

PLANNING& REDEVELOPMENT STAFF REPORT PLANNING COMMISSION MEETING August 11, 2005

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ITEM V-A: TREE PERMIT - 109 COLUMBIA AVENUE - (KAIRN TREE PERMIT) - FILE # TP 05-11

REQUEST

The applicant requests approval to remove eight (8) native oak trees for the construction of a single family home.

Applicant: Douglas Bender Construction, Doug Bender
Owner: James D. Kairn

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

Staff is recommending inclusion of **Condition 2** which requires that the residence be moved a minimum of 2 feet and a maximum of 5 feet closer to the street and that the design of the two patios be revised to potentially preserve an additional four oak trees. The owner is not in complete agreement with this recommended condition of approval because he prefers not to move the house any more than two feet closer to the street.

BACKGROUND

The project site is located at 109 Columbia Avenue, which is within the Infill area of the city (Attachment 1). The area has been an established residential neighborhood for many years. According to the applicant, the subject site was used as a garden by one of the adjacent residences. The two parcels were never merged, and the parcel being used as a garden has been sold.

The lot is fifty feet (50') wide by one hundred fifteen feet (115') deep (5,750 square feet). The lot does not meet current Single Family Residential (R1) lot width or area standards; however, as part of a legally approved subdivision the lot is a legal, non-conforming parcel. The owner proposes to construct a single-family residence that meets R1 setback, height and lot coverage requirements.

The front of the lot is level with the adjacent street, but the rest of the lot and the trees are slightly below street grade. Construction of the home will require use of a raised foundation to avoid importing fill and to minimize impacts to the oak trees.

There are nine (9) protected (six inches dbh or greater) native oak trees on the site. To construct the residence as proposed, eight (8) trees are requested for removal. As a result, the subject tree permit has been forwarded to the Commission for action.

EVALUATION

The Tree Preservation Chapter of the City of Roseville 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 109 Columbia that identifies tree species, size, health, and current condition of all trees. An additional arborist report addresses impacts to native oaks that are proposed for preservation. The results of the inventory are attached to the assessment report. Both reports are provided as Exhibit B.

Tree Removals

The plot plan for 109 Columbia showing the location of the proposed house and existing trees is included as Exhibit A. Four (4) trees are within the building footprint (Trees #50, 52, 57 & 58). The proposed residence will have two-stories, and a total of 2,556 square feet. The first floor footprint provides a twenty-five foot (25') front setback, and a twenty-two foot rear setback to the garage. The proposed footprint provides a five-foot side setback on the northwest side, and on the northeast side there will be a five-foot side setback that increases to a 12.5-foot side setback approaching the front of the parcel. The setback is increased on the northeast side due to a large redwood tree on the adjacent property (115 Columbia Avenue, Attachment 2). Given the limited size of the parcel and location of the four (4) trees towards the center of the parcel there does not appear to be viable alternatives to avoid removal of Trees #50, 52, 57 and 58.

Four (4) additional trees are at the edge of the footprint (Trees #51, 54, 55 and 56), and are requested for removal due to their proximity to the building foundation and the patio locations. Overall, eight (8) trees are proposed by the applicant for removal (Trees #50-52, and 54-58) in order to construct the home.

The residence is setback twenty-five feet (25') from the back of the sidewalk along Columbia Avenue. The sidewalk is separated from the curb by a five foot planting strip. The proposed setback exceeds the minimum front setback of twenty feet (20') by five feet (5'). In discussions with the arborist it was confirmed that moving the residence forward two to five feet and revising the design of the proposed patios could potentially preserve an additional four (4) oak trees.

The rear patio on the north west side of the residence, in the vicinity of Trees #54, 55 and 56, is proposed to be rectangular and parallel to Columbia Avenue (see Attachment 3 and Exhibit A). By reorienting the patio to be perpendicular to Columbia Avenue and curved to minimize encroachment on the Protected Zone Radii (PZR) of the trees, these three (3) trees could potentially be preserved.

Tree #51 is located on the opposite side of the parcel, on the northeast side of the residence. There is a recessed area in this portion of the residence; however, the owner intends to install doors leading from the breakfast nook to a small patio in the recessed area that would conflict with the location of Tree #51.

By moving the residence forward slightly, Tree #51 will be more centrally positioned within the recessed area. However, at a minimum a landing step for exiting would still be needed to provide access from the residence to the side yard. In addition, the proposed home will be two-stories, and given the proximity of Tree #51 to the residence the canopy may be impacted by the second story. Even with moving the residence forward and redesigning the side yard patio, the foundation, the patio, and the vertical height of the residence will impact Tree #51. More detailed staking and inspection at the site is needed to determine the significance of the impact to the tree's long term health.

Staff is recommending language in **Condition 2** to require that the residence be moved a minimum of 2 feet and a maximum of five feet (2' - 5') closer to Columbia Avenue, and that the design of the patios

be revised to minimize encroachment on Trees #51, 54, 55 and 56. Removal of these four (4) trees would be conditional and permitted only following evaluation of the revised plot plan and site inspection with the arborist and Planning staff.

As previously mentioned, the owner's preference would be to only move the house a maximum of two feet forward. He is concerned that if the house is moved too far forward it will stick out in front of the adjacent single-story houses and as a two-story it will dominate them and the street. The goal of both staff and the owner is to preserve as many oak trees as possible and in concert with the arborist we are confident that a workable solution can be achieved.

Encroachments

Construction of the home will not encroach into the Protected Zone Radius of Tree #53. The tree is located in the northern, rear corner of the site. There is an existing perimeter fence on two sides of the tree. No additional encroachments are proposed or requested. Pursuant to the Conditions of Approval protective measures will be implemented, inclusive of protective fencing and posting of a \$10,000 bond or equivalent surety (**Conditions 5, 7 and 8**).

Tree Mitigation

The mitigation total for the removal of Trees #50 (10"), #52 (6"), #57 (6"), and #58 (6") is twenty-eight inches (28"). Removal of any of the four trees conditionally approved for removal would increase the mitigation requirement by a maximum of twenty-eight inches (28"), depending on which trees are ultimately removed (6" for removal of Tree #51, 6" for Tree #54, 6" for Tree #55, and 10" for Tree #56). The applicant is proposing to mitigate for the removals through either payment of in-lieu fees or 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, exclusive of Trees #51, 54, 55 and 56 that are identified as being conditionally approved for removal subject to review of a revised plot plan and site inspection. Staff recommends that the Planning Commission approve the requested removals, as conditioned.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15303 (construction of single-family residence).

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 109 Columbia Avenue -- (SRSP PARCEL 33, 109 COLUMBIA) FILE# TP 05-11:
 - 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 – 109 Columbia Avenue -- (SRSP PARCEL 33, 109 COLUMBIA) – FILE# TP 05-11 with the nineteen (19) conditions listed below.

TREE PERMIT 05-11 CONDITIONS AND COMPLIANCE VERIFICATION / INSPECTION CHECKLIST

		COMPLIANCE			
	CONDITION	VERIFIED/	COMMENTS		
		INSPECTED			
PRIOR TO ISSUANCE OF ANY PERMITS OR ANY CONSTRUCTION ON-SITE					
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) as shown on Exhibit A are approved for removal with this tree				
	permit, with the exception of Trees #51, 54, 55, and 56 that are				
	conditionally approved for removal. The plot plan shall be revised to move the residence a minimum of 2 feet and a maximum of 5 feet				
	closer to Columbia Ave., and provide patios that minimize				
	encroachment within the PZRs of Trees #51, 54, 55 and 56. Removal				
	of Trees #51, 54, 55 and 56 shall be subject to field inspection and				
	concurrence of the Project Arborist and Planning Department. Trees				
	#50, 52, 57 and 58 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				
	direct supervision of a certified arborist. (Planning)				
3.	Before the removal of any native oak tree and prior to any site grading				
	the developer shall mitigate for the removal of trees on an inch-for-inch				
	basis (\$118/inch). The developer shall be responsible for the				
	replacement of the total number of inches proposed for removal prior				
	to any tree removal. 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. On-site plantings shall be 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.				
1	(Planning) No activity shall be permitted within the protected zone of any native				
4.	oak tree beyond those identified by this report. (Planning)				
5	A \$10,000 cash deposit or bond (or other means of security provided				
J.	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)				
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)		
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) Once the fencing is installed, the applicant shall schedule an		
9.	appointment with the Planning Department 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 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)		
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)		
	IRING CONSTRUCTION	<u> </u>	
12.	The following information must be located on-site during construction activities: Arborist Report; Approved site		
	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)		
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		
4.4	shown on the improvement plans or grading plans. (Planning)		
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)		
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)		

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)				
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)				
PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT				
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. Vicinity Map
- 2. Photo of Redwood Tree on Adjacent Property 115 Columbia Avenue
- 3. First Floor Plan

EXHIBITS

- A. Plot Plan
- B. Arborist Report/Tree Inventory (Sierra Nevada Arborists, May 2, 2005)

<u>Note to Applicant and/or Developer:</u> 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.