PLANNING & REDEVELOPMENT DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING JULY 9, 2009

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ITEM IV-B: TREE PERMIT – 1453 E. ROSEVILLE PW. – WHISPERING CANYON TREE PERMIT MODIFICATION – FILE # 2009PL-039 (TP-000117)

REQUEST

The applicant requests approval to modify the master Tree Permit (TP 03-06) for Stoneridge Specific Plan Parcels 33 & 38 (Whispering Canyon subdivision). More specifically the applicant would like to modify Condition #9 of the permit which currently requires the Homeowner's Association (HOA) to maintain a tree preservation bond. The applicant would like to change that to require individual property owners to maintain a tree preservation bond.

Applicant and Property Owner: Stoneridge Village 4 HOA, Amy Jefferson

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; and
- B. Approve the Tree Permit subject to two (2) 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

Figure 1: Vicinity Map



The project site is generally located at East Roseville Pw. and Alexandra Dr., which is Parcels 33 and 38 of the Stoneridge Specific Plan (SRSP). The subdivision is commonly known as the Whispering Canyon subdivision. The subdivision was approved by the Planning Commission in January 2000, to create ninetynine (99) residential lots (SUBD 98-20). On May 8, 2003, the Planning Commission approved a "Master" Tree Permit for the Whispering Canyon subdivision. The original Tree Permit Conditions of Approval are included as Attachment 1. This Tree Permit conditionally authorized tree removals within defined building envelopes for 52 of the lots within the 99-lot subdivision. Condition #9 of the original Tree Permit required the HOA to maintain a tree preservation bond in the amount \$55,000 during build out of the subdivision. The current request would eliminate the need for the HOA to maintain a Tree Preservation bond, and instead would require that individual property owners obtain a bond when impacting native oak trees. At this time, 77 lots of the 99 in the subdivision and 41 of the 52 lots covered by the Master Tree Permit have been built on (Attachment 2).

EVALUATION

As mentioned above the applicant is requesting the modification of Condition #9 of the permit. This condition required that the HOA post and maintain a tree preservation bond for construction of homes on 52 lots within the subdivision. Because this is a custom home subdivision and each home would be built by a different builder a \$55,000 bond was required. Now that a majority of the homes have been built on, the HOA would like to have the remaining property owners who have not yet built be responsible for their own bond.

The proposed modification will not increase the number of native oak trees impacted, rather it will shift the responsibility of securing a preservation bond to the individual property owner. This is a typical requirement of most Tree Permits. If the requested modification is approved, the process for obtaining a Tree Permit within Whispering Canyon will remain the same with the exception of the tree preservation bond requirement. If one of the remaining home sites covered by the Master Tree Permit can be built upon within the approved building envelopes they will not need to obtain an individual Tree Permit. The applicant would follow the original conditions of approval for TP 03-06 with the exception that they would have to secure a Tree Preservation bond in the amount of \$10,000. Those lots not covered by the Master Tree Permit must secure an individual Tree Permit and post an individual tree preservation bond.

Given the fact that the applicant is requesting a modification that is identical to other approved Tree Permit Conditions of Approval, Staff supports the request. Additionally the Subdivision is nearly built out and therefore there are fewer protected native oak trees within the subdivision that would potentially be impacted by home construction.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15182(e) pertaining to residential projects consistent with an adopted specific plan for which an EIR was certified. The EIR for the Stoneridge Specific Plan (SCH # 97032058) was certified by the City Council on March 18, 1998.

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 1453 E. ROSEVILLE PW. WHISPERING CANYON TREE PERMIT MODIFICATION FILE # 2009PL-039 (TP-000117):
 - 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 1453 E. ROSEVILLE PW. WHISPERING CANYON TREE PERMIT MODIFICATION FILE # 2009PL-039 (TP-000117) subject to the two (2) conditions listed below.

Conditions of Approval for Tree Permit Modification TP-000117

- 1. The project shall comply with all conditions of TP 03-06 except Condition # 9, as modified below. (Planning & Redevelopment)
- 2. TP 03-06 Condition #9 shall be modified to read: "A \$10,000 cash deposit or bond (or other means of security provided to the satisfaction of the Planning Department) shall be posted by the property owner 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 & Redevelopment)

ATTACHMENTS

- 1. TP 03-06 Conditions of Approval
- 2. Map of Whispering Canyon Subdivision

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.