



ITEM IV-C: TREE PERMIT – 1756 PARK OAK DRIVE – SRSP PARCEL 33, WHISPERING CANYON LOT 92 – FILE# TP 05-01

REQUEST

The applicant requests approval of a Tree Permit to remove eight native oak trees and encroach into the Protected Zone Radius of an additional seven native oaks to construct a single-family residence.

Applicant – Albert Thomas
Owner – Blue Summits, LLC

SUMMARY RECOMMENDATION

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

- A. Adopt the two findings of fact for the Tree Permit; and
- B. Approve the Tree Permit subject to eighteen (18) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

There are no outstanding issues associated with this request. The applicant has reviewed the recommendations and is in agreement with the conditions of approval.

A letter was received from the owner of the adjacent Lot 91 requesting that native oak tree #2203 not be removed (Attachment 5). Tree #2203 is located on the property line between Lots 91 and 92. The plans submitted with this application indicate that tree #2203 is to be retained.

BACKGROUND

The project site is located at 1756 Park Oak Drive, which is within Parcel 33 of the Stoneridge Specific Plan (SRSP) (Attachment 1). The zoning on the property is R1, Single Family Residential.

On January 27, 2000, the Planning Commission approved a Tentative Subdivision Map (SUBD 98-20) to create 99 single-family lots on Parcels 33 and 38 (39.64 acres total), consistent with the adopted land use and zoning. The Commission also approved a Tree Permit (TP 98-69) that authorized the removal of 204 native oaks for the subdivision improvements and limited pad grading throughout Parcels 33 and 38. The Tree Permit did not authorize the removal or encroachment into the Protected Zone Radius (PZR) of native oak trees on individual subdivision lots.

On May 8, 2003 the Planning Commission approved a Master Tree Permit (TP 03-06) to remove up to 227 native oak trees on 52 lots in the Whispering Canyon subdivision. Lot 92 was included in the Master Tree Permit, with nine trees approved for removal. The current request is to remove eight trees, including six that were previously approved for removal and two additional trees. Three trees that were previously approved for removal will instead be retained.

EVALUATION

The Tree Preservation Ordinance (Chapter 19.66) 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 has been prepared for Lot 92 that identifies the tree species, size, health and current condition. The arborist report (Attachment 3) and impact assessment (Attachment 4) have been summarized in Figure 1 below.

Tree Impacts

Lot 92 is 15,725 square feet in size and contains thirteen native oak trees; another four native oaks on adjacent parcels overhang on Lot 92. As shown on the Site Plan (Exhibit A) and Grading Plan (Exhibit B), Park Oak Drive averages 273 feet above mean sea level (amsl) along the lot frontage and the rear of the lot averages 296 feet amsl, giving the lot an overall uphill slope of 14 percent.

The previously approved Whispering Canyon Master Tree Permit (TP 03-06) included a site plan for Lot 92 with a conceptual building footprint located close to the front of the lot, at the 20 foot front setback line (see Attachment 2). That plan also indicated nine trees as “to be removed” (#2177, 2178, 2179, 2180, 2201, 2202, 2206, 2207 and 2208 listed with an X in Figure 1 below).

Figure 1: Tree Summary

Tree #	Type	DBH (inches)	Condition		PZR (feet)	Encroachment (percent)		Nature of Encroachment
			Structure	Vigor				
2173	QD	14	Fair	Fair				Removed for House
2175	QD	22	Fair	Fair				Removed for House
2176	QD	13	Fair-Poor	Fair	26	11		Pad Grading
2177 X	QW	14.5	Fair	Fair				Removed for House
2178 X	QD	11	Fair	Fair				Removed for House
2179 X	QW	11	Poor	Fair				Removed for House
2180 X	QD	50	Poor	Fair				Removed for House
2201 X	QD	14	Poor	Fair				Removed for Driveway
2202 X	QW	16	Poor	Fair				Removed for Driveway
2203	QW	10	Poor	Fair	20	33		Driveway, Trench
2206 X	QD	13	Fair	Fair	23	53		Driveway, Trench, Garage
2207 X	QD	11	Poor	Fair	18	21		Driveway, Garage
2208 X	QD	19	Fair	Fair	26	13		Driveway, Garage
Offsite Trees								
2169	QW	13	Poor	Fair	12	0		
2181	QD	15	Fair	Fair	22	0		
2204	QW	8	Fair	Fair	20	21		Driveway
2231 X	QD	16	Fair	Fair	27	12		Pad Grading
2232	QW	19	Poor	Fair	11	0		

QD = Quercus Douglasii – Blue Oak QW = Quercus Wislizenii – Interior Live Oak
 X = trees approved for removal in Master Tree Permit TP 03-06

The applicant proposes to construct a 4,600 square-foot, two-story house with an attached three-car garage (Exhibit C). The house complies with all applicable R-1 District standards. The house will be located farther up the hill than the conceptual footprint of TP 03-06, and tree #2173 is inside the proposed building footprint. Accordingly, the applicant requests removal of tree #2173 in addition to

trees #2177, 2178, 2179, 2180, 2201 and 2202 (six trees approved for removal in TP 03-06). The proposed house location also results in trees #2206, 2207 and 2208 to be retained outside the building footprint (three trees approved for removal in TP 03-06). The arborist letter dated November 18, 2004 (Attachment 3) also recommends that tree #2175 be removed, due to extensive grading and footing excavation within the Protected Zone. Overall, this request represents one less tree proposed for removal than TP 03-06 authorized. The eight native oak trees proposed for removal are shaded on Figure 1.

Seven additional trees will be impacted to varying degree by encroachments into their Protected Zone Radius, including two trees overhanging from the adjacent lots. The arborist's letter includes specific mitigation measures for each of these trees, including canopy pruning and a sub-surface fertilizer prior to construction and ensuring that impacted roots are properly pruned and sealed. Tree Permit Condition #1 requires these mitigation measures to be incorporated into the construction plans and that the work be performed or supervised by a certified arborist.

Tree Mitigation

Based on the eight trees proposed for removal the mitigation requirement is 152.5 inches, at least 50 percent of which must be native. The applicant proposes to satisfy the mitigation by payment of an in-lieu fee into the City's Tree Mitigation Fund at the rate of \$118 per mitigation inch. Condition #3 stipulates the mitigation fee payment.

ENVIRONMENTAL DETERMINATION

This project is exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15182 and City of Roseville CEQA Implementing Procedures Section 303, which exempt a residential project consistent with a Specific Plan for which an EIR was certified.

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 – 1756 Park Oak Drive - SRSP Parcel 33, Whispering Canyon Lot 92 – File# TP 05-01:
 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 – 1756 Park Oak Drive - SRSP Parcel 33, Whispering Canyon Lot 92 – File# TP 05-01 with the eighteen (18) conditions listed below.

CONDITIONS OF APPROVAL FOR TREE PERMIT TP 05-01		
CONDITION	COMPLIANCE VERIFIED/ INSPECTED	COMMENTS
<u>PRIOR TO ISSUANCE OF ANY PERMITS OR ANY CONSTRUCTION ON-SITE</u>		
1. All recommendations contained in the Arborist Report (Attachment 3) and Impact Assessment (Attachment 4) shall be incorporated as part of these conditions except as modified herein. All PZR encroachment mitigation measures, including pre-construction clearance pruning, dripline fencing, and post construction soil aeration shall be performed by or under the supervision of a certified arborist. (Planning)		
2. Trees #2173, 2175, 2177, 2178, 2179, 2180, 2201 and 2202 are approved for removal with this tree permit. All other native oak trees shall remain in place. Tree to be removed shall be clearly marked in the field and inspected by Planning Staff prior to removal. Removal of the tree shall be performed by or under the supervision of a certified arborist. (Planning)		
3. The developer shall fully mitigate a total of 152.5 inches of native oak tree proposed for removal, through the on-site planting of replacement trees and/or the payment of an in-lieu mitigation fee. Replacement trees shall be calculated at the rate of one 15-gallon tree per mitigation inch. At least 50 percent of the replacement trees shall be native oaks. The mitigation inches not satisfied by replacement planting shall be satisfied by payment of an in-lieu fee at the rate of \$118 per mitigation inch. Mitigation must be provided prior to any tree removal unless otherwise approved in these conditions. (Planning)		
4. No activity shall be permitted within the protected zone of any native oak tree beyond those identified in Exhibits A & B, and Attachments 3 & 4. (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 \$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 regarding tree preservation shall result in forfeiture of all or a portion of the cash deposit or bond. (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)		

<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 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><u>DURING CONSTRUCTION</u></p>		
<p>11. 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>12. 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>13. 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>14. 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>15. Where recommended by the arborist, portions of the foundation footing and utility trenches 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>		

16. 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)		
<u>PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT</u>		
17. 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)		
18. A copy of this completed Tree Permit Compliance Verification/ Inspection form shall be submitted to the Planning Department. (Planning)		

ATTACHMENTS

1. Vicinity Map
2. Lot 92 Plan Approved May 8, 2003 (Whispering Canyon Master Tree Permit, TP 03-06)
3. Arborist Report / Tree Inventory, November 4, 2004
4. Impact Assessment, November 18, 2002
5. March 27, 2005 Letter from Chris Henderson, owner of Lot 91

EXHIBITS

- A. Site Plan / Tree Map
- B. Grading Plan
- C. Building Elevations

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.