



Council Agenda Report

From: Darren Nash, City Planner

Subject: Approval of Oak Tree Removal Permit 24-06 at 512 24th Street

CEQA Determination: The City finds this action is categorically exempt from CEQA as a class 32 exemption for infill development pursuant to State CEQA Guidelines Section 15332.

Date: May 7, 2024

Facts

1. The City has received an application (SPR 24-01/P22-0056) for a 10-unit multifamily residential project at 512 24th Street from Garcia Architecture and Design, on behalf of Gary Pederson (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 T3-N zoning district.
3. In conjunction with the project, the City has received an application for oak tree removal permit OTR 24-06, to remove one 14-inch diameter live oak tree (hereinafter referred to as Tree No. 2) to accommodate a new parking lot for the apartment complex.
4. Certified arborist, Sam Oakley, evaluated the overall health of the tree and provided a Tree Projection Plan (see Exhibit A of Draft Resolution).
5. The 14-inch live oak Tree No. 2 is in fair condition, however, it is codominant with another oak tree (Tree No. 1) resulting in an aggressive lean and crown die back. The tree is in the southwest corner of the site where a new parking lot and drive aisle are proposed.
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 4 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 14-inch live oak tree and require replanting of mitigation oak trees OTR 24-06 (P22-0056);
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 14-inch live oak tree is in fair health with crown dieback and has an aggressive lean as a result of having a codominant tree with Tree No. 1. The tree is located on a boundary with the property to the south and could impact the neighboring property if it were to fall.

Tree No. 2, 14-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

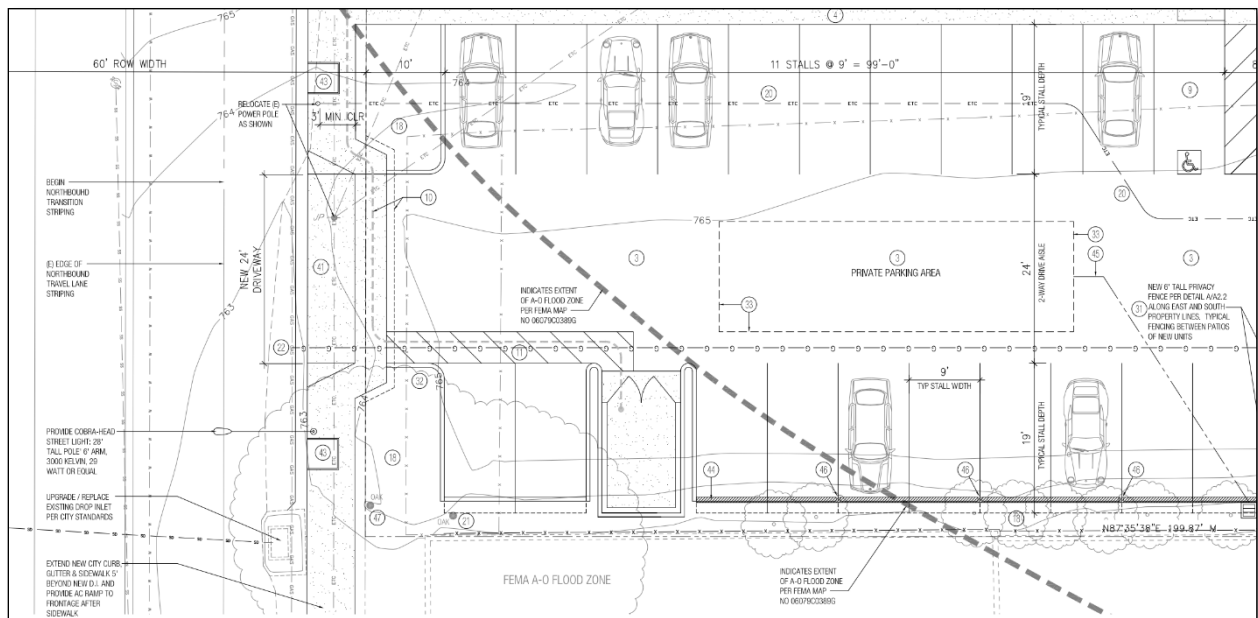
that there are no reasonable alternatives to the proposed design and use of the property. Every reasonable effort shall be made to avoid impacting oak trees, including but not limited to use of custom-building design and incurring extraordinary costs to save oak trees.

Analysis: The applicant has applied for Site Plan Review to construct a 10-unit multi-family apartment complex, which includes a new parking lot and driveway accessed from Vine Street. The project is designed to accommodate two existing houses and build three new buildings consisting of eight apartment units. The project complies with the Uptown Town Centre Specific Plan by orienting the buildings to 24th Street and putting the parking lot on the back half of the lot. The driveway location as necessary to be a proper distance from the Vine/24th Street intersection, and to provide site distance from north bound Vine Street traffic coming over the hill. Locating the driveway and parking spaces away from the subject oak would result in more grading, retaining walls and likely cause the loss of residential units. 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 and parking lot for the apartment complex.

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. These trees will not be significantly impacted by the project.

Site Plan



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: There are two oak trees on the site. Tree No. 2 is the tree proposed to be removed. Tree No. 14 is proposed to be protected. Mitigation trees will be required to be planted on site with the development of 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 other non-oak trees being protected on the site; additionally, 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 32 exemption for infill development pursuant to State Guidelines Section State CEQA Guidelines Section 15332 (the project is consistent with applicable general plan designations and policies, and zoning designation and regulations; the action is occurring within City limits on a project site of no more than 5 acres substantially surrounded by urban uses; tree removal site has no value as habitat for endangered, rare, or threatened species; approval of the tree removal will not result in significant effects to traffic, noise, air quality, or water quality; site can be adequately served by required utilities and public services).

Recommendation (Option 1)

Approve Resolution 24-XXX, approving Oak Tree Removal Permit OTR24-06 to allow the removal of one 14-inch live oak tree at 512 24th Street and require replanting oak trees with diameters totaling 4 inches.

Attachments

1. Vicinity Map
2. Resolution 24-XXX
 - a. Exhibit A. Arborist Report from arborist, the Oakley Group