

PLANNING & REDEVELOPMENT DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING April 12, 2007

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ITEM IV-B: MAJOR GRADING PLAN - 1001 SECRET RAVINE PARKWAY - STONERIDGE

SPECIFIC PLAN, PARCEL 13 MAJOR GRADING PLAN - FILE# 2006PL-185 -

PROJECT# GP-000018

REQUEST

The applicant requests approval of a Major Grading Plan to allow additional grading of Parcel 13, and extension of the existing on-site retaining walls. Pursuant to the Grading Ordinance this request requires review as a Major Grading Plan.

Applicant/Property Owner – Tsakopoulos Family Trust, George Tsakopoulos

SUMMARY RECOMMENDATION

The Planning and Redevelopment Department recommends that the Planning Commission take the following actions:

- A. Adopt the three findings of fact for approval of the Major Grading Plan; and
- B. Approve the Major Grading Plan with thirty-six (36) conditions.

SUMMARY OF OUTSTANDING ISSUES

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

BACKGROUND

The site is located at the northwest corner of East Roseville and Secret Ravine Parkways, Parcel 13 of the Stoneridge Specific Plan (SRSP) (Attachment 1). The City approved the SRSP on March 18, 1998. The subject site was previously graded when Roseville Parkway and Secret Ravine Parkway were constructed.

A Minor Grading Plan for the site was approved administratively April 12, 2005 (GP 04-06). The Grading Plan did not include any potential impacts to natural resources, such as native oak trees or wetlands, consistent with the Grading Ordinance criteria for a Minor Grading Plan. A single, maximum six-foot high retaining wall, approximately 809 lineal feet in length, was indicated on the approved exhibit. However, the applicant subsequently determined a slightly modified retaining wall using two staggered retaining walls would be required to accomplish the desired amount of grading.

On July 14, 2006, a second Minor Grading Plan was approved to allow rough grading of the site and construction of staggered retaining walls. The staggered retaining walls are a maximum of six-feet (6') high (GP-000015). The retaining walls avoid encroachment of the oak trees, and provide a building site for future development of a commercial center. The Grading Plan indicated approximately 8,900 cubic yards of cut and 5,900 cubic yards of fill to prepare the site and construct the retaining walls.

On November 20, 2006 a third Minor Grading Plan was approved to authorize the applicant to stockpile and operate a rock compressor (GP-000017). The operation of the rock compressor was requested to expedite completion of the project, and decrease the amount of truck trips associated with hauling excess material by processing and using it as backfill material on-site.

A Grading Permit authorizing work consistent with the approved Grading Plans was issued; the grading and wall construction have been completed as per the approved plans (Attachment 3).

At this time the applicant is requesting authorization to extend the length of the two (2) staggered retaining walls (Attachment 2 and Exhibit A). Additional grading activities will include excavation of approximately 6,588 cubic yards and fill of 12,691 cubic yards of soil, requiring the import of approximately 7,091 cubic yards of soil. The proposed additional wall construction will extend the upper wall approximately 180 lineal feet, and the lower wall approximately 170 lineal feet.

The Grading Ordinance provides that Minor or Major Grading Plans may be approved in advance of a site development plan, provided the grading is preliminary and is not "finished" grading. If proposed grading activities have the potential to degrade natural features, such as wetlands or native oak trees, then the grading plan is defined as a Major Grading Plan. A request for a Major Grading Plan is required to be reviewed at a public hearing and approved by the Planning Commission.

The Grading Ordinance performance standards for Minor and Major Grading Plans state that certain grading activities are not permitted within 1.5 times the radius of an oak tree's protected zone to ensure significant impacts do not occur to native oak trees before they can be evaluated as part of the review of a proposed site development plan.

The currently proposed grading activities as conditioned will remain outside the protected zones of the on-site and adjacent native oak trees; however, activities will encroach within 1.5 times the radius of two (2) on-site oak trees' protected radii. In addition, as part of the adjacent Sutter Hospital project an Open Space buffer was established which the proposed grading encroaches into. The proposed encroachment as conditioned will not be within the Protected Zone Radius of any native oak trees and therefore, is not regulated under the Tree Preservation Ordinance; however, pursuant to the Grading Ordinance this request requires review as a Major Grading Plan.

ADJACENT ZONING AND LAND USE

The General Plan and Zoning designations of the site and surrounding land uses are included in the table below.

Location	Zoning	General Plan Land Use	Actual Use Of Property
Site	Community Commercial (CC)	Community Commercial (CC)	Vacant
North	CC	CC	Vacant – future Chehrazi Medical Office Bldg
South (across Roseville Pkwy)	CC/SA-SR and Public/Quasi- Public (P/QP)	CC	Palisades Shopping Center and Fire Station
East (across Secret Ravine Parkway):	CC	CC	Vacant
West	Open Space (OS)	Open Space (OS)	Open Space (OS)

EVALUATION

Section 16.20.080 of the City of Roseville Municipal Code requires that three (3) findings are made in order to approve or conditionally approve a Major Grading Plan. The three findings are listed below in **bold italics**, and are followed by an evaluation of the Grading Plan in relation to each finding.

1. The grading plan conforms to the requirements of the City's Improvement Standard and the provisions of Chapter 16.20 of the Roseville Municipal Code.

The intent of the Grading Ordinance provisions that allow approval of Grading Plans prior to review of site development plans is to allow rough grading that prepares the site for appropriate development, but without allowing a project specific level of site grading. The intent is to also avoid impacts to significant natural resources when a grading plan is being evaluated separately and before submittal of a proposed site development plan.

Performance standards are included in Section 16.20.070 B. of the Municipal Code which provide criteria intended to avoid potential impacts to native oak trees.

When grading around native oak trees:

- 1. Cut or fill slopes exceeding two feet (2 ft.) in height shall not be permitted within a distance of 1.5 times the radius of the tree's protected zone;
- 2. The grade shall not be raised or lowered around more than fifty percent (50%) of the protected zone; and
- 3. The grading shall not change the drainage pattern within a distance of 1.5 times the radius of the tree's protected zone.

The proposed Grading Plan as conditioned does not meet the performance standards because it would permit placement of fill and construction of two, staggered maximum six-foot (6 ft.) high retaining walls outside the protected zone radius of two (2) protected native oak trees, but within 1.5 times the radius of the trees' protected zone. Additional information regarding the potential impact to the two (2) oak trees is provided below.

The project is required to provide engineered structural calculations for all retaining walls over four feet (4') in height (**Condition 8**). The structural calculations will be reviewed concurrently with review of the Grading Permit to ensure the walls will be built in compliance with City standards.

The plan has been conditioned to comply with the City's improvement standards for grading and erosion control. The Engineering Department has reviewed the request and determined that the grading plan, as provided with Exhibit A, and conditioned with the recommended conditions of approval, will comply with the City's Improvement Standards and Grading Ordinance.

 The grading has been designed to accommodate, and/or mitigation conditions have been imposed to compensate for any potential impacts to any of the natural features of the property or to adjacent properties, and the grading will not result in any increase in water surface elevation in any stream channel located on the property and associated with the grading as approved.

There is a twenty-five foot (25') Open Space buffer within Parcel 13 that abuts the northwestern property line and Open Space (Attachment 2). The buffer was established by a prior settlement agreement relating to the adjacent Sutter Hospital project. The buffer establishes inside of the subject site (Parcel 13) property line a building setback. The fill slopes and retaining walls will briefly cross the buffer. Similar grading activities and retaining wall have previously been approved within the buffer area for development of the Sutter Hospital and the Chehrazi Medical Office Building. The proposed wall locations will set the development edge. Construction of any future buildings will be more interior to the site and further away from the buffer line than the retaining walls.

To ensure the grading associated with this request does not affect the adjacent preserved Open Space the plan is conditioned (**Conditions 9 – 12**) to provide fencing of the preserved Open Space, with a pre-construction meeting to be held before start of grading activities to discuss measures to be implemented (i.e., no storage within the preserve area, access limited to maintenance or emergency vehicles, trash removal, etc.).

A portion of the proposed extension of the two staggered retaining walls will pass through the area that is 1.5 times the radius of the protected zone radius (PZR) of two (2) native oak trees. As noted previously the Grading Ordinance performance standards preclude grading within areas 1.5 times the PZR of oak trees, unless authorized through approval of a Major Grading Plan.

Attachment 3 is a photo of the existing retaining walls, and Attachment 4 is a photo of the area where the walls will cross within the extended radius area. An assessment of the proposed construction was prepared by a certified arborist (Attachment 5). Clearance pruning is not required because the tree canopies are sufficiently elevated to be above the height of the future rockery walls. No preservation or mitigation measures were recommended due to the negligible amount of encroachment. The arborist indicates less than one percent (1%) of encroachment would occur within the PZR of both trees.

To ensure protection of the on-site native oak trees within the buffer area, the plan is conditioned to revise the retaining wall location to be outside of the Protected Zone Radius (PZR) of the two (2) oak trees #3662 and #3663 (**Condition 2 a**). Based on the arborist's assessment that the impact to the trees based on the proposed wall locations would be negligible, it is not necessary to require the walls be setback further to provide additional protection of the two oak trees. Approval of a Tree Permit is not required given the project as conditioned will ensure protection of the native oak trees.

Condition 35 is included to require removal of all temporary fencing following installation of permanent fencing as required by a future Design Review Permit for this site.

3. The proposed grading is necessary to allow development of the property consistent with the General Plan Land Use allocation for the property.

The General Plan land use designation for the subject site is Community Commercial (CC). The proposed Grading Plan is requested by the owner to prepare the site for future commercial development. The applicant is creating a single pad that is consistent with initial grading that would be anticipated from a commercial project fronting Secret Ravine Parkway.

The proposed retaining walls are consistent with the Stoneridge Specific Plan and Community Design Guidelines applicable to potential development of a community commercial use. Consistent with the Stoneridge Specific Plan Design Guidelines the walls will be a maximum of six-feet (6 ft.) in height, and staggered to permit landscaping at the base and top of the walls. The staggered retaining walls set the limit of development along the edge adjacent to the Open Space buffer area; the wall locations are consistent with future development of a commercial development.

The applicant believes the extension is necessary to secure financial support for development of the site. He has indicated that since installation of the approved retaining walls there has been interest in possible development of the site, where previously there had been little interest. He hopes that with the additional grading and retaining walls he will be able to secure sufficient amount of tenant commitments to proceed with a site development plan and submittal of a Design Review Permit application.

In addition to the criteria noted above:

- The application was distributed to other agencies and departments. There were no additional comments or conditions.
- A Notice of Intent to Approve the proposed project was distributed to adjacent property owners
 within 300 feet of the subject site, inclusive of parties to the settlement agreement with Sutter
 Hospital and the City of Roseville (Mr. Fred Lohse and the Sierra Club). To date no comments or
 issues were raised by adjacent property owners or interested individuals.

SUMMARY / CONCLUSION

As proposed and conditioned the grading and retaining walls will avoid significant impacts to the adjacent Open Space and to the on-site oak trees within the buffer area. While a portion of the retaining walls crosses the buffer line, another portion is outside the buffer line and setback further from the Open Space boundary. The retaining wall locations serve to soften the jagged property line adjacent to the Open Space parcel into a straighter edge that will be more conducive to a development plan. Installation of the retaining walls will also set the edge of potential future development of the site, precluding location of any buildings closer to the buffer area than where the retaining walls are being located.

Typically issues such as the ones raised in this request are addressed when a Design Review Permit application is submitted. When the additional grading was proposed, staff had concerns because of the extent of the grading, the impacts to the buffer area, impacts to the oak trees, and inconsistencies with the Grading Ordinance Performance Standards. After working through the issues with the applicant and their engineer, we are satisfied that the proposed grading will not impact protected resources and will establish a development edge for this site.

Based on the evaluation and discussion above, staff believes that the Planning Commission can make the required findings to approve the application.

ENVIRONMENTAL DETERMINATION

The grading plan conforms to the City of Roseville Grading Ordinance and the Stoneridge Specific Plan (SRSP), and all potentially significant impacts have been adequately analyzed in the Environmental Impact Report prepared and certified earlier for the SRSP (SRSP EIR; SCH 97032058; Certified on March 18, 1998), and have been avoided or mitigated. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15183 and City of Roseville CEQA Implementing Procedures this project is exempt from further environmental review as a project consistent with existing zoning and Specific Plan for which an Environmental Impact Report (EIR) has been certified.

RECOMMENDATION

The Planning & Redevelopment Department recommends that the Planning Commission take the following actions:

- A. Adopt the three findings of fact as stated in the Staff Report for the MAJOR GRADING PLAN-1001 SECRET RAVINE PARKWAY STONERIDGE SPECIFIC PLAN, PARCEL 13 MAJOR GRADING PLAN FILE # 2006PL-185 (GP-000015);
- B. Approve the MAJOR GRADING PLAN 1001 SECRET RAVINE PARKWAY STONERIDGE SPECIFIC PLAN, PARCEL 13 MAJOR GRADING PLAN FILE# 2006PL-185 (GP-000015), with the thirty-six (36) Conditions of Approval listed below.

CONDITIONS OF APPROVAL FOR GP-000015

- 1. This Grading Plan approval shall be effectuated within a period of one (1) year from this date and if not effectuated shall expire on **April 12**, **2008**.
- 2. The project is approved as shown in Exhibit A and as conditioned or modified below. All Conditions of Approval of the previously approved Minor Grading Plan (GP-000015) remain in effect.
 - a. The plans submitted for Grading Permit issuance shall be revised to construct the extension of the retaining walls outside of the Protected Zone Radius of oak trees #3662 and #3663. (Engineering, Environmental Utilities, Fire, Electric, Planning)
- 3. The design and construction of all improvements shall conform to the Improvement Standards and Construction Standards of the City of Roseville, or as modified by these conditions of approval, or as directed by the City Engineer. (Engineering)
- 4. The applicant shall not commence with any on-site improvements until such time as grading plans are approved and grading and/or encroachment permits are issued by the Department of Public Works (Engineering)

PRIOR TO GRADING PERMIT:

- 5. 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 Engineering prior to approval of any plans. (Engineering)
- 6. The grading plans shall be designed in accordance with the City's Improvement Standards and Construction Standards and shall reflect the following:
 - a. Grading shall comply with the City grading ordinance. No cut and/or fill slopes steeper than a 4:1 slope ratio. Erosion control devices (sediment traps, ditches, straw bales, etc.) shall be shown on the grading plans. All erosion control shall be installed prior to the onset of wet weather. Erosion control is installed to minimize silt discharge from the project site. It is incumbent upon the applicant to ensure that necessary measures are taken to minimize silt discharge from the site. Therefore modification of the erosion control plan may be warranted during wet weather conditions.
- 7. The applicant shall apply for and obtain an encroachment permit from the Engineering Department prior to the commencement of on-site work that will require material to be trucked to or from the site within City right-of-ways. (Engineering)
- 8. The grading plans shall be accompanied with engineered structural calculations for all retaining walls greater then 4 feet in height. All retaining walls shall be of either split faced masonry units, keystone type construction, cast in place concrete with facia treatment, or as approved by Engineering. Prior to plan approval, the project proponent shall acknowledge, in writing, that he understands that all retaining walls are installed at his risk, and alterations may be required upon the review of the final improvement plans. (Engineering)
- 9. Prior to construction within any phase of the project, high visibility 5 foot high temporary construction fencing shall be installed along the base of the fill slope to protect the oak trees and wetland areas. The fencing plan shall be reviewed and approved by the Planning Department. Fencing shall be

- maintained daily until permanent fencing is installed, at which time the temporary fencing shall be removed from the project site. (Engineering, CDD, Planning)
- 10. Improvement plans shall show the Preserve boundary and label it as a protected area. The Pre-Construction meeting shall address the presence of the Preserve, the sensitive habitats present and minimization of disturbance to the Preserve. During grading and construction the preserve area shall be avoided and shall not be used for parking, storage, or project staging. The contractor shall remove all trash blown into the preserve from adjacent construction on a daily basis. After construction is complete, the temporary fencing shall be removed from the preserve, along with all temporary erosion control measures (e.g., straw bales, straw waddles and stakes, silt fencing). (Engineering, CDD, Planning)
- 11. With the exception of access required for maintenance and/or emergency vehicles, the project shall be designed to prevent vehicle access into the Preserve. Post and cable fencing or other improvements shall be utilized to meet this requirement. (Engineering, CDD, Planning)
- 12. Prior to construction activities on-site, the Planning Department shall inspect all fencing for compliance with the approved fencing plan. (Planning)
- 13. The grading shall not change the drainage pattern within the distance of 1.5 times the radius of a native oak tree's protected zone, except as shown on Exhibit A in the vicinity of Trees #3662 and #3663. (Planning)
- 14. It is the developer's responsibility to notify PG&E of any work required on PG&E facilities. (PG&E)
- 15. The project proponent shall prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to the City, as defined by the Regional Water Quality Control Board. The SWPPP shall be submitted in a single three ring binder. Upon approval, the SWPPP will be returned to the project proponent during the pre-construction meeting. (Engineering)

DURING CONSTRUCTION & PRIOR TO NOTICE OF COMPLETION:

- 16. Easement widths shall comply with the City's Improvement Standards and Construction Standards. (Environmental Utilities, Electric, Engineering)
- 17. Show all existing Roseville Electric facilities on the improvement plans. This shall include all above ground equipment and the routing of all underground cables and wires. (Electric)
- 18. All existing utilities shall be protected during grading. Minimum four-feet (4 ft.) of cover over the 30" and 36" water main shall be maintained. (Environmental Utilities)
- 19. All existing water and sewer lines shall be shown on the grading plan within the designated easements. (Environmental Utilities)
- 20. Separate document easements required by the City shall be prepared in accordance with the City's "Policy for Dedication of Easements to the City of Roseville". All legal descriptions shall be prepared by a licensed land Surveyor. (Engineering, Environmental Utilities, Electric)
- 21. The following note shall be added to the grading plans:

To minimize dust/ grading impacts during construction the applicant shall:

- a. Spray water on all exposed earth surfaces during clearing, grading, earth moving and other site preparation activities throughout the day to minimize dust.
- b. Use tarpaulins or other effective covers on all stockpiled earth material and on all haul trucks to minimize dust.
- c. Sweep the adjacent street frontages of Secret Ravine Parkway and East Roseville Parkway at least once a day or as needed to remove silt and other dirt which is evident from construction activities.
- d. Ensure that construction vehicles are cleaned prior to leaving the construction site to prevent dust and dirt from being tracked off-site.
- e. The City shall have the authority to stop all grading operations, if in opinion of city staff, inadequate dust control or excessive wind conditions contribute to fugitive dust emissions. (Engineering)
- 22. Existing public facilities damaged during the course of construction shall repaired by the applicant, at the applicant's expense, to the satisfaction of the City. (Engineering)
- 23. All improvements being constructed in accordance with the approved grading plans shall be accepted as complete by the City. (Engineering)
- 24. Prior to the construction of any grading, the site shall be scarified and all deleterious vegetation shall be removed. (Engineering)
- 25. All fill shall be placed in standard lifts, and shall be compacted to a minimum of 90% relative compaction. Prior to the approval and acceptance of the grading operation as complete, the applicant shall provide a soils report generated from a registered geotechnical engineer certifying that the fill has been properly constructed. (Engineerting)
- 26. 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
- 27. Any relocation, rearrangement, or change of existing electric facilities due to this development shall be at the developer's expense. (Electric)
- 28. 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, retaining walls, and structures of any type. (Electric)
- 29. 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:

- 30. The applicant shall pay City's actual cost for providing plan check, installation, and inspection services. This may be a combination of staff costs and direct billing for contract professional services. (Engineering, Environmental Utilities)
- 31. All existing public utility, electric, water, sewer and reclaimed water easements shall be maintained. (Electric, Engineering, Environmental Utilities)
- 32. The project shall comply with all required environmental mitigation identified in the Stoneridge Specific Plan EIR. (Planning)
- 33. The applicant shall have a qualified biologist conduct a raptor nest survey prior to construction for construction activity which occurs during the breeding season (February 1 to August 1). If an active nest is located, construction activities shall be limited in the area of the nest based upon the recommendations of the surveying biologist. (Planning, Engineering)
- 34. Temporary fencing installed before starting grading activities shall remain in place, and shall be removed following installation of permanent fencing as required by a Design Review Permit, to be approved in the future for this site. (Planning, Engineering)
- 35. 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)
- 36. 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 of not and if site remediation is required. (Fire)

ATTACHMENTS

- 1. Vicinity Map
- 2. Enlargement of Wall Extension Area
- 3. Photo of Existing Retaining Walls on Site
- 4. Photo of Proposed Wall Location
- Arborist Assessment, dated December 12, 2006

EXHIBITS

A. Grading Plan

Note to Applicant and/or Developer: Please contact the Planning & Redevelopment Department 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 Director at, or prior to, the public hearing.