

Attachment 2

RESOLUTION 24-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES APPROVING OAK TREE REMOVAL PERMIT 23-12 AUTHORIZING THE REMOVAL OF ONE 12-INCH LIVE OAK TREE AT 426 CRESTON ROAD APN: 009-541-007

WHEREAS, 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; and

WHEREAS, the property has a General Plan land Use designation of Residential Multi-Family (RMF-8) and is in the R2 zoning district; and

WHEREAS, 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; and

WHEREAS, certified arborist, Steven Alvarez of A&T Arborists, evaluated the oak trees on the property and provided an arborist report. Additional information has been provided by certified arborist, Morgan Scovell of 4th Generation Tree; and

WHEREAS, 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; and

WHEREAS, staff recommends approval of the oak tree removal permit 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” (PRMC 10.01.050); and

WHEREAS, the City’s Oak Tree Preservation Ordinance (PRMC 10.01.030) requires replacement of 25% of the diameter of the oak tree 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 tree; and

WHEREAS, consistent with Paso Robles Municipal Code 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; and

WHEREAS, the project is exempt from environmental review as a Class 3 exemption for new construction of small structures including second dwelling units pursuant to State CEQA Guidelines Section 15303; and

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WHEREAS, at their regular meeting on April 2, 2024, the City Council considered the facts as presented in the staff report prepared for this project and accepted public testimony regarding this oak tree removal request.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. Pursuant to Paso Robles Municipal Code section 10.01.050.E., and based on the entire record including all written and oral evidence presented, the City Council finds that the removal of the 12-inch diameter live oak 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.

Section 3: The City Council of the City of El Paso de Robles does hereby:

1. Authorize the removal of one (1) live oak tree with a twelve (12) inch diameter as shown in Exhibit A after the issuance of grading permit E22-0053; and
2. Require the onsite planting of and provision of irrigation for native oak trees with diameters totaling at least 3 inches at the direction of a certified arborist before final occupancy of the accessory dwelling unit.

APPROVED this 2nd day of April 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John R. Hamon, Jr., Mayor

ATTEST:

Melissa Boyer, City Clerk

Exhibit A - Arborist Report from arborist, Steven Alvarez with addendum by arborist, Morgan Scovell