



PLANNING & REDEVELOPMENT STAFF REPORT
PLANNING COMMISSION MEETING February 23, 2006

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ITEM IV-B: TREE PERMIT – 224 JENNIFER CIRCLE – (ALEXANDER TREE PERMIT) – FILE # TP-000059

REQUEST

The applicant requests approval of a tree permit to remove four (4) native oak trees for the construction of a single family home.

Applicant and Property Owners: Edward and Carolyn Alexander

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 nineteen (19) 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 is located at 224 Jennifer Circle, which is within the Diamond Oaks 1 subdivision. This subdivision is within the Infill area of the City (Attachment 1). According to the property owner, the subject site has been used as a garden and side yard of the adjacent home at 222 Jennifer Circle. This property is also owned by Mr. Alexander.

The lot is eighty-three feet (83') wide by one hundred twenty six feet (126') deep (10,458 square feet). The lot meets current Single Family Residential (R1) lot width and area standards. The owner proposes to construct a single-family residence that meets R1 setback, height, and lot coverage requirements.

The front of the lot is level with the adjacent street, but the rest of the lot and the trees are approximately six (6) to seven (7) feet above street grade. The lot slopes up from the street within the first twenty-five (25) feet of the property, and then levels out. The applicant is proposing to cut a driveway for a detached garage and the rest of the site will require minor grading to accommodate the proposed home.

There are nine (9) protected (six inches dbh or greater) native oak trees on the site. To construct the residence as proposed, four (4) trees are requested for removal. As a result, the subject tree permit has been forwarded to the Commission for action.

EVALUATION

The Tree Preservation Chapter of the City of Roseville 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. An arborist report (tree inventory) has been prepared for 224 Jennifer Circle that identifies tree species, size, health, and current condition of the trees requested for removal. The report is provided as Exhibit B and a summary is provided below.

| Tree # | Type | DBH (inches) | Condition | Reason for removal |
|--------|----------|--------------|--------------|------------------------|
| 4993 | Blue Oak | 11" | Good | Within House Footprint |
| 4994 | Blue Oak | 8" | Fair | Within House Footprint |
| 4995 | Live Oak | 8" | Poor | Within House Footprint |
| 4996 | Live Oak | 9" | Fair to Poor | Within House Footprint |

Tree Removals

The plot plan for 224 Jennifer Circle shows the location of the proposed home and existing trees and is included as Exhibit A. Four (4) trees are within the building footprint (Tree #'s 4993, 4994, 4995, 4996). The proposed residence will have two-stories, and a total of 2,240 square feet. The first floor footprint provides a twenty-five foot (25') front setback, and a forty-four (44) foot rear setback to the covered patio. The proposed footprint provides a seven (7) foot side setback on the west side, and on the east side there will be a five (5) foot side setback. Given the slopes at the front of the parcel, and the native oak trees toward the rear of the parcel, alternatives to avoid removal of Trees #4993, 4994, 4995, 4996 are limited.

Staff did explore an alternative design to switch the location of the garage and the home. In this configuration trees 4993 and 4994 could have possibly been preserved given the fact that the footprint of the garage is significantly smaller than the home's footprint. However, encroachment into the Protected Zone Radius (PZR) of trees 4993 and 4994 would have still been significant and the trees could potentially create an unsafe line of site issue for the residents exiting the driveway. In addition, as was mentioned above, the applicant owns the adjacent property and would prefer to have the living space adjacent to his home for aesthetic reasons. In addition, the homeowner is trying to create a common green space between the two homes. Staff agrees that the current configuration will require the least amount of grading and believes the impact of moving the garage and home would be a further detriment to the neighbor at 226 Jennifer Circle because of the increased bulk of the home five (5) feet from the property line.

Encroachments

Construction of the home will not encroach into the PZR of the native oak trees in the rear of the lot. However, the applicant is proposing to construct an inlaid stone patio at the rear of the home. The patio will encroach into the PZR of the oak trees at the rear of the property a maximum of 10%. Staff requested the applicant consult the project arborist to ensure that the encroachment of the patio would not affect the health of the remaining oak trees. The supplemental arborist letter included as Exhibit C contains mitigation measures that will ensure the health of these oak trees are not compromised. In addition, the Conditions of Approval contain protective measures, inclusive of protective fencing and posting of a \$10,000 bond or equivalent surety to ensure the remaining native oak trees on the site are not damaged during construction (**Conditions 5, 7 and 8**).

Tree Mitigation

The mitigation total for the removal of Trees #4993 (11"), #4994 (8"), #4995 (8"), and #4996 (9") is thirty-six inches (36"). The applicant is proposing to mitigate for the removals through either payment of in-lieu fees or a combination of payment of in-lieu fees and credit for on-site plantings. **Condition 3** addresses the mitigation requirement.

Conclusion

The Planning Department has determined that the proposed tree removals are necessary to allow for development of the lot consistent with R1 Development Standards. Staff recommends that the Planning Commission approve the requested removals, as conditioned.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15303 (construction of single-family residence).

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 – 224 Jennifer Circle -- (Alexander Tree Permit) – FILE# TP-000059:
- 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 – 224 Jennifer Circle -- (Alexander Tree Permit) – FILE# TP-000059 with the nineteen (19) conditions listed below.

TREE PERMIT- 000059 CONDITIONS AND COMPLIANCE VERIFICATION / INSPECTION CHECKLIST

| 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) (Exhibits B & C) shall be incorporated as part of these conditions except as modified herein. (Planning) | | |

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| 2. Tree #'s 4993, 4994, 4995, and 4996 as shown on Exhibit A, are approved for removal with this tree permit. The remaining native oak trees listed on the site plan shall be preserved. The encroachment required to provide a rear patio shall be limited to 10%. All other native oak trees shall remain in place. Trees to be removed shall be clearly marked in the field and inspected by Planning Staff prior to removal. Removal of the trees shall be performed by or under the direct supervision of a certified arborist. (Planning) | | |
| 3. Before the removal of any native oak tree and prior to any site grading the developer shall mitigate for the removal of trees on an inch-for-inch basis (\$118/inch). The developer shall be responsible for the replacement of thirty-six inches (36") prior to any tree removal. Mitigation shall be provided through a combination of on-site plantings and payment of in-lieu fees to the satisfaction of the Planning Department. In-lieu fees shall be paid prior to tree removal. On-site plantings shall be verified in the field by Planning staff prior to issuance of an occupancy permit. It is the applicant's responsibility to schedule an inspection prior to occupancy. (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 \$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) | | |
| 6. 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) | | |
| 7. A fencing plan shall be shown on the approved site plan and/or 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) | | |
| 8. 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) | | |

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| 9. 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) | | |
| 10. The applicant shall arrange with the arborist to perform, and certify in writing, the completion of 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) | | |
| 11. 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) | | |
| DURING CONSTRUCTION | | |
| 12. 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) | | |
| 13. 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) | | |
| 14. 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) | | |
| 15. 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) | | |
| 16. Where recommended by the arborist, portions of the foundation and patio 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) | | |
| 17. 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 | | |

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| 18. 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) | | |
| 19. A copy of this completed Tree Permit Compliance Verification/Inspection form shall be submitted to the Planning Department. (Planning) | | |

ATTACHMENTS

1. Vicinity Map
2. Home Elevations

EXHIBITS

- A. Plot Plan
- B. Arborist Report/Tree Inventory (Davey Tree, November 29, 2005)
- C. Addendum to Arborist Report (Davey Tree, February 13, 2006)

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.