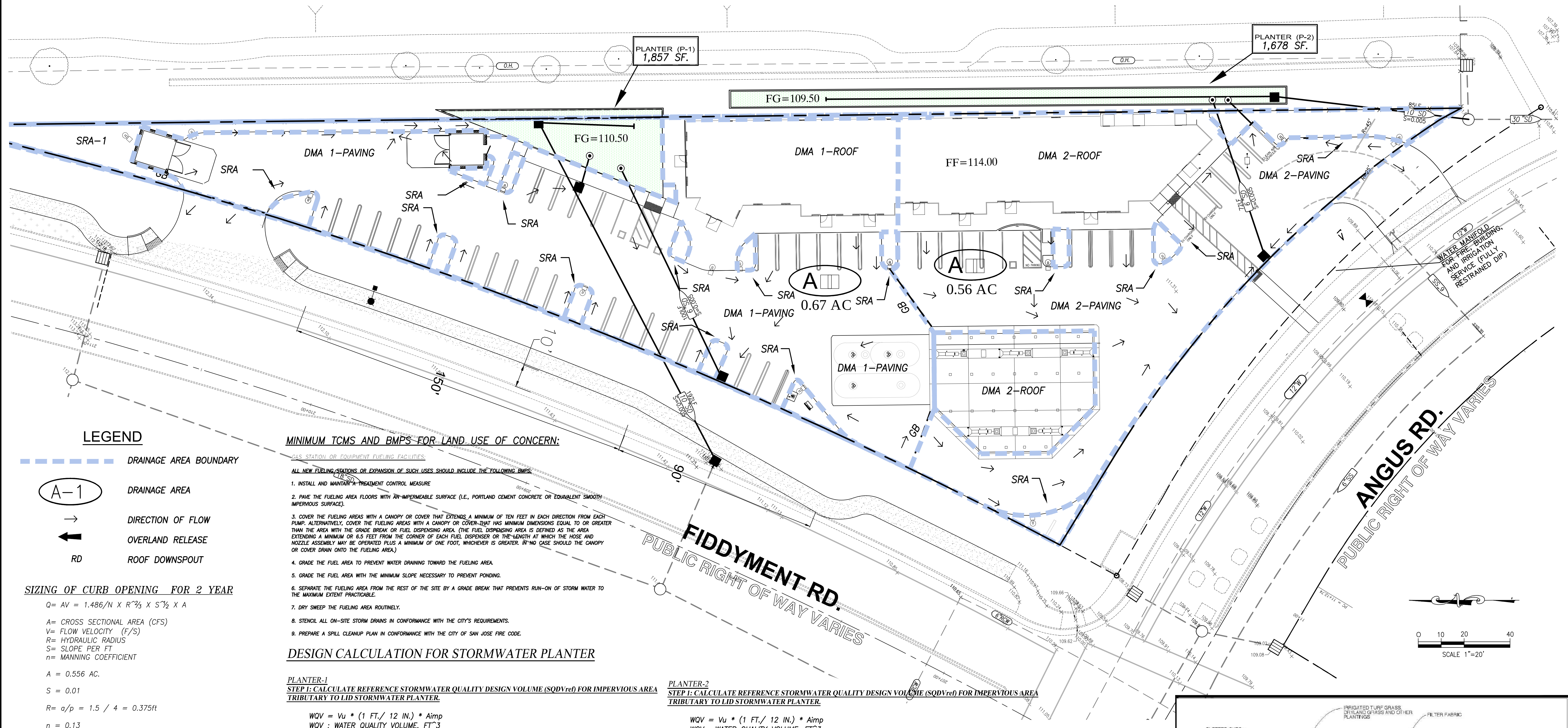
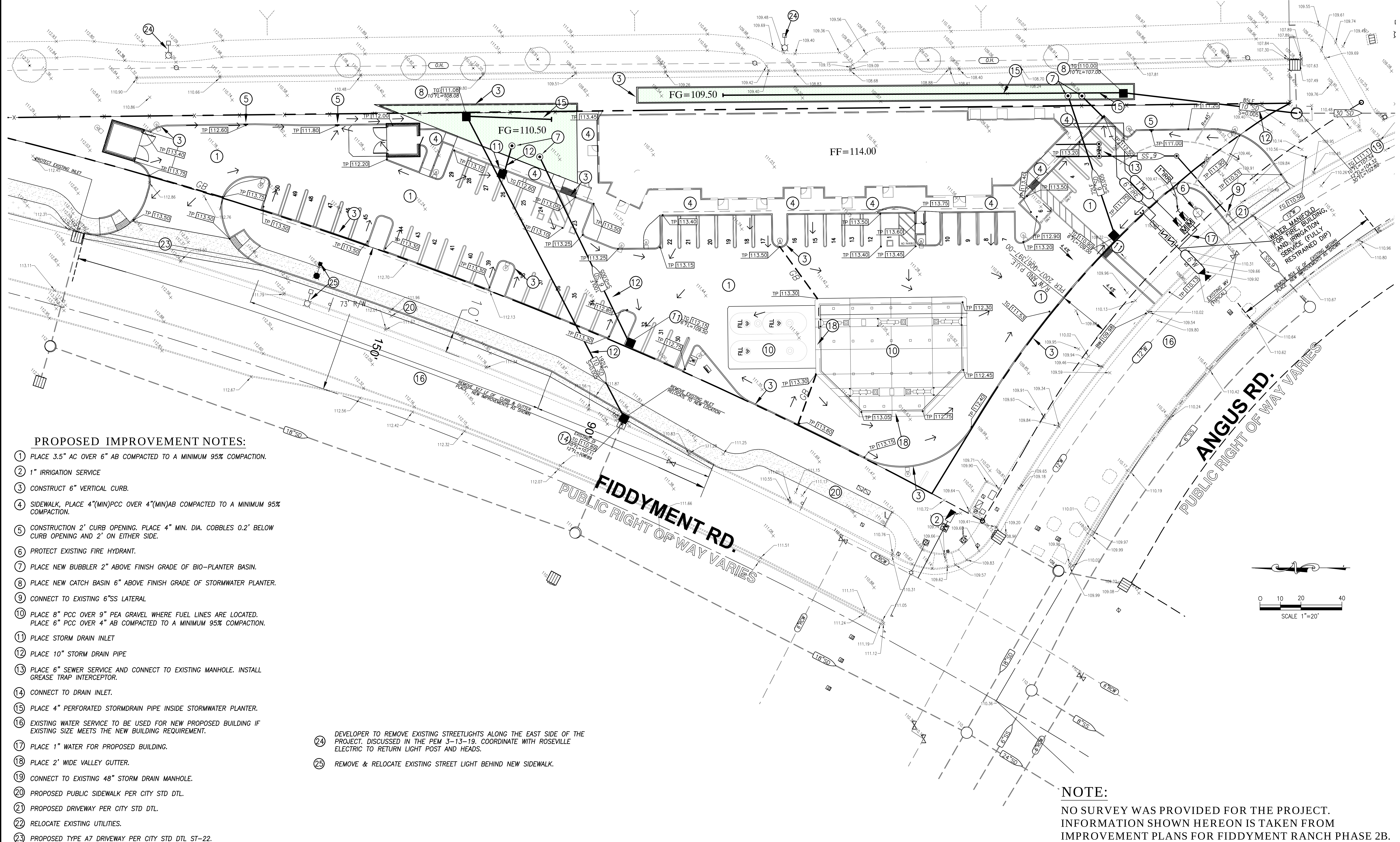


Figure SP-1. Infiltration Stormwater Planter Configuration
 (other media mix and overflow design options may be allowed; check with permitting agency for verification)

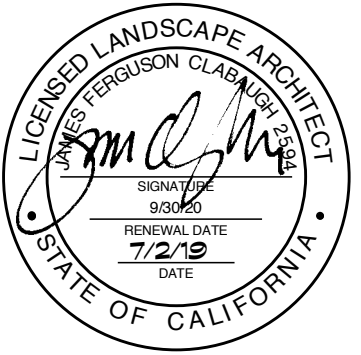
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FIELD BOOK NO. _____ PG. _____		DRAWN: FTS			NO	REVISION		APPROVAL BY: _____
		CHECKED: FTS	RCE: 56122					
		SUBMITTED: FAREED T. SIDDIQUI						JOB NO: 2016-036



NOTE:
NO SURVEY WAS PROVIDED FOR THE PROJECT.
INFORMATION SHOWN HEREON IS TAKEN FROM
IMPROVEMENT PLANS FOR FIDDYMONT RANCH PHASE 2B.

BENCHMARK ELEV. _____	STUKAM CONSULTING ENGINEERS, INC. 11344 COLOMA RD. SUITE 235C GOLD RIVER, CALIFORNIA 95670 (916) 858-8241 PHONE (916) 988-6316 FAX	DESIGNED: _____ FTS	SCALE: 1"=20'						<i>PRELIMINARY GRADING & UTILITY PLAN</i> 4701 FIDDYMENT RD. <i>CONVENIENCE STORE & GAS STATION</i> APN: 492-001-031 CITY OF ROSEVILLE PLACER COUNTY CALIFORNIA	DATE: 01/09/19
FIELD BOOK NO. _____ PG. _____		DRAWN: _____ FTS								SHEET
		CHECKED: _____ FTS								C1
		SUBMITTED: _____ FAREED T. SIDDIQUI	RCE: 56122							/
					NO	REVISION	APPROVAL BY:	DATE		2
										OF 2

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SEE SHEET L2

ROSEVILLE
GAS
STATION

FIDDYMENT AND ANGUS RDS.
ROSEVILLE, CA

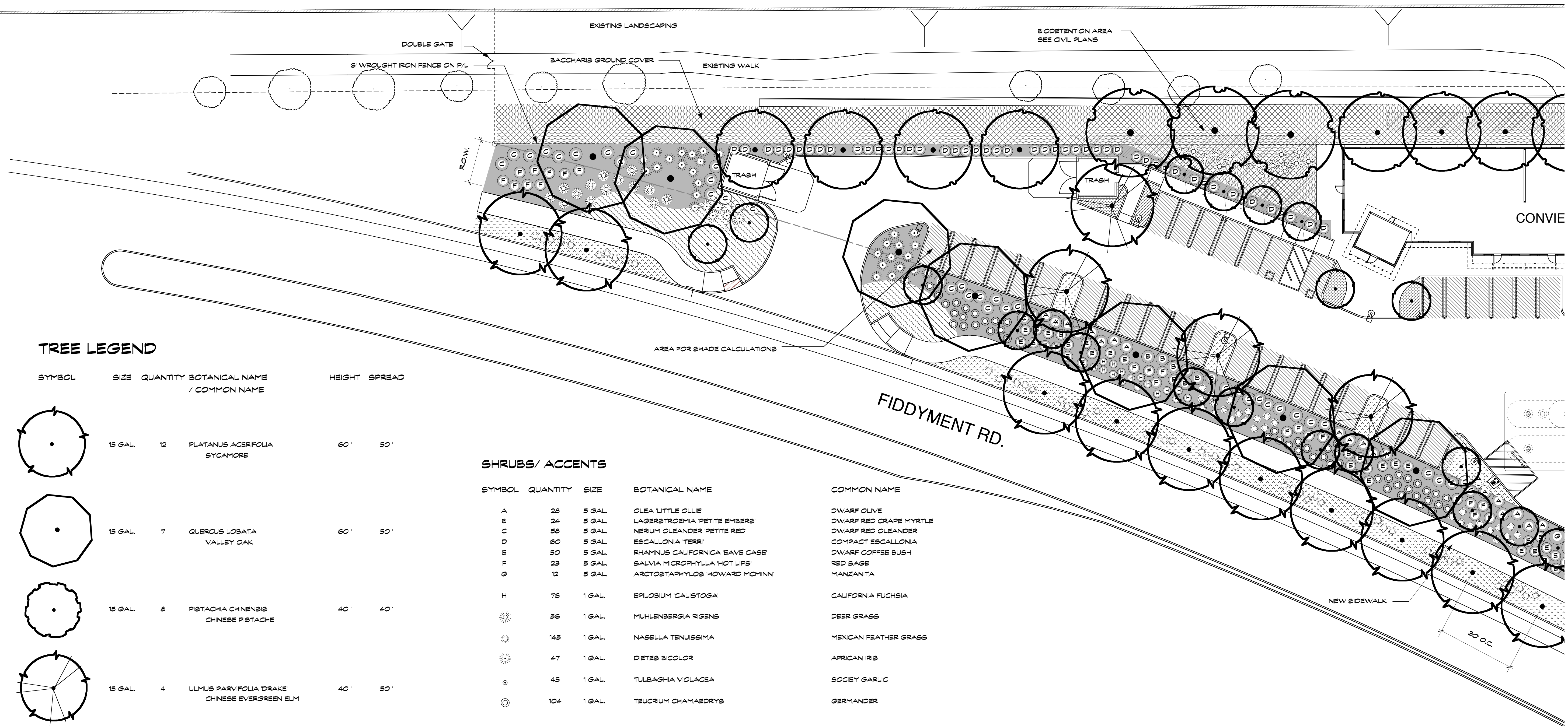
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Date	2/4/19	No.	Date
Job No.		1	7/2/19
Designed by	J.C.		
Drawn by	J.C.		

LANDSCAPE PLANTING PLAN

Sheet No.

L1

of 5



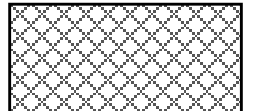
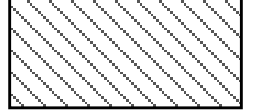
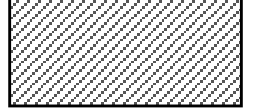
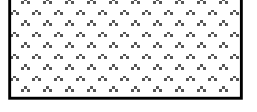
TREE LEGEND

SYMBOL	SIZE	QUANTITY	BOTANICAL NAME / COMMON NAME	HEIGHT	SPREAD
	15 GAL.	12	PLATANUS ACERIFOLIA SYCAMORE	60'	50'
	15 GAL.	7	QUERCUS LOBATA VALLEY OAK	60'	50'
	15 GAL.	8	PISTACHIA CHINENSIS CHINESE PISTACHE	40'	40'
	15 GAL.	4	ULMUS PARVIFOLIA 'DRAKE' CHINESE EVERGREEN ELM	40'	50'
	15 GAL.	17	LAGERSTROEMIA TUBSCARORA RED CRAPE MYRTLE	15'	15'
	15 GAL.	14	CERCIS OCCIDENTALIS WESTERN REDBUD	15'	15'
	15 GAL.	7	ULMUS X FRONTIER FRONTIER ELM	40'	40'
	15 GAL.	13	SOPHORA JAPONICA JAPANESE POGODA TREE	40'	40'

SHRUBS/ ACCENTS

SYMBOL	QUANTITY	SIZE	BOTANICAL NAME	COMMON NAME
A	24	5 GAL.	OLEA 'LITTLE OLLIE'	DWARF OLIVE
B	28	5 GAL.	LAGERSTROEMIA 'PETITE EMBERS'	DWARF RED CRAPE MYRTLE
C	58	5 GAL.	NERIUM OLEANDER 'PETITE RED'	DWARF RED OLEANDER
D	60	5 GAL.	ESCALLONIA 'TERRI'	COMPACT ESCALLONIA
E	50	5 GAL.	RHAMNUS CALIFORNICA 'EAVE CASE'	DWARF COFFEE BUSH
F	23	5 GAL.	SALVIA MICROPHYLLA 'HOT LIPS'	RED SAGE
G	12	5 GAL.	ARCTOSTAPHYLOS 'HOWARD MCMINN'	MANZANITA
H	76	1 GAL.	EPLOBIUM 'CALISTOGA'	CALIFORNIA FUCHSIA
	56	1 GAL.	MUHLENBERGIA RIGENS	DEER GRASS
	145	1 GAL.	NASELLA TENUISSIMA	MEXICAN FEATHER GRASS
	47	1 GAL.	DIETES BICOLOR	AFRICAN IRIS
	45	1 GAL.	TULBAGHIA VIOLACEA	SOCIEY GARLIC
	104	1 GAL.	TEUCRIUM CHAMAEDRYS	GERMANDER

GROUND COVERS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	AREA
	BACCHARIS PILULARIS	TWIN PEAKS/COYOTE BRUSH	1 GAL.	48" O.C.	1,584 SQFT
	ARCTOSTAPHYLOS LVA URSI	MANZANITA	1 GAL.	36" O.C.	5,955 SQFT
	SCAEVOLA 'MAUIE CLUSTERS'	FAN FLOWER	1 GAL.	30" O.C.	653 SQFT
	MYOPORUM PARVIFOLIUM PINK	MYOPORUM	1 GAL.	36" O.C.	4,183 SQFT
	BARK MULCH 3" THICK LAYER OF BROWN, 'WALK-ON' FIR/ PINE BARK MULCH				14,066 SQFT
				TOTAL AREA:	36,441 SQFT



SITE PLAN

SCALE: 1" = 20' - 0"

PARKING LOT SHADING

(10 YEAR)

TREE	DIA.	AREA 3/4 COVERAGE		1/2 COVERAGE	
		SQFT.	NUMBER	(75 %)	NUMBER (50 %)
QUERCUS	30 "	706	0	0	5 1766
LAGERSTROEMIA	15 "		177	0	4 353
PLATANUS	30 "	706	3	1590	0 0
ULMUS	30 "	706	0	0	1 353
SUBTOTAL:				1590 SQFT.	2473 SQFT.
SHADE TOTAL:				4,062 SQFT.	
PARKING LOT AREA:				7,330 SQFT.	
PERCENTAGE COVERAGE:				55 %	

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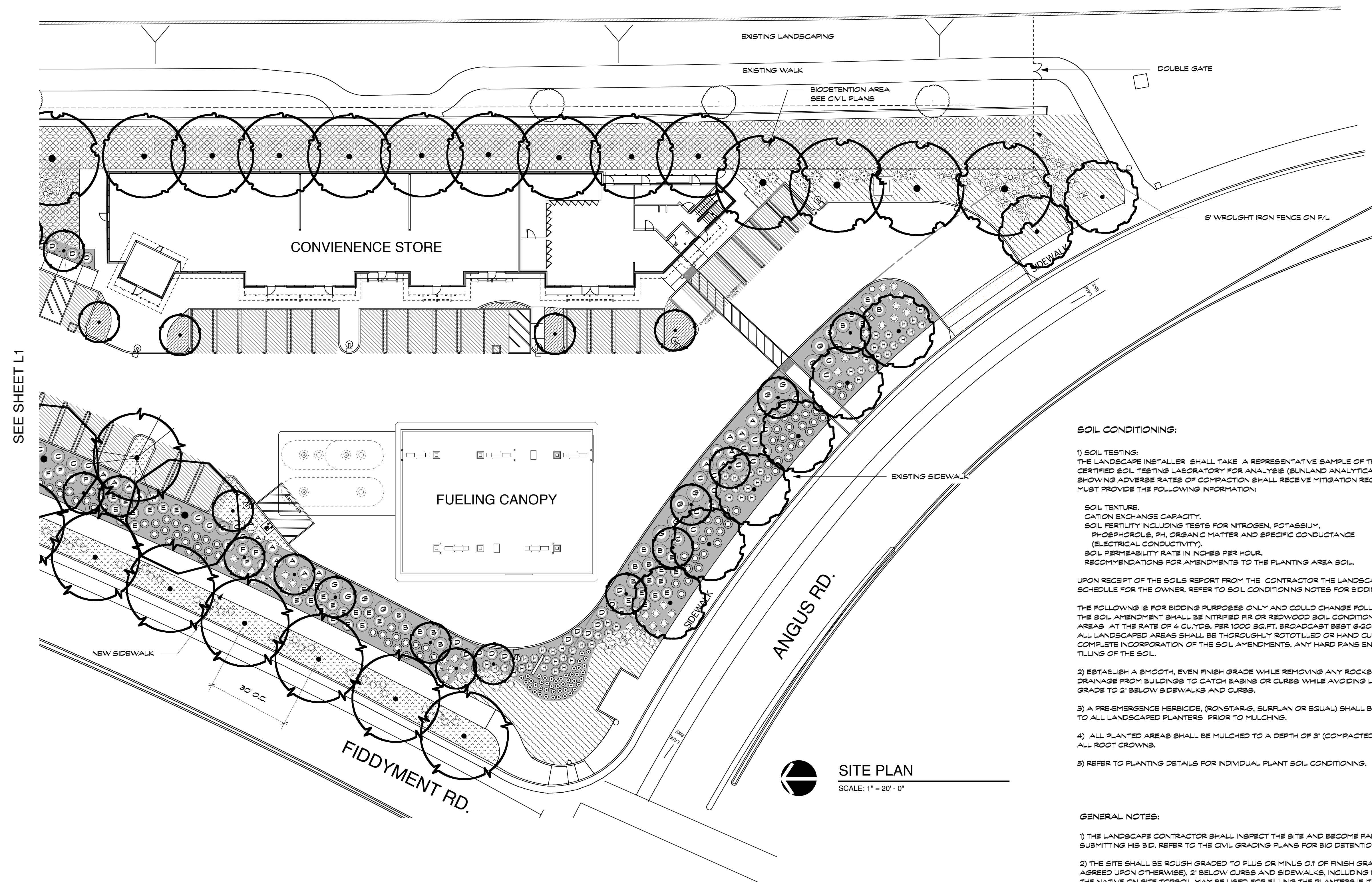
FIDDYMENT AND ANGUS RDS.
ROSEVILLE, CA

Scale	1" = 20'-0"	REVISIONS	
Date	2/4/19	No.	Date
Job No.		1	7/2/19
Designed by	J.C.		
Drawn by	J.C.		

Sheet No.

L2

of 5



SOIL CONDITIONING

1) SOIL TESTING:
THE LANDSCAPE INSTALLER SHALL TAKE A REPRESENTATIVE SAMPLE OF THE SOIL IN THE LANDSCAPE PLANTERS AND SUBMIT IT TO A CERTIFIED SOIL TESTING LABORATORY FOR ANALYSIS (SUNLAND ANALYTICAL LAB 916-655-2557 OR EQUAL). ALL SOIL SAMPLES SHOWING ADVERSE RATES OF COMPACTION SHALL RECEIVE MITIGATION RECOMMENDATIONS IN THE SOIL REPORT. THE SOILS REPORT MUST PROVIDE THE FOLLOWING INFORMATION:

SOIL TEXTURE.
CATION EXCHANGE CAPACITY.
SOIL FERTILITY INCLUDING TESTS FOR NITROGEN, POTASSIUM,
PHOSPHOROUS, PH. ORGANIC MATTER AND SPECIFIC CONDUCTANCE
(ELECTRICAL CONDUCTIVITY).
SOIL PERMEABILITY RATE IN INCHES PER HOUR.
RECOMMENDATIONS FOR AMENDMENTS TO THE PLANTING AREA SOIL.

UPON RECEIPT OF THE SOILS REPORT FROM THE CONTRACTOR THE LANDSCAPE ARCHITECT SHALL PREPARE THE SOIL AMENDING SCHEDULE FOR THE OWNER, REFER TO SOIL CONDITIONING NOTES FOR BIDDING SOIL CONDITIONING.

THE FOLLOWING IS FOR BIDDING PURPOSES ONLY AND COULD CHANGE FOLLOWING RECEIPT OF THE SOILS REPORT; THE SOIL AMENDMENT SHALL BE NITRIFIED FIR OR REDWOOD SOIL CONDITIONER, 0-14-14; APPLY THE SOIL AMENDMENT TO ALL PLANTED AREAS AT THE RATE OF 4 CUBIC YDS. PER 1000 SQ.FT. BROADCAST BEST 6-20-20 NPK FERTILIZER AT 15 LBS. PER 1000 SQ.FT. THE SOIL IN ALL LANDSCAPED AREAS SHALL BE THOROUGHLY ROTOTILLED OR HAND CULTIVATED TO A MINIMUM DEPTH OF 8" TO ASSURE COMPLETE INCORPORATION OF THE SOIL AMENDMENTS. ANY HARD PANs ENCOUNTERED SHALL BE RIPPED TO ALLOW THOROUGH TILLING OF THE SOIL.

2) ESTABLISH A SMOOTH, EVEN FINISH GRADE WHILE REMOVING ANY ROCKS OR DEBRIS LARGER THAN 1" DIA. MAINTAIN POSITIVE DRAINAGE FROM BUILDINGS TO CATCH BASINS OR CURBS WHILE AVOIDING LOW SPOTS. FOR MULCHED BEDS, MAINTAIN THE FINISH GRADE TO 2" BELOW SIDEWALKS AND CURBS.

3) A PRE-EMERGENCE HERBICIDE, (RONSTAR-G, SURFLAN OR EQUAL) SHALL BE APPLIED FOLLOWING THE MANUFACTURERS DIRECTIONS TO ALL LANDSCAPED PLANTERS PRIOR TO MULCHING.

4) ALL PLANTED AREAS SHALL BE MULCHED TO A DEPTH OF 3" (COMPACTED) WITH MATCHING BARK MULCH. KEEP BARK AWAY 3' FROM ALL ROOT CROWNS.

5) REFER TO PLANTING DETAILS FOR INDIVIDUAL PLANT SOIL CONDITIONING

GENERAL NOTES:

1) THE LANDSCAPE CONTRACTOR SHALL INSPECT THE SITE AND BECOME FAMILIAR WITH ALL EXISTING SITE CONDITIONS PRIOR TO SUBMITTING HIS BID. REFER TO THE CIVIL GRADING PLANS FOR BIO DETENTION BASIN SPECIFICATIONS AND LAYOUT.

2) THE SITE SHALL BE ROUGH GRADED TO PLUS OR MINUS 0.1' OF FINISH GRADE BY THE SITE GRADING CONTRACTOR (UNLESS AGREED UPON OTHERWISE), 2" BELOW CURBS AND SIDEWALKS, INCLUDING MOUNDING CONTOURS (IF APPLICABLE), FREE OF DEBRIS. THE NATIVE ON SITE TOPSOIL MAY BE USED FOR FILLING THE PLANTERS IF IT IS OF GOOD QUALITY, NOT TOO WET, CLEAN AND SUITABLE FOR PROPER PLANT GROWTH. SLOPE ALL PLANTERS AT 2% MINIMUM FOR PROPER DRAINAGE. ANY AS ROCK, CONCRETE WASTE, OR LIME TREATED SOILS SHALL BE REMOVED FROM ALL PLANTERS PRIOR TO FILLING.

3) THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING FACILITIES, BUILDINGS AND UNDERGROUND UTILITIES DURING THE PERFORMANCE OF HIS WORK AND SHALL MAKE ANY NECESSARY REPAIRS AT NO COST TO THE OWNER. HE SHALL BE RESPONSIBLE FOR COORDINATING HIS WORK WITH OTHERS, (UNDERGROUND, CONCRETE, PLUMBING, ELECTRICAL AND GRADING). CONTACT UNDERGROUND SERVICE ALERT PRIOR TO WORK. 800-642-2444.

4) THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING UP HIS OWN DEBRIS AND LEAVING THE SITE IN A SAFE CONDITION DAILY, PROVIDING NECESSARY BARRICADES. UPON COMPLETION OF THE JOB HE SHALL BE RESPONSIBLE FOR FINAL CLEAN-UP OF HIS WORK AND DEBRIS AND LEAVING IT A BROOM-CLEAN CONDITION.

5) REQUESTS FOR PLANT SUBSTITUTIONS SHALL BE MADE IN WRITING TO THE LANDSCAPE ARCHITECT PRIOR TO DELIVERY OF THE PLANTS. PLANT MATERIALS SHALL BE TOP QUALITY, UNDAMAGED, REPRESENTATIVE OF THE SPECIES, PROPERLY PRUNED IF NECESSARY, FREE OF DISEASE OR PESTS AND NOT ROOT BOUND. WATER UPON DELIVERY AND DAILY THERE AFTER UNTIL PLANTED.

6) PLANT NUMBERS SHOWN ARE FOR THE CONVENIENCE OF THE CONTRACTOR, HE SHALL BE RESPONSIBLE FOR ALL SYMBOLS SHOWN. AREAS SHOWN ARE FOR THE CONVENIENCE OF THE CONTRACTOR. VERIFY IN THE FIELD.

7) ANY NOXIOUS PERENNIAL WEEDS (BERMUDA GRASS, MORNING GLORY, ETC.) GROWING ON THE SITE AFTER ROUGH GRADING SHALL BE SPRAYED AND KILLED WITH ROUND-UP HERBICIDE. LEAVE UNDISTURBED FOR 5 DAYS BEFORE ANY WORK.

5) ALL WORK SHALL BE INSTALLED IN COMPLIANCE WITH ALL STATE AND LOCAL CODES AND ORDINANCES BY A LICENSED CONTRACTOR WHO SHALL OBTAIN AND PAY FOR ANY NECESSARY PERMITS PRIOR TO WORK. REFER TO THE LOCAL GOVERNMENT'S ORDINANCES REGARDING INSPECTIONS AND COMPLIANCE WITH WATER CONSERVATION REGULATIONS.