

ITEM IV-B: TREE PERMIT AND ADMINISTRATIVE VARIANCE – 1424 W. COLONIAL PW. – WEST COLONIAL ESTATES LOT 17 TREE PERMIT – FILE # 2011PL-072 (TP-000129 & V-000067).

REQUEST

The applicant requests approval of a Tree Permit to remove one (1) native oak tree and to encroach into the protected zone radius of three (3) native oaks for the construction of a single family home on Lot 17 of the West Colonial Estates subdivision. The request also includes an Administrative Variance to reduce the required twenty (20) foot front yard setback to eighteen (18) feet.

Applicant/Property Owner: Matt McKenzie, Premier United Communities

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;
- B. Approve the Tree Permit subject to nineteen (19) conditions of approval;
- C. Adopt the three (3) findings of fact for the Administrative Variance; and
- D. Approve the Administrative Variance subject to the two (2) conditions of approval.

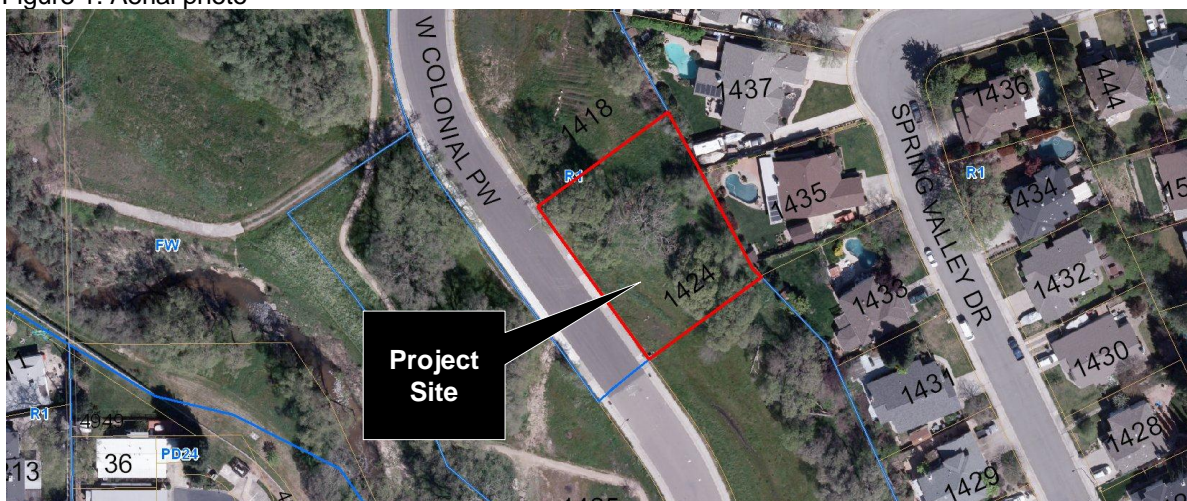
SUMMARY OF OUTSTANDING ISSUES

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

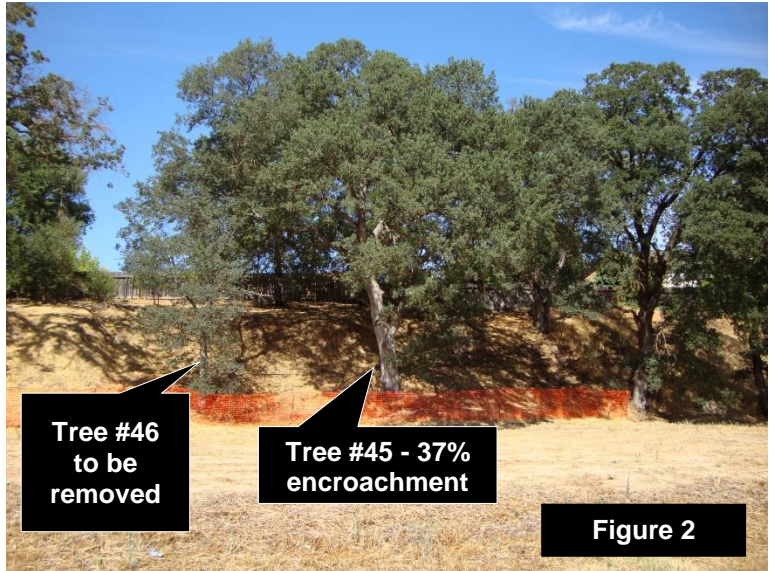
The project site is located at 1424 West Colonial Pw. in the West Colonial Estates subdivision. The subdivision was approved by the Planning Commission in May 2007, to create 17 residential lots (SUBD 03-13).

Figure 1: Aerial photo



The Planning Commission also approved a Tree Permit for the West Colonial Estates subdivision (TP 03-67). This tree permit allowed the construction of utilities for the future homes within the subdivision.

The subject parcel is approximately 0.43 acres in size, with a relatively steep slope (front to back). The rear of lot 17 backs up to existing single family homes and is approximately 22 feet higher than the front of the lot adjacent to the street (see Figure 2).



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 17 that identifies tree species, size, health, and the current condition of all trees. The arborist report is provided as Exhibit B. In addition, the Administrative Variance is also evaluated below based on the Zoning Ordinance requirements.

Tree Removals

The plot plan for Lot 17 showing the location of the proposed residence and existing oak trees is included as Exhibit A. Ten (10) protected trees are located on the lot. One ten (10) inch diameter at breast height (DBH) Blue Oak tree is proposed by the applicant for removal (Tree #46) to accommodate construction of the proposed home.

The structure's placement on the lot was planned to minimize the impact on other protected oak trees. Staff and the applicant agreed to move the home forward to reduce the impacts to the remaining preserved oak 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 back to front), tree removals are unavoidable if development is to occur. By placing the house in the proposed location the applicant is able to preserve several clusters of trees in the side yard areas, and the larger trees at the rear of the property (Exhibit A). In addition by removing the smaller Blue Oak tree (#46) the applicant will be able to install a retaining wall to minimize cutting into the existing slope and impacts to the large native oak trees in this area. The installation of this wall will cause significant impacts to tree #46 and the arborist has recommended removal of this tree. (Exhibit B)

Encroachments

Construction of the home will result in encroachment into the Protected Zone Radius (PZR) of three (3) additional trees (Tree #s 43, 45 & 47). Trees 43 and 47 will receive encroachment resulting in minor root damage due to the home's foundation and a small retaining wall which push into the base of the slope that the trees are located on. The encroachment for these trees will be .3% and 11% respectively.

Tree #45 is located near the bottom of the existing slope, at the rear of the lot (see Figure 2 above). Trenching for a retaining wall and the home's foundation will result in an encroachment of 37% into the PZR of this tree. The arborist report (see Exhibit B) indicates that footings shall be hand dug around this tree under the supervision of the arborist and protective fencing will be installed to mitigate potential impacts resulting from construction.

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 Tree 46 is 10 inches. The applicant is proposing to mitigate for the removal through a combination of payment of in-lieu fees and credit for on-site plantings. **Condition 3** addresses the mitigation requirement.

Administrative Variance

As was mentioned above, lot 17 has special circumstances that occur on the lot including the significant slope at the rear of the property, and the native oak trees that exist on the site. These special circumstances and the reduced tree impacts that result from reducing the required front yard setback by two (2) feet, warrant the approval of the Administrative Variance. City staff has recommended the applicant shift the house forward approximately two (2) feet in order to reduce the impact on the trees at the rear of the lot. The applicant agrees with this recommendation and has placed the house eighteen (18) feet from the back of the sidewalk. The location of the home will not be out of character for the neighborhood given the fact that the lot to the south of Lot 17 is an Open Space lot and therefore will not be built on. The home for lot 16 will be placed around the existing sloped hillside and street bend so there will be no visual connection to the home on lot 17. Given the special circumstances and the reduced tree impacts on lot 17 achieved by the setback reduction Staff believes the findings required for approval of the Administrative Variance can be made.

In addition, Staff routed the proposed plans to the City's Building, Engineering, Electric and Environmental Utilities Departments and received no comments on the proposed variance application.

CONCLUSION

The Planning Department has determined that the proposed tree removal is necessary to allow for development of the lot consistent with the original Tree Permit for the subdivision and the single-family residential zoning. Staff explored alternatives to reduce the need for tree removal, but has determined that the proposed layout is consistent with the original project approvals, the Tree Ordinance, and with other tree permits approved in the West Colonial Estates subdivision. As a result, staff recommends that the Planning Commission approve the requested Tree Permit and Administrative Variance.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15303 pertaining to new construction of a single family residence and per Section 305 of the City's CEQA Implementing procedures.

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 – 1424 WEST COLONIAL PW. – WEST COLONIAL ESTATES LOT 17 TREE PERMIT – FILE# 2011PL-072 (TP-000129);

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 – 1424 WEST COLONIAL PW. – WEST COLONIAL ESTATES LOT 17 TREE PERMIT – FILE# 2011PL-072 (TP-000129) subject to the nineteen (19) conditions listed below;
- C. Adopt the three (3) findings of fact for the ADMINISTRATIVE VARIANCE – 1424 WEST COLONIAL PW. – WEST COLONIAL ESTATES LOT 17 TREE PERMIT – FILE# 2011PL-072 (V-000067);
1. *There are special circumstances applicable to the property, including size, shape, topography, location or surroundings such that the strict application of the provisions of this Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical land use district classification.*
 2. *The granting of the Variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located; and*
 3. *The granting of the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel and will not constitute a grant of special privilege inconsistent with limitations upon other property in the vicinity and under identical zoning classification.*
- D. Approve the ADMINISTRATIVE VARIANCE – 1424 WEST COLONIAL PW. – WEST COLONIAL ESTATES LOT 17 TREE PERMIT – FILE# 2011PL-072 (V-000067) subject to the two (2) conditions listed below.

TP - 000129 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) (Exhibit B) shall be incorporated as part of these conditions except as modified herein. (Planning)		
2. Tree #46 is 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)		

<p>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 10. 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)</p>		
<p>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 43, 45 and 47 as shown in Exhibit A and described in the staff report is permitted. (Planning)</p>		
<p>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)</p>		
<p>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>		
<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>		

19. A copy of this completed Tree Permit Compliance Verification/Inspection form shall be submitted to the Planning Department. (Planning)		
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CONDITIONS OF APPROVAL FOR THE ADMINISTRATIVE VARIANCE (V-000067):

1. This Administrative Variance approval shall be effectuated within a period of two (2) years from this date and if not effectuated shall expire on **August 23, 2014**. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, this approval shall be extended for no more than a total of one year from **August 23, 2014**. (Planning)
2. The Administrative Variance is approved for an eighteen (18) foot front yard setback as shown in Exhibit A. (Planning)

ATTACHMENTS

1. Building Elevations
2. Site Photos

EXHIBITS

- A. Site Plan
- B. Consulting Arborist Report/Tree Inventory (ABACUS – August 15, 2012)

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.