

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PLANNING COMMISSION RECOMMENDATION REGARDING  
OAK TREE IN ALLEY RIGHT-OF-WAY

DATE: SEPTEMBER 7, 2004

Needs: For the City Council to consider whether or not to pursue a recommendation that the City remove a healthy 40-inch oak tree located in a currently unused alley right-of-way.

Facts:

1. On August 10, 2004, the Planning Commission considered a Planned Development (PD) application from Ian and Coralie McMillan regarding property located at the NW corner of Pine and 10<sup>th</sup> Streets. A copy of the staff report is attached for background purposes.
2. The McMillan's PD application was approved, however in conjunction with their consideration of the project the Planning Commission recommended that the City Council consider removal of a 40 inch oak tree located in an adjacent unused alley right-of-way.
3. Attached is an orientation map showing the block in question and the location of the oak tree that was under discussion.
4. An Arborist report does not indicate any health problems related to the oak tree, and the McMillan's development plan is designed in a manner recommended by the Arborist so as not to adversely impact the oak.
5. The Planning Commission voted 5 / 2 in favor of a motion that the City Council consider taking out the oak tree, at City costs, to improve traffic circulation in the subject block. The conditions of approval on the McMillan PD would require the applicant to pave the alley per City standard if the Council determines to remove the oak tree.

Analysis  
and

Conclusion: Under the PD proposed by the McMillans, the oak tree would be preserved and alley right-of-way adjacent to their property would be utilized as a public pedestrian walkway, accessing their property and other properties in the block. The project plan calls for the McMillans to install pavers around the oak. There is no pending request to abandon the alley right-of-way.

The Planning Commission majority (with Commissioners Mattke and Kemper dissenting) expressed concerns about traffic circulation in the block, particularly in light of the various commercial uses. The majority concluded that removal of the oak tree to enhance traffic circulation would have greater public value than preserving the tree, and that the financial burden to remove the tree and pay for replacement trees (per the City's Oak Tree Preservation Ordinance) should be borne by the City.

The McMillans have expressed strong opposition to removal of the oak tree. It has been their intent to seek preservation of the tree and to provide a pedestrian walkway in that area. They have also questioned the removal in relation to consistency with the City's Oak Tree Preservation Ordinance.

An alternative perspective on the issue would be to argue that since the alleyway is not being abandoned, there will still be the opportunity to remove the tree in the future if and when the need arises, or if the tree develops health problems. In addition, one could anticipate that a number of the existing structures on the block could be replaced sometime in the future and a more effective land use pattern could be established (i.e.: not all of the existing land uses and structures would appear to be the highest and best use of the property). Removal of the oak and paving of another vehicular alley link may be premature.

A further consideration is whether or not there is a need for the north-south alley that would go through where the oak tree is now located. As the attached illustration indicates, the block currently has an east-west through alley. One could question whether or not an additional north-south half-block alley is necessary, particularly at this point in time. It should also be noted that providing the alley connection to 10<sup>th</sup> Street will eliminate on-street parking spaces where the alley would intersect with 10<sup>th</sup> Street.

Policy

Reference: Oak Tree Preservation Ordinance

Fiscal

Impact: Less than \$5,000 to remove the 40 inch oak tree and plant five (5) replacement trees of two inch diameter size, consistent with the Oak Tree Preservation Ordinance

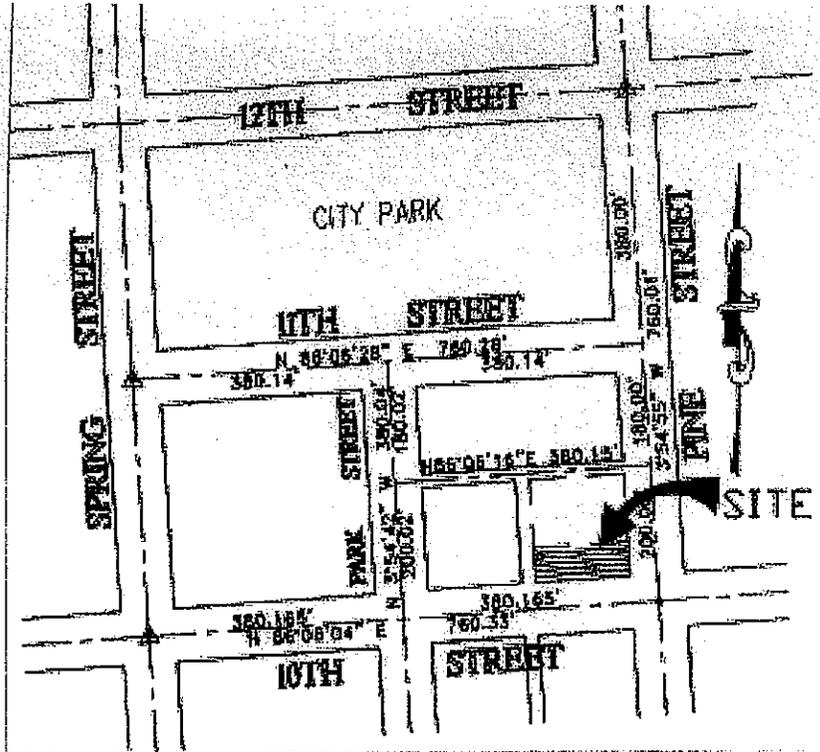
Options:

- a. Concur with the Planning Commission recommendation to remove the 40-inch oak tree in the alley right-of-way at this time at City cost and direct staff to prepare a resolution of appropriation of \$5,000 for Council consideration at the September 21, 2004, Council meeting.

- b.** To conclude that it would not be appropriate for the City to remove the 40-inch oak located in the alley right-of-way at this time, permitting the McMillans to proceed with their installation of a pedestrian walkway consistent with their proposed project plan.
- c.** Amend, modify or reject the foregoing options.

h:\bob\60\cc\04\McMillan oak 17 Aug 04

Attachment 1: Location Map  
McMillan  
829 10<sup>th</sup> Street



*Vicinity Map*

11th Street

City Hall/Library

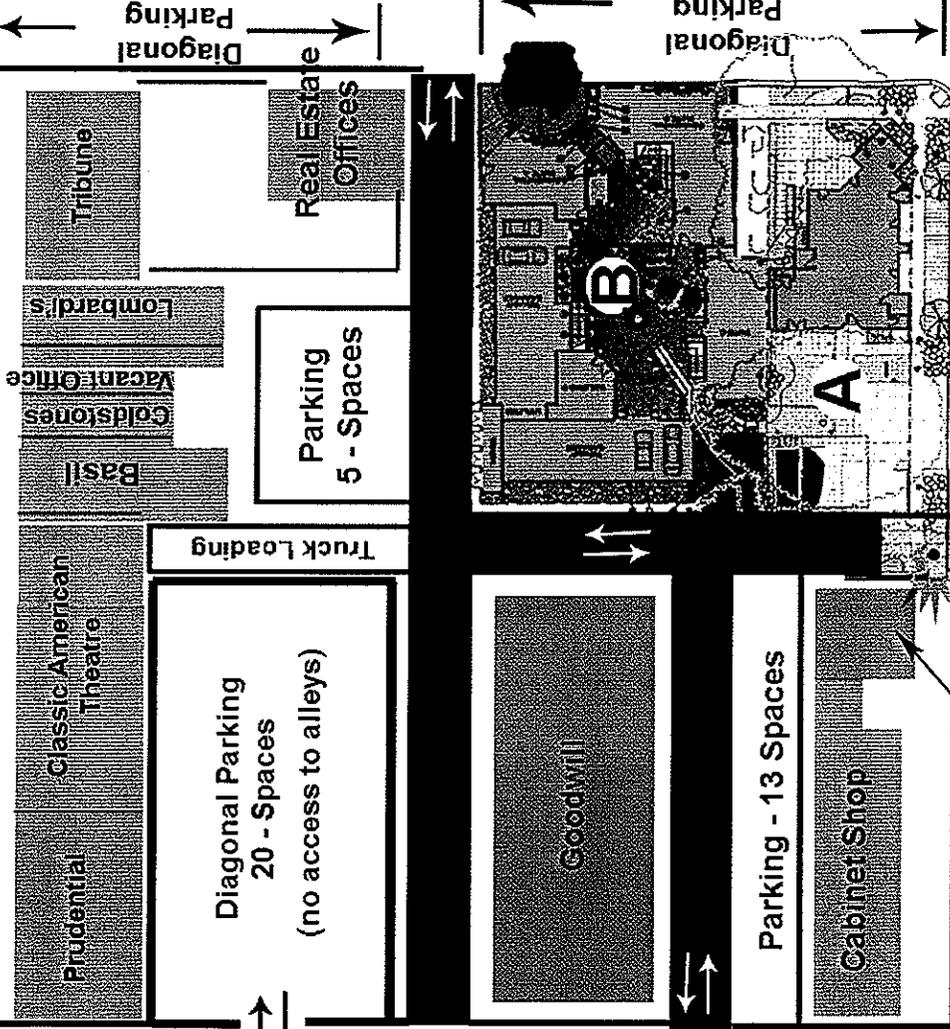
Parallel Parking

Park Street

Parallel Parking

10th Street

Diagonal Parking



Diagonal Parking

Parking 5 - Spaces

Truck Loading

Diagonal Parking 20 - Spaces (no access to alleys)

Goodwill

Parking - 13 Spaces

Cabinet Shop

Paintball Retail Upholstery/Tint Shop

Pine Street

Diagonal Parking

Planning Commission Recommended Alley Access and 40" Oak Tree Removal

- A: Proposed two story 4,557 square-foot mixed use building (McMillian/PD 03-024)
- B: Approved two story 7,700 square foot office/retail (Gilson/PD 03-008)

Public Safety Center

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION  
FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR  
SUBJECT: PLANNED DEVELOPMENT 03-024  
(APPLICANT: IAN AND CORALIE MCMILLAN)  
DATE: JULY 27, 2004

Needs: For the Planning Commission to consider the applicant's request to construct a new two story 4,557 square-foot mixed use building on a 7,000 square-foot lot. Proposed uses within the building include office uses on the first and second floor and a 900 square-foot one bedroom caretakers unit on the second floor.

- Facts:
1. The site is located at 829 10<sup>th</sup> Street at the south east corner of the intersection of 10<sup>th</sup> Street and Pine Street. (see attached vicinity map)
  2. The General Plan land use designation is Community Commercial (CC), with a Mixed Use (MU) overlay and the zoning is C3, PD (Commercial / Light Industrial, Planned Development).
  3. This project was determined to be Categorically Exempt from environmental review per Section 15305 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).
  4. The Development Review Committee (DRC) reviewed a preliminary design of this project at their meeting of June 7, 2004 and were generally in favor of the project.
  5. Attached to this report is additional detailed analysis prepared by the Engineering Division staff.
  6. There are several large native oak trees located on the site. An arborist report has been prepared by Alvarez & Tamagni dated December 31, 2003 with a subsequently addendum dated March 25, 2004 to address the impacts to the oak trees. The report includes mitigation measures to be incorporated before, during, and after construction activities and conditions have been included to incorporate recommendations of the report.

 **FILE**

7. Two existing structures will be required to be demolished prior to construction of the new building. The City Inventory of Historic Resources kept on file in the Community Development Department was reviewed and the structures were not identified as historical building in the inventory.
8. The planned development application was originally scheduled for the July 13, 2004 Planning Commission meeting. After considering public testimony, the Planning Commission continued the hearing to the July 27, 2004 Planning Commission hearing in order to provide the City Engineer with time to re evaluate the Engineering Site Specific Conditions.
9. The City Engineer has determined that bulb-outs on each corner of 10th and Pine are identified as a recommendation in the Downtown Parking and Circulation Analysis and Action Plan, therefore Condition 10 is recommended to remain in the conditions of approval. No adopted policies were found that identified a requirement for the paver cross walk contained in Condition 11, therefore that condition has been removed. An additional condition (Condition 11) has been added to address improvements to the public alley as recommended by the Planning Commission. The installation of street lights (Condition 12) are typically required on the frontage of all new developments therefore the requirement to install one ornamental street light on the McMillan frontage on 10th Street appears to be minimal for the area and is consistent with standard conditions of approval on most developments.

Analysis  
and

Conclusions: The mixed use building would appear to be consistent with the purpose and intent of the Community Commercial with Mixed Use Overlay land use designation for this area. When combined with the recommended conditions of approval, the project would meet all development standards for new commercial development.

Policy

Reference: Paso Robles General Plan Land Use Element

Fiscal

Impact: None

Options: After consideration of all public testimony, the Planning Commission should consider the following options:

1. Adopt the attached resolution granting approval to Planned Development 03-024 subject to standard and site specific development conditions;
2. That the Planning Commission amend, modify, or reject the above options.

Attachments:

1. Location Map
2. Site Plan
3. Supplemental Development Statement
4. Arborist Report
5. Engineering Division Report
6. Draft Resolution Approving PD 04-005
7. Newspaper and Mail Notice Affidavits