

ITEM IV-B: TREE PERMIT – 500 QUAILS NEST COURT – NORTH INDUSTRIAL PLANNING AREA (NIPA) PCL 3 TREE PERMIT – FILE# 2010PL-049 (TP-000121)

REQUEST

The applicant requests approval of a Tree Permit to encroach 47% into the protected zone radius (PZR) of one native oak tree for the construction of a single-family residential dwelling. The Roseville Tree Preservation Ordinance requires a Tree Permit for any regulated activity within the PZR where encroachment exceeds 20%.

Project Applicant / Owner: Daryle Hassler, JMC Homes

SUMMARY RECOMMENDATION

The Planning & Redevelopment 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 the nineteen (19) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

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

BACKGROUND

The subject property is a vacant 6,636 square-foot residential parcel zoned Small Lot Residential, Development Standards (RS/DS). The site occupies lot 11 of the Longmeadow subdivision and is located on the west side of Quails Nest Court. On March 11, 2004, the Planning Commission approved a Tentative Subdivision Map and Master Tree Permit (TP 01-21) for Longmeadow subdivision, authorizing the removal of three trees and the encroachment into several others. The Master Tree permit anticipated that future home construction would result in additional encroachments and/or tree removals.

The subject lot is one of seventeen remaining unbuilt lots in the subdivision and contains a 31" Blue Oak tree (Tree #4802) located at the front of the property. In 2006 the subdivision was mass graded and improvements including the sidewalk, curb and gutter were constructed approximately sixteen (16) feet to the west of tree #4802. These improvements resulted in approximately 12% encroachment into the PZR.

In 2010, the native oak tree was reassessed by a certified arborist and determined to have a Protected Zone Radius (PZR) of 28 feet and was classified as having fair structure and vigor. At this time, the applicant requests approval of a Tree Permit to allow additional encroachment into the PZR of Tree #4802. Construction of the home will increase the percentage of encroachment to approximately 47% (see Exhibit A). The Tree Preservation Ordinance requires that encroachment greater than 20% be reviewed by the Planning Commission.



EVALUATION

The Tree Ordinance requires the City to consider the appropriateness of and alternatives to proposed encroachments. An Arborist report / tree inventory has been prepared for the site that identifies the tree species, size, proposed encroachment, and recommended mitigation measures. In addition, the potential construction impacts related to development are analyzed below.

Foundation System and Aeration: With the construction of the proposed house and associated improvements there will be encroachment into the PZR of Tree #4802; however, the arborist has included construction measures to limit the impact. As such, the proposed house will have a pier and grade beam foundation at the front of the structure where it encroaches into the east quadrant of the tree and a slab foundation poured at grade for the remainder of the house (see Condition #3). While there will be grade cuts within a portion of the protected zone, the arborist believes that due to the distance from the tree trunk, it is unlikely that the excavation would disrupt any significant roots. In the event root damage does occur, the arborist recommends that the roots be treated immediately and that the tree be monitored for signs of stress through the completion of the project. Staff has included the complete arborist report as Exhibit B and recommendations by the arborist for preserving the health of the tree have been incorporated into the project in the form of conditions of approval. With the implementation of the mitigation measures provided in the Conditions of Approval, the arborist is confident that the tree will survive.

In addition, staff has discussed the installation of an aeration system with the project arborist. It was determined that such a system was not necessary since a substantial portion of the tree's root zone will remain undisturbed with the construction of the home.

Lot Drainage: Lot 11 will largely retain its existing drainage pattern to the front of the lot directly to Quails Nest Court. Staff has provided Attachment 1, which is a copy of the grading & erosion control plan for the Longmeadow subdivision that shows the pad elevations and drainage for the lot. As shown in Attachment 1, water on the lot will drain to the northwest, towards Quails Nest Court. As previously mentioned, the base elevation of Tree #4802 is 111.1 feet and the lowest points on the lot are located towards the street at 109 feet; therefore, staff has determined that the drainage is satisfactory since there will be no standing water within the PZR of Tree #4802. In addition, 12 - 14 inches of fill will be located within the low point of the tree canopy to avoid the need for constructing a drainage swale.

Utility Lines: The project will include underground utility improvements consisting of water, sewer, electric, and natural gas. Based on the arborist report, water, electric, and gas utility connections will be located outside of the protected zone and will not encroach into the PZR when routed to the house.

However, the sewer stub connection is located at the back of the sidewalk, 14 feet into the west quadrant of the PZR. Due to the sewer stub location and the inability to route the line directly to the house, the arborist suggests routing the line out to the far southern quadrant of the PZR and then east, directly to the house. Although the proposed configuration would increase the amount of cut within the PZR, this alternative would limit root impacts and minimize long term construction impacts to the tree by avoiding major roots located close to the tree trunk.

Pruning: The arborist notes that only minor clearance pruning is necessary, and that this pruning will not diminish the vigor or health of the tree.

Chimney: The house plan includes a chimney that is located approximately 30 feet outside the PZR. Based on its current location, the chimney is consistent with the requirements outlined in the Tree Preservation section of the Zoning Ordinance, which states that chimneys shall not be located within the canopy of trees.

Alternatives to Proposed Encroachments: In an effort to minimize encroachment into the tree's PZR, staff worked with the applicant to set the house back further away from the native oak tree. The plot plan originally submitted to the Planning Department showed the house located three feet closer to the tree trunk, however, the applicant agreed to staff's recommendation and reduced the rear yard setback by moving the house further to the east. In doing so, the encroachment into the PZR was reduced by three percent.

Staff has explored other alternatives to further limit the impact on the native oak tree and found that moving the house closer to the rear property line was the only viable option. However, the rear yard area could not be reduced any further based on the subdivision's minimum usable rear yard standards. Furthermore, most of the encroachment is due to the location of the driveway, which can not be altered. Given the size of the house and the lot, and based on the location of the native oak tree, there are no additional modifications that would help decrease the impact within the PZR. The arborist has indicated that the proposed encroachment created by the construction of a house on Lot 11 can be mitigated with the measures contained as conditions of approval.

CONCLUSION

The arborist has determined that with the recommended mitigation measures the proposed encroachments are not likely to result in the subsequent decline of the tree. Staff concurs with the arborist's findings and recommends approval of the proposed Tree Permit as shown in Exhibit A.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303(a) pertaining to the construction of a single family residence in a residential zone, and Section 305 of the City of Roseville CEQA Implementing Procedures.

RECOMMENDATION

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

- A. Adopt the two (2) findings of fact for the Tree Permit – 500 Quails Nest Court – NIPA PCL 3 Tree Permit – FILE# 2010PL-049 (TP-000121):
 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 permit to minimize impacts to encroached native oak trees.*

B. Approve the Tree Permit – 500 Quails Nest Court – NIPA PCL 3 Tree Permit – FILE# 2010PL-049 (TP-000121) with the nineteen (19) conditions listed below.

TREE PERMIT- 000121 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 #4802, as shown on Exhibit A, is approved for encroachment with this tree permit. The encroachment required for driveways, walkways, foundations and footings shall be limited to what is shown in Exhibit A and as described in the arborist's report (Exhibit B). The tree to be encroached upon shall be clearly marked in the field and inspected by Planning Staff prior to construction. (Planning)		
3. Construction drawings shall be submitted during plan check reflecting a pier and grade beam foundation at the front of the structure where it encroaches into the east quadrant of the tree. (Planning)		
4. No activity shall be permitted within the protected zone of the native oak tree beyond those identified by this report. (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 the tree 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)		
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 pruning, 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. 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. 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. 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 footing(s) 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>		

ATTACHMENT

1. Grading & Erosion Plan

EXHIBITS

- A. Plot Plans
- B. Arborist Reports/Tree Inventory (Kemper Tree Care, June 30, 2010)

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.