



ITEM IV-B: TREE PERMIT – 1845 PARK OAK DRIVE – (SRSP PARCEL 33 – LOT 36) – FILE # TP 05-12

REQUEST

The applicant requests approval to remove five (5) native oak trees on Lot 36 of the Whispering Canyon subdivision, and to encroach into the protected zone radius of another six (6) native oaks for the construction of a single family home.

Applicant: Taylor Company, Ltd., Chris Taylor
Owners: Tom & Dawn Engel

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 project. The applicant is in agreement with all recommended conditions of approval.

BACKGROUND

The project site is located at 1845 Park Oak Drive (Attachment 1), 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 (file # SUBD 98-20). On May 8, 2003, the Planning Commission approved a "Master" Tree Permit for the Whispering Canyon subdivision (file #TP 03-06). The Master Tree Permit conditionally authorized tree removals within building envelopes defined for 52 of the lots within the 99-lot subdivision. However, Lot 36 was not one of the lots included within the Master Tree Permit. Development of Lot 36 is therefore subject to approval of an individual Tree Permit specific to Lot 36. 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 Lot 36 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 reports are provided as Exhibits B and C.

Tree Removals

The plot plan for Lot 36 showing the location of the proposed structure and trees is included as Exhibit A. Overall, four (4) trees are proposed by the applicant for removal (Trees #9, 20, 21 and 22) in order to construct the home.

Trees are scattered throughout the lot after the initial front thirty-five feet (35') of the lot. The proposed placement of the house will preserve seven (7) trees on the rear of the lot adjacent to False Ravine (Trees #11–17). The architect has included two recessed areas specifically to preserve two (2) additional trees adjacent to the rear of the residence (Trees #18 and 19). Trees proposed for removal are interior to the footprint of the house by an additional eighteen feet (18') from the proposed rear edge of the footprint. The house is proposed to be located at the minimum 20-foot front yard setback, and reducing or expanding the front setback would not benefit any additional trees. Staff believes that the proposed layout minimizes the amount of removals necessary to build a house on the lot.

As mentioned, one of the recessed areas at the rear of the house is designed to preserve Tree #18. The tree inventory describes Tree #18 as a seventeen inch (17") Blue Oak tree (*Quercus douglasii*), with a twenty-four foot (24') dripline radius (Exhibit B). The root crown is listed as poor due to a callusing wound with decay and a cavity present on the southwest side, and the trunk is in poor condition due to wounding with decay. The arborist recommends removal of Tree #18 prior to start of construction because of anticipated imminent failure due to the extensive decay in the upper trunk area. The Impact Assessment (Exhibit C) indicates Tree #18 will sustain significant impacts, with a percentage encroachment of 33.26%. The owner would like to preserve the tree, however, it is recommended that Tree #18 be included in the list of trees approved for removal. Mitigation would be required for removal of Tree #18 in addition to mitigation being provided for removal of Trees #9, 20, 21 and 22 (5 trees total, Diameter at Breast Height total 77 inches). The owner is in agreement with authorization to remove Tree #18 and payment of the additional mitigation amount.

Encroachments

Construction of the home will result in encroachment into the protected zone of six (6) additional trees. Three of the six trees are located on the adjacent Lot 37 (Trees #1928, 1929, and 1930). Trees #1928 and #1929 will receive minimal encroachment (1% or less) due to shaping for the drainage swale. Tree #1930 will receive minor to moderate encroachment due to excavation of footings for the perimeter wall and the building foundation, and shaping of the drainage swale. The percentage of encroachment of Tree #1930 will be between 3%-5% (per verbal conversation between the arborist and staff on July 29, 2005).

Tree #10 is a 9-inch Blue Oak, within the side yard on the northeast side of the house, adjacent to Lot 37. The foundation will occur approximately nine feet (9') into the Protected Zone Radius (PZR) from the west. The perimeter wall footing will be six feet (6') off of the tree trunk to the east. There will also be a shallow drainage swale approximately two to three feet (2-3') west of the trunk. The amount of encroachment is estimated at 20.85%. The arborist report (Exhibit C) indicates the tree will be moderately to significantly impacted. Measures such as sub-surface fertilization and excavation of footings within the PZR be done by hand are included in the report. **Condition 1** requires incorporation of the recommendations contained in the Arborist's report as conditions of approval, and **Condition 9** requires written confirmation from the Arborist of completion of recommended actions before start of construction.

Site plan revisions to further minimize the encroachment of Tree #10 would require either shifting the residence further away from the side property line, or requiring a narrower footprint. However, the house is already as close as possible to the opposite property line on the southwest side. There is a fifteen-foot (15') private drainage easement that the house is adjacent to, with room in between the house and the drainage easement for the sewer pump line. Requesting a narrower footprint would

reduce the level of encroachment of Tree #10 (and of Tree #1930 located on Lot 37). However, it is not recommended in this case because the arborist indicates it is possible to preserve Tree #10 with the anticipated level of encroachment, and while revising the footprint would reduce some encroachment, it is not necessary to preserve additional trees.

Tree #17 will incur minor to moderate impacts due to footing excavation and a small grade cut. There will be additional impacts associated with installation of the sewer line. Based on the indicate pump line location, 3.64% of encroachment is anticipated. The Arborist report indicates clearance pruning may be needed. If it is determined to be necessary, **Condition 9** addresses that it will be performed and written confirmation provided before start of construction.

Similar to Tree #18, the rear elevation is recessed to preserve Tree #19, and Tree #19 will also be significantly impacted (33.4%). However, unlike Tree #18, the overall condition of Tree #19 is classified as fair. The arborist recommends implementation of measures to minimize construction impacts to preserve the tree. **Condition 1** requires implementation of all arborist report recommendations. The applicant is required to arrange for the arborist to provide written confirmation of completion of the recommendations (**Condition 9**).

Tree Mitigation

The mitigation requirement for the removal of Trees 9, 18, 20, 21 and 22 is seventy-seven inches (77"). 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. Staff explored alternatives to minimize removals, but has determined that the proposed layout results in the least amount of impacts and tree removals. As a result, staff recommends that the Planning Commission approve the requested removals.

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 – 1845 PARK OAK DRIVE -- (SRSP PARCEL 33, LOT 36) – FILE# TP 05-12:
 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 – 1845 PARK OAK DRIVE -- (SRSP PARCEL 33, LOT 36) – FILE# TP 05-12 with the nineteen (19) conditions listed below.

TREE PERMIT 05-12 CONDITIONS AND COMPLIANCE VERIFICATION / INSPECTION CHECKLIST

CONDITION	COMPLIANCE VERIFIED/ INSPECTED	COMMENTS
PRIOR TO ISSUANCE OF ANY PERMITS OR ANY CONSTRUCTION ON-SITE		
1. All recommendations contained in the Arborist Report(s) (Exhibits B & C) shall be incorporated as part of these conditions except as modified herein. (Planning)		
2. Tree(s) #9, 18, 20, 21 and 22 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 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 77. 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. (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 10, 17, 1928, 1929 and 1930 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 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)		

<p>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>		
<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>DURING CONSTRUCTION</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>		
<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)</p>		
<p>PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT</p>		
<p>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)</p>		
<p>19. A copy of this completed Tree Permit Compliance Verification/Inspection form shall be submitted to the Planning Department. (Planning)</p>		

ATTACHMENTS

1. Vicinity Map
2. Building Elevations

EXHIBITS

- A. Grading Plan & Plot Plan
- B. Arborist Report/Tree Inventory (Kemper Tree Care – April 27, 2005)
- C. Arborist Impact Assessment (Kemper Tree Care – May 19, 2005)

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.