# Planning Division Staff Report Planning Commission Meeting

October 10, 2013

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# ITEM IV-B: TREE PERMIT - PEARL CREEK APARTMENTS TREE PERMIT – 1298 ANTELOPE CREEK DR. - FILE# PL13-0125

#### **REQUEST**

The applicant requests approval of a tree permit to allow the removal of one 18 inch Blue Oak tree (Quercus douglasii) due to anticipated impacts from the construction of a utility access road and storm drain facilities associated with an approved apartment project.

Applicant – Deana Ellis, Grove Communities, LLC. Property Owner – Robert Walter, Grove Communities, LLC.

#### **SUMMARY RECOMMENDATION**

The Planning Division 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 twenty-one (21) conditions of approval.

#### **SUMMARY OF OUTSTANDING ISSUES**

There are no outstanding issues associated with this project.

#### **BACKGROUND**

The project site is located at 1298 Antelope Creek Drive and is located in the North Central Roseville Specific Plan (NCRSP) area on Parcel 46. The property is 11.61 gross acres in size.

At the May 9, 2013 meeting, the Planning Commission approved a Design Review Permit and Tree Permit for a 224 unit apartment complex with associated parking, lighting and landscaping. The Tree Permit allowed the removal of four blue oak trees totaling 167 inches with mitigation requirements and encroachment of 8.5 percent into the protected zone radius of one blue oak tree. Subsequently, at their June 5, 2013 meeting, the City Council approved a Rezone, General Plan Amendment and Specific Plan Amendment to change the zoning and land use on the property from Business Professional (BP) to Attached Housing (R3) and High Density Residential (HDR) for the Pearl Creek Apartment community.

During the improvement plan review stage, some minor modifications to the site plan were made to better accommodate the storm drainage facilities (storm drain, outfall structure and detention basin) planned at the southwestern portion of the site. Additionally, it was discovered that the South Placer Municipal Utilities District (SPMUD) has a 42 inch sewer line underground for which it requires a 12 foot access road to access their facilities. In order to accommodate these changes, tree #45 will sustain an increased encroachment of 42 percent. As the impact to the tree will be substantial, the applicant requests approval to remove tree #45 to accommodate site improvements and construction.



Figure 1: Proposed Tree Removal Location

Figure 2: Tree #45

### **EXISTING SITE CONDITIONS AND ZONING**

#### SITE INFORMATION

A. Project Location: 1298 Antelope Creek Drive

B. Applicable Specific Plan: NCRSP Parcel 46

**C.** Roseville Coalition of Neighborhood Associations (RCONA): This property is located in the Harding Area which does not have an active Neighborhood Association.

D. Total Acreage: 11.61 gross acres

- **E.** Lot Dimensions: The project site is irregular in shape. The boundaries for the project site include 751± feet along the northern boundary fronting Antelope Creek Drive, 1,088± feet along the western boundary abutting the park and open space properties, 250± feet along the southern boundary adjacent to the closed landfill, and 1,310± feet along the eastern boundary along the Union Pacific Railroad (UPRR).
- **F.** Topographical/Natural Features: The project site is undeveloped; however, grading activities associated with the approved project have commenced. The four trees previously approved for removal have been removed consistent with TP-000126. The area around tree #45 has been fenced off and no site improvements in this area are permitted until the Planning Commission takes action on this tree permit.
- G. Physical or Natural Features on Adjacent Land: The adjacent parcels to the north include a developed apartment community and open space properties which include Antelope Creek and the Antelope Creek bike trail. Parcels to the west include an undeveloped park site and open

space property. The property to the south is the closed Roseville Sanitary Landfill which is designated as open space. Lastly, the property to the east consists of the UPRR tracks.

#### **EVALUATION**

Native Oak trees are governed by the City's Tree Preservation Ordinance (Zoning Ordinance Chapter 19.66). The Ordinance requires the City to consider the appropriateness of and alternatives to proposed tree removals and encroachments. As noted above, the Planning Commission recently approved the removal of four blue oak trees on site to accommodate development of the Pearl Creek apartment community which have since been removed. Consistent with the City's Tree Preservation Ordinance, mitigation for these removals was a condition of the tree permit for which the applicant will achieve through on site tree plantings (native and non-native trees) in the amount equal to the inches removed.

Due to minor changes to the site plan as it relates to the adjustment of the proposed storm drainage facilities (30 inch storm drain, outfall structure and detention basin) as well as the need for an access road to accommodate an existing 42 inch SPMUD sewer line that is located underground, tree #45 will sustain a 42 percent encroachment which is greater than previously anticipated. Also, due to the type of site improvements required in this area (excavation and trenching for the storm drain system) the encroachment will require roots to be severed. Engineering staff has indicated that the proposed location for the storm drainage facilities is best suited in this location as it is located at the site's lowest point and there is adequate room for the facilities while still staying outside of the adjacent open space. As it relates to the SPMUD access road, both staff and the applicant were unaware during the entitlement process that this facility existed underground. Had these conditions been known at the time that the original tree permit was requested, the original tree permit request would have included removal of tree #45. Exhibit A includes the arborist report for tree #45, which indicates that tree #45 is 18 inches in diameter and is in fair to poor condition. The applicant could take measures to preserve the tree; however, the arborist, applicant and staff agree that it would be best to remove the tree so it does not create a hazardous condition in the future due to its location in an area where people will be located, as the tree could fail due to the extent of the encroachment into the root zone.

Consistent with the City's Tree Preservation Ordinance, the applicant will mitigate for the removal of the oak tree on an inch for inch basis. Additional tree plantings within this area of the site would be difficult given the presence of the storm drain and access road in this area and the landscape plans already provide tree mitigation planting for the 167 inches removed from the previous tree permit. Based on this, the applicant would provide for mitigation of the 18 inches through payment of in lieu fees at \$118 per inch. The mitigation fees will be deposited into the City's tree mitigation fund and will be used to plant trees elsewhere in the City. The applicant is in agreement with this requirement.

Staff finds that the removal of tree #45 is necessary to accommodate the site improvements and that removal of the tree will avoid potential hazards in the case that the tree fails based on the amount and type of encroachment it would sustain if preserved. Based on the discussion provided in this staff report, staff is supportive of the applicant's request to remove the tree.

# **ENVIRONMENTAL DETERMINATION**

The Planning Manager has determined that the above project is consistent with the existing Mitigated Negative Declaration that was adopted by the Planning Commission on May 9, 2013 for this project. The project will comply with the City's Tree Preservation Ordinance for which mitigating policies have been adopted.

#### **RECOMMENDATIONS**

The Planning Division recommends that the Planning Commission take the following actions (A-B):

- A. Adopt the two (2) findings of fact for the TREE PERMIT –PEARL CREEK APARTMENTS TREE PERMIT 1298 ANTELOPE CREEK DR. FILE# PL13-0125:
  - a. 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.
  - b. 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 PEARL CREEK APARTMENTS TREE PERMIT 1298 ANTELOPE CREEK DR. FILE# PL13-0125 subject to the twenty-one (21) conditions listed below.

#### TREE PERMIT CONDITIONS (PL13-0125)

	CONDITION	COMPLIANCE VERIFIED/ INSPECTED	COMMENTS			
PR	PRIOR TO ISSUANCE OF ANY PERMITS OR ANY CONSTRUCTION ON-SITE					
1.	All recommendations contained in the Arborist Report (Exhibit A) shall be incorporated as part of these conditions except as modified herein. (Planning)					
2.	Tree# 45 is approved for removal with this tree permit. All other native oak trees shall remain in place unless previously approved by another tree permit. 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 is eighteen (18). Mitigation must be provided prior to tree removal unless otherwise approved in the tree replacement plan or in these conditions. (Planning)					
4.	No activity shall be permitted within the protected zone of any native oak tree beyond those identified by this report or another tree permit. (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 on any condition regarding tree preservation shall result in forfeiture of all or a portion of the cash deposit or bond. (Planning)		N/A – Covered under TP-000126			

7.	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)  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	N/A if Tree Permit is approved by Planning Commission.
	Planning Department prior to the placement of the protective fencing. (Planning)	
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)	N/A if Tree Permit is approved by Planning Commission.
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)	N/A if Tree Permit is approved by Planning Commission.
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)	N/A if Tree Permit is approved by Planning Commission.
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)	N/A if Tree Permit is approved by Planning Commission.

12. A Site Planning Meeting shall be held with the	N/A if Tree Permit is
applicant, the applicant's primary contractor, the	approved by
Planning Department and the Engineering	Planning
Department to review this permit, the approved	Commission.
grading or improvement plans, and the tree fencing	Commission.
prior to any grading on-site. The Developer shall call	
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the Planning Department and Engineering Division	
two weeks prior to the start of grading work to	
schedule the meeting and fencing inspection.	
(Planning)	
DURING CONSTRUCTION	
13. 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)	
14. All preservation devices (aeration systems, oak tree	N/A if Tree Permit is
wells, drains, special paving, etc.) shall be designed	approved by
and installed as required by these conditions and	Planning
the arborist's recommendations, and shall be	Commission.
shown on the improvement plans or grading plans.	
(Planning)	
15. If any native ground surface fabric within the	N/A if Tree Permit is
Protected Zone must be removed for any reason, it	approved by
shall be replaced within forty-eight (48) hours.	Planning
(Planning)	Commission.
16. Storage or parking of materials, equipment and	N/A if Tree Permit is
vehicles is not permitted within the protected zone	approved by
of any oak tree. Vehicles and other heavy	Planning
equipment shall not be operated within the	Commission.
Protected Zone of any oak tree. (Planning)	
17. Where recommended by the arborist, portions of	N/A if Tree Permit is
the foundation shall be hand dug under the direct	approved by
supervision of the project arborist. The certified	Planning
arborist shall immediately treat any severed or	Commission.
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)	
18. The temporary fencing shall remain in place	N/A if Tree Permit is
throughout the entire construction period and shall	approved by
not be removed without obtaining written	Planning
authorization from the Planning Department. In no	Commission.
event shall the fencing be removed before the	
written authorization is received from the Planning	
Department. (Planning)	
PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT	<u> </u>
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19. 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)	
20. A copy of this completed Tree Permit Compliance	
Verification/Inspection form shall be submitted to	
the Planning Department. (Planning)	
21. The approval of this Tree Permit shall expire on	
the same date as DRP-000430.	

## **EXHIBITS**

#### A. Arborist Report

Note to Applicant and/or Developer: Please contact the Planning Division 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 Manager at, or prior to, the public hearing.