



AGENDA

February 25, 2016

PLANNING COMMISSION MEETING

7:00 p.m.

City Council Chambers

311 Vernon Street

Roseville, California

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. ORAL COMMUNICATIONS

4. CONSENT CALENDAR

4.1. MINUTES OF FEBRUARY 11, 2016

4.2. MAJOR PROJECT PERMIT STAGE 1 MODIFICATION AND MAJOR PROJECT PERMIT STAGE 2 - 254 CONFERENCE CENTER DR - NCRSP PCL 40C REVOLUTIONS NATUROPATHIC MEDICAL OFFICE (HIGHLAND VILLAGE) - FILE #PL15-0421.

The applicant requests approval of a Major Project Permit (MPP) to allow the construction of an approximately 4,336 square foot one-story medical office building within the Highland Village center. The request includes a MPP Stage 1 Modification to modify the Highland Village site plan by replacing the bank building designated for Parcel 8 with the medical office, and a MPP Stage 2 to approve the building design and site landscaping. (McColl)

5. NEW BUSINESS

5.1. ADMINISTRATIVE PERMIT - 2425 BENT TREE DRIVE - NRSP PCL DC-4 - VASQUEZ RESIDENCE - 810 SQUARE-FOOT ADDITION - FILE #PL15-0448

The applicant requests to construct an 810 square-foot addition to the second (2nd) story of the existing home. The addition will include a new master bedroom, bathroom, laundry, and walk-in closet.

Applicant: Andrey Ginsberg, Premier Design. Owner: Sergio Vazquez, Gold Coast Construction. (Hocker)

5.2. ORDINANCE RELATED TO THE CITY'S REGULATION OF MEDICAL MARIJUANA DISPENSARIES AND MARIJUANA CULTIVATION - FILE #PL16-0029

The request is to repeal Chapters 9.95 (Medical Marijuana Dispensaries) and 9.96 (Marijuana Cultivation) of Title 9 - Health and Safety of the Roseville Municipal Code and add Chapters 19.62 (Medical Marijuana Dispensaries) and 19.63 (Marijuana Cultivation) to Title 19 - Zoning of the Roseville Municipal Code. The proposed ordinance will amend the Roseville Municipal Code to ensure compliance with the California Medical Marijuana Regulation and Safety Act (MMRSA) of 2015. Regulations related to marijuana cultivation, medical marijuana use, distribution, delivery, cultivation, transport, and processing and the definition of marijuana dispensaries are proposed to be modified by the ordinance. (Bitter)

6. REPORTS: COMMISSION/STAFF

7. ADJOURNMENT



PLANNING COMMISSION

Title: MINUTES OF FEBRUARY 11, 2016

Meeting Date: 2/25/2016
Item #: 4.1.

ATTACHMENTS:

Description

February 11, 2016 Minutes - Draft



Planning Commission Meeting February 11, 2016 – 7:00 p.m. Draft Minutes

I. ROLL CALL

Planning Commissioners Present

Krista Bernasconi, Chair
Bruce Houdesheldt, Vice-Chair
Justin Caporusso
Charles Krafka
David Larson
Joseph McCaslin

Staff Present

Greg Bitter, Planning Manager
Derek Ogden, Senior Planner
Michelle Sheidenberger, Assistant City Attorney
Paul Camilleri, Code Enforcement Supervisor
Lupe Nelson, Recording Secretary

Planning Commissioners Absent

Julie Hirota, *Excused*

II. PLEDGE OF ALLEGIANCE

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

III. ORAL COMMUNICATION

Chair Bernasconi opened the Oral Communication.

Hearing none, Chair Bernasconi closed the Oral Communication

IV. CONSENT CALENDAR

Chair Bernasconi asked if anyone wished to remove any of the items from the Consent Calendar for discussion.

Hearing none, Chair Bernasconi asked for a motion to approve the Consent Calendar as listed below:

A. Minutes of January 28, 2016

MOTION

Commissioner McCaslin made the motion, which was seconded by Commissioner Caporusso, to approve the Consent Calendar item.

The motion passed with the following vote:

Ayes: Caporusso, Houdesheldt, Krafka, McCaslin, Bernasconi

Noes: None

Abstain: Larson

V. NEW BUSINESS

A. Zoning Ordinance Amendment – Landscaping Within Setback Areas – File# PI16-0022.

Senior Planner, Derek Ogden, presented the staff report and responded to questions. Code Enforcement Supervisor, Paul Camilleri, was also in attendance to respond to questions.

Chair Bernasconi opened the public hearing and invited comments from the audience.

Public Comment:

- Robert Sanchez, Pleasant Grove Association spoke in favor of the amendment. He requested a longer time-frame for corrections to be made after a homeowner had received notification of a violation.
- Isaiah Woods, Roseville High School: How are 10,000 lbs. vehicles identified?
- Seth Dixon, Roseville High School: What type of property damage occurs? Is the ordinance for the front or back of the property?
- Zachary Samson, Woodcreek High School: Is the 10,000 lbs. gross weight or loaded weight?
- Ryan Williams, Woodcreek High School: Is there a visitor clause/exemption? When would the ordinance go into effect?
- Ciera Carter, Roseville High School: Who is making the complaints?

Committee Discussion:

- Number of calls received annually. Is there an increase in calls?
- Commercial vehicles versus recreational vehicles.
- What is the enforcement process?
- Is a permit needed to widen a driveway?
- What is the economic impact for the City to implement? Has a study been done?
- Will the ordinance cause a hardship to homeowners or small business owners?
- Define paved surface.
- Stormwater issues.
- What is the timeline?
- Will there be grandfathering – paving completed before the ordinance?
- Variances to ordinance?
- Are the issues concentrated to one area? Certain type of neighborhoods?

Chair Bernasconi closed the public hearing and asked for a motion.

MOTION

Commissioner Houdesheldt made the motion, which was seconded by Commissioner Larson, to recommend that the City Council amend Chapter 19.10 of the Roseville Municipal Code relating to landscaping within residential setback areas.

The motion passed with the following vote:

Ayes: Caporusso, Houdesheldt, Krafka, Larson, McCaslin, Bernasconi

Noes: None

Abstain: None

VI. REPORTS: COMMISSION/STAFF

Staff Reports

- There will be a Planning Commission Meeting on February 25, 2016. One of the agenda items will be related to the City's regulation of medical marijuana.

Commissioner Reports

- Is there any development planned for Woodcreek Oaks Blvd. and Blue Oaks Blvd. or the Roseville Parkway and Gibson area?

VII. ADJOURNMENT

Commissioner Bernasconi asked for a motion to adjourn the meeting.

MOTION

Commissioner McCaslin made the motion, which was seconded by Commissioner Larson, to adjourn to the meeting.

The motion passed unanimously at 7:50 p.m.



PLANNING COMMISSION

Title:

MAJOR PROJECT PERMIT STAGE 1 MODIFICATION AND MAJOR PROJECT PERMIT STAGE 2 - 254 CONFERENCE CENTER DR - NCRSP PCL 40C REVOLUTIONS NATUROPATHIC MEDICAL OFFICE (HIGHLAND VILLAGE) - FILE #PL15-0421.

Meeting Date: 2/25/2016

Item #: 4.2.

ATTACHMENTS:

Description

Staff Report - NCRSP PCL 40 Revolutions Naturopathic Medical Office

ITEM IV-B: MAJOR PROJECT PERMIT (MPP) STAGE 1 MODIFICATION AND MPP STAGE 2 – 254 CONFERENCE CENTER DR – NCRSP PCL 40C REVOLUTIONS NATUROPATHIC MEDICAL OFFICE (HIGHLAND VILLAGE) – FILE # PL15-0421

REQUEST

The applicant requests approval of a Major Project Permit (MPP) to allow the construction of an approximately 4,336 square foot one-story medical office building within the Highland Village center. The request includes a MPP Stage 1 Modification to modify the Highland Village site plan by replacing the bank building designated for Lot 8 with the medical office, and a MPP Stage 2 to approve the building design and site landscaping.

Applicant – Karenda MacDonald, Borges Architectural Group
Property Owner – Justin Raithel, Revolutions Naturopathic Medical Solutions

SUMMARY RECOMMENDATION

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

- A. Adopt the two (2) findings of fact for the MPP Stage 1 Modification;
- B. Approve the MPP Stage 1 Modification subject to two (2) conditions of approval;
- C. Adopt the two (2) findings of fact for the MPP Stage 2; and
- D. Approve the MPP Stage 2 subject to fifty-eight (58) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

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

BACKGROUND

The subject property is located on Parcel 40C of the North Central Roseville Specific Plan (NCRSP) near the northeast corner of Roseville Parkway and Gibson Drive (see Figure 1). The site has a zoning designation of Community Commercial/Special Area-North Central Roseville Specific Plan (CC/SA-NC) and a General Plan and NCRSP land use designation of Business Professional/Community Commercial (BP/CC). The BP/CC land use in the NCRSP establishes a maximum percentage of square footage of commercial vs. office (60% commercial/40% office). This policy is intended to achieve a mixed-use office and retail project.

In January of 2008, a Major Project Permit (MPP) Stage 1 & Stage 2 (2007PL-123) for the Highland Village project was approved by the Planning Commission. This approval allowed for the development of NCRSP Parcel 40C with two hotels (164,322 square feet), two retail buildings (14,800 square feet), five restaurants (36,384 square feet), a bank building (3,500 square feet), and associated site improvements. A Tentative Subdivision Map was included in that request, creating nine separate parcels for each building located within Parcel 40C. Reciprocal parking for the retail, restaurants, and bank building, along with internal drive aisles, are located on a separate parcel (Lot 10) with common ownership. Conditions, Covenants, & Restrictions (CC&R's) were recorded for the Highland Village to address maintenance of common areas, reciprocal parking, and the requirement for the formation of a business owner's association. Architecture Guidelines to address future development of the center were also adopted with the MPP Stage 1. The Highland Village architecture guidelines establish a

design theme with common colors and materials for the center. On June 11, 2015, a MPP Stage 1 Modification & Stage 2 was approved to replace one of the hotels (76,000 square feet) with a 15,224 foot event center (The Falls). The Highland Village design guidelines were also updated to introduce new colors to the color palette. To date, infrastructure improvements and the central roadways and common parking areas are complete, the pads are graded, and an 88,000 square foot Hyatt Place hotel is constructed on Lot 1.

Figure 1: Vicinity Map



The NCRSP Parcel 40 Development Agreement permits Parcel 40B, 40C, & 40D to be developed solely with commercial or offices uses, or a combination thereof, provided that the cumulative total of commercial uses between the parcels does not exceed 334,540 square feet. The Highland Village project (Parcel 40C) originally was approved with a total commercial use of 219,006 square feet. With the current project and the previously approved Falls Event Center modification, the total commercial square footage allocated for Parcel 40C is now 158,230 square feet.

MAJOR PROJECT PERMIT PROCESS

The intent of the Major Project Permit (MPP) process is to streamline the review of large and diverse projects that could be constructed over a period of several years. The MPP process allows for the resolution of site issues prior to the review of more detailed architectural and landscape issues that may not be finalized at the time the site plan is ready. In accordance with the City's MPP Ordinance, the MPP review process is segregated into three separate stages. Provided below is a summary of each Stage:

- Stage 1: Stage 1 of the MPP application consists of the approval of a preliminary development plan. The preliminary development plan will establish the configuration of the buildings, conceptual building elevations, parking areas and ratios, landscaping and open space locations, rough grading and drainage on and off-site, vehicular and pedestrian circulation, and development phasing. The

complete environmental review of the project is also performed at this stage. Stage 1 review and approval is performed by the Planning Commission.

- **Stage 2:** Stage 2 of the MPP application process consists of the review of the detailed architecture and landscaping for the project. Stage 2 review and approval is also performed by the Planning Commission.
- **Stage 3:** Stage 3 is an administrative review (Planning Manager approval) of the improvement and building plans for compliance with the conditions of the Stage 1 and 2 approvals.

EVALUATION

The evaluation section of this report includes a description of the Revolutions Naturopathic Medical Office and an analysis of the requested MPP Stage 1 Modification and MPP Stage 2. Each entitlement is analyzed separately for its consistency with the goals and policies of the applicable regulations, including the General Plan, the Zoning Ordinance, the Community Design Guidelines (CDG), and the North Central Roseville Specific Plan (NCRSP).

PROJECT DESCRIPTION

The Revolutions Naturopathic Medical Center is a naturopathic medical practice where Naturopathic Doctors practice natural medical, diagnose, and treat a broad range of medical conditions. The medical office includes a reception/lobby area, doctor consultation/offices, a lab, and an IV therapy suite. The use is classified as a medical office, which is principally permitted in the CC/SA-NC zoning designation. The applicant requests approval of a MPP Stage 1 Modification to modify the approved Highland Village site plan to allow replacement of the bank building with the 4,336 square foot medical office building. Three additional parking spaces will also be added adjacent to the building in place of the anticipated ATM drive-thru aisle. No modifications to the site grading or utilities are proposed. A MPP Stage 2 is requested to approve the building architecture and site landscaping for Lot 8.

MPP STAGE 1 MODIFICATION

The purpose of the MPP Stage 1 application is to evaluate the site and building layout, access and roadway improvements, and preliminary grading and utility plans. For this project, the MPP Stage 1 Modification evaluates the changes to the overall site to ensure substantial compliance with the intent of the original approval and includes a complete MPP Stage 1 evaluation of the Revolutions Naturopathic Medical Office project site.

Site Layout: The subject parcel is located along Gibson Drive at the northern side of the driveway entrance to the Highland Village center. The approved Master Plan anticipated development of this parcel with a 3,500 square foot bank with a drive-thru ATM (see Attachment 1). With the current request, the proposed project would replace the previously approved bank building and drive-thru ATM with a 4,336 square foot medical office building and an approximately 238 square foot outdoor patio (located on the northern side of the building). The new building will fit in the previously approved pad space for Lot 8. The only modification to the site is the addition of three parking spaces. The parking spaces will be located in the area anticipated for the drive-thru entrance and exit. The proposed site design is consistent with the CDG and is in substantial compliance with the original approval for the center. As proposed, the remaining parcels located within the center will not be impacted by this project and the previously approved circulation/roadway improvements will not be affected.

Traffic/Circulation: The City's Development Services-Engineering Division has determined that the proposed medical center will not result in an increase of PM peak hour trips above what was anticipated for the previously approved project. The modification to the original approval will not impact access to other parcels within the center nor will the reciprocal access and circulation agreements be affected.

Furthermore, the Public Works Division has determined that traffic impacts, based on the cumulative development of the site, will remain well below the traffic assumptions identified from the previous Initial Study/Negative Declaration and the City's Traffic Model.

Access to the site is provided via the existing driveways off of Gibson Drive, E Roseville Parkway, and Conference Center Drive. No modifications to the on-site circulation are proposed with this project. The City's Fire, Police, and Public Works Departments previously reviewed the site circulation and determined that it is consistent with City standards.

Parking: Parking for the Highland Village is shared amongst all tenants within the center per a reciprocal parking agreement. The original approved project provided 738 spaces for the center and 733 spaces were required per the Zoning Ordinance. With the Falls Event Center MPP Stage 1 Modification, the parking requirement and amount of available parking was modified, as shown in the following table:

Highland Village Parking Requirement

Use	Square Footage	Parking Ratio	Required Parking	Provided Parking
Hyatt Place Hotel	88,322 (151 Rooms)	1/room	151	154
Falls Event Center	15,224	as required per MPP	157	157
Total Retail/Restaurant/Bank		1/200; 1/100; 1/150	461	442
Falls Event Center Parking Reduction			769	753

The Falls Event Center resulted in an increase in the number of parking required for the center. The project also resulted in an increase in the amount of available parking spaces. However, the modification resulted in a 16 space parking shortfall. Based on the proposed uses on the site and the overall amount of shared parking available, 753 parking spaces were deemed to be adequate for the center. The 16 space parking reduction was approved with the Falls Event Center MPP Stage 1 Modification.

As mentioned above, Lot 8 was anticipated to be developed with a bank. The parking requirement for a bank use type is one parking space for every 150 square feet. A medical office use type has the same parking requirement. The Revolutions Naturopathic Medical Office building will increase the anticipated square footage on Lot 8, resulting in an increased parking requirement. The adjustment to the parking requirement on Lot 8 is as follows:

Revolutions Naturopathic Medical Office (Lot 8)

Use	Square Footage	Parking Ratio	Required Parking	Parking Added	Parking Shortfall
Bank	3,500	1/150	23		
Medical (Revolutions)	4,336	1/150	29		
Difference			6	3	3

Due to the increased square footage of the building, the Revolutions Naturopathic Medical Office will require six additional parking spaces than the previously anticipated bank building. However, the project will add three parking spaces adjacent to building. Therefore, the project will result in a three space parking shortfall.

Parking reductions for shared parking can be approved through the MPP process if it is determined that, based on the operating characteristics of the uses on-site, adequate parking will be available to support the parking demand. The operating hours of the medical office will be Monday through Friday 8:30 am – 5:30 pm. The peak hours are 8:30 am to 11:30 am and 1:30 pm to 5:30 pm. The average number of patients during peak hours is 10 per hour and the average employees during peak times would be 12 based on the applicant's description (Attachment 3). This results in a peak parking demand of 22 spaces.

Based on the previously approved MPP, 26 parking spaces are allocated to for use by Lot 8, which is three more spaces than the parking demand.

As mentioned above, the 753 parking spaces are available for use by all tenants within the center. A hotel is developed on the Highland Village site and the remainder of the site is anticipated for development primarily with restaurants and an event center. The peak parking demand hours for the hotel, restaurant and event center are on the weekends and during the evening hours, which as described above, are different than the proposed medical office. Staff believes the three space parking reduction is justified and adequate parking will be available to meet the parking demand of the center. No parking impacts to adjacent uses are anticipated. As the Highland Village project continues to be developed, parking will be evaluated to ensure adequate parking is available to meet the parking demands of the center.

Architecture: The CDG suggest that projects with multiple buildings develop an architectural theme throughout the project. Therefore, the original MPP Stage 1 application established a master color and material palette that would be incorporated into future building elevations (see Attachment 2). The master palette includes three brick options and 21 color options. The Falls Event Center added one additional stone option (Eldorado Cascade Rustic Ledge Stone) into the master palette. This project proposed to introduce two new colors (SW French Roast and SW Burgundy) to the color palette that are compatible with the colors for the center. The building will utilize two other colors and a stone material from the master palette. Further analysis is discussed in the MPP Stage 2 section of this report.

Landscaping: The Highland Village conceptual landscape plan included a master landscape palette to be applied throughout the project. The approved planting plan includes street trees suggested in the North Central Roseville Design Guidelines, shade trees, accent trees, and drought tolerant plants. With this request, there are no changes to the master landscape plan proposed and the project site will incorporate the appropriate landscaping per the approved planting plan.

MPP Stage 1 Modification Summary

Section 19.78.060.J of the City of Roseville Zoning Ordinance requires that two findings be made to approve a MPP Stage 1 Modification. The required findings for approval are listed in the Recommendation section below. In summary, based on the evaluation above, staff finds that the Revolutions Naturopathic Medical Office has been designed to be in substantial compliance with the intent of the original approval and is consistent with the Highland Village project design, the Major Project Permit provisions of the Zoning Ordinance, and the Community Design Guidelines. As proposed and conditioned, the project complies with the required findings for approval. For these reasons, staff recommends approval of the MPP Stage 1 Modification.

MPP STAGE 2

Stage 2 of the Major Project Permit includes the review of the architectural design and landscape treatments for the Revolutions Naturopathic Medical Office (Lot 8) only. The project has been evaluated based upon the applicable design standards of the North Central Roseville Design Guidelines and the City's Community Design Guidelines (CDGs). The Revolutions Naturopathic Medical Office is also evaluated for compliance with the Highland Village MPP Stage 1 conceptual architecture and landscaping guidelines.

Architecture: The proposed building will total 4,336 square feet in size and approximately 24 feet in height. The roof will be flat with varying parapet heights, consistent with the Highland Village design guidelines. The building façade will consist of brick veneer and stucco, consistent with the materials approved for the center. The building will provide four sided architecture. The facades that are visible to the public will have windows and/or doorways as well as fabric awnings to provide visual interest. Vertical metal trellises will also be used to support vine plantings on the building façade and add texture

and interest. The entrance will be highlighted with a taller parapet height, brick columns and a metal awning. The primary façade color will be SW Basket Beige from the Highland Village color palette. The entrance will be highlighted with a SW Burgundy. The trim will be SW French Roast or SW Urbane Bronze. The colors are compatible with the color variations found in the Mendocino brick accents.

Figure 2: Color Rendering



As proposed, staff finds the building compatible with the MPP Stage 1 conceptual architecture for the center and with the applicable design guidelines. In addition, the colors and materials are compatible with the adjacent hotel and The Falls Event Center, and staff does not recommend any changes to the building architecture.

Landscaping: Planting within the landscape setback on Gibson Drive has been installed. The project will add landscaping around the base of the building and will not modify the existing center landscaping. The proposed landscaping will include a mix of evergreen and deciduous trees, consisting of six Purple-leaf Flowering Plum and two Red Pointe Red Maples. Shrubs, vines, and groundcover of varying heights and color will be added around the base of the building to add visual interest and soften the hardscape. The plantings will be water efficient and the landscape plan complies with the City's Water Efficient Landscape Ordinance requirements.

Overall, staff finds that the landscape plan is compatible with the Highland Village conceptual landscape plan and the applicable design guidelines. In addition, the City's Parks & Recreation-Open Space Division has reviewed the landscape plan and has found it to be acceptable.

MPP Stage 2 Summary

Section 19.82.03.C.2 of the City of Roseville Zoning Ordinance requires that two findings be made to approve a MPP Stage 2. The two findings for approval are contained in the Recommendation section of this report. In summary, staff finds that the architecture and landscape plans for the Revolutions Naturopathic Medical Office are consistent with the North Central Roseville Area Design Guidelines and the Community Design Guidelines and will not be detrimental to the public health and safety or welfare, as described in detail above. As proposed and conditioned, the project complies with the required findings for approval. For these reasons, staff recommends approval of the Stage 2 request.

ENVIRONMENTAL DETERMINATION

Project level CEQA compliance for the Revolutions Naturopathic Medical Office was accomplished with the Highland Village Initial Study and Negative Declaration (adopted 1/9/08). The project is consistent with the previously evaluated project and no new effects would be expected to occur. Therefore, no additional CEQA action is required at this time.

RECOMMENDATION

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

- A. Adopt the two (2) findings of fact as stated below for the **MAJOR PROJECT PERMIT STAGE 1 MODIFICATION – NCRSP PCL 40C REVOLUTIONS NATUROPATHIC MEDICAL OFFICE (HIGHLAND VILLAGE) – 254 CONFERENCE CENTER DRIVE – FILE # PL15-0421**;
 1. *The proposed modification is in substantial compliance with the intent of the original approval, prior conditions of approval, and all applicable design, development and improvement standards in effect as of the date of application for the modification.*
 2. *The proposed modification is in compliance with all standards and requirements of the City's Zoning Ordinance, with the applicable goals, policies and objectives set forth in the General Plan and the applicable Community Design Guidelines.*
- B. Approve the **MAJOR PROJECT PERMIT STAGE 1 MODIFICATION – NCRSP PCL 40C REVOLUTIONS NATUROPATHIC MEDICAL OFFICE (HIGHLAND VILLAGE) – 254 CONFERENCE CENTER DRIVE – FILE # PL15-0421** with two (2) Conditions of Approval;
- C. Adopt the two (2) findings of fact as stated below for the **MAJOR PROJECT PERMIT STAGE 2 – NCRSP PCL 40C REVOLUTIONS NATUROPATHIC MEDICAL OFFICE (HIGHLAND VILLAGE) – 254 CONFERENCE CENTER DRIVE – FILE # PL15-0421**; and
 1. *The Architecture and Landscaping is consistent with the General Plan, North Central Roseville Design Guidelines, and Community Design Guidelines; and*
 2. *The design shall not be detrimental to the public, health and safety, or be materially detrimental to the public welfare.*
- D. Approve the **MAJOR PROJECT PERMIT STAGE 2 – NCRSP PCL 40C REVOLUTIONS NATUROPATHIC MEDICAL OFFICE (HIGHLAND VILLAGE) – 254 CONFERENCE CENTER DRIVE – FILE # PL15-0421** with fifty-eight (58) Conditions of Approval.

CONDITIONS OF APPROVAL FOR MPP STAGE 1 MODIFICATION (PL15-0421)

1. The project is subject to the previously approved conditions of approval for the Highland Village MPP Stage 1 – File 2007PL-123 (Project MPP-000016), except as conditioned or modified below.
2. The site plan shall be approved as shown in Exhibit A. (Planning)

CONDITIONS OF APPROVAL FOR MPP STAGE 2 (PL15-0421)

1. This Major Project Permit Stage 2 approval shall be effectuated within a period of two (2) years from this date and if not effectuated shall expire on February 25, 2018. Prior to said expiration date, the applicant may apply for an extension of time. (Planning)

2. The project is approved as shown in Exhibits A - G and as conditioned or modified below. (Planning)
3. The project shall comply with all required environmental mitigation identified in the NCRSP EIR. (Planning)
4. The applicant shall pay City's actual costs for providing plan check, mapping, GIS, and inspection services. This may be a combination of staff costs and direct billing for contract professional services. (Engineering Environmental Utilities, Electric, Finance)
5. The design and construction of all improvements shall conform to the Design and Construction Standards of the City of Roseville, or as modified by these conditions of approval, or as directed by the City Engineer. (Engineering)
6. The applicant shall not commence with any on-site improvements or improvements within the right-of-way until such time as grading and/or improvement plans are approved and grading and/or encroachment permits are issued by the Development Services Department – Engineering Division (Engineering)
7. The approval of this project does not constitute approval of proposed improvements as to size, design, materials, or location, unless specifically addressed in these conditions of approval. (Engineering)

PRIOR TO ISSUANCE OF BUILDING PERMITS:

8. Parking stalls shall meet, or exceed, the following minimum standards:
 - a. All parking stalls shall be double-striped. Parking stalls adjacent to sidewalks, landscaped areas or light fixtures, and all Accessible stalls shall abut a 6" raised curb or concrete bumper. (Planning)
 - b. Standard -- 9 feet x 18 feet; Compact--9 feet x 16 feet; Accessible--14 feet x 18 feet (a 9 foot wide parking area plus a 5 foot wide loading area) and a minimum of one (1) parking space shall be Accessible van accessible--17 feet x 18 feet (9 foot wide parking area plus an 8 foot wide loading area). (Planning)
 - c. An 'exterior routes of travel' site accessibility plan incorporating slope, cross-slope, width, pedestrian ramps, curb ramps, handrails, signage, detectable warnings or speed limit signs or equivalent means shall comprise part of the site improvement plans submitted to City for review, prior to building plan check approvals. This site accessibility plan shall also include:
 - i) Handicapped parking stalls shall be dispersed and located closest to accessible entrances. The total number of accessible parking spaces shall be established by Table 11-B-6 of the CBC.
 - ii) Accessible Parking spaces and crosswalks shall be signed, marked and maintained as required by Chapter 11 of the CBC.
 - iii) Accessible parking and exterior route of travel shall comply with CBC, Sections 1127B and 1129B. (Building)
9. Signs and/or striping shall be provided on-site as required by the Planning Department to control on-site traffic movements. Parking lot striping and signage shall be maintained in a visible and legible manner. (Planning)

10. The plans submitted to the Building Department for permits shall indicate all approved revisions/alterations as approved by the Commission including all conditions of approval. (Planning)
11. The project Landscape Plans shall comply with the following:
 - a. The Landscape Plan shall indicate the location of, and be designed to avoid conflicts with, all pole-mounted light fixtures and utility equipment including (but not limited to) electric transformers, switchgear, and overhead lines, backflow preventors, fire department connections, and public water, sewer, and storm drain facilities. (Planning, Fire, EUD, Electric, Public Works)
 - b. The tree plantings in the parking lot shall be designed to provide a minimum of 50% shade coverage after 15 years. (Planning)
 - c. At a minimum, landscaped areas not covered with live material shall be covered with a rock, (3") bark (no shredded bark) or (3") mulch covering. (Planning)
 - d. The landscape plan shall comply with the Landscape Guidelines for North Central Roseville Specific Plan and the City of Roseville Water Efficient Landscape ordinance (Ordinance 4786, adopted 11/04/2009). (Planning)
 - f. All landscaping in areas containing electrical service equipment shall conform with the Electric Department's Landscape Requirements and Work Clearances as outlined in Section 10.00 of the Departments "Specification for Commercial Construction." (Electric)
12. Any roof-mounted equipment and satellite dishes proposed shall be shown on the building plans. The equipment shall be fully screened from public streets and the surrounding properties. (Planning)
13. A separate Site Accessibility Plan which details the project's site accessibility information as required by California Title 24, Part 2 shall be submitted as part of the project Building Permit Plans. (Building)
14. Building permit plans shall comply with all applicable code requirements (California Building Code – CBC – based on the International Building Code, California Mechanical Code – CMC – based on the Uniform Mechanical Code, California Plumbing Code – CPC – based on the Uniform Plumbing Code, California Fire Code – CFC – based on the International Fire Code – with City of Roseville Amendments – RFC, California Electrical Code – CEC – based on the National Electrical Code, and California Energy Standards – CEC T-24 Part 6), California Title 24 and the American with Disabilities Act - ADA requirements, and all State and Federally mandated requirements in effect at the time of submittal for building permits (contact the Building Department for applicable Code editions). (Building)
15. Maintenance of copy of building plans: Health and Safety Code section 19850 requires the building department of every city or county to maintain an official copy of the building plans for the life of the building. As such, each individual building shall be submitted as a separate submittal package. Building plan review, permit issuance and archiving is based on each individual building address.
16. 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 Public Works prior to approval of any plans. (Engineering)

17. 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)
18. Bike Parking and clean air vehicle spaces shall be provided per the California Green Building Standards. Bike rack/locker design and location shall be approved by Alternative Transportation. (Alternative Transportation, Building)
19. A covered seating area shall be located at handicapped parking area closest to the main entrance, visible from the drive aisle for dial-a-ride passenger drop-off and pick-up (Alternative Transportation, Planning, Engineering)
20. 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)
21. The applicant shall remove and reconstruct any existing damaged curb, gutter, and sidewalk along the property frontage. During plan check of the improvement plans and/or during inspection, Public Works will designate the exact areas to be reconstructed. Any existing public facilities damaged during the course of construction shall be repaired by the property owner and at the property owner's expense, to the satisfaction of the City. (Engineering)
22. 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)
23. 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)
24. The applicant/developer shall prepare participate in the Highland Village Transportation Systems Management (TSM) Plan. (Public Works)
25. 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)"
26. The applicant shall pay all applicable water and sewer fees. (Environmental Utilities)
27. Water and sewer infrastructure shall be designed pursuant to the adopted City of Roseville Improvement Standards and the City of Roseville Construction Standards and shall include:
 - a. Utilities or permanent structures shall not be located within the area which would be disturbed by an open trench needed to expose sewer trunk mains deeper than 12' unless approved by Environmental Utilities in these conditions. The area needed to construct the trench is a sloped cone above the sewer main. The cone shall have 1:1 side slopes.

- b. Water, sewer and recycled mains shall not exceed a depth of 12' below finished grade, unless authorized in these conditions of approval.
 - c. All sewer manholes shall have all-weather 10-ton vehicle access unless authorized by these conditions of approval. (Environmental Utilities)
28. The design and installation of all fire protection equipment shall conform to the California Fire Code and the amendments adopted by the City of Roseville, along with all standards and policies implemented by the Roseville Fire Department. (Fire)
29. The applicable codes and standards adopted by the City shall be enforced at the time construction plans have been submitted to the City for permitting (Fire)
30. The applicant shall contact the Hazardous Materials Division at (916) 774-5800 to initiate the Hazardous Materials process. Use or storage of hazardous materials, liquids, gases and/or chemicals will be subject to meeting the requirements of the Hazardous Materials Storage Policy set forth by the City of Roseville, the applicable sections of the California Fire Code, and the National Fire Codes. Submit names and amount of any hazardous materials, if they are to be stored or used, to the Fire and Life Safety Division for review and approval. (Fire)
31. The Electric Department requires the submittal of the following information in order to complete the final electric design for the project:
- a. one (1) set of improvement plans
 - b. load calculations
 - c. electrical panel one-line drawings
32. All on-site external lighting shall be installed and directed to have no off-site glare. Lighting within the parking areas and pedestrian walkways shall provide a maintained minimum of one (1) foot candle, and 0.5 foot candle of light, respectively. All exterior light fixtures shall be vandal resistant. (Planning & Police)
33. The parking lot shall have properly posted signs that state the use of the parking area is for the exclusive use of employees and customers of this project. (See California Vehicle Code Sections 22507.8, 22511.5, 22511.8, 22658(a), and the City of Roseville Municipal Code Section 11.20.110). The location of the signs shall be shown on the approved site plan. (Planning & Police)
34. It is the developer's responsibility to notify PG&E of any work required on PG&E facilities. (PG&E)

DURING CONSTRUCTION & PRIOR TO ISSUANCE OF OCCUPANCY PERMITS:

35. Any backflow preventors visible from the street shall be painted green to blend in with the surrounding landscaping. The backflow preventors 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 preventor to the landscaping.
 - b. For maintenance purposes, the landscaping shall only be installed on three sides and the plant material shall not have thorns.
 - c. The control valves and the water meter shall be physically unobstructed.

- d. The backflow preventor shall be covered with a green cover that will provide insulation. (Planning, Environmental Utilities)
36. Inspection of the potable water supply system on new commercial/ industrial/ office projects shall be as follows:
- a. The Environmental Utilities Inspector will inspect all potable water supply up to the downstream side of the backflow preventor.
 - b. The property owner/applicant shall be responsible for that portion of the water supply system from the backflow preventor to the building. The builder/contractor shall engage a qualified inspector to approve the installation of this portion of the water supply. The Building Division will require from the builder/ contractor, a written document certifying that this portion of the potable water supply has been installed per improvement plans and in accordance with the Uniform Plumbing Code. This certificate of compliance shall be submitted to the Building Division before a temporary occupancy or a building final is approved.
 - c. The building inspectors will exclusively inspect all potable water supply systems for the building from the shutoff valve at the building and downstream within the building. (Building, Environmental Utilities)
37. Water, sewer and reclaimed water shall be constructed pursuant to the adopted City of Roseville Improvement Standards and the City of Roseville Construction Standards. (Environmental Utilities)
38. All water backflow devices shall be tested and approved by the Environmental Utilities Department. (Environmental Utilities)
39. Pursuant to the Municipal Code, the applicant shall apply for and obtain a FOG waste discharge permit (FOG WDP) from the Environmental Utilities Industrial Waste Division prior to occupancy or prior to discharging waste to the public sewer. The applicant shall submit information required by the Environmental Utilities Department for evaluation, including but not limited to: site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, FOG control device, grease interceptor or other pretreatment equipment and appurtenances by size, location and elevation. Additional information related to the applicant's business operations and potential discharge may be requested to properly evaluate the FOG WDP application. (Environmental Utilities)
40. The applicant/developer shall prepare a Transportation Systems Management (TSM) Agreement for Revolutions Naturopathic Medical Office Buildings to be reviewed and approved by the City Manager. (Public Works, Alternative Transportation)
41. All Electric Department facilities, including streetlights where applicable, shall be designed and built to the "City of Roseville Specifications for Commercial Construction." (Electric)
42. The City of Roseville Electric Department has electrical construction charges which are to be paid by the developer and which are explained in the City of Roseville "Specification for Commercial Construction." These charges will be determined upon completion of the final electrical design. (Electric)
43. Any relocation, rearrangement, or change of existing electric facilities due to this development shall be at the developer's expense. (Electric)
44. 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)

45. All electric metering shall be directly outside accessible. This can be accomplished in any of the following ways:
 - a. Locate the metered service panel on the outside of the building.
 - b. Locate the metered service panel in a service room with a door that opens directly to the outside. The developer will be required to provide a key to the door for placement in a lock box to be installed on the outside of the door. Any doors leading from the service room to other areas of the building shall be secured to prohibit unauthorized entry.
46. One 3/4" conduit with a 2-pair phone line shall be installed from the buildings telephone service panel to the meter section of the customer's electrical switchgear or panel. (Electric)
47. It is the responsibility of the developer to insure that all existing electric facilities remain free and clear of any obstruction during construction and when the project is complete. (Electric)

OTHER CONDITIONS OF APPROVAL:

48. Signs shown on the elevations are not approved as part of the Major Project Permit. A Sign Permit is required for all project signs. (Planning)
49. Following the installation of the landscaping, all landscape material shall be maintained in a healthy and weed free condition; dead plant material shall be replaced immediately. All trees shall be maintained and pruned in accordance with the accepted practices of the International Society of Arboriculture (ISA). (Planning)
50. The City reserves the right to restrict vehicle turning movements within the public right-of-way in the future if deemed necessary by the City Engineer. (Engineering)
51. The required width of fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. Minimum required widths and vertical clearances established by the Fire Code shall be maintained at all times during construction. Closure of accesses for fire apparatus by gates, barricades and other devices shall be prohibited unless approved by the Fire Chief. (Fire)
52. Temporary aboveground storage tanks may be used at construction sites for diesel fuel only and shall not exceed 1,000 gallon capacity. Tanks shall comply with all provisions found within the Fire Code. A Fire Department Permit shall be obtained prior to tank installation. The permit shall expire after 90 days from the date of issuance, unless extended by the Fire Chief. (Fire)
53. If site survey or earth moving work results in the discovery of hazardous materials in containers or what appears to be hazardous wastes released into the ground, the contractor or person responsible for the building permit must notify the Roseville Fire Department immediately. A representative from the Fire Department will make a determination as to whether the incident is reportable or not and if site remediation is required. (Fire)
54. The location and design of the gas service shall be determined by PG&E. The design of the gas service for this project shall not begin until PG&E has received a full set of City approved improvement plans for the project. (PG&E)
55. The project is subject to the noise standards established in the City's Noise Ordinance. In accordance with the City's Noise Ordinance project construction is exempt between the hours of

seven a.m. and seven p.m. Monday through Friday, and between the hours of eight a.m. and eight p.m. Saturday and Sunday. Provided, however, that all construction equipment shall be fitted with factory installed muffling devices and that all construction equipment shall be maintained in good working order. (Building)

56. The developer (or designated consultant) shall certify that the building foundation location has been placed according to all approved setback requirements shown on the approved site plan. The developer shall prepare a written statement confirming building placement and provide an original copy to the City Building Department Field Inspector at the time of or prior to the foundation inspection. (Building)
57. Prior to Certificate of Occupancy, the applicant may apply for a Temporary Occupancy (TO) of the building. If a TO is desired, the applicant must submit a written request to the Building Division a minimum of thirty (30) days prior to the expected temporary occupancy date and shall include a schedule for occupancy and a description of the purpose for the Temporary Occupancy. (Building)
58. Concurrent with submittal for plan check and prior to a request for final building inspection, the applicant may request City approval of an occupancy phasing plan to allow individual or multiple building occupancies. This request shall be made in writing to the Building Department and shall include 10 copies of the following:
 - a. A description of measures that will be undertaken to minimize conflict between residents/building occupants and construction traffic (e.g. fencing, etc.);
 - b. A phasing plan showing the proposed buildings, internal roads and access routes, landscaping, trash enclosure locations, and any other improvements planned for each phase; and
 - c. Estimated time frame for each phase and a specific date for the first phase. (Planning, Building)

ATTACHMENTS

1. Highland Village MPP Stage 1 Site Plan
2. Highland Village MPP Stage 1 Architectural Guidelines and Colors & Materials

EXHIBITS

- A. Highland Village MPP Stage 1 Modification Site Plan
- B. Revolutions Site Plan
- C. Floor & Roof Plans
- D. Elevations
- E. Landscape Plan
- F. Grading and Drainage Plan
- G. Colors & Material

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

Title:

ADMINISTRATIVE PERMIT - 2425 BENT TREE DRIVE - NRSP PCL DC-4 -
VASQUEZ RESIDENCE - 810 SQUARE-FOOT ADDITION - FILE #PL15-0448

Meeting Date: 2/25/2016

Item #: 5.1.

ATTACHMENTS:**Description**

Staff Report - NRSP PCL DC-4 - Vasquez Residence

ITEM V.A: **ADMINISTRATIVE PERMIT – 2425 BENT TREE DRIVE – NRSP PCL DC-4 – VASQUEZ RESIDENCE – 810-SQUARE-FOOT ADDITION – PL15-0448**

REQUEST

The applicant requests approval of an Administrative Permit to construct an 810-square-foot addition to the second (2nd) story of the existing home. The addition will include a new master bedroom, bathroom, laundry, and walk-in closet.

Applicant–Andrey Ginsberg, Premier Design
Owner–Sergio Vazquez, Gold Coast Construction

SUMMARY RECOMMENDATION

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

- A. Adopt the three (3) findings of fact for the Administrative Permit, and
- B. Approve the Administrative Permit subject to six (6) conditions of approval.

SUMMARY OF OUTSTANDING ISSUE

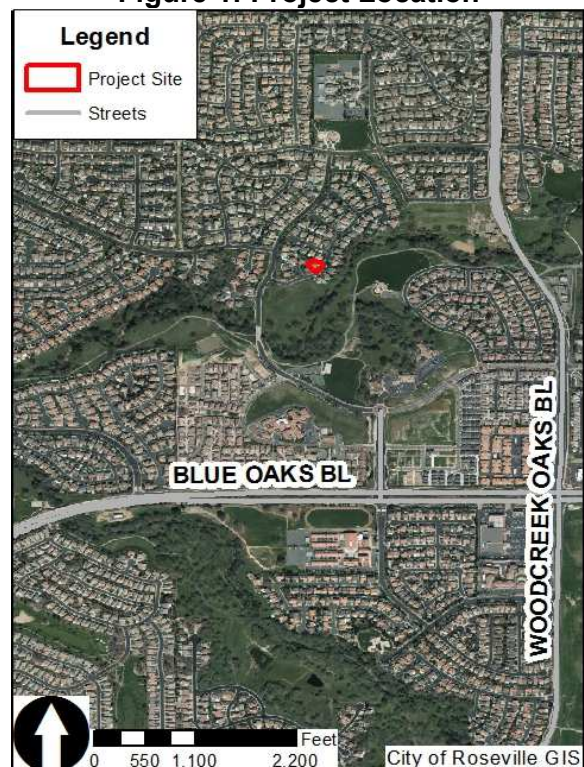
A Notice of Intent to Approve an Administrative Permit for the proposed addition was sent to property owners within a 300-foot radius of the project. The last day to request a public hearing was January 25, 2016 by 5:00 pm. A letter was hand-delivered to the City on January 25 which requested a public hearing. Staff has discussed the issue with the concerned neighbor to determine whether there were any project modifications which might alleviate the concerns, but was unable to reach a resolution. According to the letter, the neighbor is seeking a denial on the grounds that the project would negatively impact privacy, value, and marketability. The letter seeking a public hearing is included as Attachment 1.

BACKGROUND

The project site is located at 2425 Bent Tree Drive (see Figure 1), which is in a portion of the Diamond Creek community built in 2001. The properties within the subdivision have a zoning designation of single-family residential (R1) and have a land use designation of Low Density Residential (LDR 3.4). Lots are approximately 8,000 to 11,000 square feet, though there are lots as large as 15,000 square feet within the subdivision. The subdivision was designed with a primary residential street with a large number of small cul-de-sacs extending from either side. This design allows for many larger lots at the end of the cul-de-sacs and allows homes to front onto streets serving only a few homes. The other result is a large number of corner lots and some key lots, where rear yards interface with side yards.

The home on the site is two stories with two attached one-story garages (a one-car and a two-car garage). The home was damaged by fire, and as part of the overall repair work the homeowner is also seeking an

Figure 1: Project Location



810-square-foot addition above the garage and first floor living space (see Exhibit A). The requestors of the hearing are the owners (who are also residents) of a home at 201 Bent Tree Court. The rear yard of this home is adjacent to the northern side yard of the project site, where the addition is proposed.

SITE INFORMATION

Location: 2425 Bent Tree Drive

Total Size: 0.2 acres

Topography and Setting: The project site was graded to accommodate the home. The street is on a slight slope, which means that the project site is several feet lower than the parcel on the northern side, and several feet higher than the parcel on the southern side. All of the home plans in the vicinity of the project are two-story single-family homes, with variations in attached garage design. Some plans include single-story garages, while other plans have living space above the garage. A close-up aerial of the project site and vicinity is provided in Figure 2.

EVALUATION

Section 19.78.060A of the City of Roseville Zoning Ordinance requires that three findings be made prior to the approval of an Administrative Permit. The required findings are listed below in ***italicized bold print*** and are followed by an evaluation.

1. The proposed use or development is consistent with the City of Roseville General Plan and North Roseville Specific Plan.

The General Plan contains broad land use policies and defines the general character and allowed density within land use designations. As indicated, the land use designation of the site is Low Density Residential, with a density of 3.4 homes per acre. The project will not increase the number of homes on the parcel, and is thus consistent with the designation. The General Plan and North Roseville Specific Plan do not contain any policies or programs specifically related to the location, size, and height of single-family residences or additions. The General Plan relies on the Development Standards contained in the Zoning Ordinance to regulate the placement and design of residential structures. Therefore the project is consistent with the General Plan and North Roseville Specific Plan.

2. The proposed use or development conforms with all applicable standards and requirements of the Zoning Ordinance.

The subject property has a zoning designation of Single Family Residential (R1). Additions to single-family homes are permitted, provided they meet the development standards of the zone. The proposed addition will be placed above existing first-floor elements of the home, and thus the home will have an identical footprint and ultimate building height as the existing home. Therefore, lot coverage will not be increased by the proposed addition. The project will have no effect on the existing setbacks of the home from the property lines, which are in fact larger than those required by the development standards of the

Figure 2: Setting



R1 zone. On the northern side of the home, where the addition will be located, the existing side yard setback is 12 feet, though the standard only requires 5 feet. The required front yard setback is 20 feet from the back of sidewalk, but the closest portion of the home is 25 feet and the garage plus addition are 40 feet from the back of sidewalk. The required rear yard setback is 20 feet, while the garage and addition range from 20 to 28 feet from the rear property line. The existing home conforms to all required setbacks, as will the proposed addition.

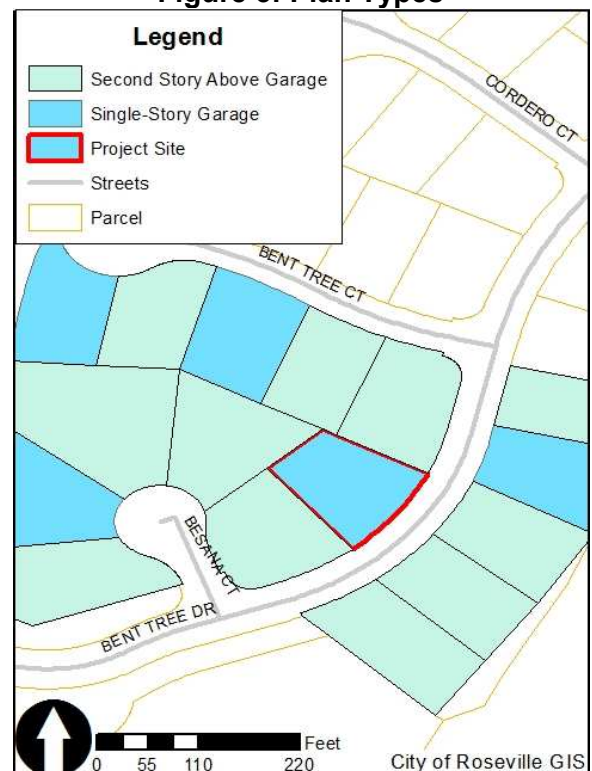
3. The location, size, design, and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property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

The proposed project site is located on a primary residential street in between two corner lots on cul-de-sacs, and as a result there are two sides of the lot where there is a side yard/rear yard interface (see Figure 2). The rear of the project lot is adjacent to a side yard, and the northern side yard of the project is adjacent to a rear yard. The proposed addition is located above the garage and a first-floor bedroom on the northern side of the house. As discussed in the Topography and Setting section, there are a variety of plan types in the vicinity, many of which include living space above the garage; the plan types in the vicinity of the project site have been shown in Figure 3. As shown, the more common plan type is to have living space above the two-car garage (note that many houses also have a one-car garage, which may or may not include living space above it).

The proposed addition meets all of the required setbacks, and provides larger setbacks than the minimum required. As shown, a second story above the two-car garage is quite common in the community, and thus is compatible with the existing characteristics and development of the neighborhood. This is not the only instance where a side yard interfaces with the rear yard of an adjacent property. In fact there are many such lots in Diamond Creek. A sampling of these is shown in Attachment 2, and many of these involve a second story along the side yard, just as the applicant is requesting.

The applicant proposes to tie-in the addition to the existing roof line of the home, and to use the same materials and overall design style as the existing home. There is already an existing second floor which blocks the ability to see views beyond the home. The addition will bring the façade of the second floor 20 feet closer to the property line. Though the change is well within development standards and is consistent with other properties in the neighborhood, the neighbor is concerned because it is a change from existing conditions which the neighbor feels will have an effect on the degree to which the backyard feels open and private. Staff acknowledges that the project will result in a change to the existing conditions, and that this change will be noticed. However, a noticeable change is not in itself a detriment to the neighborhood and surrounding properties. The issue is whether the change is inconsistent or incompatible with the neighborhood characteristics, or whether the change will result in an impact to health, safety, or welfare. After reviewing the Zoning Ordinance standards, the neighborhood characteristics, and the particular site characteristics, staff concludes that the proposed addition is

Figure 3: Plan Types



consistent with the neighborhood and that there are no identified health, safety, or welfare impacts associated with the project.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(e), which exempts small additions to existing structures, and pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures.

RECOMMENDATION

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

- A. Adopt the findings of fact as stated in the staff report for the **ADMINISTRATIVE PERMIT – 2425 BENT TREE DRIVE – NRSP PCL DC-4 – VASQUEZ RESIDENCE – 810-SQUARE-FOOT ADDITION – PL15-0448**.
- B. Approve the **ADMINISTRATIVE PERMIT – 2425 BENT TREE DRIVE – NRSP PCL DC-4 – VASQUEZ RESIDENCE – 810-SQUARE-FOOT ADDITION – PL15-0448** subject to six (6) of conditions of approval.

CONDITIONS OF APPROVAL FOR AN ADMINISTRATIVE PERMIT

1. The project is approved as shown in Exhibit A, and as conditioned below. (Planning)
2. This **ADMINISTRATIVE PERMIT** approval shall be effectuated within a period of two (2) years from **February 25, 2016** and if not effectuated shall expire on **February 25, 2018**. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval is does not extend the expiration beyond **February 25, 2019**. (Planning)
3. The applicant shall submit Building Plans that shall comply with the 2013 California Code of Regulations Title 24, or the code current at the time of submittal.
4. A building permit shall be obtained by the applicant prior to construction of the proposed addition. (Building)
5. Any upgrade, replacement or relocation of existing electric service shall be coordinated with the Electric Department at the applicant's expense. (Electric)
6. Materials and colors of the proposed addition shall be consistent with the existing house. (Planning)

Attachments

1. Letter from Neighbor
2. Similar Properties to Project

Exhibits

- A. Floor Plans and Elevations

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



PLANNING COMMISSION

Title:

ORDINANCE RELATED TO THE CITY'S REGULATION OF MEDICAL
MARIJUANA DISPENSARIES AND MARIJUANA CULTIVATION - FILE
#PL16-0029

Meeting Date: 2/25/2016

Item #: 5.2.

ATTACHMENTS:**Description**

Staff Report - Medical Marijuana Dispensaries & Marijuana Cultivation Ordinance

ITEM V-A: **ZONING ORDINANCE AMENDMENT – REGULATIONS RELATED TO MEDICAL MARIJUANA DISPENSARIES AND MARIJUANA CULTIVATION - FILE #PL16-0029**

REQUEST

Staff requests that the Planning Commission consider, accept public testimony, and recommend the City Council amend Title 19 – Zoning, of the Roseville Municipal Code (RMC) to add Chapters 19.62 (Medical Marijuana Dispensaries) and 19.63 (Marijuana Cultivation). The proposed ordinance will amend the RMC to ensure compliance with the California Medical Marijuana Regulation and Safety Act (MMRSA) of 2015. Regulations related to marijuana cultivation, medical marijuana use, distribution, delivery, cultivation, transport, and processing and the definition of marijuana dispensaries are proposed to be modified by the ordinance.

SUMMARY RECOMMENDATION

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

- A. Recommend that the City Council amend Title 19 – Zoning, of the Roseville Municipal Code to add Chapters 19.62 (Medical Marijuana Dispensaries) and 19.63 (Marijuana Cultivation).

BACKGROUND

On October 9, 2015, Governor Brown signed into law three related bills pertaining to the regulation of marijuana; AB 243, AB 266, and SB 643. These bills are collectively known as the Medical Marijuana Regulation and Safety Act (MMRSA) of 2015. The MMRSA creates a joint regulation and permitting scheme comprised of state law and local ordinances. As described below, staff is proposing amendments to the Roseville Municipal Code (RMC) in order to update the City's regulations regarding medical marijuana dispensaries and marijuana cultivation to be consistent with the provisions of the MMRSA.

The City currently regulates Medical Marijuana Dispensaries and Marijuana Cultivation within Chapters 9.95 and 9.96, respectively of Title 9 – Health and Safety of the RMC. Chapter 9.95 of the RMC prohibits Medical Marijuana Dispensaries anywhere within the City limits. Chapter 9.96 of the RMC currently restricts the cultivation of marijuana to allow only those persons authorized by state law (i.e. persons with a Medical Marijuana Identification Card, Primary Caregivers, or Qualified Patients) to grow marijuana or engage in marijuana cultivation. Further, the RMC prohibits outdoor cultivation and only allows indoor cultivation within residential zones subject to strict standards and square footage limitations.

Proposed Ordinance Amendments (See Exhibit A for Redlined Ordinance)

The City's current regulatory structure regarding cultivation appears to meet the minimum requirements for local control outlined in the MMRSA. However, because the MMRSA states that cities can only regulate cultivation under land use and zoning principles, recent legal advice from the California League of Cities recommends the City move these regulations from Title 9 - Health and Safety to Title 19 – Zoning to ensure compliance with the MMRSA. This action will ensure the City's cultivation regulatory structure complies with the MMRSA.

In addition to moving the regulations to Title 19 – Zoning, changes are needed to the City's current definitions to correspond with the MMRSA. While current cultivation regulations meet the minimum standard of the MMRSA (once moved to Title 19 - Zoning), minor changes to defined terms will ensure no ambiguity exists. Specifically, MMRSA has added new regulations and definitions for medical marijuana use, distribution, delivery, cultivation, transport, and processing. These new definitions include expanding the very definition of "marijuana" to include all products produced therefrom, as well as expanded definitions for dispensaries, processing facilities, delivery, and distribution. The City's current regulations use older definitions that have been altered by these new MMRSA definitions and amending the City's definitions to align with the MMRSA will prevent ambiguity or loopholes created by inconsistent definitions.

The most significant change requires cities to define and address the delivery of marijuana within their borders, which is not currently addressed in the RMC. The intent is for the City to retain the current position on medical marijuana use, distribution, and sale, and to ban all marijuana deliveries within the City, except for those personal deliveries from a "primary caregiver" to their "qualified patients" (as defined by the MMRSA). This approach is consistent with the City's current approach of allowing medical marijuana use by a qualified patient. Cultivation by a primary caregiver and a qualified patient for personal use only is also permitted.

Staff is also proposing to expand the City's definition of "dispensary" to include "mobile dispensaries", which have become a recent trend and are addressed in the MMRSA. Staff is proposing that mobile dispensaries and temporary dispensaries be included in the outright ban on medical marijuana dispensaries. This approach aligns the City with the MMRSA.

Finally, the MMRSA provides a new definition for "processing facility" which includes those facilities which produce, prepare, propagate, process, or compound marijuana and marijuana products for sale and distribution by others. Again this is a new concept that has evolved outside of the current "dispensary" definition. The City would be defining these "processing facilities" and banning them in the same fashion as dispensaries.

CONCLUSION

The proposed modifications to the City's Medical Marijuana Dispensaries and Marijuana Cultivation regulations do not significantly change the existing structure and enforcement, but rather update the definitions and scope to include the realities of the industry and the new regulations of the MMRSA. These modifications are meant to maintain local regulatory control rather than ceding it to the State. Staff's proposal allows the same very limited cultivation by those permitted to do so, while also maintaining a City ban on sale, delivery, and distribution.

ENVIRONMENTAL DETERMINATION

This action is not a project subject to the California Environmental Quality Act (CEQA) because it involves only general policy and procedure making and does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines, sections 15002(d), 15378, 15061(b)(3)).

RECOMMENDATION

The Planning Division recommends that the Planning Commission:

- A. Recommend that the City Council adopt the Zoning Ordinance Amendment to Repeal Chapters 9.95 and 9.96 of Title 9 of the Roseville Municipal Code and add Chapters 19.62 and 19.63 to Title 19 of the Roseville Municipal Code regarding Medical Marijuana Cultivation and Dispensaries.

EXHIBIT

- A. Proposed Ordinance Repealing Chapters 9.95 and 9.96 of Title 9 of the Roseville Municipal Code and adding Chapters 19.62 and 19.63 to Title 19 of the Roseville Municipal Code regarding Medical Marijuana Cultivation and Dispensaries