



AGENDA

June 10, 2021

PLANNING COMMISSION MEETING

6:30 P.M.

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

The meeting will be open to limited in-person attendance. To remain in compliance with the state's public health guidance, attendance will be limited to 25% of the room's capacity (15 seats) and will require 6 feet of social distancing inside and outside the council chambers. Face coverings are required and will be provided to those who don't have a mask.

Due to the limited capacity in the chambers, the public is highly encouraged to participate virtually. The meeting may be viewed on Comcast channel 14, Consolidated Communications channel 73, and AT&T U-Verse. Planning Commission meetings are also video streamed live and are available on the City's website and YouTube channel.

Members of the public may offer public comment by phone by calling 916-774-5353.

If you need disability-related modification or accommodation to participate in this meeting, please contact: Voice: 916-774-5200, TDD: 916-774-5220. Requests must be made as early as possible.

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 May 13, 2021

6. REQUESTS/PRESENTATIONS

6.1. SVSP PCL CG-1 and CG-20 – Tentative Subdivision Map, 5800 Market St, File # PL20-0248

REQUEST

The applicant requests approval of a Tentative Subdivision Map to create 115 Low Density Residential (LDR) lots on Sierra Vista Specific Plan (SVSP) Parcel CG-1 and 44 Medium Density Residential (MDR) lots on SVSP Parcel CG-20 along with all necessary frontage and open space improvements. A Development Agreement Amendment is also requested to transfer 20 middle-income for purchase housing units from SVSP Parcel CG-20 to SVSP Parcel CG-31. The units will be transferred in the form of 10 very-low income and 10 low-income rental units.

Applicant: Nicholas Brown, JMH Weiss Inc.

Owner: John J. Guerra, Jr. Trustee

RECOMMENDATION

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

- A. Recommend the City Council approve the First Amendment of the Cyril G. Barbaccia Irrevocable Trust Development Agreement.
- B. Adopt the three (3) findings of fact and approve the Tentative Subdivision Map subject to eighty-three (83) conditions of approval.

6.2. Restrictions on Tobacco Retailers, 311 Vernon Street, File # PL21-0160

REQUEST

Staff requests that the Planning Commission consider, accept public testimony, and recommend that the City Council adopt Roseville Municipal Code (“RMC”) Chapter 19.65 “Restrictions on Tobacco Retailers” in Title 19- Zoning, and

amend RMC Sections 19.08.090, 19.12.020, and 19.14.020 of Title 19-Zoning, to reflect the tobacco retailer use provided in the proposed Chapter 19.65. In summary, the proposed ordinance would prohibit new tobacco retailers from making flavored tobacco products available for sale within 1,000 feet of public, private, and charter schools, or vacant property designated for such uses. Existing tobacco retailers would be unaffected and allowed to continue operating as legal, non-conforming uses. These RMC changes are proposed in response to the growing concern around the increase in youth and young adult use of flavored tobacco products (which includes vaping products) and are consistent with State and Federal law and surrounding jurisdictions.

Applicant: Mike Isom, Development Services Director

RECOMMENDATION

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

- A. Recommend the City Council adopt the two (2) findings of fact and approve the Zoning Ordinance Text Amendment.

7. BOARD MEMBER / COMMISSIONER / STAFF REPORT

8. ADJOURNMENT



PLANNING COMMISSION COMMUNICATION

Title: Minutes of May 13, 2021
Contact: Lupe Nelson, lnelson@roseville.ca.us, 916-774-5281

Meeting Date: 6/10/2021
Item #: 5.1.

ATTACHMENTS:

Description

Minutes of May 13, 2021



**DRAFT MINUTES
MAY 13, 2020**

PLANNING COMMISSION MEETING

6:30 P.M.

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

Commissioners teleconferenced pursuant to Executive Order N-29-20.

Members of the public viewed the meeting on Comcast channel 14. Consolidated Communications channel 73 and AT&T U-verse. The meeting was video streamed live and was available on the City's website and YouTube channel.

Members of the public were able to offer public comment by phone.

1. CALL TO ORDER

Chair Brashears called the meeting to order at 6:30 p.m.

2. ROLL CALL

Present: Caporusso, Krafka, Librea, Martin, Prior, Jensen, Brashears

Absent: None

3. PLEDGE OF ALLEGIANCE

Chair Brashears led Pledge of Allegiance.

4. PUBLIC COMMENTS

Chair Brashears opened the public comment period. Hearing none, Chair Brashears closed the public comment period.

5. CONSENT CALENDAR

5.1. Minutes of April 8, 2021

Motion by Commissioner Prior, seconded by Commissioner Martin, to approve the Consent Calendar.

Roll call vote:

Ayes: Krafka, Prior, Jensen, Martin, Caporusso, Librea, Brashears

Noes: None

Motion passed.

6. REQUEST/PRESENTATIONS

6.1. INFILL PCL 209 – Atkinson Self-Storage, 102 Atkinson St, File # PL20-0010

REQUEST

The applicant requests approval of a rezone which will modify the Planned Development Zone and allow personal storage and outdoor boat and RV storage with a Conditional Use Permit (CUP). A Design Review Permit and Conditional Use Permit are also requested to allow the construction of a personal storage facility with an office. The proposal would allow the construction of three 1-story storage buildings plus an office in one building. The total square footage for the self-storage buildings is 25,297 sf. The total square footage for the office is 1,575 sf for an overall total of 26,872 sf. The project will also include 163 spaces for outdoor boat and RV storage and 4 canopies.

Assistant Planner, Sean Morales, presented the Staff Report.

Commissioner Discussion:

- A Commissioner asked about security measures for the project and whether or not there will be an on-site manager, whether the proposed security measures are consistent with other storage facilities, and whether or not there is more police activity at facilities that do not have an on-site manager. Staff indicated there would be security cameras located throughout the project site, which would be monitored by an offsite security company. Staff indicated that there are storage facilities with both onsite and remote security and have not heard from the Police Department that there have been any issues associated with either type of security.
- A Commissioner asked for clarification on condition 35b regarding recycled water. Staff indicated that this condition should be removed, as there is no recycled water facilities in this area.
- A Commissioner asked about the plans for the vacant land currently zoned R1 and whether or not this area will be free of debris or create a fire hazard. Staff responded that the area will be maintained by the project applicant and kept clean so as not to create any type of hazard.
- A Commissioner asked about the current use of the vacant area. Staff responded that the area is kept vacant and weed free.
- A Commissioner asked about the loss of parking spaces on the project site and if they are used by the Denio's farmers market. Staff responded that Auto Nation has been using the site for several years for overflow car storage and there will be no parking impacts for the area.

Chair Brashears opened the Public Hearing and invited comments from the applicant and/or audience.

Applicant representative, Steve Lefler, stated he was in agreement with staff's recommendation.

Chair Brashears closed the public comment period and the Public Hearing.

Motion by Commissioner Prior, seconded by Commissioner Caporusso, to:

- A. Adopt the Atkinson Self-Storage Negative Declaration;
- B. Recommend the City Council adopt the two (2) findings of fact and approve the Rezone;
- C. Adopt the three (3) findings of fact and approve the Conditional Use Permit subject to five (5) conditions of approval; and
- D. Adopt the four (4) findings of fact and approve the Design Review Permit subject to seventy-three (73) conditions of approval.

Roll call vote:

Ayes: Jensen, Krafka, Librea, Prior, Martin, Caporusso, Brashears

Noes: None

Motion passed.

6.2. WRSP PCL F-25 & F-26 – Fiddymment Bungalows, 2150 Prairie Town Wy, File # PL20-0258

REQUEST

The applicant requests approval of a Design Review Permit to allow construction of a total of 189 rental dwelling units on two parcels. Parcel F-25 (2150 Prairie Town Way, APN 492-013-005) is proposed for 93 units. Parcel F-26 (2151 Prairie Town Way, APN 492-013-003) is proposed for 96 units. The project also includes clubhouse/leasing, fitness, and pool buildings, outdoor play areas, and associated landscape, lighting, and parking. Access to the sites will be provided by driveways on Prairie Town Way.

Assistant Planner, Sean Morales, presented the Staff Report.

Commissioner Discussion:

- A Commissioner asked about the provision of parking, along the adjacent streets as well as within the complex. The question specifically asked for a description of which onsite parking spaces are provided for each individual unit. Staff responded that units 2, 3, and 4 have garage spaces and unit 1 has a carport space and staff mentioned the condition requiring that garages be kept clear for auto parking. Staff also referenced the applicant's onsite parking plan that will be enforced with an onsite manager.
- A Commissioner asked about the general nature of community engagement, specific to the project. Staff responded that the applicant participated in two neighborhood meetings, as described in the staff presentation, and City staff met with the neighbors without the applicant in order to understand concerns and provide information related to the staff's review of the project.

- A Commissioner asked about the applicant's response to the communities' concerns regarding the lack of onsite recreational facilities for children. Staff responded that the applicant modified the application to provide improved active play structures for residents in addition to other amenities such as a pool and fitness room. These onsite amenities would be in addition to those provided at the adjacent RG Phillips Park.
- A Commissioner asked about parking capacity on Prairie Town Way. Staff confirmed there are approximately 40 spaces that will be available on that street.

Chair Brashears opened the Public Hearing and invited comments from the applicant and/or audience.

Project representatives, Michael Battaglia and Tim Fisher, spoke to the Commission. Mr. Battaglia mentioned the State's housing shortage and how this project will provide high-quality housing for residents who prefer, for a variety of reasons to rent rather than buy homes. Mr. Fisher stated the project will provide market rate housing with rents similar to typical mortgage payments in the area. Residents of the Fiddymment Bungalows will need to have incomes similar to typical homeowners in the area. Mr. Fisher indicated that the applicants are in agreement with the staff recommendation and conditions of approval.

Commissioner Discussion with Applicant:

- A Commissioner asked what are the estimated rents? The applicant indicated that comparable homes in the City of Roseville would rent in the low to mid \$2000s per month for the smallest plan and low to mid \$3000s per month for the largest units.

Public Comment:

Louinda Lacey, Mike Teske, Mark Berner, Trevor McPeak, Lacy Yarrow, Eric Banks, Jessa Nicoletti, Evan Baxter, Breanne McPeak, Ray Rood, Katherine Belda, Blake Rood, Erinc Bartucco, Monu Khunkhun, Scott Petts, Augie Eck, Jignesh Naik, and Kevin Anderson spoke in opposition to the project.

Ms. Lacey and Mr. Teske were given eight (8) minutes each as neighborhood spokespeople:

Ms. Lacey provided the following comments:

- The project is not appropriate due to its location across the street from a park, the lack of fencing and unrestricted access.
- The project is not harmonious with the surrounding neighborhood and does not meet the requirements for the Design Review Permit findings. The project does not meet the community design guidelines related to creating and enhancing the neighborhood, superior architectural interest, and relating to and considering the design of the surrounding neighborhood. The neighborhood asked the Commission to deny the project.
- There is a concern with the public participation process specifically that the parking data was initially inaccurately represented, the plans on the City website was not updated and not all citizens were updated when the website was updated.

- The neighbors are not asking the Commission to reduce the number of units or to alter the scope of the project, rather asking the Commission to use the information provided in the neighborhood letter as the basis to deny the Design Review Permit.
- There are concerns with the proposed height and color of buildings. The zoning height requirement does not override requirement to meet design guidelines. The white color of buildings is not harmonious.
- Lack of architectural design. The project does not incorporate enough varied architectural styles. Photos were submitted to provide evidence of this concern.
- There are concerns with the design as it relates to the parking and traffic.
- Safety concerns: high-density needs to be separated from low-density by more than a residential street.
- The State requirement for denial does not apply if municipal code requirements are not met.
- The CEQA exemption not appropriate based on the fact that the surrounding street designations are not identified in the West Roseville Specific Plan as primary residential streets or collector streets. The surrounding streets were not appropriately evaluated in the West Roseville Specific Plan EIR.
- Request that the Commission deny the project based on objective facts, or at the least continue the item in order to prepare additional traffic analysis.

Mr. Teske provided the following comments:

- There is a lack of architectural variety. There is a single farmhouse style with few differences in roof lines and flat walls. There is not the same variety of units as the surrounding neighborhood. The variation in colors does not constitute architectural variety.
- There is a lack of variation of setbacks of the proposed project when compared to existing homes. The project does not have the same overall variation when compared to surrounding homes.
- The 3-story buildings are only located six car-lengths from the existing homes.
- Parking lots will be seen by homeowners.
- Request to add screening or decorative fencing to shield parking spaces and block headlights. Builder chose bollards, and not a solid screening method.
- The West Roseville plan requires fencing between high density residential and low density residential land. The intent was to have some sort of division between the uses. This division of land use is seen in nearly every high density site in the City. The use of fencing, or collecting or arterial road to divide these land uses is common. Fencing can help prevent overflow parking on surrounding street and to hide parking lots. A project like this has not been built in the City and is unique.
- Parking from high density project in Roseville has continually been a problem, but rarely flows in to low density neighborhoods due to the separation of uses incorporated in the design. When public streets are used for overflow, there are problems, such as La Maison, Paseo del Norte and Adora Luxury Townhomes, which have issues.
- The project will create an overflow parking problem for the neighborhood.

- RG Phillips Park will be impacted by proposed project. Existing families will be pushed out of park. When the park was designed, the high density site was not taken into consideration and the park was built on a budget and is insufficient to absorb proposed units. The project needs significant play areas to reduce overcrowding at RG Phillips park.
- The Planning Department has not considered the project as it relates to the existing community. The builders are from out of the area and are doing minimum required without any consideration of the neighborhood.
- The neighborhood is very concerned.
- Do not expect property to remain undeveloped, but want the project to be harmonious to the existing homes.
- Because of the design the project should be denied.

Questions for Mr. Teske:

A Commissioner asked what the project should look like to be supported by the community and approved. Mr. Teske responded that a solution to the parking issues, greater architectural variation (wants the same variation and the single family neighborhood, carports and lack of screening of the emergency access driveways). A Commissioner asked if the project is a compromise. Mr. Teske responded that the project is not a compromise but is close. It is not a bad project but will blend in to the neighborhood.

Other callers were limited to 5 minutes:

- Concerned with parking on the streets, referred to nearby apartments where residents park on adjacent streets.
- Request that the plan be redesigned to be more cohesive to the community.
- Requests a plan to control the use of garages.
- Lack of variation of styles of homes and the two story units will tower over adjacent one story homes
- Project should be redesigned to have one and two story buildings without three story buildings.
- There are no one bedroom units.
- Residents of the apartment complex will not have enough parking.
- Applicant did participate in two neighborhood association meetings, but did not meet with individual neighbors.
- These units will have multigenerational families and therefore have more than two cars per unit and parking will spill out into the neighborhood.
- There will be cut-through traffic going to and from this project and the surrounding streets are not built for the number of additional cars generated by the project. There will be unintended safety consequences that have not been contemplated.
- The project will affect 100's of existing homeowners and taxpayers
- Would like the project to be fenced.

- RG Phillips park is very busy now, and there is a concern about more residents using the park.
- A caller asked if the project has a slide, community garden or bar-b-cue area on site.
- The Project has brought community together.
- Concerned that there is no plan to enforce parking and ensure people park in garages.
- The design of the project will encourage residents to park on surrounding street.
- Overflow parking on surrounding streets will generate crime in the neighborhood.
- Request to remove the on-street parking surrounding the project because the residents with front doors facing the street will park on the street.
- There needs to be a mitigation plan for parking once the site is developed.
- There will be a decrease in visibility with on-street parking.
- Homes closest to proposed project are all single story and the two and three story apartment units are too close and not compatible.

Questions for Ms Lacey (Ms. Lacey was asked to call back in to the meeting to respond to questions):

- A Commissioner indicated that there is inconsistency with neighbor concerns. The Commissioner asked what an ideal harmonious project would look like. The Commissioner asked about the level of public participation that occurred and what does Ms. Lacey believes should have happened.
- Ms. Lacey responded that development is about compromise and that she could not say what the result of that compromise would be, she believes the neighborhood should have been presented with alternatives to the project based on neighborhood input. Ms. Lacey indicated that public participation has not happened and the applicant did not respond to neighborhood input from the first neighborhood association meeting. Ms. Lacey indicates that the applicant only responded to Planning Division comments and not neighbors and has not offered any compromise. Ms. Lacey indicates that public participation costs money but it is the cost of doing business and she would like the applicant to come to the table with the neighborhood and compromise.
- A Commissioner indicated that the project should not be a surprise to the community given the existing zoning designation.
- Ms. Lacey replied that there are no issues with high density residential development but the project needs to meet standards. Asks commission to exercise their discretion.

Public Comment resumed after Ms. Lacey's call.

- Speeding is currently an issue in the area on Old Coach Drive and there will be safety issues for children playing in the street with added cars parking on the street and limiting visibility.
- Cars will not be able to turn left on Fiddymont from Rustler and will drive through the neighborhood causing safety issues.
- The high density residential zoning was not a surprise but parking on Autumn Leaves and Rustler is a surprise given the existing "no parking" signage.

- Does not believe project residents will park in their garages and enforcement will not be stringent enough to prevent parking overflow.
- The neighborhood was not designed for heavy traffic.
- The City did not consider how some of the roads would be used as thoroughfares when doing original planning.
- Hope Commission listens to comments and requires the applicant to change the plans.
- Traffic studies from Public Works should be considered before approving project.

Chair Brashears closed the public comment period.

Applicants Response to Public Comments:

- Do believe they have a project that provides a compromise between the land use and zoning and the existing neighborhood. The applicant wants to talk about what they have done to address neighbor's concerns:
- Beyond Condition 67, which requires that garages be maintained as the required parking spaces for the tenants of the apartment complex, which is enforceable via City code, there will be stringent provisions in the rental agreements that could result in a tenant's lease being revoked if they are not using their garage for parking.
- The applicant has added additional park and active recreation amenities, including, grassy mounds, bar-b-cue areas, ping pong tables, a play house, swings and other recreational amenities. These amenities should help to lessen the impact to RG Phillips Park.
- The applicant will be paying a large amount of park development fees that contribute to the construction of future parks in the area.
- Designed community that is meant to transition from the existing densities, and design, of the community.

Commissioner Discussion with Applicant:

- A Commissioner indicated that the applicant should provide screening adjacent to the areas where the parking lots front along the perimeter streets in order to mitigate any lights shining into homes from the three parking lots along the street.
- The applicant responded that these parking areas will be shielded with landscaping and that the carports will be a straightforward metal design, and the lighting will be underneath carport and shielded from shining off the property.
- A Commissioner indicated that the lighting of carports is satisfactory, however, the landscape plan is not adequate for screening of the parking areas on day one of the project. The Commissioner believes the applicant should provide solid light shielding of the cars and the final carport designs should be reviewed by Planning staff and should include high quality materials.

Chair Brashears called for a recess at 8:56 p.m. The meeting resumed at 9:02 p.m.

Commissioner Discussion with Applicant (continued):

- A Commissioner indicated that a fence of some sort should be installed to provide screening to reduce car lights shining into homes across the street from proposed project. There is a suggestion that a condition of approval be added with this requirement.
- A Commissioner believes there is sufficient play facilities and amenities in the project.
- A Commissioner believes if speeding is an issue it should be looked into by the City but that issue is not reason to not approve project. Engineering staff responded that Public Works has opened up traffic and speed studies in the vicinity of the project and there are speed studies that have been completed along Old Coach Rd and additional striping will be applied to street.
- A Commissioner indicated they cannot reduce density due to state law. The project needs to be balanced, with units, parking, and amenities. Increasing parking would be at the expense of units or amenities. A Commissioner indicated that there is a good balance of height among the proposed buildings. The lower elevations in front and higher elevations in back should blend in well with the area. There could be additional color schemes.
- A Commissioner asked whether or not speed bumps could help reduce traffic speeds. A Commissioner appreciates the applicant having an on-site property manager who will implement measures to ensure that residents use the garages to park vehicles.
- A Commissioner indicated that if on-street parking is eliminated, parking will move onto side streets.
- A Commissioner acknowledged that while a large part of the community feels as though their concerns have not been heard, the applicant has made compromises.
- A Commissioner pointed out that there is an inconsistency with the desires of homeowners, some want the project to blend in to the neighborhood but at the same time want a wall to divide the project from the neighborhood. Denial would need to be based on precedent and existing guidelines.
- A Commissioner indicated that the project is at the lower end of the high density residential density range.
- A Commissioner pointed out that the land to the west of the project site, is designated for commercial development and will share Prairie Town Way with the project
- A Commissioner believes the proposed traffic light off of Prairie Town Way and Fiddymont should alleviate traffic concerns.
- A Commissioner believes that a softer environment is created by the 20-foot setback and the three (3) stories behind the two (2) stories homes. The transition of height, unlike traditional apartment buildings, which would be allowed on this property, will provide a design that is more harmonious with the surrounding neighborhood.
- A Commissioner indicated that parking is an issue with any multifamily project. A Commissioner believes that quite a bit of thought was put into the project including height, driveways on Prairie Town Way and other details.
- A Commissioner referred to the letter submitted by the neighbors and believes the community does not feel heard.
- A Commissioner believes that compromise occurred when the project was submitted, before the community meetings, and that it would be hard to achieve a harmonious development with the various comments from the neighbors. The Commissioner would

like to reach a point where there is support for the project and the project might not be ready at this point.

- A Commissioner said the proposed type of design is lowering the density.
- A Commissioner said a lot of thought was put into this project. Many of the details are being overlooked by the community.
- A Commissioner asked staff about the Planning Commissions role.
- A Commissioner asked if the City looked at this particular site when the West Roseville Specific Plan was adopted and determined this site was appropriate for the designated density. Staff responded that this was correct.
- A Commissioner asked if all of the City's Specific Plans included sites for high density residential uses. Staff responded that this is correct and that in the West Roseville Specific Plan there remain four additional high density sites and applications for these sites are in process
- A Commissioner indicated that during the Specific Plan process, the City looks at road volumes and parks acreage. Staff responded that this is correct, projected population is used to determine park acreage and traffic levels.
- A Commissioner asked if the West Roseville Specific Plan exceeded the park acreage requirements. Staff responded that this is correct.
- A Commissioner indicated that the Planning Commission does not have discretion on how park's impact fees are allocated and these fees will go towards park improvements throughout the West Roseville Specific Plan. Staff confirmed that all projects pay park impact fees for the parks within each specific plan.
- A Commissioner indicated that the role of the Planning Commission is to look at the design of the project, and whether or not the project meets City standards. The Commissioner asked if the project exceeded the minimum parking requirements. Staff responded that the project does exceed the minimum onsite parking standards.
- A Commissioner asked about the City's policy regarding speed bumps. Engineering staff responded that the City does not allow for speed bumps as these features delay emergency response times and that it is preferable to focus on signage and striping.
- A Commissioner indicated that the project has done a good job of marrying City requirements and the vested rights of the developer.
- A Commissioner agreed with the Commissions previous comments regarding screening of the parking areas.
- A Commissioner believed that the project is a compromise of what could have been developed at a higher density.
- A Commissioner acknowledged that Prairie Town Way will have 40 on-street parking spaces and will go a long way towards mitigating parking issues.

Chair Brashears closed the Public Hearing and asked for Commission comments:

- A Commissioner indicated that the proposal is a good project and typically the City sees three story rectangular apartments and instead the project includes two-story units, which look like single family housing and puts the three story units further from the surrounding neighborhood. The Commissioner liked the site plan with the surface parking on the north

of the site adjacent to the commercial parcels and said that will help to mitigate potential future loading docks. The Commissioner indicated that this is a great way of developing high density residential and that these new residents will be part of the community and should be welcomed by the existing community.

Staff introduced two new conditions for the Commissions consideration:

New Condition 2a:

Carports shall be designed with colors and materials that match the approved home designs to the satisfaction of the Planning Division.

Modified Condition 27:

Add requirements that additional screening be added, using gates or fencing along parking lots to screen headlights and views of parking and that the Planning staff will have approval authority.

Motion by Vice-Chair Jensen, seconded by Commissioner Martin, to adopt the four (4) findings of fact and approve the Design Review Permit subject to seventy-eight (78) conditions of approval to include new condition 2a and modified condition 27.

Roll call vote:

Ayes: Librea, Martin, Jensen, Prior, Krafka, Brashears

Noes: Caporusso

Motion passed.

7. BOARD MEMBER / COMMISSIONER / STAFF REPORT

Staff Reports

- The June 10, 2021 Planning Commission meeting will be held in person.
- Tonight is Michelle Sheidenberger's last Planning Commission meeting, as she will be assuming the position of City Attorney on May 29, 2021.

Commissioner Reports

- Planning Commissioners expressed their thanks and appreciation for Michelle's time as attorney assigned to the Planning Commission.

8. ADJOURNMENT

Motion by Commissioner Vice-Chair Jensen, seconded by Commissioner Librea, to adjourn the meeting. The Motion passed unanimously at 9:41 p.m. with a voice vote.



PLANNING COMMISSION COMMUNICATION

Title: SVSP PCL CG-1 and CG-20 – Tentative Subdivision Map, 5800 Market St, File # PL20-0248
Contact: Charity Gold, cgold@roseville.ca.us, (916) 774-5247

Meeting Date: 6/10/2021
Item #: 6.1.

ATTACHMENTS:

Description

Staff Report

Exhibit A DAA

Exhibit B Tentative Subdivision Map

Exhibit C Grading and Stormwater Plans

Exhibit D Phasing Plan

Exhibit E Table 5.3

ITEM 6.1: **Tentative Subdivision Map and Development Agreement Amendment – 5800 Market Street – SVSP PCL CG-1 and CG-20 – PL20-0248**

REQUEST

The applicant requests approval of a Tentative Subdivision Map to create 115 Low Density Residential (LDR) lots on Sierra Vista Specific Plan (SVSP) Parcel CG-1 and 44 Medium Density Residential (MDR) lots on SVSP Parcel CG-20 along with all necessary frontage and open space improvements. A Development Agreement Amendment is also requested to transfer 20 middle-income for purchase housing units from SVSP Parcel CG-20 to SVSP Parcel CG-31. The units will be transferred in the form of 10 very-low income and 10 low-income rental units.

Applicant – Nicholas Brown, JMH Weiss Inc.
Owner – John J. Guerra, Jr. Trustee

SUMMARY RECOMMENDATION

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

- A. Recommend the City Council approve the First Amendment of the Cyril G. Barbaccia Irrevocable Trust Development Agreement.
- B. Adopt the three (3) findings of fact and approve the Tentative Subdivision Map subject to eighty-three (83) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

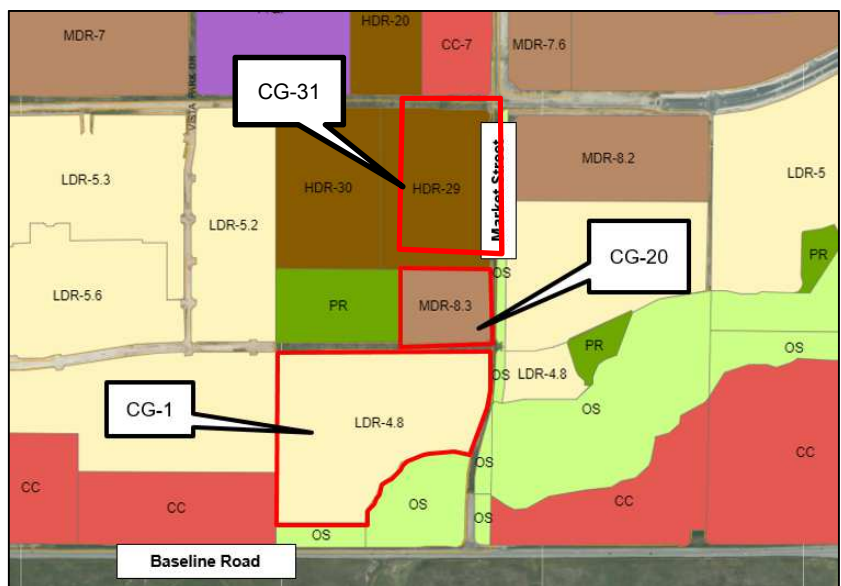
There are no outstanding issues associated with this request. The applicant has reviewed and is in agreement with the recommended conditions of approval.

BACKGROUND

The project site is within the Sierra Vista Specific Plan (SVSP). The SVSP was adopted on May 5, 2010 and includes 2,064 acres west of Fiddymont Road and north of Baseline Road. An Environmental Impact Report (EIR) was certified and a Mitigation Monitoring Program was adopted with the SVSP. Additionally, Development Agreements with the property owners of the SVSP parcels and the City were entered into to outline development obligations within the SVSP.

The proposed project is located on SVSP Parcels CG-1 and CG-20. Parcel CG-1 is zoned Small Lot Residential with Development Standards (RS/DS) and has a LDR land use designation. Parcel CG-20 is zoned RS/DS and has a MDR land use designation. The project includes a Tentative Subdivision Map to create 115 LDR lots on Parcel CG-1 and 44 MDR lots on Parcel CG-20, for a total of 166 lots. A

Figure 1: Project Location



Development Agreement Amendment (DAA) is also requested to transfer 20 middle-income for purchase housing units from Parcel CG-20 to Parcel CG-31 in the form of 10 very-low income and 10 low-income rental units.

SITE INFORMATION

Location: 5800 Market Street

Total Size: 32.92 acres

Topography and Setting: The site is currently undeveloped consisting of native and non-native annual weeds and grasses. The elevation of the site is gently undulating with minimal elevation change in the southern portion of the site and greater elevation differences in the northern portion of the site. The site is surrounded by developing residential uses to the east and west and open space to the south. The site to the northwest of the subdivision is designated as a park.

EVALUATION: DEVELOPMENT AGREEMENT AMENDMENT

The proposed DAA will add a new Section 2.2.1 to allow the use of either the development standards in the SVSP or those included in the DAA as Exhibit E-1, amend Section 2.6 and remove Section 2.6.1 to reflect the removal of the affordable purchase units from Parcel CG-20, and amend Section 2.6.2.1 to reflect the addition of 10 very-low income rental units and 10 low-income rental units to Parcel CG-31.

Development Standards

The Subdivision Map Act and Subdivision Ordinance do not contain any maximum or minimum lot sizes. Instead, these standards are contained within the Zoning Ordinance and SVSP. Consistent with other DAs within the SVSP (Mourier Investments), the project developer proposes modified RS/DS standards for the MDR Parcel CG-20 to be adopted as part of the DAA. These standards are presented in the Tentative Subdivision Map section below. As discussed in the Tentative Subdivision Map section, these standards will create lots which are of adequate size and shape to support development consistent with the SVSP guidelines.

Affordable Housing Unit Transfer

Consistent with the City's General Plan, 10% of the residential units within the SVSP are designated for middle, low-, and very-low-income purchase or rental. As describe in Table 5-3: Affordable Housing Allocation of the SVSP, 20 middle-income for purchase units are allocated to Parcel CG-20. Pursuant to Section 5.4.B of the SVSP, affordable units may be transferred between SVSP parcels subject to administrative approval by the director of the Housing Division. The transfer does not require a specific plan amendment if the transfer occurs between parcels located within the SVSP, and the ability to produce affordable units to meet the SVSP affordable housing goal is maintained. The SVSP requires that an administrative transfer be memorialized by a recorded Memorandum of Understanding, or substitute form specified by the City.

The project includes a request to transfer the 20 middle-income for purchase units from Parcel CG-20 to Parcel CG-31. These units will be transferred in the form of 10 very-low income and 10 low-income rental units. The proposed transfer has been reviewed and approved by the Director of the Housing Division. To maintain consistency in tracking affordable units, the Housing Director requested that the transfer be memorialized by way of a DAA. The transfer will also be documented in Table 5-3 of the SVSP Affordable Housing chapter. The updated table is included as Exhibit E. All of the affordable units obligated in the Barbaccia agreement are shown in the table below.

Parcels	Total Units in Parcels	Total Affordable Unit Allocation	Very Low- Income Rental	Low Income Rental Units
CG-31	420	100	50	50

Conclusion

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

- A. Consistency with the objectives, policies, general land uses and programs specified in the General Plan and the Sierra Vista Specific Plan;***
- B. Consistency with the provisions of the City of Roseville Zoning Ordinance;***
- C. Conformity with the public health, safety and general welfare;***
- D. The effect on the orderly development of the property or the preservation of property values; and***
- E. Whether the provisions of the Agreement shall provide sufficient benefit to the City to justify entering into the Agreement.***

The proposed DAA consists of a transfer of the middle-income for purchase affordable housing obligation from CG-20 to CG-31. No change to the anticipated number of units to be built on these parcels will occur. The proposed DAA is consistent with the General Plan, SVSP, and the Zoning Ordinance. The DAA is in conformance with the public health, safety, and welfare, and will not adversely affect the orderly development of the property or the preservation of property values. The proposed DAA will benefit the City by adding 20 affordable units that will count towards the City's Regional Housing Needs Allocation (middle income units do not count towards the RHNA).

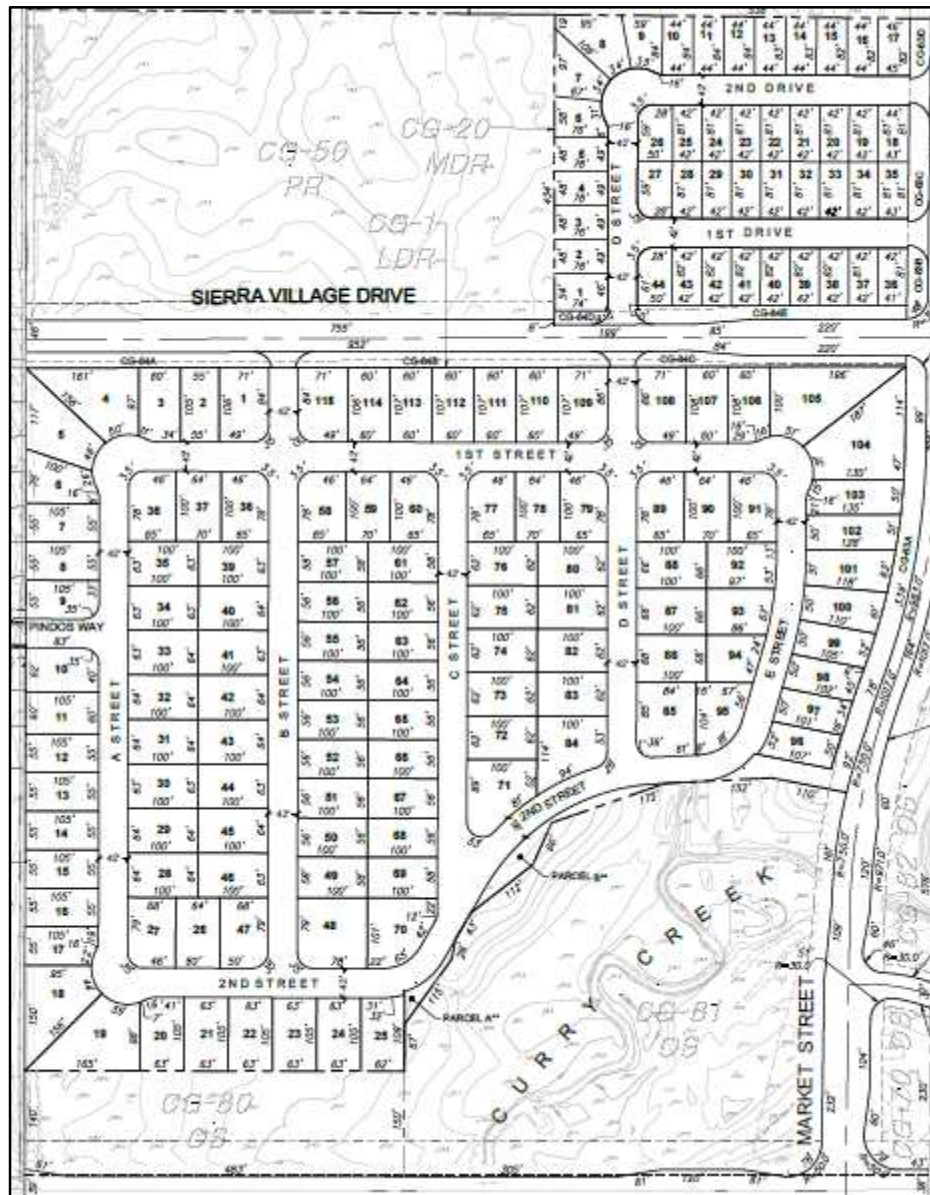
EVALUATION: TENTATIVE SUBDIVISION MAP

Section 18.06.180 of the City of Roseville Subdivision Ordinance requires that three findings be made in order to approve or conditionally approve a Tentative Subdivision Map. The three findings are listed below in ***bold, italics*** and are followed by an evaluation of the map in relation to each finding.

- 1. The size, design, character, grading, location, orientation, and configuration of lots, roads and all improvements for the tentative subdivision map are consistent with the density, uses, circulation and open space systems, applicable policies and standards of the General Plan and the Community Design Guidelines, and the design standards of Title 18 (Subdivision Ordinance) of the Roseville Municipal Code.***

The project includes two subdivisions: 115 low-density lots on Parcel CG-1, and 44 medium-density lots on Parcel CG-20 (Figure 2). The CG-1 subdivision will be accessed from two driveways off Sierra Village Drive in the northern portion of the subdivision and will include a connection to the developing subdivision to the west. The Parcel CG-20 subdivision will be accessed from one driveway off Sierra Village Drive in the southern portion of the subdivision and two driveways off Market Street in the eastern portion of the subdivision. All of the proposed lots will have public street frontage. The subdivision layout and street design were reviewed by the City's Engineering Division and Fire Department to ensure there is adequate street widths for circulation and emergency response.

Figure 2: Tentative Subdivision Map



The Subdivision Map Act and the City's Subdivision Ordinance do not contain any maximum or minimum lot sizes. Instead, these standards are contained within the Zoning Ordinance and SVSP. The proposed lots all have a zoning designation of RS/DS. For properties in the RS/DS zone a developer may either use the RS/DS development standards established in the SVSP, applicable Development Agreement, or may adopt adjusted standards through the Design Review Permit for Residential Subdivisions (DRRS) entitlement. The SVSP also includes multiple design standards applicable to subdivision design, including guidelines for the locations of walls and fencing, the locations of trails and paseos, requirements for connectivity along paseos, and guidelines for developments adjacent to parks and open space trails. Each proposed subdivision is analyzed with respect to these guidelines as discussed below.

Parcel CG-1

Parcel CG-1 has a LDR land use designation. The applicant proposes to use the RS/DS development standards as shown on the face of the tentative parcel map and consistent with the SVSP. All of the

proposed lots conform to the applicable standards and have a typical lot size of 6,350 – 14,850 square feet. The proposed unit density is 4.82 units per acre, which is consistent with the LDR land use designation. The subdivision will have two points of access from Sierra Village Drive.

Consistent with SVSP Figure B-3, Location of Walls and Fences, the project will include masonry walls along Sierra Village Drive, Market Street, and along the southern boundary where the property is adjacent to CG-80. Open style fencing will be provided along the single-loaded street adjacent to the open space Parcel CG-81. Standard wood fencing will be installed adjacent to the project's western boundary where the lots are adjacent to residential uses. The tentative subdivision map is consistent with the fencing recommendations in the SVSP. In addition, as required by SVSP Figure B-5, the project includes construction of an open space trail along its boundary with open space Parcel CG-81. This trail will provide a trail connection between Baseline Road and Market Street. Landscaping will be provided along the adjacent roadways consistent with the requirements in the SVSP.

The SVSP recommends that neighborhood access and visibility be provided when adjacent to parks and open space. Consistent with the SVSP guidelines, a single-loaded street is used adjacent to open space parcel CG-81. In addition, the internal street system and sidewalks are designed to allow residents to easily access the trail system.

Parcel CG-20

Parcel CG-20 has a MDR land use designation. The applicant proposes to use the RS/DS development standards as shown on the face of the tentative parcel map, and as included as applicable standards in the DAA (Figure 3). All of the proposed lots conform to the applicable standards and have a typical lot size of 3,350 – 6,400 square feet. The proposed unit density is 8.24 units per acre, which is consistent with the MDR land use designation. The subdivision will have one point of access from Sierra Village Drive and two points of access from Market Street. As required in the Zoning Ordinance, small lot residential homes requires the approval of a Design Review Permit for Residential Subdivision (DRRS) to ensure consistency with the development standards for RS/DS lots and consistency with the SVSP Design Guidelines. The design of the homes on CG-20 will be reviewed and approved by the Planning Commission through the DRRS process.

2. The subdivision will result in lots which can be used or built upon. The subdivision will not create lots which are impractical for improvement or use due to: the steepness of terrain or location of watercourses in the area; the size or shape of the lots or inadequate building area; inadequate frontage or access; or, some other physical condition of the area.

The proposed parcels are of sufficient size and shape to accommodate development that is consistent with the applicable zoning and design requirements. As mentioned above, the lots are consistent with the applicable development standards and the standards included in the DAA. The modified RS/DS standards are of adequate size and shape to support development consistent with the SVSP guidelines. The proposed parcel configurations preserve the location of watercourses and do not create a physical condition that would be impractical for the proposed improvements.

3. The design and density of the subdivision will not violate the existing requirements prescribed by the Regional Water Quality Control Board for the discharge of waste into the sewage system, Pursuant to Division 7 of the Water Code.

As part of the adoption of the SVSP, an assessment of wastewater demands was completed for the entire plan area. The proposed subdivision map is consistent with the total number of units anticipated within the Specific Plan, and therefore will not increase planned demands on sewage services; there will be no impacts to the existing requirements established by the Regional Water Quality Control Board.

Figure 3: MDR Development Standards

	Single Family with Attached Sidewalk ⁴	Single Family with Separated Sidewalk ^{2,4}
Lot Size (minimum)		
Area, Interior Lot	<i>3,000 sq. ft.</i>	<i>2,800 sq. ft. ²</i>
Area, Corner Lot	<i>3,300 sq. ft.</i>	<i>3,000 sq. ft. ²</i>
Width, Interior	<i>40 ft.</i>	<i>40 ft.</i>
Width, Corner	<i>50 ft.</i>	<i>45 ft.</i>
Permitted Density (maximum per lot)		
Residential Density	1 dwelling; 1 second unit	1 dwelling; 1 second unit
Setbacks (minimum)		
Front ³	<i>14 ft. to living space or side wall of garage; 18 ft. min. driveway depth w/ roll-up garage door</i>	<i>9 ft. to living space or side wall of garage; 18 ft. min. driveway depth w/ roll-up garage door</i>
Sides ^{3,5}	5 ft. interior side 12.5 ft. street side on corner	5 ft. interior side <i>7.5 ft. street side on corner</i>
Rear	<i>10 ft. to 1st story wall 15 ft. to 2nd story wall</i>	<i>10 ft. to 1st story wall 15 ft. to 2nd story wall</i>
Coverage (maximum)		
Site Coverage	None & <i>no min. usable open space required</i>	None & <i>no min. usable open space required</i>
Height (maximum)		
Height	35 ft.	35 ft.
Other Provisions		
Front Yard Stagger	None required, but optional per unit design	None required, but optional per unit design
2 nd story wall separation	10 ft.	10 ft.
Two-story unit mix	No limit	No limit
Stagger for 3 rd car garages	2 ft. between 3 rd car bay and two-car garage	2 ft. between 3 rd car bay and two-car garage
- Items in <i>italics</i> represent modifications to City Zoning Ordinance Standards - Sidewalk separated from back of curb by 5-foot planter strip. - Front setback (and side setback where adjacent to street) measured from back of walk. If no sidewalk is present, setbacks measured from back of curb. Minimum separation between two-story elements shall be 10 feet. - A DRRS permit (required for neighborhoods greater than 7 du/ac) will be used to ensure compliance with the standards above. - Fence side yard setback is 5 feet from back of walk where facing a street with an attached sidewalk. Fence side yard setback is 2.5 feet from back of walk where facing a street with a detached sidewalk.		

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 May 28, 2021, and was distributed to all property owners within 300 feet of the project site. To date, no comments have been received.

ENVIRONMENTAL DETERMINATION

The project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15182, Residential Projects Pursuant to a Specific Plan, which exempts residential projects that are consistent with a Specific Plan for which an environmental document was certified, and Section 303 the City of Roseville CEQA Implementing Procedures. The Sierra Vista Specific Plan EIR (SCH# 2008032115) was certified by the City of Roseville on May 5, 2010.

RECOMMENDATION

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

- A. Recommend the City Council approve the **Development Agreement Amendment – 5800 Market Street – SVSP PCL CG- and CG-20 – PL20-0248**.
- B. Adopt the findings of fact as stated in the staff report and approve the **Tentative Subdivision Map – 5800 Market Street – SVSP PCL CG-1 and CG-20 – PL20-0248** subject to eighty-three (83) conditions of approval.

CONDITIONS OF APPROVAL FOR TENTATIVE SUBDIVISION MAP

1. The Tentative Subdivision Map shall not be deemed approved until the actions on the Development Agreement are approved and become effective. (Planning)
2. Prior to issuance of building permits for construction of homes within CG-20 MDR subdivision, the home builder shall be required to submit a Design Review Permit for Residential Subdivision (DRRS) for review of consistency with the Zoning Ordinance development standards for RS/DS lots and consistency with the SVSP Design Guidelines. (Planning)
3. The approval of a Tentative Map and/or tentative site plan does not constitute approval of proposed improvements as to size, design, materials, or location, unless specifically addressed in these conditions of approval. The Developer shall submit civil drawings to the Department of Development Services – Engineering Division for review and approval. (Engineering)
4. 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)
5. The developer shall not commence with any on-site improvements until such time as grading and/or improvement plans have been submitted for review and are approved and grading and/or encroachment permits are issued by the Department of Public Works. (Engineering)
6. The applicant shall pay City's actual costs for providing plan check, mapping, GIS, and inspection services. This may be a combination of staff costs and direct billing for contract professional services.

Project billing may occur up to two (2) months after the end of warranty or the Notice of Termination date for the SWPPP, whichever occurs later. (Engineering, Environmental Utilities, Electric, Finance)

7. The project shall comply with all required environmental mitigation identified in the Sierra Vista Specific Plan Environmental Impact Report, and shall include all applicable mitigation measures as notes on the grading plans. (All Departments)

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

8. Landscape Plans for all landscape corridors and all landscaped common areas shall be approved with the improvement plans. Landscaping shall be installed for Substantial Completion of the subdivision improvements. Landscape corridors shall also successfully complete the required establishment period. The landscape plan shall comply with the Sierra Vista Specific Plan and the City of Roseville Water Efficient Landscape Ordinance. (Planning, Engineering, Parks, Fire, Environmental Utilities)
9. The grading and improvement plans shall be designed in accordance with the City's Improvement Standards and Construction Standards and shall reflect the following:
 - a) Street improvements including, but not limited to, curb, gutter, sidewalk, pavement, drainage systems, traffic striping, signing, medians and markings, etc. along all existing and proposed City streets, as required by Engineering.
 - b) Grading shall comply with the City grading ordinance. Erosion control devices (sediment traps, ditches, straw bales, etc.) shall be shown on the grading plans. All erosion control shall be installed prior to the onset of wet weather. Erosion control is installed to minimize silt discharge from the project site. It is incumbent upon the applicant to ensure that necessary measures are taken to minimize silt discharge from the site. Therefore modification of the erosion control plan may be warranted during wet weather conditions.
 - c) A rough grading permit may be approved by the Engineering Department prior to approval of the improvement plans.
 - d) Access to the floodplain as required by Engineering and the Streets Department.
 - e) Standard Accessible ramps shall be installed at all curb returns per City Standards. (Engineering)
10. 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)
11. For all work to be performed off-site, permission to enter and construct shall be obtained from the property owner, in the form of a notarized right-of-entry. Said notarized right-of-entry shall be provided to the Engineering Division prior to approval of any plans. (Engineering)
12. The applicant shall apply for and obtain an encroachment permit from the Engineering Department prior to any work conducted within the City right-of-way. (Engineering)
13. The applicant shall remove and reconstruct any existing damaged curb, gutter, and sidewalk along the property frontage. During site inspection Engineering will designate the exact areas to be reconstructed. (Engineering)

14. All Lots/Parcels shall conform to Class 1 drainage, pursuant to the adopted City of Roseville Improvement Standards, except as shown on the tentative map or as approved in these conditions. (Engineering)
15. The following note shall be added to the Grading and/or Improvement Plans:

To minimize dust/grading impacts during construction the applicant shall:
 - a) *Spray water on all exposed earth surfaces during clearing, grading, earth moving and other site preparation activities throughout the day.*
 - b) *Use tarpaulins or other affective covers on all stockpiled earth material and on all haul trucks.*
 - c) *Sweep the adjacent streets frontages at least once a day or as needed to remove silt and other dirt which is evident from construction activities.*
 - d) *Ensure that construction vehicles are cleaned prior to leaving the construction site to prevent dust and dirt from being tracked off site.*
 - e) *The City shall have the authority to stop all grading operations, if in the opinion of city staff, inadequate dust control measures are being practiced or excessive wind conditions contribute to fugitive dust emissions. (Engineering)*
16. 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)
17. 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)
18. Any backbone improvements, not constructed adjacent to (or needed to serve) a proposed subdivision shall be completed by the applicant. (Engineering)
19. The traffic signal located at Baseline Road and Market Street shall have commenced construction to the satisfaction of the City Engineer prior to CG-1 Phase 1A being deemed substantially complete and shall be completed to the satisfaction of the City Engineer prior to CG-1 Phase 1B being deemed substantially complete, per the approved CG-01 & CG-20 Phasing Plan. Construction of this traffic signal is eligible for reimbursement from the Sierra Vista Specific Plan Traffic Mitigation Set Aside Fund. Developer shall enter into a Reimbursement Agreement with City to receive these eligible reimbursements. (Engineering)
20. The developer may qualify for reimbursement of non-CIP improvements through the Sierra Vista Fee Program per the Barbaccia Development Agreement. (Engineering)
21. The proposed phasing of CG-1 is sequential in nature and shall be completed in order of phase 1A, Phase 1B and Phase 2 per the CG-01 & CG-20 Phasing Plan. Phase 3 may be constructed independently per the CG-01 & CG-20 Phasing Plan. The following is a break down for each phase.

Phase 1A: CG-01 (32 lots)

- a) Per the CG-1 & CG-20 Phasing Plan, construct Sierra Village Drive from the western property line to the western most curb return of Market Street. This will include 32 to 46 feet of

pavement width, 3-foot curb and gutter (both sides) and 5 feet of sidewalk (south side only). A 10-foot wide median will also be required, see Detail 6, page 6 of the approved Tentative Map.

- b) Construct Market Street from the intersection with Sierra Village Drive to Baseline Road (if not already completed by others).
- c) Install landscaping along Sierra Village Drive and Market Street frontage of phase 1A.
- d) Prior to phase 1A being deemed substantially complete, construction shall have commenced on the Baseline Road Improvements and traffic signal at Market Street and Baseline Road, as depicted in the CG-01 & CG-20 Phasing Plan and to the satisfaction of the City Engineer.

Phase 1B: CG-01 (26 lots)

- a) Construct Baseline Road frontage per Detail 1, 2 and 3 (page 6 of 7) of this approved CG-01 and CG-20 Tentative Map from the western boundary of CG-80 to the intersection of Market Street. This will include 17 feet of additional pavement width as well as a 3-foot curb and gutter and 8-foot sidewalk. This will also include an approximate 600-foot taper beyond the eastern most curb return along Baseline Road. The right turn lane on Baseline Road will need to be constructed east of the intersection.
- b) Upsize the existing culvert that crosses Baseline and outfalls in the open space lot CG-81 to the Master Drainage Studies ultimate condition. A construction easement will be required to the limits of the culvert improvement. Complete all drainage improvements in the open space, including the single 18-inch outfall (CG-81).
- c) Complete the Traffic signal at Baseline Road and Market Street.
- d) Portions of the Baseline Road roadway improvements are eligible for reimbursement through the City/County Fee Program. Developer shall enter into a Reimbursement Agreement with the City to receive these eligible reimbursements. The City agrees to make reimbursement progress payments during construction, as funds are available from the City/County Fee Account.
- e) Phase 1B shall not be deemed substantially complete prior to the substantial completion of the Baseline Road roadway improvements and traffic signal at Market Street and Baseline Road, consistent with the CG-01 & CG-20 Phasing Plan.

Phase 2: CG-01 (57 lots)

- a) CG-01 phase 2 may be deemed substantially complete upon CG-01 phase 1A and 1B being deemed substantially complete.

Phase 3: CG-20 (44 lots)

- a) Complete Market Street from Vista Grand Blvd to Sierra Village Drive and Sierra Village Drive from Market Street to the western boundary of CG-20. (Engineering)

22. Provide pavement striping per the CG-1 and CG-20 Striping Exhibit for the intersections of Baseline/Market and Sierra Village/Market. (Engineering)
23. A note shall be added to the grading plans that states:

*“Prior to the commencement of grading operations, the contractor shall identify the site where the **excess/borrow** earthen material shall be imported/deposited. If the **borrow/deposit** site is within the City of Roseville, the contractor shall produce a report issued by a geotechnical engineer to verify that the exported materials are suitable for the intended fill, and shall show proof of all approved grading plans. Haul routes to be used shall be specified.”* (Engineering)
24. Per the Development Agreement, for all phases of subdivisions adjacent to the open space with a planned bike trail, the developer shall be responsible for preliminary design, permitting, and rough grading. This shall include a trail connection to Baseline Road through the open space parcel. Per the Development Agreement, developer may request reimbursement for this work by obtaining a reimbursement agreement prior to approval of improvement plans. (Engineering, Alternative Transportation)
25. Per the Development Agreement, if the City has sufficient funds to reimburse the Landowner, then the Landowner shall prepare the final design and construct Class I bike trail improvements where adjacent to residential subdivisions. The developer shall provide an estimate for trail construction prior to or concurrent with the first submittal of improvement plans. (Alternative Transportation)
26. The design of the trail shall be consistent with City standards and shall incorporate the following:
 - a. The design of the trail crossing at Market Street shall be in accordance with SVSP Figure 6-23. However, the bot dots should not be used due to anticipated noise. Other signage and striping measures and trail layout alternatives will be considered at the crossings to ensure trail user safety. (Engineering, Alternative Transportation)
 - b. Where an overland release crosses a bike trail, the trail design shall accommodate the potential drainage through grading, concrete paving and scour control as determined necessary by Development Services/Engineering. (Engineering, Alternative Transportation)
27. The design of the Class 1 bike trail shall follow the curve of 2nd Street with a 5-foot decomposed granite (DG) setback from the edge of the trail and vertical curb on 2nd Street. Where a 5-foot setback cannot be achieved, a safety counter-measure shall be provided. (Engineering, Alternative Transportation)
28. At maintenance access points along the trail, access control will be required per City Standards. (Engineering, Alternative Transportation)
29. Per the Sierra Vista Specific plan, provide attached pedestrian sidewalks along the open spaces at the time of adjacent roadway construction. (Engineering, Alternative Transportation)
30. A standard bus shelter pad shall be installed on the NW corner of Baseline Road and Market Street along westbound Baseline Road (shelter #318). (Engineering)
31. Developer shall be responsible for the installation of a bus shelter and related improvements conforming to the city's current standards on the shelter pad as conditioned above. Upon installation and final inspection by the City of Roseville, the bus shelter and related improvements shall become property of the City of Roseville. The Developer and City may enter into a construction fee agreement or other agreement based upon a construction cost of \$10,000 per shelter for future construction of the Bus

Shelter on the NW corner of Baseline Road and Market Street along westbound Baseline Road (shelter #318). (Engineering, Alternative Transit)

32. The applicant shall dedicate all necessary rights-of-way for the widening of any streets required with this entitlement. A separate document shall be drafted for approval and acceptance by the City of Roseville, and recorded at the County Recorder's Office. (Engineering)
33. The applicant shall dedicate a separate drainage easement to the City of Roseville for the storm drain facility required to transfer public storm waters through the site. The easement document shall be drafted for approval and acceptance by the City of Roseville, and recorded at the County Recorder's Office. (Engineering)
34. The grading plans for the site shall be accompanied with a shed map that defines that area tributary to this site. All drainage facilities shall be designed to accommodate the tributary flow. All on-site storm drainage shall be collected on site and shall be routed to the nearest existing storm drain stub of natural drainage course. (Engineering)
35. All storm drainage, including roof drains, shall be collected on site and shall be routed to the nearest storm drain system or natural drainage facility. Prior to discharge from the site, the storm water shall be treated with appropriate storm water pollution treatment device(s). Any drainage outfalls shall extend down to the receiving water and shall be constructed with adequate velocity attenuation devices. (Engineering)
36. The grading plans shall be accompanied with engineered structural calculations for all retaining walls greater than 4 feet in height. All retaining walls shall be of either split faced masonry units, keystone type construction, or cast in place concrete with fascia treatment. (Engineering)
37. 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)
38. 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)
39. 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)
40. Improvement plans shall show the Preserve boundary and label it as a protected area. The Pre-Construction meeting shall address the presence of the Preserve, the sensitive habitats present and minimization of disturbance to the Preserve. During grading and construction the preserve area shall be avoided and shall not be used for parking, storage, or project staging. The contractor shall remove all trash blown into the preserve from adjacent construction on a daily basis. After construction is complete, the temporary fencing shall be removed from the preserve, along with all temporary erosion control measures (e.g., straw bales, straw waddles and stakes, silt fencing). (Engineering, Development Services, Planning)
41. Prior to construction within any phase of the project, high visibility temporary construction fencing shall be installed along the parcel adjacent to the Preserve. Fencing shall be maintained daily until

permanent fencing is installed, at which time the temporary fencing shall be removed from the project site. (Engineering, Development Services, Planning)

42. With the exception of access required for maintenance and/or emergency vehicles, the project shall be designed to prevent vehicle access into the Preserve. Post and cable fencing or other improvements shall be utilized to meet this requirement. (Engineering, Development Services, Planning)
43. Landscaping adjacent to the Preserve shall be California native, drought-tolerant groundcover, shrubs, plants, and trees. (Development Services, Planning)
44. 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)
45. Project infrastructure improvements maybe subject to reimbursements under the Citywide TMF, the TMF Set-Aside or the Sierra Vista Specific Plan (SVSP) fee program as identified in the Development Agreement. (Engineering)
46. Landowner shall responsible for the construction costs of the traffic signals as shown on Exhibit "K" and described in the Phasing Plan through the payment of the TMF. The developer shall receive fee credits for the completion of the traffic signal as part of the TMF Set-Aside Fund. (Engineering)
47. 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)
48. Water and sewer infrastructure shall be designed and constructed pursuant to the adopted City of Roseville Improvement Standards and Construction Standards and shall reflect the following:
 - a) Sewer and water service laterals shall not be allowed off of water and sewer mains larger than 12 inches in diameter.
 - b) 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.
 - c) Water and sewer mains shall not exceed a depth of 12 feet below finished grade, unless authorized in these conditions.
 - d) All sewer manholes shall have all-weather 10-ton vehicular access unless authorized by these conditions. (Environmental Utilities)

49. 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)
50. 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 be installed on a maximum of 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. (Environmental Utilities)
51. A note shall be added to the Improvement Plans stating that all water backflow devices shall be tested and approved by the Environmental Utilities Department prior to the Notice of Completion for the improvements. (Environmental Utilities)
52. Fire hydrants shall be located as required by the Fire Department. The maximum distance between fire hydrants shall not exceed 500' on center. (Fire)
53. Minimum fire flow is 1,500 gallons per minute with 20 pounds of residual pressure. The fire flow and residual pressure may be increased, as determined by the Fire Marshall, where the project utility lines will serve non-residential uses. (Fire)
54. 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)
55. All Electrical Department facilities, including street lights where applicable, shall be designed and built to the "City of Roseville Specifications for Residential Trenching". (Electric)
56. The design for electrical service for this project will begin when the Electric Department has received a full set of improvement plans for the project. (Electric)
57. All landscaping in areas containing electrical service equipment shall conform to the "Electric Department Landscape Design Requirements" as outlined in Section 7.00 of the Electric Department's "Specifications for Residential Trenching." (Electric)
58. The applicant shall submit a street name application with proposed street names. The application can be found here:

https://cityofroseville.hosted.civiclive.com/UserFiles/Servers/Server_7964838/File/Government/Departments/Development%20Services/Business%20Services/Street%20Name%20Application.docx

After city review, the applicant will receive the application identifying approved or rejected street names. If enough street names are approved, the applicant shall submit a map with the approved street names

to receive a stamp and to be used as the approved street name exhibit. This shall be included in the submittal for improvement plans. (Business Services)

59. The location and design of the gas service shall be determined by PG&E. The design of 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)

60. It is the developer's responsibility to notify PG&E of any work required on PG&E facilities. (PG&E)

PRIOR TO OR UPON RECORDATION OF FINAL/PARCEL MAP

61. The following easements shall be provided and shown on the Final Map or by separate instrument, unless otherwise provided for in these conditions:

- a) A 12.5 foot wide public utilities easement along all road frontages;
- b) Water and sewer easements;

Easement widths shall comply with the City's Improvement Standards and Construction Standards. The easement documents shall be drafted for approval and acceptance by the City of Roseville and recorded at the Placer County Recorder's Office. (Environmental Utilities, Electric, Engineering)

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

63. 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. (Alternative Transportation, Environmental Utilities, Electric, Engineering)

64. A declaration of Conditions, Covenants and Restrictions (CC&Rs), in a form approved by the City Attorney, shall be recorded on the entire property concurrently with the Final/Parcel Map. The CC&Rs shall include the following items: (Attorney, Planning)

- a) A clause prohibiting the amendment, revision or deletion of any sections in the CC&Rs required by these conditions of approval without the prior written consent of the City Attorney.
- b) A clause excluding any property owned by the City from the terms of the CC&Rs.
- c) Residents in courts or other dead-end areas shall be required to bring their trash bins to a designated trash pickup area on the main street, because refuse trucks are not able to turn around in dead end streets. Designated pick-up areas shall be established to Environmental Utilities satisfaction, and shall be memorialized in the CC&Rs. (Environmental Utilities)
- d) A clause noting that the two required vehicle parking spaces within the garage must be kept clear and maintained for parking at all times. Storage of items which causes an inability to park within the required spaces is prohibited.
- e) There shall be clear language regarding maintenance and common easements agreement for servicing all fire protection systems and gates used by the first responders. A service company shall be obtained to maintain all on-site fire protection systems including all common interior adjoining fire sprinkler-piping penetrations and private fire hydrants. An agreement between owners and tenants shall be made to allow permission to enter the premises to inspect all apparatuses associated with fire protection. Draft documents shall be provided to the Fire Department for review. (Fire)

65. The City shall not approve the Final Map for recordation until either:
- a. A subdivision agreement is entered into along with the necessary bonds and insurance as required by the City. Said agreement shall be in a form acceptable to the City Attorney.
 - i. OR
 - b. The improvement plans are approved, and the improvements are constructed and accepted as complete. In this case, the subdivider shall enter into a one-year maintenance agreement concurrent with the recordation of the Final Map. (Engineering)
66. Any structures crossing Lot/Parcel lines created by the Final/Parcel map shall be removed. (Engineering)
67. Street names shall be approved by the City of Roseville. (Engineering)
68. The Final/Parcel Map shall include an irrevocable offer to dedicate public rights-of-way and public and/or private easements as required by the City. Lettered Lot//Parcel along major roads shall be dedicated as landscape/pedestrian/public utility easements and in fee to the City as open space. (Engineering)
69. 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)
70. The Final/Lot/Parcel/Parcel Map shall be submitted per, "The Digital Submittal of Cadastral Surveys". Submittal shall occur after Engineering approval but prior to Council approval. (Engineering)
71. The cost of any facilities which are identified in the CIP and are beyond those needed for this project may be reimbursed to the developer. In accordance with §66485 and §66486 of the Subdivision Map Act, any improvements constructed by the subdivider which contain supplemental size, capacity, number, or length for the benefit of property not within the subdivision and which improvements are to be dedicated to the public, the subdivider shall be entitled to reimbursement for that portion of the cost of the improvements which is in excess of the construction required for the subdivision. (Engineering)
72. Electric construction costs incurred by the City of Roseville Electric Department for this project shall be paid for by the developer per the applicable policy. (Electric)
73. The Environmental Utilities Department shall make a determination that there is adequate conveyance and treatment capacity in the City sewer system to handle the newly created Lot/Parcels. (Environmental Utilities)
74. The applicant shall pay all applicable water and sewer fees. (Environmental Utilities)

OTHER CONDITIONS OF APPROVAL

75. The applicant shall pay City's actual costs for providing plan check, installation and inspection services. This may be a combination of staff costs and direct billing for contract professional services. (Environmental Utilities, Engineering)
76. Any relocation, rearrangement, or change to existing electric facilities due to this development shall be at the developer's expense. (Electric)
77. It is the responsibility of the developer to insure that all existing electric facilities remain free and clear of any obstructions during construction and when the project is complete. (Electric)

78. All residential units must install a Seasonal Energy Efficiency Rating ("SEER") of 2 points above the minimum, as defined by the State of California in the current Title 24 of the Code of California regulations, up to a total maximum of 16 points including the 2 point premium, an Energy Efficiency Ratio ("EER") of 12 or greater, and a thermal expansion valve "TXV". The SEER rating of 2 points above the minimum, as defined by the current Title 24, up to a maximum of 16 points, and an EER rating of 12 or greater along with a TXV will be specified on building plans and Title 24 compliance certificates at the time building permits are requested. If Title 24 of the Code of California Regulations in effect at the time of request for building permits requires higher SEER or EER ratings, residential units in the Plan Area shall comply with such State requirements. The SEER and EER ratings will be verified with appropriate documentation. These requirements shall be utilized in the overall energy compliance calculations required for issuance of a building permit for any residential unit. Any variances must be approved by the Electric Department's Retail Energy Services Department. (Building, Electric)
79. Existing public facilities damaged during the course of construction shall be repaired by the applicant, at the applicant's expense, to the satisfaction of the City. (Engineering)
80. The project is subject to the noise standards established in the City's Noise Ordinance. In accordance with the City's Noise Ordinance project construction is exempt between the hours of seven a.m. and seven p.m. Monday through Friday, and between the hours of eight a.m. and eight p.m. Saturday and Sunday. Provided, however, that all construction equipment shall be fitted with factory installed muffling devices and that all construction equipment shall be maintained in good working order. (Engineering)
81. 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 shall 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. Non-emergency releases or notifications about the presence of containers found shall be reported to the Fire Department. (Fire)
82. All plant material shall be maintained under a 30-calendar day establishment period after initial planting. Upon completion of the establishment period, all plant material shall remain under warrantee for an additional 9 months minimum. Any plant material which does not survive during the establishment period shall be immediately replaced. Any trees or shrubs which do not survive during the warrantee period shall be replaced one month prior to the end of the warrantee period. Tree or shrub replacement made necessary due to acts of God, neglect or vandalism shall be exempt from the warrantee. (Parks, Recreation, and Libraries)
83. Those portions of Parcel A and Parcel B that are bifurcated and adjacent to open space as well as the section of ROW between the bike trail and Pad 96, shall be finished with a weed barrier and low maintenance ground level cover such as cobble or bark mulch. The finish shall be inspected by the Parks Department prior to acceptance of any lots which will be maintained by the Parks Department. (Parks)

Exhibits

- A. Development Agreement Amendment
- B. Tentative Subdivision Map
- C. Grading and Stormwater Plans
- D. Phasing Plan
- E. SVSP Table 5.3

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.

Recording Requested by:

CITY OF ROSEVILLE

When Recorded Mail

to:

City Clerk

City of Roseville

311 Vernon Street

Roseville, CA 95678

Exempt from recording fees

Pursuant to Cal. Govt. Code § 27383

**FIRST AMENDMENT OF DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF ROSEVILLE AND THE CYRIL G. BARBACCIA
IRREVOCABLE TRUST DATED DECEMBER 15, 1976
RELATIVE TO THE SIERRA VISTA SPECIFIC PLAN**

This First Amendment of Development Agreement is entered into this _____ day of _____, 2021, by and between the CITY OF ROSEVILLE, a municipal corporation ("City") and THE CYRIL G. BARBACCIA IRREVOCABLE TRUST DATED DECEMBER 15, 1976 ("Landowner"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code.

RECITALS

A. Landowner and City entered into a Development Agreement (the "Original Development Agreement"), which was approved by the City Council of City on May 19, 2010, and recorded on June 18, 2010 in the Official Records of Placer County as Document No. 2010-0045865-00. City and Landowner entered into the Original Development Agreement relative to development within a portion of the Sierra Vista Specific Plan ("Specific Plan", "SVSP", or "Plan Area"), as described in Exhibit "A" and shown in Exhibit "B" of the Original Development Agreement (the "Property"). Except as otherwise defined herein, all capitalized terms used herein shall have the meanings ascribed thereto in the Original Development Agreement.

B. This First Amendment to the Development Agreement (the "First Amendment") affects a portion of the Property (the "First Amendment Property"), as described in Exhibit "A" and depicted on Exhibit "B" attached to this First Amendment, and shall run with the land described in Exhibit "A" and depicted on Exhibit "B" hereto.

C. This First Amendment is authorized by Section 1.4 of the Original Development Agreement and Section 65868 of the California Government Code.

D. City and Landowner wish to enter into this First Amendment in order to amend the affordable housing provisions and residential development standards for the First Amendment Property.

NOW, THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. AMENDMENT OF DEVELOPMENT AGREEMENT. The following sections and exhibits of the Original Development Agreement are hereby amended as follows:

- a. TABLE OF CONTENTS. The following entry is added to the Table of Contents in its entirety to read as follows:

“2.2.1 Property Specific Development Standards”

- b. NEW SECTION 2.2.1. Section 2.2.1 is added in its entirety to read as follows:

“2.2.1 Property Specific Development Standards. At Landowner’s option, either the Residential Single Family/Development Standards (RS/DS) attached hereto as Exhibit “E-1” or the RS/DS standards set forth in the Specific Plan shall apply to the Medium Density Residential designated parcels in the First Amendment Property.”

- c. REVISED SECTION 2.6. The third paragraph of Section 2.6 is revised in its entirety to read as follows:

“Locations of affordable housing sites, other than single-family affordable purchase residential units, are shown in the Specific Plan and Exhibit “F”.”

- d. TABLE OF CONTENTS. The following entry is removed from the Original Development Agreement Table of Contents in its entirety

“2.6.1 Affordable Purchase Residential Units”

- e. REMOVE. The entirety of Section 2.6.1, including all subsections as shown below, is removed from the Original Development Agreement:

2.6.1 Affordable Purchase Residential Units

2.6.1.1 Required Agreements

2.6.1.2 Content

2.6.1.3 No City Subsidies

2.6.1.4 Transfer of Obligation

2.6.1.5 In Lieu Fee – Affordable Housing

2.6.1.6 Community Facilities District

- f. REVISED SECTION 2.6.2.1. Section 2.6.2.1 of the Original Development Agreement is revised in its entirety to read as follows:

“2.6.2.1 Affordable Obligation. Landowner agrees that one hundred (100) affordable rental units will be reserved within the First Amendment Property, including fifty (50) units for rental to very low-income households and fifty (50) units for rental to low-income households.”

Parcels	Total Units in Parcels	Total Affordable	Very Low- Income Rental	Low Income Rental Units
CG-31	420	100	50	50

- g. REVISED SECTION 2.6.2.2. Section 2.6.2.2 is replaced in its entirety to read as follows:

“2.6.2.2 Required Agreements. Prior to the issuance of a building permit for the applicable Affordable Parcel(s), the parties shall enter into City's then current form of Affordable Rental Housing Agreement (or other applicable City-approved form) for such residential rental units affordable to low income and very low income households, which shall identify the obligation to produce and deliver the applicable number of rental units affordable to very low or low income households to be provided by such Affordable Parcel. The term of the Agreement shall require the affordable units to be rented only to qualified affordable households for a period of fifty-five (55) years, commencing on the date of issuance of a certificate of occupancy for each affordable unit. Specific requirements of the agreement will be determined by the Economic Development Director or his/her designee.”

- h. RENUMBERED SECTIONS. Sections 2.6.2.2, 2.6.2.3, and 2.6.2.4 are renumbered as follows:

Section 2.6.2.2 entitled “Transfer/Satisfaction of Obligation” is renumbered to Section 2.6.2.3.

Section 2.6.2.3 entitled “Compensation by City” is renumbered to Section 2.6.2.4.

Section 2.6.2.4 entitled “Community Facilities Districts” is renumbered to Section 2.6.2.5.

- i. REVISED LIST OF EXHIBITS. The following entries are added to the List of Exhibits:

“Exhibit “E-1”: RS/DS Development Standards”

“Exhibit “F-1”: Affordable Rental Units”

2. **CONSISTENCY WITH GENERAL PLAN.** The City Council has found and determined that this First Amendment of the Development Agreement is in the best interest of the public health, safety and general welfare and is consistent with the General Plan and the Sierra Vista Specific Plan.
3. **AMENDMENT LIMITED TO FIRST AMENDMENT PROPERTY.** This First Amendment is limited to and applies only to development of the First Amendment Property and does not affect or apply in any manner with respect to the development of any other property within the Sierra Vista Specific Plan area, including without limitation, any other portion of the Property.
4. **AMENDMENT.** This First Amendment amends, but does not replace or supersede, the Original Development Agreement, except as specified herein. In the event of any conflict, the language of this First Amendment shall be controlling in all events or circumstances. As amended hereby, the Original Development Agreement remains in full force and effect.
5. **FORM OF AGREEMENT.** This First Amendment is executed in two duplicate originals, each of which is deemed to be an original.

IN WITNESS WHEREOF, the City of Roseville, a municipal corporation, has authorized the execution of this First Amendment in duplicate by its City Manager and attested to by its City Clerk under the authority of Ordinance No. _____, adopted by the Council of the City of Roseville on the ____ day of _____, 2021.

CITY:

CITY OF ROSEVILLE,
a municipal corporation

By: _____
Dominick Casey
City Manager

ATTEST:

By: _____
Sonia Orozco
City Clerk

APPROVED AS TO FORM:

By: _____
Michelle Sheidenberger
City Attorney

APPROVED AS TO SUBSTANCE:

By: _____
Mike Isom
Development Services Director

LANDOWNER:

THE CYRIL G. BARBACCIA IRREVOCABLE TRUST
DATED DECEMBER 15, 1976

By: _____
John J. Guerra
Trustee

EXHIBIT A
LEGAL DESCRIPTION OF FIRST AMENDMENT PROPERTY

All that certain real property situated in the City of Roseville, Placer County, California more particularly described as follows:

Lots 2, and 4, as shown and designated on the Map entitled Sierra Vista – CGB, Large Lot Subdivision No. PL15-0192, filed for record on June 04, 2019 in Book EE of Maps at Page 56, Placer County Records.

Exhibit "B" **Depiction of First Amendment Property**

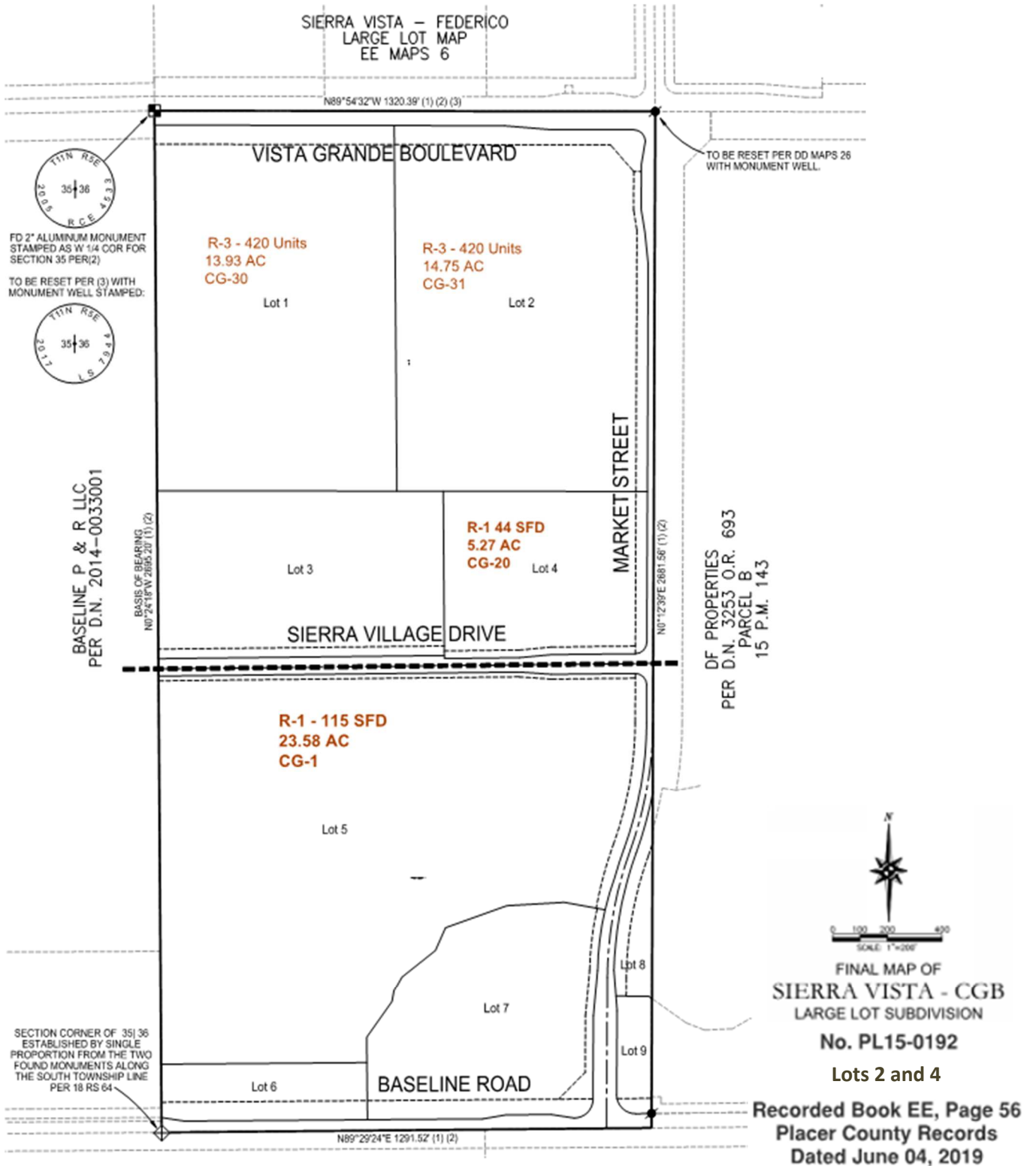
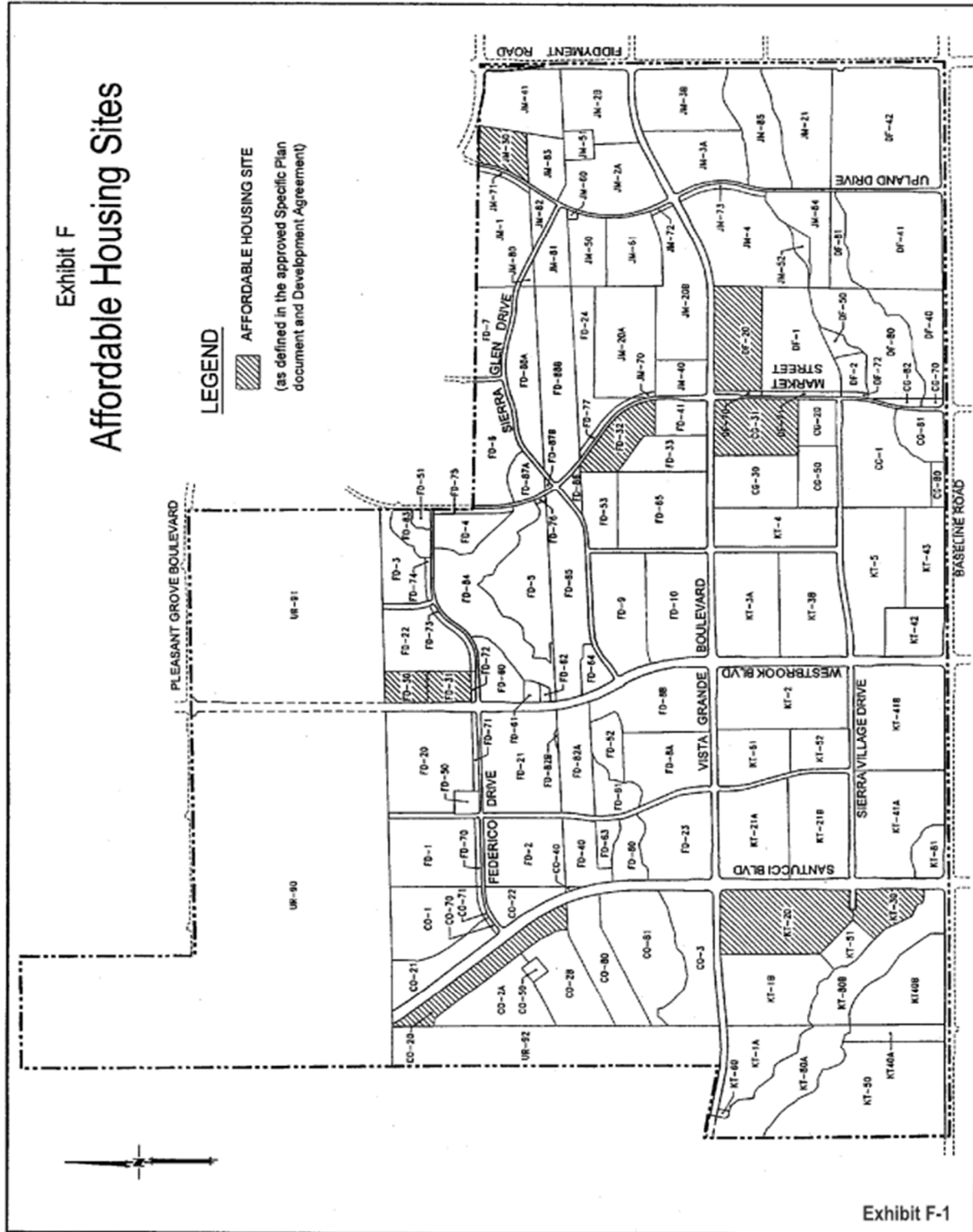


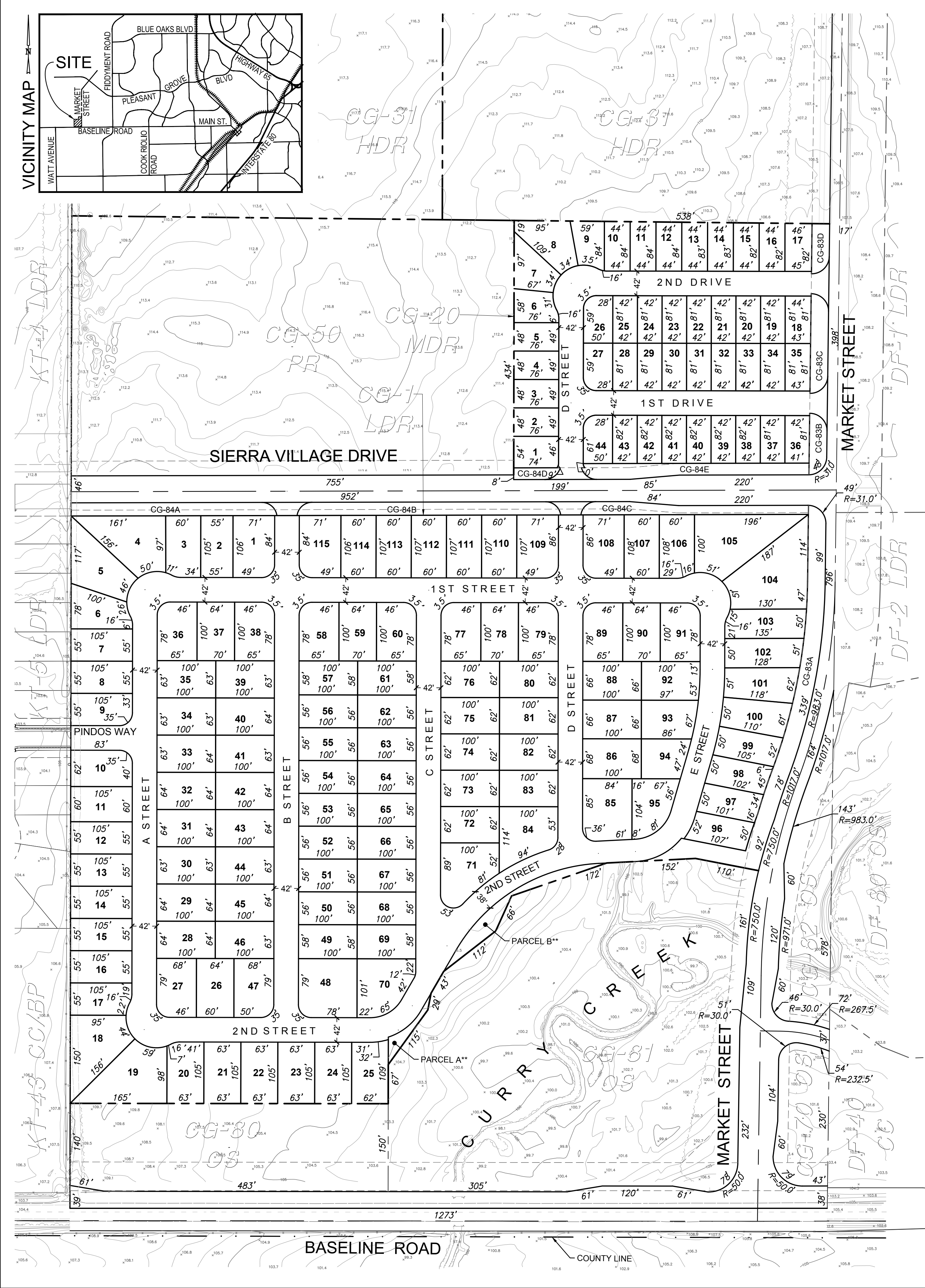
Exhibit “E-1”

MDR RS/DS Development Standards

	Single Family with Attached Sidewalk ⁴	Single Family with Separated Sidewalk ^{2,4}
Lot Size (minimum)		
Area, Interior Lot	<i>3,000 sq. ft.</i>	<i>2,800 sq. ft. ²</i>
Area, Corner Lot	<i>3,300 sq. ft.</i>	<i>3,000 sq. ft. ²</i>
Width, Interior	<i>40 ft.</i>	<i>40 ft.</i>
Width, Corner	<i>50 ft.</i>	<i>45 ft.</i>
Permitted Density (maximum per lot)		
Residential Density	1 dwelling; 1 second unit	1 dwelling; 1 second unit
Setbacks (minimum)		
Front ³	<i>14 ft. to living space or side wall of garage;</i> <i>18 ft. min. driveway depth w/ roll-up garage door</i>	<i>9 ft. to living space or side wall of garage;</i> <i>18 ft. min. driveway depth w/ roll-up garage door</i>
Sides ^{3,5}	5 ft. interior side 12.5 ft. street side on corner	5 ft. interior side <i>7.5 ft. street side on corner</i>
Rear	<i>10 ft. to 1st story wall</i> <i>15 ft. to 2nd story wall</i>	<i>10 ft. to 1st story wall</i> <i>15 ft. to 2nd story wall</i>
Coverage (maximum)		
Site Coverage	None & <i>no min. usable open space required</i>	None & <i>no min. usable open space required</i>
Height (maximum)		
Height	35 ft.	35 ft.
Other Provisions		
Front Yard Stagger	None required, but optional per unit design	None required, but optional per unit design
2 nd story wall separation	10 ft.	10 ft.
Two-story unit mix	No limit	No limit
Stagger for 3 rd car garages	2 ft. between 3 rd car bay and two-car garage	2 ft. between 3 rd car bay and two-car garage
- Items in <i>italics</i> represent modifications to City Zoning Ordinance Standards - Sidewalk separated from back of curb by 5-foot planter strip. - Front setback (and side setback where adjacent to street) measured from back of walk. If no sidewalk is present, setbacks measured from back of curb. Minimum separation between two-story elements shall be 10 feet. - A DRRS permit (required for neighborhoods greater than 7 du/ac) will be used to ensure compliance with the standards above. - Fence side yard setback is 5 feet from back of walk where facing a street with an attached sidewalk. Fence side yard setback is 2.5 feet from back of walk where facing a street with a detached sidewalk.		

Exhibit "F-1": Affordable Rental Unit





MDR DEVELOPMENT STANDARDS

MDR RS/DS Development Standards		
	Single Family with Attached Sidewalk ⁴	Single Family with Separated Sidewalk ^{2,4}
Lot Size (minimum)		
Area, Interior Lot	3,000 sq. ft.	2,800 sq. ft. ²
Area, Corner Lot	3,300 sq. ft.	3,000 sq. ft. ²
Width, Interior	40 ft.	40 ft.
Width, Corner	50 ft.	45 ft.
Permitted Density (maximum per lot)		
Residential Density	1 dwelling; 1 second unit	1 dwelling; 1 second unit
Setbacks (minimum)		
Front ³	14 ft. to living space or side wall of garage; 18 ft. min. driveway depth w/ roll-up garage door	9 ft. to living space or side wall of garage; 18 ft. min. driveway depth w/ roll-up garage door
Sides ^{3,5}	5 ft. interior side 12.5 ft. street side on corner	5 ft. interior side 7.5 ft. street side on corner
Rear	10 ft. to 1 st story wall 15 ft. to 2 nd story wall	10 ft. to 1 st story wall 15 ft. to 2 nd story wall
Coverage (maximum)		
Site Coverage	None & no min. usable open space required	None & no min. usable open space required
Height (maximum)		
Height	35 ft.	35 ft.
Other Provisions		
Front Yard Stagger	None required, but optional per unit design	None required, but optional per unit design
2 nd story wall separation	10 ft.	10 ft.
Two-story unit mix	No limit	No limit
Stagger for 3 rd car garages	2 ft. between 3 rd car bay and two-car garage	2 ft. between 3 rd car bay and two-car garage

- Items in *italics* represent modifications to City Zoning Ordinance Standards
- Sidewalk separated from back of curb by 5-foot planter strip.
- Front setback (and side setback where adjacent to street) measured from back of walk. If no sidewalk is present, setbacks measured from back of curb. Minimum separation between two-story elements shall be 10 feet.
- A DRRS permit (required for neighborhoods greater than 7 du/ac) will be used to ensure compliance with the standards above.
- Fence side yard setback is 5 feet from back of walk where facing a street with an attached sidewalk. Fence side yard setback is 2.5 feet from back of walk where facing a street with a detached sidewalk.

LDR DEVELOPMENT STANDARDS

Table A-1: RS/DS Development Standards

	Single Family with Attached Sidewalk ⁴	Single Family with Separated Sidewalk ^{1,4}
Lot Size (minimum)		
Area, Interior Lot	4,500 sq. ft.	4,275 sq. ft. ¹
Area, Corner Lot	5,500 sq. ft.	4,710 sq. ft. ¹
Width, Interior	45 ft.	45 ft.
Width, Corner	55 ft.	50 ft.
Permitted Density (maximum per lot)		
Residential Density	1 dwelling; 1 second unit	1 dwelling; 1 second unit
Setbacks (minimum)		
Front ²	15 ft. to living space or side wall of garage; 12.5 ft. to porch 18 ft. min. driveway depth	10 ft. to first-floor living space or side wall of garage 7.5 ft. to porch, but in no case may encroach into a PUE 15 ft. to second-floor living space 18 ft. min. driveway depth
Sides ²	Interior Lots: Corner Lots:	5 ft. 5 ft. interior side 10 ft. street side on first floor 15 ft. street side on second floor
Rear	10 ft. minimum with minimum usable open space of 700 s.f. or 500 s.f. where a usable front porch is provided ³	13 ft. minimum with minimum usable open space of 500 s.f. ¹
Coverage (maximum)		
Site Coverage	None ³	None ³
Height (maximum)		
Height	35 ft.	35 ft.
Supplemental Design Standards		
1. Front Yard Stagger	None required, but optional per unit design	
2. Stagger for 3 rd Car Garages	2 ft. between 3 rd car bay and two-car garage	
3. Two-story unit mix	No limit	
4. Separation Between Second Story Elements	A minimum of 10 feet shall be provided between second story elements of adjacent two-story dwellings.	
5. Building Exterior	Architectural treatment shall be applied to all elevations of a building. At a minimum, all doors, windows and other wall openings shall be trimmed consistent with the architectural style. Panelized windows or other architectural treatment shall be used on all garage doors.	

- Sidewalk separated from back of curb by 5-foot planter strip.
- Front setback (and side setback where adjacent to street) is measured from back of walk. Fence side yard setback is 5' from back of walk where facing a street. In the absence of a sidewalk, setback is measured from edge of right-of-way.
- The rear and side yards may be utilized to meet the minimum usable open space provided the minimum dimension, measured perpendicular to the applicable rear or side yard is ten (10) feet. Maximum coverage is a function of lot size, required setbacks and usable open space. A minimum usable open space of 500 s.f. may be applied where a front porch is provided with minimum dimension of 6 ft. x 10 ft. exclusive of entry way.
- Variations to the standards and other housing product types may be permitted subject to processing of a Design Review Permit for Residential Subdivisions (DRRS) concurrent with the approval of a tentative subdivision map and review of product type.

PARCEL SUMMARY

PARCEL	ACRES
CG-1	23.86± AC.
CG-20	5.34± AC.
CG-80*	1.86± AC.
CG-81*	6.70± AC.
CG-83A	0.53± AC.
CG-83B	0.06± AC.
CG-83C	0.11± AC.
CG-83D	0.06± AC.
RIGHT OF WAY & LANDSCAPE LOTS	
CG-84A	0.18± AC.
CG-84B	0.23± AC.
CG-84C	0.15± AC.
CG-84D	0.03± AC.
CG-84E	0.18± AC.
PARCEL A	0.04± AC.
PARCEL B	0.13± AC.
ROW*	3.72± AC.
TOTAL	43.18± AC.

*LOTS: ROW, CG-50, CG-70, CG-80, CG-81, CG-82 WERE PREVIOUSLY DEDICATED TO THE CITY OF ROSEVILLE PER LARGE LOT SUBDIVISION NO. PL 15-01992 FILED ON JUNE 4, 2019 IN BOOK EE PAGE 56.

TENTATIVE MAP INFORMATION

OWNER:	THE CYRIL G. BARBACCIA IRREVOCABLE TRUST 165 BLOSSOM HILL ROAD SAN JOSE, CA 95123 ATTN: JOHN J. GUERRA JR.
DEVELOPER:	SIERRA BASELINE DEVELOPMENT LLC 1731 TECHNOLOGY DRIVE, SUITE 880 SAN JOSE, CA 95110 ATTN: KEVIN WEISS
ENGINEER:	JMH WEISS, INC. 1731 TECHNOLOGY DRIVE, SUITE 880 SAN JOSE, CA 95110 ATTN: KEVIN WEISS
ASSESSORS PARCEL NO:	498-01-062 498-01-063 498-01-064 498-01-065
LAND USE & ZONE:	LDR (LOW DENSITY RESIDENTIAL) MDR (MEDIUM DENSITY RESIDENTIAL) OS (OPEN SPACE)
NUMBER OF LOTS:	EXISTING 2 1 1 PROPOSED 161 TOTAL LOTS 115 LDR (6,350 - 14,850 SF) 44 MDR (3,350 - 6,400 SF) 2 OS PASEO PARCELS 5 ROW/LANDSCAPE CORRIDOR 1 PARCEL A** (1653± SF) 1 PARCEL B** (5468± SF)
SERVICE PROVIDERS SCHOOL DISTRICTS:	ROSEVILLE CITY SCHOOL DISTRICT & ROSEVILLE JOINT UNION HIGH SCHOOL DISTRICT CITY OF ROSEVILLE CITY OF ROSEVILLE (ENVIRONMENTAL UTILITIES) CITY OF ROSEVILLE/PLACER COUNTY WATER AGENCY CITY OF ROSEVILLE (ENVIRONMENTAL UTILITIES) CITY OF ROSEVILLE (ROSEVILLE ELECTRIC) COMCAST/SUREWEST PACIFIC GAS & ELECTRIC CO. COMCAST/SUREWEST
PARKS & RECREATION: POLICE & FIRE PROTECTION: SANITARY SEWER: DOMESTIC WATER: STORM DRAIN: ELECTRICITY: TELEPHONE: CABLE:	

TENTATIVE MAP NOTES

- PROPERTY DESCRIPTION: ALL THE REAL PROPERTY SITUATED IN THE COUNTY OF PLACER, STATE OF CALIFORNIA, BEING A SUBDIVISION OF LOTS 4&5 OF SIERRA VISTA - CGB LARGE LOT SUBDIVISION, SUBDIVISION NO. PL 15-0192 FILED IN BOOK EE OF MAPS AT PAGE 56, ON JUNE 4, 2019 IN THE OFFICE OF THE PLACER COUNTY RECORDER.
- LOT DIMENSIONS AND ACREAGES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE.
- LOT LINES AND LOT AREAS MAY BE ADJUSTED AT THE TIME OF FINAL MAP(S) PREPARATION PROVIDED NO ADDITIONAL LOTS ARE CREATED, SUBJECT TO APPROVAL BY THE CITY OF ROSEVILLE. FLEXIBILITY IN LARGE LOT PARCEL CONFIGURATION AND PHASING AS SHOWN HEREON IS PERMITTED WITH THE FINAL MAP PROVIDED THAT THE CONFIGURATION IS IN SUBSTANTIAL COMPLIANCE WITH THIS PHASED TENTATIVE SUBDIVISION MAP, SUBJECT TO APPROVAL BY THE CITY OF ROSEVILLE.
- ADDITIONAL EASEMENTS TO ACCOMMODATE NEW PUBLIC UTILITY IMPROVEMENTS, ACCESS REQUIRED FOR PARCEL DEVELOPMENT, RIGHTS TO CONSTRUCT, OR OTHER SIMILAR MAPPING REQUIREMENTS NEEDED TO ACCOMPLISH THE FINAL DESIGN MAY BE ADDED PRIOR TO EACH SMALL LOT FINAL MAP BASED ON THIS TENTATIVE SUBDIVISION MAP.
- STREET SECTIONS ARE PER THE SIERRA VISTA SPECIFIC PLAN (CHAPTER 6) AND THE SIERRA VISTA DESIGN GUIDELINES (APPENDIX B), EXCEPT AS MODIFIED HEREON.
- A MINIMUM 12.5' PUBLIC UTILITY EASEMENT (PUE) WILL BE LOCATED ADJACENT TO ALL RIGHTS OF WAY UNLESS OTHERWISE NOTED.
- LANDSCAPE CORRIDOR WIDTHS MAY BE REDUCED FOR ANCILLARY RIGHT-TURN LANES, AUXILIARY LANES, BUS TURN-OUTS, STANDARD TAPERS, AND THE LIKE PER THE PROVISIONS IN THE SIERRA VISTA SPECIFIC PLAN.
- THE FINAL MAPPING AND SUBSEQUENT DEVELOPMENT OF PARCELS AND STREETS MAY BE PHASED. PROJECT IMPROVEMENTS ARE DEFERRED TO INDIVIDUAL SMALL LOT FINAL MAPS OR PROJECT DEVELOPMENT PLANS. PHASING IS TO BE CONSISTENT WITH THE PERFORMANCE CRITERIA IN THE DEVELOPMENT AGREEMENT AND APPLICABLE INFRASTRUCTURE PHASING MATRIX.
- PURSUANT TO GOVERNMENT CODE SECTION 66463.1, THE SUBDIVIDER MAY FILE MULTIPLE FINAL MAPS BASED UPON THIS PHASED TENTATIVE SUBDIVISION MAP. THE FILING OF A FINAL MAP ON A PORTION OF THIS PHASED TENTATIVE SUBDIVISION MAP SHALL NOT INVALIDATE ANY PART OF THIS PHASED SUBDIVISION MAP.
- PASEO LOTS ARE TO BE DEDICATED AS STREET RIGHT-OF-WAYS (ROW).

**PARCELS A & B TO BE DEDICATED TO THE CITY FOR OPEN SPACE AND TRAIL USE.

COVER SHEET

PHASED TENTATIVE SUBDIVISION MAP

FOR
PARCELS CG-1 & CG-20

4178 & 4230 MARKET STREET

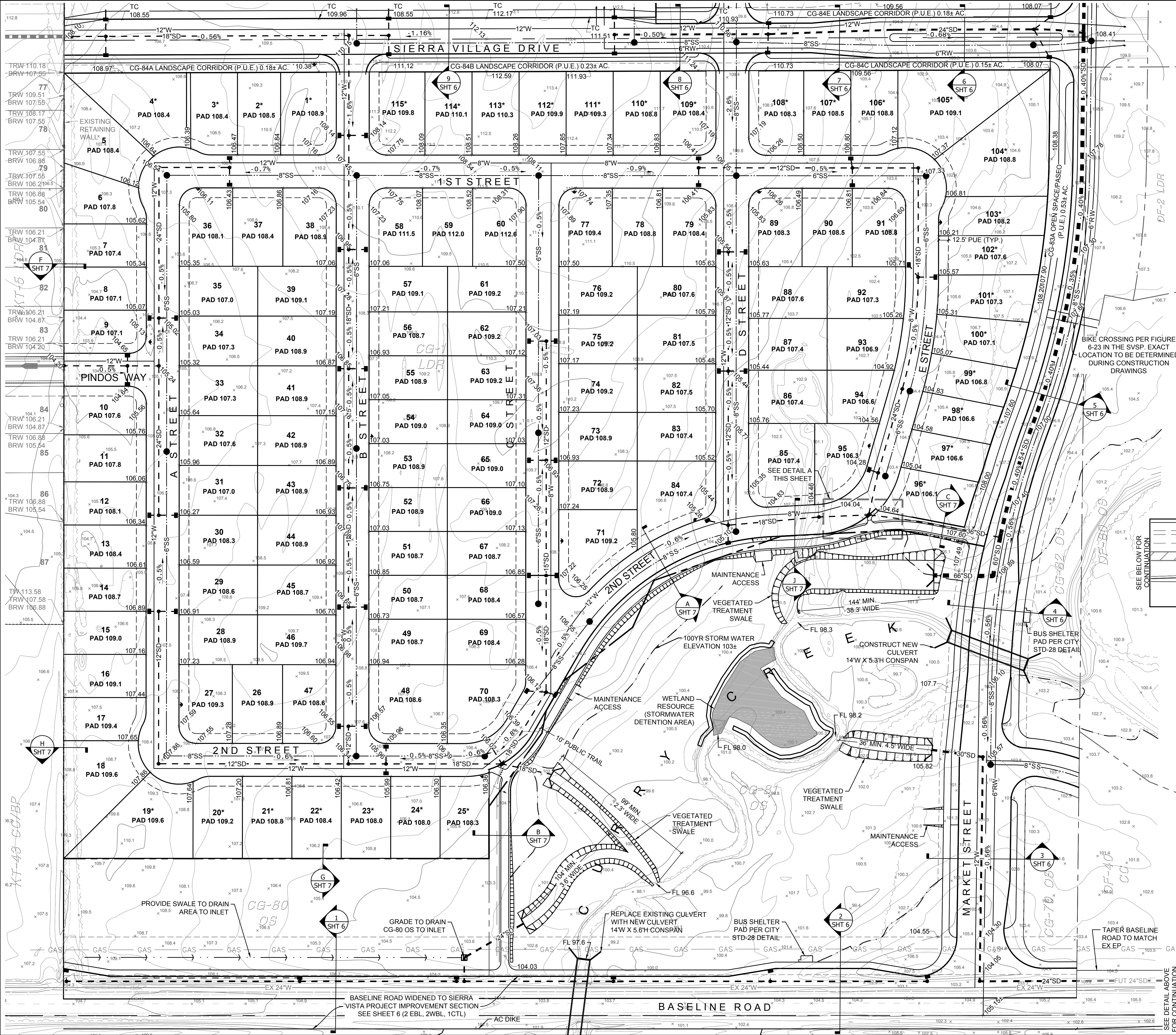
A PORTION OF THE SIERRA VISTA SPECIFIC PLAN AREA

THE CYRIL G. BARBACCIA
IRREVOCABLE TRUST

SCALE: 1"=100'
MAY 2021

SHEET: 1 OF 7

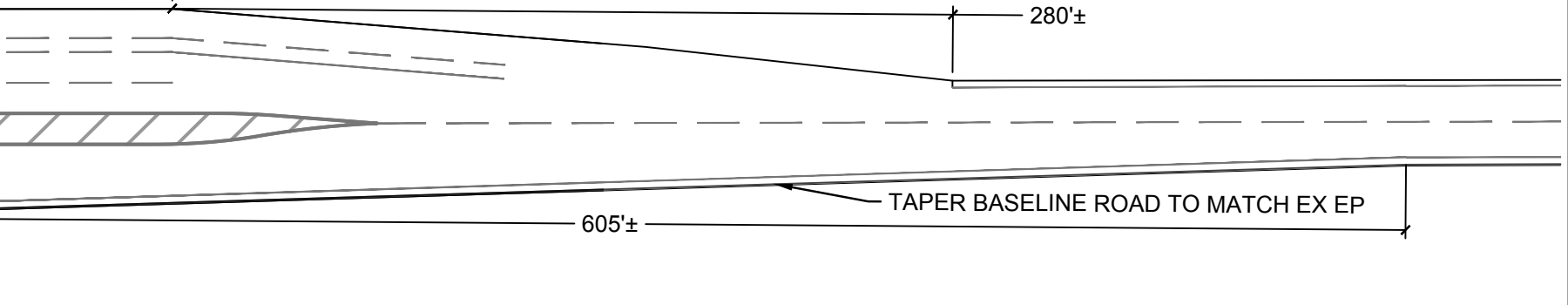
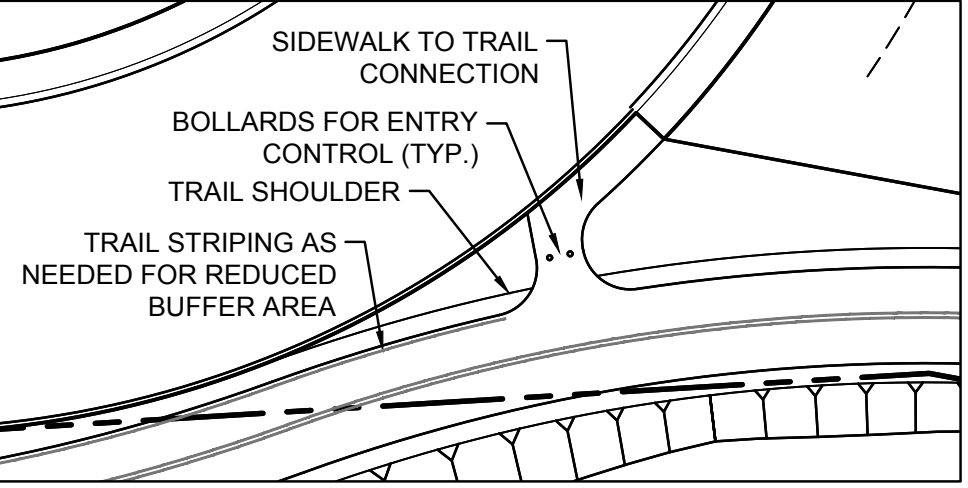
JMH
weiss
Real Estate Development Consultants
Planning and Engineering
1731 TECHNOLOGY DRIVE, SUITE 880 SAN JOSE, CA 95110



LEGEND

PROPOSED	DESCRIPTION	EXISTING
	WATER PIPE	
	STORM PIPE W/ MANHOLE AND CATCHBASIN	
	OUTFALL HEADWALL	
	SEWER PIPE AND MANHOLE	
	PUBLIC UTILITY EASEMENT	
	LOT LINE/RIGHT OF WAY	
	PROPERTY LINE	
	100 YEAR FLOOD LINE	

- NOTES:
- ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE.
 - UTILITIES MAY BE PHASED AS SHOWN ON PHASING PLAN DEPENDING UPON THE DEVELOPMENT SEQUENCE OF THE PROJECT.
 - THE PROPOSED WATER AND SEWER INFRASTRUCTURE LOCATION AND SIZES ARE SUBJECT TO CHANGE DURING FINAL DESIGN.
 - BASILENE ROAD TO BE WIDENED TO SIERRA VISTA PROJECT IMPROVEMENT SECTION. SEE SHEET 6 FOR TYPICAL SECTION. (2 EASTBOUND LANES, 2 WESTBOUND LANES, 1 CENTER TURN LANE)
 - THE 100 YEAR HGL ELEVATION SHOWN HEREIN IS DERIVED FROM THE APPROVED SVSP PRELIMINARY DRAINAGE & STORM WATER MASTER PLAN PREPARED BY CIVIL ENGINEERING SOLUTIONS INC. DATED OCTOBER 23, 2009
- *SEE SHEET 7 DETAIL I FOR TYPICAL BOUNDARY GRADING ADJACENT TO FRONTAGE.



BASILENE ROAD TAPER DETAIL

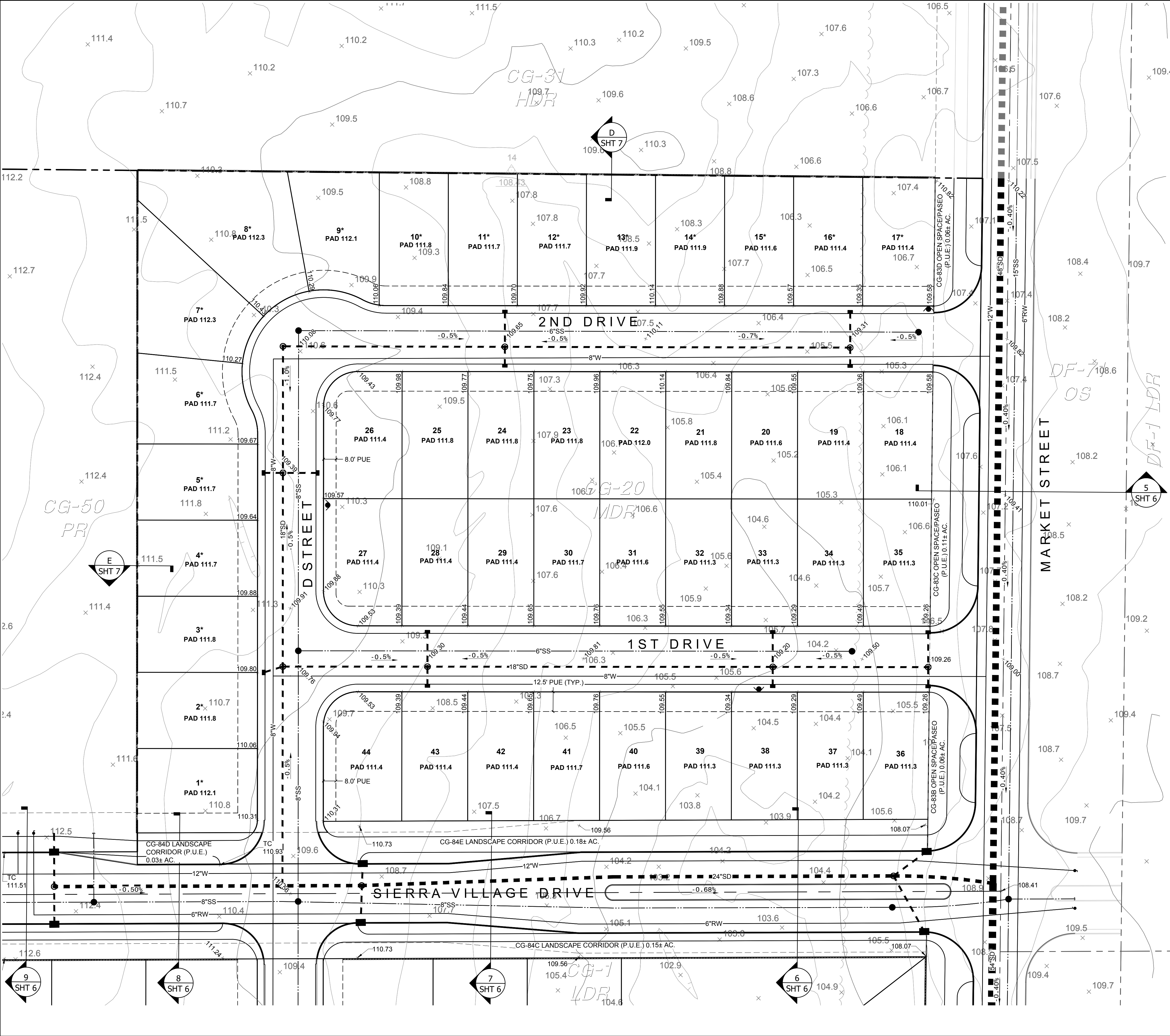
CUT/FILL SUMMARY

	2D AREA (AC.)	CUT (CY)	FILL (CY)	NET (CY)
CG-1 LDR	22.44	29203	36960	7757 (FILL)
CG-20 MDR	4.72	1397	23307	21910 (FILL)
TOTALS	27.16	30600	60267	29667 (FILL)

LDR GRADING, DRAINAGE, AND UTILITIES
PHASED TENTATIVE SUBDIVISION MAP
FOR
PARCELS CG-1 & CG-20
4178 & 4230 MARKET STREET

THE CYRIL G. BARBACIA
IRREVOCABLE TRUST

SCALE: 1"=60'
MAY 2021



LEGEND		
PROPOSED	DESCRIPTION	EXISTING
	WATER PIPE	
	STORM PIPE W/ MANHOLE AND CATCHBASIN	
	OUTFALL HEADWALL	
	SEWER PIPE AND MANHOLE	
	PUBLIC UTILITY EASEMENT	
	LOT LINE/RIGHT OF WAY	
	PROPERTY LINE	
	100 YEAR FLOOD LINE	

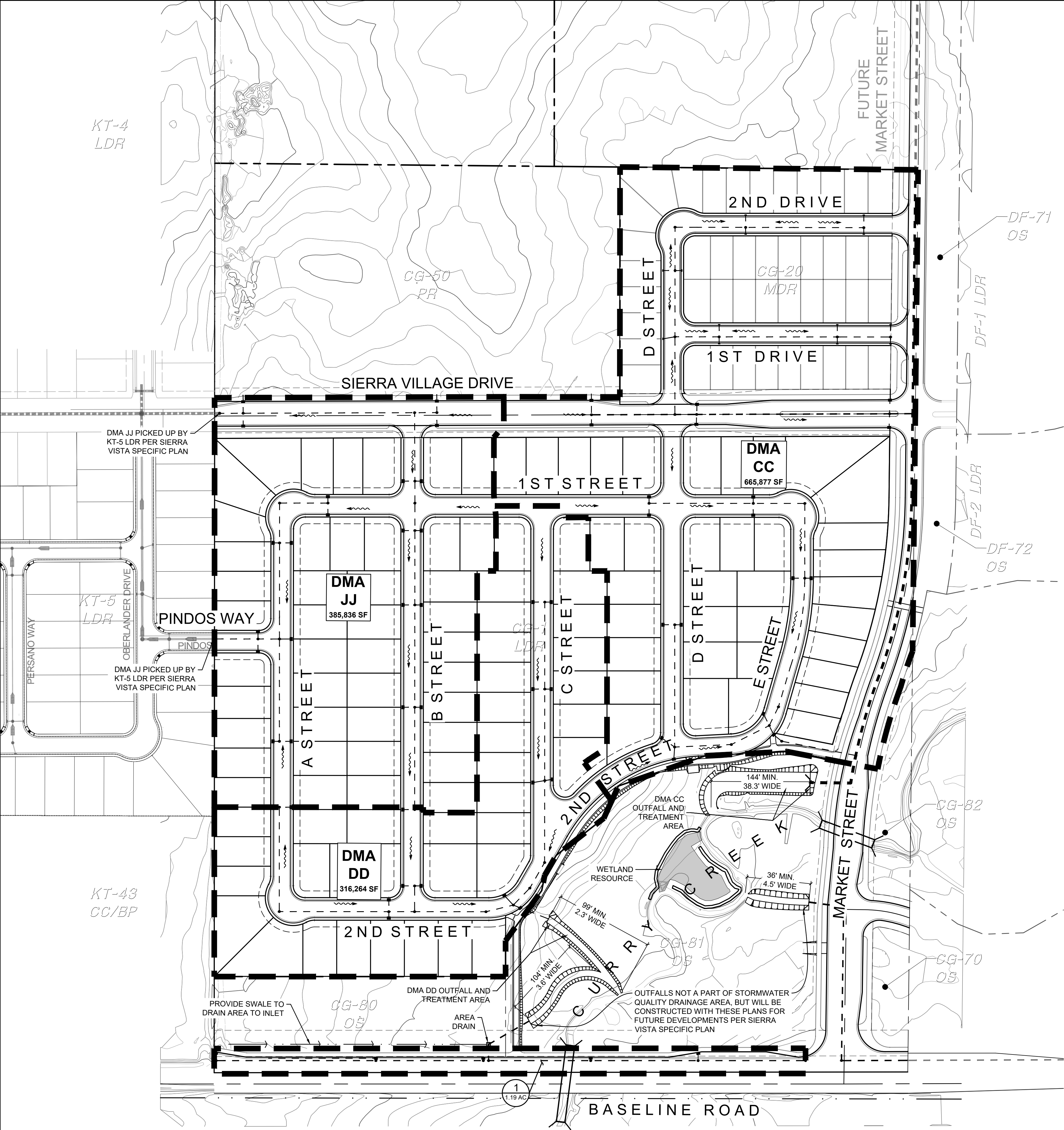
NOTES:

- ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE.
- UTILITIES MAY BE PHASED AS SHOWN ON PHASING PLAN DEPENDING UPON THE DEVELOPMENT SEQUENCE OF THE PROJECT.
- THE PROPOSED WATER AND SEWER INFRASTRUCTURE LOCATION AND SIZES ARE SUBJECT TO CHANGE DURING FINAL DESIGN.
- BASELINE ROAD TO BE WIDENED TO SIERRA VISTA PROJECT IMPROVEMENT SECTION. SEE SHEET 6 FOR TYPICAL SECTION (2 EASTBOUND LANES, 2 WESTBOUND LANES, 1 CENTER TURN LANE)
- THE 100 YEAR HGL ELEVATION SHOWN HEREIN IS DERIVED FROM THE APPROVED SVSP PRELIMINARY DRAINAGE & STORM WATER MASTER PLAN PREPARED BY CIVIL ENGINEERING SOLUTIONS INC. DATED OCTOBER 23, 2009

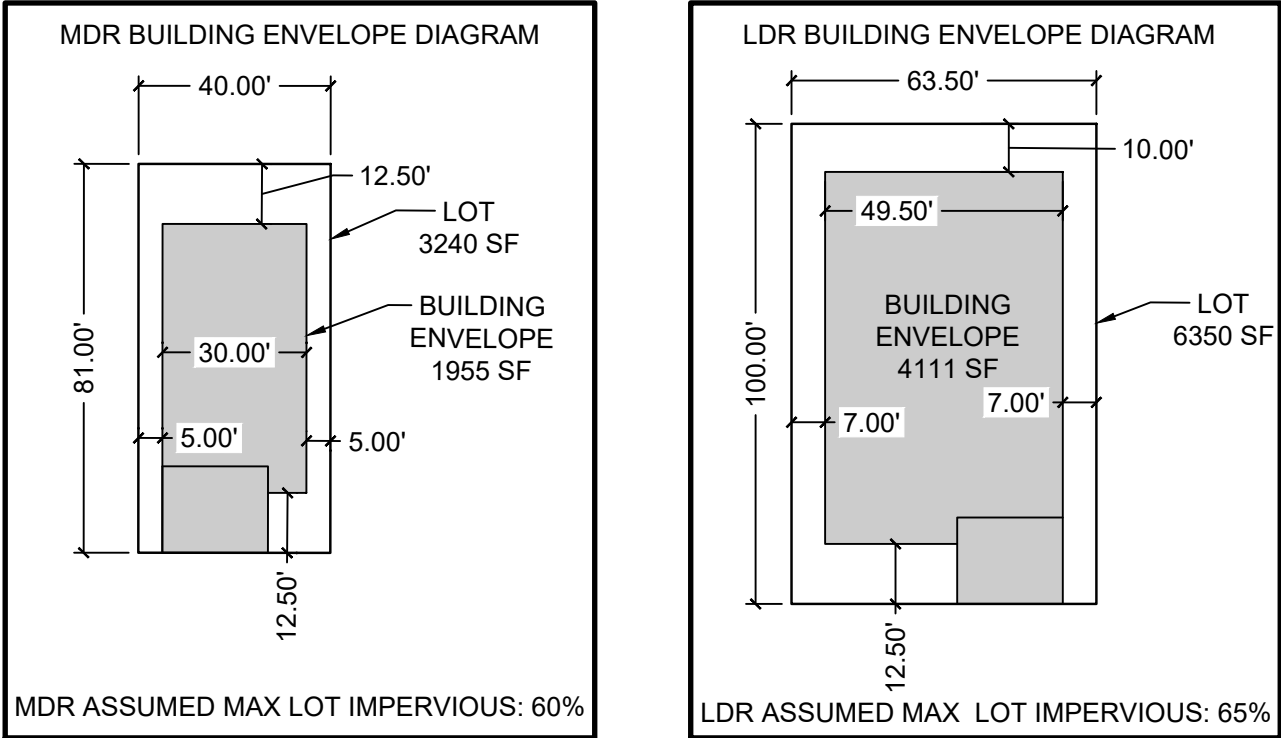
*SEE SHEET 7 DETAIL I FOR TYPICAL BOUNDARY GRADING ADJACENT TO FRONTAGE.

CUT/FILL SUMMARY				
	2D AREA (AC.)	CUT (CY)	FILL (CY)	NET (CY)
CG-1 LDR	22.44	29203	36960	7757 (FILL)
CG-20 MDR	4.72	1397	23307	21910 (FILL)
TOTALS	27.16	30600	60267	29667 (FILL)

MDR GRADING, DRAINAGE, AND UTILITIES
PHASED TENTATIVE SUBDIVISION MAP
FOR
PARCELS CG-1 & CG-20
4178 & 4230 MARKET STREET



GENERAL NOTES:
1. STORM DRAINAGE AREA AND TREATMENT SIZES ARE BASED OFF THE SIERRA VISTA SPECIFIC PLAN MASTER DRAINAGE STUDY



DMA	IMPERVIOUS (AC.)	PERVIOUS (AC.)
CC	11.38	3.91
DD	5.30	1.96
JJ	6.51	2.35
TOTAL	23.19	8.22

TREATMENT CONTROL MEASURE SUMMARY TABLE										
DMA #	TCM #	Location	Treatment Type	LID or Non-LID	Sizing Method	Drainage Area (s.f.)	Impervious Area (s.f.)	Pervious Area (s.f.)	Bioretention Area Required (s.f.)	Bioretention Area Provided (s.f.)
1	1	Offsite	Vegetated Swale	LID	2C, Flow: 4% Method **	51,753	44,532	7,221	NA	NA
Totals:						51,753	44,532	7,221		

Footnotes:
** Sizing for Bioretention Area Required calculated using the 4% Method (Impervious Area x 0.04)

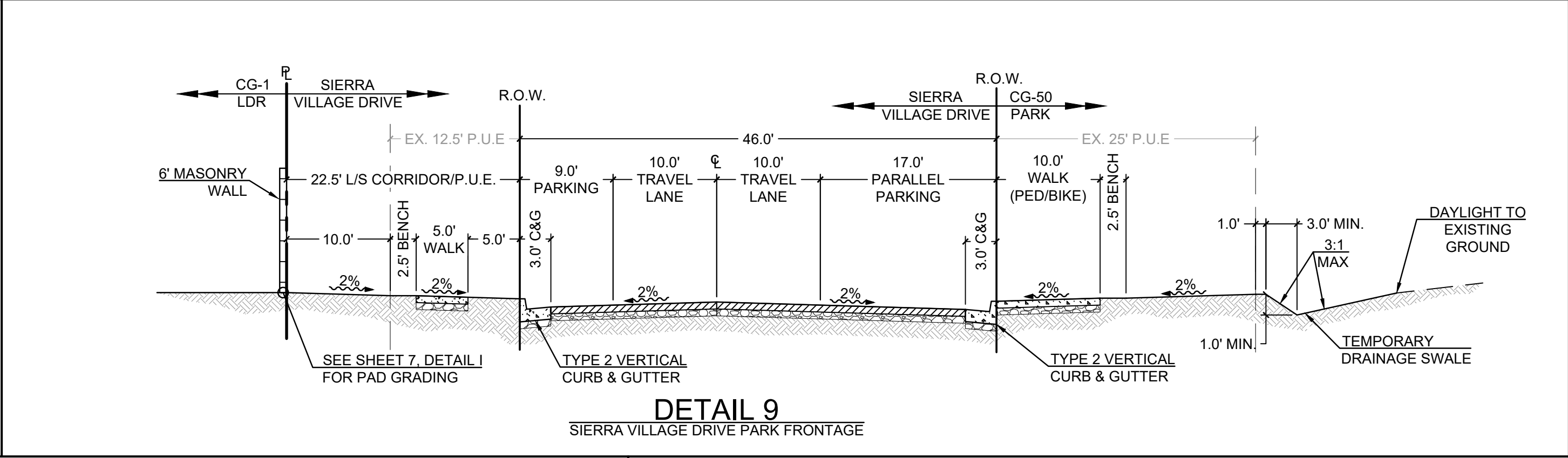
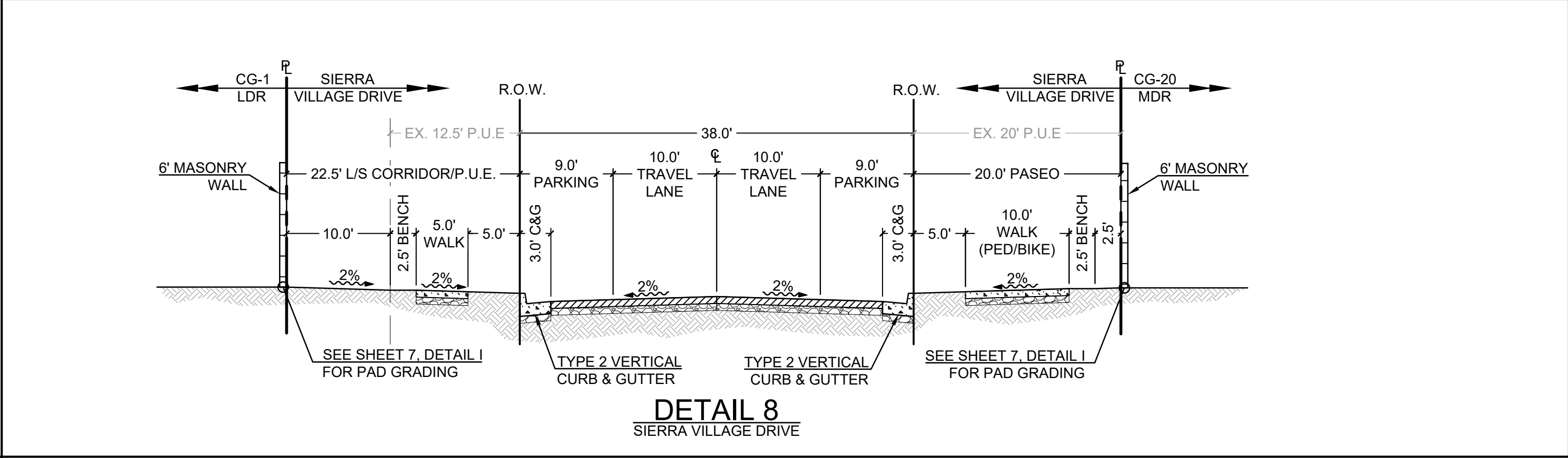
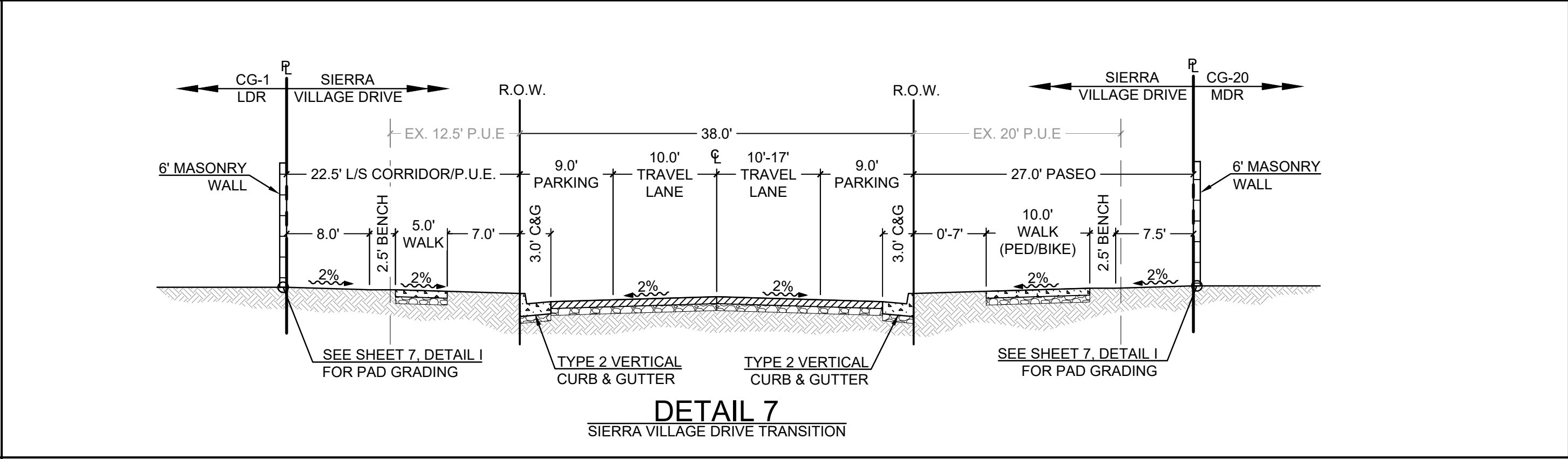
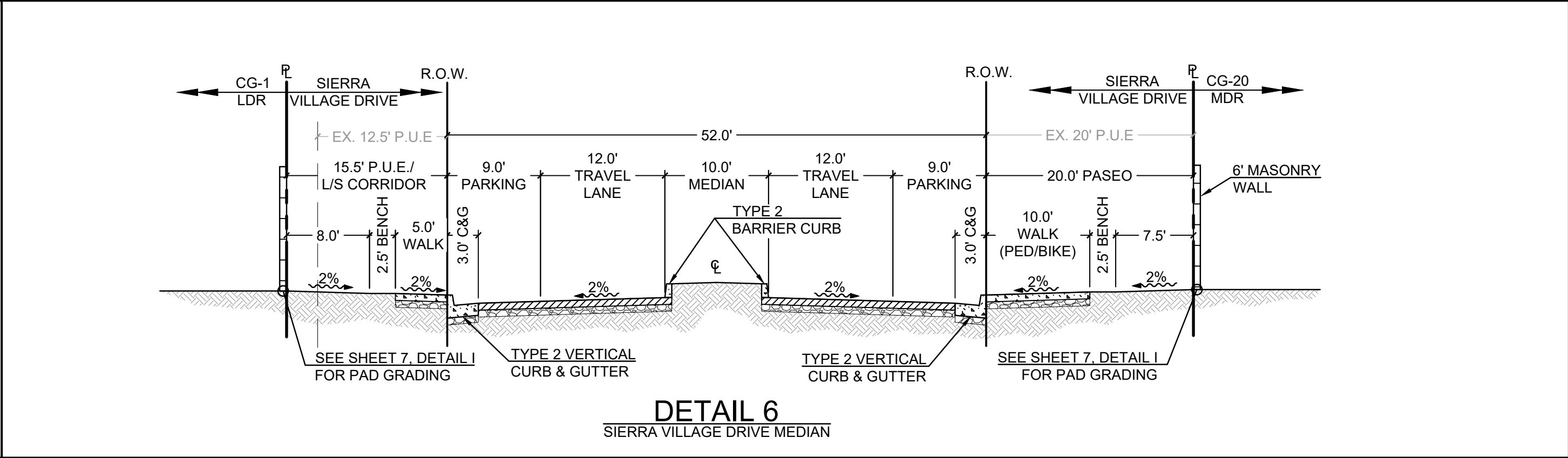
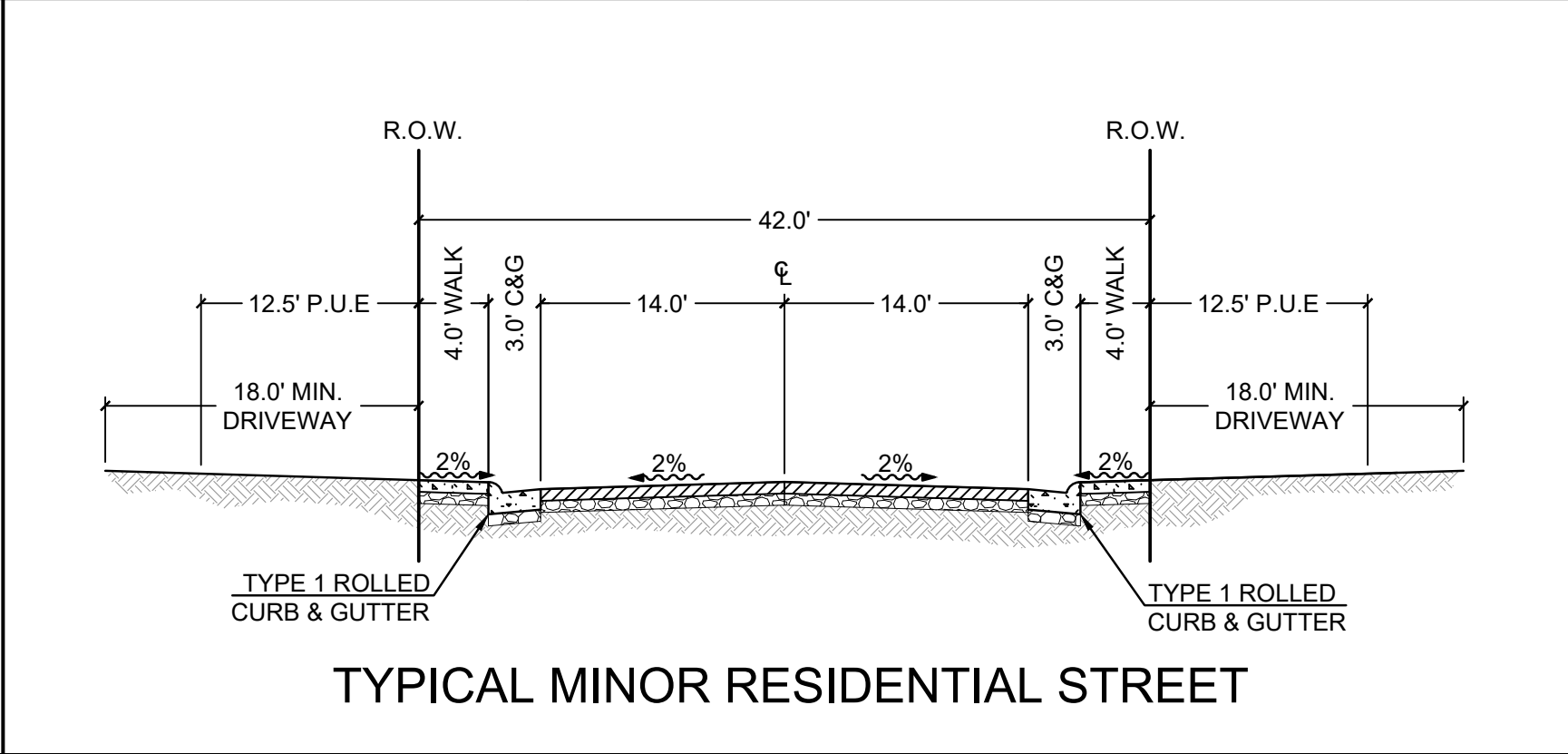
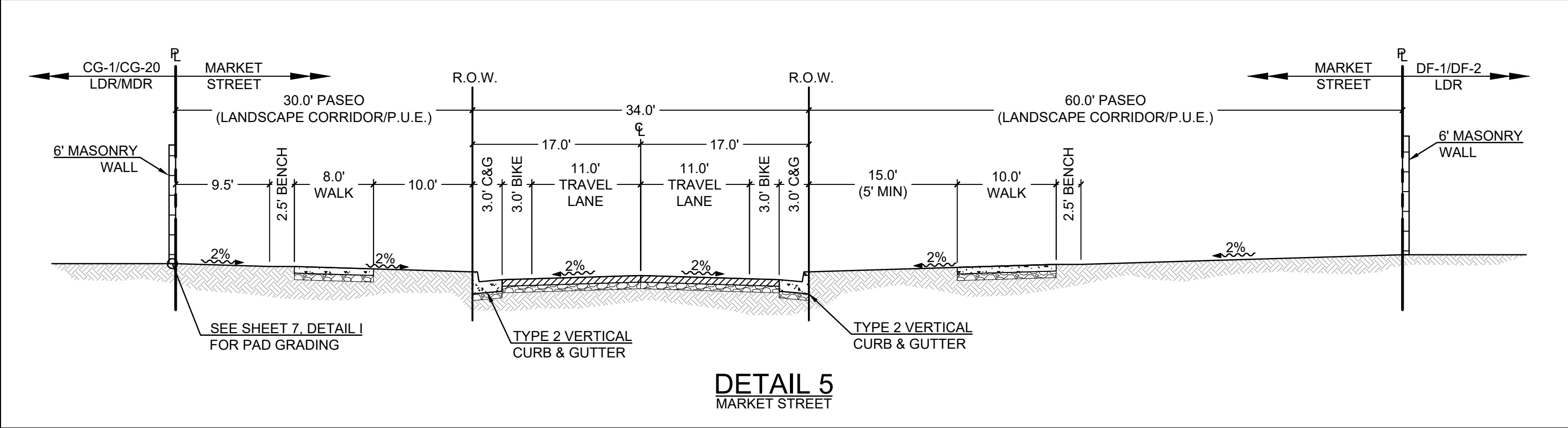
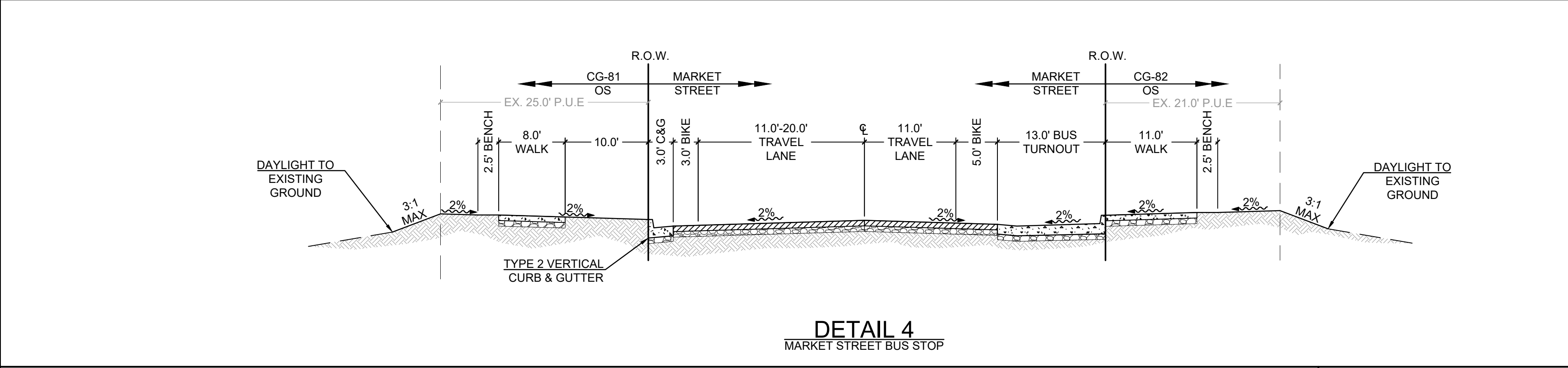
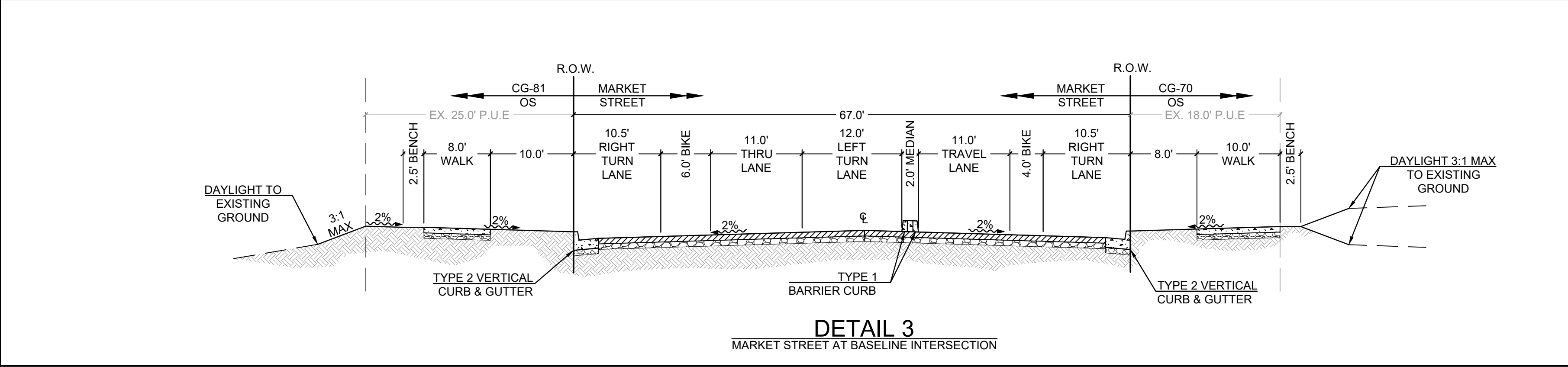
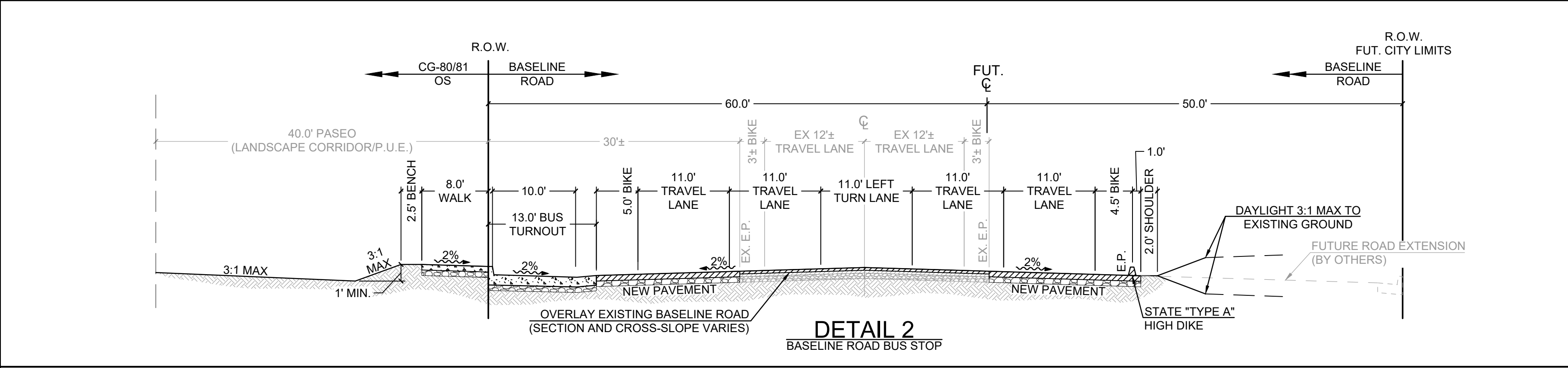
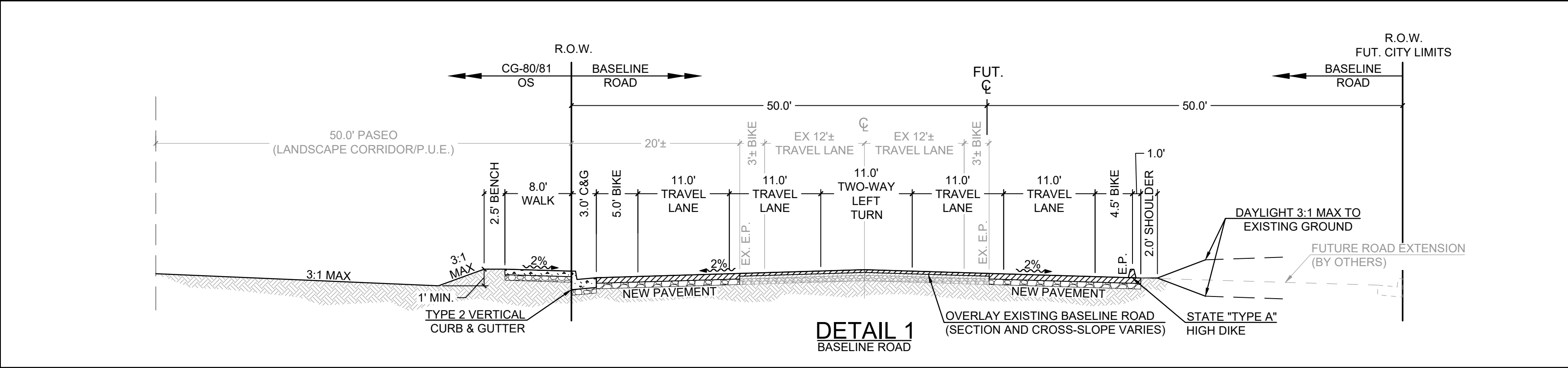
PRELIMINARY
STORMWATER CONTROL PLAN
PHASED TENTATIVE SUBDIVISION MAP
FOR
PARCELS CG-1 & CG-20
4178 & 4230 MARKET STREET

A PORTION OF THE SIERRA VISTA SPECIFIC PLAN AREA

THE CYRIL G. BARBACCIA
IRREVOCABLE TRUST

SCALE: 1"=100'
MAY 2021

SHEET: 5 OF 7



STREET SECTIONS

PHASED TENTATIVE SUBDIVISION MAP

FOR

PARCELS CG-1 & CG-20

4178 & 4230 MARKET STREET

A PORTION OF THE SIERRA VISTA SPECIFIC PLAN AREA

THE CYRIL G. BARBACCIA
IRREVOCABLE TRUST

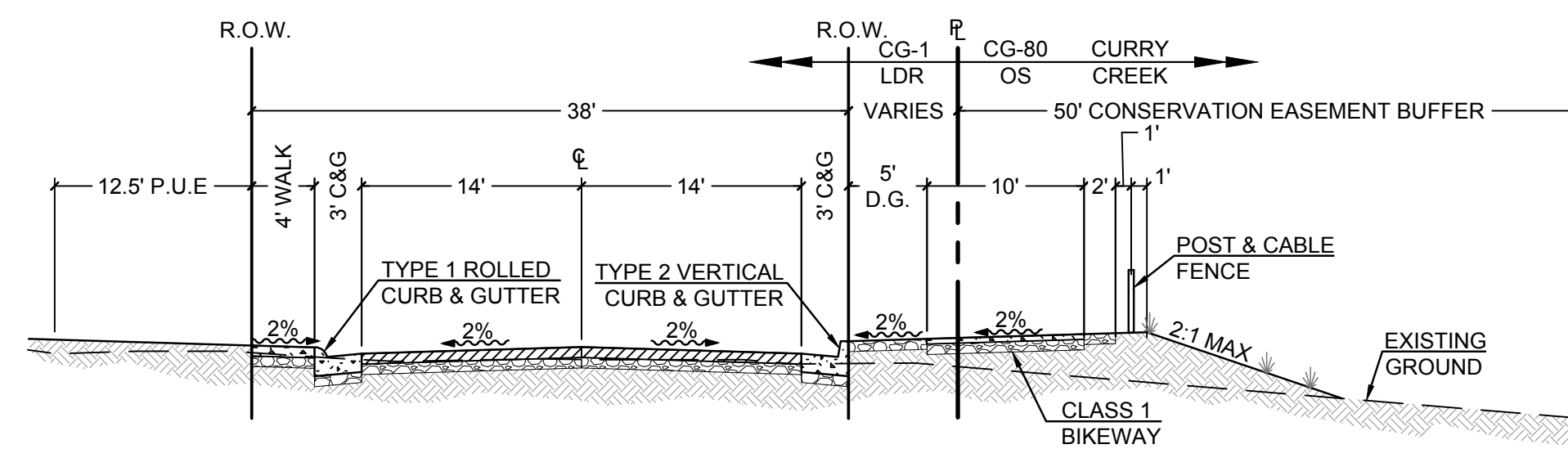
SCALE: 1"=10' HORZ. / 1"=5' VERT.
MAY 2021

SHEET: 6 OF 7

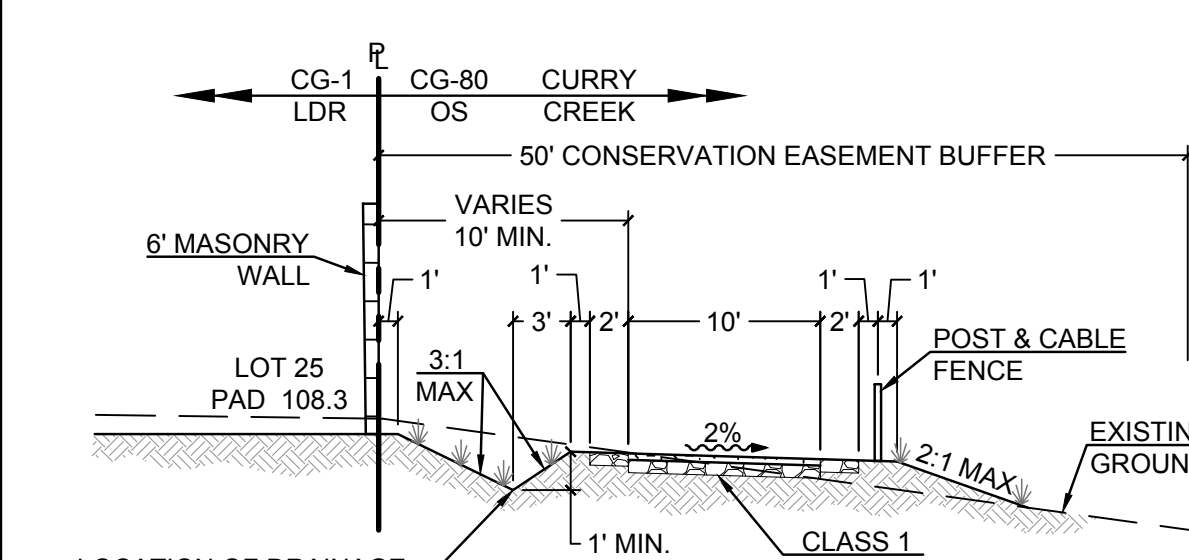
J M H

Weiss

Real Estate Development Consultants
Planning and Engineering
1731 TECHNOLOGY DRIVE, SUITE 880 SAN JOSE, CA 95110

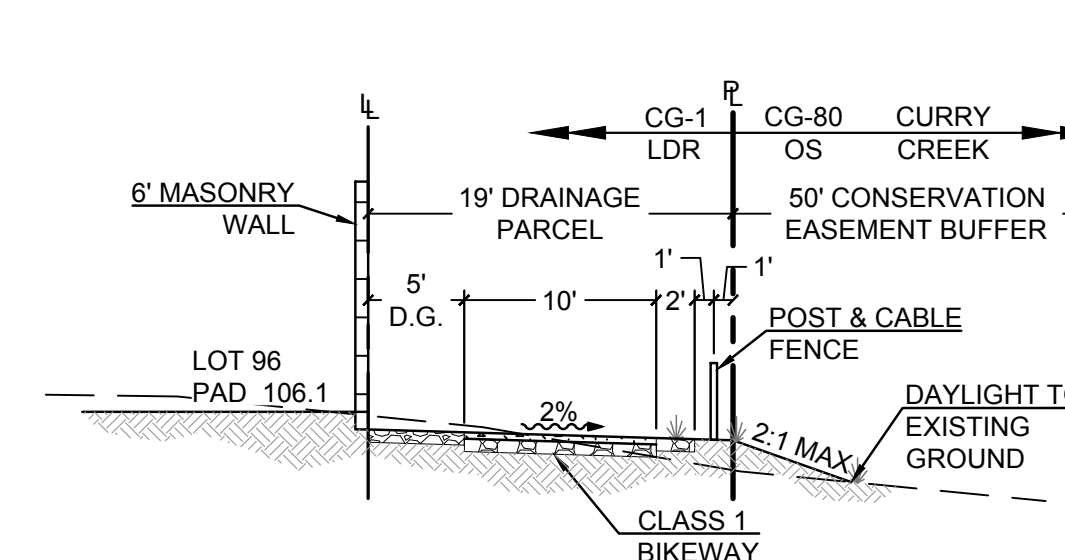


DETAIL A
MINOR RESIDENTIAL STREET ADJACENT TO OPEN SPACE

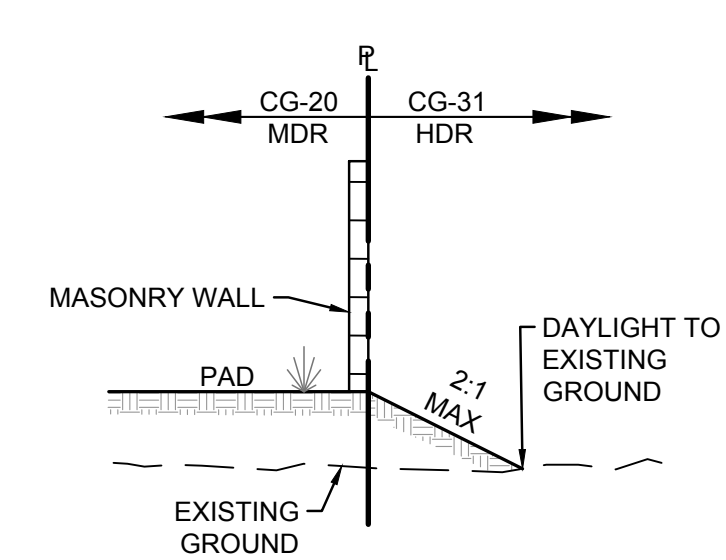


DETERMINED AT TIME OF
IMPROVEMENT PLANS

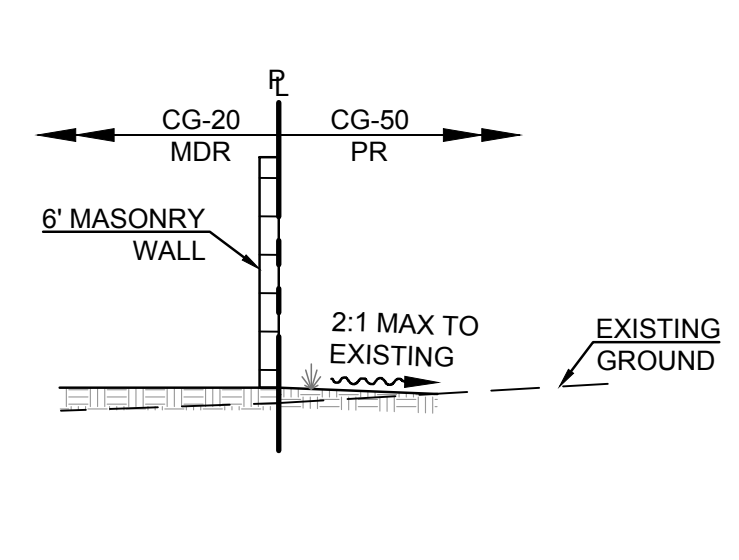
DETAIL B
TRAIL ADJACENT TO LOT 25



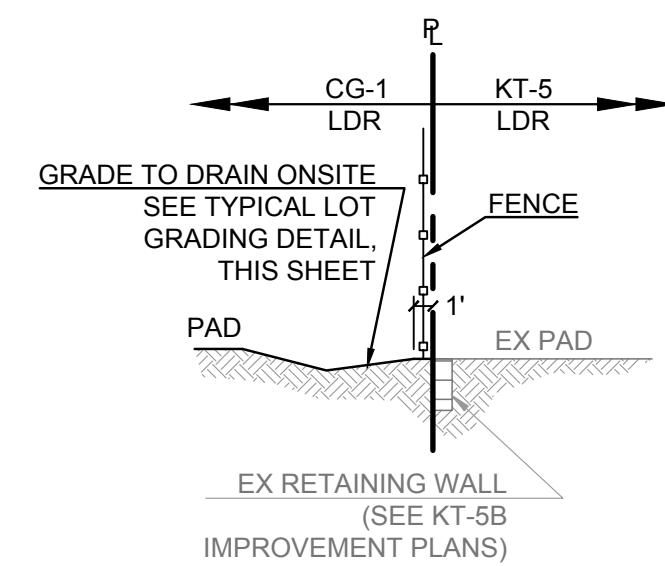
DETAIL C
TRAIL ADJACENT TO LOT 96



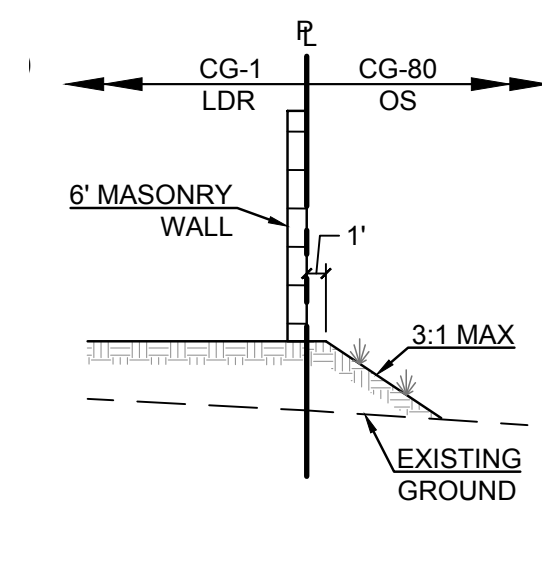
DETAIL D
CG-20 BOUNDARY GRADING ADJACENT TO CG-31



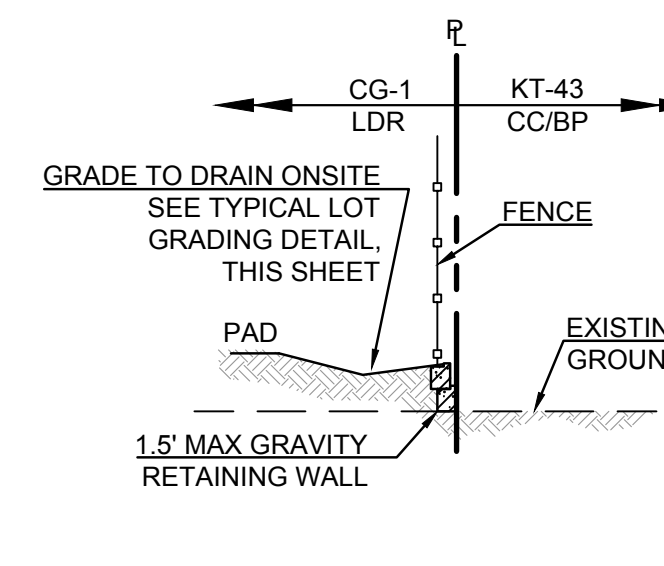
DETAIL E



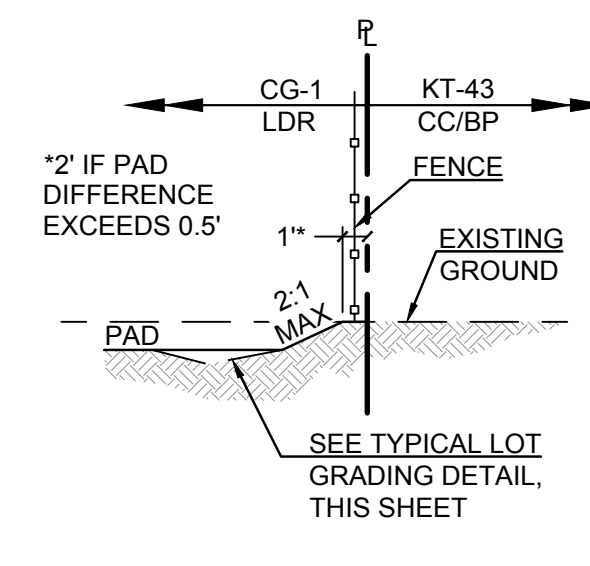
DETAIL F
CG-1 BOUNDARY GRADING ADJACENT TO KT-5



DETAIL G
CG-1 BOUNDARY GRADING ADJACENT TO CG-80

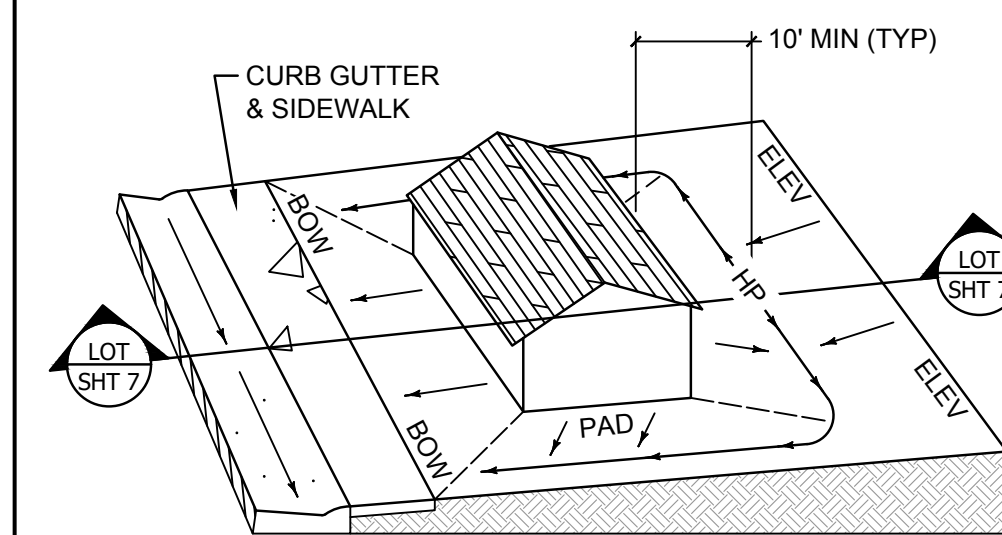


DETAIL H (FILL)
CG-1 BOUNDARY GRADING ADJACENT TO KT-43



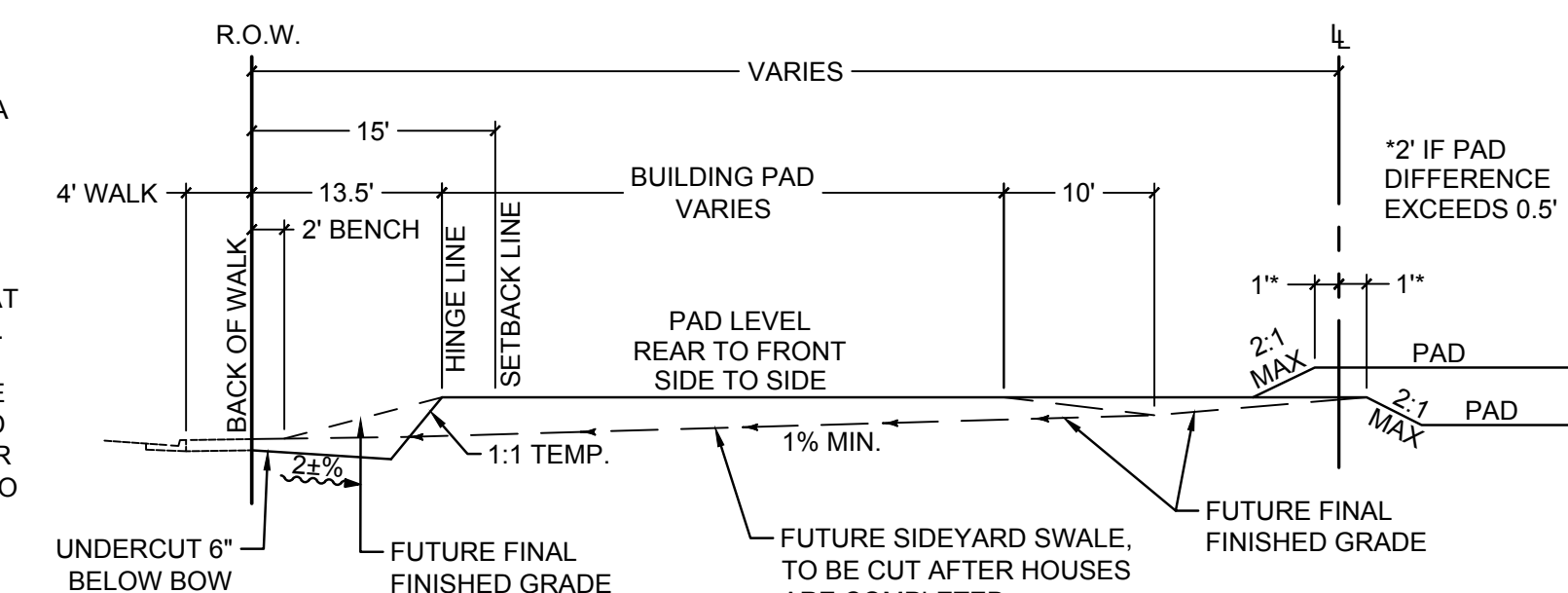
DETAIL H (CUT)

CG-1 BOUNDARY GRADING ADJACENT TO KT-43

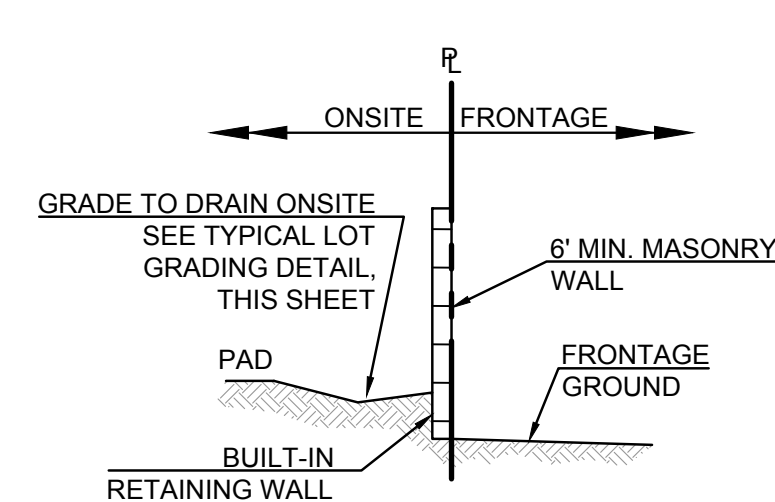


TYPICAL LOT GRADING DETAIL

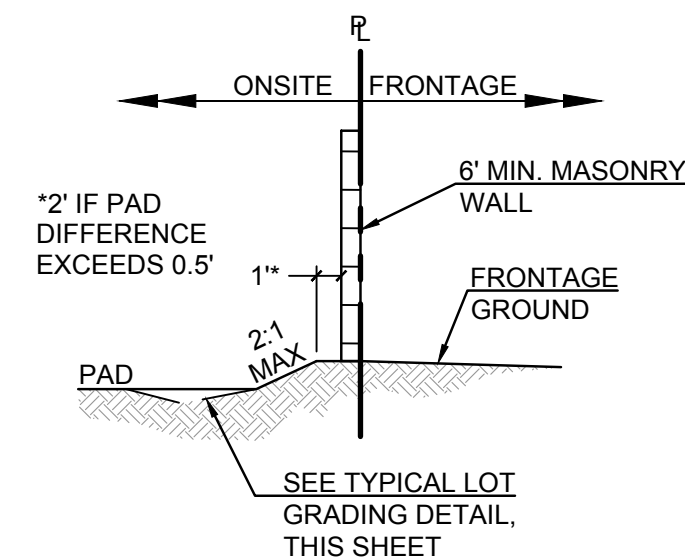
- NOTES:
1. PAD ELEVATION MUST BE A MINIMUM OF 0.3' ABOVE HIGH POINT OF SWALE.
 2. REAR AND SIDEYARD SWALES AND FINISH LOT GRADING SHALL BE PERFORMED BY OTHERS AT TIME OF BUILDING PERMIT.
 3. PAD ELEVATIONS ARE DESIGNED SUCH THAT THE PAD ELEVATION SPECIFIED WILL ACCOMMODATE REAR AND SIDE YARD SWALES TO BE GRADED AT A MINIMUM GRADIENT OF 1%.



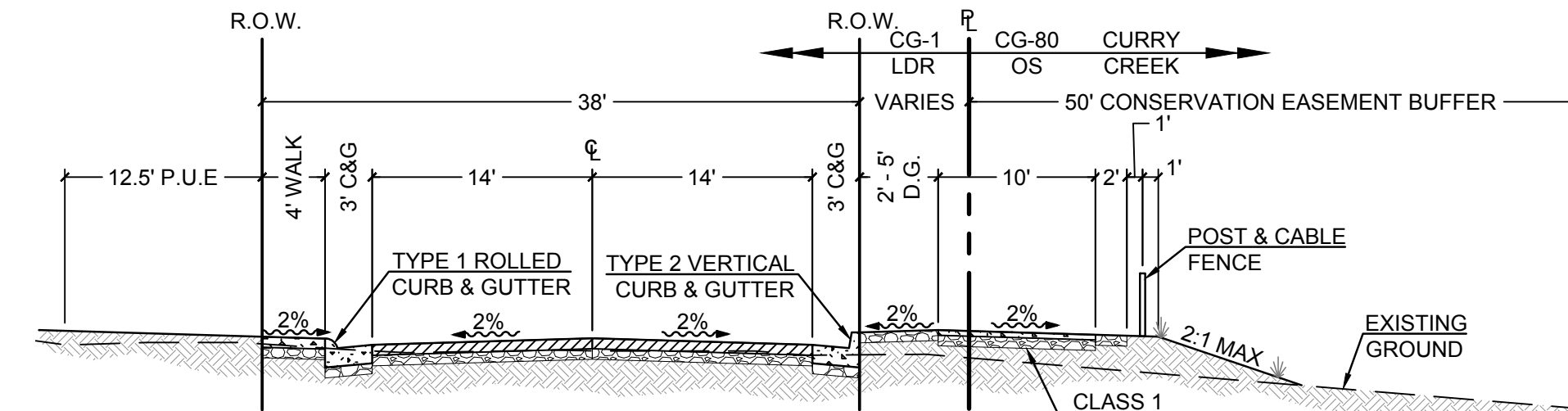
DETAIL LOT
TYPICAL LOT GRADING SECTION



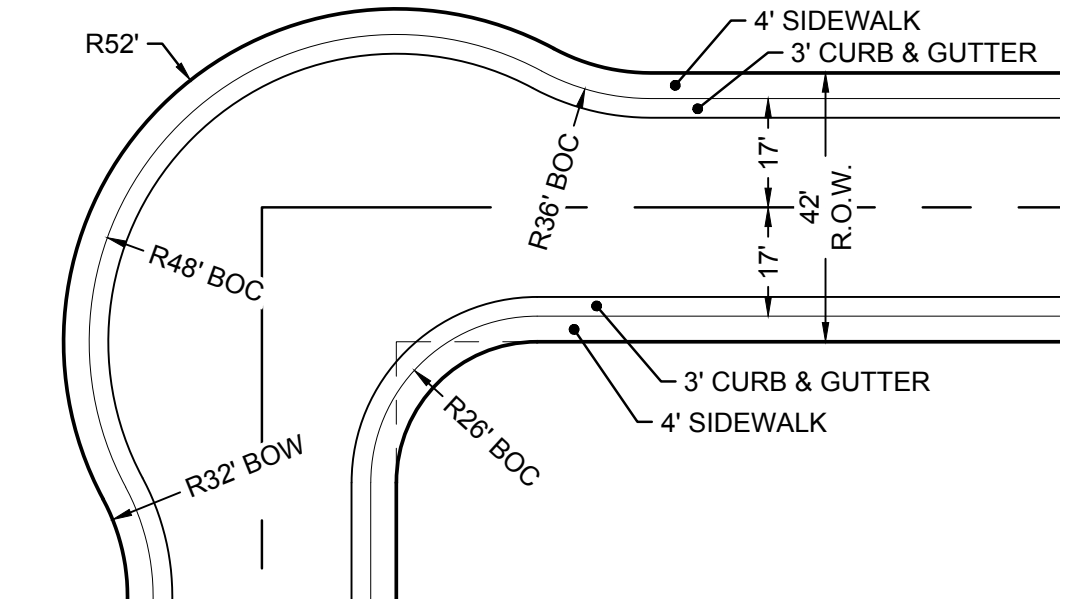
DETAIL I (PAD HIGH)
BOUNDARY GRADING ADJACENT TO FRONTAGE



DETAIL I (PAD LOW)
BOUNDARY GRADING ADJACENT TO FRONTAGE



DETAIL J
MINOR RESIDENTIAL STREET ADJACENT TO OPEN SPACE



STANDARD STREET ELBOW

SCALE = 1"=30'

GRADING SECTIONS & DETAILS
PHASED TENTATIVE SUBDIVISION MAP
FOR
PARCELS CG-1 & CG-20

4178 & 4230 MARKET STREET

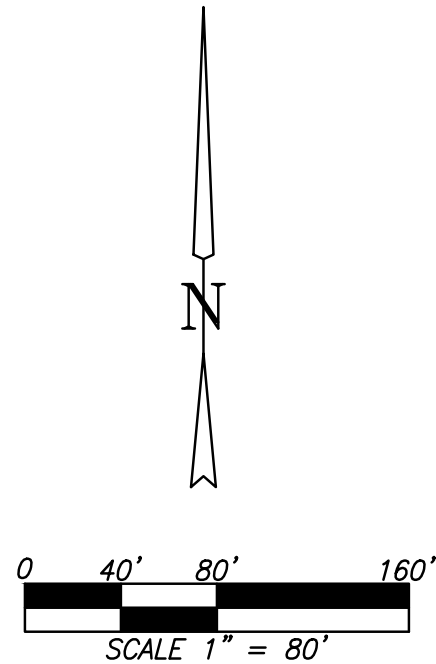
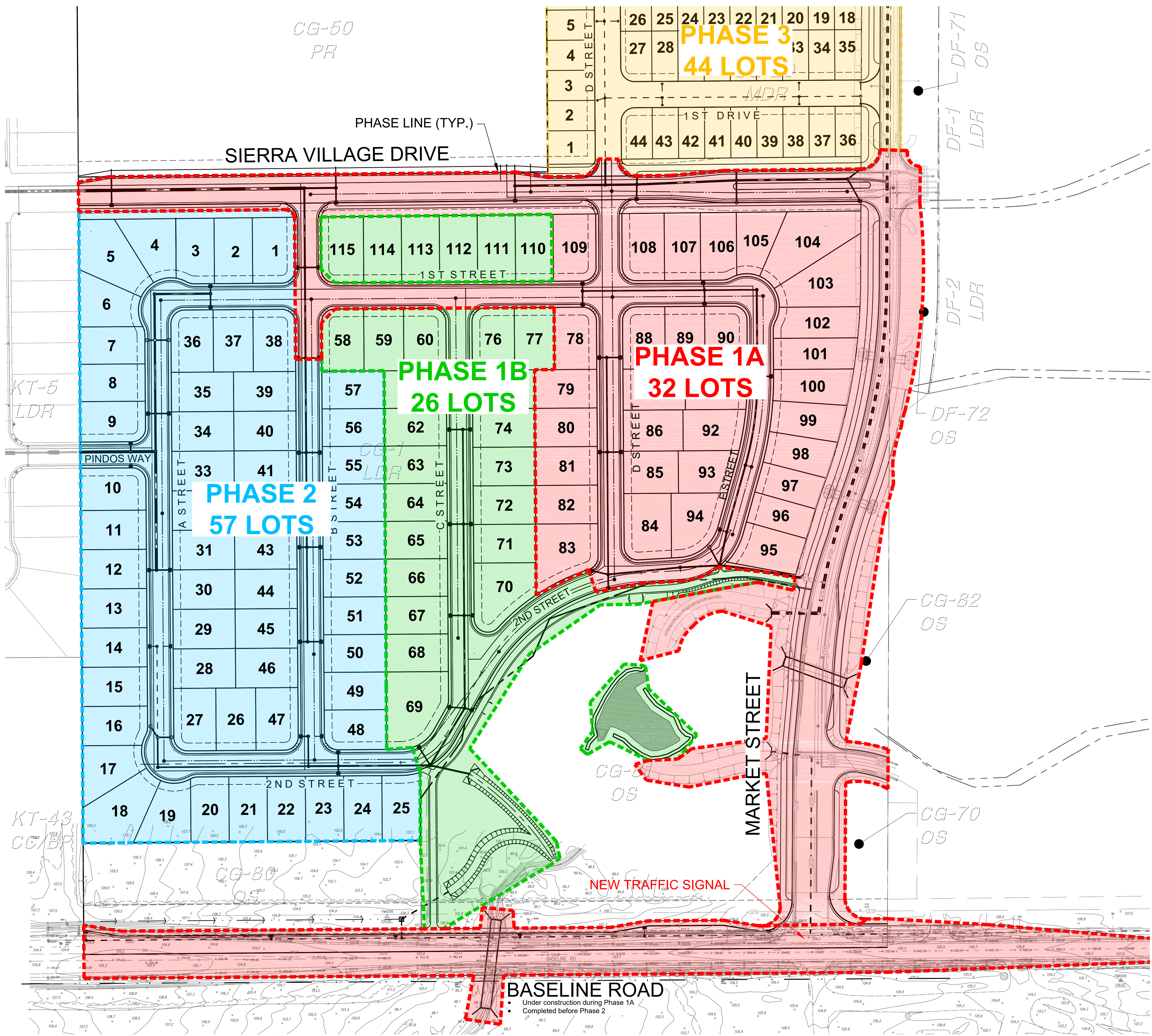
A PORTION OF THE SIERRA VISTA SPECIFIC PLAN AREA

THE CYRIL G. BARBACCIA
IRREVOCABLE TRUST

SCALE: 1"=10' HORZ. 1"=5' VERT.
MAY 2021

SHEET: 7 OF 7

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PHASING PLAN EXHIBIT
PHASED TENTATIVE SUBDIVISION MAP
FOR
PARCELS CG-1 & CG-20

4178 & 4230 MARKET STREET

A PORTION OF THE SIERRA VISTA SPECIFIC PLAN AREA

THE CYRIL G. BARBACCIA
IRREVOCABLE TRUST

SCALE: 1"=80'
MAY 2021

J M H
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1731 TECHNOLOGY DRIVE, SUITE 880 SAN JOSE, CA 95110

Allocation of Affordable Housing Goal

The affordable housing units within the SVSP have been allocated to specific MDR and HDR parcels as identified in Table 5-3, with designated parcels reflected on Figure 5-1. The intent is to distribute affordable units throughout the Plan Area. In addition, through implementation of the Affordable Housing Plan, the City should work with property owners to define alternative solutions, such as carriage units or granny flats in LDR and MDR areas, which also meet the intent of the Program.

Table 5-3: Affordable Housing Allocation

Parcel	Land Use	Total Units in Parcel	Total Affordable Allocation	Very Low Income Rental	Low Income Rental	Middle ² Income Purchase
CG-20	MDR	44	20			20
CO-20	MDR	84	34			34
DF-20 ¹	MDR	113	23	9	9	5
KT-20	MDR	202	31			31
CG-31	HDR	420	100 80	50 40	50 40	
FD-30	HDR	86	86	43	43	
FD-31	HDR	86	86	43	43	
FD-32	HDR	178	43			43
KT-30	HDR	150	124	62	62	
JM-30 ⁴	HDR	176	176	88	88	
WB-30	HDR	237	237 ³	68	169 ³	
WB-32	HDR	128	128 ³	92	36 ³	
Total			1,068³	445	490³	133

1 Carriage units are intended to fulfill the very-low and low income obligation

2 Middle-income purchase unit obligations may also be fulfilled via additional low-income rental units. 41 middle-income units were converted to low-income units via the Westbrook SPA approved in 2016.

3. Includes 162 units transferred to Westbrook from WRSP Parcel W-16.

4. Parcel JM-30 includes 8 units (4 Very-Low and 4 Low) transferred from NRSP Parcel M-31 (File #PL17-0204), 5 units transferred from SVSP Parcel JM-40 (File #PL20-0103), and 12 units transferred from SVSP Parcel JM-21 (File #PL20-0191).

NOTE: SVSP Section 5.4 allows for the transfer of affordable units. Check with the Housing Division to confirm current affordable housing obligations.



PLANNING COMMISSION COMMUNICATION

Title: Restrictions on Tobacco Retailers, 311 Vernon Street, File # PL21-0160

Contact: Mike Isom, misom@roseville.ca.us, (916) 774-5527

Meeting Date: 6/10/2021

Item #: 6.2.

ATTACHMENTS:

Description

Staff Report

Attachment 1 Tobacco Retailer Map

Exhibit A RMC 19.65 (final 6.2.21)



***Planning Division Staff Report
Planning Commission Meeting***

June 10, 2021

Prepared by: Joe Speaker, Senior Deputy City Attorney
Mike Isom, Development Services Director

ITEM 6.2: Zoning Ordinance Text Amendment – 311 Vernon Street (Citywide) – Restrictions on Tobacco Retailers – PL21-0160

REQUEST

Staff requests that the Planning Commission consider, accept public testimony, and recommend that the City Council adopt Roseville Municipal Code ("RMC") Chapter 19.65 "Restrictions on Tobacco Retailers" in Title 19- Zoning, and amend RMC Sections 19.08.090, 19.12.020, and 19.14.020 of Title 19- Zoning, to reflect the tobacco retailer use provided in the proposed Chapter 19.65. In summary, the proposed ordinance would prohibit new tobacco retailers from making flavored tobacco products available for sale within 1,000 feet of public, private, and charter schools, or vacant property designated for such uses. Existing tobacco retailers would be unaffected and allowed to continue operating as legal, non-conforming uses. These RMC changes are proposed in response to the growing concern around the increase in youth and young adult use of flavored tobacco products (which includes vaping products) and are consistent with State and Federal law and surrounding jurisdictions.

Applicant — Mike Isom, Development Services Director

SUMMARY RECOMMENDATION

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

- A. Recommend the City Council adopt the two (2) findings of fact and approve the Zoning Ordinance Text Amendment.

SUMMARY OF OUTSTANDING ISSUES

Staff is not aware of any significant outstanding issues resulting from this proposal.

BACKGROUND

In 2016, the California legislature increased the legal age to purchase tobacco products to 21 (previously 18), unless active duty military, but at the same time expressly removed the law prohibiting "possession or use" of tobacco products by persons under the age of 21. In 2019, the Federal government also raised the legal age to purchase tobacco products to 21, nationwide.

Despite the legal age to purchase tobacco products being 21 in California and across the nation, there is increasing data at the local, State, and Federal level showing increased use of tobacco products by youth (17 and younger) and young adults (18-25). Data from the United States Food and Drug Administration's ("FDA") Population Assessment of Tobacco and Health found that nearly 80% of youth ages 12-17 and nearly 75% of young adults ages 18-25 (who were current tobacco users in 2014) reported that the first tobacco product they ever used was flavored.

Additionally, the "Healthy Kids Survey" conducted by the California Department of Education-Coordinated School Health and Safety Office for the Roseville Joint Union High School District and Roseville City School District consistently reveals that youth and young adults were significantly more likely to try, and regularly

use, flavored tobacco products than traditional tobacco products; and less likely to perceive the harms in using such flavored tobacco products.

Moreover, the City of Roseville Police Department's School Resource Officers, imbedded in public schools within the City, routinely confiscate large numbers of flavored tobacco products from middle school and high school students, in numbers that significantly exceed traditional tobacco products.

This data consistently shows that youth and young adult tobacco use is on the rise and that flavored tobacco products appear to be the primary cause. The purpose of this new Chapter 19.65 is to discourage the use of flavored tobacco products by youth and young adults by limiting the potential adverse direct and secondary effects of a flavored tobacco retailer operating in close proximity to schools.

Flavored Tobacco Product Defined

A "flavored tobacco product" means any tobacco product that contains a constituent that imparts a characterizing flavor.

"Constituent" means any ingredient, substance, chemical, or compound, other than tobacco, water, or reconstituted tobacco sheet that is added by the manufacturer to a tobacco product during the processing, manufacture, or packing of the tobacco product.

"Characterizing flavor" means a distinguishable taste or aroma, or both, other than the taste or aroma of tobacco, imparted by a tobacco product or any byproduct produced by the tobacco product. Characterizing flavors include, but are not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice. A tobacco product shall not be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information. Rather, it is the presence of a distinguishable taste or aroma, or both, as described in the first sentence of this definition that constitutes a characterizing flavor. This does not apply to loose leaf tobacco or premium cigars.

Legal Implications

Tobacco is regulated at the Federal, State, and local level. Regulation is extremely complex and presently in flux due to new laws and regulations. The California legislature passed SB 793 last fall, enacting a total statewide ban on the sale of all flavored tobacco products. It was set to go into effect on January 1, 2021, however enough signatures were gathered to trigger a referendum, delaying implementation until it can be placed on the ballot of the next General Election (November 2022) for the voters to decide. Additionally, the FDA recently announced it will be implementing new regulations and rules prohibiting the sale of menthol flavored cigarettes.

There is an overlapping web of preemption that limits what authority a local government may exert over tobacco. The City Attorney's Office has analyzed the body of regulations and the present landscape of tobacco regulation. There are essentially three options for tobacco regulation at the local level that may be utilized by a local government: 1) a geographic tobacco sales ban (banning new retailers within a geographic radius), 2) a tobacco retailer licensing program, and 3) a total citywide flavored tobacco product ban (meaning applicable to existing retailers and future retailers citywide). Whether any option is available to a local government depends on the specific local data on youth/young adult tobacco use and access in that jurisdiction.

There are constitutional issues (Takings Clause and Equal Protections Clause) if a jurisdiction enacts a tobacco retailer license or total flavor tobacco ban that impacts existing tobacco retailers without linking the

harm to those existing local tobacco retailers. As a result, the City of Roseville is presently gathering and assessing local data to analyze whether a citywide total flavored tobacco ban or tobacco retailer license would be legally appropriate in Roseville.

With the uncertainty of tobacco regulation at the State and Federal level, and while local data is being gathered and analyzed on local tobacco retailer habits and compliance, Staff proposes adopting a new Chapter 19.65 “Restrictions on Tobacco Retailers” establishing a geographic ban on the sale of flavored tobacco products within proximity to schools.

EVALUATION

Zoning Ordinance Section 19.86.050 specifies that recommendations for approval or denial of a zoning ordinance amendment shall include consideration of the proposed amendment’s consistency with:

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

Geographic Ban – Authority to Enact and Potential Implications

The power to enact a geographic ban is derived from the City’s land use authority and is focused solely on future tobacco retailers not in yet in operation at the time this ordinance becomes effective (effective date). The proposed ordinance is tailored to addressing the harm (flavored tobacco use) by a specific target population (youth and young adults) by being applied to a narrow geographic area (schools).

Under the proposed ordinance, no tobacco retailer or any of the tobacco retailer’s agents or employees, would be able to sell, offer for sale, or possess with the intent to sell or offer for sale, a flavored tobacco product or a tobacco product flavor enhancer within one thousand (1,000) feet of any developed or designated public, private, or charter school providing primary or secondary education. As proposed, the 1,000-foot separation distance would be measured radially from the property line of the school parcel to the main front entrance of the flavored tobacco retailer establishment.

Staff obtained existing tobacco retailer data provided by the Placer County Tobacco Control Program, which was overlaid on the City’s land use map to determine the location and extent of tobacco retailers that could become legal, non-conforming uses. Staff also analyzed the location of existing and planned primary and secondary school sites and their proximity to commercial land uses to determine the extent of properties potentially affected by the ban. While this analysis looked at the entire city, staff focused on undeveloped commercial properties in the new specific plan areas - generally west of Fiddymont Road. Given uncertain market dynamics in the retail sector and lack of commercial absorption in the new growth areas, staff is particularly sensitive to enacting regulations that might have the unintended consequence of further limiting retail potential that could ultimately hinder or prevent future commercial development.

As shown in Figure 1 below (the map in its entirety is included as Attachment 1), the 1,000-foot buffer “grazes” four commercial parcels in Sierra Vista, but does not completely encumber them. One property (Parcel F-6D) in the Fiddymont Ranch area of the West Roseville Specific Plan (WRSP) is nearly completely encumbered, and nearly half of Parcel AR-52 in the Amoruso Ranch Specific Plan is encumbered by a 1,000-foot buffer. Staff has spoken with both affected property owners; neither felt the

proposed restrictions would likely impede future development of the respective sites and raised no further concerns.

Measuring the buffer on a radial distance from the school property line to the front door of the tobacco retailer will allow affected landowners to site uses that may offer flavored tobacco products for sale (e.g., gas station, convenience market, etc.) elsewhere on the site to maintain the required separation, rather than prevent them outright. Staff believes that this approach balances the public policy goal of maintaining the requisite distance of flavored tobacco retailers from schools while not unnecessarily burdening commercial property viability.

Legal Non-Conforming Uses

Existing tobacco retailers that were lawfully operating at the time of the effective date which do not meet the locational requirements of the proposed ordinance may continue operating as a legal nonconforming use until such time as the use is abandoned for a period of 90 continuous days, whether or not there was the intent to abandon the use. Similar to all other legal non-conforming uses under Title 19 (Zoning), non-conforming tobacco retailers may not be enlarged, expanded, or extended. The implication – and practical application of enforcement - of this requirement is that the amount of floor or shelf space dedicated to flavored tobacco products shall not be enlarged, expanded, or extended. In order to enforce this provision and establish non-conforming status, Development Services staff (including Code Enforcement) will be required to conduct initial inspections of all licensed tobacco retailers within 1,000 feet of a school (approximately 17 locations) to verify the extent of flavored tobacco product sales at each location. Periodic inspections would occur thereafter to verify no expansion of use has occurred. Staff acknowledges that enforcement of this provision will be labor intensive and may present challenges, but believes the approach is a better alternative than taking no action at all.

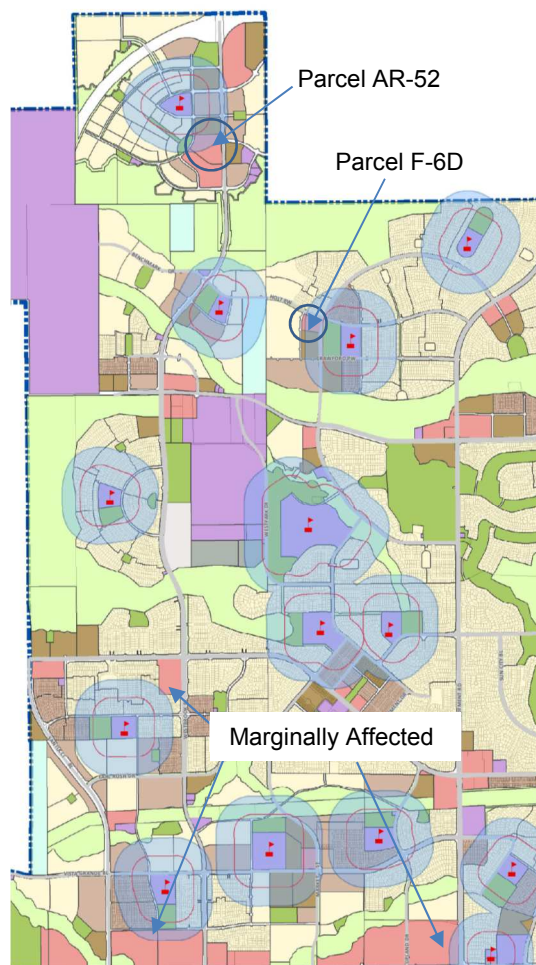


Figure 1 - Existing and Planned School Sites and Proximity to Commercial Land Use in New Growth Areas

Other Miscellaneous Changes

Amendment to sections 19.08.090, 19.12.020, and 19.14.020 are recommended to include Tobacco Retailer as a land use type and designate the zoning districts this use may be allowed in, pending compliance with the provisions of the proposed Section 19.65. These miscellaneous changes are necessary to provide cross-references within various sections of the zoning ordinance to allow clarity to potential flavored tobacco retailers and ease of administration for City staff.

The proposed ordinance is included in its entirety as Exhibit A.

CONCLUSION

The intended result of this proposed ordinance would be to stop the increased exposure of youth and young adults to flavored tobacco and to stop the expansion of any new flavored tobacco sales within 1,000 feet of

a school. This proposed ordinance is consistent with surrounding jurisdictions that have enacted a geographic ban and/or a flavored tobacco ban, including City of Rocklin, City of Auburn, Town of Loomis, and City of Sacramento.

Enacting a geographic ban is clearly within the public interest and is explicitly intended to protect the public health, safety, and welfare. As a result, staff concludes that the requisite findings can be met for adoption of the proposed zoning ordinance text amendment.

PUBLIC OUTREACH

During preparation of the ordinance, Staff met with the Placer County Tobacco Control Program, Roseville Area Chamber of Commerce, and also solicited feedback from the Coalition of Roseville Youth (“CORY”) and SOL Project. Additionally, the Roseville Police Department solicited feedback from administrators of the Roseville City and Eureka Union School Districts, and Roseville Joint Union High School District. All stakeholders agreed that youth and young adult access to, and use of, flavored tobacco products was a significant and growing problem. All agreed that the ordinance would be an effective first step toward curbing its use; however, the Chamber voiced concern that the City choosing to regulate specific products being legally offered for sale is a slippery slope in contrast to the City’s business-friendly atmosphere. Though raising this concern, the Chamber did not communicate a formal position to staff as of the writing of this report.

Finally, on May 24, 2021, Staff sent individual letters to all known tobacco retailers in town (94 total letters) providing information on the proposed ordinance and requesting any questions or feedback. Staff has not received any feedback in response to the letters to date.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, or is otherwise not considered a project as defined by CEQA Statute §21065 and CEQA State Guidelines §15060(c)(3) and §15378.

The consideration and adoption of the proposed ordinance meets the above criteria and is not subject to CEQA. No additional environmental review is required.

RECOMMENDATION

Staff recommends the Planning Commission take the following action:

- A. Recommend that the City Council adopt the two (2) findings of fact as stated in the staff report and approve the **Zoning Ordinance Text Amendment – 311 Vernon Street (Citywide) – Restrictions on Tobacco Retailers – PL21-0160**

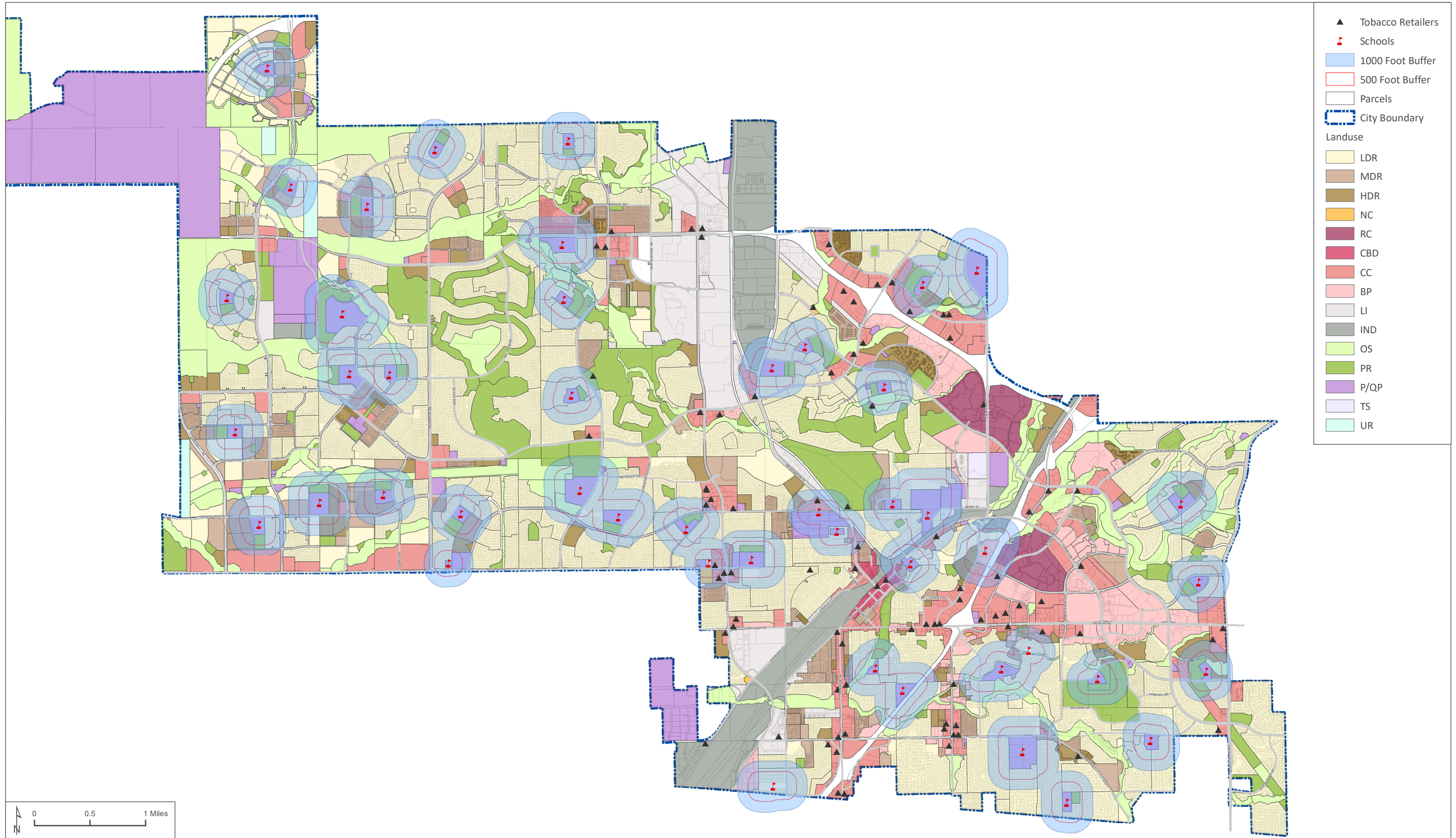
Attachments

1. Tobacco Retailers within City Limits Map

Exhibits

- A. Draft Ordinance

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.



ORDINANCE NO. ____

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE AMENDING SECTION 19.08.090 OF CHAPTER 19.08 OF TITLE 19 REGARDING COMMERCIAL USE TYPE CLASSIFICATIONS, AMENDING SECTION 19.12.020 OF CHAPTER 19.12 OF TITLE 19 REGARDING PERMITTED USE TYPES IN COMMERCIAL ZONES, AMENDING SECTION 19.14.020 OF CHAPTER 19.14 OF TITLE 19 REGARDING PERMITTED USE TYPES IN INDUSTRIAL AND MANUFACTURING ZONES, AND ADDING CHAPTER 19.65 OF TITLE 19 OF THE ROSEVILLE MUNICIPAL CODE REGARDING RESTRICTIONS ON TOBACCO RETAILERS

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Section 19.08.090 of Chapter 19.08 of Title 19 of the Roseville Municipal Code is hereby amended to read as follows:

19.08.090 Commercial use types.

Commercial use types include the distribution, sale and rental of goods, and the provision of services other than those classified as civic or industrial use types. Specific commercial use types referred to in this title are:

- A. Adult-oriented businesses, include those uses specifically referred to in Chapters

9.11 and 19.32 of this Code and include any adult arcade, adult bookstore, adult cabaret, adult hotel/motel, adult motion picture theater, adult theater or modeling studio defined therein. Any reference in this Code to “adult business establishment” shall mean adult- oriented business, as provided herein.

B. Animal sales and services, includes establishments primarily engaged in animal-related sales and services. The following are animal sales and services use types:

1. Grooming and pet stores, includes grooming or selling of dogs, cats, and similar small animals with limited indoor boarding. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores.
2. Kennels, includes indoor and outdoor kennel services for dogs, cats, and similar small animals. Typical uses include boarding kennels, pet hotels, and dog training centers.
3. Veterinary clinic, includes a fully enclosed veterinary facility containing only enough cage arrangements as necessary to provide services for small animals requiring acute medical or surgical care, as well as boarding and grooming.
4. Veterinary hospital, includes a veterinary facility conducted in an enclosed building and in the open which provides long-term medical care, boarding and grooming.

C. Automotive and equipment, includes establishments primarily engaged in automotive-related or heavy equipment sales or services. The following are automotive and equipment use types:

1. Automotive body and equipment repair, includes automobile body repair and painting; repair of equipment such as aircraft, boats, recreational vehicles, and trucks; and the installation and servicing of tractor-trailer, semi-trucks and heavy construction equipment.

2. Automotive rentals, includes rental from the premises of automobiles, light trucks, and recreational vehicles. Typical uses include car rental agencies.

3. Automotive repairs, includes repair of automobiles and the sale, installation, and servicing of automobile equipment and parts completely within an enclosed building, but excluding body repair and painting. Typical uses include muffler shops, automobile repair garages, automobile glass shops, and minor services including oil change, tuneup/lube shops, tire installation, and stereo and car accessory installation.

4. Automotive sales, includes the sale, retail or wholesale, of automobiles, light trucks, boats, recreational vehicles, motorcycles, motor homes, and trailers together with associated enclosed repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies.

5. Car wash and detailing, includes washing and polishing of automobiles. Typical uses include automobile detailing services and car washes.

6. Commercial parking, includes parking of operable motor vehicles on a temporary basis within a privately owned off-street parking area with or without a fee. Typical uses include commercial parking lots and garages.

7. Heavy equipment rental and sales, includes rental and sales of heavy equipment such as aircraft, trucks, tractor-trailer, semi-trucks and heavy construction equipment.

8. Gasoline sales, includes establishments primarily engaged in the retail sale, from the premises, of petroleum products with the incidental sale of tires, batteries, and replacement items, lubricating services, minor repair services and may include drive through car washes, convenience eating places and neighborhood commercial. Typical uses include automobile service stations, filling stations and neighborhood commercial uses with gas sales.

D. Banks and financial services, includes financial institutions including: banks and trust companies; lending and thrift institutions, credit agencies; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding, (but not predominantly operating) companies; and other investment companies; vehicle finance leasing agencies. Automated teller machines (ATMs) located away from banks are included under the definition of “personal services.”

E. Bars and drinking places, includes establishments within a building where alcoholic beverages are sold for on-site consumption, that are not part of a restaurant. Includes bars, taverns, pubs, brew pubs, wine bars and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Dance floors are not permitted.

F. Broadcasting and recording studios, includes commercial and public communications uses including telegraph, telephone, radio and television broadcasting and receiving stations and studios, and television production and sound recording studios, with facilities entirely within buildings. Private transmission and receiving apparatus, such as towers, reflectors and antennas are included under the definition of “antennas, communications facilities.”

G. Building material stores, includes retail establishments selling lumber (which may include the cutting of precut lumber) and other large building materials, and also including paint, wallpaper, glass, fixtures, nursery stock, lawn and garden supplies (which may also be sold in hardware stores, included under the definition of “retail sales and services”). Includes all such stores selling to the general public, even if contractor sales account for a larger proportion of total sales.

H. Business support services, includes establishments within buildings, providing

other businesses with services including maintenance, repair and service, testing, rental, etc., also includes:

1. Blueprinting;
2. Business equipment repair services (except vehicle repair, see “Automotive repair”);
3. Commercial art and design (production);
4. Computer-related services (rental, repair, maintenance);
5. Equipment rental businesses within buildings;
6. Film processing laboratories;
7. Mail advertising services (reproduction and shipping);
8. Outdoor advertising services;
9. Photocopying; and
10. Photo-finishing.

I. Commercial recreation, includes establishments primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:

1. Amusement center, includes public places of amusement or public places of business in which four or more coin-operated amusement devices are installed and includes any place open to the public, whether or not the primary use of the premises is devoted to the operation of such devices.

2. Indoor entertainment, includes predominantly spectator uses conducted within an enclosed building, excluding uses classified under adult oriented businesses. (See Chapter 19.32.) Typical uses include motion picture theaters, and live theater.

3. Indoor sports and recreation, includes predominantly participant sports and health activities conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, indoor racquetball courts, soccer arenas, athletic clubs, and health clubs.

4. Outdoor entertainment, includes predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include outdoor amphitheaters, concert halls and sports arenas, BMX tracks, racing facilities, drive in theaters, and zoos.

5. Outdoor sports and recreation, includes predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include amusement parks, driving ranges, miniature golf courses, golf courses, swimming pools, and tennis courts.

6. Residential recreation facilities, includes predominantly participant sports which are normally associated with a country club, or private residential community. Typical uses include country clubs, racquet clubs, golf courses, swimming pools, tennis courts, and other secondary uses including restaurants, and retail sales.

7. Large amusement complexes, includes a theme park or similar complex open to the public which exceeds 100,000 square feet and which:

- a. Includes outdoor amusement attractions such as mechanized or carnival- type rides or water slides; and
- b. Meets any two of the following three criteria:
 - i. The complex has a maximum daily capacity of more than 500 users per day,
 - ii. The complex is required to provide off-street parking for more than 200 vehicles, or

iii. The complex operates during any part of the year during the hours after 6 :00 p.m. This does not apply to publicly owned or operated parks or facilities.

J. Community care facility, includes any facility serving as a residence where non-medical care is provided on a 24-hour basis with central or private kitchen facilities, dining, recreational and other facilities. Typical uses include assisted living facilities and facilities licensed by the State Department of Social Services. Does not include long term care facilities.

K. Day care centers, includes commercial or non-profit facilities that provide care, protection and supervision of 13 or more minor children or adults in need of assistance for periods of less than 24 hours per day, typically while parents or family are working, and/or before or after daily attendance at an elementary school, as defined by Chapter 3.6 of the Health and Safety Code, commencing with Section 1597.30 includes preschools.

L. Eating and drinking establishments, includes establishments primarily engaged in the sale of prepared food and beverages for on-premises consumption, but excludes those uses classified under “bars and drinking places” and “nightclubs.” An eating and drinking establishment that provides amplified live or recorded music and that provides space(s) for dancing or hold public dances under Municipal Code Chapter 9.45 shall be considered a nightclub per subsection T of this section. Eating and drinking establishment use types include:

1. Fast food with drive-through, includes establishments primarily engaged in the preparation and retail sale of food and beverages at a walk up counter and at a drive through window, and may include seating.

2. Convenience, includes establishments primarily engaged in the preparation and

retail sale of food and beverages, at a walk up counter and which does not include a drive through or provide for ordering at the tables, if any. Typical uses include pizza parlors, ice cream parlors, and sandwich shops.

3. Full service, includes establishments primarily engaged in the preparation and retail sale of food and beverages, where food is ordered and served at a table, and which may include sales of alcoholic beverages as an accessory or secondary service. Fixed seating or tables and chairs are provided for the seating of each patron or customer at all times. Typical uses include full service restaurants.

M. Food and beverage retail sales, includes establishments primarily engaged in the retail sale of food and beverages for home consumption. Typical uses include groceries, liquor stores, and delicatessens.

N. Funeral and interment services, includes establishments primarily engaged in the provision of services involving the care, preparation, or disposition of human remains other than in cemeteries.

O. Lodging services, includes establishments primarily engaged in the provision of commercial lodging on a less than monthly basis to the general public. Lodging services includes incidental food, drink, and other sales and services intended for the convenience of guests.

Typical uses include hotels, motels, and bed-and-breakfasts.

P. Long term care facility, includes an institution or a portion of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours. Typical uses include extended care facilities, intermediate care facilities, skilled nursing facilities, hospices and other facilities licensed by the State Department of Health Services.

Q. Maintenance and repair, includes all uses that provide maintenance and repair services for furniture, appliances and equipment normally used within a building. Typical uses include sewing machine and appliance repair.

R. Medical services, includes establishments primarily engaged in the provision of personal health services on an outpatient basis ranging from prevention, diagnosis and treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis-services, but excludes uses classified under any civic use type. Medical services use types include:

1. General, includes the range of medical services described above. Typical uses include individual medical and dental offices, dental and medical laboratories, health maintenance organizations, substance abuse treatment clinics, immediate care facilities and offices for physical therapists, chiropractors, and acupuncturists.

2. Low traffic generating, includes medical services with a low patient frequency or longer than average patient appointment time which creates a lower parking demand. Typical uses include dialysis clinics and imaging services.

3. Medical campus/medical office building (MOB), includes a cluster of buildings or a singular building that provides a range of outpatient services such as medical offices, dental or medical laboratories, imaging, physical therapists, and pharmacy services, with a range of parking demands.

S. Neighborhood commercial, includes establishments primarily engaged in the provision of frequently or recurrently needed small personal items or services for residents within a reasonable walking distance. These uses are compatible with residential development due to low traffic and noise generation and include various retail sales and personal services of

an appropriate size and scale to meet the above criteria. Typical uses include neighborhood grocery stores, drug stores, beauty salons, and offices, but do not include drive-through restaurants, bars and drinking places, or liquor stores.

T. Nightclubs, includes establishments or places of entertainment within a building, open primarily at night, usually but not necessarily serving alcohol, and providing floor space for amplified live or recorded music, or having spaces for “public dances” as per Chapter 9.45 of the Roseville Municipal Code. Fixed seating or chairs are not provided for the seating of each patron or customer. Meals or refreshments may be served and an admission may be charged. Excludes uses classified under this section as commercial use types as “eating or drinking establishments,” “commercial recreation,” and Chapter 19.32, “Adult Oriented Businesses.” Additional requirements are contained in Chapter 19.49.

U. Nursery, retail, includes establishments primarily engaged in the sale of nursery goods, landscaping materials, chips, rocks, sand, soil and merchandise. This use type is typically conducted primarily outdoors. The sale of nursery goods, landscaping materials, chips, rocks, sand, soil and merchandise indoors is permitted under retail sales and services.

V. Offices, professional, includes professional or government offices including:

1. Accounting, auditing and bookkeeping services;
2. Advertising agencies;
3. Architectural, engineering, interior design, and surveying services;
4. Attorneys;
5. Call and telemarketing centers;
6. Computer software designers;
7. Court reporting services;

8. Data processing and computer services;
9. Detective agencies and similar services;
10. Secretarial and word processing services;
11. Government offices including agency and administrative office facilities;
12. Insurance agencies;
13. Management, public relations and consulting services;
14. Real estate agencies; and
15. Writers, photographers and artists offices outside the home.

W. Personal services, includes establishments primarily engaged in the provision of personal improvement or appearance, and similar non-business related or non-professional services, but excludes services classified under other use types. Typical uses include barber shops, beauty salons, tailors, shoe repair shops, massage therapist, tattoo studios, tutoring services, and dry cleaning pick up stations.

X. Retail sales and services, includes establishments primarily engaged in the sale of goods and merchandise, but excludes those classified under animal sales and services, automotive and equipment, business support services, building materials stores, neighborhood commercial, food and beverage retail sales, gasoline sales, and tobacco retailers (as defined in Section 19.65.020 (M)). Typical uses include:

1. Auto parts;
2. Bakeries, retail;
3. Bicycle sales;
4. Department stores;
5. Drug and discount stores;

6. Furniture stores;
7. Hardware;
8. Orthopedic supplies;
9. Photography studios;
10. Self-service laundries/dry cleaning stores; and
11. Sporting goods and equipment.

Y. Specialized education and training, includes private establishments providing training or educational programs. Typical uses include:

1. Vocational schools, includes businesses, secretarial schools and vocational schools offering specialized trade and commercial courses and establishments furnishing educational courses by mail or on-line. Facilities, institutions and conference centers are included that offer specialized programs in personal growth and development (including fitness, environmental awareness, arts, communications, and management, as examples).

2. Specialty schools, includes specialized non-degree granting schools such as: music schools; dramatic schools; language schools; driver education schools; martial arts studios; ballet and other dance studios.

Z. Storage, personal storage facility, includes a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces. This use type does not include the outdoor storage of boats, cars, recreational vehicles, or equipment, and does not include the rental of trucks or other equipment. (Also see Chapter 19.54.

SECTION 2. Section 19.12.020 of Chapter 19.12 of Title 19 of the Roseville Municipal

Code is hereby amended to read as follows:

19.12.020 Permitted use types.

Primary uses are permitted in commercial zones subject to the requirements of this title as designated below:

- A. Principally permitted use, designated as “P”;
- B. Conditionally permitted use, designated as “CUP”; and
- C. Administratively permitted use, designated as “A.”

Refer to the Downtown Code for permitted uses within the CBD and HD zones.

COMMERCIAL ZONE DISTRICTS PERMITTED USES

	BP	NC	CC	GC	HC	RC	CMU
AGRICULTURAL AND OPEN SPACE USE TYPES							
Resource Protection and Restoration	CUP	CUP	CUP	CUP	CUP	CUP	P
Resource Related Recreation	P	P	P	P	P	CUP	P
CIVIC USE TYPES							
Community Assembly	CUP	P	P	P	-	-	P
Community Services	P	CUP	P	P	P	P	P
Essential Services	P	P	P	P	P	P	P
Hospital Services							

	BP	NC	CC	GC	HC	RC	CMU
General Hospital Services	-	-	CUP	CUP	-	-	P
Psychiatric Hospital Services	-	-	CUP	CUP	-	-	P
Libraries and Museums, Private	-	CUP	P	P	P	P	-
Public Parking Services	P	P	P	P	P	P	P
Schools							
College and University	A	-	P	P	-	P	P
Public/Private Elementary and Secondary	-	CUP	CUP	CUP	-	-	P
Social Services							
Emergency Shelter ⁽⁵⁾	-	-	-	CUP	CUP	-	CUP
Food Distribution ⁽³⁾	-	-	-	A/CUP	A/CUP	-	A/CUP
Food Service ⁽⁴⁾	-	-	-	A/CUP	A/CUP	-	A/CUP
Power Generating Facilities ⁽⁹⁾							
Emergency	A	A	A	A	A	A	A
Supplemental/Individual Use	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Passive Power	P	P	P	P	P	P	P
RESIDENTIAL USE TYPES							
Accessory Dwelling Units ⁽¹¹⁾	-	P	P	P	P	-	P
Caretaker/Employee Housing	-	CUP	CUP	CUP	CUP	CUP	P

	BP	NC	CC	GC	HC	RC	CMU
Dwelling ⁽¹⁰⁾							
Multi-Family	-	CUP	CUP	-	-	-	P
Single-Family	-	CUP	CUP	CUP	CUP	-	P
Two-Family	-	CUP	CUP	CUP	CUP	-	P
Family Day Care Home, Small	P	P	P	P	-	P	P
Family Day Care Home, Large	CUP	CUP	CUP	CUP	-	CUP	P
Single Room Occupant	-	-	-	-	-	-	CUP
COMMERCIAL USE TYPES							
Adult Oriented Businesses (2)	-	-	-	P	-	P	P
Animal Sales and Service							
Grooming and Pet Stores	-	P	P	P	-	P	P
Kennels	-	-	-	CUP	CUP	CUP	P
Veterinary Clinic	-	CUP	P	P	-	-	P
Veterinary Hospital	-	-	CUP	CUP	-	-	P
Automotive and Equipment							
Automotive Body and Equipment Repair	-	-	-	CUP	-	CUP	CUP
Automotive Rentals	-	-	-	P	P	P	P
Automotive Repairs	-	-	CUP	P	P	P	P
Automotive Sales	-	-	CUP	P	-	P	P
Car Wash and Detailing	-	-	CUP	P	-	P	P

	BP	NC	CC	GC	HC	RC	CMU
Commercial Parking	P	-	-	P	P	-	P
Gasoline Sales ⁽¹²⁾	CUP	P/CUP	P/CUP	P/CUP	P/CUP	P/CUP	P/CUP
Heavy Equipment Rental and Sales	-	-	-	P	-	P	P
Banks and Financial Services	P	P	P	P	-	P	P
Bars and Drinking Places	-	-	P	P	-	P	P
Broadcasting and Recording Studios	P	-	-	P	-	-	P
Building Material Stores	-	-	CUP	P	-	P	P
Business Support Services	P	-	P	P	-	-	P
Commercial Recreation							
Amusement Center	-	CUP	P	P	-	P	P
Indoor Entertainment	-	-	P	P	-	P	P
Indoor Sports and Recreation	-	-	P	P	-	P	P
Large Amusement Complexes	-	-	-	CUP	CUP	P	P
Outdoor Entertainment	-	-	-	CUP	-	CUP	P
Outdoor Sports and Recreation	-	-	-	P	CUP	P	P
Community Care Facility	P	P	P	P	-	-	P
Day Care Center	P	P	P	P	-	P	P
Eating and Drinking Establishments							
Fast Food with Drive- Through ⁽¹²⁾	-	-	P/CUP	P/CUP	P/CUP	P/CUP	P/CUP

	BP	NC	CC	GC	HC	RC	CMU
Convenience	P	P	P	P	P	P	P
Full Service	P	P	P	P	P	P	P
Food and Beverage Retail Sales	-	-	P	P	-	-	P
Funeral and Interment Services	-	-	P	P	-	-	P
Lodging Services	-	-	P	P	P	P	P
Long Term Care Facility	CUP	CUP	P	P	-	-	P
Maintenance and Repair	-	P	P	P	-	-	P
Medical Services, General	P	P	P	P	P	P	P
Neighborhood Commercial	P	P	-	-	-	-	P
Nightclubs ⁽⁶⁾	-	-	CUP	CUP	-	CUP	CUP
Nursery, Retail	-	-	-	P	-	P	P
Offices, Professional	P	P	P	P	-	P	P
Personal Services	P	P	P	P	P	P	P
Retail Sales and Services	-	-	P	P	P	P	P
Specialized Education and Training							
Vocational Schools	-	-	P	P	-	-	P
Specialty Schools	-	CUP	P	P	-	P	P
Storage, Personal Storage Facility	-	-	CUP	P	-	-	P
Tobacco retailer ⁽¹³⁾	-	P	P	P	P	P	P
INDUSTRIAL USE TYPES							
Laundries, Commercial	-	-	CUP	CUP	-	-	P
Printing and Publishing	-	-	-	CUP	-	-	P
Research Services	-	-	-	P	-	-	P

	BP	NC	CC	GC	HC	RC	CMU
Wholesaling and Distribution, Light	-	-	-	P	-	-	P
TRANSPORTATION AND COMMUNICATION USE TYPES							
Heliport	CUP	CUP	CUP	CUP	CUP	CUP	P
Intermodal Facilities ⁽⁸⁾	CUP	CUP	CUP	CUP	CUP	CUP	P
Telecommunication Facilities ⁽⁷⁾	P/A/CUP	P/A/CUP	P/A/CUP	P/A/CUP	P/A/CUP	P/A/CUP	P/A/CUP

Notes:

- (1) Reserved.
- (2) Additional requirements are contained in Chapter 19.32.
- (3) Additional requirements are contained in Chapter 19.40.
- (4) Additional requirements are contained in Chapter 19.39.
- (5) Additional requirements are contained in Chapter 19.38.
- (6) Additional requirements are contained in Chapter 19.49.
- (7) Additional requirements are contained in Chapter 19.34.
- (8) Additional requirements are contained in Chapter 19.36.
- (9) Additional requirements are contained in Chapter 19.55.
- (10) Transitional housing and supportive housing are considered residential use types.
- (11) Accessory dwelling /junior accessory dwelling units are only permitted within areas zoned to allow single-family, two-family or multi-family residential use and must be located on a lot that contains an existing or proposed single-family, two-family or multi-family dwelling unit which has an approved CUP as defined in Sections 19.08.080(F)(1) and (F)(2) (Residential Use Types). See Chapter 19.60 for additional accessory dwelling/junior accessory dwelling unit regulations.
- (12) A conditional use permit is required for fast food with drive through establishments or gasoline sales establishments contiguous to: (a) properties with a residential zoning designation; (b) parcels designated as a public utilities easement or landscape easement which are contiguous to a property having a residential zoning

designation; and (c) any other parcel of land upon which a building cannot be developed and which separates the subject parcel by less than 100 feet which is contiguous to a property having a residential zoning designation. A conditional use permit is not required for these uses if the subject parcel is separated from properties with a residential zoning designation by a public roadway.

(13) Additional requirements are contained in Chapter 19.65.

SECTION 3. Section 19.14.020 of Chapter 19.14 of Title 19 of the Roseville Municipal Code is hereby amended to read as follows:

19.14.020 Permitted use types.

Primary uses are permitted in industrial zones subject to the requirements of this title as designated below:

- A. Principally permitted use, designated as “P”;
- B. Conditionally permitted use, designated as “CUP”; and
- C. Administratively permitted use, designated as “A.”

Primary use types not listed or designated by a dash (-) are not permitted in that zone district.

INDUSTRIAL ZONE DISTRICTS PERMITTED USES

	MP	M1	M2	MMU
AGRICULTURAL AND OPEN SPACE USE TYPES				
Agricultural	-	P	P	P
Resource Protection and Restoration	P	P	P	P

	MP	M1	M2	MMU
CIVIC USE TYPES				
Community Assembly	CUP	CUP	CUP	P
Community Services	P	P	P	P
Essential Services	P	P	P	P
Intensive Public Facilities	-	-	CUP	P
Power Generating Facilities ⁽⁷⁾				
Emergency	A	A	A	A
Supplemental/Individual Use	CUP	CUP	CUP	CUP
General Power Production	CUP	CUP	CUP	CUP
Passive Power	P	P	P	P
Public Parking Services	P	P	P	P
Schools				
College and University	P	P	CUP	P
Public/Private Elementary and Secondary	CUP	-	-	P
Social Services				
Emergency Shelter ⁽⁴⁾	P	CUP	CUP	CUP
Food Distribution ⁽²⁾	-	A/CUP	A/CUP	A/CUP
Food Service ⁽³⁾	-	A/CUP	A/CUP	A/CUP
RESIDENTIAL USE TYPES				
Caretaker/Employee Housing	CUP	A	A	P
COMMERCIAL USE TYPES				
Adult Oriented Businesses	-	P	P	P

	MP	M1	M2	MMU
Animal Sales and Service				
Kennels	-	P	P	P
Veterinary Clinic	P	P	P	P
Veterinary Hospital	-	P	P	P
Automotive and Equipment				
Automotive Body and Equipment Repair	CUP	P	P	P
Automotive Rental	CUP	CUP	-	P
Automotive Repairs	P	P	CUP	P
Automotive Sales	CUP	-	-	P
Car Wash and Detailing	P	P	CUP	P
Commercial Parking	P	P	P	P
Gasoline Sales ⁽⁸⁾	P/CUP	P/CUP	P/CUP	P/CUP
Heavy Equipment Rental and Sales	CUP	P	P	P
Impound Yards	CUP	CUP	P	P
Broadcasting and Recording Studios	P	P	P	P
Building Material Stores	P	P	P	P
Business Support Services	P	P	CUP	P
Commercial Recreation				
Indoor Entertainment	CUP	CUP	CUP	P
Indoor Sports and Recreation	P	P	P	P
Large Amusement Complexes	-	CUP	CUP	P
Outdoor Entertainment	-	CUP	CUP	P

	MP	M1	M2	MMU
Outdoor Sports and Recreation	CUP	P	P	P
Eating and Drinking Establishments, Convenience ⁽⁸⁾	P/CUP	P/CUP	P/CUP	P/CUP
Maintenance and Repair	P	CUP	CUP	P
Medical, General	-	-	-	-
Neighborhood Commercial	P	CUP	CUP	P
Nightclubs ⁽¹⁾	CUP	CUP	CUP	P
Nursery, Retail	CUP	P	P	P
Offices, Professional	P	P	P	P
Personal Services	P	CUP	CUP	P
Retail Sales and Services	P	-	-	P
Specialized Education and Training				
Vocational Schools	P	P	CUP	P
Specialty Schools	P	P	CUP	P
Storage, Personal Storage Facility	P	P	P	P
Tobacco Retailer ⁽⁹⁾	P	-	-	P
INDUSTRIAL USE TYPES				
Day Care Center, Secondary (Employees Only)	CUP	CUP	-	CUP
Equipment and Materials Storage Yards	-	CUP	P	P
General Industrial	-	CUP	P	P
Hazardous Materials Handling	-	CUP	P	P
Laundries, Commercial	P	P	P	P
Light Manufacturing	P	P	P	P

	MP	M1	M2	MMU
Printing and Publishing	P	P	P	P
Recycling, Scrap and Dismantling				
Enclosed	P	P	P	P
Unenclosed	-	CUP	P	P
Research Services	P	P	P	P
Specialized Industrial	CUP	CUP	CUP	P
Wholesale and Distribution				
Light	P	P	P	P
Heavy	-	CUP	P	P
TRANSPORTATION AND COMMUNICATION USE TYPES				
Antennas and Communications Facilities ⁽⁵⁾				
Developed Lot	P	P	P	P
Undeveloped Lot	CUP	CUP	CUP	CUP
Heliport	-	CUP	CUP	P
Intermodal Facilities ⁽⁶⁾	P	P	P	P
Telecommunication Facilities ⁽⁵⁾	P/AP/CUP	P/AP/CUP	P/AP/CUP	P/AP/CUP

Notes:

- (1) Additional requirements are contained in Chapter 19.49.
- (2) Additional requirements are contained in Chapter 19.40.
- (3) Additional requirements are contained in Chapter 19.39.
- (4) Additional requirements are contained in Chapter 19.38.
- (5) Additional requirements are contained in Chapter 19.34.
- (6) Additional requirements are contained in Chapter 19.36.

(7) Additional requirements are contained in Chapter 19.55.

(8) A conditional use permit is required for fast food with drive through establishments or gasoline sales establishments contiguous to: (a) properties with a residential zoning designation; (b) parcels designated as a public utilities easement or landscape easement which are contiguous to a property having a residential zoning designation; and (c) any other parcel of land upon which a building cannot be developed and which separates the subject parcel by less than 100 feet which is contiguous to a property having a residential zoning designation. A conditional use permit is not required for these uses if the subject parcel is separated from properties with a residential zoning designation by a public roadway.

(9) Additional requirements are contained in Chapter 19.65.

SECTION 4. Chapter 19.65 of Title 19 of the Roseville Municipal Code is hereby added to read as follows:

Chapter 19.65

RESTRICTIONS ON TOBACCO RETAILERS

19.65.010 Purpose and findings.

A. The purpose of this chapter is to discourage the use of flavored tobacco products by youth and young adults by limiting the potential adverse direct and secondary effects of a flavored tobacco retailer operating in close proximity to schools. Data from the United States Food and Drug Administration's Population Assessment of Tobacco and Health found that nearly 80% of youth ages 12-17 and nearly 75% of young adults ages 18-25 (who were current tobacco users in 2014) reported that the first tobacco product they ever used was flavored.

B. Additionally, the “Healthy Kids Survey” conducted by the California Department of Education-Coordinated School Health and Safety Office for the Roseville Joint Union High School District and Roseville City School District consistently reveals that youth and young adults are significantly more likely to try, and regularly use, flavored tobacco products than traditional tobacco products; and less likely to perceive the harms in using such flavored tobacco products.

C. Moreover, the City of Roseville Police Department’s School Resource Officers, imbedded in City of Roseville public schools, routinely confiscate large numbers of flavored tobacco products from middle school and high school students, in numbers that significantly exceed traditional tobacco products.

19.65.020 Definitions.

For the purposes of this chapter, the words and phrases shall have the same meanings respectively ascribed to them by this section:

A. “Characterizing flavor” means a distinguishable taste or aroma, or both, other than the taste or aroma of tobacco, imparted by a tobacco product or any byproduct produced by the tobacco product. Characterizing flavors include, but are not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice. A tobacco product shall not be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of

ingredient information. Rather, it is the presence of a distinguishable taste or aroma, or both, as described in the first sentence of this definition, that constitutes a characterizing flavor.

B. “Constituent” means any ingredient, substance, chemical, or compound, other than tobacco, water, or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacture, or packing of the tobacco product.

C. “Flavored tobacco product” means any tobacco product that contains a constituent that imparts a characterizing flavor.

D. “Labeling” means written, printed, pictorial, or graphic matter upon a tobacco product or any of its packaging.

E. “Loose leaf tobacco” consists of cut or shredded pipe tobacco, usually sold in pouches, excluding any tobacco product which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes, including roll-your-own cigarettes.

F. “Packaging” means a pack, box, carton, or container of any kind, or, if no other container, any wrapping, including cellophane, in which a tobacco product is sold or offered for sale to a consumer.

G. “Person” means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character.

H. “Premium cigar” means any cigar that is handmade, is not mass produced by use of mechanization, has a wrapper that is made entirely from whole tobacco leaf, and has a wholesale price of no less than twelve dollars (\$12). A premium cigar does not have a filter, tip, or nontobacco mouthpiece and is capped by hand.

I. “Retail location” means both of the following:

1. A building from which tobacco products are sold at retail.
2. A vending machine.

J. “Sale” or “sold” means a sale as that term is defined in Section 30006 of the California Revenue and Taxation Code, as may be amended from time to time.

K. “Tobacco product” means a tobacco product as defined in California Health and Safety Code section 104495, as may be amended from time to time.

L. “Tobacco product flavor enhancer” means a product designed, manufactured, produced, marketed, or sold to produce a characterizing flavor when added to a tobacco product.

M. “Tobacco retailer” means a person who engages in this state in the sale of tobacco products directly to the public from a retail location. “Tobacco retailer” includes a person who operates vending machines from which tobacco products are sold in this state.

19.65.030 Location of tobacco retailer.

A. A tobacco retailer is allowed as otherwise permitted in this title and under State and Federal law, provided that the tobacco retailer complies with all other locational regulations of this section. No tobacco retailer or any of the tobacco retailer’s agents or employees, shall sell, offer for sale, or possess with the intent to sell or offer for sale, a flavored tobacco product or a tobacco product flavor enhancer within one thousand (1000) feet of any developed or designated public, private, or charter school providing primary or secondary education. For purposes of this subsection, "designated" means a parcel that is general plan designated, zoned, or that has been conditionally permitted to conduct such use. The separation distances required by this chapter

shall be measured radially from the parcel line of the school parcel to the main entrance door of the tobacco retailer.

B. There is a rebuttable presumption that a tobacco product is a flavored tobacco product if a manufacturer or any of the manufacturer's agents or employees, in the course of their agency or employment, has made a statement or claim directed to consumers or to the public that the tobacco product has or produces a characterizing flavor, including, but not limited to, text, color, images, or all, on the product's labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product has a characterizing flavor.

C. Subdivision A of this section does not apply to loose leaf tobacco or premium cigars.

19.65.040 Preexisting nonconforming use.

Existing tobacco retailers that were lawfully operating at the time of the effective date of this chapter which do not meet the locational requirements of Section 19.65.030 may continue as a legal nonconforming use (as provided in chapter 19.24 of this title) until such time as the use is abandoned for a period of ninety (90) continuous days, whether or not there was the intent to abandon such use. Such nonconforming uses shall not be enlarged, expanded, or extended.

19.65.050 Enforcement.

A. It is unlawful and a public nuisance to violate any of the provisions of this chapter and City shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed in Chapter 2.52 of this code.

B. Violation of this chapter (by a tobacco retailer, and/or an agent or employee of a tobacco retailer) may be charged as either an infraction or a misdemeanor in the discretion of the City Attorney.

C. The violation of any provision of this chapter shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief.

D. In addition to the civil remedies and criminal penalties set forth herein, any person that violates the provisions of this chapter may be subject to administrative remedies, as set forth by City ordinance.

E. Unless otherwise expressly provided, the remedies, procedures and penalties provided by this chapter are cumulative to each other and to any others available under State law or other City ordinances.

19.65.060 Severability.

The provisions of this chapter are hereby declared to be severable. If any section, sentence, clause, phrase, word, portion or provision of the ordinance codified in this chapter is held invalid, or unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of said ordinance which can be given effect without the invalid portion. In

adopting said ordinance, the City Council affirmatively declares that it would have approved and adopted said ordinance even without any portion which may be held invalid or unenforceable.

SECTION 5. This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

SECTION 6. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville this ____ day of _____, 20__, by the following vote on roll call:

AYES COUNCILMEMBERS:

NOES COUNCILMEMBERS:

ABSENT COUNCILMEMBERS:

MAYOR

ATTEST:

City Clerk