

ITEM IV-D: MAJOR GRADING PLAN – 10150 FOOTHILLS BL. – CARLSBERG LOT 5 GRADING PLAN – FILE #2012PL-003 (GP-000025)

REQUEST

The applicant requests approval of a Major Grading Plan that would allow rough grading of the site and seasonal wetlands on the site to be filled.

Applicant – Lisa Mattos, Baker-Williams Engineering Group
Property Owner – Denton Kelley, Stanford Ranch I, LLC

SUMMARY RECOMMENDATION

The Planning Department recommends that the Planning Commission:

- A. Adopt the Mitigated Negative Declaration;
- B. Adopt the three (3) findings of fact for the Major Grading Plan; and
- C. Approve the Major Grading Plan subject to the thirty-one (31) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

This item was continued from the April 26, 2012 Planning Commission meeting at the request of the applicant. The comment period for the Mitigated Negative Declaration (MND) ends July 12, 2012. As of the writing of this report no comments had been received on the MND.

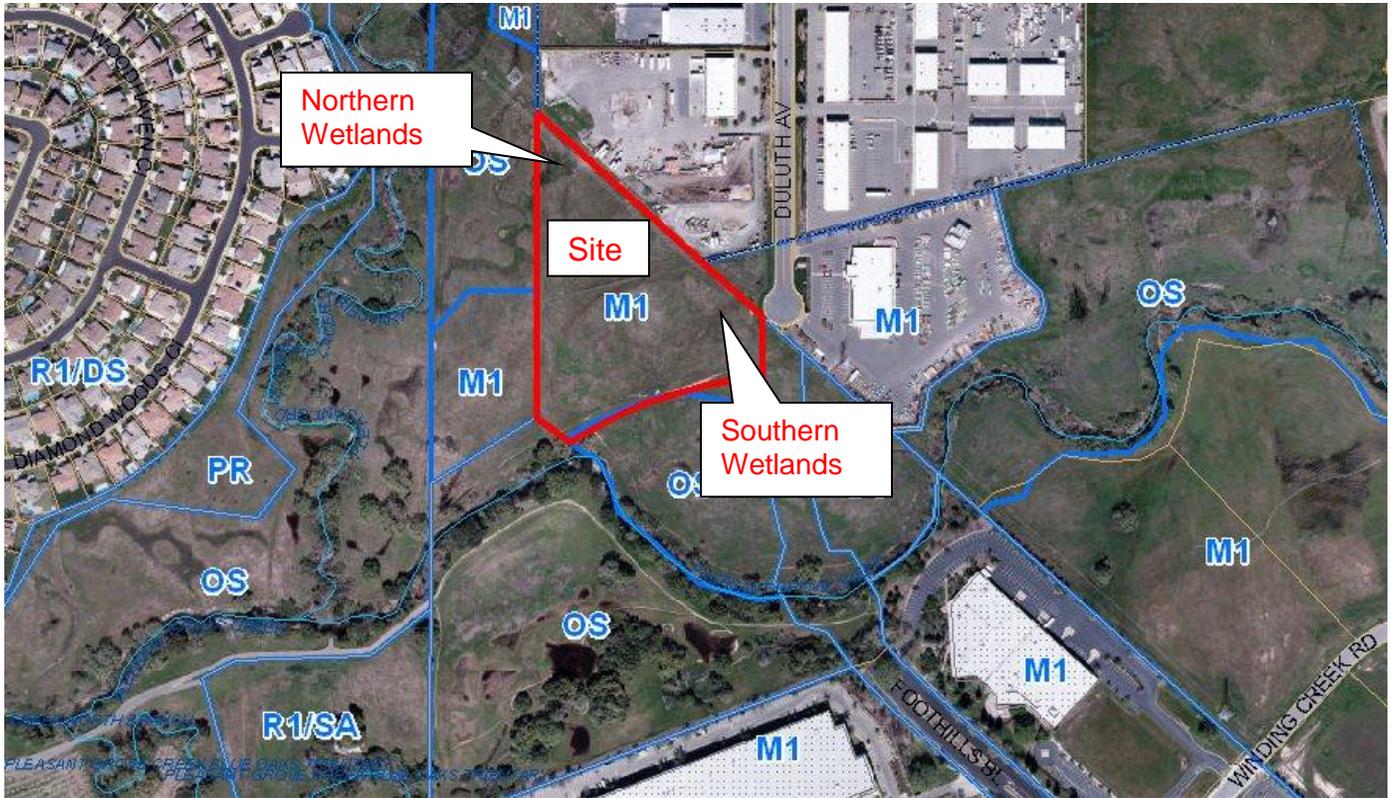
BACKGROUND

The project site is located at 10150 Foothills Bl. and the majority of the property has a zoning designation of Light Industrial (M1) and a General Plan land use designation of Light Industrial (LI) (Figure 1). A small portion of the site along the southern property line has a zoning designation of Open Space (OS). This area is in close proximity to the South Branch of Pleasant Grove Creek. The parcel is approximately 8.2 acres in size and is primarily rolling grasslands. Approximately .29 acre of seasonal wetlands and drainage areas exist on the site. In addition, a public utility corridor crosses the property from the northwest corner of the site to the southeast corner of the site.

On October 11, 2000 a General Plan Amendment, Rezone and Development Agreement were approved by the City Council for the Foothills Business Park Annexation. In addition, the City Council certified the Final Environmental Impact Report prepared for the project. Subsequent approvals have permitted construction of several office and light industrial projects within the Foothills Business Park. Several parcels within the business park remain vacant including the project site.

The current request is to prepare the site for future development by rough grading the property and filling the .29 acres of wetland areas on the site. The City's Grading Ordinance requires approval of a Major Grading Plan when a project will impact natural features such as wetlands or native oak trees.

Figure 1: Surrounding Uses & Zoning



EVALUATION

The Grading Ordinance lists three required findings for a Major Grading Plan. The project was evaluated for consistency with these standards. Each of these standards is listed below in ***bold italics*** and is followed by an evaluation.

- 1. The grading plan conforms to the requirements of the city's improvement standards and the provisions of Chapter 16.20 of the Roseville Municipal Code.***

The proposed grading plan was reviewed by the City's Public Works Department for conformance with the City's Improvement Standards. If the Grading Plan were to be approved by the Planning Commission, Condition #3 requires the applicant to obtain a Grading Permit before beginning work at the site. This permit will ensure the project will conform to the City's Improvement Standards.

The City's Grading Ordinance also lists conditions which may be applied to the project to protect the public interest including the following:

- Completion of work within a specified period of time;
- Hours and days of operation;
- Designation and approval of haul routes;

- D. Compliance with tree ordinance;
- E. Mitigation of wetlands;
- F. Rainy season limitations;
- G. Designation of area covered by the permit;
- H. Implementation of General Plan EIR mitigation measures;
- I. Compliance with city improvement standards;
- J. Provision of easements for storm water conveyance through open channels;
- K. Approval of appropriate permitting requirements of other agencies; and
- L. And any other conditions determined appropriate by the approving authority.

Staff reviewed the Grading Plan for conformance with these measures. The project involves contour grading portions of the property and balancing approximately 900 cubic yards of cut and fill on the site. No material will be brought in from outside the site to complete the project. As was mentioned above the site does not contain any native oak trees only rolling terrain with wetlands. The applicant is currently working with the appropriate State and Federal agencies to secure permits to fill the wetlands that exist on site.

As part of the Grading Permit the applicant will be required to submit a Storm Water Pollution Prevention Plan (SWPPP) prior to the commencement of work. This plan will ensure that storm water will either be contained on site or will be treated and will not impact surrounding properties and water bodies prior to discharge from the site. With the recommended conditions of approval the project will meet the requirements of the City's Improvement Standards and Grading Ordinance.

2. 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.

At the direction of Staff, the applicant has proposed two separate grading plans (Exhibits B & C). The City's Grading Ordinance and General Plan require City Staff to evaluate the impacts to wetlands and other natural resource areas and recommend changes to a project if there are opportunities to preserve these areas. Based on the fact that the applicant does not have a project design at this point, Staff sought preservation of the wetlands in the northern corner of the site as shown in Exhibit A. This plan would, in the short term, preserve the wetlands that are the largest complex of resources on the site. In addition, these wetlands are connected to wetlands preserved in the City's Open Space to the west and will provide additional buffering of the City's Open Space resources. However, if the applicant is able to obtain the appropriate State and Federal permits this would allow the applicant to fill some of these wetlands. Therefore all of the wetlands located in the northern corner of the property may not be preserved long term. Long term preservation of natural resources is best achieved through placement in Open Space areas. This site has Light Industrial land use and zoning designations and was intended for development under the Foothills Business Park approvals.

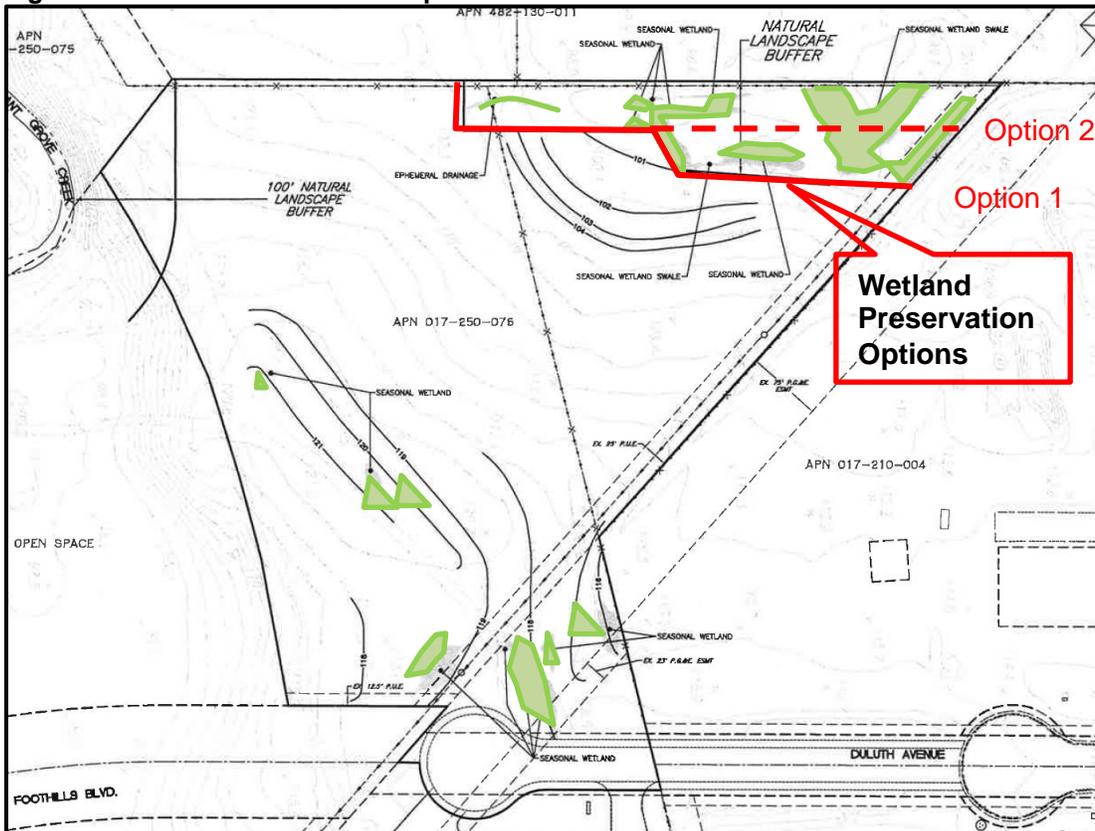
As was discussed above, any fill that will impact wetland areas will require the applicant to receive approval of an Army Corps of Engineers "404" permit and a Regional Water Quality Control Board "401" certification. As part of the approval of these permits appropriate mitigation will be required to compensate for the loss of wetlands. The applicant is currently proposing to mitigate the loss of wetlands by purchasing mitigation credits at a nearby wetland mitigation bank. The proposed grading will not impact any stream channels or effect water surface elevations.

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 and Zoning designations on the site are Light Industrial. The General Plan assumed development of the site with a use and intensity that would be compatible with surrounding Light Industrial properties. The EIR that was prepared for the Foothills Business Park also anticipated future development of the site as an industrial/office project. Staff prepared an Initial Study to examine the project and its consistency with the Foothills Business Park EIR. This Initial Study and the previous EIR both anticipated that some of the wetlands on the land identified for development contained wetlands and those resources would have to be filled in order to allow for development to occur. Staff has proposed Mitigation Measures that would reduce the impacts to wetlands by providing the appropriate compensation of wetland resources. The previous EIR also recognized this impact as a significant and unavoidable impact.

Two complexes of wetlands exist on the site. One complex is located on the southern portion of the site adjacent to Duluth Avenue (see Figure 1 below). The second complex of wetlands is in the northern portion of the site adjacent to a City owned Open Space area. Under any development scenario, the wetlands adjacent to Duluth Avenue will have to be filled to allow access to the site from Duluth Avenue. Driveway, frontage (curb, sidewalks, gutters) and landscaping improvements will need to be installed to provide access to the site. This limits the ability to preserve these wetlands. However, the wetlands at the northern portion of the site do have the potential to be preserved. Given the fact that the applicant does not have a development plan, filling of these wetlands is not necessary at this time. However, the applicant would like to do all the grading at once and would like the ability to do so should they be successful in getting the required permits.

Figure 1 – Wetland Preservation Options



As was mentioned above, the applicant has proposed two grading plans at the request of Staff. Option 1 as shown above (and in Exhibit B) preserves the entire complex of wetlands in the northern portion of the site. Option 2 as shown above (and in Exhibit C) preserves a majority of these same wetlands but not all. In working with the Army Corps of Engineers the applicant has requested to only preserve a 50 foot buffer from the Open Space as shown in Option 2. This will not preserve all of the wetlands in this area. Given the fact that there is not a development project proposed at this time, Staff is recommending the wetlands in this area be preserved as shown in Option 1. This grading plan is supported by the City's General Plan policies and Grading Ordinance provisions for wetland preservation. If the applicant is able to gain approval to fill additional wetlands on the property from the Army Corps of Engineers, then the Grading Plan provided shown as Option 2 (and Exhibit C) could be implemented by the applicant.

ENVIRONMENTAL DETERMINATION

An Initial Study was prepared for the project to update the environmental document and confirm the findings of the previous Foothills Business Park EIR (SCH#2000022007). The initial study was done at the request of wetland permitting agencies. The Planning Director's determination is that several impacts from the project are consistent with the Foothills Business Park Final EIR and that all impacts can be reduced to less than significant level with the proposed mitigation. Therefore, a Mitigated Negative Declaration is proposed to be adopted by the Planning Commission.

RECOMMENDATION

The Planning Department recommends that the Planning Commission take the following action:

- A. Adopt the Mitigated Negative Declaration as shown in Exhibit A;
- B. Adopt the three (3) findings of fact as listed below for the MAJOR GRADING PLAN – 10150 FOOTHILLS BLVD. (CARLSBERG LOT 5 GRADING PLAN) - FILE # 2012PL-003 (PROJECT# GP-000025):
 1. *The grading plan conforms to the requirements of the city's improvement standards and the provisions of Chapter 16.20 of the Roseville Municipal Code.*
 2. *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.*
 3. *The proposed grading is necessary to allow development of the property consistent with the general plan land use allocation for the property.*
- C. Approve the MAJOR GRADING PLAN – 10150 FOOTHILLS BLVD. (CARLSBERG LOT 5 GRADING PLAN) - FILE # 2012PL-003 (PROJECT# GP-000025) - as shown in Exhibits B & C and subject to thirty-one (31) conditions of approval below.

CONDITIONS OF APPROVAL

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 **July 12, 2013**.

2. The project is approved as shown in Exhibits B & C and as conditioned or modified below. Prior to effectuation of the Grading Plan shown in Exhibit B or C the applicant shall provide copies of the appropriate Army Corps of Engineers permit or clearance, the California Department of Fish and Game Stream Bed Alteration Agreement, and/or the Regional Water Quality Control Board Water Quality Certificate. (Engineering)
3. 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)
4. The design and construction of all improvements shall conform to the Design and Construction Standards of the City of Roseville, or as modified by these conditions of approval, or as directed by the City Engineer. (Engineering)
5. The applicant shall pay City's actual costs for providing plan check, mapping, GIS, and inspection services. This may be a combination of staff costs and direct billing for contract professional services. (Public Works, Environmental Utilities, Electric, Finance)
6. The approval of this project does not constitute approval of proposed improvements as to size, design, materials, or location, unless specifically addressed in these conditions of approval. (Public Works)
7. 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."* (Public Works)
8. Prior to the issuance of any permits, the property owner 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 property owner during the pre-construction meeting. (Public Works)
9. The applicant shall remove and reconstruct any existing damaged curb, gutter, and sidewalk along the property frontage. During plan check of the improvement plans and/or during inspection, Public Works will designate the exact areas to be reconstructed. Any existing public facilities damaged during the course of construction shall be repaired by the property owner and at the property owner's expense, to the satisfaction of the City. (Public Works)
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). (Public Works, CDD, Planning)

11. Prior to construction within any phase of the project, high visibility temporary construction fencing shall be installed along the parcel adjacent to the Preserve. Fencing shall be maintained daily until permanent fencing is installed, at which time the temporary fencing shall be removed from the project site. (Public Works, CDD, Planning)
12. 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. (Public Works, CDD, Planning)
13. The grading plans shall clearly show the 100-year flood elevation. (Public Works)

PRIOR TO GRADING PERMIT:

14. The applicant shall submit to the Planning and Engineering Departments the appropriate Army Corps of Engineers permit or clearance, the California Department of Fish and Game Stream Bed Alteration Agreement, and/or the Regional Water Quality Control Board Water Quality Certificate. The permit(s) shall at a minimum provided for the 1:1 replacement of wetland and vernal pool habitat of equal or greater value. (Planning)
15. It is the developer's responsibility to notify PG&E of any work required on PG&E facilities. (PG&E)

DURING CONSTRUCTION & PRIOR TO NOTICE OF COMPLETION:

16. 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 Duluth Avenue 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)
17. 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)
 18. All improvements being constructed in accordance with the approved grading plans shall be accepted as complete by the City. (Engineering)
 19. Prior to the construction of any grading, the site shall be scarified and all deleterious vegetation shall be removed. (Engineering)

20. 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
21. Any relocation, rearrangement, or change of existing electric facilities due to this development shall be at the developer's expense. (Electric)
22. 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)
23. 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)
24. No grading under the existing electric pole line shall take place without approval from the Electric Department. (Electric)

OTHER CONDITIONS OF APPROVAL:

25. 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)
26. All existing public utility, electric, water, sewer and reclaimed water easements shall be maintained. (Electric, Engineering, Environmental Utilities)
27. The project shall comply with all required environmental mitigation identified in the Foothills Business Park Final EIR. (Planning)
28. The applicant shall submit a fencing plan for the installation of a 5 foot high temporary fence around the base of the fill slopes, to protect wetland areas. The fencing plan shall be reviewed and approved by the Planning Department. (Planning)
29. Prior to construction activities on-site, the Planning Department shall inspect all fencing for compliance with the approved fencing plan. (Planning)
30. 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)
31. 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)

EXHIBITS

- A. Initial Study and Mitigated Negative Declaration
- B. Grading Plan – Option 1
- C. Grading Plan – Option 2

Note to Applicant and/or Developer: Please contact the Planning 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.