

**ITEM IV-B: TREE PERMIT – 1950 BLUE OAKS BL – WRSP FIDDYMENT RANCH F-31 – FILE #2008PL-139, PROJECT #TP-000111**

**REQUEST**

The applicant requests approval of a Tree Permit to remove two native oak trees related to construction of streets and infrastructure between commercial parcel F-31 and three adjacent High Density Residential parcels.

Applicant – Steve Hicks, Signature Properties  
Property Owner – Signature at Fiddymment LLC

**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 fourteen (14) conditions listed below.

**SUMMARY OF OUTSTANDING ISSUES**

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

**BACKGROUND**

On May 11, 2006 the Planning Commission approved a Tree Permit for WRSP Parcels F-22 and F-31 to remove four native oak trees related to construction of Harvey Way and related utility mains. The alignment of Harvey Way and Street C are set by the WRSP Land Use Plan and the Fiddymment Ranch Large Lot Map (see Figure 1). Future street grades have also been established in the Mass Grading Plan. From these plans it becomes apparent that the right-of-way grading and trenching for Street C on the east side of Parcel F-31 will impact two native oak trees (see Exhibit A). The trees could be retained and protected; however, the project arborist believes that the trees are over mature, surviving year by year, not good candidates to remain in a developed setting, and therefore should be removed.

**EVALUATION – TREE PERMIT**

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.

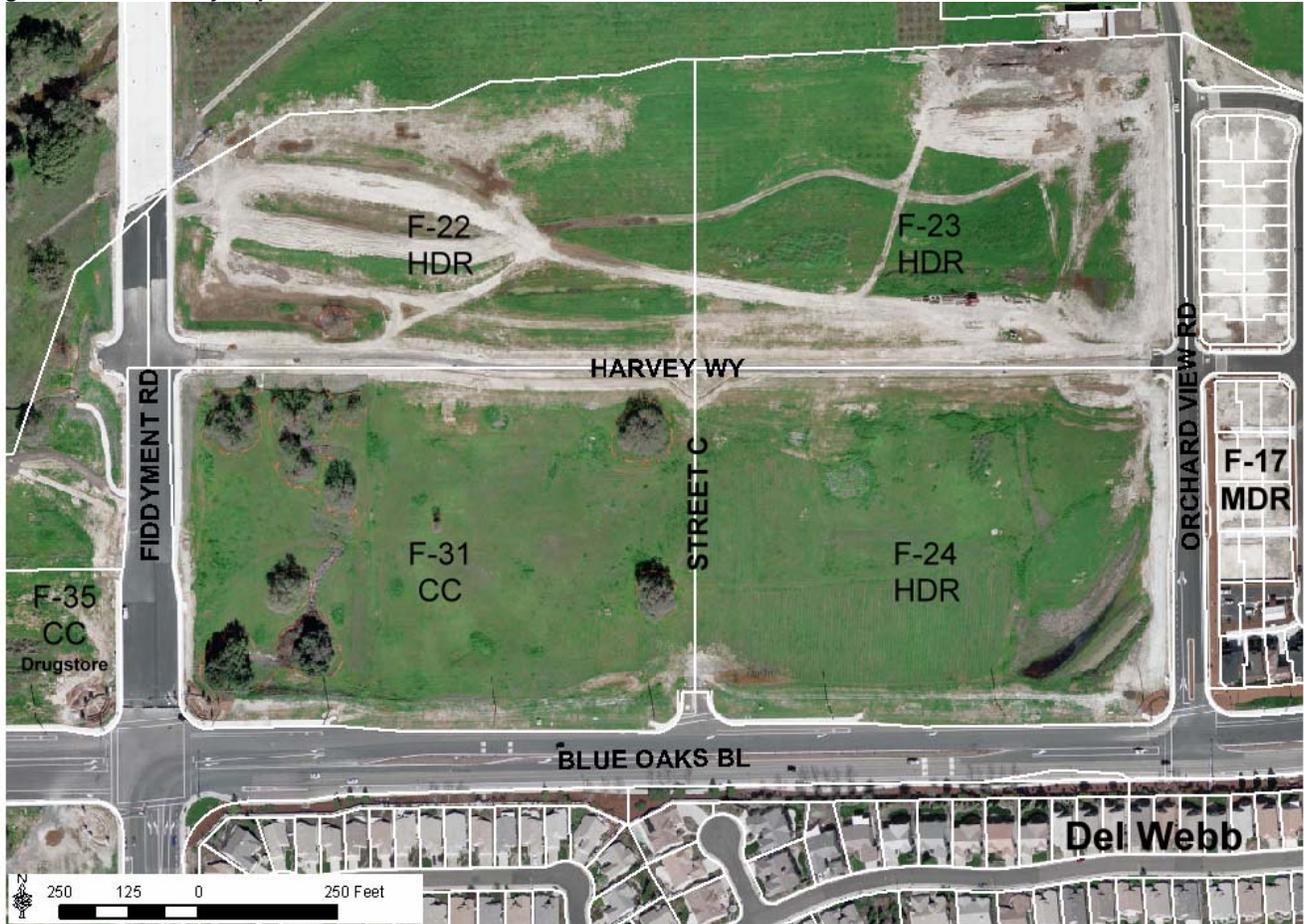
Sierra Nevada Arborists inventoried two trees in the vicinity of proposed Street C. Their report dated September 19, 2008 is attached as Exhibit B and summarized here:

Tree #	Type	DBH (in.)	PZR (ft.)	Structure	Vigor	Impacts
1672	QD	43	55	Poor-Fair	Fair	Removed for street construction
1673	QD	44	55	Poor-Fair	Poor-Fair	Removed for street construction

QD = Quercus Douglasii – Blue Oak

The two trees would be impacted by the grading, utility trenching and street construction. It should be noted that the site plan indicates several other native oak trees located on the west side of Parcel F-31 outside the construction zone for Harvey Way and Street C. These other trees will not be impacted by the street improvements and are not a part of this application.

Figure 1: Aerial Vicinity Map



Actual development plans have not been submitted for Parcel F-31; however, conceptual plans for Parcels F-24 and F-31 have been overlaid with existing site data and the approved Mass Grading Plan to help depict the future contours around Trees 1672 and 1673 (Exhibit A). The plans indicate that construction of Street C and associated utilities for Parcel F-31 will require encroachment into the Protected Zone Radii of both trees. While the extent of additional encroachment that may be required for future site improvements is unknown, it is likely that some encroachment would occur.

The arborist report describes the condition of both trees as over mature and notes that they are “at best, simply surviving year-by-year”. In the arborist’s experience, large, mature native oaks often begin a significant decline if site improvements occur within close proximity. Prior to completing the report, the arborist met with staff on-site to explain the two trees’ conditions, and to discuss impacts from development and chances for survival. When it was explained that outcomes for the trees would be unfavorable even with extraordinary protective measures, staff consented to the request for their removal at this time.

In the evaluation of the tree impacts staff considered the Street C grading design. Given that the street alignment was already approved in the WRSP and the Fiddymt Ranch Development Agreement, and that the Mass Grading Plan is designed to conform to Blue Oaks Boulevard and Fiddymt Road at the edges, there are limited grading alternatives for Street C.

The plans indicate that the proposed street construction could be done with an 8-foot deep cut on the eastern flank of the Protected Zone Radius of Tree 1672 and a 2:1 cut slope close to the tree. Future site grading would likely leave Tree 1672 perched 5 feet above surrounding improvements. Even with extraordinary protective measures, the combined impacts would eventually lead to this tree's demise, in the arborist's opinion.

The proposed street cut would only minimally impact Tree 1673. However, the tree has significant structural defects which make it a hazard for any development activities within the fall zone of the tree. The defects would also make the tree unsafe to retain on a developed site.

While the proposed street construction would not by itself require removal of the two trees, the alternative of retention and protection does not seem reasonable. Tree 1673 does not belong in a developed site and since Parcel F-31 is planned for commercial use the tree should be removed. Tree 1672 could be protected, but the root crown would be 5 to 8 feet above surrounding improvements. Given the previously approved right-of-way alignment and the significant amount of grading that will occur in this location, staff agrees there are no reasonable alternatives for preservation and agrees with the arborist's recommendation that both trees be removed. It should also be noted that staff considered that other trees on-site should be able to be retained and many trees are preserved in the nearby open space.

### ***Tree Mitigation***

The two trees proposed for removal have a combined mitigation diameter of 87 inches. The Tree Ordinance requires that trees approved for removal be mitigated on an inch for inch basis either by planting/regeneration or through payment of an in-lieu fee into the City's Tree Mitigation Fund. The applicant proposes to mitigate these trees by including the 87 inches into the mitigation plan approved for the Fiddymment Ranch roadway infrastructure tree permit (TP 04-08) approved by the Planning Commission on September 9, 2004. That mitigation plan provides for the planting of native oak trees and non-native oak trees within the landscape corridors, and the planting of native oak trees and seedlings in a designated tree mitigation zone along Pleasant Grove Creek in the Fiddymment Ranch open space. The plan includes mitigation monitoring over five years, with a measurement of the seedlings at five years and payment for any shortfall in mitigation inches. It is projected that, through this Tree Mitigation Plan, approximately 5,100 native and non-native trees will be planted.

### **ENVIRONMENTAL DETERMINATION**

This project is exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183, as a project consistent with the Environmental Impact Report (EIR) prepared for the West Roseville Specific Plan (WRSP) and certified by the City of Roseville on February 4, 2004 (SCH#2002082057). The WRSP EIR provides environmental analyses of community infrastructure and facilities such as streets and utilities. Mitigation measures for the removal of native oak trees were included in the Final EIR. CEQA analysis beyond that presented in the EIR is not required for implementation of these infrastructure facilities.

### **RECOMMENDATION**

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

- A. Adopt the two findings of fact as stated below for the Tree Permit – WRSP Fiddymment Ranch F-31 – File# 2008PL-139, Project # TP-000111;
  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; and*

2. *Measures have been incorporated in the project or permit to mitigate impacts to remaining trees and to provide replacement for trees removed.*

B. Approve the Tree Permit – WRSP Fiddymment Ranch F-31 – File# 2008PL-139, Project # TP-000111 subject to the fourteen (14) conditions listed below.

**CONDITIONS OF APPROVAL FOR TREE PERMIT TP-000111**

CONDITION	COMPLIANCE VERIFIED/ INSPECTED	COMMENTS
<b>PRIOR TO ISSUANCE OF ANY PERMITS OR ANY CONSTRUCTION ON-SITE</b>		
1. All recommendations contained in the Arborist Reports (Exhibit B) shall be incorporated as part of these conditions except as modified herein. (Planning)		
2. Trees 1672 and 1673 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 & Redevelopment Staff prior to removal. Removal of the trees shall be performed by or under the supervision of a certified arborist. (Planning)		
3. The developer shall be responsible for the replacement of 87 mitigation inches. Mitigation shall be provided as part of the Oak Tree Mitigation and Monitoring Plan for Fiddymment Ranch dated October 5, 2007. (Planning)		
4. No activity shall be permitted within the protected zone of any native oak tree beyond those identified by this report. (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. The existing tree bond for TP 04-08 shall remain in force to insure the preservation of all remaining trees during construction. Each occurrence of a violation on any condition regarding tree preservation shall result in forfeiture of all or a portion of the bond. (Planning)		
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 native oak trees. 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 & Redevelopment Department". (Planning)		
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>9. A Site Planning Meeting shall be held with the applicant, the applicant's primary contractor, the Planning &amp; Redevelopment 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 &amp; Redevelopment Department and Engineering Division two weeks prior to the start of grading work to schedule the meeting and fencing inspection. (Planning)</p>		
<p><b>DURING CONSTRUCTION</b></p>		
<p>10. 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>11. 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>12. The temporary fencing shall remain in place throughout the entire construction period and shall not be removed without obtaining written authorization from the Planning &amp; Redevelopment Department. In no event shall the fencing be removed before the written authorization is received from the Planning &amp; Redevelopment Department. (Planning)</p>		
<p><b>PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT</b></p>		
<p>13. Within 5 days of the completion of construction, a Certification Letter from a certified arborist shall be submitted to and approved by the Planning &amp; Redevelopment 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>14. A copy of this completed Tree Permit Compliance Verification/Inspection form shall be submitted to the Planning &amp; Redevelopment Department. (Planning)</p>		

**EXHIBITS**

- A. Tree Removal Exhibit/Site Plan
- B. Sierra Nevada Arborists report dated September 19, 2008
- C. Fallen Leaf Tree Service report dated July 31, 2008
- D. Street C Improvement Plan

**Note to Applicant and/or Developer:** Please contact the Planning & Redevelopment 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 & Redevelopment Director at, or prior to, the public hearing.