

**ITEM IV-C: TREE PERMIT – 1813 PARK OAK DRIVE – SRSP PARCEL 33 TREE PERMIT – FILE # 2012PL-033 (TP-000127).**

**REQUEST**

The applicant requests approval to remove four (4) native oak trees and to encroach into the protected zone radius of another six (6) native oaks for the construction of a single family home on Lot 33 of the Whispering Canyon subdivision in the Stoneridge Specific Plan.

Applicant: John Caulfield, Landmark Builders  
Property Owner: Rick Ryan

**SUMMARY RECOMMENDATION**

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

- A. Adopt the two (2) findings of fact for the Tree Permit; and
- B. Approve the Tree Permit subject to nineteen (19) conditions of approval.

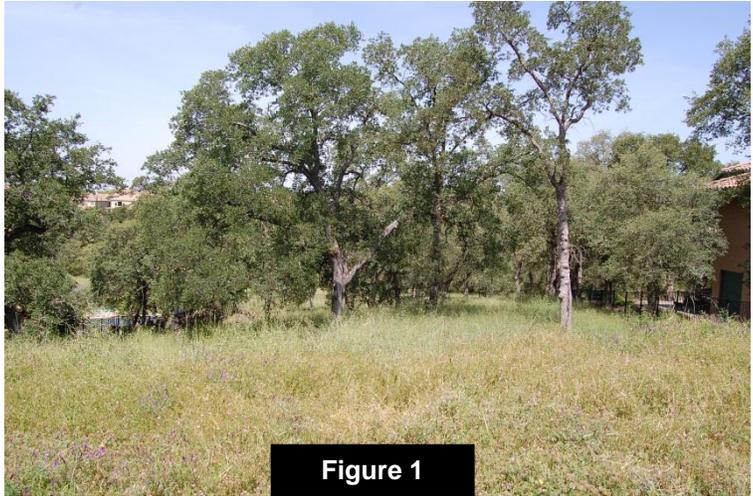
**SUMMARY OF OUTSTANDING ISSUES**

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

**BACKGROUND AND SITE INFORMATION**



The project site is located at 1813 Park Oak Drive (Lot 33 within Parcel 33 of the Stoneridge Specific Plan [SRSP]) in the Whispering Canyon subdivision. The subdivision was approved by the Planning Commission in January 2000, to create 99 residential lots (SUBD 98-20). In May 2003, the Planning Commission approved a “Master” Tree Permit for the Whispering Canyon subdivision (TP 03-06). The Master Tree Permit conditionally authorized tree removals within defined building envelopes for 52 of the lots within the 99 lot subdivision. Lot 33 was not included within the Master Tree Permit; therefore, development of the lot is subject to approval of an individual Tree Permit specific to Lot 33. As a result, the subject tree permit has been forwarded to the Commission for review and action.



The subject parcel is approximately 0.40 acres in size, with a relatively steep slope (front to back). The rear of the lot backs up to open space (False Ravine) and is approximately 30 feet lower than the front of the lot adjacent to the street.

## **EVALUATION**

The Tree Preservation Chapter of the Zoning Ordinance requires the City to consider the appropriateness of and alternatives to proposed tree removals and encroachments. In addition, when tree removal is requested, the City is required to review the proposed mitigation plan. An arborist report (tree inventory) has been prepared for Lot 33 that identifies tree species, size, health, and current condition of all trees. The arborist report is provided as Exhibit B.

### **Tree Removals**

The plot plan for Lot 33 showing the location of the proposed residence and existing oak trees is included as Exhibit A. Twenty-three (23) protected trees are located on the lot. Overall, four (4) trees are proposed by the applicant for removal (Trees 2007, 2027, 2028, and 2061) to accommodate construction of the proposed home.

The structure’s placement on the lot was planned to minimize the impact on protected trees. However, due to the large number of trees on the lot, the large footprint of the home, and the topography of the property (steeply sloping from front to back), tree removals are unavoidable if development is to occur. By placing the house in the proposed location the applicant is able to preserve small clusters of trees in the front and side yard areas, and all trees at the rear of the property.

### **Encroachments**

Construction of the home will result in encroachment into the Protected Zone Radius (PZR) of six (6) additional trees (Trees 2006, 2026, 2029, 2047, 2062, and 2064). Trees 2029, 2047, and 2064 will receive encroachment resulting in minor root damage due to trenching for the home’s foundation and stem wall. The encroachment for these trees will range from 7% to 17.5%.

Tree 2026 is located near the front of the property adjacent to the proposed driveway. Driveway fill and trenching for a retaining wall will result in an encroachment of 37.9% into the PZR of this tree. The arborist report (see Exhibit B) indicates that an aeration system and protective fencing will be installed to mitigate potential impacts resulting from construction. The report also indicates that trenching will be done by hand, under an arborist’s supervision.

Trees 2006 and 2062 will receive encroachments of 24.2% and 33% respectively. These trees will receive unavoidable root damage due to excavation. Trenching within the PZR of impacted trees will be done by hand, and roots are to be hand pruned by or under an arborist's supervision. The arborist report includes additional general recommendations, including fencing and construction methods that are to be adhered to for all trees that may be impacted by construction at the site. Measures such as fertilization, pruning and hand excavation of footings within the PZR of all impacted trees are recommended in the arborist report.

The arborist makes recommendations for mitigation measures to be performed prior to construction, **Condition 1** requires incorporation of these recommendations as a condition of approval, and **Condition 10** requires written confirmation from the Arborist of completion of recommended actions before start of construction. In addition, **Condition 16** requires that mitigation measures to reduce tree impacts be incorporated during construction and that the arborist perform or supervise the implementation of these measures.

### **Tree Mitigation**

The mitigation requirement for the removal of Trees 2007, 2027, 2028, and 2061 is 58 inches. The applicant is proposing to mitigate for the removals through a combination of payment of in-lieu fees and credit for on-site plantings. **Condition 3** addresses the mitigation requirement.

### **Conclusion**

The Planning Department has determined that the proposed tree removals are necessary to allow for development of the lot consistent with the Stoneridge Specific Plan and the single-family residential zoning. Staff explored alternatives to reduce the number of removals, but has determined that the proposed layout is consistent with the specific plan, the tree ordinance, and with other tree permits approved in the Whispering Canyon subdivision. As a result, staff recommends that the Planning Commission approve the requested tree permit.

### **ENVIRONMENTAL DETERMINATION**

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15182(e) pertaining to residential projects consistent with an adopted specific plan for which an EIR was certified. The EIR for the Stoneridge Specific Plan (SCH # 97032058) was certified by the City Council on March 18, 1998.

### **RECOMMENDATION**

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

- A. Adopt the two (2) findings of fact for the TREE PERMIT – 1813 PARK OAK DRIVE - SRSP PARCEL 33 TREE PERMIT – FILE # 2012PL-033 (TP-000127).
  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 permits to mitigate impacts to remaining trees and to provide replacement for trees removed.*
- B. Approve the TREE PERMIT – 1813 PARK OAK DRIVE - SRSP PARCEL 33 – FILE# 2012PL-033 (TP-000127) subject to the nineteen (19) conditions listed below.

**TP - 000115 CONDITIONS AND COMPLIANCE VERIFICATION / INSPECTION CHECKLIST**

CONDITION	COMPLIANCE VERIFIED/ INSPECTED	COMMENTS
<b>PRIOR TO ISSUANCE OF ANY PERMITS OR ANY CONSTRUCTION ON-SITE</b>		
1. All recommendations contained in the Arborist Report(s) (Exhibit B) shall be incorporated as part of these conditions except as modified herein. (Planning)		
2. Tree(s) 2007, 2027, 2028 and 2061 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 property owner shall be responsible for the replacement of the total number of inches proposed for removal prior to any tree removal. The total number of replacement inches for this project is 58. 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 shall be paid prior to tree removal. Credit for on-site replacement plantings shall be demonstrated through an approved landscape plan prior to issuance of a building permit and 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. 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 2006, 2026, 2029, 2047, 2062, and 2064 as shown in Exhibit A and described in the staff report is permitted. (Planning)		
5. A \$10,000 cash deposit or bond (or other means of security provided to the satisfaction of the Planning 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 of any condition of this tree permit shall result in forfeiture of all or a portion of the cash deposit or bond. (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 dead wooding, 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><b>DURING CONSTRUCTION</b></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>		

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)		
<b>PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT</b>		
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)		

**ATTACHMENTS**

1. Building Elevations
2. Site Photos

**EXHIBITS**

- A. Site Plan
- B. Consulting Arborist Report/Tree Inventory (ABACUS – June 20, 2012)

**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.