

ITEM 5.2: Tree Permit – INFILL PCL 129 – Sharp Circle Tree Permit – 265 Sharp Circle – File # PL19-0174

REQUEST

The applicant requests approval of a Tree Permit to encroach into the protected zone of six (6) oak trees for an erosion mitigation project at 265 Sharp Circle. The erosion mitigation project involves the installation of new curb, gutter, retaining wall with fill material, and asphalt for a driveway.

Owner – Hus Merle Eugene and Yvonne Ruth Trustees
Applicant – Bill Steiner, Roseville Greens Homeowner's Association

SUMMARY RECOMMENDATION

The Planning Division recommends that the Planning Commission take the following actions:

- A. Adopt the two (2) findings of fact and approve the Tree Permit subject to eighteen (18) 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 the recommended conditions of approval.

BACKGROUND

The Tree Permit request is to allow encroachment into the protected zone of six oak trees to facilitate an erosion mitigation project at 265 Sharp Circle. The affected trees overhang a retaining wall and private driveway that require repair due to erosion adjacent to the open space. The proposed scope of work for the erosion mitigation project includes the removal of existing concrete, debris, wrought iron fencing, curb, gutter, and asphalt, as well as the construction of new curb, gutter, CMU retaining wall, and asphalt roadway. While the project is adjacent to City-owned open space and will affect trees partially located on City property, all construction work will be done within property managed by the Roseville Greens Homeowner's Association.

The Roseville Greens subdivision contains 59 parcels and the final map was accepted by the City Council in August of 1969. The subdivision is zoned R3 with a High Density Residential (HDR 13.6) land use designation, and is located within the Infill area of the City. Section 19.66.030 of the Zoning Ordinance requires a tree permit for any regulated activity that occurs within the protected zone of a protected tree when the encroachment exceeds 20-percent of the protected zone, provided the activity does not meet any of the provided exemptions. The erosion mitigation project is subject to the Tree Permit requirement.

SITE INFORMATION

Location: The subject trees are located at the edge of riparian habitat of Dry Creek, along the northern boundary of the Roseville Greens subdivision. The area of work is located near the City's Regulatory Floodplain; however, no work will occur within the floodplain.

Topography and Setting: The project area includes a private driveway and retaining wall adjacent to City-owned open space. The topography slopes downward north of the driveway, toward Dry Creek. The subject trees are located along the property line that divides the City open space from the Roseville Greens subdivision. The subject trees overhang the proposed area of work for the erosion mitigation project. The

driveway serves the existing condominiums and property managed by the Roseville Greens Homeowner's Association.

Figure 1: Project Location



EVALUATION

Pursuant to Zoning Ordinance Section 19.66.030, a Tree Permit is required for any removal of native oak trees or for more than 20-percent encroachment into the dripline of a native oak tree. As mentioned above, the requested Tree Permit is for the encroachment into the protected zone for six (6) native oak trees. The required findings to approve a Tree Permit are in *italicized, bold* text and are followed by an evaluation.

- 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.***
- 2. Measures have been incorporated into the project or permit to mitigate impacts to remaining trees or to provide replacements for trees removed.***

An arborist report, dated March 6, 2019, was prepared for the project by Bryan Hill with Up a Tree Arborist Services (Exhibit A). The report includes a tree inventory summary that identifies six protected oak trees, with a total of 68 aggregate diameter inches, located in the project area. All six trees will have erosion mitigation work within their protected root zone area, with encroachment into the protected root zone greater than 20-percent for five of the six trees. No trees are proposed for removal at this time. Table 1 identifies the trees that will be impacted by the proposed erosion mitigation project.

Table 1: Encroachment Percentage for Subject Trees

| Tree # | Diameter at Breast Height (total inches) | Drip Line Radius | Percent Encroachment |
|---------------|---|-------------------------|-----------------------------|
| 791 | 13 | 21 | 29.6 |
| 792 | 14 | 21 | 25.8 |
| 793 | 7 | 18 | 22.5 |
| 979 | 16 | 24 | 18.5 |
| 980 | 11 | 21 | 32.1 |
| 981 | 7 | 21 | 27.5 |

The Zoning Ordinance provides criteria for evaluating the request of a Tree Permit, including identification unique topography or other property features, overall health and age of the trees, whether or not any alternative locations for the work are available, and the soil stability/erosion potential of the work area. The project proposes the reconstruction of a section of a driveway that was constructed with the Roseville Greens subdivision in the early 1970's. The area of development will not be expanded due to the proposed erosion mitigation project. According to the tree encroachment exhibit, the highest expected percentage encroachment is approximately 32-percent on Tree #980. The Arborist Report evaluated the trees within the project area and found that all are marginal in quality, and that "the proposed improvements to the retaining wall will likely have a minimal impact on the trees adjacent to the project, provided that heavy equipment remains on the paved surface and that soil excavation is kept to a minimum". The arborist concludes that the likely outcome for the subject trees is that they will survive and remain healthy.

The Tree Permit contains all of the standard conditions of approval, which includes a requirement to follow all of the recommendations in the Arborist Report. Additionally, the City requires a \$10,000 cash deposit or bond (or other means of security provided to the satisfaction of the Planning Division) to ensure the preservation of all remaining trees during construction. Encroachment within the protected root zone of these trees will not be detrimental to the public health, safety, or welfare, and measures have been incorporated into the project plans and conditions of approval for this Tree Permit to mitigate impacts.

PUBLIC OUTREACH

The proposed project was distributed to the various agencies and departments which have requested notice of City applications, and all comments were considered and incorporated into the Conditions of Approval, as appropriate. Notice of the application was also distributed to the Roseville Coalition of Neighborhood Associations. No comments were received. A public notice of the Planning Commission hearing was published on June 28, 2019, and was distributed to all property owners within 300 feet of the project site. To date, no comments have been received.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15302 (Class 2) for Replacement and Reconstruction and Section 305 of the City of Roseville CEQA Implementing Procedures. Section 15302 consists of

replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose as the structure replaced.

RECOMMENDATION

The Planning Division recommends the Planning Commission take the following actions:

- A. Adopt the two (2) findings of fact as stated in the staff report and approve the **TREE PERMIT – 265 SHARP CIRCLE – INFILL PCL 129 – SHARP CIRCLE TREE PERMIT – PL19-0174** subject to eighteen (18) conditions of approval.

CONDITIONS OF APPROVAL FOR TREE PERMIT (FILE #PL19-0174)

1. All recommendations contained in the Arborist Report (Exhibit A) are incorporated by reference into these conditions, except as modified herein. (Planning)
2. No activity shall be permitted within the protected zone of any native oak tree beyond those identified by this report. Encroachment into the protected zone of Trees #791, #792, #793, #979, #980, #981 as shown in Exhibit C and described in the staff report is permitted. (Planning)
3. A \$10,000 cash deposit or bond (or other means of security provided to the satisfaction of the Planning Division) shall be posted to ensure 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)
4. 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)
5. 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, driveways, 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 Division prior to the placement of the protective fencing. (Planning)
6. 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. Where encroachment is permitted pursuant to Condition 4, above, 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 DIVISION". (Planning)
7. Where a Tree Permit has been approved for construction of a retaining wall within the protected zone of a protected tree, the applicant shall provide for the immediate protection of exposed roots from moisture loss during the time prior to completion of the wall. The retaining wall shall be constructed within seventy-two (72) hours after completion of grading. (Planning)
8. Once the fencing is installed, the applicant shall schedule an appointment with the Planning Division to inspect and approve the temporary fencing before beginning any construction. (Planning)

9. 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 Arboriculture (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 Site Planning Meeting shall be held with the applicant, the applicant's primary contractor, the Planning Division and the Engineering Division 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 Division and Engineering Division two weeks prior to the start of grading work to schedule the meeting and fencing inspection. (Planning)
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 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 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)
14. Storage or parking of materials, equipment, or 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 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 Division. In no event shall the fencing be removed before the written authorization is received from the Planning Division. (Planning)

PRIOR TO ISSUANCE OF FINAL

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 Division. 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)
18. The approval of this Tree Permit shall expire on January 11, 2020. (Planning)

Exhibits

- A. Up a Tree Arborist Report, March 6, 2019
- B. Demolition Plan
- C. Grading and Drainage Plan
- D. Erosion Control Plan
- E. Reconstruction and Encroachment Plan

Note to Applicant and/or Developer: Please contact the Planning Division 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 Manager at, or prior to, the public hearing.