



*CITY OF ROSEVILLE
 PLANNING DEPARTMENT STAFF REPORT
 PLANNING COMMISSION MEETING JANUARY 27, 2005*

Prepared by: Wendy W. Hartman, Associate Planner

ITEM IV-B: TREE PERMIT & ADMINISTRATIVE VARIANCES – 2112 & 2120 PETRUCHIO WAY – STONERIDGE EAST VILLAGE 8 SUBDIVISION (LOTS 90-91) – FILE#’S: AV 04-08, AV 04-09, & TP 04-33

REQUEST

The applicant requests approval of two Administrative Variances to allow for a 15 foot front yard setback where 20 feet is required for Lots 90 and 91 of the Stoneridge East Village 8 subdivision. A Tree Permit is also being requested to allow site improvements for a single family home to encroach 22 percent into the protected zone radius of a native oak tree.

Applicant – Dennis Philips, Wood Rodgers
 Property Owner – Harry Elliot, Elliot Homes

SUMMARY RECOMMENDATION

The Planning Department recommends that the Planning Commission:

- A. Adopt the three findings of fact for the Administrative Variances;
- B. Approve the Administrative Variances subject to two (2) conditions of Approval;
- C. Adopt the two findings of fact for the Tree Permit;
- D. Approve the Tree Permit subject to twenty-one (21) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

The applicant is seeking a variance to the front yard setback of two lots in order to preserve a 16 inch Blue Oak tree and to minimize root zone encroachment. The applicant is in agreement with the recommended conditions of approval. There are no outstanding issues.

BACKGROUND

The two (2) single family residential lots (Lots 90 & 91) are part of the Stoneridge East Village 8 subdivision, located north of Secret Ravine Parkway and west of Scarborough Drive in the Stoneridge Specific Plan (SRSP) area (see Attachment 1). The following table shows the land use, zoning, and current use of the project site and surrounding properties.

LAND USE AND APPLICABLE STANDARDS

LOCATION	ZONING	GENERAL PLAN LAND USE	CURRENT USE OF PROPERTY
Site	Single Family Residential (R1)	Low Density Residential (LDR 3.4)	Vacant
North	R1	LDR 3.4	Vacant
South	Open Space (OS)	Open Space (OS)	Open Space
East	R1	LDR 3.4	Vacant
West	R1	LDR 3.4	Vacant

On September 26, 2002, the Planning Commission approved a Tentative Subdivision Map to subdivide SRSP Parcels 27 & 28 (47.8 acres) into 194 single-family lots. A Tree Permit to allow the removal of thirty-two (32) native oak trees and encroachment into the protected zone radius (PZR) of fifty-six (56) others was also approved.

Due to the location of oak trees, Lots 90 through 92 of the subdivision were approved as partial grade lots. Two Administrative Variances are being requested in order to reduce the front yard setbacks of the proposed homes on Lots 90 and 91 to 15 feet, instead of the required 20 feet. The Administrative Variances have been requested to minimize the encroachment into one existing oak tree (Tree 111). A Tree Permit is also being requested to address construction impacts to Tree 111.

EVALUATION

The evaluation section of the staff report is divided into the following sections:

- Administrative Variances and
- Tree Permit

Each section is presented below.

ADMINISTRATIVE VARIANCES

An Administrative Variance may be processed when the requested deviation from a development standard results in a 35% or less deviation (Section 19.74.020.B). The required front yard setback in the R1 zone district is 20 feet. The applicant is requesting a 25% reduction (from 20 ft to 15 ft) in the front yard setbacks of Lots 90 and 91 in order to reduce impacts to the native oak tree located in the southeast corner of Lot 91 (see Exhibits A & B).

Section 19.78.060 (G) requires that the following findings be made in order to approve an Administrative Variance:

- ***There are special circumstances applicable to the properties, including size, shape, topography, location or surroundings, such that the strict application of the provisions of this Zoning Ordinance deprives the properties of privileges enjoyed by other property in the vicinity and under identical land use district classification;***
- ***The granting of these variances will not be materially detrimental to the public health, safety or welfare, or injurious to the properties or improvements in such vicinity and land use district in which the properties are located; and***
- ***The granting of the variances does not allow uses or activities which are not otherwise expressly authorized by the regulations governing the subject parcels and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and under identical zoning classification.***

As mentioned above and shown on Exhibits A & B, the applicant is requesting approval of two (2) Administrative Variances in order to locate the proposed homes on Lots 90 and 91 fifteen (15) feet from the front property line, where the Zoning Ordinance requires a setback of 20 feet.

Lot 91: The overall grade difference between the front of the lot and the tree is 10 feet. Therefore the lot has been step graded and retaining walls constructed with the subdivision improvements to help reduce impacts to the native oak tree (Trees 111) located on the back portion of this lot.

According to the project arborist if the home were placed at the required 20-foot front yard setback, Tree 111 would need to be removed. If the home is placed at the 15 foot front yard setback, a very small portion of the home (southeast corner) will encroach less than one (1) foot into the PZR of Tree 111. The existing retaining wall will also need to be moved three (3) feet closer to the trunk of the tree in order to provide access around the home. Therefore, the Variance is necessary in order to preserve the native oak tree located on this lot.

The portion of the house to be located at the 15-foot setback is a single-car, side-loaded garage. The front loaded garage will be located 26 feet from the front property line and the driveway apron exceeds the minimum required length of 18 feet.

Lot 90: Although the trunk of Tree 111 is located on Lot 91, a significant portion of the protected zone radius (PZR) of the tree is located within Lot 90. Due to the topography of the site there is an existing retaining wall on Lot 90 that is located approximately two (2) feet within the PZR of Tree 111. If the home on Lot 90 were placed at the 20 foot front yard setback the retaining wall would need to be moved further into the PZR of Tree 111 in order to maintain access around the proposed home. This lot was also step graded in order to reduce impacts to Tree 111. Approval of the variance will allow for the home to be built without further encroaching into the PZR of Tree 111.

Similar to Lot 91, it is the garage portion of the house that is proposed to be located at the 15 foot front yard setback. Since this model has a front loaded three-car garage, the distance from the front property line to the face of the door needs to be a minimum of 18 feet (driveway apron). As shown on Exhibit A, a small portion of the face of the garage (excluding the columns) encroaches within the 18 foot driveway apron. Therefore the project has been condition to require that the home be situated on the lot to maintain a minimum of an 18 foot deep driveway apron (Condition 1a). This minor change will not impact the encroachment into Tree 111, but may slightly reduce the distance between the back of the home and the existing retaining wall located within the PZR of Tree 111.

Conclusion: Approval of the variance will allow development on Lots 90 and 91 without requiring the removal of a native oak tree (Tree 111). Staff believes the existence of the native oak tree on Lot 91 is special circumstance that warrants approval of the Administrative Variances. The granting of the Administrative Variances will not adversely impact adjacent properties and they will not allow uses which are otherwise prohibited.

TREE PERMIT

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.

The applicant has submitted an arborist's report (Exhibit C) dated October 19, 2004. The report identifies the size and condition of the affected tree, the project's impacts, and the arborist's recommendations.

Tree 111 is a 16 inch Blue Oak that is in fair condition. As shown on Exhibits A and B, a small portion of the home on Lot 91 will encroach less than 1% into the PZR of Tree 111. In addition, a portion of the existing retaining wall on Lot 91 will need to be moved three (3) feet closer to the trunk of the tree in order to allow access around the proposed home. The retaining wall on Lot 90 will remain unchanged.

The cumulative encroachment (existing retaining wall and modified portion of the retaining wall on Lot 91) into Tree 111 will be approximately 22%. The arborist has indicated that the impact to Tree 111 will be moderate. As recommended by the arborist, the project has been conditioned (Condition 17) to require that a certified arborist supervise any excavation within the protected zone radius of Tree 111. In addition, the tree shall be clearance pruned, have the crown cleaned out, and receive a subsurface liquid fertilization injection prior to beginning construction of either home.

Staff evaluated whether another house model would have a lesser impact on Tree 111. However, all of the house models for this subdivision have a very similar footprint as far as their overall width and depth. As discussed in the Administrative Variances section above, moving the homes five (5) feet closer to the front property lines will significantly reduce the impacts to Tree 111. Therefore, staff believes the impacts to Tree 111 have been minimized and we support the proposal as shown in Exhibits A and B. This determination is based on the arborist's evaluation, recommended mitigation measures, and staff's analysis of the placement of the home and alternatives.

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) and the City of Roseville CEQA Implementing Procedures pertaining to construction of small structures.

RECOMMENDATION

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

- A. Adopt the three (3) findings of fact for the ADMINISTRATIVE VARIANCES - Stoneridge East Village 8 Lots 90 & 91 – 2112 & 2120 Petruccio Way – File #: V 04-08 & 04-09 as listed in the staff report:
- B. Approve the ADMINISTRATIVE VARIANCES - Stoneridge East Village 8 Lots 90 & 91 – 2112 & 2120 Petruccio Way – File #: V 04-08 & 04-09 subject to the two (2) conditions of approval below.
- C. Adopt the two findings of fact for the Tree Permit as listed below for the reasons stated within the staff report – Stoneridge East Village 8 Lots 90 & 91 – 2112 & 2120 Petruccio Way – File #: TP 04-33.
 - 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. Mitigation measures have been included as conditions of approval, which provide for preservation of the Tree 111.
- D. Approve the Tree Permit -- Stoneridge East Village 8 Lots 90 & 91 – 2112 & 2120 Petruccio Way – File #: TP 04-33 subject to the twenty-one (21) conditions of approval below.

CONDITIONS OF APPROVAL FOR THE ADMINISTRATIVE VARIANCES (AV 04-08 & AV 04-09)

1. The project is approved as shown in Exhibits A & B and as conditioned or modified below:
 - a. The site plan for Lot 90 shall be modified so that a minimum of an 18 foot driveway apron is maintained. This modification shall not result in additional encroachment into the protected zone of Tree 111. (Planning)
2. This permit shall be valid for a period of two (2) years from this date and shall expire on **January 27, 2007**. 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 **January 27, 2007**. (Planning)

CONDITIONS OF APPROVAL FOR THE ADMINISTRATIVE TREE PERMIT (ATP 04-33)

CONDITION	COMPLIANCE VERIFIED/ INSPECTED	COMMENTS
PRIOR TO ISSUANCE OF ANY PERMITS OR ANY CONSTRUCTION ON-SITE		
1. No tree shall be removed without approval of a separate Tree Permit from the City of Roseville. (Planning)		
2. No activity shall be permitted within the protected zone of any oak tree beyond those identified within this report. Encroachment into the protected zone of Tree 111 is permitted as shown on Exhibits A & B and as described in Exhibit C. (Planning)		
3. All recommendations contained in the Arborist's Report (Exhibit C) shall be incorporated as part of these conditions except as modified herein. (Planning)		
4. The conditions of approval shall be distributed to all contractors and subcontractors who have access to the site. It is the responsibility of the property owner and contractor to inform all subcontractors of the native oak tree preservation requirements. (Planning)		
5. 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)		
6. 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>7. 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>8. 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>9. 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 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>10. All chimneys shall maintain a minimum ten (10) foot clearance on all sides from the canopy of any protected native oak tree.</p>		
<p>11. Trenching within the PZR of a Protected Tree is not allowed, except as provided by this condition. The applicant shall comply with the utility trenching plan as shown on the site plan submitted with this application depicting all of the following systems: storm drains, sewers, water mains, and underground utilities. All trenching shall be done using hand tools. No machine trenching shall be allowed in the protected zone of an oak tree. (Planning)</p>		
<p>12. Grading shall be designed to prevent water from draining and ponding in the protected zone of oak trees and away from the base of the trees. (Planning)</p>		
<p>DURING CONSTRUCTION</p>		
<p>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)</p>		
<p>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)</p>		
<p>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)</p>		

<p>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)</p>		
<p>17. All work performed within the PZR of Tree 111 shall be done under the supervision of a certified arborist. Where recommended by the arborist, trench and/or footing excavation 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>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 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>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 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>20. A copy of this completed Tree Permit Compliance Verification/Inspection form shall be submitted to the Planning Department. (Planning)</p>		
<p>21. The approval of this Tree Permit shall expire on the same date as the Administrative Variance AV 04-10.</p>		

ATTACHMENTS

- 1. Vicinity Map

EXHIBITS

- A. Plot Plan Lot 90
- B. Plot Plan Lot 91
- C. Arborist Report

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.