



## Council Agenda Report

From: Katie Banister, Associate Planner

Subject: Approval of Oak Tree Removal Permit 23-12 at 426 Creston Road

CEQA Determination: The City finds this action is categorically exempt from CEQA as a class 3 exemption for new construction of small structures including second dwelling units pursuant to State CEQA Guidelines Section 15303.

Date: April 2, 2024

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### Facts

1. The City has received building permit application B22-0890 and grading permit application E22-0053 from Daniel Maggard for a new detached accessory dwelling unit at 426 Creston Road, which is located on a flag lot (See Vicinity Map, Attachment 1).
2. The property has a General Plan land Use designation of Residential Multi-Family (RMF-8) and is in the R2 zoning district.
3. In conjunction with the accessory dwelling unit, the City has received an application for oak tree removal permit OTR23-12 (P23-0007) to remove one 12-inch diameter live oak tree to accommodate a new driveway.
4. Certified arborist, Steven Alvarez of A&T Arborists, first evaluated the oak trees on the property and provided an arborist report. Additional information has been provided by certified arborist, Morgan Scovell of 4<sup>th</sup> Generation Tree (see Exhibit A of Draft Resolution for further detail).
5. The 12-inch live oak tree is in poor condition due to a codominant stem, included bark, a wire girdling the main trunk, and a severe lean due to competition from nearby vegetation. The tree is located in the logical path of travel to the accessory dwelling unit building site.
6. Paso Robles Municipal Code (PRMC) Section 10.01.050 allows for oak tree removal permits based on a finding that removal of the tree is necessary “to allow construction of improvements or otherwise allow reasonable use of the property for the purpose for which it has been zoned. In this context, it shall be the burden of the person seeking the permit to demonstrate to the satisfaction of the director that there are no reasonable alternatives to the proposed design and use of the property. Every reasonable effort shall be made to avoid impacting oak trees, including but not limited to use of custom building design and incurring extraordinary costs to save oak trees.”.
7. The City’s Oak Tree Preservation Ordinance (PRMC 10.01.030) requires replacement of 25% of the diameter of the oak being removed. In this case, mitigation is replanting oak trees with diameters totaling 3 inches. There is adequate space on the lot for replanting replacement oak trees.
8. Consistent with PRMC 10.01.080, an oak tree removal permit associated with a building permit is valid and effective only in connection with the actual accomplishment of the project.

### Options

1. Approve the removal of one 12-inch live oak tree and require replanting of mitigation oak trees OTR23-12 (P23-0007);

2. Deny the oak tree removal permit based on a finding that the applicant has not made every reasonable effort to avoid impacting the oak trees;
3. Provide alternative direction to staff.

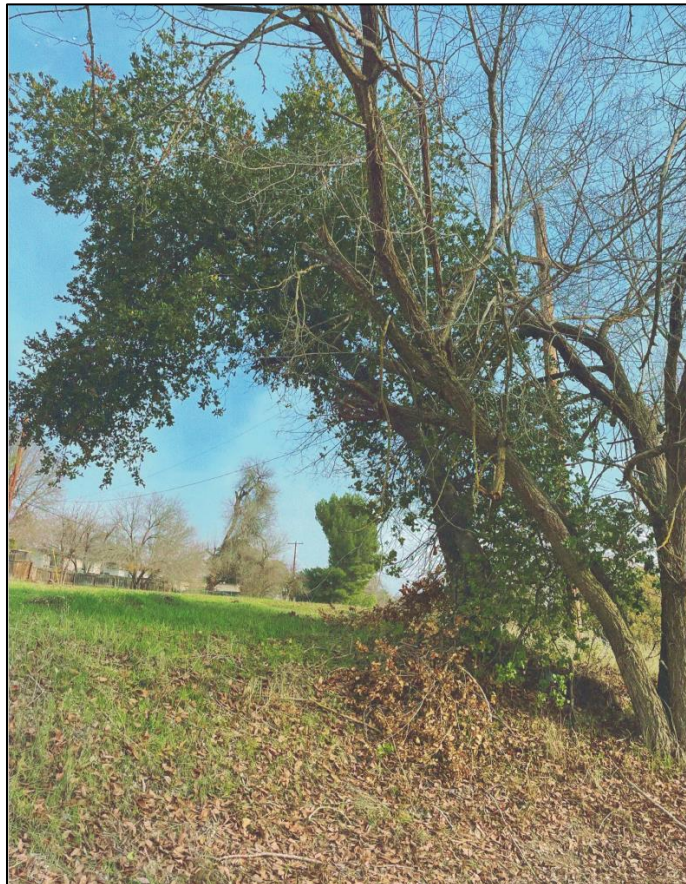
### **Analysis and Conclusions**

PRMC 10.01.050.E requires the City Council to consider the following five factors when reviewing the removal of a healthy oak tree. These factors along with staff's analysis of each factor are listed below:

1. The condition of the oak tree with respect to its general health, status as a public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and its status as host for a plant, pest or disease endangering other species of trees or plants with infection or infestation.

Analysis: The 12-inch live oak tree is in poor health with codominant stems, included bark, a wire girdling the main trunk, and a severe lean due to competition from nearby vegetation. The tree is not a nuisance or a danger to the public as it is located on a private flag lot more than 400 feet from the public right-of-way.

**12-Inch Live Oak Tree Proposed for Removal**



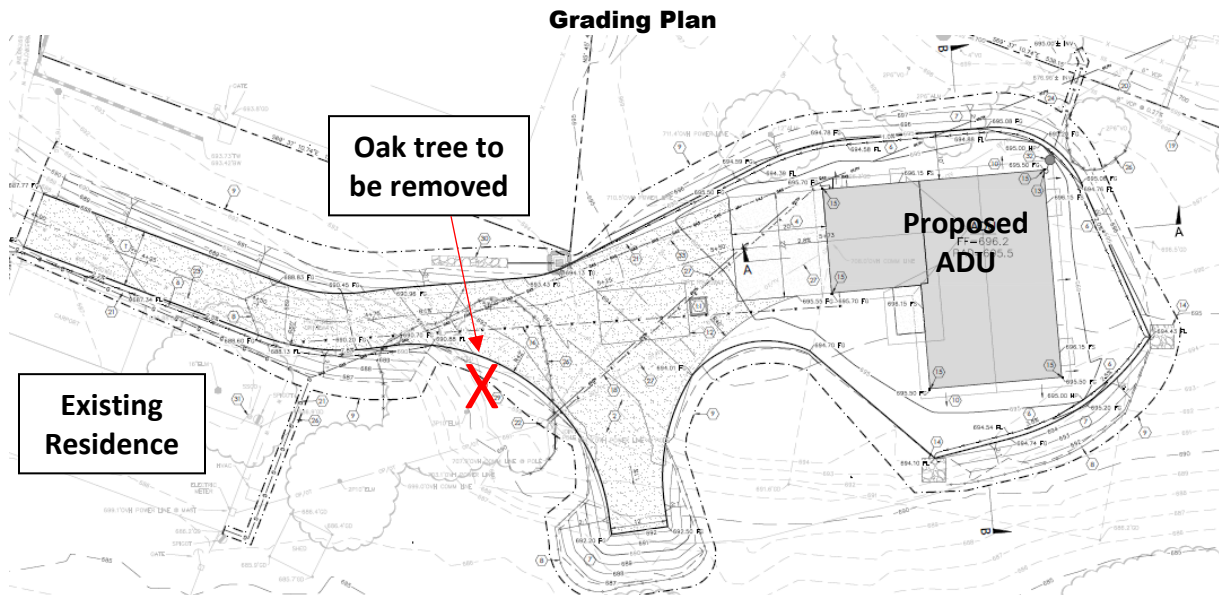
2. The necessity of the requested action to allow construction of improvements or otherwise allow reasonable use of the property for the purpose for which it has been zoned. In this context, it shall be the burden of the person seeking the permit to demonstrate to the satisfaction of the director

that there are no reasonable alternatives to the proposed design and use of the property. Every reasonable effort shall be made to avoid impacting oak trees, including but not limited to use of custom-building design and incurring extraordinary costs to save oak trees.

Analysis: The applicant has applied for permits to construct an accessory dwelling unit, which is required to be served by a driveway that meets the standards of the fire department for width, slope, and surface. The lot is relatively flat where the accessory dwelling unit and driveway are proposed, but slopes steeply down to a drainage and oak woodland located south of the building envelope and property. Locating the driveway away from the subject oak would result in more grading and larger impacts to the adjoining oak woodland. As such, should City Council deny the oak tree removal permit based on a finding that the applicant has not made every reasonable effort to avoid impacting the oak trees, it would require the applicant to redesign the driveway serving the proposed accessory dwelling unit.

3. The topography of land, and the potential effect of the requested tree removal on soil retention, water retention, and diversion or increased flow of surface waters. The director shall consider how either the preservation or removal of the oak tree(s) would relate to grading and drainage. Except as specifically authorized by the planning commission and city council, ravines, stream beds and other natural water-courses that provide a habitat for oak trees shall not be disturbed.

Analysis: The oak tree is located on a flatter part of the lot. Oak trees located on a steep slope at the southern property line contribute to the slope's stability. These trees will not be significantly impacted by the project.



4. The number, species, size and location of existing trees in the area and the effect of the requested action on shade areas, air pollution, historic values, scenic beauty and the general welfare of the city as a whole.

Analysis: Trees located within an oak woodland on a slope at the southern property line make a larger contribution to the scenic beauty and general welfare of the City than the oak proposed for removal. The trees in the oak woodland will not be significantly impacted by the project.

5. Good forestry practices such as, but not limited to, the number of healthy trees the subject parcel of land will support.

Analysis: There are many healthy oak trees located along the southern property line of the property. These trees will not be significantly impacted by the project. There is adequate room on the lot to allow replanting of replacement oak trees as required by the draft resolution.

### **Fiscal Impact**

There is no significant fiscal impact to the city related to this oak tree removal request; however, oak trees contribute value to a property and are an aesthetic value to the city as a whole.

### **CEQA**

The City finds this action is categorically exempt from CEQA as a class 3 exemption for new construction of small structures including second dwelling units pursuant to State Guidelines Section State CEQA Guidelines Section 15303.

### **Recommendation (Option 1)**

Approve Resolution 24-XXX, approving Oak Tree Removal Permit OTR23-12 to allow the removal of one 12-inch live oak tree at 426 Creston Road and require replanting oak trees with diameters totaling 3 inches.

### **Attachments**

1. Vicinity Map
2. Resolution 24-XXX - OTR 23-12 - 426 Creston Road
  - a. Exhibit A. Arborist Report from arborist, Steven Alvarez with addendum by arborist, Morgan Scovell