

ITEM IV-B: TREE PERMIT- 109 FOLSOM RD. – BARRETT RESIDENCE TREE PERMIT – FILE # PL13-0205

REQUEST

The applicant requests approval of a Tree Permit to remove two (2) native oak trees to construct a single family home on the lot. The oak trees are Valley Oaks totaling 19 inches in diameter at breast height (dbh).

Applicant/Property Owner: Vernon Barrett

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 eighteen (18) 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 109 Folsom Rd. within the infill area of the City. The majority of the parcel is zoned Floodway Fringe (FF). A portion of the property which is closest to Dry Creek is zoned Floodway (FW). A smaller portion of the property located next to Maciel Av. is zoned Single Family Residential (R1). On December 6, 1989 a Parcel Map (PM 907-379) was approved by the City Council which created two residential parcels including the parcel at 109 Folsom St. and the adjacent parcel at 111 Maciel Av. The property at 111 Maciel Av. has been developed with a single family residence.

Figure 1: Aerial Photo



The subject parcel is approximately 0.55 acres in size, and slopes from Maciel Av. down to Dry Creek. The lot is surrounded by single family residential lots to the south and east. To the north is Dry Creek and to the west across Folsom Rd. is a preschool facility. As shown in Figure 2 below, native oak trees are dispersed throughout the property.

Figure 2: View of the lot from Maciel Av.



The proposed location of the residence is within the City's Federal Emergency Management Agency (FEMA) regulated 100-year floodplain. As such, the proposed residence will need to adhere to the City's Flood Damage Prevention Ordinance (Municipal Code Section 9.80). One of the requirements of the Ordinance includes constructing the home's lowest floor (and all heating and electrical systems) two feet above the City's base flood elevation in the area. The base flood elevation on the property is 149 feet above sea level. The applicant has worked with the City's Floodplain Management section to address these requirements and has developed a plot plan and building elevations which will locate the lowest floor at 153 feet above sea level, which will meet these standards. The home's foundation will be constructed out of concrete blocks and will be covered with stucco. This type of construction is required given the home's location within the 100-year floodplain. The proposed plans have been provided as Exhibits A through C.

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 the lot that identifies tree species, size, health, and the current condition of all protected trees in the area proposed for construction. The arborist report is provided as Exhibit D.

Tree Removals

Two (2) Valley Oak trees are proposed by the applicant for removal (Tree #'s 943 & 944; 13" & 6" DBH) to accommodate construction of the proposed home. Tree #943 is severely leaning toward the west away from the adjacent tree canopy on the lot to the east. You can see both trees in Figure 3 below.

Figure 3: Tree removals



The structure's placement on the lot was planned to minimize the impact on other protected trees on the property. In addition, the placement of the home and type of construction will minimize the use of fill within the Floodplain. Given the slope of the grades at the front of the lot and desired front setback of the home, tree removals are necessary if development is to occur. Staff did evaluate the potential to move the home further toward Maciel Av. away from the trees. However, the applicant desires to retain a large front yard setback for privacy and security reasons. By placing the house in the proposed location the applicant is able to preserve all other protected trees on the western side of the lot, and the trees at the front and rear of the property. The proposed location will also minimize the amount of earthwork that needs to occur within the Floodplain.

In addition, the vigor of the trees proposed for removal is listed as fair, while the structure is listed as poor given their lean to the west. Given the health of the trees and the fact that the applicant will preserve the majority of the oak trees on the site, Staff is in support of the tree removals.

Tree Mitigation

The mitigation requirement for the removal of Tree #'s 943 & 944 is 19 inches. The applicant is proposing to mitigate for the removals through 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 consistent with the single-family residential zoning. Staff explored alternatives to reduce the need for tree removals, but has determined that the proposed layout is consistent with the original Tentative Parcel Map approvals and the City’s Tree Ordinance. As a result, staff recommends that the Planning Commission approve the requested Tree Permit.

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 – 109 FOLSOM RD. – BARRETT RESIDENCE TREE PERMIT – FILE# PL13-0205;
 - 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 – 109 FOLSOM RD. – BARRETT RESIDENCE TREE PERMIT – FILE# PL13-0205 subject to the nineteen (18) conditions listed below;

PL13-0205 - 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 D) shall be incorporated as part of these conditions except as modified herein. (Planning)		
2. Tree #943 & #944 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)		

<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 19. 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. (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. 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>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)</p>		
<p>18. A copy of this completed Tree Permit Compliance Verification/Inspection form shall be submitted to the Planning Department. (Planning)</p>		

EXHIBITS

- A. Site Plan
- B. Landscape Plans
- C. Building Elevations
- D. Consulting Arborist Report/Tree Inventory (ACORN – September 11, 2013)

Note to Applicant and/or Developer: Please contact the Planning Division 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.