



AGENDA

July 11, 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 June 13, 2019

5.2. INFILL PCL 129 - Sharp Circle Tree Permit - 265 Sharp Circle - PL19-0174

REQUEST

The applicant requests approval of a Tree Permit to encroach into the protected zone of six (6) oak trees for an erosion mitigation project at 265 Sharp Circle. The erosion mitigation project involves the installation of new curb, gutter, retaining wall with fill material, and asphalt for a driveway.

Applicant: Bill Steiner, Roseville Greens Homeowner's Association
Owner: Hus Merle Eugene and Yvonne Ruth Trustees

RECOMMENDATION

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

- A. Adopt the two (2) findings of fact and approve the Tree Permit subject to eighteen (18) conditions of approval.

6. REQUESTS/PRESENTATIONS

6.1. 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. 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

7.1. Election of the Planning Commission Chair

7.2. Election of the Planning Commission Vice-Chair

7.3. Appointment of Design Committee Chair and Alternate

8. ADJOURNMENT



PLANNING COMMISSION COMMUNICATION

Title: Minutes of June 13, 2019
Contact: Lupe Nelson, lnelson@roseville.ca.us, 916-774-5281

Meeting Date: 7/11/2019
Item #: 5.1.

ATTACHMENTS:

Description

Minutes of June 13, 2019



MINUTES

June 13, 2019

PLANNING COMMISSION MEETING

7:00 p.m.

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

1. CALL TO ORDER

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

2. ROLL CALL

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

3. PLEDGE OF ALLEGIANCE

Vice-Chair Caporusso led those in attendance in the Pledge of Allegiance.

4. PUBLIC COMMENTS

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

5. CONSENT CALENDAR

Motion by Justin Caporusso, seconded by Erich Brashears, to approve the Consent Calendar.

Motion Passed.

Roll call vote: Ayes: Jensen, Martin, Brashears, Dohner, Caporusso, Krafka
Absent: Mendonsa

5.1. Minutes of May 23, 2019

5.2. WRSP PCL F-84 & F-85 - Hayden Bridge Tree Permit - 5481 Holt Parkway - File # PL18-0145

REQUEST

The applicant requests a Tree Permit to remove six (6) native oak trees and encroach within the protected zone or conditionally remove three (3) additional native oak trees to facilitate construction of the Hayden Parkway Bridge over Pleasant Grove Creek, north of Blue Oaks Boulevard.

Applicant: Steve Hicks, Signature Management Company
Owner: David L. Ash, ATC Realty One, LLC

RECOMMENDATION

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

- A. Adopt the two (2) findings of fact and approve the Tree Permit subject to twenty-three (23) conditions of approval.

6. REQUESTS/PRESENTATIONS

6.1. NIPA PCL CO-22 - Campus Oaks Apartments Phase 2 - 350 Roseville Parkway - PL # 18-0372

REQUEST

The applicant requests a Major Project Permit Stage 2 for Phase 2 of the Campus Oaks Apartments project. The development consists of 210 apartment units on Campus Oaks Master Plan parcel CO-22.

Applicant: Greg Bardini, Morton & Pitalo, Inc.
Owner: Campus Oaks Apartments 2 LP

RECOMMENDATION

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

- A. Adopt the two (2) findings of fact and approve the Major Project Permit Stage 2 (for both Alternative 1 and Alternative 2) subject to ninety-five (95) conditions of approval.

Associate Planner, Charity Gold, presented the staff report.

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

Owner, Johnathan Canel, Campus Oaks Apartments 2 LP, thanked staff and stated he had received a copy of the staff report and was in agreement with staff's recommendation.

Commissioner Discussion:

- Support project.
- Provide background on why two (2) alternative designs are being

submitted for review.

- Unique to bring two (2) plans to the Planning Commission - smart approach.
- Toured Campus Oaks Apartments Phase 1.
- Impressed by the applicants dedication to affordable housing.

Motion by Erich Brashears, seconded by Kristine Dohner, to adopt the two (2) findings of fact and approve the Major Project Permit Stage 2 (for both Alternative 1 and Alternative 2) subject to ninety-five (95) conditions of approval.

Motion Passed.

Roll call vote: Ayes: Brashears, Caporusso, Dohner, Jensen, Krafka, Martin

Absent: Mendonsa

6.2. INFILL PCL 246 - Roseville Old Town Lofts - 241 Nevada Ave. - PL # 18-0178
(Continued from the May 9, 2019 Planning Commission Meeting)

REQUEST

The project consists of the construction of 23 attached single-family dwelling units. The project includes a request for a General Plan Amendment to change the land use designation of the property from Business Professional (BP) to High Density Residential (HDR), a Design Review Permit for construction of 23 single-family units and to modify the development standards of the existing Attached Housing (R3) zone, a Tentative Subdivision Map, and a Tree Permit.

Applicant: Phil Harvey, Kuchman Architects

Owner: Robert Pegos

RECOMMENDATION

- A. Adopt the Roseville Old Town Lofts Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program;
- B. Recommend the City Council approve the General Plan Amendment (Text and Land Use Map);
- C. Adopt the four (4) findings of fact and approve the Design Review Permit subject to sixty-eight (68) conditions of approval;
- D. Adopt the three (3) findings of fact and approve the Tentative Subdivision Map subject to sixty-eight (68) conditions of approval; and
- E. Adopt the two (2) findings of fact and approve the Tree Permit subject to twenty-one (21) conditions of approval.

Assistant Planner, Kinarik Shallow, presented the staff report.

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

Applicant, Phil Harvey, Kuchman Architects, thanked staff and stated he had received a copy of the staff report and was in agreement with staff's recommendation.

Commissioner Discussion:

- How was parking calculated?
- Was the same parking calculation used for the Campus Oaks project used for the Roseville Old Town Lofts project? The project meets the City's parking standards.
- Describe the construction staging.
- Construction traffic maintained on site?
- Will each or some of the units have roof top decks?
- Appreciate the *42 inch* parapets.
- Would the applicant be willing to add additional screening, such as trellis, for units that face homes?
- Would the applicant be willing to install double-flat fencing to help diminish car lights shining into homes?
- Trees can be used as additional screening.
- What type of project would the residents like to see for this parcel?

Speakers: Donald Snelling, Zachary Steele, Michele Greco, Chris Ewers, Laura Willbourn, Kathy Goddard, Bob Jellison, Ashley Henry, Evan Lawson, Michael Ryan, Gregory Schumer, Christie D Lorenzo, Stefanie Rhodes, and Deepa Menon spoke in opposition of the project.

Public Comments:

- Inadequate parking for project.
- How was the meeting notice distributed for the January neighborhood meeting?
- Safety and traffic concerns.
- How will homes be financed?
- Neighbors concerned that homes will be purchased for rentals properties.
- Neighborhood will be negatively impacted.
- Great site for development.
- Not opposed to development of the site.
- Access to public transit is too far.
- Quality of neighborhood will decrease with the proposed project.
- Project design does not blend into the neighborhood's "bungalow" style.
- Increase in crime will occur.
- No sidewalks in the established adjacent neighborhood.
- Proposed project will increase wrong-way traffic.
- Infill projects propose challenge for development.
- Increase traffic on Ben Ezra.
- There is not a designated bike lane on Douglas Blvd.
- There are narrow streets in the neighborhood.
- People have more than 1-2 cars.
- What is the original zoning for the parcel?
- Traffic backs up on Nevada Avenue when cars are trying to turn onto Douglas Blvd.
- Project will change character of neighborhood.
- Homeless issue in the neighborhood.
- Noise complaints from project will cause a burden on the Police Department.
- Neighborhood is a thorough-fare for Downtown Roseville activities; project will make it worse.
- Current problems with traffic and parking is not being addressed.

- Is it possible to install speed bumps on Donner Ave.?
- Is possible to implement "parking by permit" in the adjacent neighborhood?
- Project concerns are different for renters and owners.
- Will there be an HOA representative on site?
- How will storage requirement be enforced?
- Will there be charging stations for electric vehicles.
- California solar requirements not being met.

Recess was taken at 8:27 p.m.; Meeting resumed at 8:35 p.m.

Motion by Jonathan Martin, seconded by Robert Jensen, to

- Adopt the Roseville Old Town Lofts Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program;
- Recommend the City Council approve the General Plan Amendment (Text and Land Use Map);
- Adopt the four (4) findings of fact and approve the Design Review Permit subject to ~~sixty-eight (68)~~ *sixty-nine (69)* conditions of approval;
- Adopt the three (3) findings of fact and approve the Tentative Subdivision Map subject to sixty-eight (68) conditions of approval; and
- Adopt the two (2) findings of fact and approve the Tree Permit subject to twenty-one (21) conditions of approval.

Motion includes the following new condition to the Design Review Permit:

Condition 5 (new):

All garages shall be made available for required vehicular parking. Personal storage that displaces required vehicular parking is prohibited. (Planning)

Motion Passed.

Roll Call vote: Ayes: Caporusso, Jensen, Martin, Brashears, Krafka

No: Dohner

Absent: Mendonsa

7. BOARD MEMBER / COMMISSIONER / STAFF REPORT

Staff Report

- There will not be a Planning Commission Meeting on June 27, 2019.
- A Planning Commission meeting will be held on July 11, 2019. At this meeting, the Planning Commission Chair and Vice Chair will be selected and the Design Committee Chair and Alternate will be selected.

Commissioner Report:

- It was requested that staff presentations include page numbers on PowerPoint presentations.
- Is there a requirement on how much time is allotted to an individual for their public comments?

8. ADJOURNMENT

Motion by Erich Brashears, seconded by Commissioner Jensen, to adjourn the meeting. The Motion Passed unanimously at 9:48 p.m. with a voice vote.



PLANNING COMMISSION COMMUNICATION

Title: INFILL PCL 129 - Sharp Circle Tree Permit - 265 Sharp Circle - PL19-0174

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

Meeting Date: 7/11/2019

Item #: 5.2.

ATTACHMENTS:

Description

Staff Report

Exhibit A Up a Tree Arborist Report March 6, 2019

Exhibit B Demolition Plan

Exhibit C Grading and Drainage Plan

Exhibit D Erosion Control Plan

Exhibit E Reconstruction and Encroachment Plan

ITEM 5.2: **Tree Permit – INFILL PCL 129 – Sharp Circle Tree Permit – 265 Sharp Circle – File # PL19-0174**

REQUEST

The applicant requests approval of a Tree Permit to encroach into the protected zone of six (6) oak trees for an erosion mitigation project at 265 Sharp Circle. The erosion mitigation project involves the installation of new curb, gutter, retaining wall with fill material, and asphalt for a driveway.

Owner – Hus Merle Eugene and Yvonne Ruth Trustees
Applicant – Bill Steiner, Roseville Greens Homeowner's Association

SUMMARY RECOMMENDATION

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

- A. Adopt the two (2) findings of fact and approve the Tree Permit subject to eighteen (18) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

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

BACKGROUND

The Tree Permit request is to allow encroachment into the protected zone of six oak trees to facilitate an erosion mitigation project at 265 Sharp Circle. The affected trees overhang a retaining wall and private driveway that require repair due to erosion adjacent to the open space. The proposed scope of work for the erosion mitigation project includes the removal of existing concrete, debris, wrought iron fencing, curb, gutter, and asphalt, as well as the construction of new curb, gutter, CMU retaining wall, and asphalt roadway. While the project is adjacent to City-owned open space and will affect trees partially located on City property, all construction work will be done within property managed by the Roseville Greens Homeowner's Association.

The Roseville Greens subdivision contains 59 parcels and the final map was accepted by the City Council in August of 1969. The subdivision is zoned R3 with a High Density Residential (HDR 13.6) land use designation, and is located within the Infill area of the City. Section 19.66.030 of the Zoning Ordinance requires a tree permit for any regulated activity that occurs within the protected zone of a protected tree when the encroachment exceeds 20-percent of the protected zone, provided the activity does not meet any of the provided exemptions. The erosion mitigation project is subject to the Tree Permit requirement.

SITE INFORMATION

Location: The subject trees are located at the edge of riparian habitat of Dry Creek, along the northern boundary of the Roseville Greens subdivision. The area of work is located near the City's Regulatory Floodplain; however, no work will occur within the floodplain.

Topography and Setting: The project area includes a private driveway and retaining wall adjacent to City-owned open space. The topography slopes downward north of the driveway, toward Dry Creek. The subject trees are located along the property line that divides the City open space from the Roseville Greens subdivision. The subject trees overhang the proposed area of work for the erosion mitigation project. The

driveway serves the existing condominiums and property managed by the Roseville Greens Homeowner's Association.

Figure 1: Project Location



EVALUATION

Pursuant to Zoning Ordinance Section 19.66.030, a Tree Permit is required for any removal of native oak trees or for more than 20-percent encroachment into the dripline of a native oak tree. As mentioned above, the requested Tree Permit is for the encroachment into the protected zone for six (6) native oak trees. The required findings to approve a Tree Permit are in ***italicized, bold*** text and are followed by an evaluation.

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

An arborist report, dated March 6, 2019, was prepared for the project by Bryan Hill with Up a Tree Arborist Services (Exhibit A). The report includes a tree inventory summary that identifies six protected oak trees, with a total of 68 aggregate diameter inches, located in the project area. All six trees will have erosion mitigation work within their protected root zone area, with encroachment into the protected root zone greater than 20-percent for five of the six trees. No trees are proposed for removal at this time. Table 1 identifies the trees that will be impacted by the proposed erosion mitigation project.

Table 1: Encroachment Percentage for Subject Trees

Tree #	Diameter at Breast Height (total inches)	Drip Line Radius	Percent Encroachment
791	13	21	29.6
792	14	21	25.8
793	7	18	22.5
979	16	24	18.5
980	11	21	32.1
981	7	21	27.5

The Zoning Ordinance provides criteria for evaluating the request of a Tree Permit, including identification unique topography or other property features, overall health and age of the trees, whether or not any alternative locations for the work are available, and the soil stability/erosion potential of the work area. The project proposes the reconstruction of a section of a driveway that was constructed with the Roseville Greens subdivision in the early 1970's. The area of development will not be expanded due to the proposed erosion mitigation project. According to the tree encroachment exhibit, the highest expected percentage encroachment is approximately 32-percent on Tree #980. The Arborist Report evaluated the trees within the project area and found that all are marginal in quality, and that "the proposed improvements to the retaining wall will likely have a minimal impact on the trees adjacent to the project, provided that heavy equipment remains on the paved surface and that soil excavation is kept to a minimum". The arborist concludes that the likely outcome for the subject trees is that they will survive and remain healthy.

The Tree Permit contains all of the standard conditions of approval, which includes a requirement to follow all of the recommendations in the Arborist Report. Additionally, the City requires a \$10,000 cash deposit or bond (or other means of security provided to the satisfaction of the Planning Division) to ensure the preservation of all remaining trees during construction. Encroachment within the protected root zone of these trees will not be detrimental to the public health, safety, or welfare, and measures have been incorporated into the project plans and conditions of approval for this Tree Permit to mitigate impacts.

PUBLIC OUTREACH

The proposed project was distributed to the various agencies and departments which have requested notice of City applications, and all comments were considered and incorporated into the Conditions of Approval, as appropriate. Notice of the application was also distributed to the Roseville Coalition of Neighborhood Associations. No comments were received. A public notice of the Planning Commission hearing was published on June 28, 2019, and was distributed to all property owners within 300 feet of the project site. To date, no comments have been received.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15302 (Class 2) for Replacement and Reconstruction and Section 305 of the City of Roseville CEQA Implementing Procedures. Section 15302 consists of

replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose as the structure replaced.

RECOMMENDATION

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

- A. Adopt the two (2) findings of fact as stated in the staff report and approve the **TREE PERMIT – 265 SHARP CIRCLE – INFILL PCL 129 – SHARP CIRCLE TREE PERMIT – PL19-0174** subject to eighteen (18) conditions of approval.

CONDITIONS OF APPROVAL FOR TREE PERMIT (FILE #PL19-0174)

1. All recommendations contained in the Arborist Report (Exhibit A) are incorporated by reference into these conditions, except as modified herein. (Planning)
2. No activity shall be permitted within the protected zone of any native oak tree beyond those identified by this report. Encroachment into the protected zone of Trees #791, #792, #793, #979, #980, #981 as shown in Exhibit C and described in the staff report is permitted. (Planning)
3. A \$10,000 cash deposit or bond (or other means of security provided to the satisfaction of the Planning Division) shall be posted to ensure the preservation of all remaining trees during construction. The cash deposit or bond shall be posted in a form approved by the City Attorney. Each occurrence of a violation on any condition regarding tree preservation shall result in forfeiture of all or a portion of the cash deposit or bond. (Planning)
4. A violation of any of the conditions of this Tree Permit is a violation of the Roseville Municipal Code, the Zoning Ordinance (Chapter 19.74) and the Tree Preservation Ordinance (Chapter 19.66). Penalties for violation of any of the conditions of approval may include forfeiture of the bond, suspension or revocation of the permit, payment of restitution, and criminal penalties. (Planning)
5. A fencing plan shall be shown on the approved site plan and/or improvement plans demonstrating the Protected Zone for the affected trees. A maximum of three feet beyond the edge of the walls, driveways, or walkways will be allowed for construction activity and shall be shown on the fencing plan. The fencing plan shall be reviewed and approved by the Planning Division prior to the placement of the protective fencing. (Planning)
6. The applicant shall install a minimum of a five-foot high chain link fence (or acceptable alternative) at the outermost edge of the Protected Zone of the oak tree. Where encroachment is permitted pursuant to Condition 4, above, the fencing for encroachments shall be installed at the limit of construction activity. The applicant shall install signs at two equidistant locations on the temporary fence that are clearly visible from the front of the lot and where construction activity will occur. The size of each sign shall be a minimum of two feet (2') by two feet (2') and must contain the following language: "WARNING THIS FENCE SHALL NOT BE REMOVED OR RELOCATED WITHOUT WRITTEN AUTHORIZATION FROM THE PLANNING DIVISION". (Planning)
7. Where a Tree Permit has been approved for construction of a retaining wall within the protected zone of a protected tree, the applicant shall provide for the immediate protection of exposed roots from moisture loss during the time prior to completion of the wall. The retaining wall shall be constructed within seventy-two (72) hours after completion of grading. (Planning)
8. Once the fencing is installed, the applicant shall schedule an appointment with the Planning Division to inspect and approve the temporary fencing before beginning any construction. (Planning)

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

PRIOR TO ISSUANCE OF FINAL

17. Within 5 days of the completion of construction, a Certification Letter from a certified arborist shall be submitted to and approved by the Planning Division. The certification letter shall attest to all of the work (regulated activity) that was conducted in the protected zone of the tree, either being in conformance with this permit or of the required mitigation still needing to be performed. (Planning)
18. The approval of this Tree Permit shall expire on January 11, 2020. (Planning)

Exhibits

- A. Up a Tree Arborist Report, March 6, 2019
- B. Demolition Plan
- C. Grading and Drainage Plan
- D. Erosion Control Plan
- E. Reconstruction and Encroachment Plan

<u>Note to Applicant and/or Developer:</u> 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.
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Improvement Plans for 265 Sharp Circle Tree Inventory Report

Placer County, CA

Prepared for:

Riverside Management

1380 Lead Hill Blvd.

Suite 201

Roseville, Ca 95661

Prepared By:

Bryan Hill

Up A Tree Arborist Services

9230 King Road

Loomis, CA 95650

B.S. Botany, Humboldt State University

Certified Arborist WE-5382A

Tree Risk Assessment Qualified

6 March, 2019

Introduction

On 5 March 2019, Up A Tree Arborist Services conducted a tree survey for Riverside Management for a project located on the driveway behind 265 Sharp Circle, Roseville, CA 95661. There are five valley oaks (*Quercus lobata*) and one blue oak (*Quercus douglasii*) that are located on the north side of a fence and retaining wall that separate the driveway from the green belt. The retaining wall needs repair and the City of Roseville has required an arborist report prior to any construction.

I. Methodology

Bryan Hill of Up A Tree Arborist Services assessed all the native trees in the proposed development site. He is an International Society of Arboriculture (ISA) Certified Arborist (#WE-5382A) and is Tree Risk Assessment Qualified (TRAQ). This tree survey was completed using the ISA Level 2 - Basic Assessment method. This is the standard assessment and consists of the arborist conducting a detailed visual inspection of each tree. The trees were observed from all sides (when possible) and all parts above the ground were considered for potential to fail. No tools or instruments were used for the assessments.

The following list details the data collected on each tree surveyed within the project area:

1. Tree # - All trees were marked with a numbered metal tag that is nailed to the tree.
2. Tree name - All trees were identified by both their scientific and common names.
3. Trunk diameter (DSH) - The tree trunk diameter is measured using a tape that converts the circumference into diameter inches. The measurement is taken at 4.5 feet from the ground, also known as “diameter at standard height” or DSH.

4. Drip-line Radius (DLR) – The drip-line radius is measured by counting strides, which are approximately three feet in length, made from the trunk to the furthest branch tip of the trees canopy. The drip-line radius is used to determine the critical root zone of the tree.
5. Condition of Structure - Tree structure describes the physical form of the tree regarding its potential to fail. Tree structure, from the ground up, includes the roots, trunk, scaffold limbs, and branches of the tree. Three categories are awarded for rating the structure of trees: good, fair, and poor. A good rating for structure indicates the tree is well proportioned and very unlikely to have any part fail, such as have a branch or scaffold limb tear off or have the whole tree up-root from the ground. A poor rating would indicate the tree has potential to have a partial or whole tree failure. Most trees fall in the fair category. The rating of large trees for hazard potential is often proportionally related to the tree structure rating. Tree structure ratings can often be improved with mitigation, such as structure pruning and end-weight reduction of over-burdened limbs.
6. Condition of Health - Tree health describes how vigorous the tree appears. Three categories are used to rate tree health: good, fair, and poor. A tree with good health would have full foliage for its species and no dead limbs or twigs. A tree with poor health is mostly dead or dying. It is often difficult to improve a tree's health rating through mitigation. Usually multiple factors contribute to an unhealthy tree's condition and trees often show no signs of what is stressing them.
7. Encroachment of Construction Activities – This is a percentage of the canopy within which construction activities will occur.

II. Results

The data recorded is as follows:

Tree #	Common Name	Scientific name	Dbh (Total Inches)	DLR (Feet)	Tree Structure	Tree Health	Encroachment by construction activities (%)
791	Interior live oak	<i>Quercus wizlizenii</i>	13	21	Fair	Fair	25
792	Interior live oak	<i>Quercus wizlizenii</i>	14	21	Fair	Fair	25
793	Interior live oak	<i>Quercus wizlizenii</i>	7	18	Fair-poor	Fair	0
979	Interior live oak	<i>Quercus wizlizenii</i>	16	24	Fair-poor	Fair	0
980	Interior live oak	<i>Quercus wizlizenii</i>	11	21	Fair-poor	Fair	50
981	Blue oak	<i>Quercus douglasii</i>	7	21	Fair-poor	Fair	25

These trees are all relatively young trees and are situated on the edge of the green belt adjacent to the road. Most of these trees have canopies that overhang the road. The four trees with the fair to poor structural rating is primarily due to poor pruning methods administered to the trees for the road clearance. The percentage of encroachment by construction activities is based on a conversation with the project engineer regarding the scope of work in relation to the position of the trees.

III. Tree Protection

All six trees are to be preserved. The construction activities will only occur within the dark, shaded areas on the map according to the project engineer. Based on the map, only four trees (#'s 791, 792, 980, 981) will have construction activity within their tree protection zones. The construction activity involves removing the failing retaining structure that supports the road adjacent to the trees and replacing it with an improved retaining wall. If the new construction stays within the current retaining wall's footprint then there unlikely will be any significant root loss incurred by these trees. These trees most likely will not have roots growing up against the existing wall because there is no irrigation present which might encourage shallow rooting. With the absence of irrigation these trees most likely have developed deep roots for them to be

able to survive through the long, dry summers that occur here. If there are any damaged roots then they should be cut cleanly past any rips or tears and then promptly sealed with shellac or a similar sealant to help preserve the root from desiccation. If significant root loss occurs to one or more oaks then 'deep water' irrigation should be supplied to the impacted trees for a period of two years. Deep watering trees is applying enough water within their drip-line to reach a depth of two feet once a month in the absence of significant rainfall (one inch of water in the last month).

Orange fencing shall be placed to separate the construction zone from the tree protection zones as best as possible to limit the impacts the construction activities will have on the protected trees.

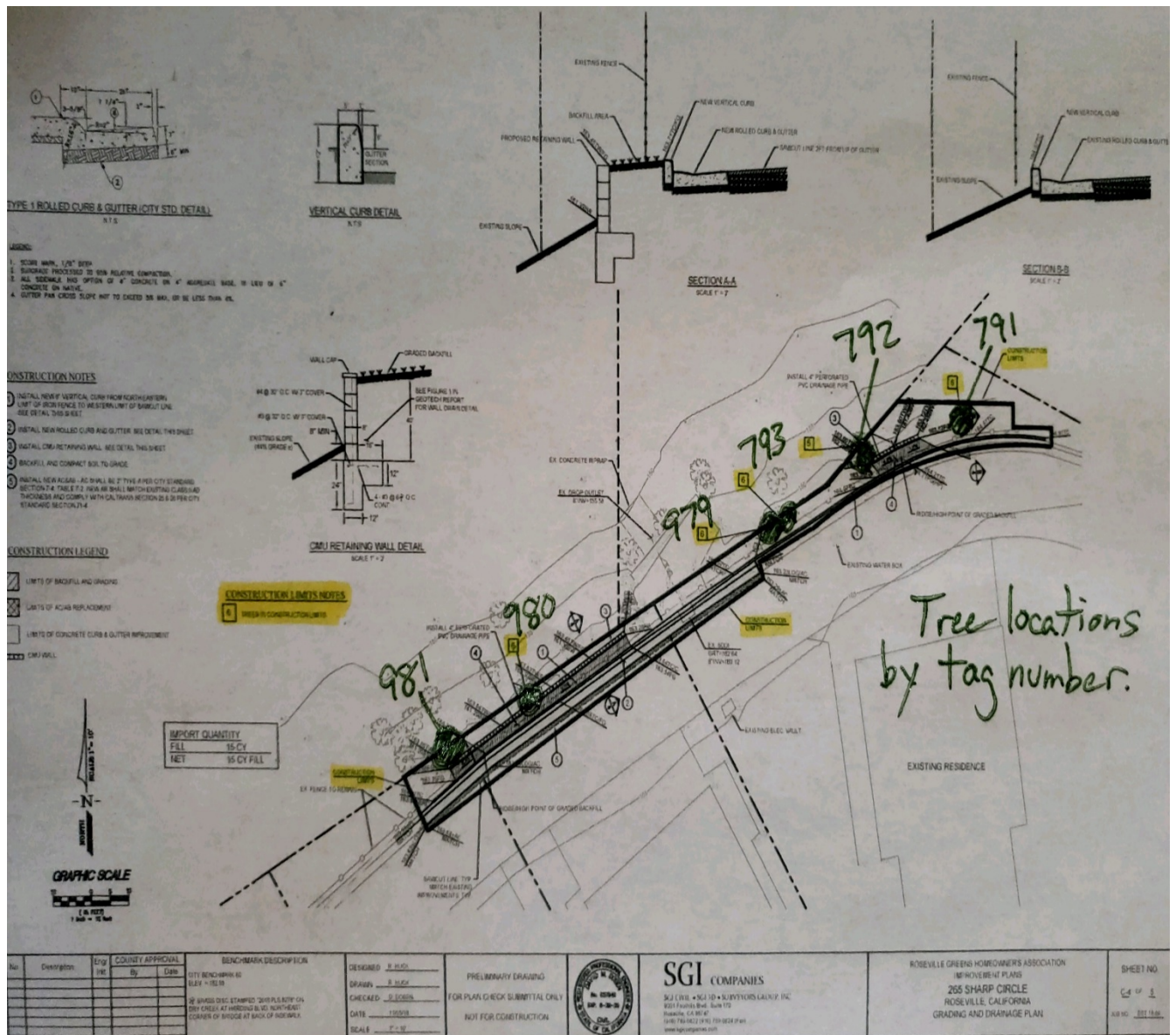
Heavy equipment should remain on the paved surfaces to prevent soil compaction and reduce the risk of the mechanical damage to the trees.

IV. Conclusion

The trees within the construction site are all marginal in quality. The proposed improvements to the failing retaining wall will likely have minimal impact on the trees adjacent to the project provided that heavy equipment remains on the paved surface and that soil excavation is kept to a minimum. The projected outcome for these trees is that they will survive and remain healthy.

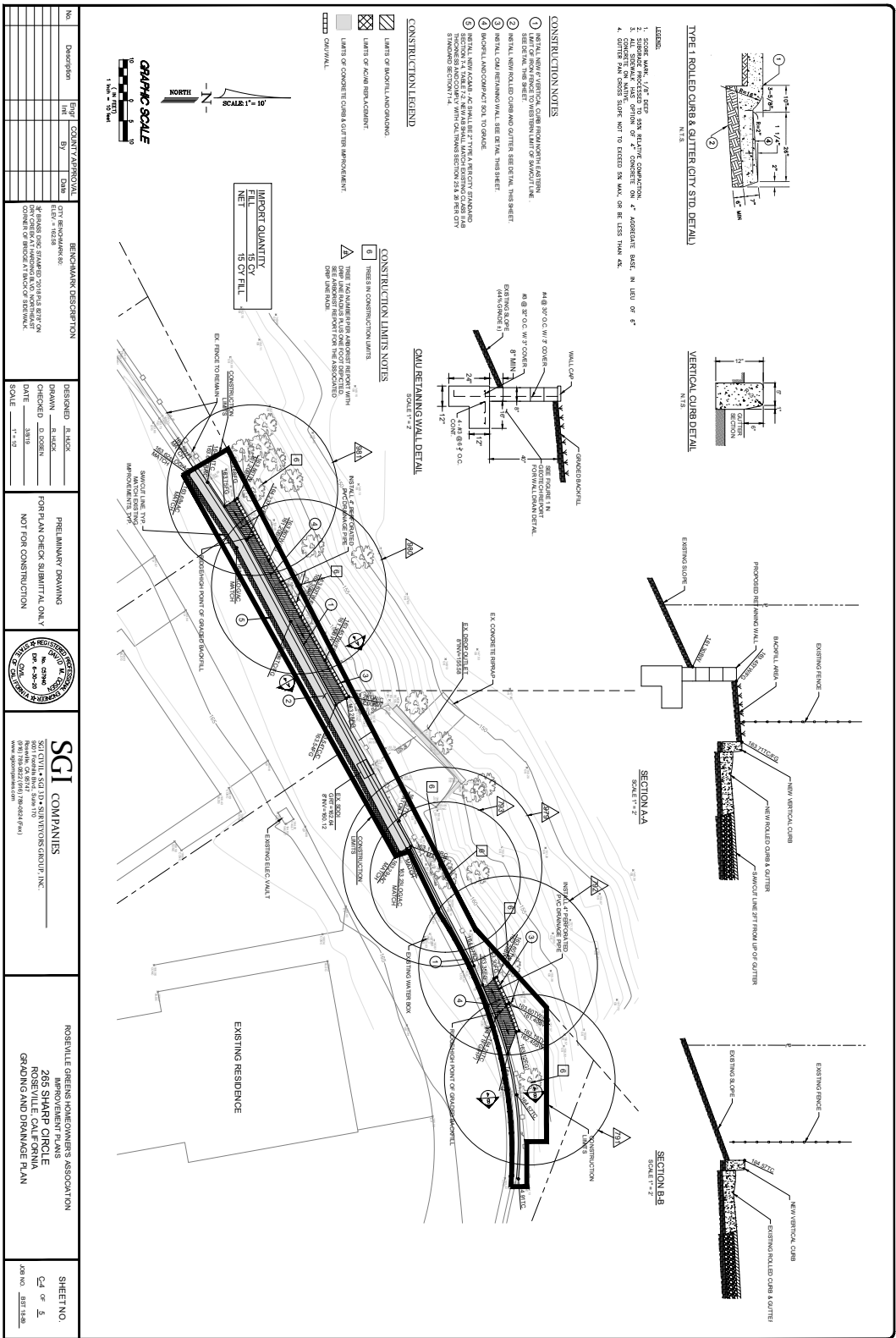
The condition of all trees was recorded as perceived at the time of the survey and it should be noted that trees can have dramatic changes to their current condition due to many factors, such as drought, fire, and failure due to defects not visible to the arborist. The potential for the

proposed construction project to impact these trees was based on information provided by the property manager and the engineering firm involved on the project. For questions regarding this survey please contact Bryan Hill, Certified Arborist WE-5382A, at (916) 718-3021 or upatreearborist@gmail.com.



Site map with tree numbers and approximate tree locations

Site map with tree protection zones.



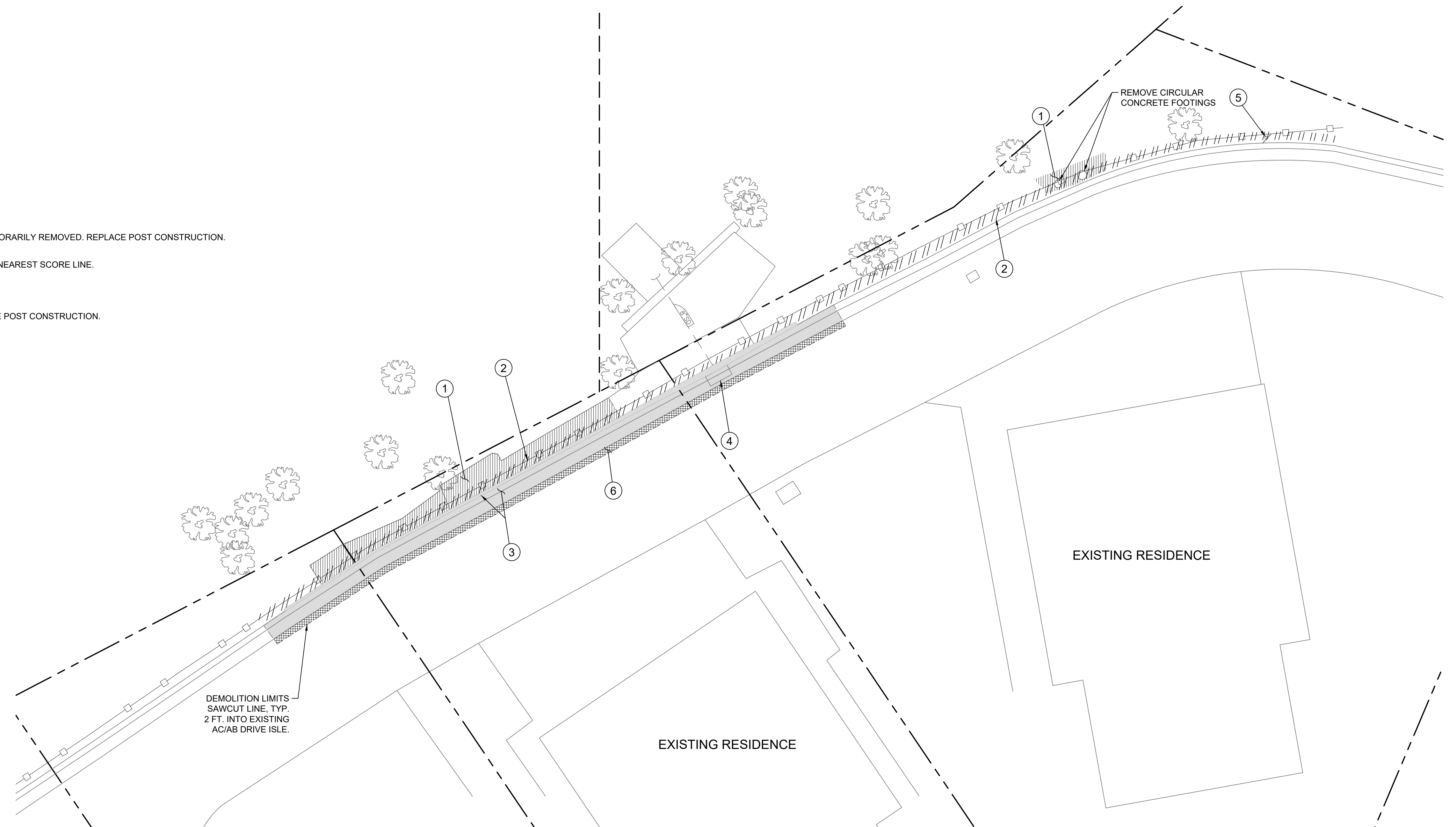
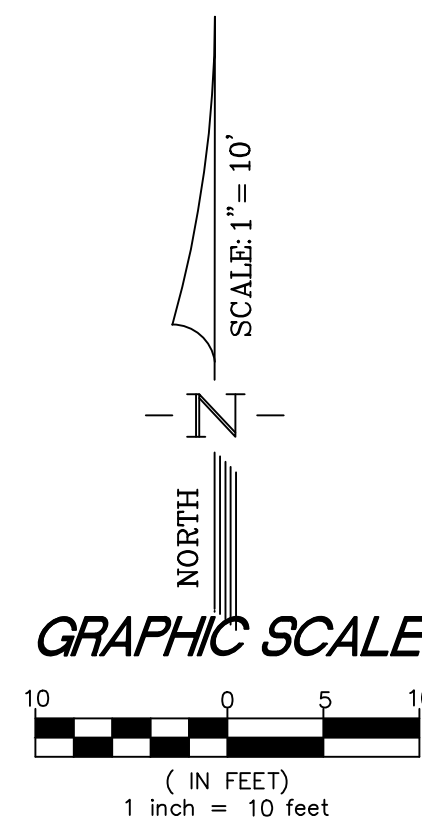
DEMOLITION LEGEND/NOTES

- | | | |
|---|---|---|
|  | ① | EXISTING CONCRETE/DEBRIS TO BE REMOVED. |
|  | ② | EXISTING WOODEN BARRIER AND WRAUGHT IRON FENCE SECTIONS TO BE TEMPORARILY REMOVED. REPLACE POST CONSTRUCTION. |
|  | ③ | EXISTING CONCRETE VERTICAL CURB & CURB AND GUTTER TO BE REMOVED AT NEAREST SCORE LINE. |
| | ④ | REMOVE AND REPLACE EXISTING DRAIN INLET. |
| | ⑤ | EXISTING "NO PARKING IN ALLEY" SIGN TO BE TEMPORARILY REMOVED. REPLACE POST CONSTRUCTION. |
|  | ⑥ | EXISTING AC/AB TO BE REMOVED. |

QUANTITIES

CURB, GUTTER
100 LF OF VERTICAL CURB TO BE REMOVED.
107 LF ROLLED CURB & GUTTER TO BE REMOVED

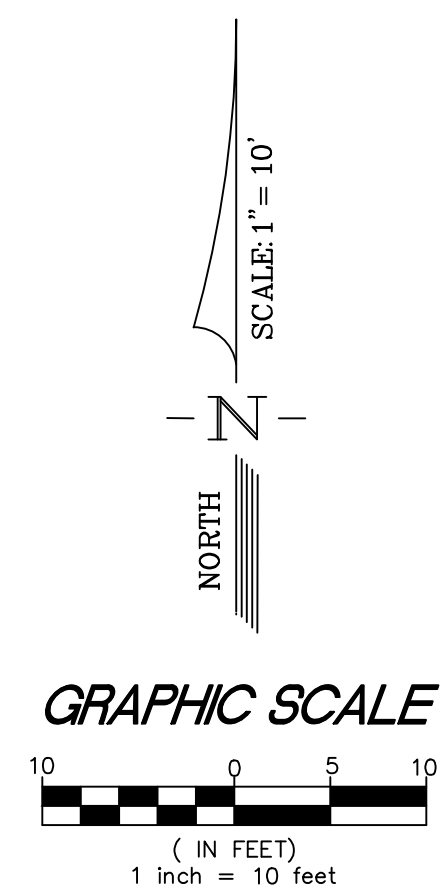
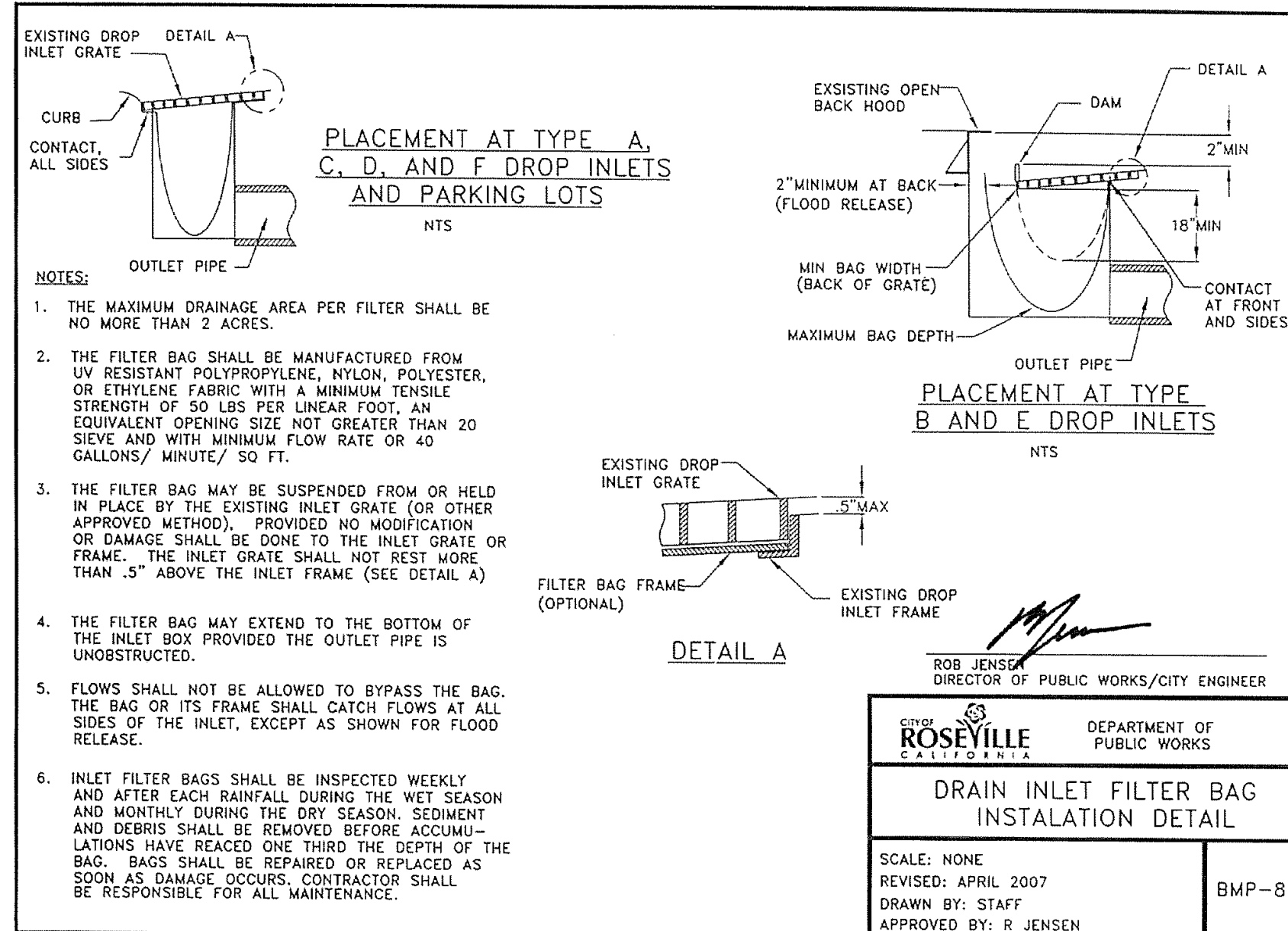
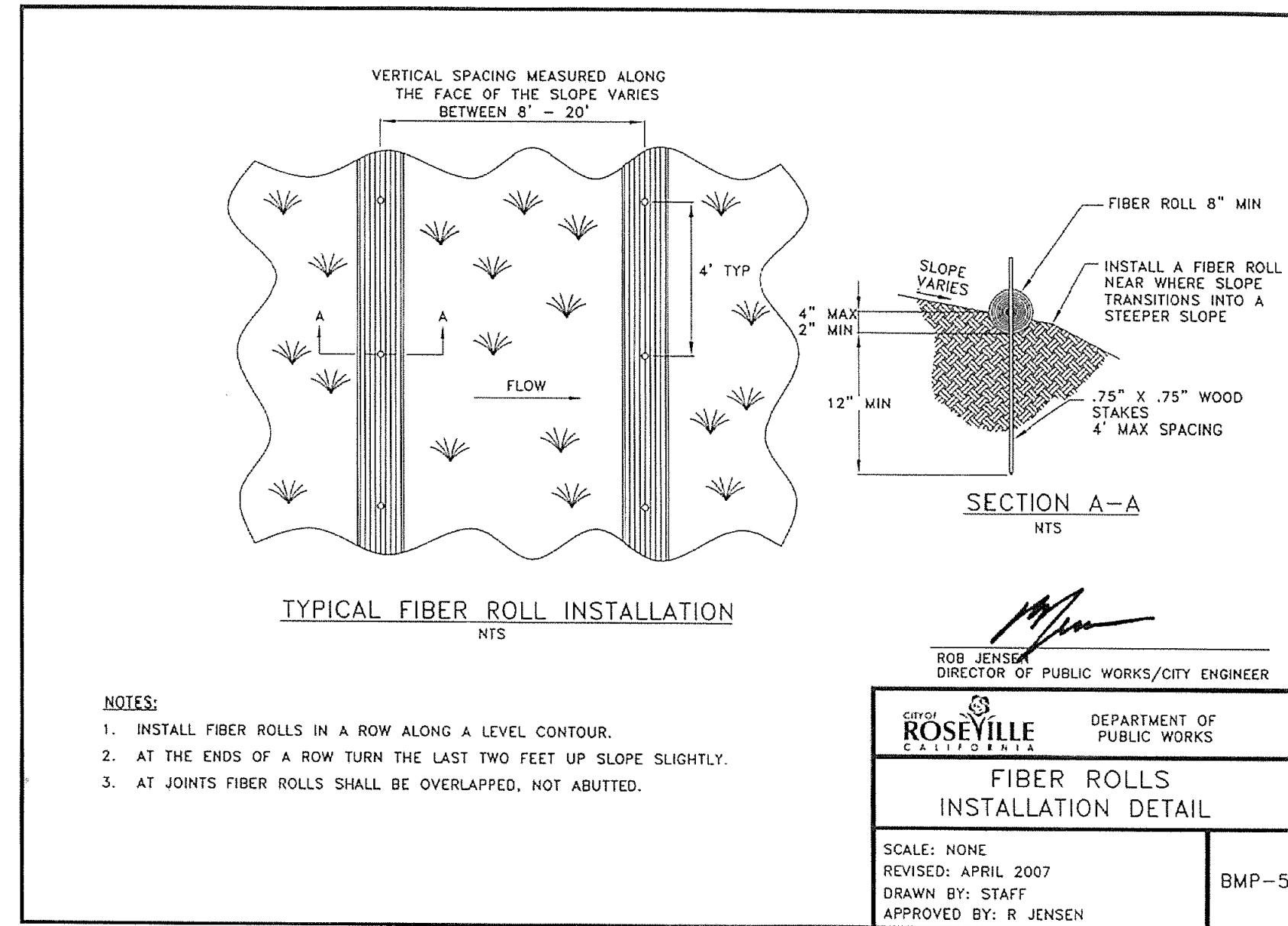
ASPHALT
107 LF OF SAWCUT.
214 SF OF AC TO BE REMOVED AND REPLACED.
1.32 CY OF AC TOTAL TO BE REMOVED AND REPLACED



No.	Description	Engr Init	COUNTY APPROVAL		BENCHMARK DESCRIPTION	DESIGNED <u>R. HUCK</u> DRAWN <u>R. HUCK</u> CHECKED <u>D. DOSEN</u> DATE <u>3/8/19</u> SCALE <u>1" = 10'</u>	PRELIMINARY DRAWING FOR PLAN CHECK SUBMITTAL ONLY NOT FOR CONSTRUCTION		SGI COMPANIES SGI CIVIL • SGI 3D • SURVEYORS GROUP, INC. 9001 Foothills Blvd., Suite 170 Roseville, CA 95747 (916) 789-0822 (916) 789-0824 (Fax) www.sgicompanies.com	ROSEVILLE GREENS HOMEOWNER'S ASSOCIATION IMPROVEMENT PLANS 265 SHARP CIRCLE ROSEVILLE, CALIFORNIA DEMOLITION PLAN	SHEET NO. <u> </u> <u>C-3</u> OF <u>5</u> JOB NO. <u>BST 18-89</u>
			By	Date							
					CITY BENCHMARK 80: ELEV. = 162.58 3 1/2" BRASS DISC STAMPED "2018 PLS 8278" ON DRY CREEK AT HARDING BLVD. NORTHEAST CORNER OF BRIDGE AT BACK OF SIDEWALK.						

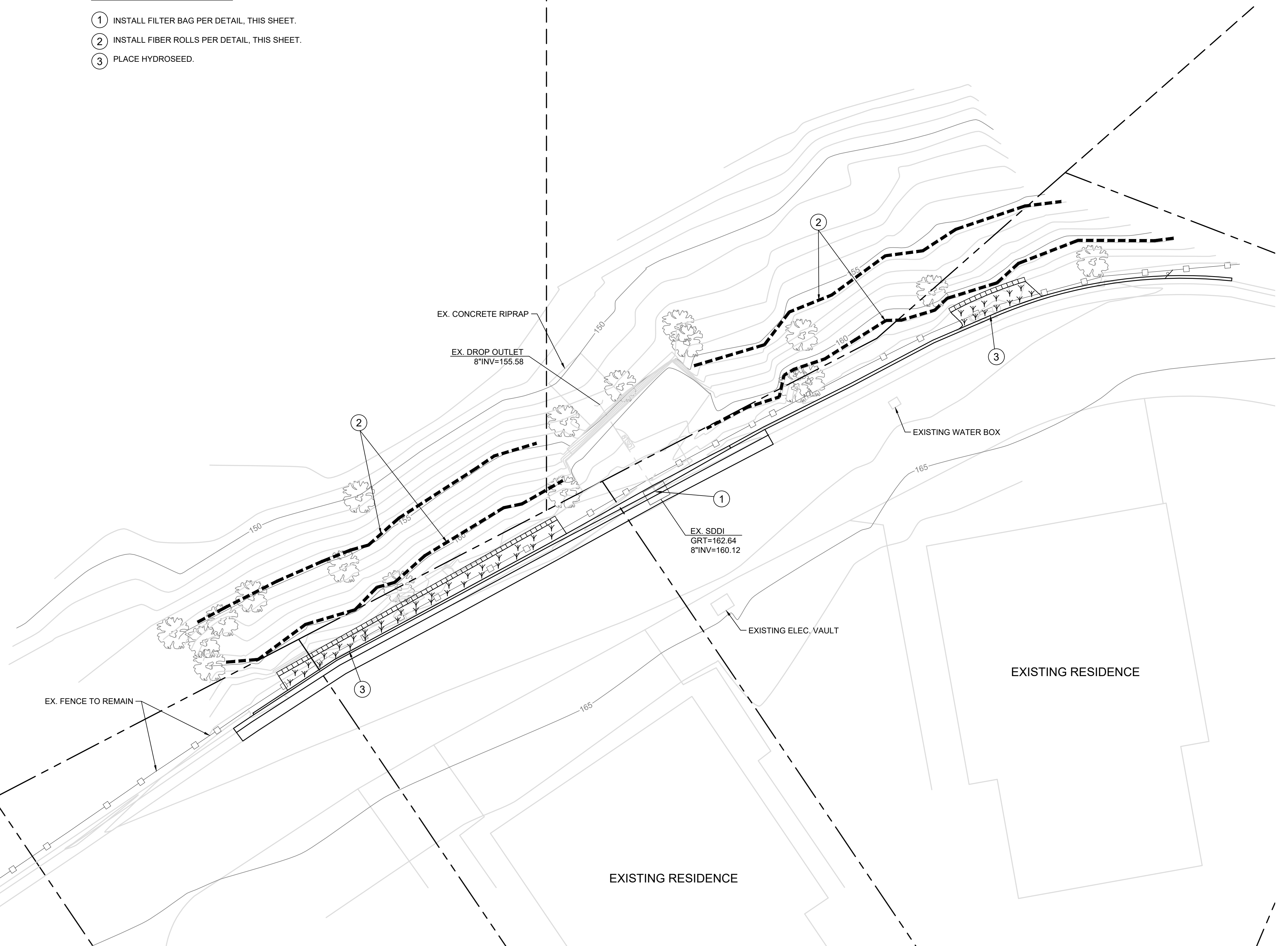
[illegible]

No.	Description	Engr Init	COUNTY APPROVAL		BENCHMARK DESCRIPTION	DESIGNED <u>R. HUCK</u> DRAWN <u>R. HUCK</u> CHECKED <u>D. DOSEN</u> DATE <u>3/8/19</u> SCALE <u>1" = 10'</u>	PRELIMINARY DRAWING FOR PLAN CHECK SUBMITTAL ONLY NOT FOR CONSTRUCTION		SGI COMPANIES SGI CIVIL • SGI 3D • SURVEYORS GROUP, INC. 9001 Foothills Blvd., Suite 170 Roseville, CA 95747 (916) 789-0822 (916) 789-0824 (Fax) www.sgicompanies.com	ROSEVILLE GREENS HOMEOWNER'S ASSOCIATION IMPROVEMENT PLANS 265 SHARP CIRCLE ROSEVILLE, CALIFORNIA GRADING AND DRAINAGE PLAN	SHEET NO. C-4 OF 5 JOB NO. <u>BST 18-89</u>
			By	Date							
					CITY BENCHMARK 80: ELEV. = 162.58						
					3½" BRASS DISC STAMPED "2018 PLS 8278" ON DRY CREEK AT HARDING BLVD. NORTHEAST CORNER OF BRIDGE AT BACK OF SIDEWALK.						

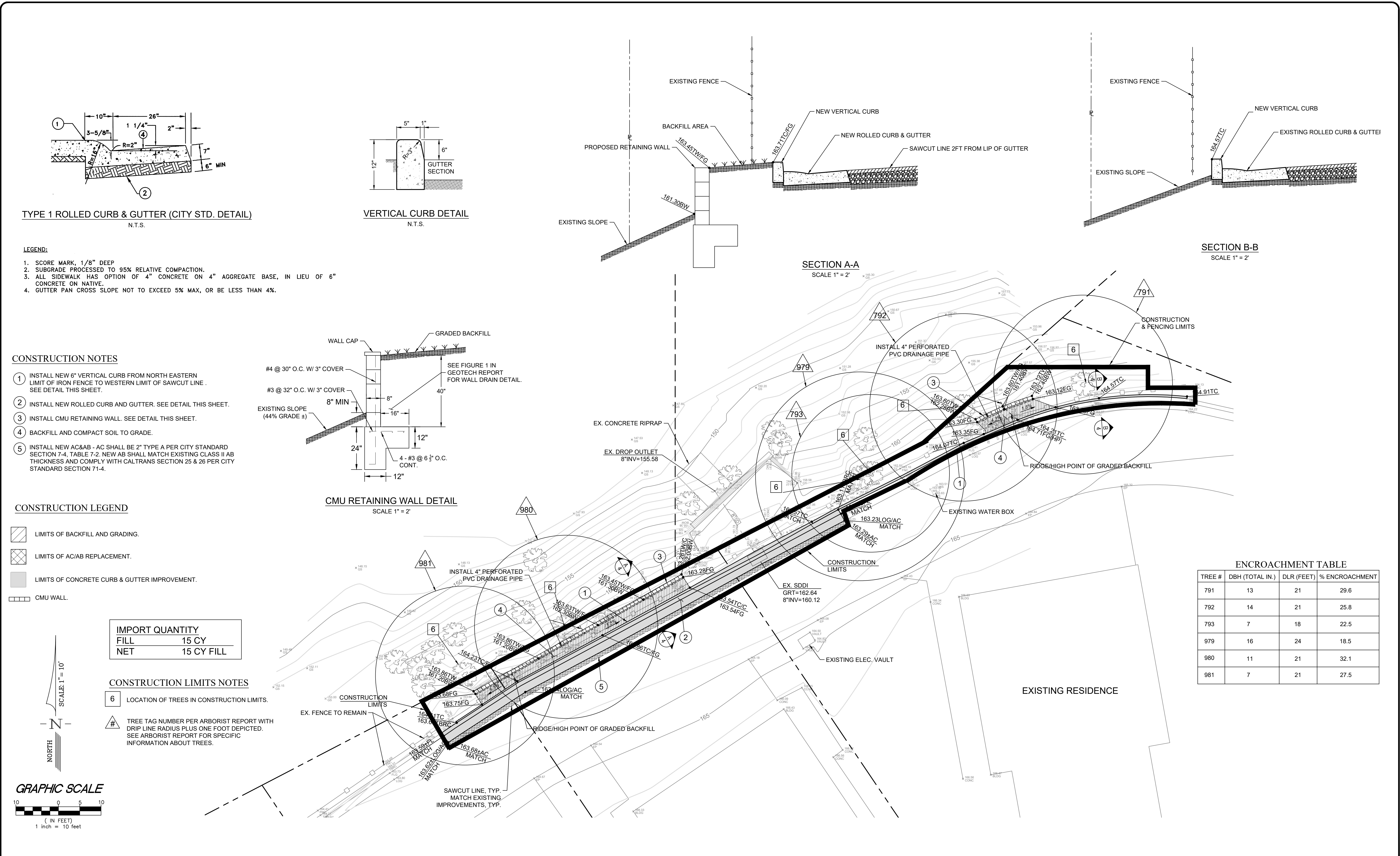


CONSTRUCTION NOTES

- 1 INSTALL FILTER BAG PER DETAIL, THIS SHEET.
- 2 INSTALL FIBER ROLLS PER DETAIL, THIS SHEET.
- 3 PLACE HYDROSEED.



No.	Description	Engr Init	COUNTY APPROVAL By Date	BENCHMARK DESCRIPTION	DESIGNED R. HUCK	PRELIMINARY DRAWING FOR PLAN CHECK SUBMITTAL ONLY NOT FOR CONSTRUCTION		SGI COMPANIES SGI CIVIL • SGI 3D • SURVEYORS GROUP, INC. 9001 Foothills Blvd., Suite 170 Roseville, CA 95747 (916) 789-0822 (916) 789-0824 (Fax) www.sgicompanies.com	ROSEVILLE GREENS HOMEOWNER'S ASSOCIATION IMPROVEMENT PLANS 265 SHARP CIRCLE ROSEVILLE, CALIFORNIA EROSION CONTROL PLAN	SHEET NO.
				CITY BENCHMARK 80: ELEV. = 162.58	DRAWN R. HUCK					C-5 OF 5
				3½" BRASS DISC STAMPED "2018 PLS 8278" ON DRY CREEK AT HARDING BLVD. NORTHEAST CORNER OF BRIDGE AT BACK OF SIDEWALK.	CHECKED D. DOSEN					
					DATE 3/8/19					
					SCALE 1" = 10'					JOB NO. BST 18-89



TREE #	DBH (TOTAL IN.)	DLR (FEET)	% ENCROACHMENT
791	13	21	29.6
792	14	21	25.8
793	7	18	22.5
979	16	24	18.5
980	11	21	32.1
981	7	21	27.5

No.	Description	Engr Init	COUNTY APPROVAL		BENCHMARK DESCRIPTION	DESIGNED <u>R. HUCK</u>	PRELIMINARY DRAWING		SGI COMPANIES SGI CIVIL • SGI 3D • SURVEYORS GROUP, INC. 9001 Foothills Blvd., Suite 170 Roseville, CA 95747 (916) 789-0822 (916) 789-0824 (Fax) www.sgicompanies.com	ROSEVILLE GREENS HOMEOWNER'S ASSOCIATION IMPROVEMENT PLANS 265 SHARP CIRCLE ROSEVILLE, CALIFORNIA GRADING AND DRAINAGE PLAN	SHEET NO. C-4 OF 5 JOB NO. <u>BST 18-89</u>
			By	Date							
					CITY BENCHMARK 80: ELEV. = 162.58	DRAWN <u>R. HUCK</u>					
					3 rd BRASS DISC STAMPED "2018 PLS 8278" ON DRY CREEK AT HARDING BLVD. NORTHEAST CORNER OF BRIDGE AT BACK OF SIDEWALK.	CHECKED <u>D. DOSEN</u>	FOR PLAN CHECK SUBMITTAL ONLY				
						DATE <u>3/8/19</u>	NOT FOR CONSTRUCTION				
						SCALE <u>1" = 10'</u>					



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: 7/11/2019

Item #: 6.1.

ATTACHMENTS:

Description

Staff Report

Attachment 1 Superior Court Ruling

Attachment 2 Aerial Photo of Project Site

Attachment 3 WRSP SEIR

Attachment 4 City of Roseville Noise Ordinance

Attachment 5 PCAPCD Permit and Supporting Documentation

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 6.1 **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. 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 in April 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.

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.*). 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.

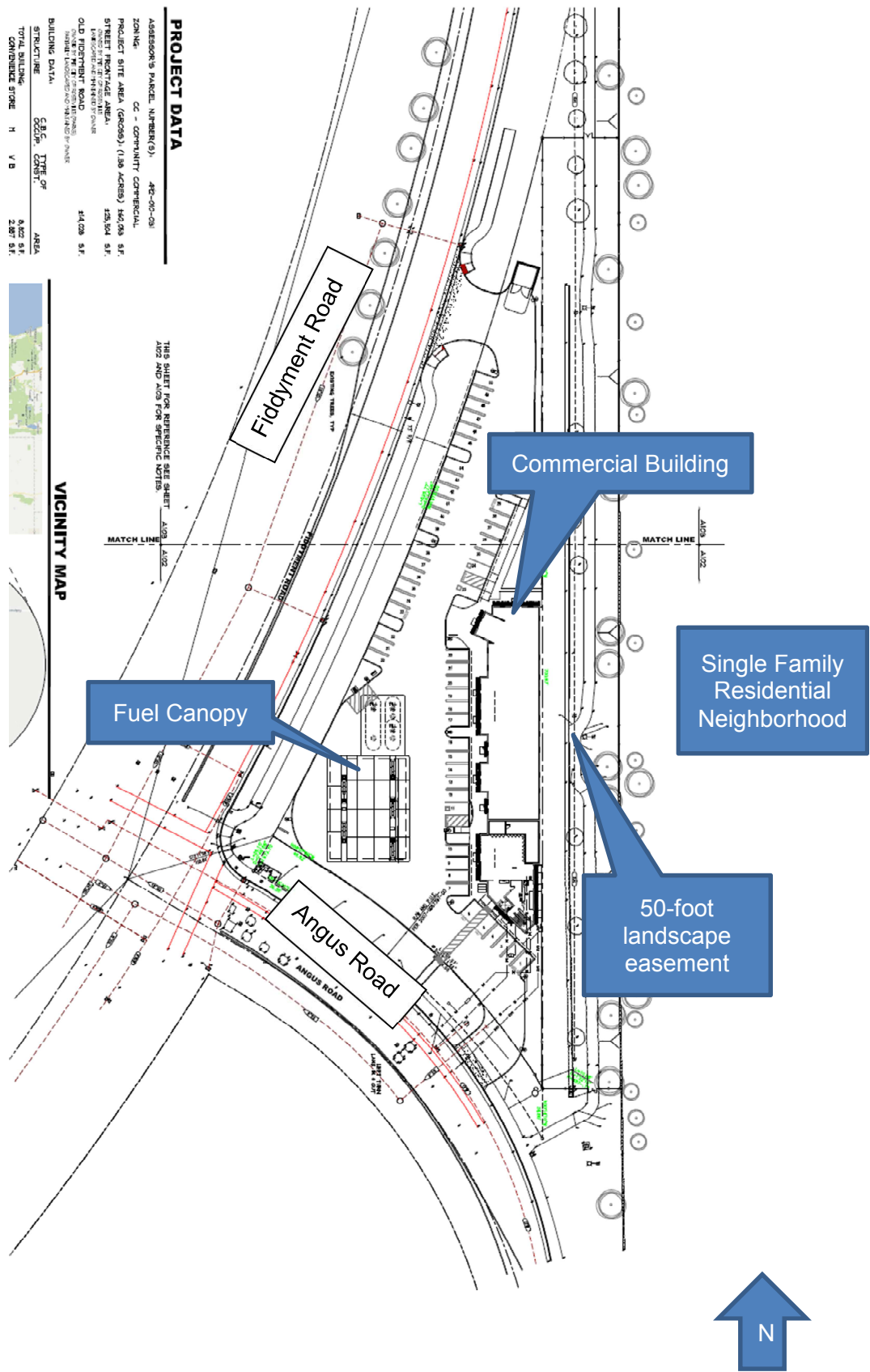
SITE INFORMATION

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.

Figure 2 – Project Site Plan



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. 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.

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 due to the 50-foot wide public right-of-way easement to the east of the subject property. No 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. 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. Conditions #26 and #28 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 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, 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 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 15, 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).

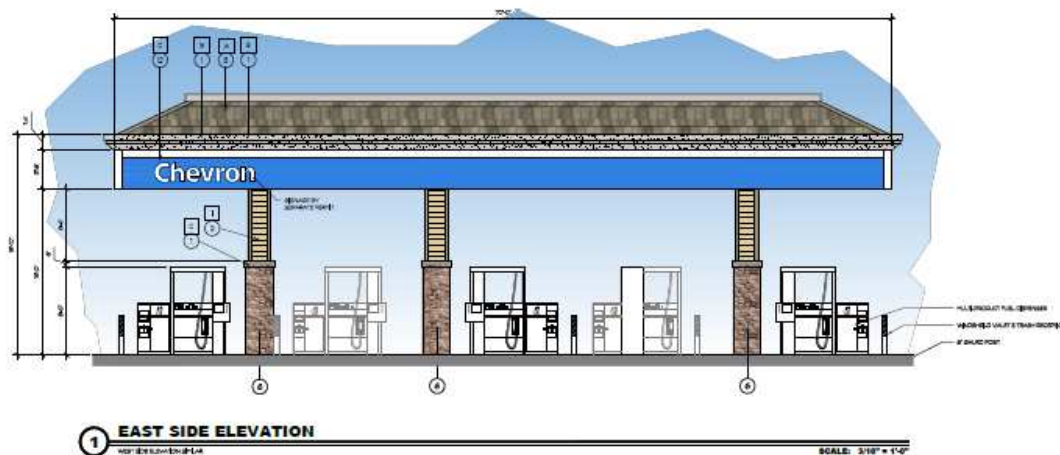
Figure 3 – Proposed Commercial Building Elevations



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 to 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 15, 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 of the Planning Commission hearing was published on June 28, 2019, and was distributed to all property owners within 300 feet of the project site as well as the neighbors who made the request to be added to the mailing list. To date, no additional comments have been received following publication of the Planning Commission meeting notice.

ENVIRONMENTAL DETERMINATION

The project is a Design Review Permit for the construction of a mixed-use building consisting of retail and restaurant uses and for a gas station canopy and five fuel bays/ten pumps. The uses are permitted pursuant to the CC zoning designation which was analyzed in a Subsequent EIR (SEIR) certified in 2014 as part of the WRSP Amendment 3 project. The general project was previously approved by the City in 2017 and subject to litigation challenging the City's approval. On November 9, 2018, the Superior Court of California, Placer County, issued a decision finding that the City violated CEQA in relying on the prior infill categorical exemption for the project. On January 16, 2019, the City vacated the prior environmental determination and vacated the Design Review Permit issued in 2017. The project has been slightly modified in design as noted in the report, but not with regard to the location or size of the gas station. Additional information, especially with regard to air quality effects from the gas station, has been included in the record. The City has accordingly determined that this Design Review Permit is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) per Section 15332 pertaining to infill development projects and pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures. Substantial Evidence is included above as well as referenced in the determination below. This project qualifies for section 15332 categorical exemption as it is infill development meeting the following conditions:

- 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.**

The project site has a land use and zoning designation of Community Commercial (CC) which principally permits the proposed use. Furthermore, as noted herein and established in project findings the project is consistent with the Zoning Ordinance and CDG. Furthermore, the Superior Court has determined that the City properly found the project to be consistent with the General Plan, Zoning Ordinance and D. (See Attachment 1)

b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

As noted in the background section of this report, and depicted in Figure 1 – Vicinity Map, the project site is 1.38 acres and is surrounded by developed residential subdivisions to the east, south, and west.

c) The project has no value as habitat for endangered, rare or threatened species.

The project site was rough graded in 2014 and no endangered/threatened species or special habitat exists onsite. (See Attachment 2 [photo of site] and Chapter 1 of the SEIR regarding Biological Resources [the link to the document is included in Attachment 3].)

d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic:

As noted in this staff report, the project will generate fewer trips than anticipated by the City's Traffic Model and the traffic analysis performed for the WRSP Amendment 3 project. (See Chapter 5 of SEIR regarding Transportation and Circulation.) The staff report also addresses the review by the City's Development Services Engineering Division of circulation in and out of the project and found no significant effects. Therefore, there are no significant effects relating to traffic.

Noise:

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. Staff does not anticipate noise impacts. 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. (See Attachment 4, City Noise Ordinance.) Therefore, there will be no significant effects relating to noise.

Air Quality:

As noted above 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 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.

Water Quality:

All development within the WRSP area, such as the project, must comply with City Improvement Standards, Stormwater Management Manual, other City regulations, and the NPDES program. Compliance with these regulations will ensure that impacts associated with water quality remain less-than-significant. (See SEIR, Chapter 1, pp. 1-8 to 1-9 [link in Attachment 3]) Therefore, there will be no significant effects related to Water Quality.

e) The site can be adequately served by all required utilities and public services.

Backbone infrastructure is available to the site from Fiddymment Road. Additionally, the project has been reviewed and commented on by all applicable service providers and all utility and public services can be adequately served.

In addition, none of the exceptions to categorical exemptions provided in Section 15300.2 of the CEQA Guidelines apply to the project, as described below:

- Section 15300.2(a) - Location: The location of the proposed project is not in a “particularly sensitive environment” as it would not impact an environmental resource of hazardous or critical concern, where designated, precisely mapped, and officially adopted pursuant to federal, state or local agencies. As discussed above, the project is an infill site that was graded for development in 2014. Therefore, the exception in Section 15300.2(a) is inapplicable.
- Section 15300.2(b) – Cumulative Impact: This exception applies where “the cumulative impact of successive projects of the same type in the same place, over time, is significant.” (Emphasis added.) The cumulative impact exception does not apply to the project because there is no foreseeable future development of similar projects in the vicinity of this project that together with this project would create a significant impact. The project is completely surrounded by already developed roadways and residential subdivisions. (See SEIR Chapter 11.)
- Section 15300(c) – Significant Effect: An exception to a categorical exemption occurs “where there is a reasonable possibility that the [proposed] activity will have a significant effect on the environment due to unusual circumstances.” In order for the unusual circumstances exemption to apply, it must be shown that (1) there are unusual circumstances and (2) that there is a “reasonable possibility of a significant effect on the environment due to unusual circumstances.” (Berkeley Hillside Preservation v. City of Berkeley (2015) 60 Cal.4th 1086, 1104.) There are no “unusual circumstances” relative to this project because there is nothing about the proposed development that distinguishes it from a typical project subject to the infill exemption. Moreover, even if there were unusual circumstances present, the project will not have any significant effects on the environment as discussed previously. As such, this exception is inapplicable.
- Section 15300.2(d) – Scenic Highways: This exception does not apply as there are no state scenic highways in the vicinity of the project.
- Section 15300.2(e) – Hazardous Waste Sites: This exception does not apply as the project is not located on a site included on any list compiled pursuant to Section 65962.5 of the Government Code.

- Section 15300.2(f) – Historical Resources: This exception does not apply as the project will not cause a substantial adverse change in the significance of a historical resource. The site has been rough graded since 2014 and contains no significant historic or cultural resources. (See SEIR Chapter 1.)

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).

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15332 for Infill development projects, based on substantial evidence provided in the Environmental Determination section of this report (pages 11-14) as well as Attachments 1-5. Staff found that none of the exceptions to categorical exemptions, as provided in Section 15300.2 of the CEQA Guidelines, apply to the proposed project.

RECOMMENDATION

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

- A. 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 **July 11, 2019** and if not effectuated shall expire on **July 11, 2021**. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval does not extend the expiration beyond **July 11, 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 and shall be restricted to right turn movements only. (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. Superior Court Ruling for *Michele Threlkel et.al vs. City of Roseville et. al*, November 9, 2018
2. Aerial Photo of Project Site
3. West Roseville Specific Plan Subsequent Environmental Impact Report
4. City of Roseville Noise Ordinance
5. PCAPCD Permit and Supporting Documentation

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.

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

Map Labels and Lot Details:

- F-80 OS** 131.44 AC
- F-10A LDR** 29.09 AC, 122 LOTS
- F-10C LDR** 20.42 AC, 80 LOTS
- F-10B LDR** 30.22 AC, 118 LOTS
- F-91C P/R** 1.12 AC
- F-6A LDR** 17.09 AC, 151 LOTS
- F-6D CC** 5.02 AC
- F-6B LDR** 1.82 AC, 59 LOTS
- F-51 P/R** 11.55 AC
- F-6C MDR** 25.65 AC, 30 LOTS
- F-85 OS** 26.92 AC
- F-55 P/R** Regional Park 29.06 AC
- F-34 CC** 5.32 AC
- F-20 HDR** 6.93 AC
- F-5A LDR** 25.4 AC, 75 LOTS
- F-5B LDR** 28.1 AC, 62 LOTS
- F-52**
- F-13A LDR** 19.81 AC, 80 LOTS
- F-97 Pocket Park** 1.32 AC
- F-12 LDR** 17.77 AC, 79 LOTS
- F-11A LDR** 28.29 AC, 181 LOTS
- F-93 P/R** 0.53 AC
- F-91A P/R** 0.82 AC
- F-7 LDR** 20.22 AC, 115 LOTS
- F-8C LDR** 11.32 AC, 11 LOTS
- F-8D LDR** 11.66 AC, 35 LOTS
- F-90A P/R** 0.28 AC
- F-84 OS** 81.22 AC
- F-65 P/R** Sio Station 1.62 AC
- F-21 HDR** 11.46 AC, 29 LOTS
- F-13B LDR** 31.21 AC, 199 LOTS
- F-101 Pocket Park** 1.09 AC
- F-19B LDR** 31.64 AC, 141 LOTS
- F-9R LDR** 4.36 AC, 79 LOTS
- F-90C P/R** 0.96 AC
- F-92A P/R** 0.81 AC
- F-90B P/R** 0.62 AC
- F-9D LDR** 12.38 AC, 35 LOTS
- F-95 Pocket Park** 1.27 AC
- F-30 CC** 8.59 AC
- F-35 CC** 1.92 AC
- F-50 P/R** 7.82 AC
- F-14D LDR** 11.4 AC, 61 LOTS
- F-93C P/R** 0.5 AC
- F-14A1 LDR** 11.4 AC, 61 LOTS
- F-14A2 LDR** 1.74 AC, 37 LOTS
- F-14B3 LDR** 97 AC, 10 AC, 2 AC
- F-14B1 LDR** 12.4 AC, 37 LOTS
- F-14C1 LDR** 13.5 AC, 41 LOTS
- F-98 Pocket Park** 2.08 AC
- F-15A LDR** 17.74 AC, 74 LOTS
- F-32 CC** 0.62 AC
- F-25 HDR** 5.82 AC, 20 LOTS
- F-33 CC** 1.62 AC
- F-16 LDR** 29.72 AC, 140 LOTS
- F-92B P/R** 0.54 AC
- F-83 OS** 24.12 AC
- F-66 P/R** Well Site 0.24 AC
- F-22 HDR** 10.53 AC, 39 LOTS
- F-31 CC** 13.83 AC
- F-23 HDR** 11.72 AC, 24 LOTS
- F-24 HDR** 17.82 AC, 23 LOTS
- F-17 MDR** 15.52 AC, 11 LOTS
- F-81 CC** Gateway Parcel 1.27 AC
- Community Garden** 2.0 AC

Legend:

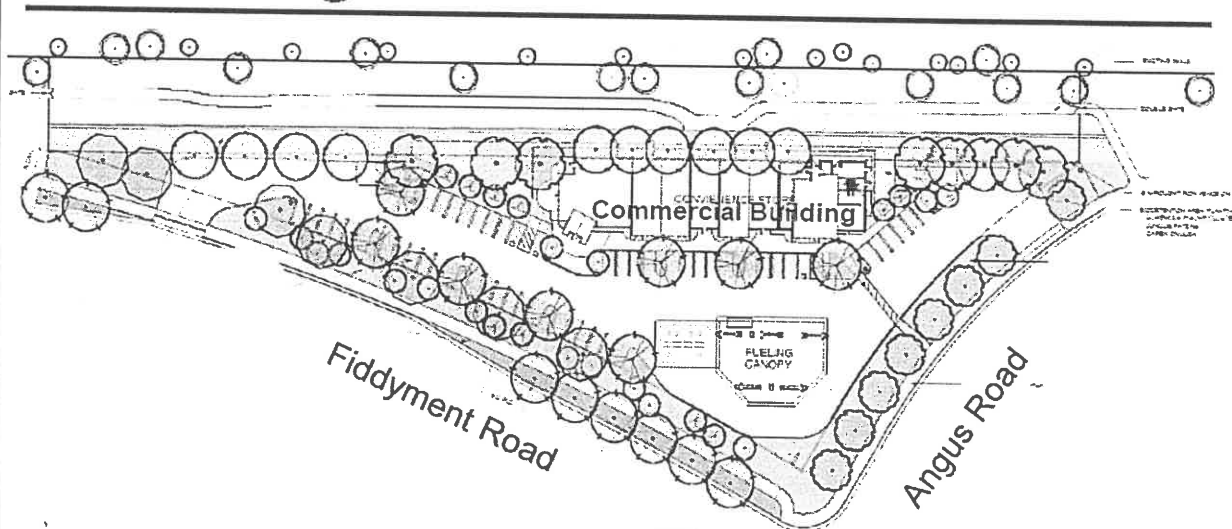
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Open Space
- Park
- Community Garden
- Community Center
- Community Office

- 3

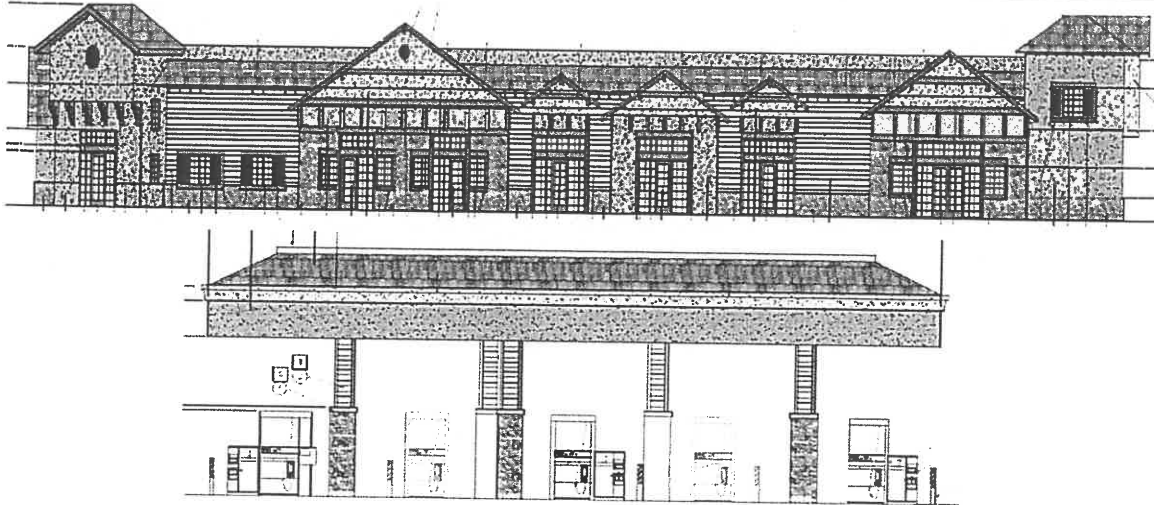
The rezoning of the parcel from R1/DS (LDR) to CC was a specific objective of the SPA 3: "Given limited services on the western side of the city, change the designation of a two-acre parcel in the northeast portion of Phase 2, at the corner of Angus Road and Fiddymment Road, from residential to Community 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 [9][9]

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

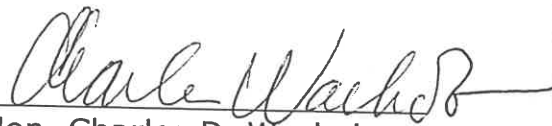
27 Petitioners do not prevail on their second cause of action.

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


Hon. Charles D. Wachob
Judge of the Superior Court

**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

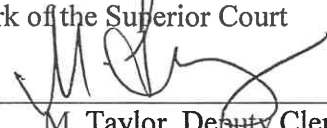
- ☒ the US Postal Service
- ☐ UPS
- ☐ FedEx
- ☐ Interoffice mail
- ☐ Other

on November 9, 2018 in Placer County, California.

Dated: November 9, 2018

JAKE CHATTERS
Clerk of the Superior Court

by:


M. Taylor, Deputy Clerk



West Roseville Specific Plan Subsequent Environmental Impact Report (EIR)

Due to large file size, this attachment is available on the City of Roseville's West Roseville Specific Plan page, under the "Environmental Impact Report" tab.

The following is a direct hyperlink to the webpage. If viewing this page electronically, hold "Ctrl" and click the link below to be taken directly to the West Roseville Specific Plan page.

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

Roseville Municipal Code

Chapter 9.24 NOISE REGULATION

9.24.010 Purpose.

It is declared to be the policy of the city in its exercise of the police power to prohibit unnecessary, excessive and annoying sound levels from all sources. At certain levels, such sounds become noise and are detrimental to the health and welfare of the citizenry and, in the public interest, are hereby systematically proscribed. This chapter is intended to work in concert with and supplement Penal Code Section 370 (Public Nuisances) and Section 415 (Disturbing the Peace) and to establish local community standards for noise regulation. (Ord. 3638 § 1, 2001.)

9.24.020 Definitions.

The following words, phrases and terms as used in this chapter shall have the following meanings:

- A. “Acoustic specialist” means a person or persons trained in acoustic sampling, qualified to measure sound levels in A-weighted and C-weighted networks and one-third octave band frequencies.
- B. “Ambient sound level” means the composite of normal or existing sound from all sources measured at a given location for a specified time of the day or night. The ambient sound level shall be measured with a sound level meter, using slow response and A weighting. The ambient sound level shall be determined with the sound source at issue silent.
- C. “Approving authority” means the designated body or persons authorized to grant approval or deny a discretionary permit or an exception to this chapter.
- D. “A-weighting” means the standard A-weighted frequency response of a sound level meter, which de-emphasizes low and high frequencies of sound in a manner similar to the human ear for moderate sounds.
- E. “C-weighting” means the standard C-weighted frequency response of a sound level meter, which de-emphasizes high frequencies of sound in a manner similar to the human ear for relatively loud sounds.
- F. “Decibel” means a unit for measuring the relative amplitude of sound equal approximately to the smallest difference normally detectable by the human ear, whose range includes approximately 130 decibels on a scale beginning with zero decibels for the faintest detectable sound. The sound pressure associated with zero decibels is 20 MicroPascals.
- G. “Discretionary permit” means a permit issued by the city other than ministerial permits, including, but not limited to, conditional use permits, tentative subdivision maps, design review permits and administrative permit.
- H. “Enforcement officer” means the city manager or designee.
- I. “Equivalent hourly sound level (L_{eq})” means the sound level corresponding to a steady state A-weighted sound level containing the same total energy as the actual time-varying sound level over a one-hour period.
- J. “Fixed sound source” means a device or machine which creates sounds while fixed or stationary, including, but not limited to, residential, agricultural, industrial and commercial machinery and equipment,

pumps, fans, compressors, air conditioners and refrigeration equipment also includes motor vehicles operated on private property.

K. “Intruding sound level” means the sound level created, caused, maintained or originating from an alleged offensive source, measured in decibels, at a specified location while the alleged offensive source is in operation.

L. “Noise” means any loud discordant or disagreeable sound or sounds.

M. “One-third octave band” means a band of frequencies, in Hertz (Hz), which is one-third of an octave wide. The center frequencies of one-third octave bands increase by a factor of 1.26 (cube root of 2). Examples of one-third octave band center frequencies in the range of audible sound include 20, 25, 31.5, 40 and 63 Hertz. Describing sound pressure levels in one-third octave bands provides information as to the tone or pitch, of noise (low frequency versus high frequency), as well as the amplitude of the sound.

N. “Property line or plane” means a vertical plane including the property line that determines the property boundaries in space.

O. “Public property” means any property owned by a public agency and held open to the public, including but not limited to parks, streets, sidewalks, and alleys.

P. “Residential property” means a parcel of real property that is zoned for residential use.

Q. “School” means institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary or collegiate levels.

R. “Sensitive receptor” means a land use in which there is a reasonable degree of sensitivity to noise. Such uses include single-family and multifamily residential uses, schools, hospitals, churches, rest homes, cemeteries, public libraries and other sensitive uses as determined by the enforcement officer.

S. “Simple tone noise” means any sound that is distinctly audible as a single pitch (frequency) or set of pitches, which includes sound consisting of speech and music.

T. “Sound level” means the sound pressure level in decibels as measured with a sound level meter using the A-weighting and C-weighting networks or one-third octave band frequency. The unit of measurement is referred to herein as dBA, dBC or one-third octave band.

U. “Sound level meter” means an instrument meeting American National Standard Institute Standard S1.4A-1985 for Type I or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment that will provide equivalent data. (Ord. 3638 § 1, 2001.)

9.24.030 Exemptions.

Sound or noise emanating from the following sources and activities are exempt from the provisions of this title:

A. Sound sources typically associated with residential uses (e.g., children at play, air conditioning and similar equipment, but not including barking dogs);

B. Sound sources associated with property maintenance (e.g., lawn mowers, edgers, blowers, pool pumps, power tools, etc.) provided such activities take place between the hours of 8:00 a.m. and 9:00 p.m.;

C. Safety, warning and alarm devices, including house and car alarms, and other warning devices that are designed to protect the health, safety and welfare, provided such devices are not negligently maintained or operated;

D. The normal operation of public and private schools typically consisting of classes and other school-sponsored activities;

E. Maintenance (e.g., lawn mowers, edgers, aerators, blowers, etc.) of golf courses, provided such activities take place between the hours of 5:00 a.m. and 9:00 p.m. May through September, and 6:00 a.m. and 9:00 p.m. October through April;

F. Emergencies involving the execution of the duties of duly authorized governmental personnel and others providing emergency response to the general public, including, but not limited to, sworn peace officers, emergency personnel, utility personnel, and the operation of emergency response vehicles and equipment;

G. Private construction (e.g., construction, alteration or repair activities) between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, and between the hours of 8:00 a.m. and 8:00 p.m. Saturday and Sunday; provided, however, that all construction equipment shall be fitted with factory installed muffling devices and that all construction equipment shall be maintained in good working order. (Ord. 3638 § 1, 2001.)

9.24.040 Sound measurement methodology.

A. Compliance with this chapter shall be determined using methodology described in this section. Sound measurement, except as otherwise provided in this chapter, shall be made with a sound level meter using the A-weighting network at slow meter response, except that fast meter response shall be used for impulsive type sounds.

B. Calibration of the measurement equipment utilizing an acoustical calibrator meeting American National Standards Institute (ANSI) standards shall be performed immediately prior to recording any sound data. Calibration equipment shall be certified annually.

C. Exterior sound levels shall be measured at the property line or at any location within the property of the affected sensitive receptor. Sound measurements shall be taken in such a manner and location so that it can be determined whether sound level standards are exceeded at the property line. Where practical, the microphone of the sound level meter shall be positioned three to five feet above the ground and away from reflective surfaces. The actual location of the sound measurements shall be at the discretion of the enforcement officer. (Ord. 3638 § 1, 2001.)

9.24.050 Duty to cooperate.

It is unlawful for any person to refuse to cooperate with or to obstruct any governmental agent, officer or employee in determining the ambient sound level of a sound source. Such cooperation shall include, but is not limited to, the shutting off or quieting of any sound source so that an ambient sound level can be measured. (Ord. 3638 § 1, 2001.)

9.24.100 Sound limits for sensitive receptors.

It is unlawful for any person at any location to create any sound, or to allow the creation of any sound, on property owned, leased, occupied or otherwise controlled by such person, which causes the exterior sound level when measured at the property line of any affected sensitive receptor to exceed the ambient sound level by three dBA or exceed the sound level standards as set forth in Table 1, by three dBA, whichever is greater.

Table 1
SOUND LEVEL STANDARDS
(for non-transportation or fixed sound sources)

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Sound Level Descriptor	Daytime (7:00 a.m. to 10:00 p.m.)	Nighttime (10:00 p.m. to 7:00 a.m.)
Hourly L_{eq} , dB	50	45
Maximum level, dB	70	65

A. Each of the sound level standards specified in Table 1 shall be reduced by five dB for simple tone noises, consisting of speech and music. However, in no case shall the sound level standard be lower than the ambient sound level plus three dB.

B. If the intruding sound source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient sound level can be measured, the sound level measured while the source is in operation shall be compared directly to the sound level standards of Table 1. (Ord. 3638 § 1, 2001.)

9.24.110 Amplified sound limits for sensitive receptors.

In addition to the sound level standards established in Table 1, it is unlawful for any person at any location to produce amplified music or sound which causes the exterior sound level when measured at the property line of any affected sensitive receptor to exceed the sound level standards as set forth in Table 2, below.

Table 2
SOUND LEVEL STANDARDS
(for amplified sound)

Sound Level Descriptor	Daytime (7:00 a.m. to 10:00 p.m.)	Nighttime (10:00 p.m. to 7:00 a.m.)
L_{eq} , A weighting dBA	50	45
L_{eq} , C weighting dBC	75	70
One-third octave band	10 dB increase in any one-third octave band	

A. The measurements shall be conducted with the sound level meter set to A-weighting and fast response. Fast response shall be used because the duration between low-frequency tones associated with amplified sound may be considerably less than one second (the average duration represented by the slow meter response). The fast meter response represents one-eighth second intervals.

B. If separation of low frequency tones from the background ambient sound can be determined with the sound level meter on fast response (a clearly identifiable increase in ambient sound levels corresponding

to the audible bass sounds), sound levels shall not exceed an L_{eq} of 50 dBA daytime and 45 dBA nighttime for any one minute period.

C. If separation of low frequency tones cannot be determined with the sound level meter on A-weighting, the meter shall be switched to C-weighting to emphasize the low frequency sound. If separation between low frequency tones and ambient levels can be observed with the meter set to the C-weighting scale, the sound level from the low frequency tones shall not exceed an L_{eq} of 75 dBC daytime and 70 dBC nighttime for any one minute period.

D. If existing background sound levels are higher than standards identified in Table 2, then the maximum sound levels due to amplified sound shall not exceed the background sound levels by more than three dB for A-weighted measurements and five dB for C-weighted measurements.

E. If separation of low frequency noise cannot be determined with the meter using either A or C weighting scales and low frequency tones are clearly audible to the acoustics specialist, a sound level measurement in terms of one-third octave band frequencies shall be utilized. If this approach is required, a 10 dB increase in any one-third octave band due to the amplified sound shall be considered a violation of this chapter. (Ord. 3638 § 1, 2001.)

9.24.120 Sound limits for industrial properties.

Notwithstanding the provisions of Section 9.24.100, it is unlawful for any person to create any sound, or to allow the creation of any sound, on property with an industrial zoning designation that is owned, leased, occupied or otherwise controlled by such person where an industrial land use shares a common property line with a sensitive receptor or is separated from a sensitive receptor by a roadway, which causes the exterior sound level when measured at the property line of any affected sensitive receptor to exceed the ambient sound level by seven dBA, or exceed the sound level standards as set forth in Table 1 by seven dBA, whichever is greater. (Ord. 3638 § 1, 2001.)

9.24.130 Sound limits for events on public property.

Notwithstanding the provisions of Section 9.24.100, sound sources associated with outside activities on public property (e.g. athletic events, sporting events, fairs, and entertainment events) between the hours of 8:00 a.m. and 10:30 p.m., Sunday through Thursday, and between the hours of 8:00 a.m. and 11:00 p.m. on Fridays, Saturdays, and city-recognized holidays, shall not exceed 80 dBA, L_{max} at the property line of the property on which the event is being held. (Ord. 3638 § 1, 2001.)

9.24.140 Operational standards for city activities.

Notwithstanding any other provisions of this chapter, city operations and activities are not subject to the provisions of this chapter. The city council may, by resolution, adopt operational standards for city activities to effectuate the purposes of this chapter. (Ord. 3638 § 1, 2001.)

9.24.150 Noise disturbances.

A. Notwithstanding any other provisions of this chapter, it is unlawful for any person to wilfully make or continue or cause to be made or continued, any loud, unnecessary, excessive or offensive noise or unusual sound which unreasonably disturbs the peace and quiet of any sensitive receptor or which causes discomfort or annoyance to any reasonable person of reasonable sensibilities in the area.

B. In determining whether a violation of the provisions of this section exists the enforcement officer shall consider the following:

1. The volume and intensity of the sound;
2. The vibration intensity of the sound;
3. Whether the nature of the sound is usual or unusual;
4. Whether the origin of the sound is natural or unnatural;
5. The volume and intensity of the background sound, if any;
6. The proximity of the sound to residential sleeping facilities;
7. The nature and zoning of the area within which the sound emanates;
8. The population density of the area within which the sound emanates;
9. The time of the day or night the sound occurs;
10. The duration of the sound; and
11. Whether the sound is recurrent, intermittent, or constant. (Ord. 3638 § 1, 2001.)

9.24.160 Exceptions.

A. An exception may be requested from any provision of this chapter. Requests for exceptions shall be made on forms provided by the city manager.

B. If the applicant can show to the city manager, or his or her designee that a diligent investigation of available sound suppression techniques for construction-related noise indicates that immediate compliance with the requirements of this chapter would be impractical or unreasonable, due to the temporary nature or short duration of the exception, a permit to allow exception from the provisions contained in all or a portion of this chapter may be issued. Factors that the approving authority must consider for construction related exceptions shall include but not be limited to the following:

1. Conformance with the intent of this chapter;
2. Uses of property and existence of sensitive receptors within the area affected by sound;
3. Factors related to initiating and completing all remedial work;
4. The time of the day or night the exception will occur;
5. The duration of the exception; and
6. The general public interest, welfare and safety.

C. If the applicant can show to the city manager, or his or her designee that the characteristics of a special event indicate that immediate compliance with the requirements of this chapter would be impractical due to the type of event or unreasonable due to its temporary nature or short duration, a permit allowing an exception from the provisions of this chapter may be issued. Factors considered for special events related exceptions shall include but not be limited to the following:

1. Conformance with the intent of this chapter;
2. Uses of property and existence of sensitive receptors within the area affected by sound;
3. Hardship to the applicant, or community of not granting the exception;
4. The time of the day or night the exception will occur;
5. The duration of the exception; and
6. The general public interest, welfare and safety.

D. If the applicant can show to the city manager, or his or her designee that immediate compliance with the requirements of this chapter would not result in a hazardous condition or nuisance, and strict compliance would be unreasonable due to the circumstances of the requested exception, a permit to allow exception from the provisions contained in all or a portion of this chapter may be issued. Factors considered for all requests for exceptions, other than construction or special events, shall include but not be limited to the following:

1. Conformance with the intent of this chapter and general plan policies;
2. Uses of property and existence of sensitive receptors within the area affected by sound;
3. Factors related to initiating and completing all remedial work;
4. Age and useful life of the existing sound source;
5. Hardship to the applicant, or community of not granting the exception;
6. The time of the day or night the exception will occur;
7. The duration of the exception; and
8. The general public interest, welfare and safety.

E. Within 10 days of receipt of the application, the city manager or his or her designee shall either (1) approve or conditionally approve such request in whole or in part, (2) deny the request, or (3) refer the request directly to the city council for action at the next available council meeting. In the event the exception is approved, reasonable conditions may be imposed which minimize the public detriment and may include restrictions on sound level, sound duration and operating hours, an approved method of achieving compliance and a time schedule for its implementation.

F. Where a request for exception is associated with a discretionary permit, the exception shall be processed concurrently with the discretionary permit. The approving authority for the discretionary permit shall also be the approving authority for the exception. Factors which the approving authority must consider for requests for exception shall be those factors identified in Section 9.24.160(B), 9.24.160(C) and 9.24.160(D), depending upon the type of exception requested. The approving authority for an exception processed with a discretionary permit shall either (1) approve or conditionally approve such request in whole or in part, or (2) deny the request.

G. Where an approving authority or city manager or his or her designee has approved an exception and complaints are received related to the exception the approving body has the authority to take action, as he or she deems necessary to reduce the sound impacts including modification or revocation of the exception.

H. Any person aggrieved by the decision of the approving authority, city manager or his or her designee may appeal to the city council by filing written notice of appeal with the city clerk within 10 days of the decision. The city council's decision shall be final and shall be based upon the considerations set forth in this section. (Ord. 3638 § 1, 2001.)

9.24.190 Railroad train—Excessive noise prohibited.

It is unlawful for any person to operate or sound or cause to be operated or sounded, in the operation of any railroad train, between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day, a train horn or train whistle which creates a noise in excess of 89 dB at any place or point 300 feet or more distant from the source of such sound. (Ord. 3638 § 1, 2001.)

9.24.200 Violations and penalties.

A. Violations. Violations of this chapter shall be infractions. Each day any such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

B. Recovery of Costs for Enforcement.

1. When an enforcement officer responds to any property as a result of a noise complaint, the responding officer may issue a citation to the responsible party for violations of this chapter. The citation shall state that the responsible party may be liable and charged for the city's cost of providing noise enforcement for repeat violations or each separate offense following the first violation. No fee shall be assessed unless a written citation had first been issued. Following the issuance of the first citation occurring on a lot or parcel of land the city manager, or his or her designee, shall keep an account of the cost of enforcement of all subsequent violations on this lot or parcel of land.

2. The total cost for enforcement of a second or subsequent violations shall constitute a special security assignment over and above the services normally provided and shall be charged against the responsible party. The city may collect any such costs for enforcement and costs of collection by use of all available legal means.

C. Nonexclusive Remedy.

1. Notwithstanding the provisions of this chapter, the city shall not be prevented from taking any other civil or criminal action to abate any violation of this chapter.

2. For the purposes of this chapter the person charged may be any person or persons in charge of the premises and any person or persons responsible for an activity or event resulting in unlawful noise levels. (Ord. 3638 § 1, 2001.)



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

AUTHORITY TO CONSTRUCT TEMPORARY PERMIT TO OPERATE

ISSUED TO:

201 BELLINGHAM COURT
LINCOLN, CA 95648

AC NUMBER: AC-18-G-09

FACILITY LOCATION:

DHILLON AND SONS ENTERPRISES
4701 FIDDYMENT ROAD
ROSEVILLE, CA 95747

EXPIRATION DATE:

8/9/2019

Erik C. White for

Erik C. White
Air Pollution Control Officer

5/21/2018
Issue Date

PROCESS DESCRIPTION: Installation of a new retail gasoline dispensing facility with Phase I EVR and Phase II EVR.

EQUIPMENT

No.	Equipment	Rating
1	GAS STATION - 10 NOZZLES	NOZ- 10
2	PHASE I - OPW EVR SYSTEM - VR-102 SERIES	
3	PHASE II - EVR VR-204 WITH ISD AND CLEAN AIR SEPARATOR	

TOTAL RATINGS – NOZ- 10 .

OPERATING CONDITIONS

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.
2. Written notification shall be submitted to the District no later than seven (7) days after completion of construction. (Rule 501)
3. 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.

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. A vapor collection sleeve (VST nozzle) or a vapor collection bellows (EMCO nozzle), shall be installed at the base of the spout.
10. 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

- iii. 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).
 - iv. A cut across seven (7) consecutive bellows convolutions.
 - v. A 360 degree cut around the bellows convolutions.
11. Any nozzle with a defective vapor valve shall be immediately removed from service. Verification of the integrity of the vapor valve can be performed on installed nozzles using the nozzle bag test procedure.
 12. The maximum length of the hose assembly, including the curb hose, whip hose, and breakaway, shall be no more than fifteen (15) feet.
 13. Any hose configuration is allowed when installed in accordance with IOM Section 8.
 14. Any hose with a visible opening is considered a defect and must be replaced.
 15. 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.
 16. No flow limiters are allowed for this system.
 17. 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.
 - a. The system shall be removed from service when the Clean Air Separator fails the leak decay test.
 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).
 19. The Air Breather Assembly for the Clean Air Separator shall be installed at least twelve feet (12') above grade.
 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.
 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.

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.
23. Any dispenser with a dispenser piping test valve in the closed position shall be considered a defect.
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
25. For facilities with ISD, the operator/owner is advised to follow the District's requirements, if any, following a warning by the Veeder Root or Incon In-Station Diagnostics (ISD) system and a shutdown of the submersible pumps to all gasoline tanks by the ISD systems.
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).
27. For facilities with a Liquid Condensate Trap, a metal tag specifying the capacity of the LCT shall be installed and maintained as specified in the Installation, Operation, and Maintenance Manual.
28. Instructions for the proper operation of vapor recovery equipment shall be conspicuously posted.
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

30. 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.
31. Maintenance shall be conducted in accordance with Approved Installation, Operation and Maintenance Manuals. **RECONNECTION** of breakaways shall be included in the maintenance records.

32. 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 or in accordance with district requirements or policies. 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.
33. 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

34. Performance tests, using the most recent versions of the test procedures, are required for both new and modified facilities, and for existing facilities. Tests shall be conducted in the presence of District staff. Tests for new or modified facilities shall be successfully conducted within 30 days after startup operations begin. Annual tests for existing facilities shall be conducted at least once in each 12 month period. The test results shall be submitted to the District within 30 days following completion of the tests by either mail, facsimile (FAX), or email. Prior notice of testing shall be given to the District at least 15 days prior to the testing, or as agreed to by the District.
35. 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.
36. 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, Exhibit 7.
 - 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, Exhibit 14. 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, Exhibit 4.
 - f. A Dynamic Pressure Performance Test, CARB Source Test Procedure 201.4.
 - g. The Liquid Removal Test Procedure shall be conducted as per Exhibit 5 of 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 (Exhibit 17) or Incon ISD (Exhibit 19 and 20) 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 outlined in Executive Order VR-203 or VR-204, Exhibit 16 shall be conducted. The Liquid Evacuation System shall automatically evacuate gasoline when tested.
37. 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.

GENERAL CONDITIONS

- 38. This permit shall be maintained on the premises of the subject equipment. (Rule 501)
- 39. 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.
- 40. 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.
- 41. Performance testing observation and inspection will be charged at the current District hourly rate for recovery of costs.
- 42. 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)

43. 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.
44. 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.
45. Revisions of this permit may be requested pursuant to District Rule 501, General Permit Requirements, Section 400.
46. 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.).
47. 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.
48. The applicant/Permittee has an obligation to defend and indemnify the District against third party challenges in accordance with District Rule 411, Indemnification.

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 PM2.5 precursors are not allowed unless modeling demonstrates that PM2.5 interpollutant offset ratios are appropriate in an approved PM2.5 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.

1. The Board shall establish a process for the review and approval of all rules and regulations that are proposed to be adopted by the Board. The process shall include the following:

a. The Board shall establish a committee to review and approve all rules and regulations that are proposed to be adopted by the Board. The committee shall be composed of members of the Board who are not the author of the rule or regulation. The committee shall have the authority to recommend to the Board the adoption, amendment, or repeal of any rule or regulation.

b. The Board shall establish a process for the review and approval of all rules and regulations that are proposed to be adopted by the Board. The process shall include the following:

c. The Board shall establish a process for the review and approval of all rules and regulations that are proposed to be adopted by the Board. The process shall include the following:

d. The Board shall establish a process for the review and approval of all rules and regulations that are proposed to be adopted by the Board. The process shall include the following:

e. The Board shall establish a process for the review and approval of all rules and regulations that are proposed to be adopted by the Board. The process shall include the following:

f. The Board shall establish a process for the review and approval of all rules and regulations that are proposed to be adopted by the Board. The process shall include the following:

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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

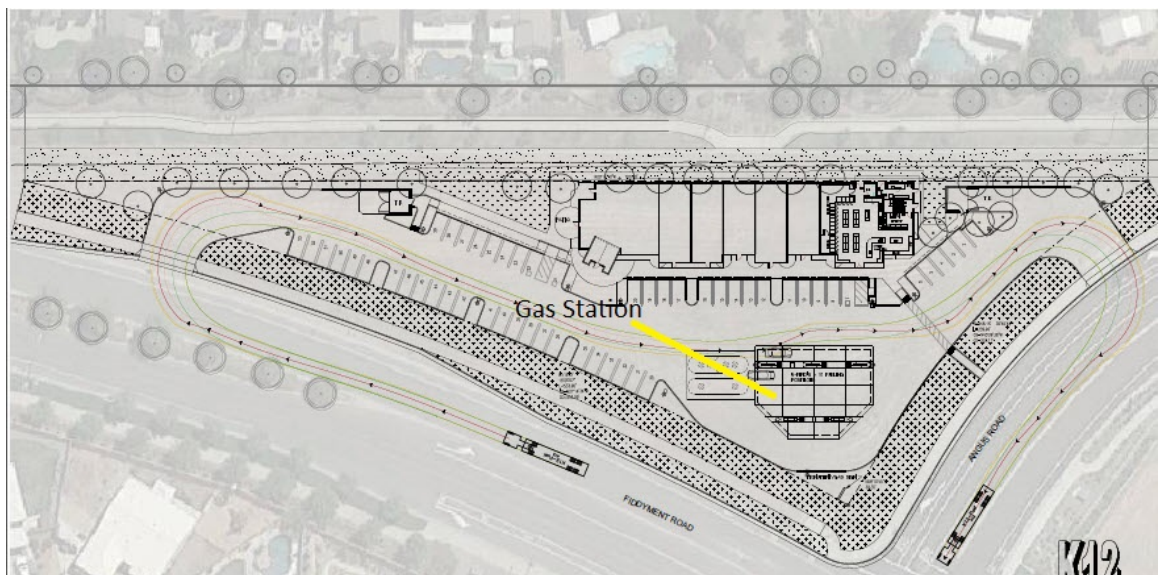
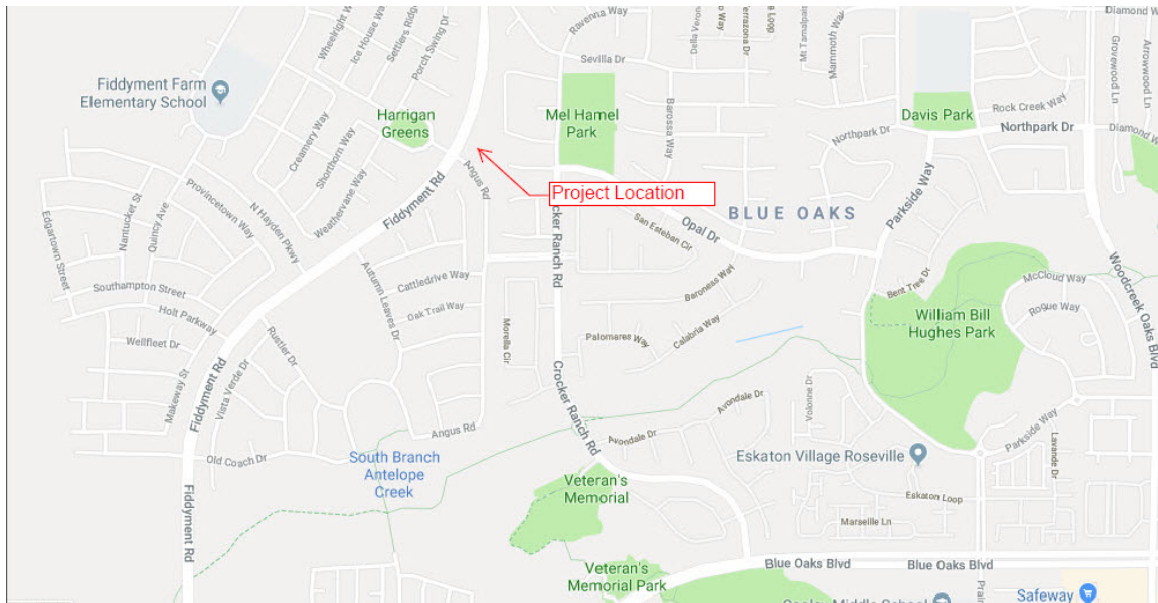
1. INTRODUCTION

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.

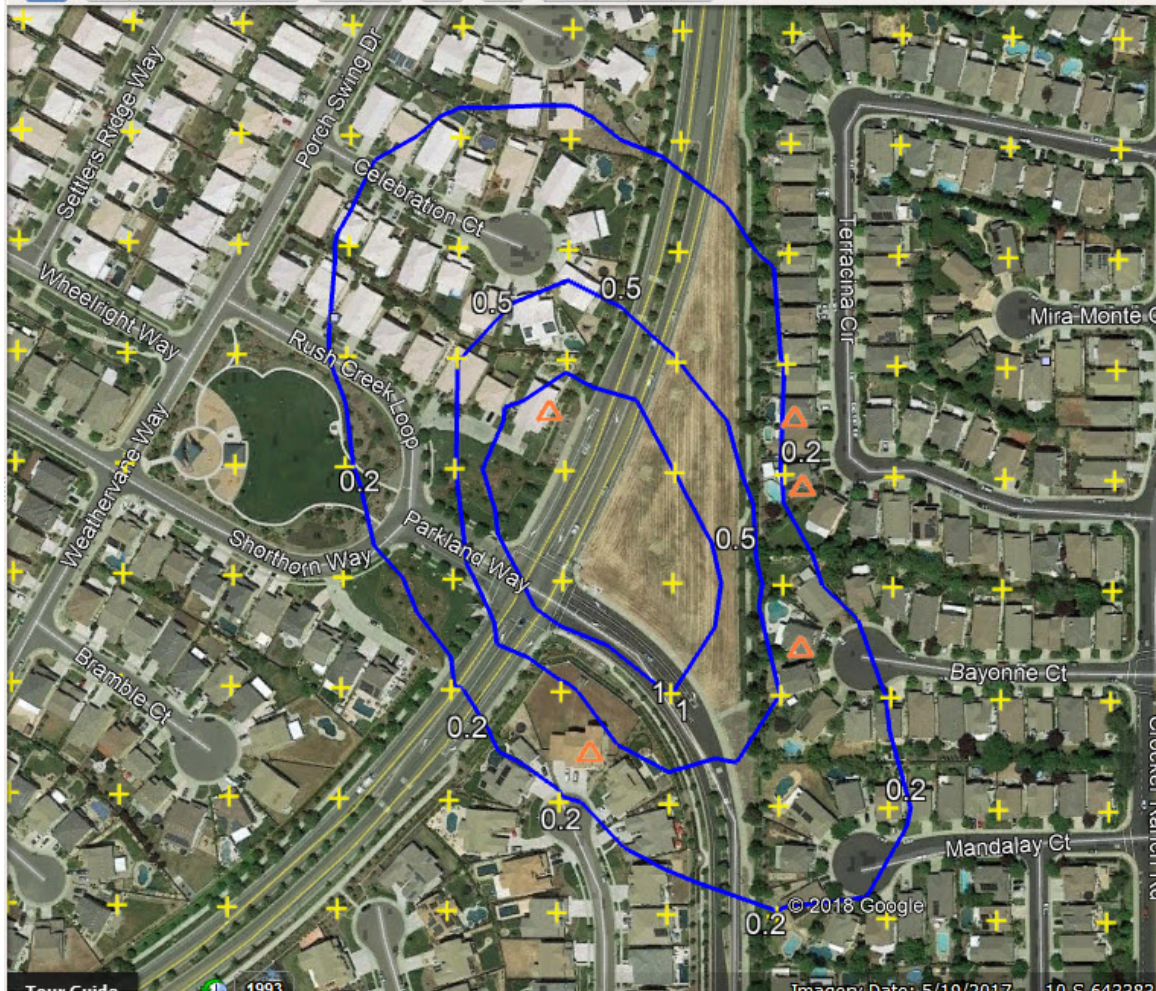
Finally, the toxicity data used to calculate health risks are extrapolated from animal studies with a substantial safety margin and uncertainty. As a result, the actual public risk would be a small fraction (1/100 to 1/1000) of the calculated theoretical public risk.

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>



K12 Architects

K12 Architects, Inc
3090 Fite Circle, #104
Sacramento, CA 95827
PH:(916) 455-6500 FAX:(916) 455-8100

CONSULTANTS:

CONTRACTOR:

PROJECT:

**FIDDYMENT
PLAZA**

**NEW CONVENIENCE STORE
WITH FUELING,
SHELL RETAIL TENANT SPACE**

**4701 Fiddymment Road
Roseville, California 95747**

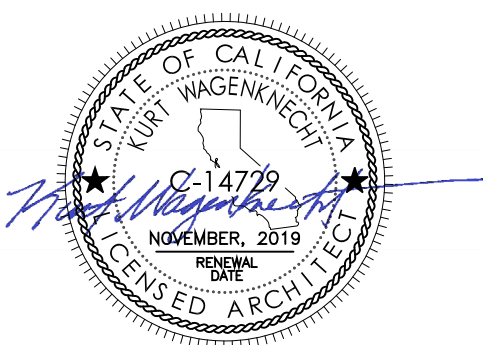
DEVELOPER:

**DHILLON AND SONS
ENTERPRISES**

**201 Bellingham ct
Lincoln, CA 95648**

REVISIONS:

PROFESSIONAL SEALS:



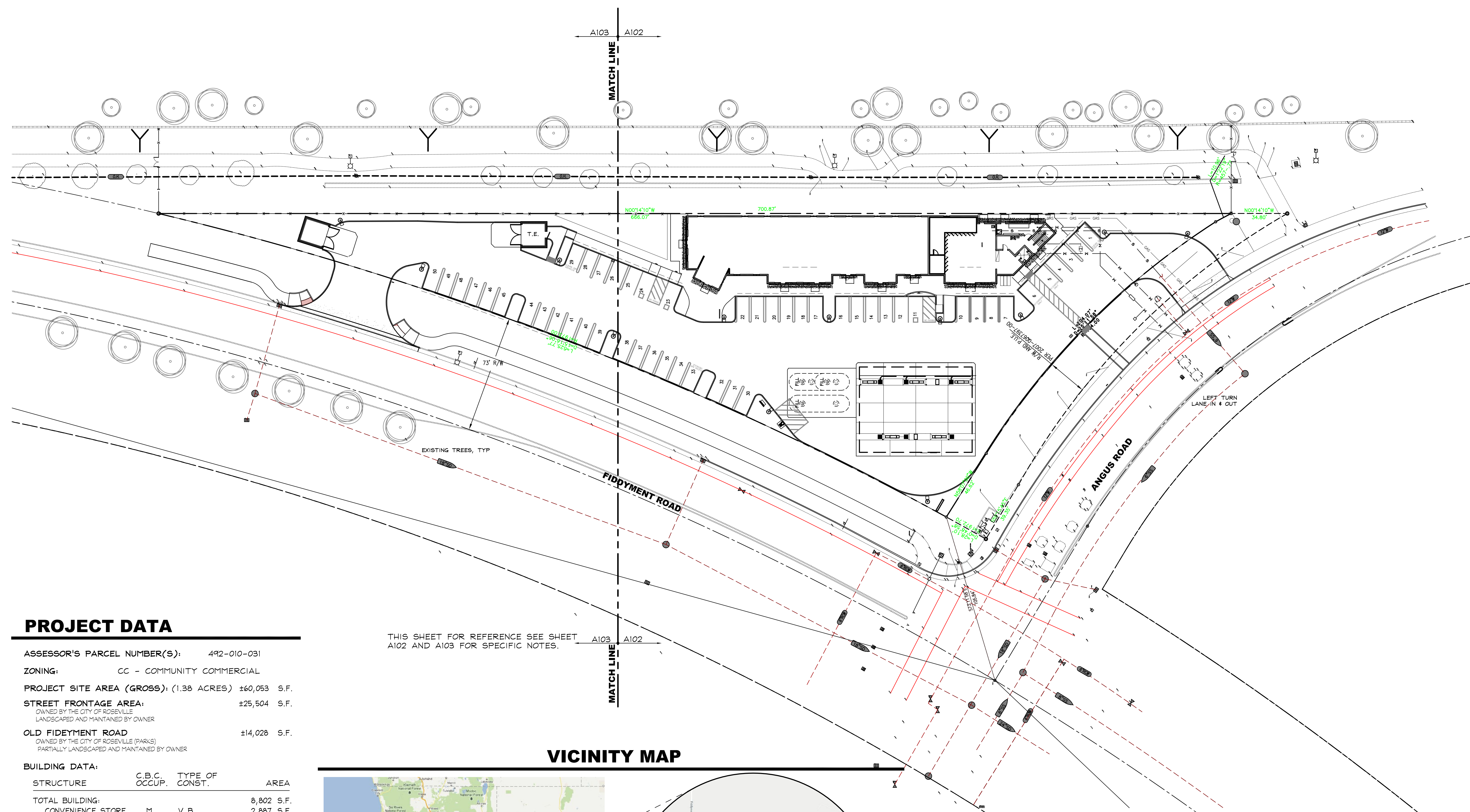
PROJECT NUMBER: **16-021** PROJECT DATE: **8-10-2018**

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

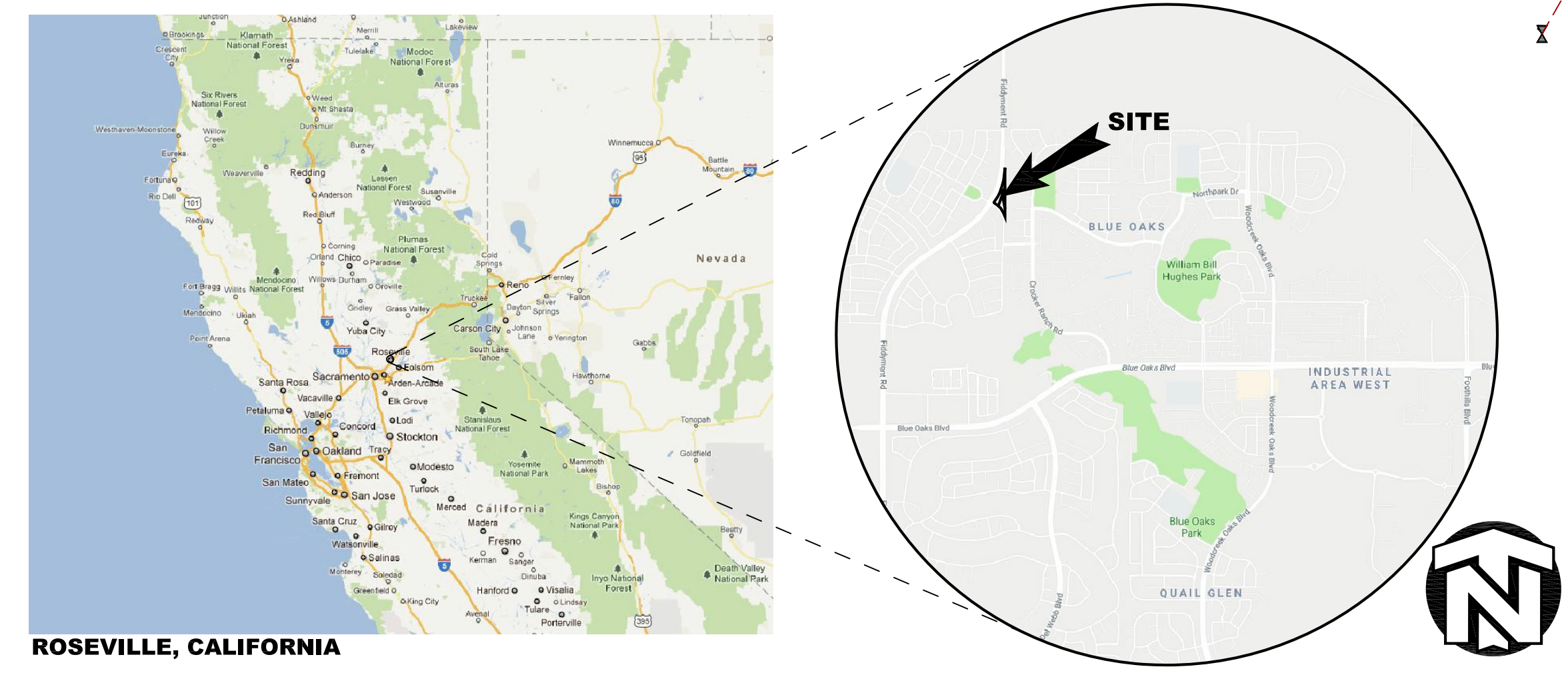
BUILDING DATA:			
STRUCTURE	C.B.C. OCCUP.	TYPE OF CONST.	AREA
TOTAL BUILDING:			
CONVENIENCE STORE	M	V B	2,887 S.F.
RETAIL SHELL	M	V B	3,977 S.F.
RESTAURANT SHELL	A-2	V B	UP TO 1,938 S.F.
FUELING CANOPY	B	II B	3,310 S.F.

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

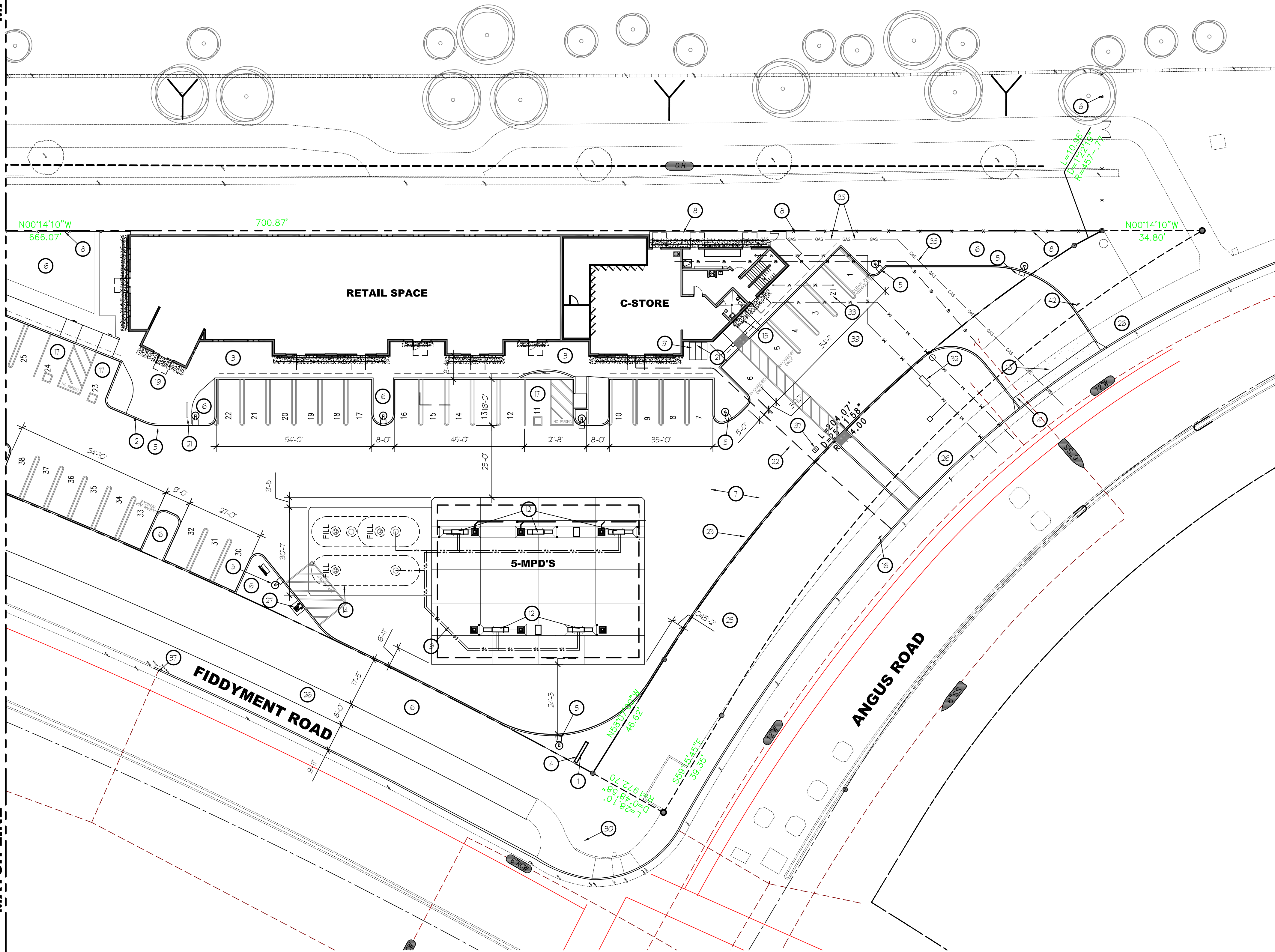
THIS SHEET FOR REFERENCE SEE SHEET A102 AND A103 FOR SPECIFIC NOTES.

VICINITY MAP



MATCH LINE

MATCH LINE



SCALE: 1" = 20'-0"

SITE PLAN KEYNOTES

- 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 BACK 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 HEAVY 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% 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



K12 Architects, Inc
3090 Fite Circle, #104
Sacramento, CA 95827
PH:(916) 455-6500 FAX:(916) 455-8100

CONSULTANTS:

CONTRACTOR:

PROJECT:

**FIDDYMENT
PLAZA**

**NEW CONVENIENCE STORE
WITH FUELING,
SHELL RETAIL TENANT SPACE**

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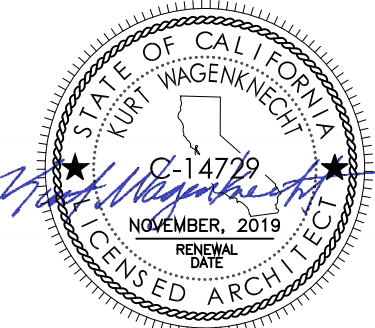
DEVELOPER:

**DHILLON AND SONS
ENTERPRISES**

**201 Bellingham ct
Lincoln, CA 95648**

REVISIONS:

PROFESSIONAL SEALS:



PROJECT NUMBER:
16-021

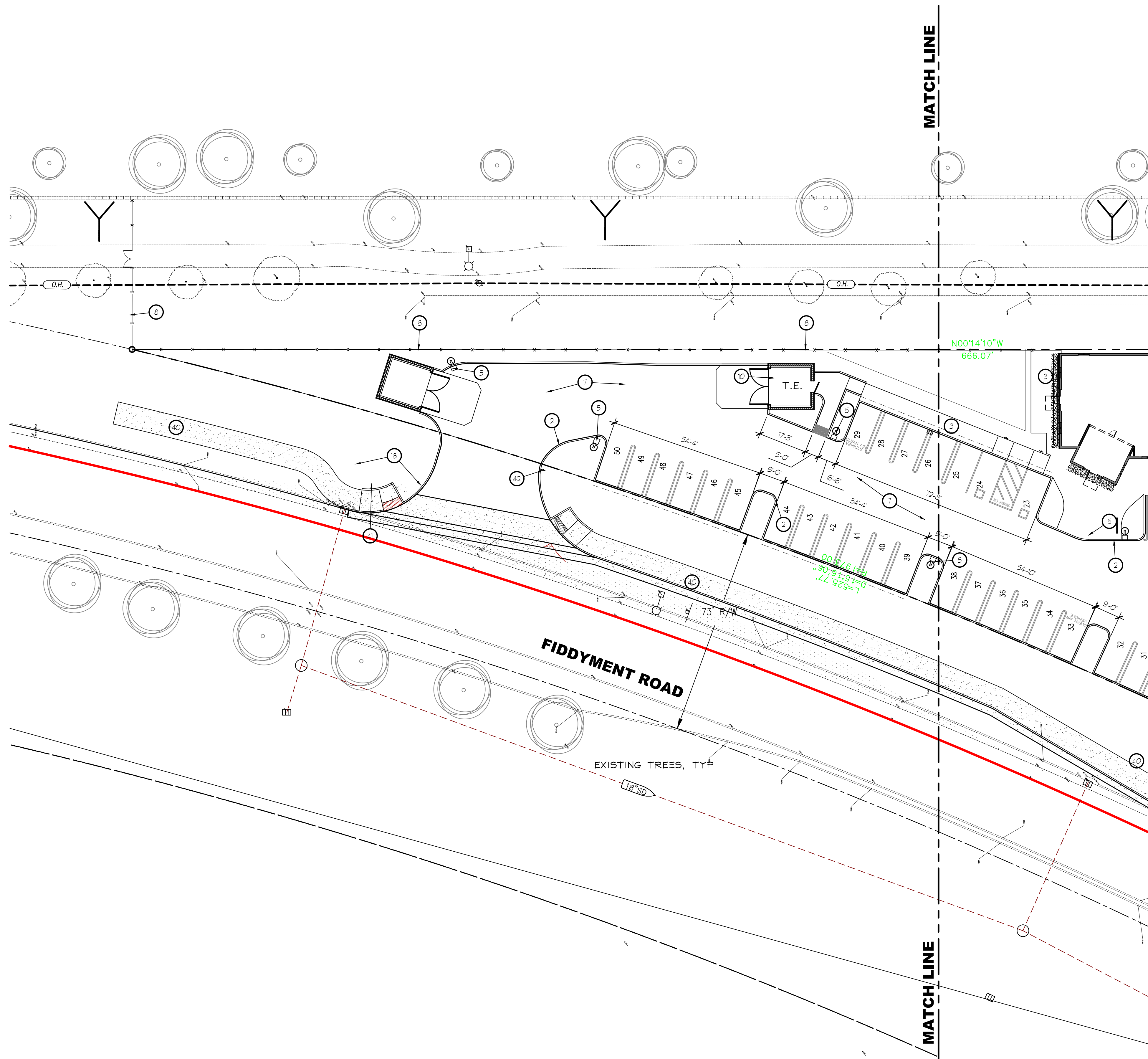
PROJECT DATE:
8-10-2018

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"



K12 Architects, Inc
3090 Fite Circle, #104
Sacramento, CA 95827
PH:(916) 455-6500 FAX:(916) 455-8100

CONSULTANTS:

CONTRACTOR:

PROJECT:

**FIDDYMENT
PLAZA**

**NEW CONVENIENCE STORE
WITH FUELING,
SHELL RETAIL TENANT SPACE**

**4701 Fiddyment Road
Roseville, California 95747**

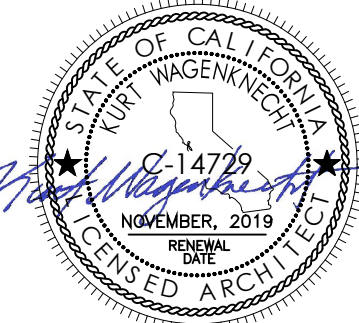
DEVELOPER:

**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
ENLARGED
SITE PLAN**

SHEET NUMBER:

A103

ARCHITECTURAL ENLARGED SITE PLAN



K12 Architects

K12 Architects, Inc
3090 Fite Circle, #104
Sacramento, CA 95827

PH:(916) 455-6500 FAX:(916) 455-8100

CONSULTANTS:

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PLAZA**

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Roseville, California 95747**

DEVELOPER:

**DHILLON AND SONS
ENTERPRISES**

**201 Bellingham ct
Lincoln, CA 95648**

REVISIONS:

PROFESSIONAL SEALS:



PROJECT NUMBER:

16-021

PROJECT DATE:

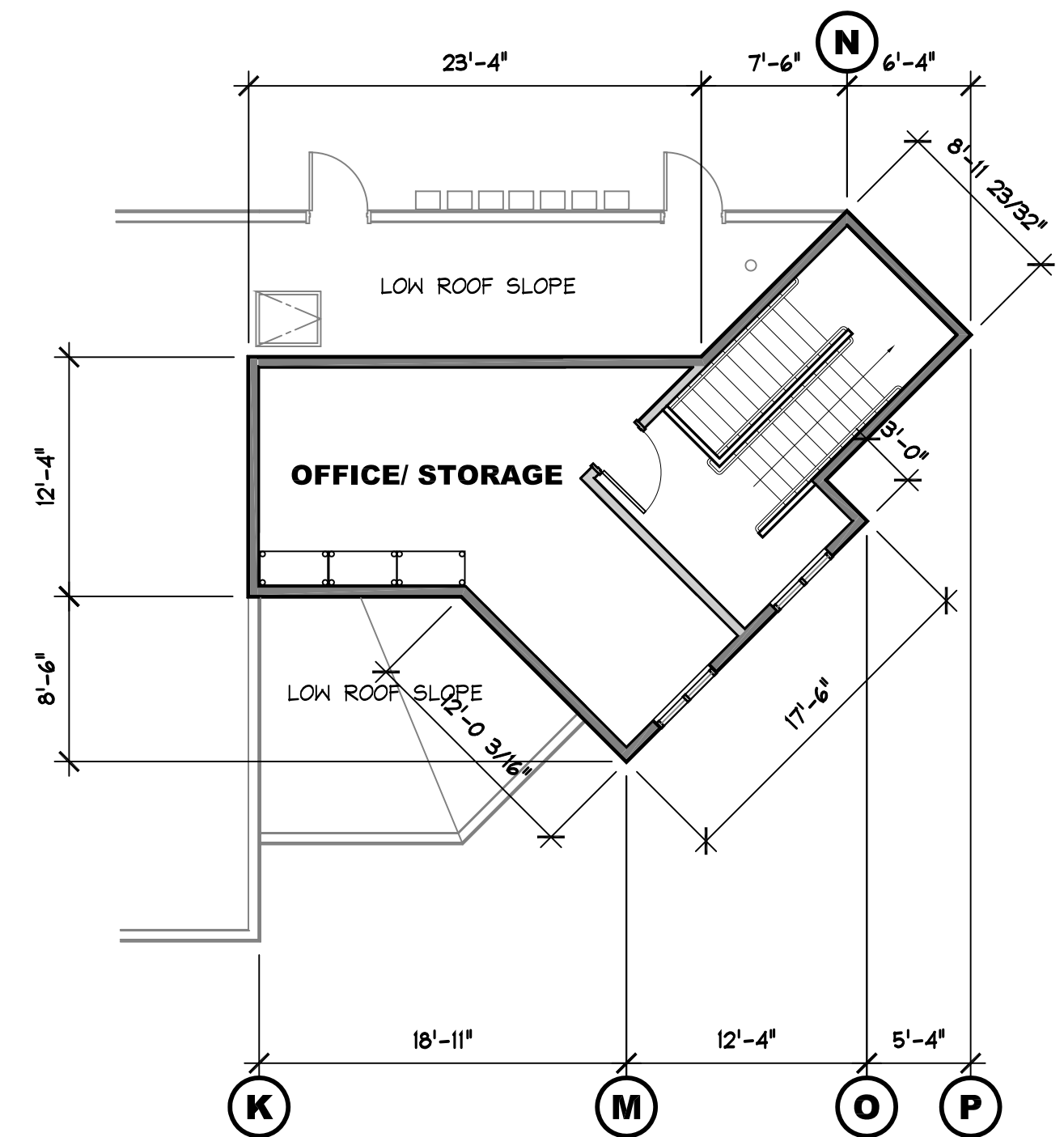
8-10-2018

SHEET CONTENTS:

**OVERALL
FLOOR PLAN**

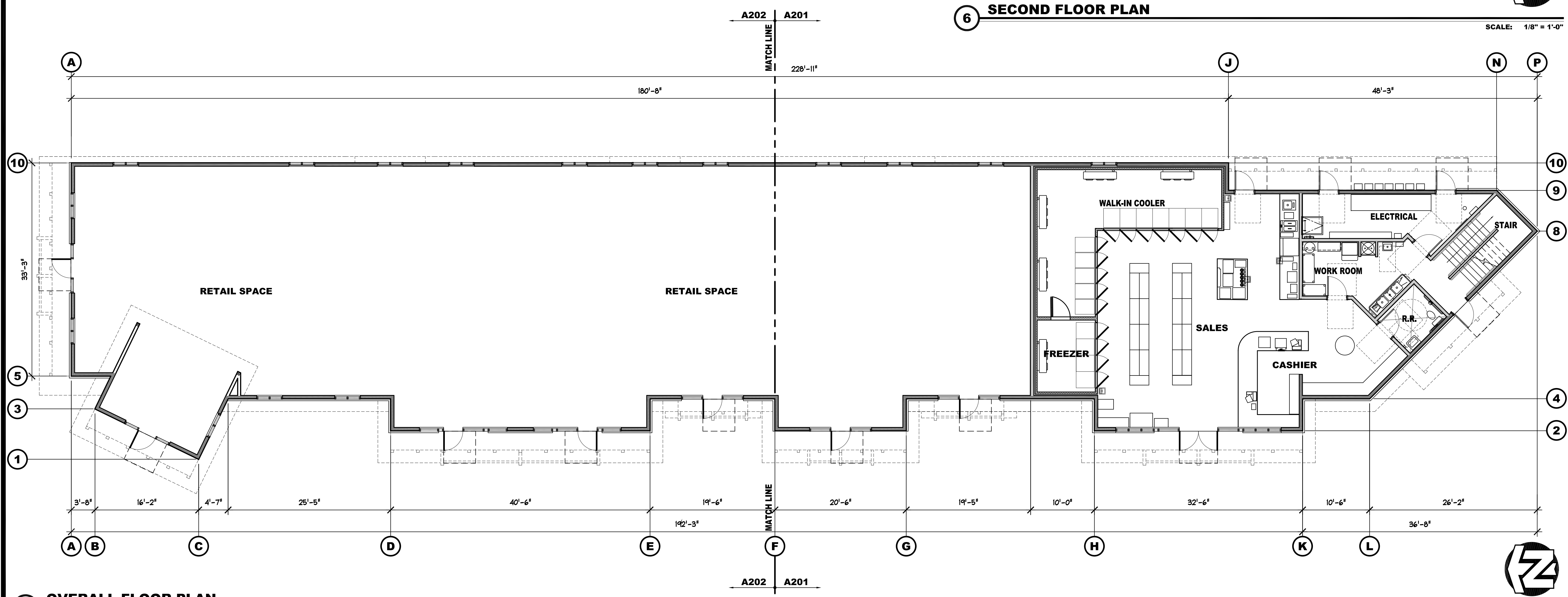
SHEET NUMBER:

A200



6 SECOND FLOOR PLAN

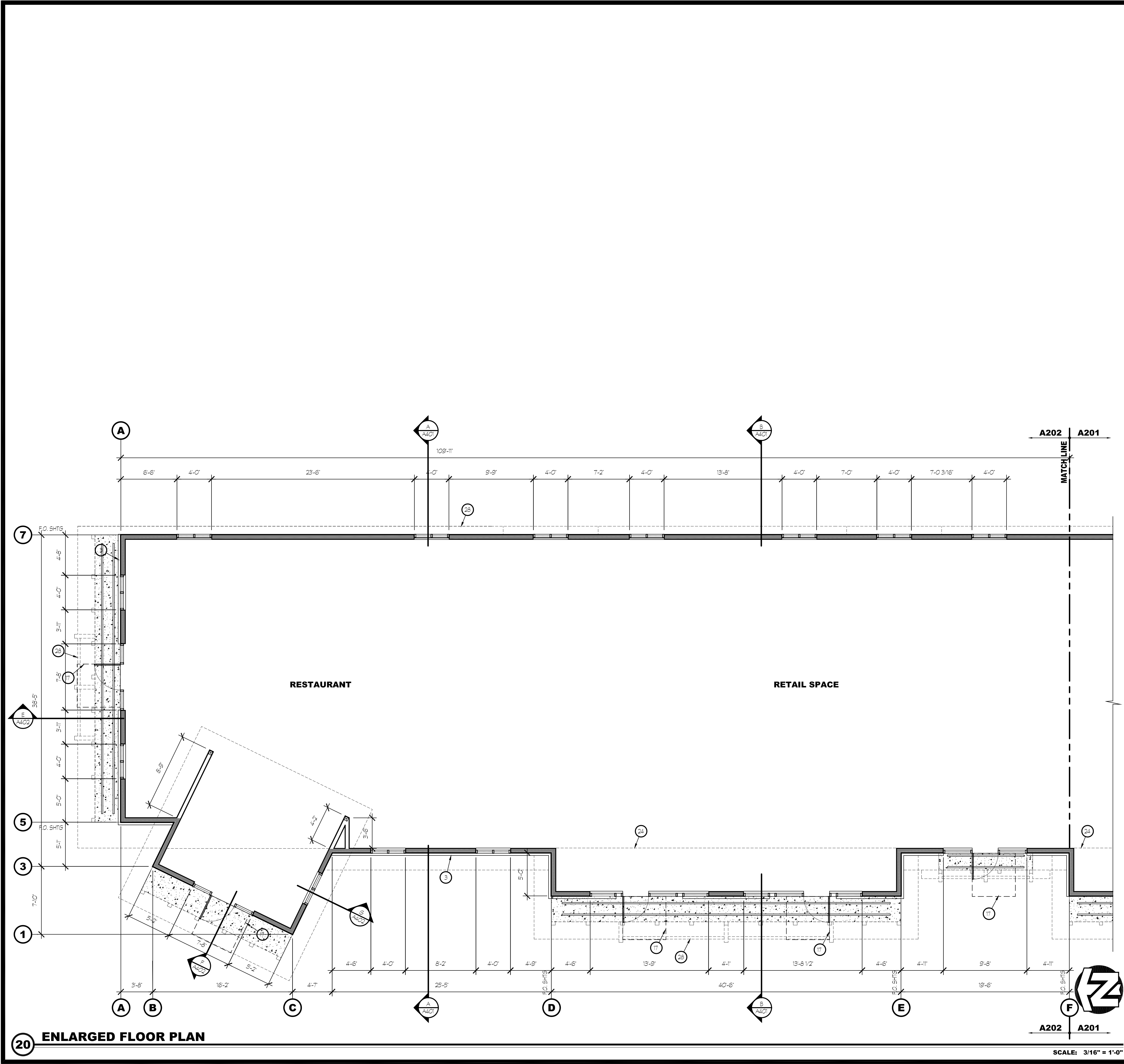
SCALE: 1/8" = 1'-0"



20 OVERALL FLOOR PLAN

SCALE: 1/8" = 1'-0"

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.
- 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 LANDING 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 +34\" ABOVE FINISHED FLOOR
- 27 72\"X60\" LEVEL LANDING AT EXTERIOR DOOR- 24\" CLEAR TO SWING SIDE OF DOOR, SLOPED NO MORE THAN 2% IN EITHER DIRECTION.
- 28 LINE OF ROOF OVERHANG



K12 Architects, Inc
3090 Fite Circle, #104
Sacramento, CA 95827

PH:(916) 455-6500 FAX:(916) 455-8100

CONSULTANTS:

CONTRACTOR:

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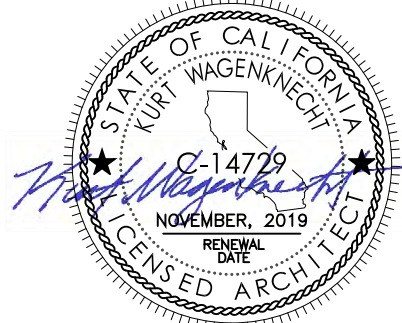
DEVELOPER:

**DHILLON AND SONS
ENTERPRISES**

**201 Bellingham ct
Lincoln, CA 95648**

REVISIONS:

PROFESSIONAL SEALS:



PROJECT NUMBER: **16-021** PROJECT DATE: **8-10-2018**

SHEET CONTENTS:

**ENLARGED
FLOOR PLAN**

SHEET NUMBER:

A202



K12 Architects

K12 Architects, Inc
3090 Fite Circle, #104
Sacramento, CA 95827

PH:(916) 455-6500 FAX:(916) 455-8100

CONSULTANTS:

CONTRACTOR:

PROJECT:

**FIDDYMENT
PLAZA**

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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:

**EXTERIOR
NORTH AND SOUTH
ELEVATIONS**

SHEET NUMBER:

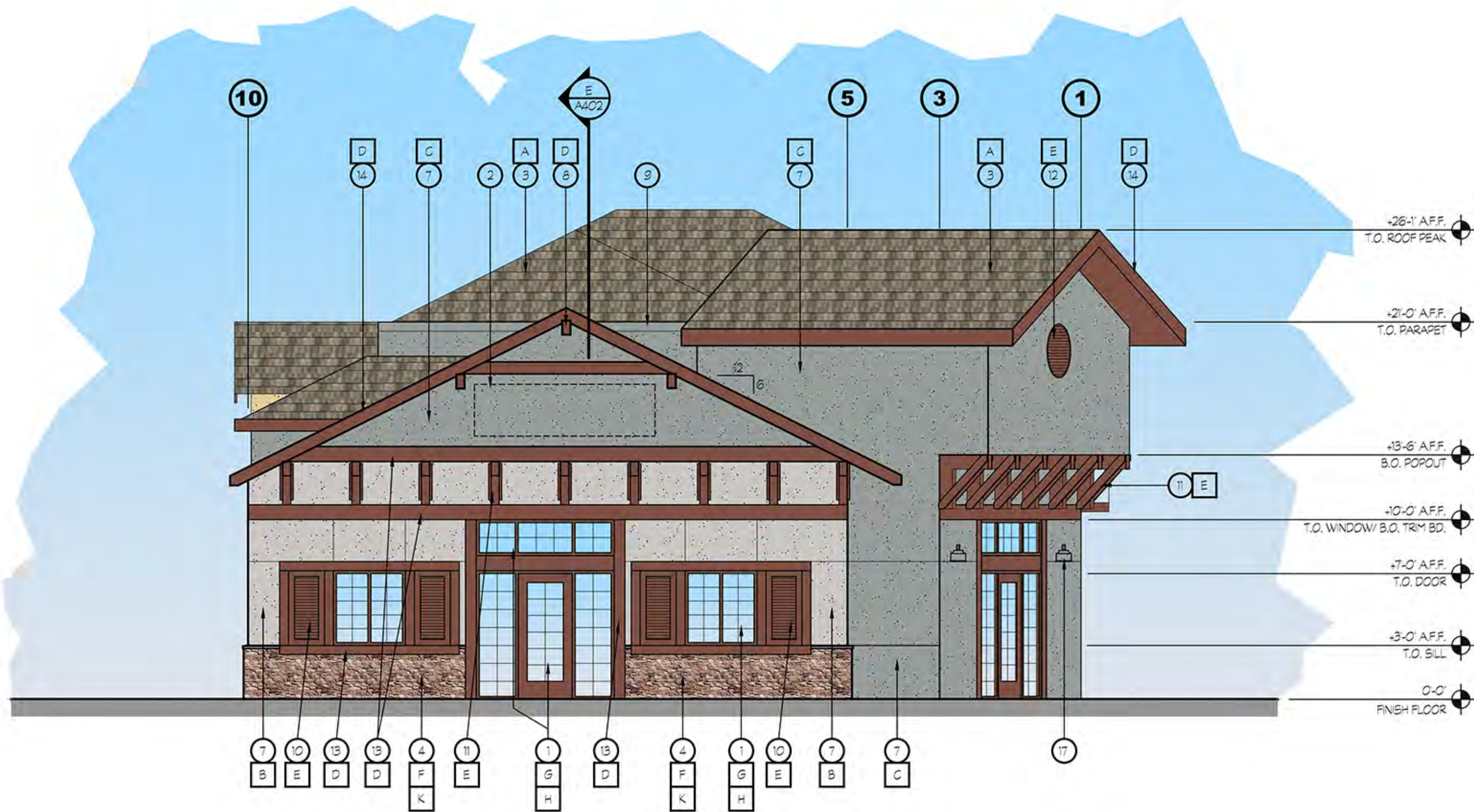
A303

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.

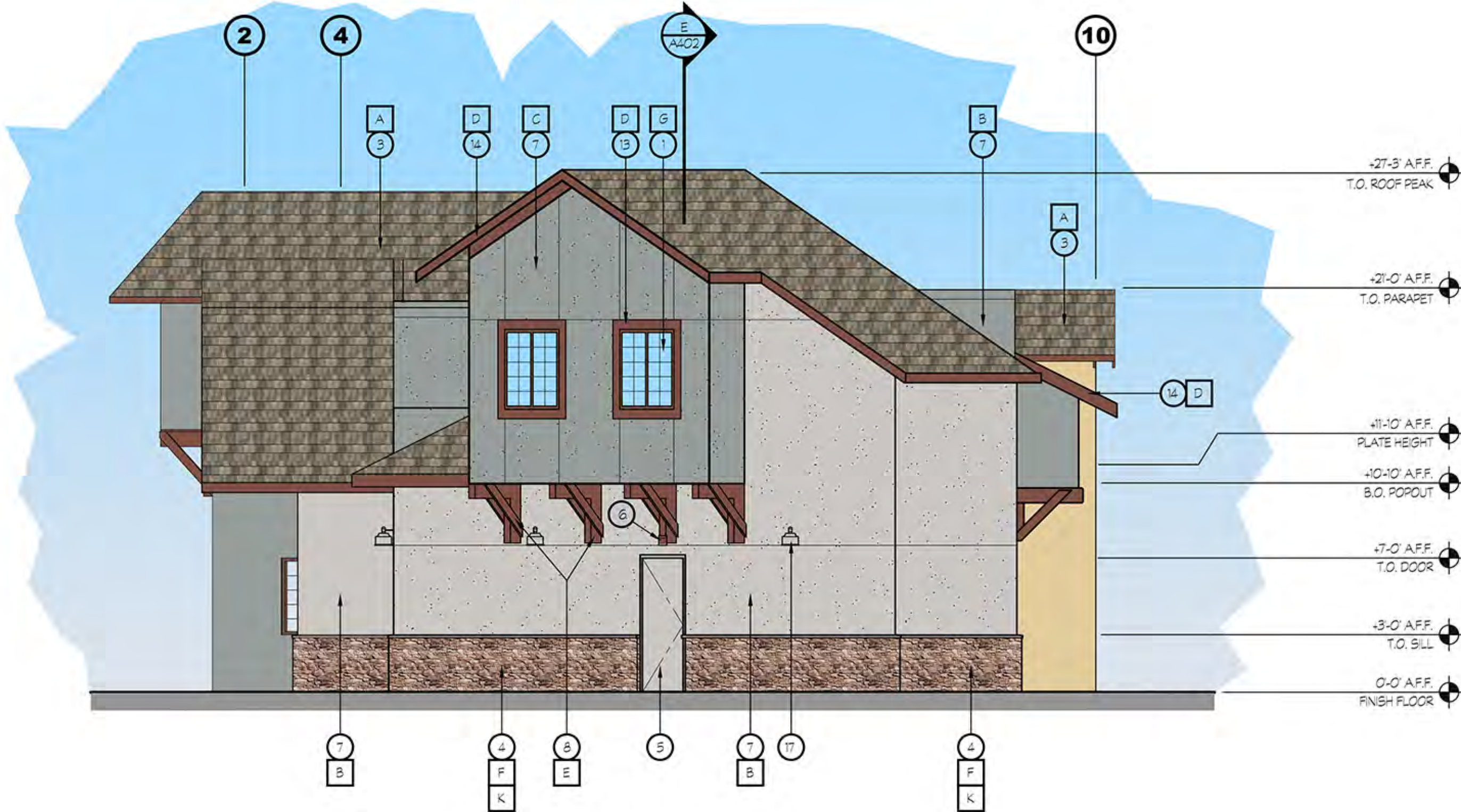
COLOR LEGEND

- | | |
|---|--|
| 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' |



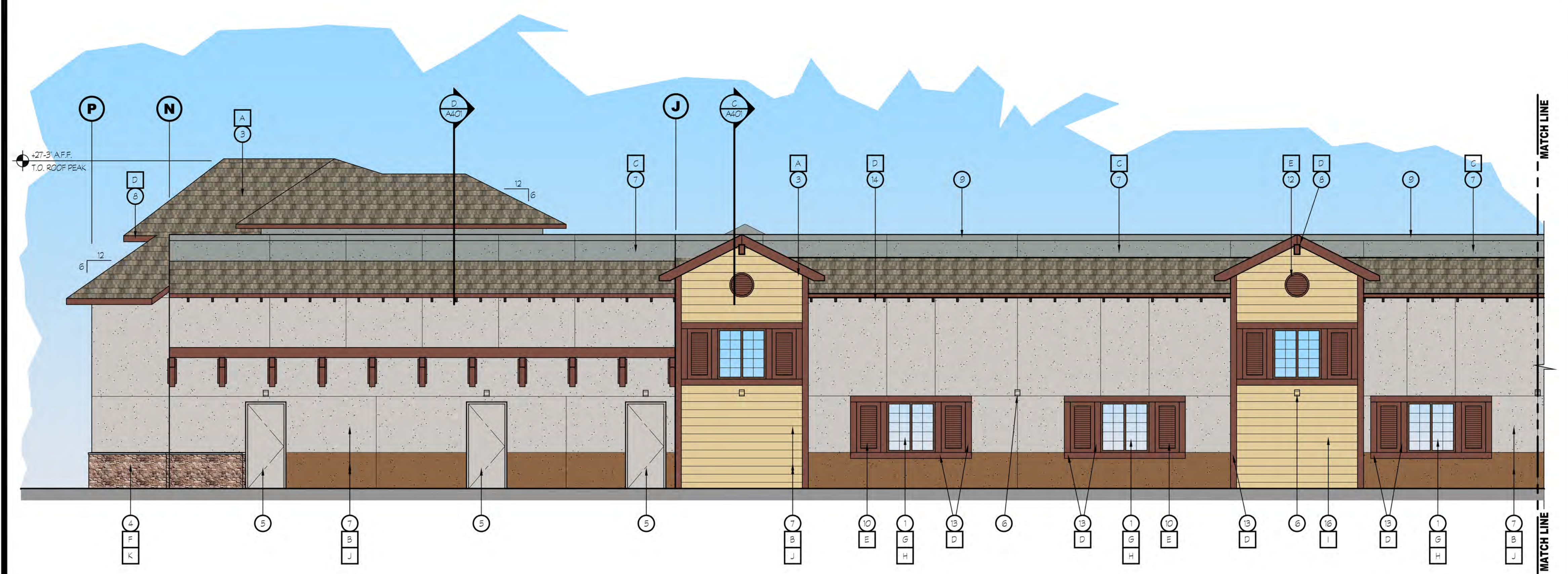
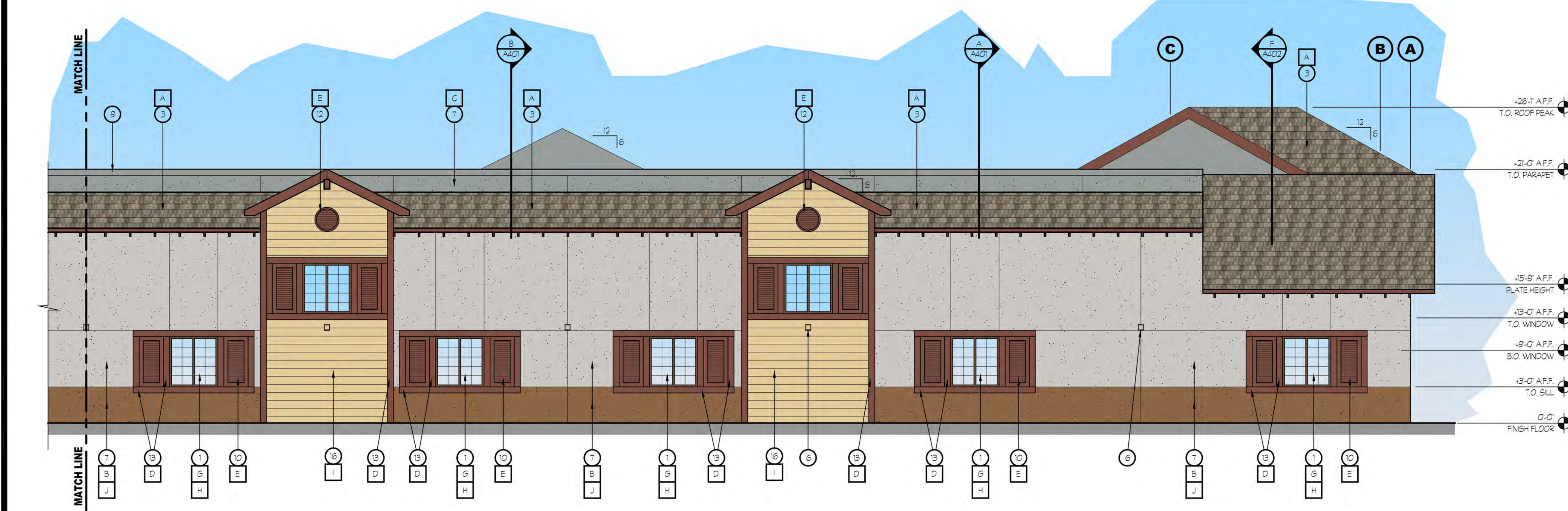
14 SOUTH ELEVATION

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



16 NORTH ELEVATION

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



KEY NOTES

- 1 STOREFRONT WINDOW SYSTEM; 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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- 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 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'



K12 Architects, Inc
3090 Fite Circle, #104
Sacramento, CA 95827
PH:(916) 455-6500 FAX:(916) 455-8100

CONSULTANTS:

CONTRACTOR:

PROJECT:

**FIDDYMENT
PLAZA**

**NEW CONVENIENCE STORE
WITH FUELING,
SHELL RETAIL TENANT SPACE**

**4701 Fiddyment Road
Roseville, California 95747**

DEVELOPER:

**DHILLON AND SONS
ENTERPRISES**

**201 Bellingham ct
Lincoln, CA 95648**

REVISIONS:

PROFESSIONAL SEALS:



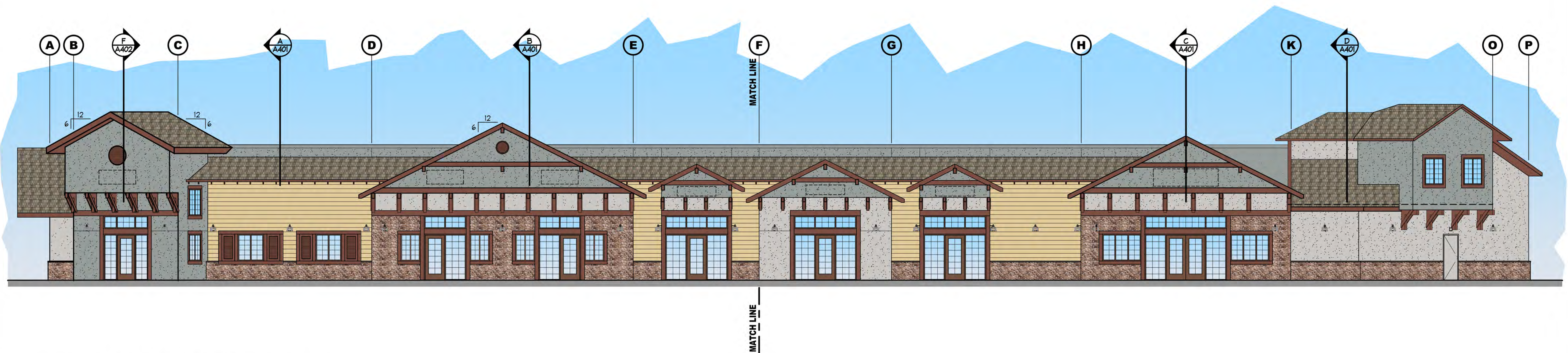
PROJECT NUMBER: **16-021** PROJECT DATE: **8-10-2018**

SHEET CONTENTS:

**EXTERIOR
ENLARGED EAST
ELEVATION**

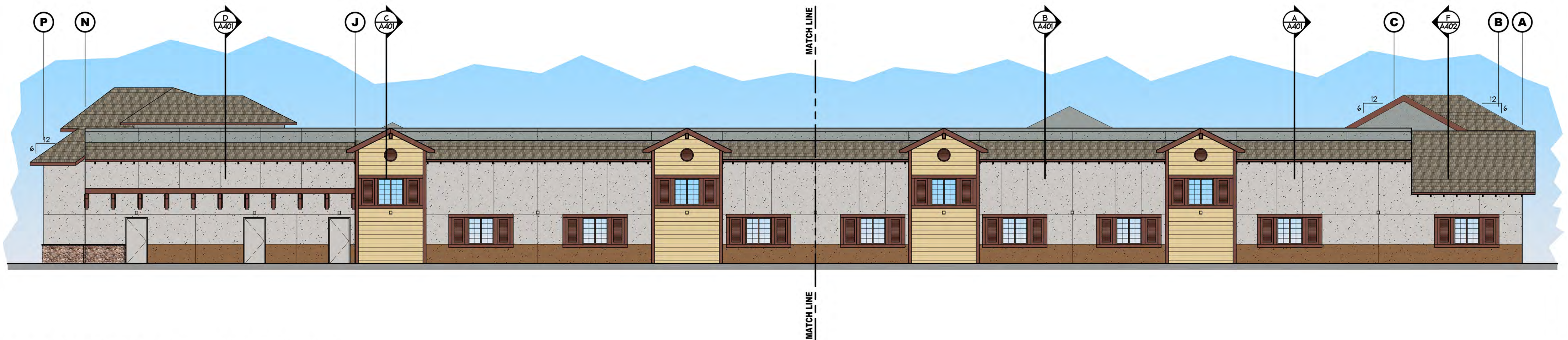
SHEET NUMBER:

A302



18 OVERALL WEST ELEVATION - SEE A301

SCALE: 1/8" = 1'-0"



20 OVERALL EAST ELEVATION - SEE A302

SCALE: 1/8" = 1'-0"



Architects

K12 Architects, Inc
3090 Fite Circle, #104
Sacramento, CA 95827
PH:(916) 455-6500 FAX:(916) 455-8100

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PROJECT NUMBER:

16-021

PROJECT DATE:

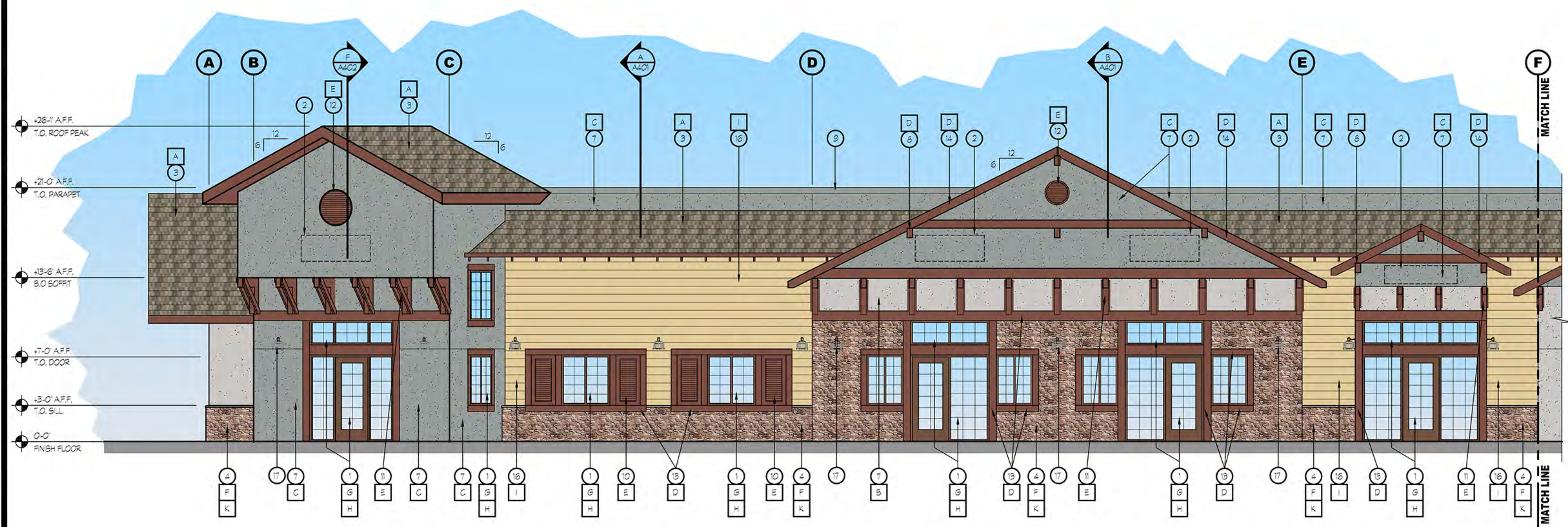
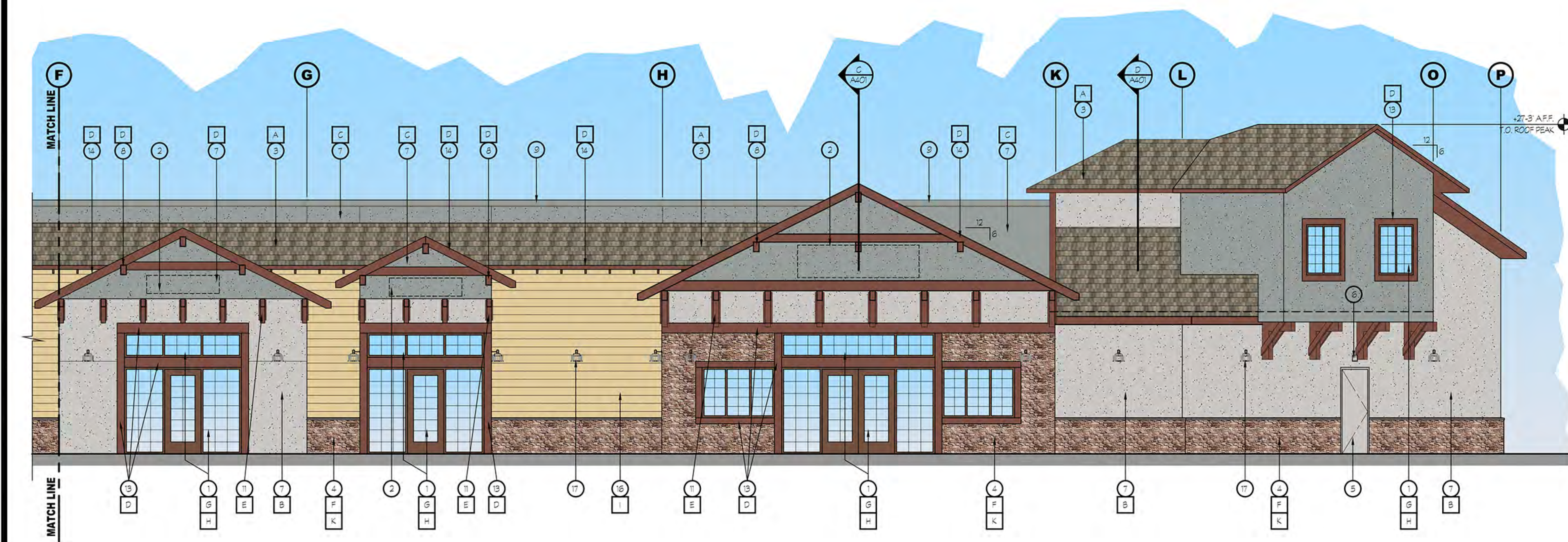
8-10-2018

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
- 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
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- 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: 1834 KINGS CANYON BLEND |
| B | DUNN EDWARDS; DEC780 'ICE GRAY' |
| C | DUNN EDWARDS; DEC789 'LIGHT GRAY' |
| D | DUNN EDWARDS; DEC780 '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; DEC688 'WILD HORSES' |
| K | CORONADO STONE; CHISELED STONE SILL - 'BROWNSTONE' |



K12 Architects, Inc
3090 Fite Circle, #104
Sacramento, CA 95827
PH:(916) 455-6500 FAX:(916) 455-8100

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:

EXTERIOR ENLARGED WEST ELEVATION

SHEET NUMBER:

A301



K12
Architects

K12 Architects, Inc
3090 Fite Circle, #104
Sacramento, CA 95827

PH:(916) 455-6500 FAX:(916) 455-8100

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:

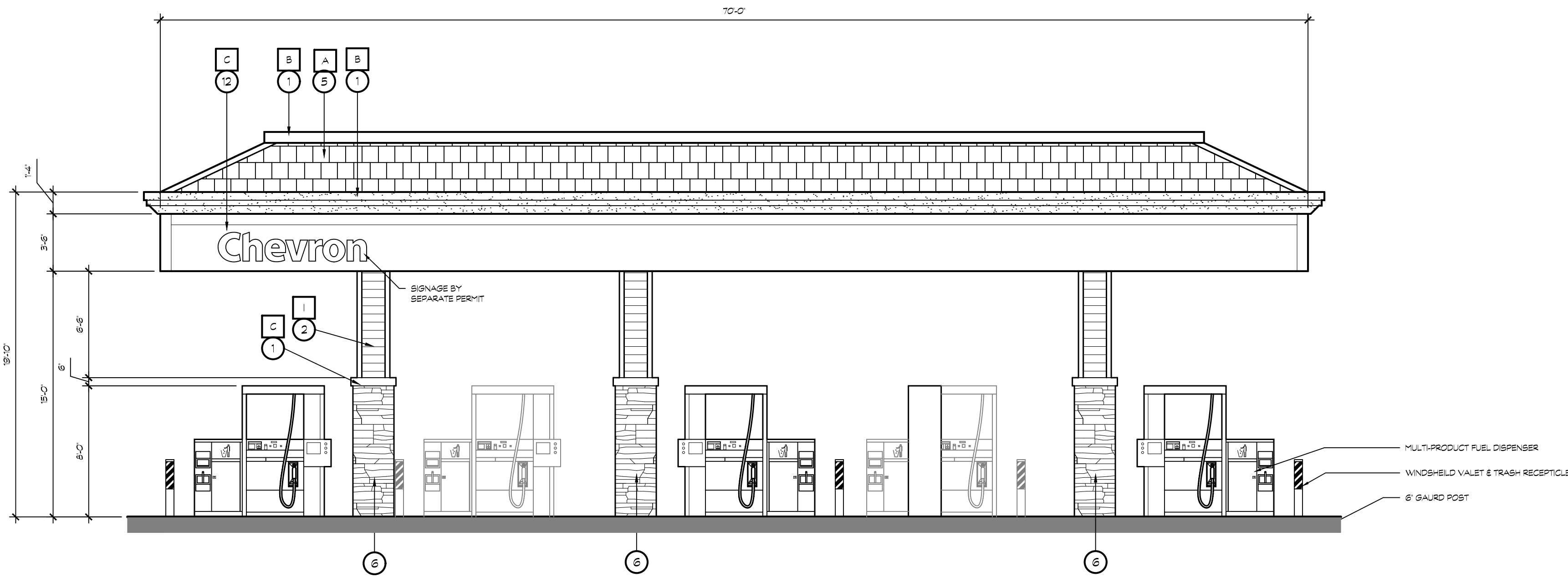
A901

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

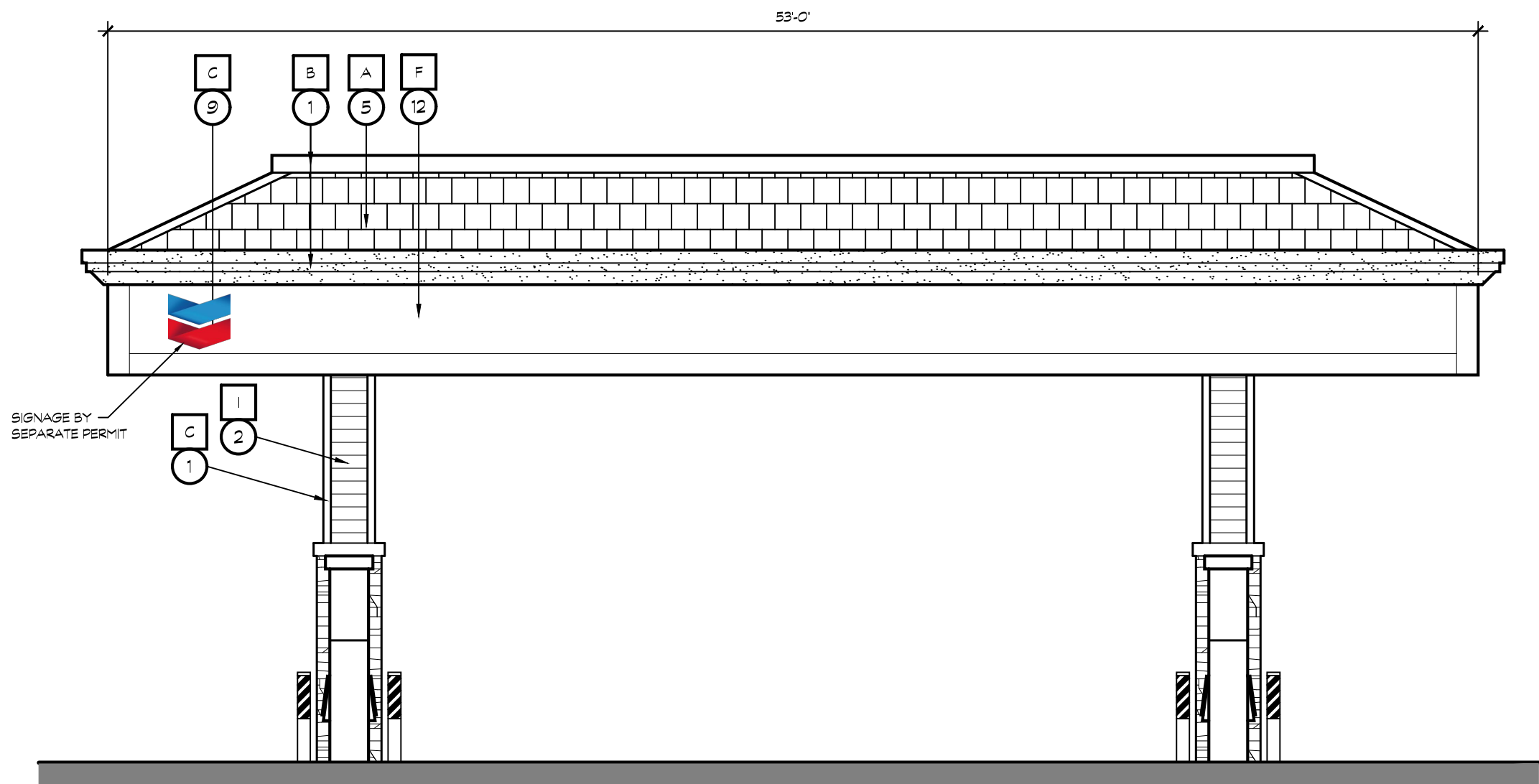
- | | |
|---|---|
| A | EAGLE ROOFING; PROFILE: GOLDEN EAGLE;
COLOR: 1634 KINGS CANYON BLEND |
| B | DUNN EDWARDS; DEC780 'ICE GRAY' |
| C | CHEVRON BLUE |
| D | DUNN EDWARDS; DEC780 'BISON BEIGE' |
| E | DUNN EDWARDS; DET489 'PRAIRIE LAND' |
| F | CHEVRON WHITE |



1 EAST SIDE ELEVATION

WEST SIDE ELEVATION SIMILAR

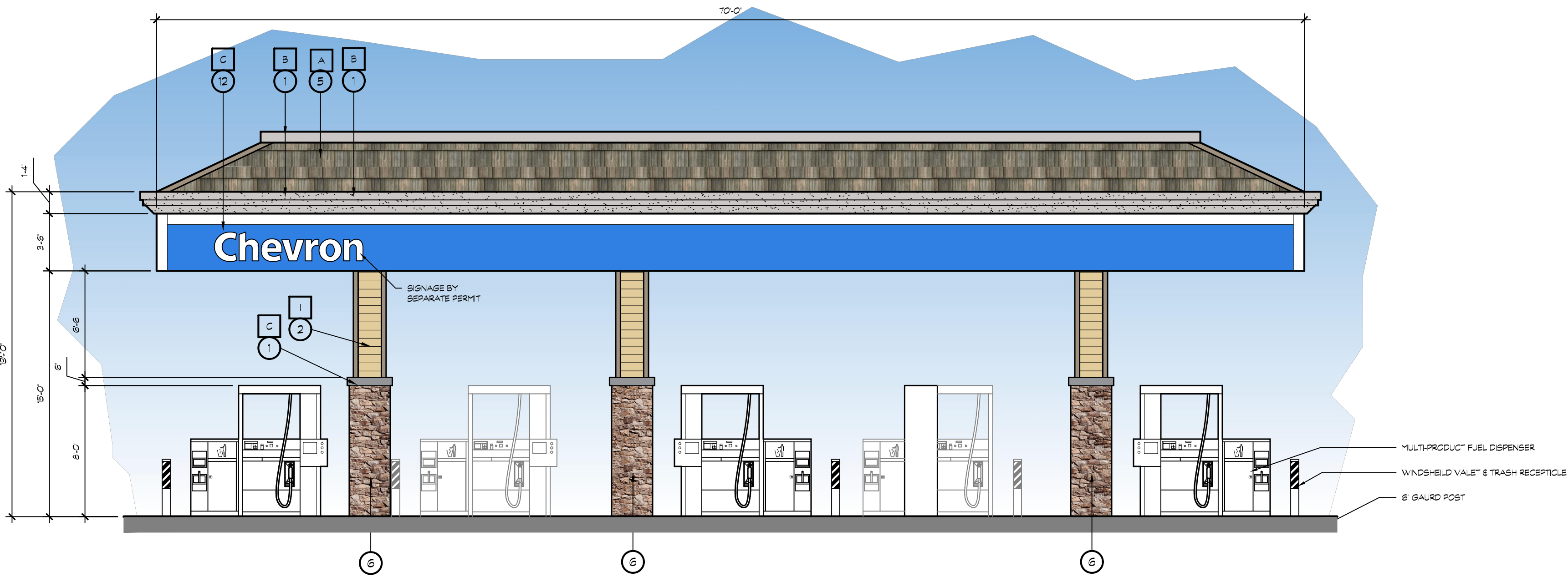
SCALE: 3/16" = 1'-0"



2 FIDDYMENT ROAD ELEVATION

ANGUS STREET ELEVATION SIMILAR

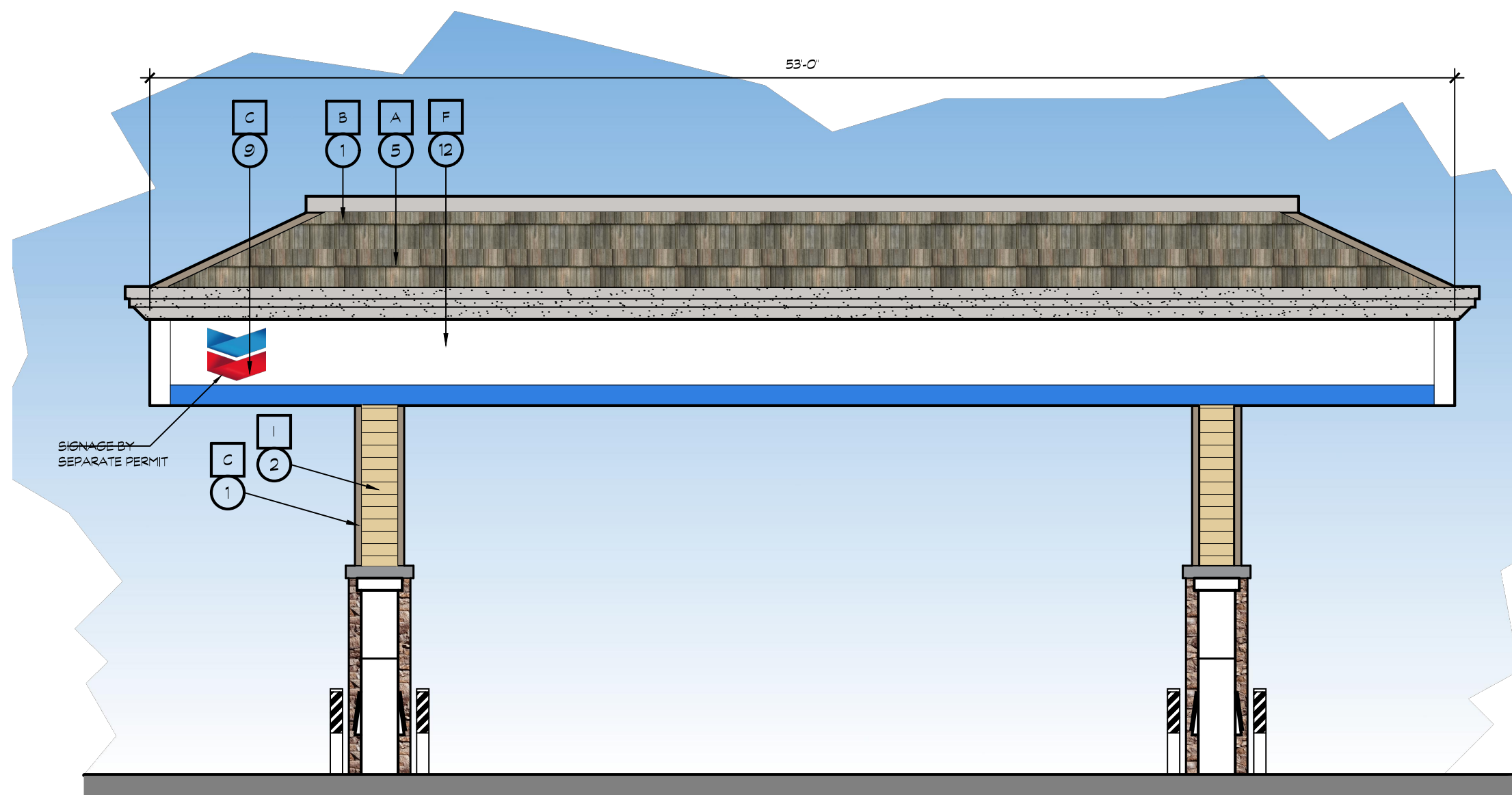
SCALE: 3/16" = 1'-0"



1 EAST SIDE ELEVATION

WEST SIDE ELEVATION SIMILAR

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



2 FIDDYMMENT 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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- 9 7/8" THREE COAT STUCCO SYSTEM OVER DUPONT TYVEK DRAINWRAP
- 10 WINDSHIELD VALET & TRASH RECEPTACLE
- 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 |



K12 Architects, Inc
3090 Fite Circle, #104
Sacramento, CA 95827

PH:(916) 455-6500 FAX:(916) 455-8100

CONSULTANTS:

CONTRACTOR:

PROJECT:

**FIDDYMMENT
PLAZA**

**NEW CONVENIENCE STORE
WITH FUELING,
SHELL RETAIL TENANT SPACE**

**4701 Fiddymment Road
Roseville, California 95747**

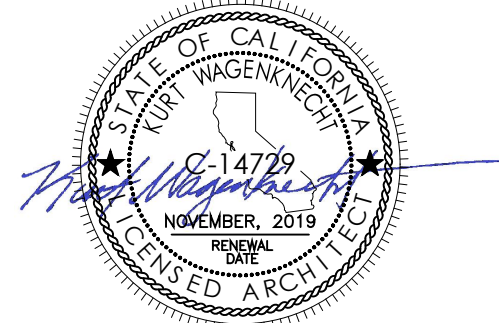
DEVELOPER:

**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 COLOR
ELEVATION**

SHEET NUMBER:

A902

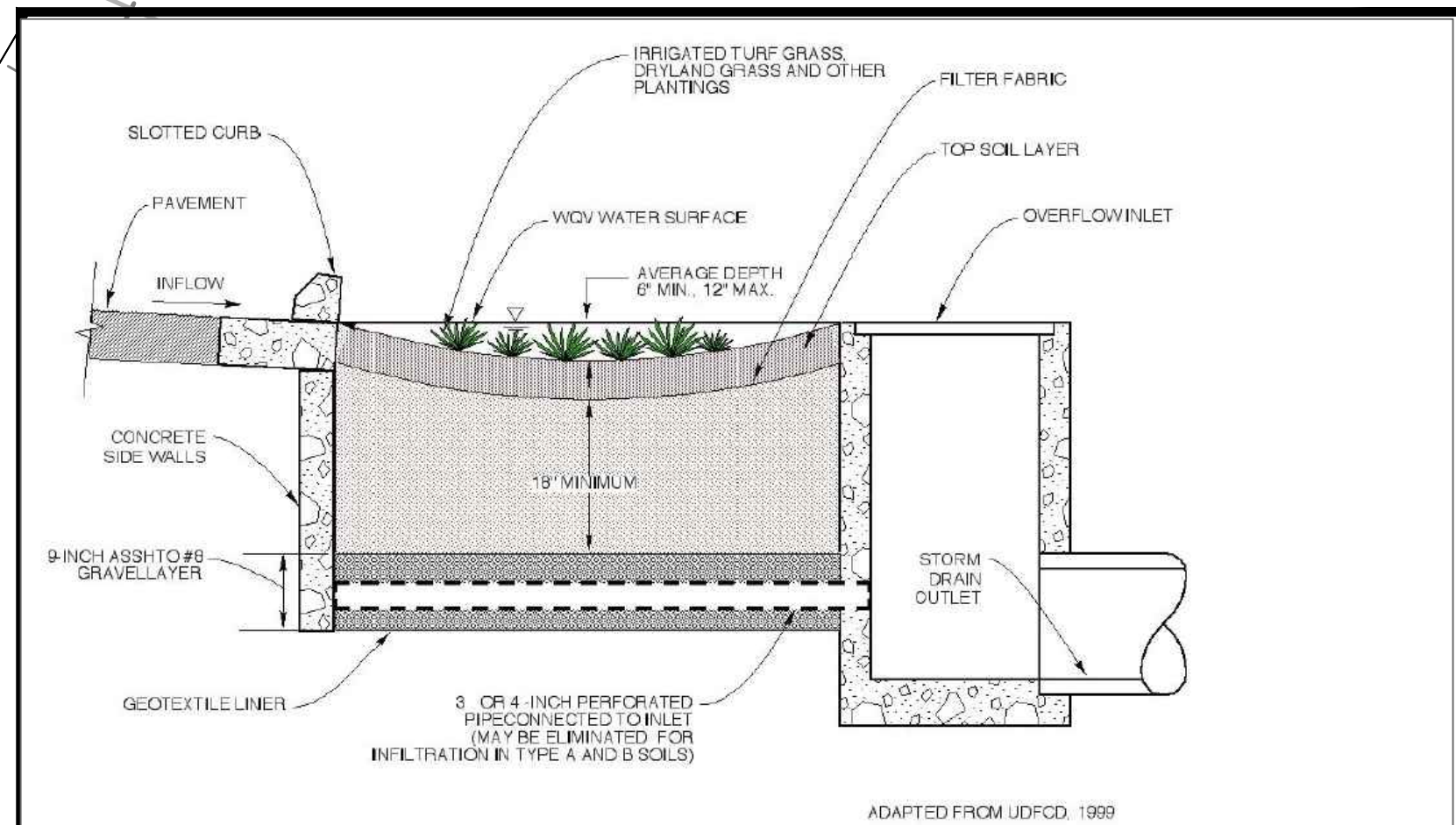
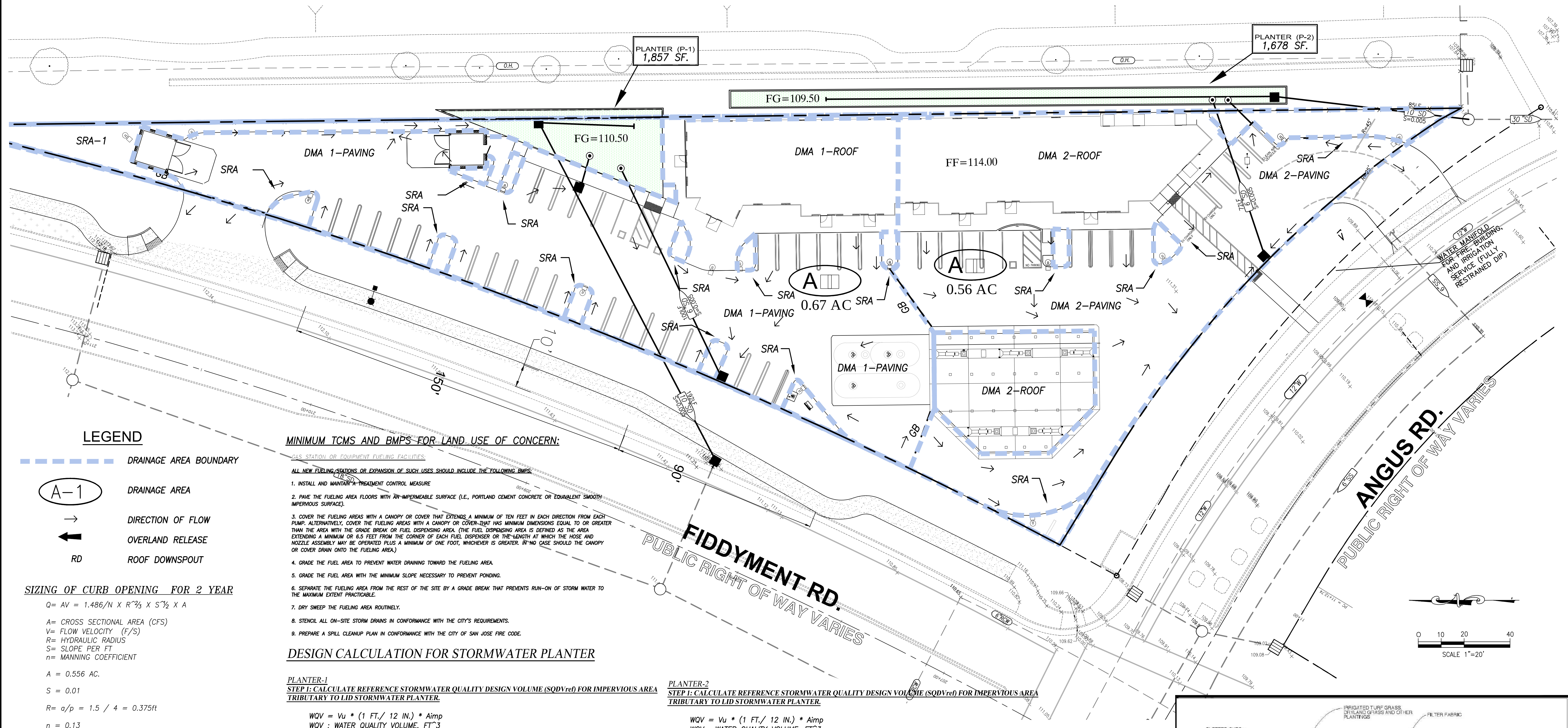
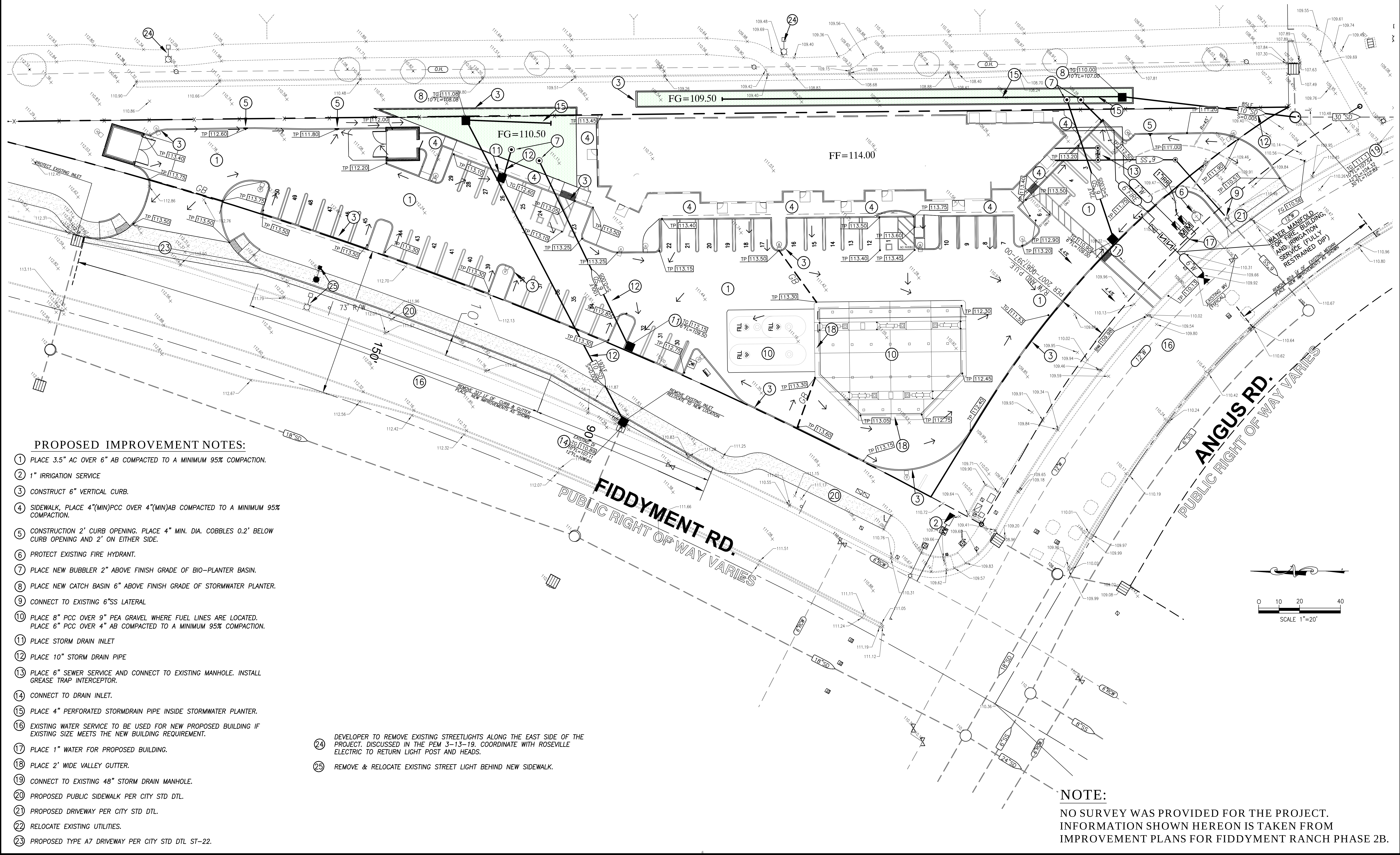


Figure SP-1. Infiltration Stormwater Planter Configuration
(other media mix and overflow design options may be allowed; check with permitting agency for verification)

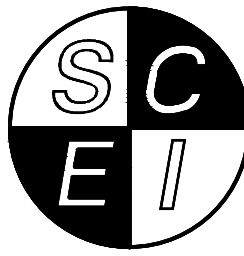
BENCHMARK ELEV. _____	STUKAM CONSULTING ENGINEERS, INC. 11344 COLOMA RD. SUITE 235C GOLD RIVER, CALIFORNIA 95670 (916) 858-8241 PHONE (916) 988-6316 FAX	DESIGNED: _____ FTS	SCALE: _____		NO	REVISION	APPROVAL BY: _____	DATE	CITY OF ROSEVILLE	PLACER COUNTY	CALIFORNIA	DATE: 01/09/19 SHEET C2 OF 2
FIELD BOOK NO. _____ PG. _____		DRAWN: _____ FTS	RCE: 56122									
		CHECKED: _____ FTS										
		SUBMITTED: FAREED T. SIDDIQUI										



- PROPOSED IMPROVEMENT NOTES:**
- 1 PLACE 3.5" AC OVER 6" AB COMPACTED TO A MINIMUM 95% COMPACTION.
 - 2 1" IRRIGATION SERVICE
 - 3 CONSTRUCT 6" VERTICAL CURB.
 - 4 SIDEWALK, PLACE 4"(MIN)PCC OVER 4"(MIN)AB COMPACTED TO A MINIMUM 95% COMPACTION.
 - 5 CONSTRUCTION 2' CURB OPENING. PLACE 4" MIN. DIA. COBBLES 0.2' BELOW CURB OPENING AND 2" ON EITHER SIDE.
 - 6 PROTECT EXISTING FIRE HYDRANT.
 - 7 PLACE NEW BUBBLER 2" ABOVE FINISH GRADE OF BIO-PLANTER BASIN.
 - 8 PLACE NEW CATCH BASIN 6" ABOVE FINISH GRADE OF STORMWATER PLANTER.
 - 9 CONNECT TO EXISTING 6"SS LATERAL
 - 10 PLACE 8" PCC OVER 9" PEA GRAVEL WHERE FUEL LINES ARE LOCATED. PLACE 6" PCC OVER 4" AB COMPACTED TO A MINIMUM 95% COMPACTION.
 - 11 PLACE STORM DRAIN INLET
 - 12 PLACE 10" STORM DRAIN PIPE
 - 13 PLACE 6" SEWER SERVICE AND CONNECT TO EXISTING MANHOLE. INSTALL GREASE TRAP INTERCEPTOR.
 - 14 CONNECT TO DRAIN INLET.
 - 15 PLACE 4" PERFORATED STORMDRAIN PIPE INSIDE STORMWATER PLANTER.
 - 16 EXISTING WATER SERVICE TO BE USED FOR NEW PROPOSED BUILDING IF EXISTING SIZE MEETS THE NEW BUILDING REQUIREMENT.
 - 17 PLACE 1" WATER FOR PROPOSED BUILDING.
 - 18 PLACE 2' WIDE VALLEY GUTTER.
 - 19 CONNECT TO EXISTING 48" STORM DRAIN MANHOLE.
 - 20 PROPOSED PUBLIC SIDEWALK PER CITY STD DTL.
 - 21 PROPOSED DRIVEWAY PER CITY STD DTL.
 - 22 RELOCATE EXISTING UTILITIES.
 - 23 PROPOSED TYPE A7 DRIVEWAY PER CITY STD DTL ST-22.

- 24 DEVELOPER TO REMOVE EXISTING STREETLIGHTS ALONG THE EAST SIDE OF THE PROJECT. DISCUSSED IN THE PEM 3-13-19. COORDINATE WITH ROSEVILLE ELECTRIC TO RETURN LIGHT POST AND HEADS.
- 25 REMOVE & RELOCATE EXISTING STREET LIGHT BEHIND NEW SIDEWALK.

NOTE:
NO SURVEY WAS PROVIDED FOR THE PROJECT.
INFORMATION SHOWN HEREON IS TAKEN FROM
IMPROVEMENT PLANS FOR FIDDYMENT RANCH PHASE 2B.

BENCHMARK ELEV. _____ FIELD BOOK NO. _____ PG. _____	 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'		NO _____	REVISION _____	APPROVAL BY: _____	DATE _____	CITY OF ROSEVILLE	PLACER COUNTY	CALIFORNIA	DATE: 01/09/19
		DRAWN: _____ FTS	CHECKED: _____ FTS									SUBMITTED: FAREED T. SIDDIQUI

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	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 %	

4556 SHAWN LANE
VACAVILLE, CA 95688
PHONE: 707-974-8997
jimfergie@sbcglobal.net

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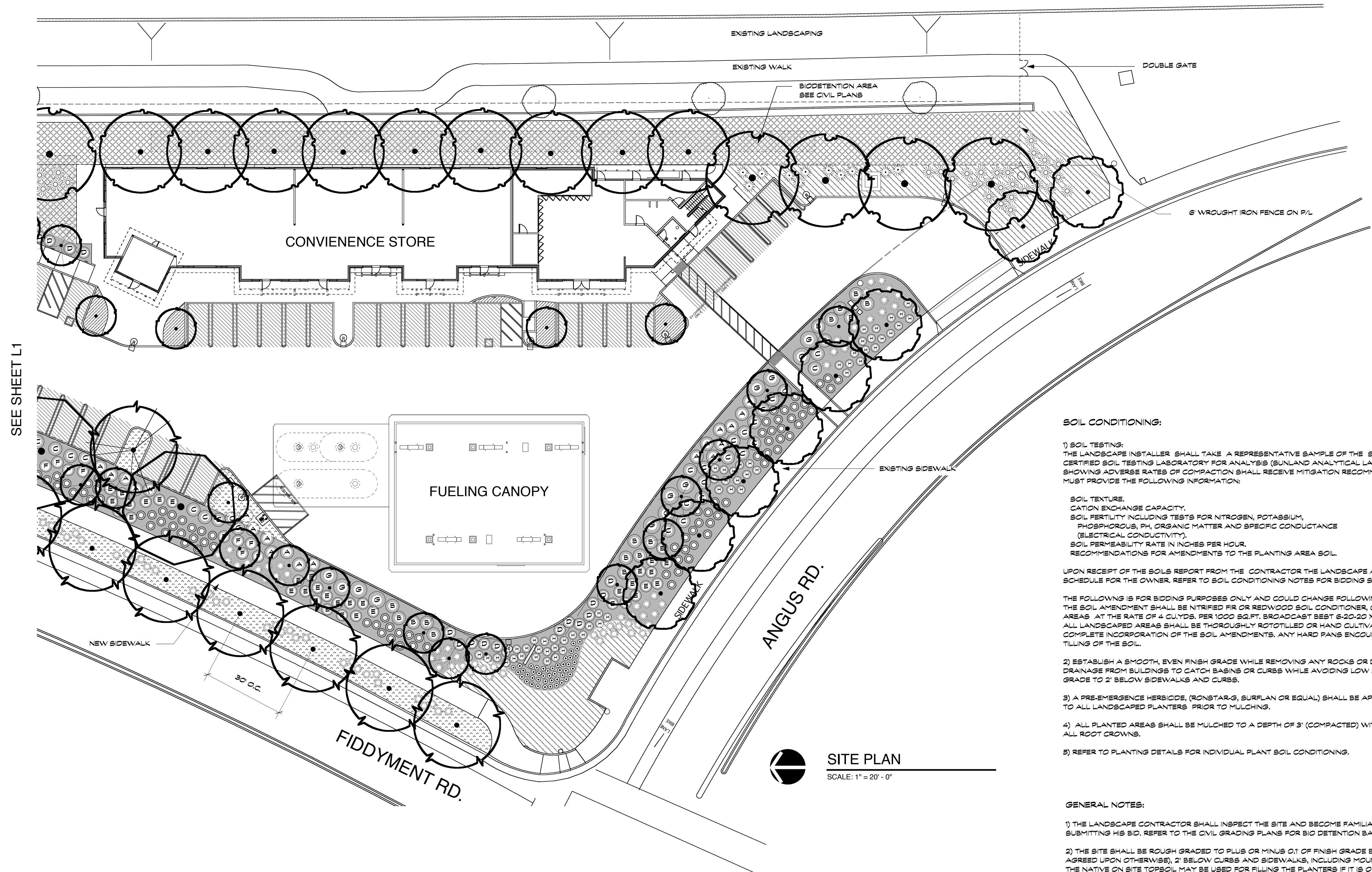


FIDDYMENT AND ANGUS RDS.
ROSEVILLE, CA

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. _____

5



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 916-652-6557 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". APPLY THE SOIL AMENDMENT TO ALL PLANTED AREAS AT THE RATE OF 4 CUB. YD. PER 1000 SQ. FT. BROADCAST BEST 6-20-20 NB FERTILIZER AT 15 LB. 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" D.I.A. 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, (RONSAR-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.

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 AB 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.

3) 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.