

ITEM IV-C: MINOR GRADING PLAN & TREE PERMIT – 401 ARRAN COURT & 2009 ARRAN STREET – SRSP PARCEL 59, STONERIDGE EAST VILLAGE 9, LOTS 29 & 30 – FILE# 2009PL-096 (GP-000023 & TP-000119).

REQUEST

The applicant requests approval of a Minor Grading Plan to allow minimal grading on two no-grade residential lots. The applicant also requests a Tree Permit to remove five native oak trees and to encroach into two native oak trees up to 35%.

Applicant/Property Owner – Tom Gamette, Elliott Homes, Inc.

SUMMARY RECOMMENDATION

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

- A. Adopt the three findings of fact for the Minor Grading Plan;
- B. Approve the Minor Grading Plan with twenty-two (22) conditions of approval;
- C. Adopt the two findings of fact for the Tree Permit; and
- D. Approve the Tree Permit with twenty (20) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

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

BACKGROUND

The project site is located at 401 Arran Court and 2009 Arran Street (Lots 29 & 30), within the Stonridge Specific Plan (SRSP) Parcel 59, Village 9. On May 8, 2003, the Planning Commission approved a Tentative Subdivision Map (File# SUBD 02-12) to create 37 single-family lots and three open space/landscape lots, and a Tree Permit (TP 02-46) to remove 18 native oak trees. With that approval, the Tentative Subdivision Map identified Lots 29 & 30 as “no-grade” lots.

“No Grade” lots are defined as residential lots that contain steep slopes, natural features, and/or are located adjacent to open space corridors. The intent is to preserve the character of these areas by limiting the grading of the lots. The City’s No-Grade Policy does allow grading for garage foundations, driveways, raised foundation footings, basements and a five-foot bench around the house. However, the Grading Ordinance stipulates that any grading activity involving the movement of more than 50 cubic yards of material requires review and approval of a Grading Plan. Furthermore, the City’s No-Grade Policy requires approval of a Grading Plan when the proposed construction will have impacts to natural features (i.e. trees). In situations where native oaks trees or other natural features are impacted by grading activity, a Major Grading Plan is required to be reviewed and approved by the Planning Commission. However in this case, a Tree Permit was approved for the subdivision that anticipated tree impacts (TP 02-46) to the subject trees. As a result, only a Minor Grading Plan and an updated Tree Permit are required.

At the time the Tentative Subdivision Map was approved, conceptual plot plans were also provided, which demonstrated that houses could be built on the subject lots. That analysis acknowledged that different house plans would likely have different tree impacts, and therefore an updated Tree Permit would be

required prior to issuance of Building Permits. The applicant is now requesting approval of a Minor Grading Plan to grade the subject properties to allow construction of two single-family residences and a Tree Permit to remove five native oak trees, four of which were previously anticipated for removal. The proposed grading activity will involve 739 cubic yards of cut and 87 yards of fill. The majority of the earthwork and the proposed retaining walls are required for construction of the driveway.

Figure 1: Zoning and Land Use



FINDINGS & EVALUATION

Minor Grading Plan

Section 18.06.180 of the City of Roseville Municipal Code requires that three (3) findings be made in order to approve or conditionally approve a Minor 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 City's Improvements Standards and §16.20.070 (Grading) of the Roseville Municipal Code.

The subject lots are "No Grade" lots that slope steeply to the southeast towards Arran Court. At the northwest corner of Lot 30 (the highest point on the subject parcels) the grade is at approximately 345 feet and slopes downward across 200 feet to the southeast corner of Lot 29 to a grade of approximately 320 feet (see Exhibit A). Based on the steep grade changes, the driveway design must provide for a landing at the bottom and at the top of the driveway. In addition, the Engineering Improvement Standards allows residential driveways in the Stoneridge

Specific Plan a maximum slope of 18% due to the steep topography in the area. As such, in order to ensure driveway functionality and consistency with applicable standards, the proposed site design is necessary.

The applicant has determined that grading in excess of 50 cubic yards on these lots is necessary to accommodate the steep slope. As previously stated, a Grading Plan is required because of grading in excess of 50 cubic yards of material and impacts to native oak trees on the No Grade lots. The Grading Plan allows staff to review the proposed grading and evaluate the potential impacts to natural features (further analysis is provided in the Tree Permit section of this report). Additionally, the proposed Grading Plan shown on Exhibit A has been reviewed by the Engineering Department. The Engineering Department has determined that the plans comply with the City's Improvement Standards (regarding driveway design and cross lot drainage) and the Roseville Municipal Code.

- 2. The proposed 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.***

Lots 29 and 30 were designated as "No Grade" lots because of the steep slope, proximity to an open space corridor and the native oak trees located onsite. As noted previously, the original Tentative Map and Tree Permit anticipated that to build homes on these lots there would be impacts to the native oak trees. This is due to the steep grade changes and City standards (for driveway slopes) that dictate the site design. However, efforts have been made to limit grading impacts, which will only consist of garage foundations and driveways. The applicant has designed multi-story structures with stem wall construction to limit the amount of grading. The proposed grading will not impact the open space, and the applicant has not proposed any cut and fill slopes that would create water run-off or erosion control issues. Retaining walls for the driveways are limited to a maximum height of three feet, which is in accordance with the City's No Grade Policy. As proposed, the grading is in conformance with the conditions of the "No Grade" designation established by the Tentative Map.

- 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 lot is Low Density Residential (LDR). Stoneridge Parcel 59, Village 9, is an approved subdivision that is currently under construction. The grading of the subject lots is consistent with the City's No Grade Policy.

Tree Permit

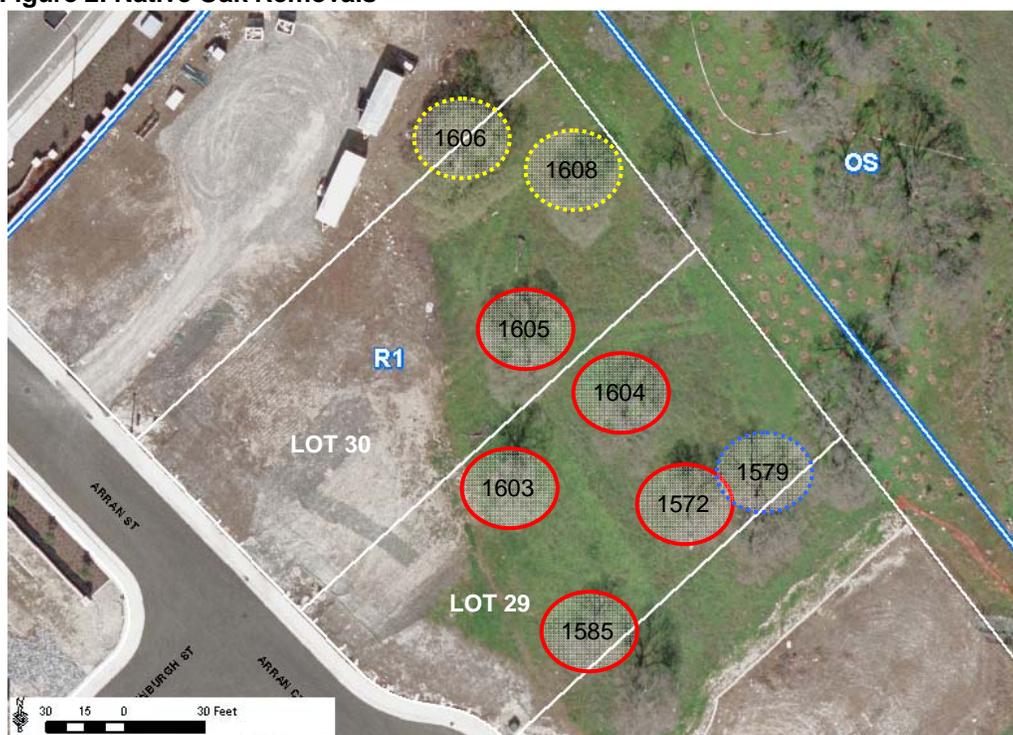
Section 19.78.060.F of the City of Roseville Municipal Code requires that two (2) findings be made in order to approve or conditionally approve a Tree Permit. The two findings are listed below in ***bold italics*** and are followed by an evaluation of the Tree Permit.

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

The Tree Preservation Chapter (Chapter 19.66) of the City of Roseville Zoning Ordinance requires the City to consider the appropriateness of and alternatives to proposed tree removals and encroachments. When tree removal is requested, the City is required to review the proposed mitigation plan. An updated arborist report has been prepared for the subject lots that identify tree species, size, health and current condition of all trees. The report also addresses impacts to the native oaks that are proposed for preservation. The report is provided as Exhibit D.

Trees 1572, 1603, 1604, and 1605 will be removed per the originally approved plan, as they are located within the building footprint, walkways, and retaining wall locations. Tree 1585 is located outside of the footprint of the house and was not originally slated for removal. However, the arborist has indicated that this tree should be removed due to the tree's poor structure and the potential impacts from construction and /or grading activities. Efforts have been made to minimize the impact to the remaining oak trees and Tree 1579, which was originally anticipated to be removed, will be saved due to an alternative building/site design.

Figure 2: Native Oak Removals



The project will result in encroachment into the protected zone radius of Trees 1606 and 1608. Tree 1606 is located near the north parcel line and will incur 16% encroachment into the protected zone radius (PZR). Tree 1608 will incur up to 35% encroachment as a result of a drainage swale and construction of the house. Although the encroachment to Tree 1608 exceeds 20%, the cut will not be very deep and will be set back from the tree trunk. The arborist report identifies the impacts to these two trees as moderate and provides recommended mitigation measures to ensure the health of the tree during construction. Such measures include clearance and crown clean out pruning, treating and pruning exposed roots, deep-root fertilization, and annual inspections to assess the trees structural integrity.

The applicant will be required to mitigate for the loss of the removed trees through a combination of on-site plantings and payment of in-lieu fees. The total mitigation requirement for this project is 75 inches. Staff believes the project is consistent with the original Tree Permit approved for the subdivision and that efforts have been made to minimize impacts to native oak trees to the extent possible.

SUMMARY / CONCLUSION

As proposed and conditioned, the grading plan meets the intent of the City's Grading Ordinance and the grading policies contained within the Stoneridge Specific Plan. In addition, the Planning Department has determined that the proposed tree removals and encroachments are the minimum necessary to allow for construction of homes on the existing lots. As such, staff recommends approval of the Grading Plan and Tree Permit.

ENVIRONMENTAL DETERMINATION

This is a residential project that is in conformance with the Stoneridge Specific Plan for which an EIR has been certified (SRSP EIR; SCH 97032058; Certified on March 18, 1998). This project is statutorily exempt per Section 303 of the City of Roseville CEQA Implementing Procedures and exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15182 (Residential Project Pursuant to a Specific Plan).

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 **MINOR GRADING PLAN – 401 ARRAN COURT & 2009 ARRAN STREET – SRSP PARCEL 59, STONERIDGE EAST VILLAGE 9, LOTS 29 & 30 – FILE # 2009PL-096 (GP-000023)**;
- B. Approve the **MINOR GRADING PLAN – 401 ARRAN COURT & 2009 ARRAN STREET – SRSP PARCEL 59, STONERIDGE EAST VILLAGE 9, LOTS 29 & 30 – FILE # 2009PL-096 (GP-000023)** with twenty-two (22) conditions of approval;
- C. Adopt the two findings of fact as stated in the staff report for the **TREE PERMIT – 401 ARRAN COURT & 2009 ARRAN STREET – SRSP PARCEL 59, STONERIDGE EAST VILLAGE 9, LOTS 29 & 30 – FILE # 2009PL-096 (TP-000119)**; and
- D. Approve the **TREE PERMIT – 401 ARRAN COURT & 2009 ARRAN STREET – SRSP PARCEL 59, STONERIDGE EAST VILLAGE 9, LOTS 29 & 30 – FILE # 2009PL-096 (TP-000119)** with twenty (20) conditions of approval.

CONDITIONS OF APPROVAL FOR MINOR GRADING PLAN (GP-000023)

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 November 12, 2010. (Planning)
2. The project is approved as shown in Exhibits A - D and as conditioned or modified below. (Planning, Engineering)
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. Maximum driveway slopes are 18% or as otherwise approved through the Engineering Department. (Engineering)
7. The grading plans shall be accompanied with engineered structural calculations for all retaining walls greater than 4 feet in height. All retaining walls shall be of masonry construction. (Engineering)
8. 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 2:1 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. (Engineering)
9. 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)
10. A note shall be added to the grading plans that states "Prior to the commencement of grading operations, the contractor shall identify the site where the **excess/borrow** earthen material shall be imported/deposited. If the **borrow/deposit** site is within the City of Roseville, the contractor shall produce a report issued by a geotechnical engineer to verify that the exported materials are suitable for the intended fill, and shall show proof of all approved grading plans. Haul routes to be used shall be specified." (Engineering)

DURING CONSTRUCTION & PRIOR TO NOTICE OF COMPLETION:

11. 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 Arran Street 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)
- 12. 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)
- 13. The developer shall remove and replace the vertical curb at the proposed residential driveways with rolled curb. (Engineering)
- 14. All improvements being constructed in accordance with the approved grading plans shall be accepted as complete by the City. (Engineering)
- 15. 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. (Engineering)
- 16. The project is subject to the noise standards established in the City's Noise Ordinance. In accordance with the City's Noise Ordinance project construction is exempt between the hours of seven a.m. and seven p.m. Monday through Friday, and between the hours of eight a.m. and eight p.m. Saturday and Sunday. Provided, however, that all construction equipment shall be fitted with factory installed muffling devices and that all construction equipment shall be maintained in good working order. (Engineering)
- 17. Any relocation, rearrangement, or change of existing electric facilities due to this development shall be at the developer's expense. (Electric)
- 18. 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)
- 19. 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:

- 20. 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)
- 21. 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)
- 22. 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)

CONDITIONS OF APPROVAL FOR TREE PERMIT (TP-000119)

TREE PERMIT CONDITIONS AND COMPLIANCE VERIFICATION/INSPECTION CHECKLIST

CONDITIONS	COMPLIANCE VERIFIED/ INSPECTED	COMMENTS
PRIOR TO ISSUANCE OF ANY PERMITS OR ANY CONSTRUCTION ON-SITE		
1. All recommendations contained in the Arborist Report(s) (Exhibit D) shall be incorporated as part of these conditions except as modified herein. (Planning)		
2. Tree(s) # 1572, 1585, 1603, 1604, and 1605 are approved for removal with this tree permit. All other native oak trees shall remain in place. Trees to be removed shall be clearly marked in the field and inspected by Planning Staff prior to removal. Removal of the trees shall be performed by or under the supervision of a certified arborist. (Planning)		
3. The developer shall be responsible for the replacement of the total number of inches proposed for removal prior to any tree removal. The total number of inches for this project excluding the conditional removal is 75. Mitigation shall be provided through a combination of on-site plantings and payment of in-lieu fees to the satisfaction of the Planning Department. In-lieu fees (\$118/inch) shall be paid prior to tree removal. On-site plantings shall be verified in the field by Planning staff prior to issuance of an occupancy permit. It is the applicant's responsibility to schedule an inspection prior to occupancy. (Planning)		
4. A \$10,000 cash deposit or bond (or other means of security provided to the satisfaction of the Planning & Redevelopment Department) shall be posted to insure the preservation of all remaining trees during construction. The cash deposit or bond shall be posted in a form approved by the City Attorney. Each occurrence of a violation on any condition regarding tree preservation shall result in forfeiture of all or a portion of the cash deposit or bond. (Planning)		
5. No activity shall be permitted within the protected zone of any native oak tree beyond those identified by this report. Encroachment into the protected zone of Trees 1606& 1608 as shown in Exhibit A and described in the arborist report (Exhibit D) and staff report is permitted. (Planning)		
6. A violation of any of the conditions of this Tree Permit is a violation of the Roseville Municipal Code, the Zoning Ordinance (Chapter 19.74) and the Tree Preservation Ordinance (Chapter 19.66). Penalties for violation of any of the conditions of approval may include forfeiture of the bond, suspension or revocation of the permit, payment of restitution, and criminal penalties. (Planning)		
7. A fencing plan shall be shown on the approved site plan and/or improvement plans demonstrating the Protected Zone for the affected trees. A maximum of three feet beyond the edge of the walls, driveway, or walkways will be allowed for construction activity and shall be shown on the fencing plan. The fencing plan shall be reviewed and approved by the Planning Department prior to the placement of the protective fencing. (Planning)		

<p>8. The applicant shall install a minimum of a five-foot high chain link fence (or acceptable alternative) at the outermost edge of the Protected Zone of the oak tree. The fencing for encroachments shall be installed at the limit of construction activity. The applicant shall install signs at two equidistant locations on the temporary fence that are clearly visible from the front of the lot and where construction activity will occur. The size of each sign shall be a minimum of two feet (2') by two feet (2') and must contain the following language: "WARNING THIS FENCE SHALL NOT BE REMOVED OR RELOCATED WITHOUT WRITTEN AUTHORIZATION FROM THE PLANNING DEPARTMENT". (Planning)</p>		
<p>9. Once the fencing is installed, the applicant shall schedule an appointment with the Planning Department to inspect and approve the temporary fencing before beginning any construction. (Planning)</p>		
<p>10. The applicant shall arrange with the arborist to perform, and certify in writing, the completion of deadwooding, fertilization, and all other work recommended for completion prior to the approval of improvement plans. Pruning shall be done by an Arborist or under the direct supervision of a Certified Arborist, in conformance with International Society of Arboriculturalists (I.S.A.) standards. Any watering and deep root fertilization which the arborist deems necessary to protect the health of the trees as noted in the arborist report or as otherwise required by the arborist shall be completed by the applicant. (Planning)</p>		
<p>11. A utility trenching pathway plan shall be submitted depicting all of the following systems: storm drains, sewers, water mains, and underground utilities. The trenching pathway plan shall show the proposed locations of all lateral lines. (Planning)</p>		
<p>DURING CONSTRUCTION</p>		
<p>12. The following information must be located on-site during construction activities: Arborist Report; Approved site plan/improvement plans including fencing plan; and, Conditions of approval for the Tree Permit. All construction must follow the approved plans for this tree permit without exception. (Planning)</p>		
<p>13. All preservation devices (aeration systems, oak tree wells, drains, special paving, etc.) shall be designed and installed as required by these conditions and the arborist's recommendations, and shall be shown on the improvement plans or grading plans. (Planning)</p>		
<p>14. If any native ground surface fabric within the Protected Zone must be removed for any reason, it shall be replaced within forty-eight (48) hours. (Planning)</p>		
<p>15. Storage or parking of materials, equipment and vehicles is not permitted within the protected zone of any oak tree. Vehicles and other heavy equipment shall not be operated within the Protected Zone of any oak tree. (Planning)</p>		
<p>16. Where recommended by the arborist, portions of the foundation shall be hand dug under the direct supervision of the project arborist. The certified arborist shall immediately treat any severed or damaged roots. Minor roots less than one (1) inch in diameter may be cut, but damaged roots shall be traced back and cleanly cut behind any split, cracked or damaged area. Major roots over one (1) inch in diameter may not be cut without approval of an arborist and any arborist recommendations shall be implemented. (Planning)</p>		
<p>17. The temporary fencing shall remain in place throughout the entire construction period and shall not be removed without obtaining written authorization from the Planning Department. In no event shall the fencing be removed before the written authorization is received from the Planning Department. (Planning)</p>		
<p>PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT</p>		

18. Within 5 days of the completion of construction, a Certification Letter from a certified arborist shall be submitted to and approved by the Planning Department. The certification letter shall attest to all of the work (regulated activity) that was conducted in the protected zone of the tree, either being in conformance with this permit or of the required mitigation still needing to be performed. (Planning)		
19. A copy of this completed Tree Permit Compliance Verification/Inspection form shall be submitted to the Planning Department. (Planning)		
20. The approval of this Tree Permit shall expire on the same date as the Minor Grading Plan (November 12, 2009). (Planning)		

EXHIBITS

- A. Grading Plan
- B. Elevations
- C. Tree Removal Plan
- D. Arborist Report

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 & Redevelopment Director at, or prior to, the public hearing.