PLANNING & REDEVELOPMENT DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING MAY 14, 2009

Prepared by: Chris Burrows, Senior Planner

ITEM V-A: TREE PERMIT – 1741 PARK OAK DRIVE – NGUYEN TREE PERMIT – (SRSP PARCEL 33 – LOT 25) – FILE # 2009PL-011 (TP-000115)

REQUEST

The applicant requests approval to remove sixteen (16) 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 25 of the Whispering Canyon subdivision in the Stoneridge Specific Plan.

Applicant: M.J. Carson Homes, Inc., Merv Carson Property Owner: Thanh Nguyen

SUMMARY RECOMMENDATION

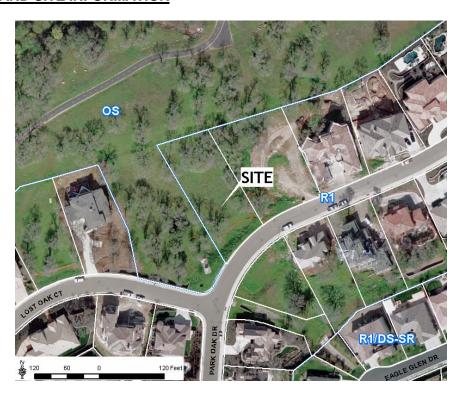
The Planning Department recommends that the Planning Commission take the following actions:

- 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 1741 Park Oak Drive, which is within Parcel 33 of the Stoneridge Specific Plan (SRSP), known as the Whispering Canyon subdivision. The subdivision was approved by the Planning Commission in January 2000, to create ninety-nine (99) residential lots (SUBD 98-20). On May 8, 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. However, Lot 25 was not one of the lots included within the Master Tree Permit. Therefore, development of the lot is subject to approval of an individual Tree Permit specific to Lot 25. As a result, the subject tree permit has been forwarded to the Commission for review and action.

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 25 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 25 showing the location of the proposed structure and existing oak trees is included as Twenty-nine trees are located on the lot. Overall, sixteen (16) trees are proposed by the applicant for removal (Trees 74, 2521, 5001, 5002, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5071, 5072, 5075, and 5081) to accommodate construction of the proposed home. Additionally, Tree 2523 is likely to be impacted beyond those impacts identified in the arborist report. With the "extensive removal of primary limbs" necessary to accommodate the house and "moderate root damage from the foundation" it is unlikely that the tree will survive. This tree sits directly on the property line between Lot 25 and Lot 26. The applicant has been advised to contact the owner of Lot 26 to discuss the project and the adjacent owner received notice of the public hearing.



The planned placement of the structure is central on the lot between the clusters of 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 both the front and rear yards. If the house were to be relocated on the lot or a house with a smaller footprint were proposed, a reduction in the number of trees removed would still not be possible given their location and the grading necessary to accommodate the home.

Encroachments

Construction of the home will result in encroachment into the Protected Zone Radius (PZR) of six (6) additional trees. One of the six trees is located on the adjacent Open Space lot (Tree #5024). This tree will receive minimal encroachment from a concrete patio. Trees 5017, 5022 and 5023 will receive minor encroachment resulting in minor root damage due to fill and footings for the pool and spa. The encroachment for these trees will be approximately 5-10%. Tree 2212 is located on the adjacent Lot 26 and will sustain minor encroachment from construction of the driveway, a retaining wall and the property line fence.

Trees 2522 and 2523 are located within the side yard on the east side of the house adjacent to Lot 25. As discussed above, the foundation will encroach significantly into the PZR of Tree 2523 but only slightly into the PZR of Tree 2522. The arborist report (Exhibit B) indicates that Tree 2523 will sustain moderate root damage and extensive limb loss. Measures such as fertilization, pruning and hand excavation of footings within the PZR are recommended in the arborist report. However, because of the extensive encroachment and limb loss, staff has included Tree 2523 in the list of permitted removals and in the mitigation totals for the tree permit.

Where 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 74, 2521, 2523, 5001, 5002, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5071, 5072, 5075, and 5081 is two-hundred and fourteen inches (214"). 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.

In response to the public hearing notice for this request staff received a letter from resident Barbara Schutz (Attachment 2) asking that the tree permit be denied. The concerns stated in the letter do not change the conclusions of staff's evaluation as stated below.

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 1741 PARK OAK DRIVE -- (SRSP PARCEL 33, LOT 25) FILE# 2009PL-011 (TP-000115):
 - 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 1741 PARK OAK DRIVE -- (SRSP PARCEL 33, LOT 25) FILE# 2009PL-011 (TP-000115) subject to the nineteen (19) conditions listed below.

TP - 000115 CONDITIONS AND COMPLIANCE VERIFICATION / INSPECTION CHECKLIST

	CONDITION	COMPLIANCE VERIFIED/ INSPECTED	COMMENTS		
PRIOR TO ISSUANCE OF ANY PERMITS OR ANY CONSTRUCTION ON-SITE					
	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) #74, 2521, 2523, 5001, 5002, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5071, 5072, 5075, and 5081 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 214. 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 2212, 2522, 5017, 5022, 5023, 5024 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)		
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)		
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)		
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)		
4.4	`		
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)		
DU	RING CONSTRUCTION	_	
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)		
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)		
L	Zone of any bak tree. (Framming)		

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. Building Elevations
- 2. Letter from Barbara Schutz
- 3. Site Photos

EXHIBITS

- A. Site/Grading Plan
- B. Arborist Report/Tree Inventory (Arbor Enterprises, Inc. April 24, 2009)

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.