

Attachment 2

RESOLUTION 24-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES APPROVING OAK TREE REMOVAL PERMIT 24-06 AUTHORIZING THE REMOVAL OF ONE 14-INCH LIVE OAK TREE AT 512 24TH Street APN: 008-161-016

WHEREAS, 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; and

WHEREAS, the property has a General Plan land Use designation of Residential Multi-Family (RMF-8) and is in the T3-N zoning district; and

WHEREAS, 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 to accommodate a new parking lot for the apartment complex; and

WHEREAS, Certified arborist, Sam Oakley, evaluated the overall health of the tree and provided a Tree Projection Plan (see Exhibit A); and

WHEREAS, the 14-inch live oak tree at issue (Tree No. 2) is in fair condition due to being a codominant tree with Tree No. 1, and having 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; 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 consists of replanting oak trees with diameters totaling 4 inches. There is adequate space on the lot for replanting replacement oak trees; 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 32 exemption for infill development pursuant to State CEQA Guidelines Section 15332; and

WHEREAS, at their regular meeting on May 7, 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.

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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 14-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. 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).

Section 4: 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 fourteen (14) inch diameter as shown in Exhibit A in conjunction with a grading permit for SPR 24-01; and
2. Require the onsite planting of and provision of irrigation for native oak trees with diameters totaling at least 4 inches at the direction of a certified arborist before final occupancy of the apartment complex.

APPROVED this 7th day of May 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John R. Hamon, Jr., Mayor

ATTEST:

Melissa Boyer, City Clerk

Exhibit A - Arborist Report