

RESOLUTION NO. 2022-

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ROCKLIN APPROVING A DESIGN REVIEW

(Lonetree Apartments / DR2021-0016)

The City Council of the City of Rocklin does resolve as follows:

Section 1. The City Council of the City of Rocklin finds and determines that:

A. Design Review (DR2021-0016) approves the site design, landscaping, architectural designs, colors and materials for the Lonetree Apartments project; a 237-unit apartment community on approximately 11.6 acres northwest of the intersection of West Oaks Boulevard and Lonetree Boulevard and south of Atherton Road. The Assessor Parcel Numbers are 017-172-014 and 015.

B. A Mitigated Negative Declaration and a Mitigation Monitoring Program for this project has been approved via Resolution No. 2022-_____.

C. The Planning Commission of the City of Rocklin recommended the Design Review for approval at its regular meeting of May 17, 2022, with a vote of 5-0.

D. The design of the site is compatible with surrounding development, natural features, constraints, and traffic flow. The architectural design, colors and materials, and landscaping of the proposed multifamily complex is consistent with the adjacent multifamily complex to the south. The architectural design of the site will have no impact to natural features within the area or traffic flow, beyond that which was identified in the Mitigated Negative Declaration.

E. The height, bulk, area, color scheme and materials of the buildings and structures are compatible with surrounding development. The maximum height of the multifamily buildings is 36' 11" feet tall, which is consistent with the site's PD-24+ zoning within the Stanford Ranch General Development Plan and the multifamily complexes to the south. Colors and materials have been selected to be compatible with the surrounding development, and to be consistent with the Citywide Design Guidelines and the University Architectural District.

F. The buildings and structures have been oriented with consideration given to minimizing energy consumption and maximizing use of natural lighting. The project design incorporates sustainable features consistent with the California Green Building Standards Code ("CALGreen"). The project provides electric vehicle charging spaces consistent with CALGreen. The position of some of the buildings in a north-south orientation maximizes passive solar access and natural lighting. The project shall be consistent with all California Building Code requirements. The project is consistent with the style, type, and orientation of lighting with

nearby multifamily residential complexes, as well as with the requirements of the Citywide Design Guidelines.

G. Parking is consistent with requirements set forth in the Section 17.66.020 of the Rocklin Municipal Code (RMC) with requires the project to provide for a total of 501 parking spaces, with 503 spaces being proposed. Ingress/egress patterns have been analyzed by the City's Engineering staff and have been determined to consistent with City standards.

H. The landscaping design is compatible with surrounding developments and has been designed with provisions for minimizing water usage and maintenance needs. The landscaping is also consistent with the requirements of the Citywide Design Guidelines. The project will install landscape improvements throughout the project and on the Atherton Road and West Oaks Boulevard street frontages. The landscape concept is water-efficient, low maintenance, and will complement the buildings and make a positive contribution to the site's overall aesthetics. Low-profile shrubs, including screening shrubs, are planned along with shade and canopy trees. The planting design features various drought-tolerant, and fire-resistant species to create layers of color and text to complement the architectural style and setting. HVAC units will be roof-mounted and screened from sight to create more areas for landscaping.

I. The design of the site and buildings or structures is consistent with the goal and policies of the General Plan, as well as the High Density Residential (HDR) land use designation, the PD-24+ zoning within the Stanford Ranch General Development Plan, and all other City regulations, standards, and restrictions. The buildings are consistent with the Citywide Design Guidelines and have been designed to be consistent with all development standards of the University Architectural District. The location of signs and graphics is consistent with requirements of the Rocklin Municipal Code and would not obstruct visibility.

Section 2. The Design Review for the Lonetree Apartments (DR2021-0016) as depicted in Exhibit A attached hereto and by this reference incorporated herein, is hereby approved subject to the conditions listed below. The approved Exhibit A shall govern the design and construction of the project. Any condition directly addressing an element incorporated into Exhibit A shall be controlling and shall modify Exhibit A. All other plans, specifications, details, and information contained within Exhibit A shall be specifically applicable to the project and shall be construed as if directly stated within the conditions for approval. Unless otherwise expressly stated, the applicant / developer shall be solely responsible for satisfying each condition prior a final Building Permit Inspection or Issuance of a Certificate of Occupancy as applicable. The agency and / or City department(s) responsible for ensuring implementation of each condition is indicated in parenthesis with each condition.

B. Conditions

1. Utilities

All utilities, including but not limited to water, sewer, telephone, gas, electricity, and conduit for cable television shall be provided to the project in compliance with all-applicable standards and requirements of the applicable provider. (APPLICABLE UTILITY)

- a. Solid Waste Disposal – The applicant shall install masonry trash enclosures with solid metal gates to the satisfaction of the Community Development Director. The location and design of trash enclosures shall provide for a minimum clear width and gate opening of 11 feet, a minimum interior depth of 14 feet (to accommodate two trash bins), and gates designed to clear adjacent curbing to the satisfaction of Recology Auburn Placer. (RECOLOGY AUBURN PLACER, ENGINEERING, BUILDING, PLANNING)
- b. Prior to issuance of improvement plans, the project shall obtain necessary easements, on- and off-site, as required to accommodate water services, to the satisfaction of Placer County Water Agency (“PCWA”). (PCWA)
- c. Prior to issuance of improvement plans, the project shall obtain necessary easements, on- and off-site, as required to accommodate sewer services, to the satisfaction of South Placer Municipal Utility District (“SPMUD”). (SPMUD)
- d. Prior to issuance of the first Building Permit, the project shall be included in the appropriate City financing districts, as needed, to most efficiently provide for public maintenance of public landscaping, and improvements such as sound walls, and provision of new or enhanced services such as street lighting to the satisfaction of the City Finance Officer (FINANCE, ENGINEERING, PUBLIC SERVICES)

It is anticipated that the following will be necessary:

De-annexation out of: LLMD No. 2
Annexation into: CFD No. 1 and/or CFD No. 5

2. Schools

At the time of issuance of a Building Permit, the developer shall pay to the Rocklin Unified School District all fees required under Education Code section 17620 and Government Code Section 65995. (ROCKLIN UNIFIED SCHOOL DISTRICT, BUILDING)

3. Fire

Improvement plans shall show the location and size of fire hydrants and water mains in conformance with the standards and requirements of the Rocklin Fire Chief and PCWA. (PCWA, ENGINEERING, FIRE)

4. Improvements / Improvement Plans

Prior to any grading, site improvements, or other construction activities associated with this project improvement plans shall be prepared consistent with the exhibits and conditions incorporated as a part of this entitlement, and in compliance with all applicable city standards, for the review and approval of the City Engineer, Public Services Director and/or the Community Development Director.

Improvement plans shall be valid for a period of two years from date of approval by the City Engineer. If substantial work has not been commenced within that time, or if the work is not diligently pursued to completion thereafter, the City Engineer may require the improvement plans to be resubmitted and/or modified to reflect changes in the standard specifications or other circumstances.

The project improvement plans shall include the following:
(ENGINEERING, PUBLIC SERVICES, PLANNING)

- a. A detailed grading and drainage plan prepared by a registered civil engineer, in substantial compliance with the approved project exhibit(s) and in accord with the City of Rocklin Post-Construction Manual. The grading and drainage plan shall include the following:
 - 1) Stormwater Management
 - a. Prior to issuance of improvement plans, to ensure compliance with the City of Rocklin Post-Construction Manual, the project shall include an on-site stormwater treatment system or facility to the satisfaction of the City Engineer and Environmental Services Manager. (ENGINEERING, PUBLIC SERVICES)
 - b. Prior to issuance of improvement plans, to ensure compliance with the National Pollutant Discharge Elimination System MS4s General Permit and the regulations and orders of the State Water Resources Control Board, the applicant shall prepare and implement a Stormwater Management Facility Operation and Maintenance Plan for the on-site treatment systems and hydromodification controls (if any, or acceptable alternative to the satisfaction of the City Engineer and Environmental Services Manager). All specified treatment systems and hydromodification controls shall be privately owned and maintained. (BUILDING, PUBLIC SERVICES)
 - c. Prior to issuance of improvement plans (or building permit if no improvement plans), unless waived by the City Engineer and

Environmental Services Manager, the developer shall grant a Stormwater Management Compliance Easement over the project site to the City of Rocklin, in a form acceptable to the City Attorney. The Stormwater Management Compliance Easement shall be recorded with the Placer County Clerk's office and a copy of the recorded document shall be provided to the Environmental Services division. Said easement shall provide for the following: (CITY ATTORNEY, BUILDING, PUBLIC SERVICES)

- i. Grant site access to City employees for the purpose of performing operations and maintenance inspections of the installed treatment system(s) and hydromodification control(s) (if any).
 - ii. Grant site access to City employees for the purpose of performing operations and maintenance work on the installed treatment system(s) and hydromodification control(s) (if any) in the event that that the Director of Public Services determines, based upon the inspection results, that said work is not being performed adequately and has or will compromise the system's ability to function as required.
 - iii. A statement that the City may, at its option, cause the operational and maintenance responsibilities set forth in the Stormwater Management Facility Operation and Maintenance Plan to be performed and place a special assessment against the project site to recover the costs to the City in the event the project is not operated and maintained in accord with the approved Stormwater Management Facility Operation and Maintenance Plan. (RMC §8.30.150).
- d. All storm drainage inlets shall be stamped with City Engineer approved wording indicating that dumping of waste is prohibited and identifying that the inlets drain into the creek system.
 - e. Site design measures for detaining run off at pre-development levels, including location and specifications of oversized pipes, on-site or off-site detention basins, if any, or other acceptable methods.
 - f. Drainage management areas including drainage features, such as lined drainage swales.

g. The developer shall prepare a Storm Water Pollutant Protection Plan (“SWPPP”) for review and approval by the State Regional Water Quality Control Board as part of the project’s drainage improvement plans.

2) Prior to the commencement of grading operations, and if the project site will not balance with respect to grading, the contractor shall identify the site where any excess earthen material shall be deposited. If the deposit site is within the City of Rocklin, the contractor shall submit a report issued by a technical engineer to verify that the exported materials are suitable for the intended fill and show proof of all approved grading plans. Haul routes to be used shall be specified. If the site requires importing of earthen material, then prior to the commencement of grading operations, the contractor shall identify the site where the imported earthen material is coming from and the contractor shall submit a report issued by a technical engineer to verify that the imported materials are suitable for the intended fill and show proof of all approved grading plans. Haul routes to be used shall be specified.

3) If at any time during the course of grading or construction activities evidence of the existence of old wells, septic systems or other similar features or any other evidence of soil and/or groundwater contamination with hazardous material is encountered, work shall be halted within 100 feet of the find and the City of Rocklin Engineer shall be notified. The City Engineer shall make a determination as to the nature of the feature(s) ~~and/or~~ contamination, the appropriate size for a buffer around the feature beyond which work could continue on the balance of the site, and which outside agencies, if any, should be notified and involved in addressing and / or remediation of the feature or contamination. At the discretion of the City Engineer and at the applicant’s expense, a qualified consultant(s) shall be retained to assess and characterize the feature or contamination and to determine appropriate remediation, if any. Remediation of the feature including obtaining any special permits and/or approvals as needed shall be completed and documented to the satisfaction of the City Engineer and any responsible agencies, such as but not limited to the Placer County Department of Environmental Health, and the Central Valley Regional Water Quality Control Board, prior to completion of grading / construction in the affected area.

b. All on-site standard improvements, including but not limited to:

i. All access and grading improvements as shown on Exhibit A. (PLANNING, ENGINEERING)

- ii. Paving, curbs (including concrete curbs to contain all landscape areas adjacent to vehicle parking areas or travel lanes), gutters, sidewalks, drainage improvements, irrigation improvements (main lines and distribution where located under paved areas), utility improvements, parking lot lights, fire hydrants, retaining walls, fences, pilasters, enhanced pavement treatments, trash enclosures, etc. (PLANNING, ENGINEERING)
 - iii. All necessary easements for drainage, access, utilities, etc. shall be shown and offered for dedication (or Irrevocable Offer of Dedication provided) with the improvement plans including but not limited to City access to the open space parcel to the south of the project site. (PLANNING, ENGINEERING)
 - iv. To the extent possible underground facilities such as but not limited to electrical, gas, water, drainage, and irrigation lines shall be located outside of or to the edge of areas designated for landscaping so as to minimize impacts to the viability of these areas. (PLANNING, ENGINEERING)
- c. A detailed parking lot signage and striping plan designed per City standards that indicates all parking spaces, aisles, entrances, and exits, including on-site signage and any required offsite signage in the public right-of-way. (PLANNING, ENGINEERING)
 - d. Prior to any grading or construction activities including issuance of improvement plans, the developer shall submit a design-level soil investigation for the review and approval of the City Engineer and Chief Building Official that evaluates soil and rock conditions, particularly the potential for expansive soils. The professional engineer that prepared the soil investigation shall recommend appropriate roadway construction and foundation techniques and other best practices that are to be implemented by the project during construction. These techniques and practices shall address expansive soils or other geological concerns requiring remediation, including but not limited to:
 - Recommendations for building pad and footing construction;
 - Use of soil stabilizers or other additives; and
 - Recommendations for surface drainage.

(BUILDING, ENGINEERING)

- e. Notes addressing conformance with the development standards and requirements of the City of Rocklin shall be included on the project improvement plans, including but not limited to the following: (PLANNING, ENGINEERING)
- i. Prior to commencement of grading, the developer shall submit a Construction Emission / Dust Control Plan for approval by the City Engineer and the Placer County Air Pollution Control District (“Placer County APCD”). This plan must address how the project meets the minimum requirements of sections 300 and 400 of Rule 228-Fugitive Dust.
 - ii. Any diesel-powered equipment used during project construction shall be Air Resources Board (“ARB”) certified.
 - iii. The prime contractor shall submit to the Placer County Air Pollution Control District a comprehensive inventory (e.g., make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used in aggregate of 40 or more hours for the construction project. If any new equipment is added after submission of the inventory, the prime contractor shall contact the Placer County APCD prior to the new equipment being utilized. At least three business days prior to the use of subject heavy-duty off-road equipment, the project representative shall provide the Placer County APCD with the anticipated construction timeline including start date, name, and phone number of the property owner, project manager, and on-site foreman.
 - iv. Construction equipment exhaust emissions shall not exceed Placer County APCD Rule 202 Visible Emission limitations. Operators of vehicles and equipment found to exceed opacity limits are to be immediately notified by Placer County APCD to cease operations and the equipment must be repaired within 72 hours.
 - v. Processes that discharge 2 pounds per day or more of air contaminants, as defined by California State Health and Safety Code Section 39013, to the atmosphere may require a permit. Developers / Contractors should contact the Placer County APCD prior to construction or use of equipment and obtain any necessary permits.
 - vi. During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel-powered equipment.
 - vii. Traffic speeds on all unpaved road surfaces shall be posted at 15 mph or less.

- viii. During construction the contractor shall utilize existing power sources (e.g., power poles) or clean fuel (e.g., gasoline, biodiesel, natural gas) generators to minimize the use of temporary diesel power generators.
- ix. All construction equipment shall be maintained in clean condition.
- x. The prime contractor shall be responsible for keeping adjacent public thoroughfares clean of silt, dirt, mud, and debris, and shall “wet broom” the streets (or use another method to control dust as approved by the City) if silt, dirt mud or debris is carried over to adjacent public thoroughfares.
- xi. If fill dirt is brought to or exported from the construction site, tarps or soil stabilizers shall be placed on the dirt piles to minimize dust problems.
- xii. All grading operations shall be suspended when fugitive dust emissions exceed Placer County APCD Rule 228-Fugitive Dust limitations. The prime contractor shall be responsible for having an individual who is California Air Resources Board (“CARB”) certified to perform Visible Emissions Evaluations (“VEE”). This individual shall evaluate compliance with Rule 228 on a weekly basis.
- xiii. Fugitive dust emissions shall not exceed 40% opacity and shall not go beyond the property boundary at any time. If lime or other drying agents are utilized to dry out wet grading areas, the developer shall ensure such agents are controlled so as not to exceed Placer County APCD Rule 228-Fugitive Dust limitations.
- xiv. The prime contractor shall suspend all grading operations when wind speeds (including instantaneous gusts) are excessive and dust is impacting adjacent properties.
- xv. Water shall be applied to control fugitive dust, as needed, to prevent impacts offsite. Operational water trucks shall be onsite to control fugitive dust. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site.
- xvi. In order to minimize wind driven dust during construction, the prime contractor shall apply methods such as surface stabilization, establishment of a vegetative cover, paving, (or use another method to control dust as approved by the City).

- xvii. Open burning of any kind shall be prohibited. All removed vegetative material shall be either chipped on site or taken to an appropriate recycling site, or if a site is not available, a licensed disposal site.
 - xviii. Chemical soil stabilizers, vegetative mats, or other appropriate best management practices to prevent erosion, in accordance with manufacturers' specifications, shall be applied to all-inactive construction areas (previously graded areas which remain inactive for 96 hours).
 - xix. All exposed surfaces shall be revegetated as quickly as feasible.
- f. The following biological resources conditions shall be included in the project notes on the improvement plans, to the satisfaction of the City Engineer:
- i. Prior to any grading or construction activities, pre-construction protocol-level surveys shall be conducted by a qualified biologist on the portions of the project site planned for development, in order to identify the presence of any of the following special-status plant species: Boggs Lake hedge-hyssop (*Gratiola heterosepala*), Dwarf Downingia (*Downingia pusilla*), Lengenere (*Legenere limosa*), Pincushion Navarretia (*Navarretia myersii* ssp. *Myersii*), Sacramento Orcutt Grass (*Orcuttia viscidia*), . Pre-construction protocol-level surveys shall be conducted during the appropriate blooming period (March-October) for all plant species to adequately ensure recognition of potentially-occurring species. Because the blooming period of all potentially-occurring plant species covers a wide range, a minimum of three focused rare plant surveys timed approximately one month apart are recommended from April through June to cover the peak blooming period. The results of the surveys shall be submitted to California Department of Fish & Game and the City of Rocklin for review.

If, as a result of the survey(s), special-status plant species are determined not to occur on the sites, further action shall not be required. If special-status plant species are detected on either site, locations of these occurrences shall be mapped with GPS and consultation with California Department of Fish & Game shall be initiated, and a mitigation plan shall be prepared based on the consultation. The plan shall detail the various mitigation approaches to ensure no net loss of plant species.

This mitigation measure shall be implemented prior to any grading or ground/vegetation-disturbing activities.

MM IV.-1 (PLANNING, ENGINEERING)

- ii. The applicant/developer shall attempt to time the removal of potential nesting habitat for raptors and migratory birds to avoid the nesting season (February 1 through September 15).

If tree and vegetation removal and/or project grading or construction activities would occur during the nesting season for raptors and migratory birds (February-September 15), the developer and/or contractor shall hire a qualified biologist approved by the City to conduct pre-construction surveys no more than 14 days prior to initiation of tree and vegetation removal activities. The survey shall cover all areas of suitable nesting habitat within 500 feet of project activity and shall be valid for one construction season. Prior to the start of tree and vegetation removal activities, documentation of the survey shall be provided to the City of Rocklin Engineering Department and if the survey results are negative, no further mitigation is required and necessary tree and vegetation removal may proceed. If there is a break in construction activities of more than 14 days, then subsequent surveys shall be conducted.

If the survey results are positive (active nests are found), impacts shall be avoided by the establishment of appropriate buffers. The biologist shall consult with the California Department of Fish and Wildlife (CDFW) and the City to determine the size of an appropriate buffer area (CDFW guidelines recommend implementation of 500-foot buffers). Monitoring of the nest by a qualified biologist may be required if the activity has the potential to adversely affect an active nest.

If construction activities are scheduled to occur during the non-breeding season (September 16 – January 31), a survey is not required and no further studies are necessary.

This mitigation measure shall be implemented prior to any grading or ground/vegetation-disturbing activities.

MM IV.-2 (PLANNING, ENGINEERING)

- iii. If an active Swainson’s hawk nest tree is located within 1,000 feet of the project site, prior to the start of grading or construction activity, the applicant shall mitigate for the loss of Swainson’s hawk foraging habitat by providing 0.5 acre of replacement Swainson’s hawk habitat land for each acre of land to be developed. The mitigation may be in the form of mitigation bank credits, conservation easements or fee title to an appropriate entity. The location of the habitat area is encouraged, but not required to be within Placer County. Habitats located within the

north half of the Central Valley, from the Stanislaus River to Redding shall be deemed acceptable. The applicant shall verify that this condition has been met to the satisfaction of the Community Development Director.

This mitigation measure shall be implemented prior to any grading or ground/vegetation-disturbing activities.

MM IV.-3 (PLANNING, ENGINEERING)

- iv. Prior to any grading activities, the applicant/developer shall hire a qualified biologist to conduct a pre-construction take avoidance survey between 14 and 30 days prior to the commencement of construction, in accordance with the 2012 California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (CDFW 2012). The survey area shall include an approximately 500-foot buffer area around the footprint of work activities, where access is permitted. If the surveys are negative, then and a letter report documenting the results of the survey should be provided to the CDFW, City of Rocklin Environmental Services Division and the project proponent for their records, and no additional measures are required. If construction does not commence within 14 days of the pre-construction survey, or halts for more than 14 days, a new survey shall be required.

If burrows are observed within 500 feet of the footprint of work activities, an impact assessment shall be prepared and submitted to the CDFW, in accordance with the 2012 Staff Report. If it is determined that project activities may result in impacts to nesting, occupied, and satellite burrows and/or burrowing owl habitat, the biologist shall consult with CDFW and develop a detailed mitigation plan such that the habitat acreage, number of burrows, and burrowing owls impacted are replaced. The mitigation plan shall be implemented prior to any grading activities and/or prior to the issuance of Improvement Plans.

This mitigation measure shall be implemented prior to any grading or ground/vegetation-disturbing activities.

MM IV.-4 (PLANNING, ENGINEERING)

- v. A pre-construction survey for western pond turtle should be conducted within 14 days of the initiation of construction by a qualified biologist prior to any construction activity that would directly impact pond or stream habitat or disturb the ground within 300 feet of aquatic habitat. If no western pond turtles are observed, a letter report should be prepared to document the survey and shall be provided to the City of Rocklin, and

no additional measures are recommended. If construction does not commence within 14 days of the pre-construction survey or halts for more than 14 days a new survey should be conducted prior to reinitiating construction.

If western pond turtles are found during the pre-construction survey, then a qualified biological monitor should be onsite during initial clearing and grading within 300 feet of a drainage, pond, or other aquatic habitat. The biological monitor will relocate any western pond turtles found within the construction footprint to suitable habitat away from the construction zone, but within the vicinity of the project site, if required. In addition, a pre-construction worker awareness training should be conducted alerting workers to the presence of and protections for the western pond turtle. Evidence of the pre-construction worker awareness training shall be provided to the City prior to any ground/vegetation-disturbing activities.

This mitigation measure shall be implemented prior to any grading or ground/vegetation-disturbing activities.

MM IV.-5 (PLANNING, ENGINEERING)

- vi. Prior to any grading or construction activities, but no longer than 28 days before, a pre-construction protocol-level survey for western spadefoot toad shall be conducted by a qualified biologist, to determine presence or absence of this species on the project sites. The survey shall be conducted in accordance with all applicable California Department of Fish & Wildlife guidelines. If western spadefoot toads are not found within the project site, no further mitigation is required. If juvenile or adult spadefoot toads are found within the proposed construction area, the individuals shall be moved out of the construction site with technical assistance from California Department of Fish & Wildlife. If spadefoot toad eggs are found within the construction area, construction shall not take place within 30 meters (100 feet) of the nest until the toads have hatched. (ENGINEERING, PLANNING)

If a spadefoot toad is observed on the site, work shall cease in the area until the frog can be moved to a safe location consistent with California Department of Fish & Wildlife regulations. The survey shall be valid for 28 days; if construction does not start within 28 days of the survey, or if construction activities stop for more than 28 days, a new survey shall be conducted.

This mitigation measure shall be implemented prior to any grading or ground/vegetation-disturbing activities.

MM IV.-6 (PLANNING, ENGINEERING)

- vii. Prior to any grading or construction activities, the appropriate Section 404 permit will need to be acquired for any project-related impacts to waters of the U.S. Any waters of the U.S. that would be lost or disturbed should be replaced or rehabilitated on a “no-net-loss” basis in accordance with the Corps’ mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement should be at a location and by methods agreeable to the Corps. In association with the Section 404 permit and prior to the issuance of improvement plans, a Section 401 water quality certification from the Regional Water Quality Control Board and a USFWS Biological Opinion shall be obtained. All terms and conditions of said permits shall be complied with.

Prior to any grading or construction activities, the applicant shall submit documentation to the Engineering Department that they have obtained an Army Corps of Engineers Section 404 permit, a Regional Water Quality Control Board Section 401 water quality certification, and a United States Fish and Wildlife Service Biological Opinion. The applicant shall also demonstrate to the Engineering Department that they have implemented habitat restoration, rehabilitation, and/or replacement as stipulated in their Section 404 permit. The applicant shall also demonstrate to the Engineering Department how they have, or intend to, comply with the terms and conditions of the Section 404 permit, the Section 401 water quality certification, and the Biological Opinion.

This mitigation measure shall be implemented prior to any grading or ground/vegetation-disturbing activities.

MM IV.-7 (PLANNING, ENGINEERING)

- g. The following cultural resource condition shall be included in the project notes on the improvement plans, to the satisfaction of the City Engineer:
 - i. If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, charcoal, animal bone, bottle glass, ceramics, burned soil, structure/building remains) or tribal cultural resources is made during project-related construction activities, ground disturbances in the area of the find shall be halted and a qualified professional archaeologist, the Environmental Services Manager and the Native American Heritage Commission shall be notified regarding the discovery. The archaeologist

shall determine whether the resource is potentially significant as per CEQA (i.e., whether it is a historical resource, a unique archaeological resource, a unique paleontological resource, or a tribal cultural resource) and shall develop specific measures to ensure preservation of the resource or to mitigate impacts to the resource if it cannot feasibly be preserved in light of costs, logistics, technological considerations, the location of the find, and the extent to which avoidance and/or preservation of the find is consistent or inconsistent with the design and objectives of the project. Specific measures for significant or potentially significant resources would include, but are not necessarily limited to, preservation in place, in-field documentation, archival research, subsurface testing, and excavation. The specific type of measure necessary would be determined according to evidence indicating degrees of resource integrity, spatial and temporal extent, and cultural associations, and would be developed in a manner consistent with CEQA guidelines for preserving or otherwise mitigating impacts to archaeological and cultural artifacts and tribal cultural resources.

In the event of the accidental discovery or recognition of any human remains, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, until compliance with the provisions of Sections 15064.5 (e) (1) and (2) of the CEQA Guidelines, as well as Public Resources Code Section 5097.98, has occurred. If any human remains are discovered, all work shall stop in the immediate vicinity of the find and the County Coroner shall be notified, according to Section 7050.5 of the California Health and Safety Code. The City's Environmental Services Manager shall also be notified. If the remains are Native American, the Coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods, and the landowner shall comply with the requirements of AB2641 (2006).

This mitigation measure shall be implemented prior to any grading or ground/vegetation-disturbing activities.

MM V.-1 (PLANNING, ENGINEERING)

- h. The following tribal cultural resource condition shall be included in the project notes on the improvement plans, to the satisfaction of the City Engineer:
 - i. A minimum of seven days prior to beginning earthwork, clearing and grubbing, or other soil disturbing activities, the applicant shall notify lead agency of the proposed earthwork start-date. The lead agency shall

contact the United Auburn Indian Community (UAIC) with the proposed earthwork start-date and a UAIC Tribal Representative or Tribal Monitor shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of groundbreaking activity, or as appropriate for the type and size of project. During this inspection, a UAIC Tribal Representative or Tribal Monitor may provide an on-site meeting for construction personnel information on TCRs and workers awareness brochure.

If any Tribal Cultural Resources (TCRs) are encountered during this initial inspection, or during any subsequent construction activities, work shall be suspended within 100 feet of the find and the measures included in the **Inadvertent/Unanticipated Discoveries Mitigation Measure (COA 4.h.ii / MM XVIII.-2)** shall be implemented. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign.

The contractor shall implement any measures deemed by CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize significant effects to the resources, including the use of a paid Native American Monitor during ground disturbing activities.

This mitigation measure shall be implemented prior to any grading or ground/vegetation-disturbing activities.

MM XVIII.-1 (PLANNING, ENGINEERING)

- ii. If any suspected Tribal Cultural Resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject

to future impacts. Permanent curation of TCRs will not take place unless approved in writing by UAIC or by the California Native American Tribe that is traditionally and culturally affiliated with the project area.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB52, have been satisfied.

This mitigation measure shall be implemented prior to any grading or ground/vegetation-disturbing activities.

MM XVIII.-2 (PLANNING, ENGINEERING)

- i. The following shall be included in the project notes on the improvement plans:
 - i) The discharge of fuels, oils, or other petroleum products, chemicals, detergents, cleaners, or similar chemicals to the surface of the ground or to drainage ways on, or adjacent to, the site is prohibited. (ENGINEERING, PUBLIC SERVICES, PLACER COUNTY ENVIRONMENTAL HEALTH)
 - ii) If Best Management Practices are required for control of urban runoff pollutants, then any hazardous materials collected shall be disposed of in accordance with all applicable hazardous materials laws and regulations. (ENGINEERING, PUBLIC SERVICES, PLACER COUNTY ENVIRONMENTAL HEALTH)

5. Improvements in the Public Right-of-Way

- a) The applicant shall obtain an encroachment permit for all improvements within the public right-of-way. Applicant shall post a performance bond and labor and materials payment bond (or other equivalent financial security) in the amount of 100% of the cost of the improvements to be constructed in the public right-of-way as improvement security to ensure the faithful performance of all duties and obligations required of applicant in the construction of the improvements. Such improvement security shall be in a form acceptable to the City Attorney. Such security shall be either a corporate surety bond, a letter of credit, or other instrument of credit issued by a banking institution subject to regulation by the

State or Federal government and pledging that the funds necessary to carry out this Agreement are on deposit and guaranteed for payment, or a cash deposit made either directly with the City or deposited with a recognized escrow agent for the benefit of the City. (PUBLIC SERVICES)

6. On-site Improvements

- a) Prior to approval of occupancy permits, the project shall install stop signs and pavement markings on the southbound approach to West Oaks Boulevard. (PLANNING, ENGINEERING)
- b) Prior to approval of occupancy permits, the project shall add sidewalks and marked crosswalks to provide walkways between the community building/pool and the nearest residential areas to the north and south, to the satisfaction of the City Engineer. (PLANNING, ENGINEERING)
- c) Prior to approval of occupancy permits, the project shall install stop signs and pavement markings on the northbound approach to Atherton Drive. (PLANNING, ENGINEERING)
- d) The project shall ensure that landscaping and any signage placed in the driveway median separating inbound and outbound travel does not obstruct outbound driver's vision of approaching westbound vehicles on West Oaks Boulevard. (PLANNING, ENGINEERING)
- e) The project shall ensure that landscaping and any signage placed in the driveway median separating inbound and outbound travel does not obstruct outbound driver's vision of approaching eastbound vehicles on West Oaks Boulevard. (PLANNING, ENGINEERING)

7. Off-site Improvements

- a) Prior to issuance of building permits/improvement plans, the applicant shall include information on the plans which shows installation of "no parking" signage on the north side of West Oaks Boulevard along the project frontage to Lonetree Boulevard. Signage shall be installed to the satisfaction of the Community Development Director prior to project occupancy.

MM XVII.-1 (PLANNING, ENGINEERING)

- b) Prior to issuance of improvement plans, the applicant shall include information on the plans which shows installation of a sidewalk on the north side of West Oaks Boulevard extending easterly from the project driveway to Lonetree

Boulevard. The sidewalk shall be constructed to the satisfaction of the Community Development Director prior to project occupancy.

MM XVII.-2 (PLANNING, ENGINEERING)

- c) Prior to issuance of building permits/improvement plans, the applicant shall include information on the plans which shows installation of “no parking” signage on the south side of Atherton Road along the project frontage to Lonetree Boulevard. Signage shall be installed to the satisfaction of the Community Development Director prior to project occupancy. (PLANNING, ENGINEERING)
- d) Prior to the issuance of building permits, the project shall extend the eastbound left-turn pocket on West Oaks Boulevard to have approximately 150 feet of storage, in order to comply with recommendations from the project’s Traffic Impact Study. (PLANNING, ENGINEERING)
- e) Prior to the issuance of building permits, the project shall extend the eastbound right-turn lane on West Oaks Boulevard to have approximately 120 feet of storage, in order to comply with recommendations from the project’s Traffic Impact Study. (PLANNING, ENGINEERING)
- f) Prior to the issuance of building permits, the project shall add a center two-way left-turn lane on West Oaks Boulevard that extends westerly from the existing eastbound left-turn pocket at Lonetree Boulevard and along the project frontage, in order to comply with recommendations from the project’s Traffic Impact Study (PLANNING, ENGINEERING).

8. Landscaping

- a) Final landscape plans shall be provided by the developer and approved by the Community Development Director. The landscape plans shall comply with the following requirements (PLANNING):
 - i. The landscaping plan shall be prepared by a landscape architect and shall include:
 - 1. A legend of the common and botanical names of specific plant materials to be used. The legend shall indicate the size of plant materials and appropriate numbers of plants and spacing for groundcovers.

Shrubs shall be a minimum 5 gallon and trees a minimum of 15 gallon and meet the minimum height specified by the American Standards for Nursery Stock.

2. A section diagram of proposed tree staking. All tree stakes shall be constructed of metal.
 3. An irrigation plan including an automatic irrigation system. The plan shall include drip irrigation wherever possible.
 4. Berming of landscape strips along the public right-of-way and the installation of shrubs to screen the undercarriages of vehicles as viewed from off-site.
 5. Provision for the shading of the visitor parking lot, including parking spaces, maneuvering areas, driveways and drive aisles, by shade trees of appropriate size(s) and characteristic(s) in locations to achieve 50% shading at maturity (15 years from planting). Include a calculation demonstrating compliance with this condition on the plan.
 6. Granite or moss rock boulders along the planting strips.
 7. Use of plastic composite-style header boards.
 8. Use of walk-on bark in all planter areas.
- ii. The plan shall be certified by the landscape architect that the landscape plan meets the requirements of the Water Conservation in Landscaping Act. Government Code §65591, et seq.
- b. The parking/site lighting plan shall be designed to accommodate shade trees and provide for illumination of the parking and circulation areas. Light standards and underground utilities shall be located such that required parking lot shade trees can still be planted. (ENGINEERING, BUILDING, PLANNING)
- c. All landscaping shall be installed and the landscape architect shall certify, in writing, that the landscaping and irrigation system have been installed in full compliance with the approved plans prior to issuance of a Certificate of Occupancy. (PLANNING)
- d. Any area disturbed by construction activities but not developed or landscaped shall be hydroseeded (with a drought tolerant mix of wild flowers and grasses)

prior to final inspection / acceptance of improvements. (PLANNING, BUILDING, ENGINEERING)

9. Lighting

- a. All exterior lighting shall be designed and installed to avoid adverse glare on adjacent properties. Cut-off shoebox type or decorative lighting fixtures, or equivalent, shall be used and mounted such that all light is projected directly toward the ground. Light poles shall be a maximum of 20 feet in height as measured from grade to the top of the light. The lighting design plan shall be approved by Community Development Director for compliance with this condition. (PLANNING)

10. Design

- a. The back or rear of any parapet wall that may be visible from an adjacent right of way or property shall be painted the same color as the front of the parapet wall to provide a more finished appearance. (PLANNING)
- b. Developer installed play equipment shall include either poured in place or rubberized tile flooring, or approved alternative, for accessibility purposes. (BUILDING)

11. Signs

All signs shall conform to the Sign Ordinance of the City of Rocklin and the sign designs and locations as shown on Exhibit A. (PLANNING, ENGINEERING, FIRE)

12. Screening of Mechanical Equipment

- a. All mechanical and/or related equipment, such as but not limited to, roof hatch railings, RTUs, vents, HVAC units, whether ground- or roof-mounted shall be screened from view from all public rights-of-way to the satisfaction of the Community Development Director. To the greatest extent feasible, parapet walls should be used to screen roof-mounted equipment. The design of the screening shall be in harmony with the architectural design of the building. (PLANNING)
- b. The appearance of large utility features such as double detector check valves shall be minimized through the use of utility blankets or other acceptable screening methods. The developer shall also demonstrate that these facilities have been moved as far as possible from the public right-of-way. (PLANNING)

13. Fences and Gates

Tubular metal fences shall have flat top pickets (or have a smooth rail at the top), be powder-coated (black/ brown/dark green), and be constructed of medium gauge, or better, steel or aluminum. (PLANNING / PUBLIC SERVICES)

- a. The project shall install an adjacent pedestrian gate to both vehicular gates, to allow for pedestrian ingress and egress. (PLANNING, BUILDING, FIRE)
- b. All gate codes shall be provided to the Rocklin Police and Fire Departments. (FIRE, POLICE, PUBLIC SERVICES)

14. Security

- a. Prior to building permit issuance, the applicant shall prepare a security plan for review by the Rocklin Police Department, and shall provide the Rocklin Police Department with the name(s) and telephone number(s) of a responsible party to contact / the president of the homeowner's association. (POLICE)
- c. Prior to building / unit occupancy the property owner, or each tenant, shall obtain and maintain at all times, an Alarm System Permit for each security system installed and operated in the building / shopping center / complex, if any, in accord with the requirements of Chapter 9.44 of the Rocklin Municipal Code. (POLICE)

15. Outdoor Storage

All incidental and miscellaneous outdoor storage areas shall be completely screened from public view by a decorative masonry or concrete wall or approved equal. All gates shall be solid and view obstructing, constructed of metal or other durable and sturdy materials acceptable to the Community Development Director. (PLANNING)

16. Maintenance

- a. The property owner shall remove within 72 hours all graffiti placed on any fence, wall, existing building, paved area or structure on the property consistent with the provisions of Rocklin Municipal Code Section 9.32. Prior to removal of said graffiti, the property owner shall report the graffiti vandalism to the Rocklin Police Department. (PLANNING, POLICE)
- b. The project, including but not limited to paving, landscaping, structures, and improvements shall be maintained by the property owners, to the standard of similarly situated properties in equivalent use zones, to the satisfaction of the Community Development Director. (PLANNING)

17. Parks

- a. Park fees shall be paid as required by the Rocklin Municipal Code Chapter 17.71 and Chapter 16.28. (ENGINEERING)
- b. Community Park Fees shall be paid as required by the City Council. (BUILDING)

18. Riparian Area and Creek Protection

- a. An open space easement shall be recorded to the satisfaction of the City Engineer over that portion of the project site located westerly of the "Site Fencing" adjacent to the creek, as shown on Exhibit A. (PLANNING, ENGINEERING)
- b. The easement shall be in substantial compliance with the City's form Grant of Open Space Easement, and shall prohibit, among other things, grading, removal of native vegetation, deposit of any type of debris, lawn clippings, chemicals, or trash, and the building of any structures, including fencing; provided, that native vegetation may be removed as necessary for flood control and protection pursuant to a permit issued by the California Department of Fish and Wildlife. (PLANNING, ENGINEERING)
- c. The open space area shall be marked in the field with westerly site perimeter fencing, to the satisfaction of the Community Development Director. (PLANNING, ENGINEERING)

19. Noise

- a. All "self-powered" construction equipment and stationary noise sources (i.e. pumps, electrical generators, etc.) shall be equipped with noise control devices (e.g., mufflers). (ENGINEERING, BUILDING)
- b. Equipment "warm-up" areas, water storage tanks, equipment storage areas, and stationary noise-generating machinery (i.e. pumps, electrical generators, etc.) shall be located away from existing residences and other sensitive noise receptors to the extent feasible. (ENGINEERING, BUILDING)
- c. All phases of project development shall be subject to the City of Rocklin Construction Noise Guidelines, including restricting construction-related noise generating activities within or near residential areas to between 7:00 a.m. and 7:00 p.m. on weekdays, and between 8:00 a.m. and 7:00 p.m. on weekends. This noise restriction shall be posted at all entrances to the project site prior to any construction activities; the sign(s) shall be weather proof and a minimum size of

2' x 2'. The Community Development Director may grant exceptions to the Construction Noise Guidelines if, in the opinion of the Community Development Director, special and unusual circumstances exist that make strict adherence to the Construction Noise Guidelines infeasible. (ENGINEERING, BUILDING)

20. Air Quality

- a. Electrical receptacles shall be installed in the exterior walls of the building(s) in this project to promote the use of electrical landscaping equipment. (BUILDING, PLANNING)
- b. Low nitrous oxide (NO_x) natural gas hot water heaters shall be installed if gas hot water heaters are to be used in this project. (BUILDING, PLANNING)

21. Phasing

If the project is to be phased, a phasing plan showing the sequence of site improvements shall be submitted for review and approval by the Community Development Director. The Community Development Director may condition the phasing to ensure each phase shall function independently. Landscaping along the entire street frontage may be required for design continuity and consistency of plant growth. (ENGINEERING, BUILDING, PLANNING)

22. Special Conditions

- a. The associated Final Map (DL2021-0002) shall be recorded prior to the issuance of any building permits. (PLANNING, ENGINEERING)
- b. The project shall install windows and exterior doors which have a minimum Sound Transmission Class (STC) rating of 28 for all buildings within the project. This requirement shall be incorporated as a note into the project's building permits and shall be implemented during construction. (PLANNING, ENGINEERING)

MM XIII.-1

- c. Prior to Issuance of a building permit, provide a Project Construction Phasing Plan for approval that shows:
 - i. the building or buildings to be constructed and open to residents and all appurtenant structures (walls, fencing, site amenities, etc.) and improvements (water mains, fire hydrants) with each phase;
 - ii. a Temporary Fencing Plan that shows how the residents of the occupied units will be kept from entering active construction areas;

- iii. Emergency Vehicle access through the site and available fire suppression services for each phase to be approved by the Fire Department;
- iv. The portion of landscaping to be completed with each phase (all of the landscaping to be installed along the north property line, between the wall and the sidewalk shall be installed with Phase 1).
(PLANNING, ENGINEERING)

d. Prior to approval of improvement plans, the project shall be revised as needed so that all drawings reflect the modified Atherton Road Driveway included as the last page of Exhibit A and labeled "Driveway Exhibit of Lots 1 and 2", to the satisfaction of the Community Development Director. These modifications are necessary to incorporate alterations to allow for full ingress and egress at this driveway as analyzed by the Traffic Impact Study, but which has not been reflected on the Design Review packet. (PLANNING, ENGINEERING)

e. Any project signage installed at the Atherton Road driveway shall be consistent with the design of the signage shown on Exhibit A at the West Oaks Boulevard driveway and shall be consistent with the requirements of the Rocklin Municipal Code. (PLANNING, ENGINEERING)

23. Monitoring

Prior to recording of the first final map or any grading on the property, the subdivider shall deposit with the City of Rocklin the current fee to pay for the City's time and material cost to administer the Mitigation Monitoring Program. The Community Development Director shall determine if and when additional deposits must be paid for administering the Mitigation Monitoring Program, including additional deposits on subsequent phase final maps. These amounts shall be paid prior to recording subsequent final maps on this project. (ENGINEERING)

24. Indemnification and Duty to Defend

Within 15 days of approval of this entitlement by the City, the owner/applicant shall execute an Indemnity Agreement, approved by the City Attorney's Office, to indemnify, defend, reimburse, and hold harmless the City of Rocklin and its agents, officers and employees from any claim, action, or proceeding against the City of Rocklin to set aside, void or annul an approval of the entitlement by the City's planning commission or City Council, which action is brought. The City will promptly notify the applicant of any such claim, action or proceeding, and the City will cooperate in the defense of the claim, action or proceeding. Unless waived by the City, no further processing, permitting, implementation, plan checking or inspections related to the subdivision or parcel map shall be performed by the City if the Indemnity Agreement has not been fully executed. (CITY ATTORNEY)

25. Validity

- a. This entitlement shall not be considered valid and approved unless and until the concurrent Tentative Parcel Map (DL2021-0002) has been approved. (PLANNING)
- b. This entitlement shall expire three years from the date of approval unless prior to that date a building permit has been issued or a time extension has been granted. (PLANNING)
- c. Approval of this entitlement does not relieve the developer of the need to obtain subsequent permits and approvals, such as but not limited to Grading Permits, Improvement Plans, and Building Permits. (PLANNING)

PASSED AND ADOPTED this 14th day of June, 2022, by the following vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Bill Halldin, Mayor

ATTEST:

Hope Ithurnburn, City Clerk

EXHIBIT A

Lonetree Apartments (DR2021-0016)