

**ITEM V-A: FLOOD ENCROACHMENT PERMIT AND TREE PERMIT – 750 GALLERIA BOULEVARD  
– NCRSP ANTELOPE CREEK FLOOD CONTROL PROJECT – PL15-0026**

**REQUEST**

The applicant requests approval of a Flood Encroachment Permit and Tree Permit in order to construct flood control and associated improvements in a section of Antelope Creek, including modifying an existing culvert where the Antelope Creek Trail crosses Antelope Creek and installing a weir, rock slope protection in several locations, soil borrow activities, and habitat restoration activities.

Owner – City of Roseville

Applicant – E. Brian Keating, Placer County Flood Control and Water Conservation District

**SUMMARY RECOMMENDATION**

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

- A. Consider the Mitigated Negative Declaration and Addendum to the Mitigated Negative Declaration,
- B. Adopt the two (2) findings of fact for the Flood Encroachment Permit,
- C. Approve the Flood Encroachment Permit subject to nineteen (19) conditions of approval,
- D. Adopt the two (2) findings of fact for the Tree Permit, and
- E. Approve the Tree Permit subject to 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 proposed project consists of multiple components, the primary purpose of which is to detain additional flood volume within the creek corridor, which will reduce downstream peak discharges along the main stem of Dry Creek through downtown Roseville and portions of Placer and Sacramento Counties. The applicant, the Placer County Flood Control and Water Conservation District, is the agency primarily responsible for both approving and carrying out the project (the Lead Agency), but there are multiple other agencies with permit or other reviewing authority over the proposed improvements (the Responsible Agencies). The City of Roseville is acting as a Responsible Agency on the project, as the project lies within the City boundary and is therefore subject to City Ordinances, Codes, and policies. The City has been working cooperatively with the applicant on this project, as it will provide public benefits to the City by improving existing flooding conditions.

The project includes activities at various locations along the portion of Antelope Creek that lies between Atlantic Street and Antelope Creek Drive. There are several facilities adjacent to the area of work, including the Antelope Creek Trail; the MAYA Archers, Inc. archery course; and a closed landfill. All of the property, including the archery course, trail, and landfill property, is owned by the City of Roseville and has a land use designation of Open Space. There are several different zoning designations present in the areas where construction will occur, including Open Space (OS), Open Space/Floodway (OS/FW) and General Industrial (M2). The areas along and to the east of the creek have the OS/FW and OS designations, while the M2 zoning designation is generally present over the Maya Archers facility. Refer to Figure 1 for an aerial photograph showing the project area and nearby facilities, and to Exhibit A for the complete set of project materials and design details.

Figure 1: Project Location



The primary component of the project, and the portion which necessitates the Flood Encroachment Permit, is the improvement of an existing culvert where the Antelope Creek Trail crosses Antelope Creek (the area circled in red on Figure 1). The culvert will be reconfigured and a weir<sup>1</sup> will be added. The weir<sup>1</sup> design will detain water in a manner that increases upstream 100-year flood water surface elevations by less than five feet, and is designed to allow low flows (less than 50-year storm events) to pass without restriction. The new culvert and weir design will also remove existing barriers to fish passage caused by the existing culvert design, and will preserve fish passage even during low flows.

The other elements of the proposed project are needed to respond to the effects of installing the weir and modified culvert. As 100-year water surface elevations will increase, additional erosion control in the form of rock slope protection is needed around the weir itself and in two upstream locations (shown in gold on Figure 1). The project plans also identify a soil borrow area, as fill will be needed in order to complete the proposed scope of work. After borrow activities are complete, the borrow area will then be used to replant trees and undertake restoration activities to offset tree and habitat losses resulting from weir and rock slope protection activities.

## **SITE INFORMATION**

**Location:** Antelope Creek between Atlantic Street and Antelope Creek Drive

**Total Size:** 41-acre study area (see Figure 2)

**Topography and Setting:** The area along this section of Antelope Creek is hilly and wooded in places, with a mix of gentle inclines and areas of very steep slopes. There is also a mix of habitats in the area, with non-native grassland, oak woodland, and riparian woodland dominating. Native oak trees present in the project area include valley oak, interior live oak, and blue oak. Figure 2 depicts the study area used in the analysis of the project, as well as the construction footprints for the project and the proposed access roads for construction equipment.

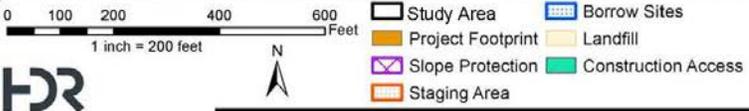
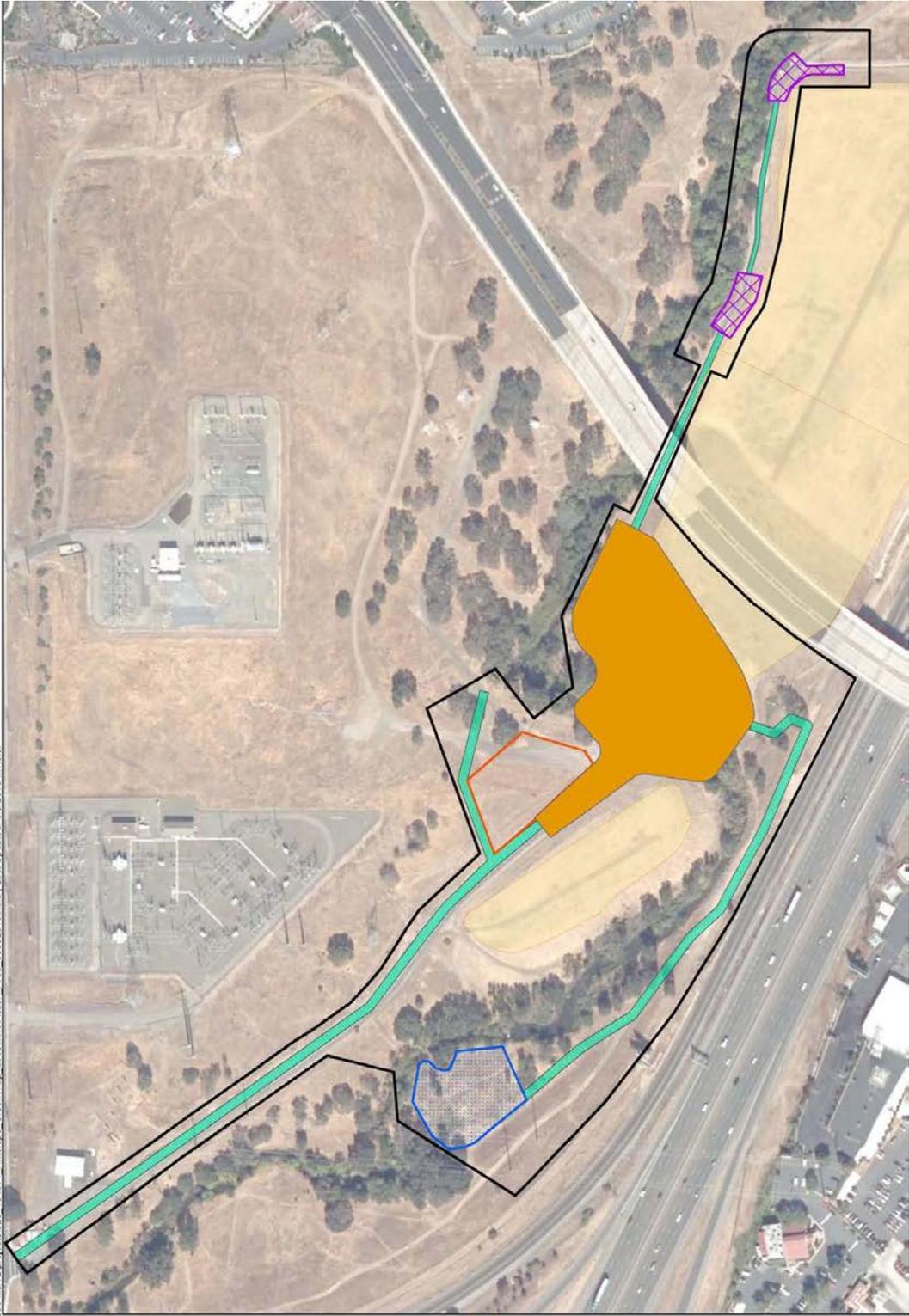
The project area and surrounding land all has an open space designation, so very few permanent structures are nearby. The archery course is on the western side of Antelope Creek, and consists of dirt roads and pathways leading to various targets—generally smaller structures using platforms and straw bales for backing. Antelope Creek Trail is a Class I facility consisting of a 10-foot-wide paved pathway, striped with two opposing lanes of travel. The closed Roseville Sanitary Landfill is gently slopes and covered in non-native grasses, as it was covered over with dirt and seeded with grasses as part of the landfill closure plan completed in 1995. The landfill is surrounded by chain link fencing. Antelope Creek and the Antelope Creek Trail pass underneath the Roseville Parkway overpass, with a portion of the project located south of the overpass, and a portion located north.

The areas adjacent to the Antelope Creek open space corridor are developed with various urban uses, including an electrical substation to the west, Interstate 80 and commercial areas along Taylor Road to the east, apartments and the Creekside Ridge shopping center to the north, and the Atlantic/Eureka overpass and an equipment rental business to the south.

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<sup>1</sup> A weir is a barrier placed across a channel that causes water to pool behind the weir, somewhat like a very small dam.

Figure 2: Study Area



## **EVALUATION**

Section 19.78.060 of the City of Roseville Zoning Ordinance requires two findings be made in order to approve a Flood Encroachment Permit, and two findings be made in order to approve a Tree Permit. The findings for each permit are listed below in ***italicized, bold*** text and are followed by an evaluation of the project in relation to the findings.

### **Flood Encroachment Permit**

Permitted uses and standards for development within the Floodway (FW) or Floodway Fringe (FF) zones are included within Section 19.18 of the City of Roseville Zoning Ordinance. The proposed weir installation and culvert modifications are all located on land with an OS/FW zoning designation. Pursuant to Section 19.18.040(G), the placement of structures or fill within an FW zone requires the issuance of a Flood Encroachment Permit. The findings for such a permit are as follows:

- 1. The flood encroachment will be constructed and will be operated with all standards and regulations set forth in Chapter 19.18 of this Title.***
- 2. The flood encroachment will not result in increased exposure of life and property to flood-related hazards.***

The Zoning Ordinance lays out multiple standards applicable to uses within the FW zone, including General Standards, Fill or Excavation Standards, Standards for Structures, and provisions for the storage of material or equipment. The purpose of these standards is to ensure the minimization or avoidance of flood hazards or damage. The standards were generally designed with development projects in mind (e.g. bridges, resource extraction, and accessory structures like barns), and thus include standards that it is obvious the proposed flood control project will meet, such as “be consistent with the need to minimize flood damage” and “must be shown to have some beneficial purpose.” This analysis does not discuss those standards which it is obvious will be met by the project, restricting the analysis to those areas where some additional explanation could be useful. The project will introduce an obstruction into the stream channel in the form of a weir, increase the upstream 100-year flood elevation (by less than five feet), involve work within and loss of habitat alongside the Antelope Creek channel, and is taking place in areas that could affect the closed landfill. All of these issues are discussed, as they are related to standards and criteria within the Zoning Ordinance as it relates to Flood Encroachment Permits.

The Zoning Ordinance (19.18.040.G.3) states “structures shall be constructed and placed on the building site so as not to obstruct the flow of floodwaters,” and then goes on to stipulate construction standards that can achieve this goal, such as the use of anchoring to ensure the structure does not unmoor and become obstructive debris in the channel. The purpose of this section is to avoid obstructions that redirect or detain flood flows in a manner that increases flood hazards. Although the weir will technically obstruct flood flows to some degree, it does so in order to better regulate and control flood volumes, for the purpose of reducing flood hazards. On this basis, staff concludes that the project will not obstruct floodwaters in the manner described in the Zoning Ordinance.

The Zoning Ordinance (19.18.040.G.1) states “No structure . . . is allowed which . . . adversely affects the stream channel [or] increases flood heights,” and ends by detailing the goals of minimizing flood damage and reducing flood hazards. By design, the project will increase upstream flood heights by several feet. As previously stated, the purpose of this improvement is to reduce downstream flood damage and hazard potential, consistent with the goals of the Zoning Ordinance. Although the flood elevation upstream will increase, the area in question is entirely within areas designated for Open Space

uses. The increased flood elevation does not affect any structures. On this basis, staff concludes that the project will not increase flood heights in a manner that would increase flood damage or hazards.

The project involves multiple areas of work within and along the Antelope Creek channel, which will require the removal of trees (see the Tree Permit analysis), disturbance of the bed and bank of the creek, and the placement of rock slope protection within the creek. All of these activities will result in either temporary or permanent impacts to the creek channel. However, the project also includes habitat restoration activities to offset these impacts, including grading the channel near the culvert back to more naturalized conditions, as the channel shape has been negatively influence by the existing culvert design; a weir design that will improve fish passage compared to the existing conditions; and a large oak woodland restoration area, where trees will be planted to offset the removal of oak trees within the project footprint. Overall, given the combination of the benefits of the flood control project and the restoration activities proposed as part of the project, the project will not impact the stream channel in a manner inconsistent with the Zoning Ordinance.

Finally, there is the proximity of the proposed improvements to the closed Roseville Sanitary Landfill. As can be seen in Figure 1 and Figure 2, portions of the landfill edge lie close to Antelope Creek. The applicants cooperated with City staff to determine whether any impacts to the landfill could occur. The new 100-year water surface elevation will not infringe on the limits of waste within the landfill, but it was determined that additional rock slope protection should be provided in areas near the landfill where flow velocities were predicted to increase. The purpose of this protection is to prevent bank erosion that could extend into the regulated boundary of the closed landfill. The two areas of rock slope protection located north of the Roseville Parkway overpass are proposed in order to achieve this goal. The proposal has been reviewed by City Public Works and Environmental Utilities staff, who have concluded that the proposal is adequate, and properly considers “the ability of the[] sanitation systems to prevent disease, contamination, and unsanitary conditions,” as specified in Zoning Ordinance Section 19.18.040.J).

Based on the foregoing analysis, it is concluded the project will be constructed and operated consistent with all standards and regulations set forth in Chapter 19.18 of this Title and that approval of the Flood Encroachment Permit will not result in increased exposure of life and property to flood-related hazards.

### **Tree Permit**

Pursuant to Zoning Ordinance Section 19.66.030, a Tree Permit is required for any removal of native oak trees or for more than 20% encroachment into the dripline of a native oak tree. The proposed project involves both types of impacts. The findings for a Tree Permit are as follows:

- 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.***
- 2. Measures have been incorporated into the project or permit to mitigate impacts to remaining trees or to provide replacement for trees removed.***

There are numerous oak trees present both within and alongside the Antelope Creek channel, some of which will require removal in order to construct the flood control project. An Arborist Report was prepared by Mann Made Resources Arborist Consultation and Tree Conservation Products (dated February 28, 2016) to inventory all native oak trees within the study area and identify any impacts to the trees (see Exhibit B). The study inventoried 174 native oak trees, including blue oak, valley oak, and interior live oak. Based on the Arborist Report, the project will result in the removal of 19 native oak trees, for a total loss of 265 inches. An additional 14 trees will experience dripline encroachment, in amounts ranging from 1% to 37% encroachment.

City staff reviewed the proposed plans and performed site inspections, and have concluded that the listed impacts cannot be avoided. Though 19 trees will be removed, this is a small fraction of the total 174 trees inventoried in the study area. Given the beneficial use of the proposed flood control project and the small loss relative to the overall tree canopy in the area, the loss of these trees will not be detrimental to the public health, safety, or welfare, and is consistent with the Zoning Ordinance. The project plans reflect the installation of tree protection fencing for all of the trees which are to be retained and preserved, including those trees experiencing some degree of dripline encroachment.

To offset the losses of oak trees, the project also includes an oak woodland restoration area, where trees will be replanted within the study area to offset oak tree removal onsite to the extent feasible. If all 265 inches cannot be mitigated by planting in this area, the balance will be mitigated through the payment of in-lieu fees to the City consistent with Zoning Ordinance Section 19.66.070. Conditions of approval have been included in this staff report to ensure compensation for tree losses and protection of preserved trees. An Oak Tree Planting and Replacement Program is required, which must specify the number and species of trees to be planted, the size of the replacement trees, the location of each replanted tree, an irrigation and maintenance plan, and a monitoring plan to ensure establishment. Measures have been incorporated into the project and permit to mitigate impacts to remaining trees and to provide replacement for trees removed.

### **NEIGHBORHOOD OUTREACH**

Acting as Lead Agency, the Placer County Flood Control and Water Conservation District (District) approved the project during a public hearing before the District Board of Directors on January 13, 2014. This meeting was noticed to the public in conformance with District noticing procedures. The project has been before the District Board of Directors at public meetings on multiple occasions since that time, to discuss the progress of responsible agency permits, timelines, and construction items. The item has been before the District Board of Directors for discussion three times in 2015 (February 9, April 13, and September 14) and twice in 2016 (January 11 and April 11).

Acting as Responsible Agency, the City distributed the project application materials for review by internal and external departments and agencies. Conditions and comments received were incorporated into the project and staff report. Materials were also distributed to the Roseville Coalition of Neighborhood Associations. On May 13, 2016, a public hearing notice was distributed to all properties within 300 feet of the open space parcel where the project is proposed. As a separate but related process, the City Public Works Department has also provided notice of the City's intent to seek revision of the mapped floodplain. This notice was sent to all property owners who would be affected by increases in the base flood elevation, and a notice was also published in the Roseville Press Tribune on April 22, 2016.

### **ENVIRONMENTAL DETERMINATION**

On November 22, 2013 the District, acting as Lead Agency, published a Draft Initial Study/Mitigated Negative Declaration (MND) for the Antelope Creek Flood Control Project (SCH# 2013112064). The District considered and incorporated comments on the Draft MND and published a Final MND in January 2014. Subsequently, the scope of the project was altered to include additional areas of impact, and so an Addendum to the MND was prepared (dated September 2015). The Draft, Final, and Addendum MND are attached to this staff report as Exhibit C.

## **RECOMMENDATION**

The Planning Division recommends the Planning Commission take the following actions:

- A. Consider the Draft and Final Initial Study/Mitigated Negative Declaration for the Antelope Creek Flood Control Project (SCH# 2013112064) and Addendum to the Mitigated Negative Declaration.
- B. Adopt the findings of fact as stated in the staff report for the **FLOOD ENCROACHMENT PERMIT – 750 GALLERIA BOULEVARD – NCRSP ANTELOPE CREEK FLOOD CONTROL PROJECT – PL15-0026**.
- C. Approve the **FLOOD ENCROACHMENT PERMIT – 750 GALLERIA BOULEVARD – NCRSP ANTELOPE CREEK FLOOD CONTROL PROJECT – PL15-0026** subject to nineteen (19) conditions of approval.
- D. Adopt the findings of fact as stated in the staff report for the **TREE PERMIT – 750 GALLERIA BOULEVARD – NCRSP ANTELOPE CREEK FLOOD CONTROL PROJECT – PL15-0026**.
- E. Approve the **TREE PERMIT – 750 GALLERIA BOULEVARD – NCRSP ANTELOPE CREEK FLOOD CONTROL PROJECT – PL15-0026** subject to twenty (20) of conditions of approval.

### **CONDITIONS OF APPROVAL FOR THE FLOOD ENCROACHMENT PERMIT**

- 1. The project is approved as shown in Exhibit A and as conditioned or modified below. (Planning and Engineering)
- 2. The contractor shall apply for and obtain an encroachment permit and a grading permit from the Engineering Department prior to any work conducted within the City right-of-way. (Engineering)
- 3. Existing public facilities damaged during the course of construction shall be repaired by the contractor, at the contractor's expense, to the satisfaction of the City. (Engineering)
- 4. The applicant shall obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA) prior to construction. Upon completion of the project, and prior to acceptance by the City, the applicant shall obtain a Letter of Map Revision (LOMR) from FEMA. (Engineering)
- 5. The applicant agrees to incur all costs for compliance with local, State, and Federal permitting. If any conditions issued by other agencies conflict with any of the conditions of this permit, then the applicant shall resolve conflicts between any of the terms and conditions that agencies might impose under the laws and regulations it administers and enforces. (Engineering)
- 6. If the applicant does not comply with the conditions of the Flood Encroachment Permit and enforcement by the City is required, the applicant shall be responsible for bearing all direct costs associated with the enforcement action, including reasonable attorney's fees. (Engineering)
- 7. For all construction work that extends onto land owned by any other third party, 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 the City prior to issuance of the Grading and Encroachment Permits. (Engineering)
- 8. Prior to construction, the applicant shall create a photo record, including associated descriptions, of the existing site conditions, including any public and private property, including improvements, located within

or adjacent to the project site. The photo record shall be provided to the City's inspector prior to construction. (Engineering)

9. The applicant shall remove all temporary, in channel cofferdam(s) gravel work pad(s), and/or other appurtenances that are within the City's Regulatory Floodplain during the flood season from November 1 through April 15. Please note that conditions from other permitting agencies might be more restrictive regarding construction activity within the stream channel, and the most restrictive conditions will apply. (Engineering)
10. All addenda and contract change orders made to the approved plans and/or specifications by the applicant after City approval of the Flood Encroachment Permit that change the 100-year floodplain limits, upstream, downstream, or within the project area shall be submitted to the Public Works Department – Floodplain Management Section for review and approval prior to incorporation into the permitted project. The submittal shall include all supplemental plans, specifications, and necessary supporting geotechnical, hydrology, and hydraulics, or other technical analyses. The City shall acknowledge receipt of the addendum or change submittal in writing within ten (10) working days of receipt, and shall work with the applicant to review and respond to the request as quickly as possible. The City may request additional information as needed. The City will provide written notification to the applicant if the review period is likely to exceed thirty (30) calendar days. Upon approval of submitted documents, the Flood Encroachment Permit shall be revised, if needed, prior to construction related to the proposed changes. (Engineering)
11. Within 90 calendar days of completion of the project, the applicant shall submit as-built drawings and a certification report, stamped and signed by a licensed civil engineer registered in the State of California, certifying the work was performed and inspected in accordance with the City's permit conditions and submitted drawings and specifications. (Engineering)
12. The applicant shall maintain the permitted improvements within the utilized area in accordance with applicable current or future local, State, and Federal standards in the manner required as requested by an authorized representative of the City. (Engineering)
13. The applicant shall be responsible for repair of any damages to the stream banks, bike trail, fencing, landfill closure, floodway, or any other improvements due to construction, operations, or maintenance of the proposed project. (Engineering)
14. If the permitted encroachment(s) result in any adverse hydraulic impact or if the flows being conveyed through the project result in scouring, the applicant shall provide appropriate mitigation acceptable to the City. (Engineering)
15. At the request of either the applicant or the City, the applicant and the City shall conduct joint inspections of the project and floodway after significant flood events or flood seasons to assess the integrity and operation of the project, and to assess and respond to any adverse impacts on the floodway or adjacent properties. (Engineering)
16. If the project, or any portion thereof, is significantly damaged or is to be abandoned in the future, the applicant shall abandon or repair the project under direction of the City, at the applicant's cost and expense. (Engineering)
17. All water appurtenance shall be protected in place. Water and sewer appurtenances shall be adjusted to one foot above grade in any area impacted by grading. (Environmental Utilities)

- 18. Fill placed over existing water and sewer mains shall be CLSM. (Environmental Utilities)
- 19. All revised bike trails shall be re-engineered to ensure that emergency response vehicles are considered as part of the design. (Fire)

**CONDITIONS OF APPROVAL FOR THE TREE PERMIT AND COMPLIANCE VERIFICATION  
 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. Trees #175, 178–179, 181, 223–227, 229–230, 245, 250, 275, 277–278, 405, and 415 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 an ISA 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 265. An Oak Tree Planting and Replacement Program consistent with the standards of Zoning Ordinance Section 19.66.070 shall be provided for review and approval prior to any removal of any native oak trees. Consistent with the Mitigated Negative Declaration for the project, the Oak Tree Planting and Replacement Program shall first include on-site replacement trees, with other measures (such as in-lieu fees) being used to offset the remaining impact. The effectuation of the Oak Tree Planting and Replacement Program shall be complete prior to acceptance of the project by the City. (Planning)		
4. No activity shall be permitted within the protected zone of any native oak tree, except those trees listed as approved for removal in Condition 2, or listed as having permitted encroachment in Condition 8.		
5. A \$10,000 cash deposit or bond (or other means of security provided to the satisfaction of the Planning Division) shall be posted to ensure 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)		

CONDITION	COMPLIANCE VERIFIED/ INSPECTED	COMMENTS
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 Division 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; trees approved for encroachment are #171, 176, 241, 243, 327, 342, 352, 357, 360–362, 407, and 408. 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 DIVISION". (Planning)		
9. Once the fencing is installed, the applicant shall schedule an appointment with the Planning Division to inspect and approve the temporary fencing before beginning any construction. (Planning)		
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 Arboriculture (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)		

CONDITION	COMPLIANCE VERIFIED/ INSPECTED	COMMENTS
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)		
12. A Site Planning Meeting shall be held with the applicant, the applicant's primary contractor, and the Planning Division to review this permit, the approved grading or improvement plans, and the tree fencing prior to any grading on-site. The Developer shall call the Planning Division two weeks prior to the start of grading work to schedule the meeting and fencing inspection. (Planning)		
<b>DURING CONSTRUCTION</b>		
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 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)		
15. 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)		
16. 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)		
17. 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)		
18. The temporary fencing shall remain in place throughout the entire construction period and shall not be removed without obtaining written authorization from the Planning Division. In no event shall the fencing be removed before the written authorization is received from the Planning Division. (Planning)		

CONDITION	COMPLIANCE VERIFIED/ INSPECTED	COMMENTS
<b>AT COMPLETION OF ALL CONSTRUCTION</b>		
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 Division. 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 the completed Tree Permit Compliance Verification/Inspection form shall be submitted to the Planning Division. (Planning)		

**Exhibits**

- A. Project Plans
- B. Arborist Report
- C. Draft, Final, and Addendum Mitigated Negative Declaration

**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.