

PLANNING & REDEVELOPMENT DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING January 11, 2007

Prepared by: Gina La Torra, Associate Planner

<u>ITEM V-A:</u> TREE PERMIT – 1756 PARK OAK DRIVE – STONERIDGE SPECIFIC PLAN (SRSP) WHISPERING CANYON LOT 92 – FILE# 2006PL-195 (PROJECT# TP-000086)

REQUEST

The applicant requests approval of a Tree Permit to remove two native oak trees on Lot 92 of the Whispering Canyon Subdivision.

Applicant/Owner – Albert Thomas, Blue Summits, 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;
- B. Approve the Tree Permit with twenty (20) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

The applicant has reviewed and is in agreement with all recommended conditions of approval.

Staff received a letter from a neighbor requesting the Planning Commission deny the request for a Tree Permit (Attachment 2). In summary, the letter states that the removal of the tree would change the character of the area and the applicant should be required to maintain the property as it was when purchased.

BACKGROUND

The project site is located at 1756 Park Oak Drive, which is Lot 92 in the Whispering Canyon subdivision within Parcel 33 of the Stoneridge Specific Plan (SRSP) (Attachment 1). On May 8, 2003, the Planning Commission approved a "Master" Tree Permit for the Whispering Canyon subdivision. The Master Tree Permit conditionally authorized tree removals within building envelopes of lots within the subdivision.

The arborist report prepared for the subdivision identified 13 native oak trees on Lot 92, nine of which were approved for removal through the Master Tree Permit. The applicant originally submitted a Tree Permit (ATP 05-01) for the removal of eight of the 13 native oak trees, two of which were not included in the Master Tree Permit. The Planning Commission approved ATP 05-01 on April 7, 2005. Subsequently, on September 7, 2005, an Administrative Tree Permit (TP-000049) was approved that revised ATP 05-01 to maintain the two trees that were not originally included in the Master Tree Permit (Tree # 2173 & #2175). The following table shows the trees that have been approved for removal through the three Tree Permits that have been approved for Lot 92:

Tree #	Approved for Removal by:				
	Master Tree Permit	ATP 05-01	TP-000049		
2173		Х			
2175		Х			
2176					
2177	X	Х	X		
2178	X	Χ	X		
2179	X	Х	Х		
2180	X	Χ	X		
2201	X	Χ	Х		
2202	X	Χ	X		
2203					
2206	X				
2207	X		Х		
2208	X		X		

A Building Permit has been issued for the development of Lot 92 with a single family residence, which is currently under construction.

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. Supplemental arborist reports to the Master Tree Permit arborist report have been prepared for Lot 92. They identify the species, size, health and current condition of the trees proposed for removal (Exhibit C) and address impacts to the native oak that is proposed for preservation (Exhibit D).

The applicant is requesting a Tree Permit for the removal of two native oak trees (Tree #2175 and Tree #2176) and a slight encroachment into the protected zone of another native oak tree, located in the rear yard. The applicant is proposing to install a swimming pool in the location of the two trees. A proposed patio and a portion of the pool would encroach into the protected zone of the third tree (Tree #2173). The plot plan for Lot 92 showing the location of the trees in the rear yard, proposed swimming pool and landscape improvements has been included as Exhibit B.

Tree Removals

The Tree Preservation regulations state that the Planning Director may authorize the removal of a protected tree, without requiring a Tree Permit, when deemed dead by a certified arborist. Replacement and/or mitigation is not required for the removal of a dead tree. The applicant has provided an arborist report, Exhibit C, prepared by a certified arborist that states that Tree #2176 is dead. Staff concurs with the findings and conclusions of the arborist.

Tree #2175 is a 22" Blue Oak tree in fair condition and is proposed for removal. The tree is located towards the center of the rear yard of the lot, approximately 50' from the rear property line. Tree #2175 was approved for removal by the Planning Commission through ATP 05-01 because of its close proximity to the proposed footprint of the house. A supplemental arborist report submitted with the TP-000049 determined that Tree #2175 could in fact remain if preservation measures were followed during construction. Therefore the tree was not removed. At this time, however, the applicant wishes to remove the tree to install a pool and associated hardscape. The protected zone radius of Tree #2175 covers a majority of the rear yard and the pool area (Exhibits A and B).

Staff looked at alternatives to the proposed pool location, however due to the location and size of the tree's protected zone, the slope of the lot, and the excavation required for a pool, there is not an alternative location for the pool and hardscape that would allow the tree to be preserved.

The Tree Preservation Ordinance (Section 19.66.030 C.5) states that a tree permit is not required for the removal of a protected tree if it is located on property developed with an occupied single family home. In this case, the single-family residence on Lot 92 has not yet been granted occupancy.

Staff is in support of the Tree Permit because it allows for the preservation of Tree #2173 and will allow the Planning Commission to require mitigation for the removal of Tree #2175, which would not be required if the tree were removed after the residence was occupied.

Encroachments

The Administrative Tree Permit (TP-000049) authorized a 9.4% encroachment into the protected zone of Tree #2173 for construction of the home. This tree will incur additional impact as a result of the proposed swimming pool and hardscape improvements in the rear yard. The following table summarizes the impacts to the tree and the arborist's recommendations.

Tree #	Tree Species	% Encroachment	Impacts	Recommended Mitigation	
2173	Blue Oak	Less than 1% additional encroachment	for the retaining walls	Sub surface fertilize the tree prior to construction. ISA Certified Arborist to monitor the pool and retaining wall excavation and treat impacted roots. Turf area within the tree dripline shall be replaced with organic mulch or natural dripline cover.	

Tree #2173 was previously approved for removal by the Planning Commission, but the applicant has since chosen to preserve the tree. The arborist report states that the impacts to the tree will be minor in scope and believes that the long-term health of the tree will not be compromised with incorporation of the recommended mitigation measures (Exhibit D).

Tree Mitigation

The mitigation requirement for the removal of Tree #2175 is 21 inches. The applicant is proposing to mitigate for the removal by payment of in-lieu fees. The current in-lieu fee is \$118 per inch. Condition 3 addresses the mitigation requirement.

Conclusion

The Planning Department has determined that the proposed tree removal is necessary to allow the property owner to install a swimming pool and is similar to other requests for other homes in the subdivision. The removal of the tree was previously approved by the Planning Commission but was not effectuated by the property owner. Staff understands the concerns expressed by a neighbor in their letter, but believes that the preserved tree, and the presence of other trees in the subdivision and in the adjacent open space will preserve the character of the neighborhood. As a result, staff recommends that the Planning Commission approve the requested Tree Permit.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15182 (residential project consistent with a Specific Plan for which an EIR was certified). The Stoneridge Specific Plan EIR (SCH#97032058) was certified by the Roseville City Council on March 19, 1998. The SRSP EIR

assumed the removal of all trees within the developed portions of the plan area and identified the loss of native oak woodlands as a significant unavoidable impact. The City Council adopted a Statement of Overriding Considerations when certifying the EIR. No further environmental review is required.

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 1756 PARK OAK DRIVE -- (SRSP PARCEL 33 – LOT 92) – PROJECT# TP-000086:
 - 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 1756 PARK OAK DRIVE -- (SRSP PARCEL 33 LOT 92) PROJECT# TP-000086 with the twenty (20) conditions listed below.

CONDITIONS OF APPROVAL FOR TREE PERMIT # TP-000086 (FILE# 2006PL-195)

CONDITION	COMPLIANCE COMMENTS VERIFIED/ INSPECTED
PRIOR TO ISSUANCE OF ANY PERMITS OR ANY CONSTRUCTION ON-SITE	L. L.
All recommendations contained in the Arborist Reports (Exhibits C & D) shat incorporated as part of these conditions except as modified herein. (Planning)	all be
2. Tree #2175 is approved for removal with this tree permit. All other native trees shall remain in place. Trees to be removed shall be clearly marked ir field and inspected by Planning Staff prior to removal. Removal of the trees be performed by or under the supervision of a certified arborist. (Planning)	n the shall
3. The developer shall be responsible for the replacement of the total number inches proposed for removal prior to any tree removal. The total number inches for this project is 21. The mitigation fee shall be calculated at \$118 inch and is equivalent to \$2,478. Mitigation must be provided prior to tree remunless otherwise approved in the tree replacement plan or in these condit (Planning)	er of 3 per noval
4. No activity shall be permitted within the protected zone of any native oak beyond those identified by this report. Encroachment into the protected zor Tree #2173 as shown in Exhibit B and described in the staff report is permi (Planning)	ne of
5. A violation of any of the conditions of this Tree Permit is a violation of Roseville Municipal Code, the Zoning Ordinance (Chapter 19.74) and the Preservation Ordinance (Chapter 19.66). Penalties for violation of any of conditions of approval may include forfeiture of the bond, suspension revocation of the permit, payment of restitution, and criminal penalties. (Plant	Tree f the n or
6. A fencing plan shall be shown on the approved site plan and/or improver plans demonstrating the Protected Zone for the affected trees. A maximu three feet beyond the edge of the walls, driveway, or walkways will be allowe construction activity and shall be shown on the fencing plan. The fencing shall be reviewed and approved by the Planning Department prior to placement of the protective fencing. (Planning)	m of ed for plan

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 temporary fencing before beginning any construction. (Planning)		
	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)		
	RING CONSTRUCTION	l I	
13.	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)		
14.	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)		
15.	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)		
	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)		
17.	Where recommended by the arborist, portions of the grading 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)		
18.	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)		
	IOR TO PERMIT FINAL		
	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) A copy of this completed Tree Permit Compliance Verification/Inspection form		
20.	shall be submitted to the Planning Department. (Planning)		

ATTACHMENTS

- 1. Vicinity Map
- 2. Letter from A. Dwight Burchett (Neighbor) dated December 22, 2006

EXHIBIT

- A. Site Plan
- B. Grading Plan
- C. Arborist Report dated October 12, 2006
- D. Arborist Report dated December 7, 2006

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 Director at, or prior to, the public hearing.