

ITEM V-A: **CONDITIONAL USE PERMIT, DESIGN REVIEW PERMIT MODIFICATION, AND TREE PERMIT – FIRST CHURCH OF CHRIST SCIENTIST – 145 PARK DRIVE - FILE#: 2006PL-235 (CUP-000038, DRP-000172 and TP-000087)**

REQUEST

The applicant requests approval of a Conditional Use Permit and Design Review Permit Modification to modify and expand the existing church's parking area, and add landscaping and lighting. A Tree Permit is also requested to encroach into the protected zone radius of a native oak tree in association with the parking expansion.

Applicant – Duane R. Thomson, AIA
Owner – First Church of Christ Scientist, Roseville.

SUMMARY RECOMMENDATION

The Planning Department recommends that the Planning Commission:

- A. Adopt the three (3) findings of fact for the Conditional Use Permit;
- B. Approve the Conditional Use Permit subject to one (1) condition;
- C. Adopt the two (2) findings of fact for the Design Review Permit Modification;
- D. Approve the Design Review Permit Modification with forty-three (43) conditions of approval;
- E. Adopt the two (2) findings of fact for the Tree Permit; and
- F. Approve the Tree Permit subject to nineteen (19) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

The applicant is in agreement with the recommended conditions of approval. There are no outstanding issues.

BACKGROUND

The project site consists of two separate parcels, 141 & 145 Park Drive, located on the east side of Park Drive, within the Infill area of the City (see Attachment 1). The project site is bordered by single family residences on the north, south and east sides. Royer Park is located across Park Drive, to the west of the project site.

The church is located on the parcel addressed as 145 Park Drive, a 20,072 square foot parcel developed with a 3,315 square foot church building and a Sunday school building of 1,920 square feet.

The parcel addressed as 141 Park Drive is a 3,030 square foot lot located on the northeast corner of the project site. The parcel is currently undeveloped, with a 21" native valley oak located on this portion of the project site. This parcel was obtained by the church as a result of a Lot Line Adjustment (LLA-00-07), which was approved by the Subdivision Committee on June 21, 2000.

The General Plan's designated land use for the site is Low Density Residential (LDR4). Zoning for the site is Single Family Residential (R1) for 145 Park Drive and Two Family Residential (R2) for 141 Park Drive. Per the Zoning Ordinance, churches are allowed within the R1 and R2 zone districts, subject to approval of a Conditional Use Permit.

Information received from the applicant indicates that a church has operated at the site since 1929. Property records show that the First Church of Christ Scientist acquired the property in 1938. There are currently 16 parking spaces at the site. Based on current Zoning Ordinance standards, 26 parking spaces would be required for the site. Therefore, parking for the church is classified as nonconforming.

The applicant requests a Design Review Permit Modification to add new parking spaces and reconfigure existing spaces to bring the dimensions of the individual spaces into compliance with current City zoning standards. ADA compliant parking and access to the buildings will also be provided. There are no proposed changes to the church buildings or the church operation that would increase the parking requirement, nor require that the number of parking spaces be increased to meet current Zoning Ordinance standards. A Tree Permit is requested to authorize encroachment within the protected zone radius of the oak tree located in the vicinity of the proposed parking expansion.

Adjacent Zoning and Land Use

Location	Zoning	General Plan Land Use	Actual Use Of Property
Site	Single Family Residential (R1) & Two Family Residential (R2)	Low Density Residential (LDR4)	First Church of Christ Scientist
North	(R1)	(LDR4)	Single Family Residences
East	(R2)	(R2)	Single Family Residences
South	(R1)	(LDR4)	Single Family Residences
West	Park & Recreation/ Floodway (PR/FW)	Park & Recreation (PR)	Royer Park

The proposed project is consistent with the land uses contemplated by the City’s General Plan, and the Zoning Ordinance.

EVALUATION AND FINDINGS

CONDITIONAL USE PERMIT

Conditional Use Permits are evaluated for consistency with the City’s General Plan, conformance with the City’s Zoning Ordinance, and potential for impacts to the health, safety and welfare of persons who reside or work in the area. Specifically, the Planning Commission must make the three findings of fact listed below in bold italics to approve a Conditional Use Permit (CUP). An analysis of the request for expansion of the church’s facilities on to the parcel addressed as 141 Park Drive follows each finding.

1. The proposed use is consistent with the City of Roseville General Plan.

The land use designation for the subject property is Low Density Residential (LDR4). The LDR land use designation is intended to provide single-family dwelling units and other associated uses. Primary uses include attached and detached single-family residences; and public parks, resource preservation and open space. Secondary uses include public and private schools and religious assembly (churches). Because churches are permitted as a secondary use, and the church already operates at the site, expansion of the church facilities is consistent with the General Plan.

2. The proposed use conforms with all applicable standards and requirements of the City of Roseville Zoning Ordinance.

Chapter 19.10 of the Roseville Zoning Ordinance identifies churches (Community Assembly) as conditionally permitted uses within the Residential Single Family (R1) and Two Family (R2) zones. Conditional Use Permits are used to address potential incompatibilities between land uses and allows the Planning Commission to condition the project to assure compatibility with surrounding land uses.

The standards and requirements of the Zoning Ordinance are used to evaluate the appropriateness of a use for a particular location. For Community Assembly uses, the Zoning Ordinance does not establish specific development standards, except for parking requirements. As discussed above, the church has operated at the site since 1938. Based on current Zoning Ordinance standards, the site would require 26 parking spaces. Since the church currently has only 16 spaces, parking at the site is considered nonconforming, per the Zoning Ordinance.

The proposed modifications and parking area expansion will increase available parking by four spaces, for a total of 20 parking spaces at the site. There are no proposed changes to the church buildings or the church operation that would increase the parking requirement, or require that the number of parking spaces be increased to meet current Zoning Ordinance standards. Chapter 19.24.020C.2.D of the Zoning Ordinance allows nonconforming parking to remain, provided there is no expansion of use requiring additional parking. Therefore, the proposed modifications will comply with the Zoning Ordinance requirements.

3. The location, size, design and operating characteristics of the proposed use is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.

The regular hours of operation for the church are Sundays from 10:00 AM to 11:00 AM for Church and Sunday school services, and Wednesday evenings from 7:30 PM to 8:30 PM for testimonial meetings. There is a business meeting approximately once per month on a weekday evening, with occasional weekday visitors attending to church business. The Church is not used for social activities such as weddings or parties.

Staff's evaluation of the proposal has found that the proposed parking expansion will not change the operational hours or characteristics of the church. The proposed expansion will increase the off-street parking opportunities for church members and reduce on-street parking demand which will benefit the area.

The church already has parking spaces adjacent to the area of proposed expansion, and traffic currently passes through the church property on the existing driveway while entering or exiting the church. The proposed expansion will add a net of four additional spaces, which will not significantly change traffic patterns, or increase vehicle traffic that uses the church's existing driveways and parking area. Additionally, ADA compliant access ramps, paths of travel, and parking will be constructed at the site which will benefit visitors to the church.

No building modifications are proposed and the additional parking will benefit existing church members and area residents. Because of this, staff believes this finding can be made.

Conditional Use Permit Conclusion

Based on the analysis contained in this staff report, and with the project conditions, the required findings can be made for the proposed Conditional Use Permit.

DESIGN REVIEW PERMIT MODIFICATION

The evaluation of the Design Review Permit Modification for the proposed project has been based on the applicable development standards within the City's Zoning Ordinance and the design standards of the City's Community Design Guidelines. Staff reviewed the proposal for consistency with all applicable standards and found the project to be consistent with the requirements and guidelines in each. The following discussion is provided as clarification on the proposed modifications.

Site Design: The site has an existing driveway, with one-way travel, that circles through the property, with separate entry and exit drives on Park Drive. Existing parking is located adjacent to the driveway. The proposed changes to the site, including additional parking, modifications to existing parking, landscaping, and lighting, will not alter the existing site access or building layouts. A six-foot high, solid wooden fence is currently in place along the north and east property lines, which will screen the new parking area from adjacent properties. Additional detail on site modifications is addressed below.

Parking: There are 16 existing parking spaces on the property, although many of these spaces are not compliant with current zoning standards. The applicant proposes to modify the existing parking spaces to bring their individual dimensions into compliance with current zoning standards. Eight new parking spaces will be added in the northeast portion of the property, north of the existing Sunday school building. The proposed modifications to the existing parking areas, combined with the addition of new spaces will result in a net increase of four parking spaces, including a space designated as handicapped parking. Additionally, handicap accessible ramps and a designated accessible path of travel to both buildings will be constructed at the site (see Exhibit A).

Lighting: Lighting for the new parking area will be provided by three light bollards, forty-two inches in height, which are equipped with downward-angled louvers, minimizing light spillage and glare onto adjacent properties. Additional security and parking area lighting will be provided by fixtures installed on the north wall of the Sunday school building. These fixtures will have deflectors which will minimize light spillage and glare to adjacent properties. Existing parking and security lighting will remain in place.

Landscaping: Additional landscaping and trees will be installed as part of the proposed modifications at the site. There is a 21" valley oak tree, as well as a 14" pecan tree (not a protected tree), growing within the protected zone radius (PZR) of the oak tree. As part of this project, a Tree Permit is requested to allow encroachment within the PZR of the oak tree. Additional details regarding the oak tree encroachment are provided in the Tree Permit Evaluation. The 14" pecan tree at the site will need to be removed in order to complete the parking area expansion requested in this application; however, four additional trees (Chinese Pistache) will be planted as part of the overall landscape plan to provide shading for the expanded parking area. Staff finds the proposed landscaping sufficient for the site.

FINDINGS

In order to approve a Design Review Permit Modification, the following two findings must be made:

- 1. The proposed modification is in substantial compliance with the intent of the original approval, prior conditions of approval, and all applicable design, development and improvement standards in effect as of the date of application for the modification.***
- 2. The proposed modification is in compliance with all standards and requirements of the City's Zoning Ordinance, with the applicable goals, policies and objectives set forth in the General Plan, the applicable Community Design Guidelines.***

Design Review Permit Conclusion

Based on the analysis contained in this staff report and with the project conditions, the required findings can be made for the proposed Design Review Permit Modification.

TREE PERMIT

The Tree Preservation Chapter of the Zoning Ordinance requires the City to consider the appropriateness of, and alternatives to, proposed tree removals and encroachments. An arborist report has been prepared for the valley oak tree located on the parcel addressed as 141 Park Drive that identifies the tree species, size, health, and current condition of the tree for which encroachment is requested. The report is provided as Exhibit B.

Encroachments

Construction of the parking area will encroach 38% into the protected zone radius of the 21-inch Valley Oak. Because of the small size of the parcel, it is not possible to avoid encroachment into the oak tree's protected zone. The arborist report and supplemental letter identify the impacts of the proposed parking area and establish recommendations for mitigating the impacts from encroachments. The following recommendations have been included as a condition of the project (see Attachment 2 and Exhibit B). No curb or asphalt will be placed within 12 feet from the trunk of the tree. The lowest primary limb extending to the southwest should be removed and the remaining canopy of the tree should be pruned for "crown cleaning." Additional pruning of primary branches should be done, and dead branches should be removed. During construction, a certified arborist must observe the construction during the initial sub grading for the parking area. Roots one inch or larger in diameter should be cut smoothly. Exposed roots should be covered within 24 hours to keep them from drying out.

With the implementation of these recommendations the arborists believe that the tree can be preserved.

Tree Permit Conclusion

The Planning Department has determined that encroachment within the oak trees' protected zone cannot be avoided and recommends that the Planning Commission approve the requested Tree Permit and associated recommendations and conditions.

ENVIRONMENTAL DETERMINATION

This project is exempt from further environmental review in accordance with Section 15332 of the California Environmental Quality Act (CEQA) as an Infill Development Project that is consistent with the applicable General Plan and zoning designations. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses and can be adequately served by all required utilities and public services. Furthermore, the project site has no value as habitat for endangered, rare, or threatened species, and approval of the project would not result in any significant effects relating to traffic, noise, air, or water quality.

RECOMMENDATION

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

- A. Adopt the three (3) findings of fact stated in the staff report for the **CONDITIONAL USE PERMIT – 145 Park Drive – First Church of Christ Scientist Modification - PROJECT# 2006PL-235 (FILE# CUP-000038)**;
- B. Approve the **CONDITIONAL USE PERMIT – 145 Park Drive – First Church of Christ Scientist Modification - PROJECT# 2006PL-235 (FILE# CUP-000038)**, subject to one (1) condition of approval.
- C. Adopt the two findings of fact as stated in the staff report for approval of the **DESIGN REVIEW PERMIT MODIFICATION – 145 Park Drive – First Church of Christ Scientist Modification – PROJECT# 2006PL-235 (FILE# DRP-000172)**;
- D. Approve the **DESIGN REVIEW PERMIT MODIFICATION – 145 Park Drive – First Church of Christ Scientist Modification – PROJECT# 2006PL-235 (FILE# DRP-000172)** subject to forty-three (43) conditions of approval.
- E. Adopt the two (2) findings of fact below for the **TREE PERMIT – 145 Park Drive – First Church of Christ Scientist Modification – PROJECT# 2006PL-235 (FILE# TP-000087)**:
 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.*
 2. *Measures have been incorporated in the project or permit to mitigate impacts to remaining trees or to provide replacement for trees removed.*
- F. Approve the **TREE PERMIT – 145 Park Drive – First Church of Christ Scientist Modification – PROJECT# 2006PL-235 (FILE# TP-000087)** with the nineteen (19) conditions of approval;

CONDITIONS OF APPROVAL FOR CUP-000038:

1. The CUP will be effectuated upon the effectuation of the DRP-000172, and shall expire concurrent with DRP-000172.

CONDITIONS OF APPROVAL FOR DRP-000172:

1. This design review permit approval shall be effectuated within a period of two (2) years from this date and if not effectuated shall expire on **May 24, 2009**. 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 **May 24, 2009**. (Planning)
2. The project is approved as shown in Exhibits A and B, and as conditioned or modified below. (Planning)
3. Accessible parking and exterior route of travel shall comply with the 2001 CBC, sections 1129B and 1127B. Table 11B-6 shall establish total number of accessible parking spaces. (Building)
4. The design and installation of all fire protection equipment shall conform to the California Fire Code and the amendments adopted by the City of Roseville, along with all standards and policies implemented by the Roseville Fire Department. All amendments, standards and policies can be found on the City's web site www.roseville.ca.us or contact Patrick Chew, Plan Check Engineer, at 916-774-5823 or pchew@roseville.ca.us with the Fire Prevention Division for information. (Fire)

5. The applicant shall pay the City's actual costs for providing plan check, mapping, GIS, and inspection services. This may be a combination of staff costs and direct billing for contract professional services. (Engineering, Environmental Utilities, Finance)
6. The design and construction of all improvements shall conform to the Improvement Standards and Construction Standards of the City of Roseville, or as modified by these conditions of approval, or as directed by the City Engineer. (Engineering)
7. The applicant shall not commence with any on-site improvements until such time as grading and/or improvement plans are approved and grading and/or encroachment permits are issued by the Department of Public Works (Engineering)
8. The approval of this project does not constitute approval of proposed improvements as to size, design, materials, or location, unless specifically addressed in these conditions of approval. (Engineering)

PRIOR TO BUILDING PERMITS:

9. Parking stalls shall meet, or exceed, the following minimum standards:
 - a. All parking stalls shall be double-striped. Parking stalls adjacent to sidewalks, landscaped areas or light fixtures, and all Accessible stalls shall abut a 6" raised curb or concrete bumper. (Planning)
 - b. Standard -- 9 feet x 18 feet; Compact--8 feet x 16 feet; Accessible--14 feet x 18 feet (a 9 foot wide parking area plus a 5 foot wide loading area) and a minimum of one (1) parking space shall be Accessible van accessible--17 feet x 18 feet (9 foot wide parking area plus an 8 foot wide loading area). (Planning)
 - c. An 'exterior routes of travel' site accessibility plan incorporating slope, cross-slope, width, pedestrian ramps, curb ramps, handrails, signages, detectable warnings or speed limit signs or equivalent means shall comprise part of the site improvement plans submitted to City for review, prior to building plan check approvals. This site accessibility plan shall also include:
 - i) Handicapped parking stalls shall be dispersed and located closest to accessible entrances. The total number of accessible parking spaces shall be established by Table 11-B-6 of the CBC.
 - ii) Accessible Parking spaces and crosswalks shall be signed, marked and maintained as required by Chapter 11 of the CBC.
 - iii) Accessible parking and exterior route of travel shall comply with CBC, Sections 1127B and 1129B. (Building)
10. Signs and/or striping shall be provided on-site as required by the Planning Department to control on-site traffic movements. (Planning)
11. The plans submitted to the Building Department for permits shall indicate all approved revisions/alterations as approved by the Commission including all conditions of approval. (Planning)
12. The Landscape plan shall comply with the City of Roseville Water Efficient Landscape Requirements Resolution No. 93-55. (Planning)
13. The tree plantings in the parking areas shall be designed to provide a minimum of 50% shade coverage after 15 years. (Planning)

14. Extension of irrigation and electricity to the new parking area and any new landscape borders must be done along the eastern and northern property boundaries in a location as to not encroach within the protected zone of the valley oak tree at the site. (Planning)
15. At a minimum, landscaped areas not covered with live material shall be covered with a rock, (2") bark (no shredded bark) or (2") mulch covering. (Planning)

Prior to the issuance of Building Permits:

16. A separate **Site Accessibility Plan** which details the project's site accessibility information as required by California Title 24, Part 2 shall be submitted as part of the project Building Permit Plans. (Building)
17. Building permit plans shall comply with all applicable code requirements (Uniform Building Code - UBC, Uniform Mechanical Code - UMC, Uniform Plumbing Code - UPC, Uniform Fire Codes - UFC and National Electrical Code - NEC), California Title 24 and the American with Disabilities Act - ADA requirements, and all State and Federally mandated requirements in effect at the time of submittal for building permits (contact the Building Department for applicable Code editions). (Building)
18. For all work to be performed off-site, permission to enter and construct shall be obtained from the property owner, in the form of a notarized right-of-entry. Said notarized right-of-entry shall be provided to Engineering prior to approval of any plans. (Engineering)
19. The grading and improvement plans shall be designed in accordance with the City's Improvement Standards and Construction Standards and shall reflect the following:
 - a. Street improvements including, but not limited to, curb, gutter, sidewalk, pavement, drainage systems, traffic striping, signing, medians and markings, etc. along all existing and proposed City streets, as required by Engineering.
 - b. Grading shall comply with the City grading ordinance. Erosion control devices (sediment traps, ditches, straw bales, etc.) shall be shown on the grading plans. All erosion control shall be installed prior to the onset of wet weather. Erosion control is installed to minimize silt discharge from the project site. It is incumbent upon the applicant to ensure that necessary measures are taken to minimize **silt** discharge from the site. Therefore modification of the erosion control plan may be warranted during wet weather conditions.
 - c. Standard Handicap ramps shall be installed at all curb returns per City Standards. (Engineering)
20. The applicant shall apply for and obtain an encroachment permit from the Engineering Department prior to any work conducted within the City right-of-way. (Engineering)
21. A note shall be added to the grading plans that states:

*"Prior to the commencement of grading operations, the contractor shall identify the site where the **excess/borrow** earthen material shall be imported/deposited. If the **borrow/deposit** site is within the City of Roseville, the contractor shall produce a report issued by a geotechnical engineer to verify that the exported materials are suitable for the intended fill, and shall show proof of all approved grading plans. Haul routes to be used shall be specified."* (Engineering)
22. "Prior to the issuance of a grading permit or approval of Improvement Plans, the grading plans shall clearly identify all existing water, sewer and recycled water utilities within the boundaries of the project (including adjoining public right of way). Existing utilities shall be identified in plan view and in profile view where grading activities will modify existing site elevations over top of or within 15 feet of the utility.

Any utilities that could potentially be impacted by the project shall be clearly identified along with the proposed protection measures. The developer shall be responsible for taking measures and incurring costs associated with protecting the existing water, sewer and recycled water utilities to the satisfaction of the Environmental Utilities Director. (Environmental Utilities)

23. The applicant shall pay for all applicable water and sewer fees. (Environmental Utilities)
24. One (1) bike rack shall be located near the church building. (Planning, Transportation)
25. The design and installation of all fire protection equipment shall conform to the California Fire Code and the amendments adopted by the City of Roseville, along with all standards and policies implemented by the Roseville Fire Department. (Fire)
26. The applicable codes and standards adopted by the City shall be enforced at the time construction plans have been submitted to the City for permitting (Fire)
27. All on-site external lighting shall be installed and directed to have no off-site glare. Lighting within the parking areas shall provide a maintained minimum of one (1) foot candle of light. All exterior light fixtures shall be vandal resistant. (Planning & Police)
28. The parking lot shall have properly posted signs that state the use of the parking area is for the exclusive use of employees and customers of this project. (See California Vehicle Code Sections 22507.8, 22511.5, 22511.8, 22658(a), and the City of Roseville Municipal Code Section 11.20.110). The location of the signs shall be shown on the approved site plan. (Planning & Police)
29. It is the developer's responsibility to notify PG&E of any work required on PG&E facilities. (PG&E)

DURING CONSTRUCTION & PRIOR TO ISSUANCE OF OCCUPANCY PERMITS:

30. The following note shall be added to the improvement plans:

To minimize dust/ grading impacts during construction the applicant shall:

- a. Spray water on all exposed earth surfaces during clearing, grading, earth moving and other site preparation activities throughout the day to minimize dust.
 - b. Use tarpaulins or other effective covers on all stockpiled earth material and on all haul trucks to minimize dust.
 - c. Sweep the adjacent street frontages at least once a day or as needed to remove silt and other dirt which is evident from construction activities.
 - d. Ensure that construction vehicles are cleaned prior to leaving the construction site to prevent dust and dirt from being tracked off-site.
 - e. The City shall have the authority to stop all grading operations, if in opinion of city staff, inadequate dust control or excessive wind conditions contribute to fugitive dust emissions. (Engineering)
31. This project falls within the commercial land use category of the Dry Creek Watershed Flood Control Plan as determined by the Placer County Flood Control District and adopted by the City of Roseville. The project is therefore subject to a fee based on gross developed acres. (Engineering)

32. The applicant shall remove and reconstruct any existing damaged curb, gutter, and sidewalk along the property frontage. During plan check of the improvement plans and/or during inspection, Engineering will designate the exact areas to be reconstructed. (Engineering)
33. Existing public facilities damaged during the course of construction shall be repaired by the applicant, at the applicant's expense, to the satisfaction of the City. (Engineering)
34. All improvements being constructed in accordance with the approved grading and improvement plans shall be accepted as complete by the City. (Engineering)
35. The words "traffic control appurtenances" shall be included in the list of utilities allowed in public utilities easements (PUE's) located along public roadways. (Engineering)

OTHER CONDITIONS OF APPROVAL:

36. The applicant shall pay the City's actual cost for providing plan check, installation, and inspection services. This may be a combination of staff costs and direct billing for contract professional services. (Engineering, Environmental Utilities)
37. All existing public utility, electric, water, sewer and reclaimed water easements shall be maintained unless otherwise authorized by these conditions of approval. (Electric, Engineering, Environmental Utilities)
38. The parking lot striping and signing shall be maintained in a visual and legible manner. (Planning)
39. Following the installation of the landscaping, all landscape material shall be maintained in a healthy and weed free condition; dead plant material shall be replaced immediately. All trees shall be maintained and pruned in accordance with the accepted practices of the International Society of Arboriculture (ISA). (Planning)
40. The City reserves the right to restrict vehicle turning movements within the public right-of-way in the future if deemed necessary by the City Engineer. (Engineering)
41. The required width of fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. Minimum required widths and vertical clearances established by the Fire Code shall be maintained at all times during construction. Closure of accesses for fire apparatus by gates, barricades and other devices shall be prohibited unless approved by the Fire Chief. (Fire)
42. If site survey or earth moving work results in the discovery of hazardous materials in containers or what appears to be hazardous wastes released into the ground, the contractor or person responsible for the building permit must notify the Roseville Fire Department immediately. A representative from the Fire Department will make a determination as to whether the incident is reportable or not and if site remediation is required. (Fire)
43. The project is subject to the noise standards established in the City's Noise Ordinance. In accordance with the City's Noise Ordinance project construction is exempt between the hours of seven a.m. and seven p.m. Monday through Friday, and between the hours of eight a.m. and eight p.m. Saturday and Sunday. Provided, however, that all construction equipment shall be fitted with factory installed muffling devices and that all construction equipment shall be maintained in good working order. (Building)

CONDITIONS OF APPROVAL FOR TP-000087:

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. The tree shown on Exhibit B, is approved for encroachment with this tree permit. The encroachment required for expansion of the parking area shall be limited to what is shown in Exhibit B, as described in the arborist's report, and shall be performed by or under the supervision of a certified arborist. (Planning)		
3. 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)		
4. 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)		
5. A fencing plan shall be shown on the approved site plan and/or improvement plans demonstrating the Protected Zone for the affected tree. 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)		
6. 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)		
7. 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)		
8. 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>9. 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>10. A Site Planning Meeting shall be held with the applicant, the applicant's primary contractor, the Planning Department and the Engineering Department to review this permit, the approved grading or improvement plans, and the tree fencing prior to any grading on-site. The Developer shall call the Planning Department and Engineering Division two weeks prior to the start of grading work to schedule the meeting and fencing inspection. (Planning)</p>		
<p>DURING CONSTRUCTION</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 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>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>		

19. The approval of this Tree Permit shall expire on the same date as DRP-000172.		
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ATTACHMENTS

1. Vicinity Map
2. Letter from City of Roseville Certified Arborist
3. Aerial Photograph of Project Site

EXHIBITS

- A. Site Plan
- B. Arborist Report with Supplemental Letter

<p><u>Note to Applicant and/or Developer:</u> 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.</p>
