

# PLANNING & REDEVELOPMENT DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING September 28, 2006

Prepared by: Ron Miller, Assistant Planner

# <u>ITEM IV-C:</u> TREE PERMIT – 208 & 216 BRIDGESIDE COURT – NRSP PCL DC-32 – LOTS 9 & 10 – FILE# 2006PL-112 (TP-000075)

#### **REQUEST**

The applicant requests approval of a tree permit to encroach into the protective zone radius of nine native oak trees for driveway, walkway and foundation construction associated with home construction on two existing lots.

Project Applicant: A.R. Associates, Jack Remington Property Owner: Bridgeside, LLC, Stephen Des Jardin

### **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 the eighteen (18) 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 project site involves two parcels, 208 and 216 Bridgeside Court, within Parcel DC-32 of the North Roseville Specific Plan (NRSP). On November 29, 2001, the Planning Commission approved a Master Tree Permit (TP 01-21) for Diamond Creek Parcel 32, authorizing tree encroachment for subdivision improvements and pad grading. The Master Tree Permit anticipated that future home construction would result in additional encroachments and/or tree removals. This tree permit application requests encroachment on trees for construction of driveways, walkways, and foundations associated with home construction on Lots 9 and 10.

#### **EVALUATION**

The Tree Preservation Chapter of the City of Roseville Zoning Ordinance requires the City to consider the appropriateness of and alternatives to proposed encroachments. Arborist reports (tree inventory) have been prepared for 208 and 216 Bridgeside Court that identify tree species, size, and the amount of proposed encroachment of the trees. At request of staff, plot plans for 208 Bridgeside (Lot 9) were revised to reduce impacts on trees 523-527. Revised encroachment calculations were performed and provided by the arborist. The arborist reports, and revised encroachment calculations are provided as Exhibit B and summarized below.

Tree #	Type	DBH	Condition	Encroachment	Total	Impacts

		(inches)	Structure	Vigor	Lot 9	Lot 10	Encroachment	
519	Blue Oak	18	Fair	Fair	0	32.0%	32.0%	Moderate
520	Blue Oak	21	Fair	Fair	0	27.0%	27.0%	Moderate
522	Blue Oak	15 &16	Fair to	Fair	0	18.0%	18.0%	Moderate
	(dual trunk)		Poor					
523	Blue Oak	13	Fair	Fair	0	27.0%	27.0%	Moderate
524	Blue Oak	16	Fair	Fair	4.90%	7.0%	11.9%	Minor
525	Blue Oak	22	Fair	Fair	24.0%	3.0%	27.0%	Moderate
526	Blue Oak	18	Fair	Fair	2.7.0%	9.0%	11.7%	Minor
527	Blue Oak	19	Fair	Fair	.50%	11.0%	11.5%	Minor
528	Blue Oak	43	Fair	Fair	8.3%	0	8.3%	Minor

Trees 527 and 528 sustained some encroachment from the installation of the subdivision improvements. The arborist has concluded that the additional encroachment from the driveway should not jeopardize the long-term health of the trees.

The Master Tree Permit for the subdivision included an assessment of the health and condition of the trees included in this application. Staff discussed the trees' health and condition with the arborist and was advised that there are no notable changes since the original assessment was done for the Master Tree Permit in 2000. The health assessment from the Master Tree Permit is included as Exhibit C.

Construction of the proposed driveways, walkways and foundations associated with home construction on the two lots will encroach into the protected zone radius (PZR) of nine native oak trees, however, only four trees will have an encroachment exceeding 20%. Because the construction encroaches more than 20% into the PZR, the Tree Ordinance requires Planning Commission review and approval of a Tree Permit.

Trees 523-527 are near the property line separating the two lots, and are subject to encroachment from construction on both lots. The applicant has designed the home plot plan and driveway placement for Lot 9 to minimize encroachment on these trees, as well as tree 528, which is on the southeast portion of the lot. Lot 10's plot plan is also designed to minimize encroachment on existing trees.

The pad for home construction, as well as driveways and walkways will be constructed at existing grade. Encroachment impacts on trees will include cuts in the root zone for footing excavation, and concrete pours for driveways, walkways and foundations. Footings are to be excavated by hand to minimize the impact of construction on the roots of impacted trees. It is not anticipated that any additional limb pruning will be necessary.

The applicant has consulted the project arborist to ensure that the encroachment of the driveways, walkways, and foundations would not affect the health of the oak trees. The arborist has determined that the impacts on the native oak trees range from minor to moderate. The arborist has included recommendations including construction of foundations, driveways and walkways at grade, hand tool excavation of footings, pruning and sealing of affected roots, subsurface fertilization and follow-up treatment, and installation of root aeration systems to minimize impacts from construction.

### Conclusion

The Planning Department has determined that the proposed tree encroachments are the minimum necessary to allow for construction of homes on the existing lots. Staff recommends that the Planning Commission approve the requested encroachments, as conditioned.

#### **ENVIRONMENTAL DETERMINATION**

This project is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303(e) and pursuant to Section 305 of the City of Roseville 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 208 & 216 Bridgeside Court FILE# 2006PL-112 (TP-000075):
  - 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 208 & 216 Bridgeside Court FILE# 2006PL-112 (TP-000075) with the eighteen (18) conditions listed below.

# TREE PERMIT- 000075 CONDITIONS AND COMPLIANCE VERIFICATION / INSPECTION CHECKLIST

	CONDITION	COMPLIANCE VERIFIED/ INSPECTED	COMMENTS				
PR	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.	All trees as shown on Exhibit A, are approved for encroachment with this tree permit. The remaining native oak trees listed on the site plan shall be preserved. 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). Trees to be encroached upon shall be clearly marked in the field and inspected by Planning Staff prior to construction. (Planning)						
3.	No activity shall be permitted within the protected zone of any native oak tree beyond those identified by this report. (Planning)						
4.	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 on any condition regarding tree preservation shall result in forfeiture of all or a portion of the cash deposit or bond. (Planning)						

_	A violation of any of the conditions of this Tree Dormit is a violation of	
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.	A fencing plan shall be shown on the approved site plan and/or	
0.	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)	
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 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)	
8.	Once the fencing is installed, the applicant shall schedule an	
	appointment with the Planning Department to inspect and approve the	
<u> </u>	temporary fencing before beginning any construction. (Planning)	
9.	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)	
10.	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)	
	IRING CONSTRUCTION	
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	
40	approved plans for this tree permit without exception. (Planning)	
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	
42	shown on the improvement plans or grading plans. (Planning)	
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)	
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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)	
15. 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)	
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)	
PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT	
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)	
<b>18.</b> A copy of this completed Tree Permit Compliance Verification/Inspection form shall be submitted to the Planning Department. (Planning)	

## **ATTACHMENTS**

Vicinity Map

### **EXHIBITS**

- A. Plot Plans
- B. Arborist Reports/Tree Inventory (Tree Care Incorporated, June 7, 2006)
- C. Arborist Report Showing Health and Condition of Trees (Tree Care Incorporated, March 27, 2000)

<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.