



DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION

311 Vernon Street, Roseville, CA 95678 (916) 774-5276

Response to Public Comments – Initial Study/Mitigated Negative Declaration – Oakleaf Estates Subdivision – File #PL23-0198

The purpose of this evaluation is to provide responses to the comment letters that were received on the Initial Study/Mitigated Negative Declaration for the Oakleaf Estates Subdivision project located at 1010 Main Street (File #PL23-0198). A total of three comment letters were received. Each comment letter has annotations corresponding to the responses provided below. These responses are intended to clarify information in the Initial Study/Mitigated Negative Declaration (IS/MND) or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues may be discussed or noted for the record.

1-1 The comment states that the project area is considered nesting habitat for Swainsons Hawk and White Tailed Kites, as well as the Pallid Bat. The comment indicates all three are Special Status species, and raises concern over compromising habitat for these species.

The potential impact on Special Status species habitat is discussed in Section IV (Biological Resources) of the IS/MND. The IS/MND states that the project will require the removal of several oak trees, which could potentially provide habitat for nesting birds. A pre-construction nesting survey, **Mitigation Measure BIO-1**, is required to ensure that nesting birds are not harmed during construction. Ground disturbing activities shall not occur during the active nesting season or if it is necessary to conduct such activities during the nesting season, pre-construction surveys and mitigation as described in **Mitigation Measure BIO-1**, would be required. Compliance with **Mitigation Measure BIO-1** will ensure that potential impacts to nesting birds are less than significant. The analysis of the IS/MND is adequate and no modifications to the analysis or conclusions of the IS/MND are warranted.

1-2 The comment expresses concern over other animal species that are not considered Special Status but may also occupy the project site. The comment expresses concern that the development of the project site will be in violation of California law that protects migratory bird species.

As mentioned in response 1-1, Mitigation Measure BIO-1 includes pre-construction nesting surveys that will be conducted by a qualified biologist to avoid impacts to any protected bird species. The comment, along with others received on the IS/MND, will be forwarded to the decision-makers for their consideration. The analysis of the IS/MND is adequate and no modifications to the analysis or conclusions of the IS/MND are warranted.

1-3 The comment states that the applicant is not following the recommendations of the Arborist Report that as many trees as possible be maintained in the project area. The comment also asserts that the arborist report does not adequately reflect the health conditions of the trees on site, as it is a snapshot in time reflecting recent drought conditions.

The potential impact on protected trees is discussed in Section 4(a) (Biological Resources) of the IS/MND. A Tree Permit is required for the removal of any protected tree on site, and for any regulated activity within the protected zone of a protected tree where encroachment exceeds 20 percent. The arborist report provided identified one-hundred eighty-six (186) protected oak trees on site, with one-hundred ten (110) proposed for removal. Seventy-two (72) of the trees proposed for removal were

identified as being in poor or critical health. The arborist's recommendations include removal of those trees in the final stages of decline and/or trimming and preserving as many healthy trees with a health rating of three or greater as possible. The Tree Permit contains conditions of approval to follow the recommendations of the Arborist Report, including tree protection measures such as construction fencing and staging guidelines, and mitigation measures that include payment of in-lieu mitigation fees to compensate for oak tree removal. Any deviation from the approved permit would require a Tree Permit Modification, which would require approval by the City. The analysis of the IS/MND is adequate and no modifications to the analysis or conclusions of the IS/MND are warranted.

- 1-4 The comment states that the five wetland features identified on the site should be reviewed by the U.S. Army Corps of Engineers to determine if they are considered Waters of the United States (WOTUS).

The wetland features of the site are discussed in Section 4(b-c) (Biological Resources) of the IS/MND. As discussed in the IS/MND, the wetland features are considered a Water of the United States and therefore subject to the Clean Water Act. Pursuant to Section 404 of the Clean Water Act, construction activities are subject to approval of the U.S. Army Corps of Engineers. Pursuant to Section 401 of the Clean Water Act, the Corps permit will need to be certified by the Central Valley Regional Water Quality Control Board (CVRWQCB). Proper permitting as required by **Mitigation Measure BIO-2** as well as Condition of Approval #10 of the project will ensure that the potential impacts to the wetland features are less than significant. The analysis of the IS/MND is adequate and no modifications to the analysis or conclusions of the IS/MND are warranted.

- 1-5 The comment states that the lowest possible traffic-generating use of the property is to remain undeveloped.

The comment, along with others received on the IS/MND, will be forwarded to the decision-makers for their consideration. Traffic is not an impact under CEQA. The analysis of the IS/MND is adequate and no modifications to the analysis or conclusions of the IS/MND are warranted.

- 1-6 The comment states the project should not be granted a Negative Declaration based on its environmental impacts, and that it should be reviewed by the City Council.

The comment, along with others received on the IS/MND, will be forwarded to the decision-makers for their consideration. The comment does not provide any specific reasoning for the inadequacy of the IS/MND, and no additional response is warranted for compliance with CEQA.

- 1-7 The comment states that the project should be scaled back to a fewer number of homes to reduce the environmental impact of the project.

This is not a comment on the adequacy of the IS/MND analysis. The comment, along with others received on the IS/MND, will be forwarded to the decision-makers for their consideration.

- 1-8 The comment states that both the U.S. Army Corps of Engineers and California Department of Fish and Wildlife should be consulted to determine WOTUS designation as well as nest removal consequences and if a Stream Bed Alteration Permit is required for the project.

Please see responses 1-1 and 1-4.

- 1-9 The comment states that greater attention should be paid to the impacts of particulate matter in the air during construction of the project.

Air Quality impacts are discussed in Section 3 of the IS/MND. As stated in Section 3(a-c), the California Emissions Estimator Model (CalEEMod) Version 2022.1 was used to model the construction emissions of the Project (see Attachment 4). According to the model results, the project will result in maximum daily emissions of 13.09 lb/day of ROG and 31.68 lb/day of NO_x during construction; these emissions fall well below the 82-lb/day thresholds for these constituents. Therefore, construction air quality impacts are considered less than significant.

The analysis of the IS/MND is adequate and no modifications to the analysis or conclusions of the IS/MND are warranted.

2-1 The comments from this letter are a copy of letter #1. Please see answers 1-1 through 1-9.

3-1 The comments from this letter are a copy of letter #1. Please see answers 1-1 through 1-9.

3-2 The comment states that the dates stated in the transportation analysis conducted by Kimley Horn were incorrectly listed as Tuesday, November 8, 2023 and Wednesday, November 9, 2023 and sought further clarification on which dates the study was actually conducted.

The comment was correct – the dates listed on the traffic study were a typographical error. After consulting the analyst responsible for the study, they confirmed that the study was conducted on Tuesday, November 7, 2023 and Wednesday, November 8, 2023. The reported days of the week (Tuesday and Wednesday) were correctly stated, and these are the important factors for the purpose of the traffic study.

The analysis of the IS/MND is adequate and no modifications to the analysis or conclusions of the IS/MND are warranted.

From: [Rich Email](#)
To: [Singer, Eric](#)
Subject: Fwd: Submission of comments relating to Oakleaf Estates
Date: Monday, July 29, 2024 2:42:06 PM

EXTERNAL: This email originated from outside of the organization. Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Subject: Submission of comments relating to Oakleaf Estates

Subject: Comments Relating to the Biological Resources Study, the Arborist Report, the Draft Wetlands Deliniation, and the Traffic Study

Dear Mr. Singer:

I am submitting these comments with regard to the above referenced documents and the Oakleaf Estates Development as proposed which has been the subject of two previous meetings of the neighboring property owners and those developing the property with participation by representatives of the City of Roseville. Let me just say at the onset that I have grave concerns about this project going forward as do most of the other adjacent property owners.

With regard to the biological assessment it is noted therein that there are three animal species of Special Status. It was identified that the project area is nesting habitat for Swainsons Hawk which is a “Threatened” species and is also nesting habitat for the “Fully Protected” White Tailed Kite. We should be trying to protect these nesting areas and the proposed project puts this sensitive environmental area at risk.

The other Special Status species identified in the study is the Pallid Bat. The study indicates that the project area is valuable as a roosting area for the Pallid Bat. We are very concerned about comprising habitat for this species. I am sure you are all aware as am I about the recent focused efforts by those concerned about the environment regarding threats to all pollinators and Pallid Bats have been identified as effective pollinators.

We should be taking all steps to preserve habitat for the above referenced species. The Oakleaf Estates project only threatens this habitat. And, mitigation efforts elsewhere outside the project area gives local property owners little comfort.

In addition to the Special Status species I know property owners including myself are concerned about the other species that make the project site home. This includes small mammals such as squirrels



1-1

1-2

and opossums, migratory bird species, gallinaceous birds such as turkeys, songbirds and amphibia such as frogs. In fact, a family of ducks was recently found in the project area. They obviously had nested on the property. As mentioned in the report the tampering with or removal of nests is a violation of California law. We don't see how this project can go forward as proposed without putting migratory birds and other wildlife in the area at risk. This property is a small oasis in an area that has already been over developed with little regard for wildlife. This is a wildlife corridor that should be preserved and protected. There is extraordinary environmental value in preserving what little we have left in Roseville in the way of green belts. This is sensitive, at the very least intermittent riparian habitat that should be saved in our community. The residents of Roseville, The Endangered Species Act and related state laws, and the Migratory Bird Treaty Act demand it.



1-2

With regard to the Arborist Report, there is a recommendation that as many trees as possible be maintained in the project area. However, at the meeting held on July 24, the developers of the project showed maps indicating that a large majority of oak trees would be removed.

This is inconsistent with the specific recommendation of the Arborist Report. And while there is in the report some reference to healthy trees being a priority, as the report points out many of the trees may be suffering from recent drought conditions which is why comment was made at the meeting that the report is a "snapshot" in time and that many of the trees can recover and become healthy. We shouldn't let a temporary drought situation dictate the future forested capabilities of the site. In fact, there are more trees today at the site than there once was.



1-3

With regard to the Draft Wetland Delineation, there is admission that the project site has a "a total of five wetland features." The parcel that is proposed to become Oakleaf Estates has historically been the site of an intermittent drainage or stream if you will. It is potentially an area that could be deemed a "Water of the United States" WOTUS. The Army Corps of Engineers should weigh in on this matter. It is intermittently a riparian area and this should be taken into consideration.



1-4

With regard to traffic, I would just make one point. The email of Mr. Singer to the neighboring property owners indicates that the proposed residential use for the site will have the lowest traffic impact of any other possible use of the site. We wish to point out that actually the current use as a habitat area and green belt results in the lowest traffic impact, not the development of a new residential area.



1-5

Conclusion and Recommendations: I wish to offer up the final

comments and recommendations:

1. The proposed Oakleaf Estates project should not be granted a Negative Declaration regarding its environmental impact and should be subject to further, more intensive environmental assessment or a full Environmental Impact Report.

1-6

2. The City Council should also review the project.

3. At the very least the project should be scaled back to a much fewer number of homes to reduce the impacts on the environment, wildlife and surrounding property owners.

1-7

4. The Army Corps Engineers should be asked to evaluate whether or not there should be a wetlands or WOTUS designation.

1-8

5. The California Department of Fish and Wildlife should be consulted regarding the nest removal consequences of the project. CDFW should also be asked if a Stream Bed Alteration Permit is required for the project.

6. As an environmental issue, there should be greater attention paid to particulate matter that is going to be suspended in the air during construction and the impacts on air quality and neighboring property owners.

1-9

I appreciate the opportunity to present these comments and look forward to any future meetings on the proposed Oakleaf Estates Project.

Richard Matteis
Property Owner
1019 Treasure Lane

From: [Sandie Perez](#)
To: [Singer, Eric](#)
Subject: Submission of comments relating to Oakleaf Estates
Date: Monday, July 29, 2024 7:04:01 PM

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With regard to the biological assessment it is noted therein that there are three animal species of Special Status. It was identified that the project area is nesting habitat for Swainsons Hawk which is a “Threatened” species and is also nesting habitat for the “Fully Protected” White Tailed Kite. We should be trying to protect these nesting areas and the proposed project puts this sensitive environmental area at risk.

The other Special Status species identified in the study is the Pallid Bat. The study indicates that the project area is valuable as a roosting area for the Pallid Bat. We are very concerned about compromising habitat for this species. I am sure you are all aware as am I about the recent focused efforts by those concerned about the environment regarding threats to all pollinators and Pallid Bats have been identified as effective pollinators.

We should be taking all steps to preserve habitat for the above referenced species. The Oakleaf Estates project only threatens this habitat. And, mitigation efforts elsewhere outside the project area gives local property

owners little comfort.

In addition to the Special Status species I know property owners including myself are concerned about the other species that make the project site home. This includes small mammals such as squirrels and opossums, migratory bird species, gallinaceous birds such as turkeys, songbirds and amphibia such as frogs. In fact, a family of ducks was recently found in the project area.

They obviously had nested on the property. As mentioned in the report the tampering with or removal of nests is a violation of California law. We don't see how this project can go forward as proposed without putting migratory birds and other wildlife in the area at risk.

This property is a small oasis in an area that has already been over developed with little regard for wildlife. This is a wildlife corridor that should be preserved and protected. There is extraordinary environmental value in preserving what little we have left in Roseville in the way of green belts. This is sensitive, at the very least intermittent riparian habitat that should be saved in our community. The residents of Roseville, The Endangered Species Act and related state laws, and the Migratory Bird Treaty Act demand it.

With regard to the Arborist Report, there is a recommendation that as many trees as possible be maintained in the project area. However, at the meeting held on July 24, the developers of the project showed maps indicating that a large majority of oak trees would be removed. This is inconsistent with the specific recommendation of the Arborist Report. And while there is in the report some reference to healthy trees being a priority, as the report points out many of the trees may be suffering from recent drought conditions which is why comment was made at the meeting that the report is a "snapshot" in time and that many of the trees can recover and become healthy. We shouldn't let a temporary drought situation dictate the future forested capabilities of the site. In fact, there are more trees today at the site than there once was.

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Conclusion and Recommendations: I wish to offer up the final comments and recommendations:

1. The proposed Oakleaf Estates project should not be granted a Negative Declaration regarding its environmental impact and should be subject to further, more intensive environmental assessment or a full Environmental Impact Report.
2. The City Council should also review the project.
3. At the very least the project should be scaled back to a much fewer number of homes to reduce the impacts on the environment, wildlife and surrounding property owners.
4. The Army Corps Engineers should be asked to evaluate whether or not there should be a wetlands or WOTUS designation.
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I appreciate the opportunity to present these comments and look forward to any future meetings on the proposed Oakleaf Estates Project.

Richard Matteis
Property Owner
1019 Treasure Lane

I support what Richard Matteis has submitted in his email.

Sandra Perez
Property Owner
1007 Treasure Lane

From: kdecarlo@surewest.net
To: [Singer, Eric](#)
Cc: [Roccucci, Pauline](#); kathy.decarlo@consolidated.com
Subject: Oakleaf Estates - Relating to the Biological Resources Study, the Arborist Report, the Draft Wetlands Delineation, and the Traffic Study
Date: Tuesday, July 30, 2024 3:26:41 PM
Attachments: [2023_2024_rcsd_calendar - board_approved_11.3.22.pdf](#)

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6. As an environmental issue, there should be greater attention paid to particulate matter that is going to be suspended in the air during construction and the impacts on air quality and neighboring property owners.

I appreciate the opportunity to present these comments and look forward to any future meetings on the proposed Oakleaf Estates Project.

Richard Matteis
Property Owner
1019 Treasure Lane

I support the above comments from Richard Matteis.

I also would like to point out that the traffic study by Kim Horn states the dates the data was manually collected was Tuesday, November 8, 2023, and Wednesday, November 9, 2023, which are not valid. Did it take place on Tuesday the 7th and Wednesday the 8th or Wednesday the 8th and Thursday the 9th? I am attaching the RCSD 23-24 calendar for reference of when the traffic study was conducted showing Wednesday the 8th, as well as every Wednesday is a minimum day.

I
3-2

Kathy and Sam DeCarlo
Property Owner
1011 Treasure Lane