

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: WARREN FRACE, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: AMENDMENT TO PLANNED DEVELOPMENT 04-016
(VINCE VANDERLIP)

DATE: October 13, 2015

Needs: To consider a request filed by Vince Vanderlip to modify the Critical Root Zone and developable area on Lot 5, 1710 Via Lantana.

Facts:

1. This item was continued from the September 22, 2015 Planning Commission meeting, as a result of there not being a quorum to proceed with the meeting.
2. Tract 2805 is located at the intersection of Via Lantana and Via Magnolia (see the attached Vicinity Map).
3. The Tract was approved by the Planning Commission along with PD 04-016 in March 2005, via Resolutions 05-0028, 05-0029, 05-0030.
4. In order to insure that there was a sufficient building envelope on each lot that protected the oak trees, an Oak Tree Location and Lot Development Plan was prepared. The Plan is attached as Attachment 2 to this staff report.
5. Additionally, there was a requirement that a constructive notice be recorded on each lot that provides notification to future property owners/builders that specific building envelopes have been established to insure tree protection.
6. The constructive notice for Lot 5 has been provided, see Attachment 3. The language on the notice indicates that “deviations from the building envelopes may be allowed with review by the Planning Department, if it can be determined that the expansion of the building envelope would avoid the identified critical root zones and be consistent with all applicable zoning code restrictions and the oak tree ordinance.”
7. Mr. Vanderlip has provided more specific information from the Arborist that indicates that the Critical Root Zone (CRZ) for the oak tree on Lot 5 (Tree No. 61) can be reduced from a 38-foot diameter CRZ, which is diameter that was used to create the building envelope for Lot 5 in the original Lot Development Plan, to an 18-foot diameter. See Arborist Report, Attachment 4.
8. The proposed site plan for Lot 5 has been provided that shows the proposed house footprint in relation to the original building envelope, along with the

proposed modified envelop, based on the new 18-foot diameter CRZ for Tree No. 61. See Attachment 5.

9. The proposed Amendment was discussed by the DRC at their meeting on September 14, 2015. It was discussed that as a result of the oak tree CRZ being reduced that the developable area for Lot 5 could be modified as shown in the proposed site plan for Lot 5. The DRC recommended that the Planning Commission approve the modified building envelope.

Analysis and

Conclusion: As a result of the numerous oak trees located within the boundaries of Tract 2620, the Lot Development Plan was necessary to indicate that there would be sufficient areas on each lot to build a house and protect the oak trees on each lot. In order to insure that future builders/property owners would be aware of the building envelopes on each lot, the Lot Development Plan was not only included as an information sheet recorded with the final Tract Map, it was also required to be recorded as a constructive notice with each lot. The constructive notice for Lot 5 has been provided and includes language that allows for deviations from the original envelopes if it can be determined that deviation would avoid critical root zones and be consistent with applicable zoning code restrictions and the oak tree ordinance.

The request before the Planning Commission is to approve a revised exhibit for Lot 5 that would modify the building envelope in a manner that would correspond with the CRZ for Tree No. 61 being reduced from 38-feet to 18-feet, as recommended by the project Arborist.

Additionally, it is requested that the Planning Commission acknowledge that the language that has been included in the constructive notice for each lot allowing the Planning Department to allow for modifications under the conditions mentioned above, satisfies the conditions within Resolutions 05-0028, 05-0029, 05-0030 related to oak tree protection and that future requests for modification of established building envelopes can be reviewed by the Development Review Committee (DRC) subject to the requirements that the deviation avoid critical root zones and be consistent with applicable zoning restrictions and the oak tree ordinance.

Policy

Reference: Chapter 10.01 Oak Tree Preservation Ordinance.

Fiscal

Impact: There are no quantified fiscal impacts related to this request.

Options: After consideration of all public testimony, that the Planning Commission considers the following options:

- A. Adopt the attached resolution modifying the building envelope for Lot 5 based on the revised CRZ for Tree No. 61 subject to findings.
- B. Amend, modify, or alter the foregoing options.
- C. Refer back to staff for additional analysis.

Attachments:

- 1. Vicinity Map
- 2. Lot Development Plan
- 3. Constructive Notice Exhibit for Lot 5
- 4. Proposed Site Plan for Lot 5
- 5. Arborist Report
- 6. Resolution amending Tentative Tract 2620 and PD 04-016
- 7. Newspaper and Mail Notice Affidavits

H:\darren\Tracts\TR2620\Lot 5 Amendment\PC Report



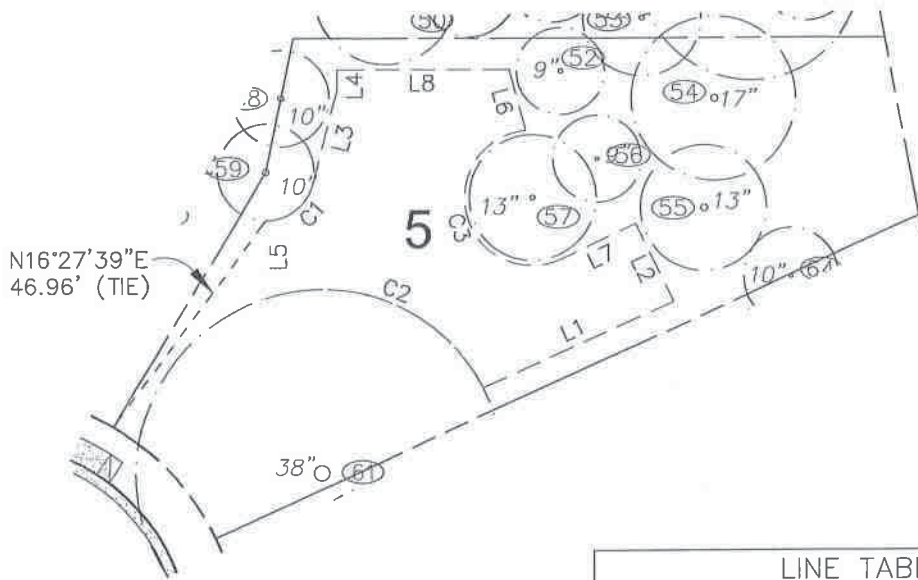
Attachment 1
Vicinity Map
Tract 2620 & PD 04-016
(Vanderlip)

THE FOLLOWING RESTRICTIONS APPLY TO THIS LOT IN CONFORMANCE WITH RESOLUTION NUMBER 05-0029, DATED MARCH 22, 2005

1. PER ITEM 11.A., HOME FOUNDATION CONSTRUCTION SHALL BE RESTRICTED TO THE BUILDING ENVELOPES SHOWN ON THIS MAP. DEVIATIONS FROM THE BUILDING ENVELOPES MAY BE ALLOWED WITH REVIEW BY THE PLANNING DEPARTMENT, IF IT CAN BE DETERMINED THAT THE EXPANSION OF THE BUILDING ENVELOPE WOULD AVOID THE IDENTIFIED CRITICAL ROOT ZONES AND BE CONSISTENT WITH ALL APPLICABLE ZONING CODE RESTRICTIONS AND THE OAK TREE ORDINANCE.

2. PER ITEM 11.C., ANY HOME FOUNDATION CONSTRUCTION ON THESE LOTS WILL BE REQUIRED TO STAY OUT OF THE CRITICAL ROOT ZONE OF THE OAK TREES. STRUCTURES MAY CANTILEVER INTO THE CRITICAL ROOT ZONES, AS WELL AS THE PLACEMENT OF FENCES, DECKS, AND LANDSCAPING ELEMENTS, BUT ONLY UPON REVIEW AND APPROVAL BY A CERTIFIED ARBORIST AND THE PLANNING DEPARTMENT.

3. PER ITEM 13, ALL REMAINING OAK TREES SHALL BE PRESERVED WITHIN THE SUBDIVISION BY THE USE OF CUSTOM AND/OR EXTRAORDINARY GRADING AND HOME DESIGN MEASURES. NO OAK TREE REMOVALS WILL BE ALLOWED IN EXCESS OF THOSE APPROVED WITH CITY COUNCIL RESOLUTION NO. 05-024 WITH THE EXCEPTION OF TREES THAT ARE CLEARLY DEAD OR DISEASED BEYOND CORRECTION, AND AFTER GOING THROUGH THE CITY'S OAK TREE REMOVAL PROCESS AS DESCRIBED IN THE CITY'S OAK TREE ORDINANCE.



LINE TABLE		
LINE	LENGTH	BEARING
L1	42.66'	N65°34'04\"E
L2	17.86'	N25°36'32\"W
L3	19.70'	N14°12'33\"E
L4	4.27'	N00°07'00\"E
L5	16.02'	N00°05'54\"E
L6	13.03'	N14°41'18\"W
L7	16.09'	N64°23'28\"E
L8	36.06'	N89°53'00\"W

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	13.55'	10.00'	77°36'33\"
C2	53.28'	38.00'	80°19'41\"
C3	49.26'	14.00'	201°36'52\"

LEGEND

----- PROPERTY LINE

----- BUILDING ENVELOPE

1 LOT NUMBER

13\" TRUNK DIAMETER

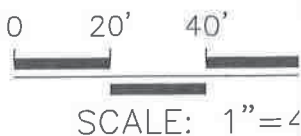
X REMOVE TREE

62 TREE NUMBER

○ CRITICAL ROOT ZONE

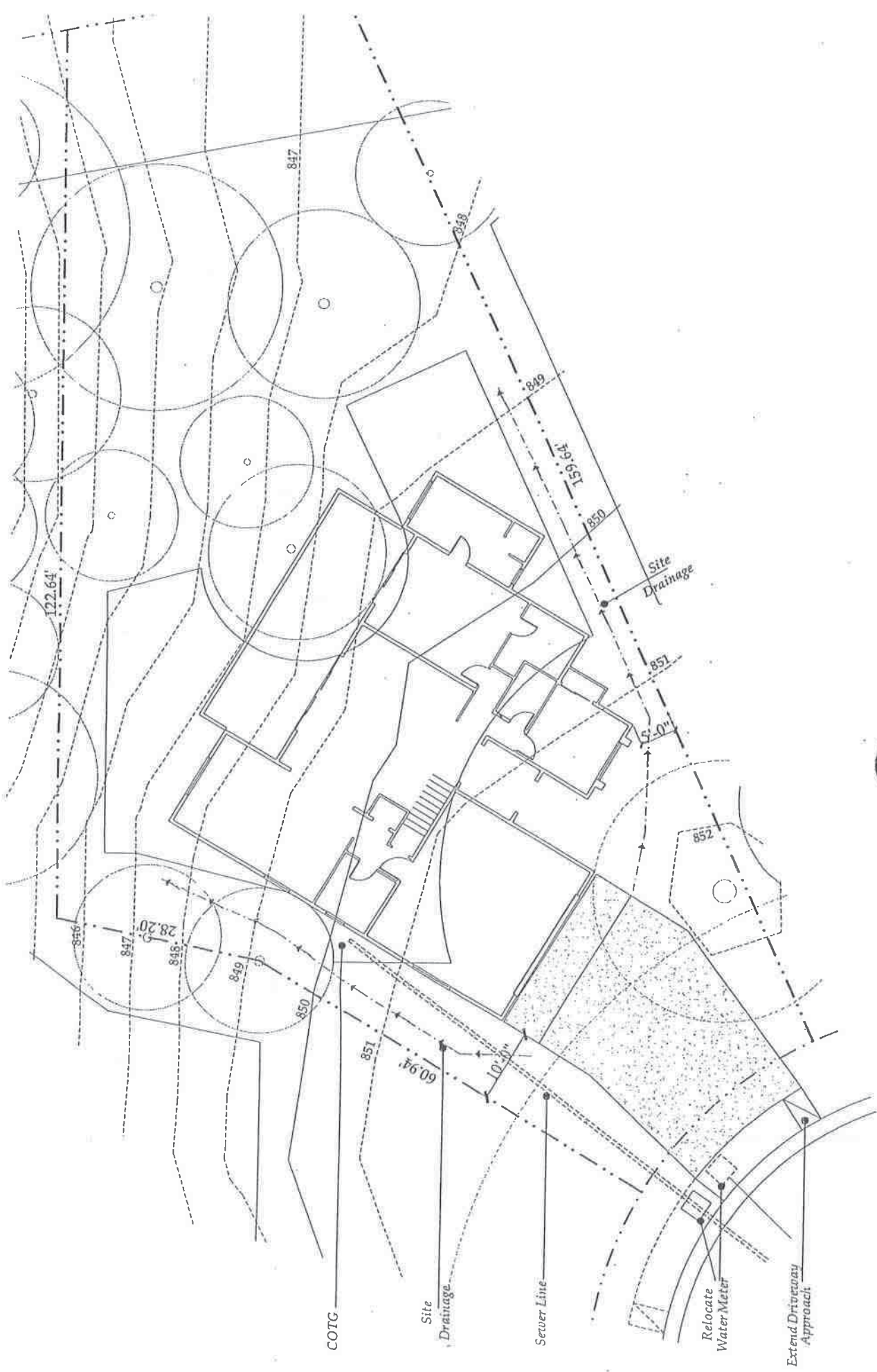


TRACT 2620 LOT #5 CONSTRUCTIVE NOTICE EXHIBIT A



Attachment 3
Constructive Notice Exhibit - Lot 5
Tract 2620 & PD 04-016
Agenda Item No. 2 Page 6 of 18
(Vanderlip)

COAST ENGINEERING INC.
1000 Rd Suite B, Paso Robles, 239-3127



SITEPLAN

1" = 10'

A & T ARBORISTS

P.O. BOX 1311 TEMPLETON, CA 93465 (805) 434-0131



8-5-08

Paso Robles

Darren Nash
Associate Planner
City of Paso Robles

AUG 25 2008

Planning Division

We were recently contacted by Vince Vanderlip to re-examine a particular tree in the West View Estates development. Tree #61 is a three stem tree with all three trunks originating at ground level. The largest trunk is 18 inches in diameter. Per the oak tree ordinance, "The diameter is measured at 4.5 feet above ground level. If the tree splits into multiple trunks below 4.5 feet, measure the diameter at the narrowest point below the split." As this tree splits right at ground level, it is impossible to measure below the split as that point is under ground. When we come across trees that have grown in this manner, we believe that the tree is actually the result of multiple acorns that grew very close together and have fused over time as oak trees have the ability to do. Many times the drip line measurement can shed light on whether or not the tree is a result of three acorns. From past experience, the drip line is usually +/- 10% of the critical root zone.

For example, if the tree is ten inches in diameter (10 foot radius crz) the drip line will extend 9-11 feet from the trunk. We have to keep in mind, this scenario only really holds true for trees that are not either suppressed nor in competition with neighboring trees. Otherwise entire canopies can be absent from half of the tree as it is bending towards the sunlight. That obviously doesn't mean there are no roots on that side of the tree.

This tree is not competing with other trees and has a relatively even canopy that extends 16 feet out from the trunk.

Unfortunately, the ordinance does not account for this situation when establishing the true critical root zone. We have brought this scenario forward in the past and were approved to excavate (by hand and air spade) to determine whether or not any significant roots were present. We also photographed the exposed trench for documentation for the existence (or nonexistence of roots).

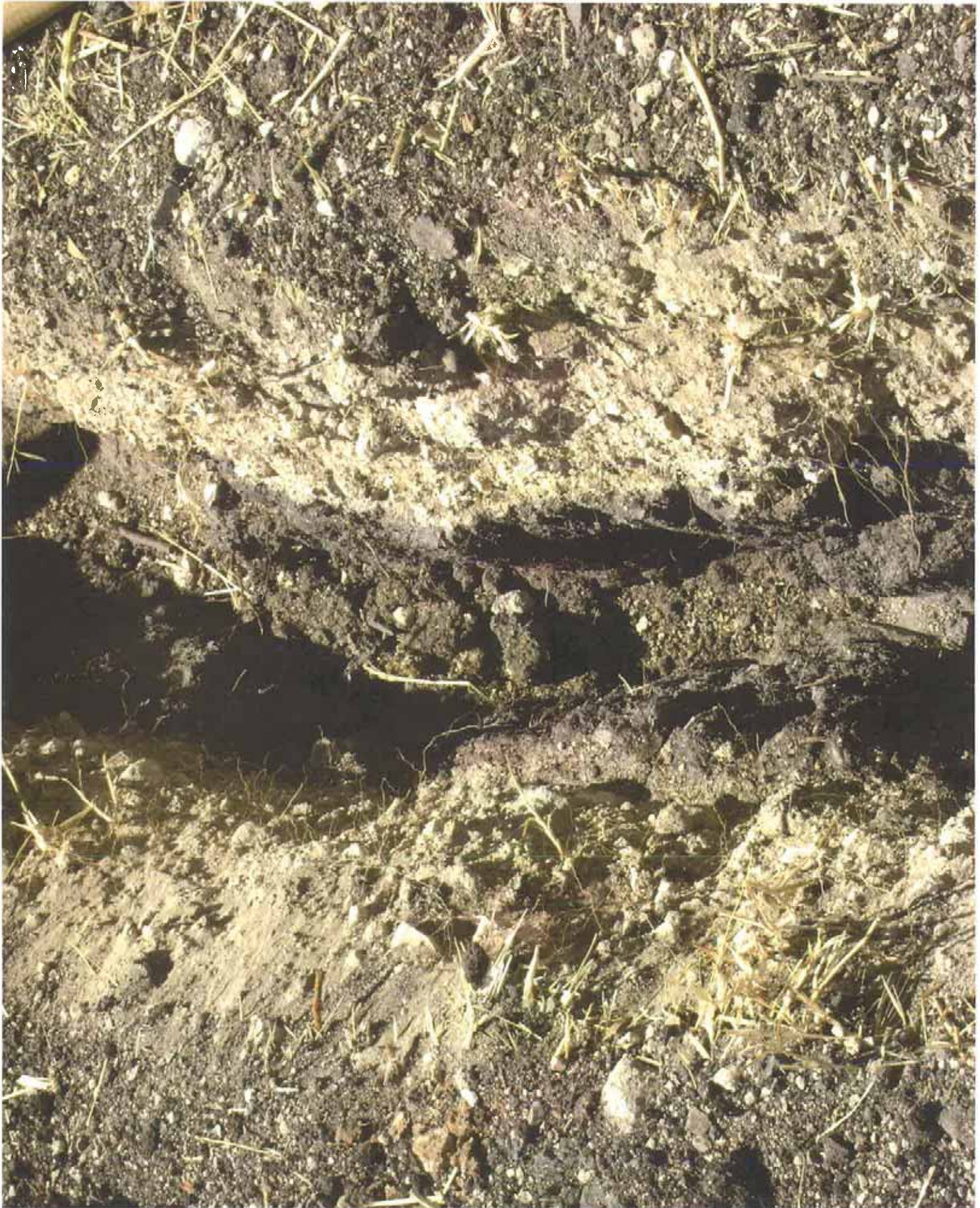
Mr. Vanderlip would like to have a slightly larger building envelope for this lot but the artificially large critical root zone is preventing this. We airspaded a trench at 18 feet away from the trunk of the tree to a depth of 18-24 inches deep to determine if there were extensive roots present. The included photographs illustrate our findings. We did encounter one three inch root and one two inch root just below the first one in the entire twenty foot long trench. There were no small roots present (those in the 1/4 to one inch diameter range). We feel if proper root pruning is performed during the excavation process for these two roots along with proper root moistening procedures, there would be no long term significant impacts to this tree. All standard mitigation measures outlined in the original West View Estates tree protection plan would still be followed.

We feel our findings should allow an alteration in the building footprint. Please feel free to call us if there are any questions.

Chip Tamagni Certified Arborist #WE 6436-A

Steven G. Alvarez Certified Arborists #WE 0511-A







RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO GRANT AN AMENDMENT TO
PLANNED DEVELOPMENT 04-016
(VANDERLIP)
APN: 025-523-072

WHEREAS, Tract 2620 was approved by the Planning Commission along with PD 04-016 in March 2005, via Resolutions 05-0028, 05-0029, 05-0030; and

WHEREAS, Tract 2805 is located at the intersection of Via Lantana and Via Magnolia; and

WHEREAS, in order to insure that there was a sufficient building envelope on each lot that protected the oak trees, an Oak Tree Location and Lot Development Plan was prepared; and

WHEREAS, constructive notices for each lot were recorded that provides notification to future property owners/builders that specific building envelopes have been established to insure tree protection and includes the following language:

“deviations from the building envelopes may be allowed with review by the Planning Department, if it can be determined that the expansion of the building envelope would avoid the identified critical root zones and be consistent with all applicable zoning code restrictions and the oak tree ordinance.”

WHEREAS, Mr. Vanderlip has provided more specific information from the Arborist that indicates that the Critical Root Zone (CRZ) for the oak tree on Lot 5 (Tree No. 61) can be reduced from a 38-foot diameter CRZ, which is diameter that was used to create the building envelope for Lot 5 in the original Lot Development Plan, to an 18-foot diameter; and

WHEREAS, the proposed site plan for Lot 5 has been provided that shows the proposed house footprint in relation to the original building envelope, along with the proposed modified envelop, based on the new 18-foot diameter CRZ for Tree No. 61; and

WHEREAS, a public hearing was conducted by the Planning Commission on September 22, 2015 to consider facts as presented in the staff report prepared for the amendment request, and to accept public testimony regarding the application, and

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions listed below, the Planning Commission makes the following findings as required by Government Code Sections 66474 and 65457:

1. Modifying the building envelope for Lot 5 to correspond with the reduction in the Critical Root Zone for tree No. 61 from 38-feet to 18-feet would meet the intent of Chapter 10.01, Oak Tree Preservation Ordinance, since it has been determined by the Arborist that building within the 18-foot diameter CRZ would not significantly impact oak tree No. 61.

2. Acknowledge that the language that has been included in the constructive notice for each lot allowing the Planning Department to allow for modifications under the conditions mentioned above, satisfies the conditions within Resolutions 05-0028, 05-0029, 05-0030 related to oak tree protection, and that future requests for modification of established building envelopes on lots within Tract 2620 can be reviewed by the Development Review Committee (DRC) subject to the requirements that the deviation avoid critical root zones and be consistent with applicable zoning restrictions and the oak tree ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve PD 04-016 Amendment, subject to the following conditions of approval:

1. Condition No. 7 of Resolution 05-0030 is hereby amended as follows (*new language in bold*):
 7. *Homes on Lots that have oak trees shall be constructed within the developable area as shown on the Oak Tree Location & Lot Development Plan attached to this resolution (Exhibit D). In no circumstance can the house foot print extend out of the developable area and further impact the oak trees, **except that modifications of established building envelopes on lots within Tract 2620 can be reviewed by the Development Review Committee (DRC) subject to the requirements that the deviation avoid critical root zones and be consistent with applicable zoning restrictions and the oak tree ordinance.***
2. The building envelope of Lot 5 of Tract 2620 can be modified as shown on Exhibit D-1 of this resolution.

PASSED AND ADOPTED THIS 13th day of October, 2015 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

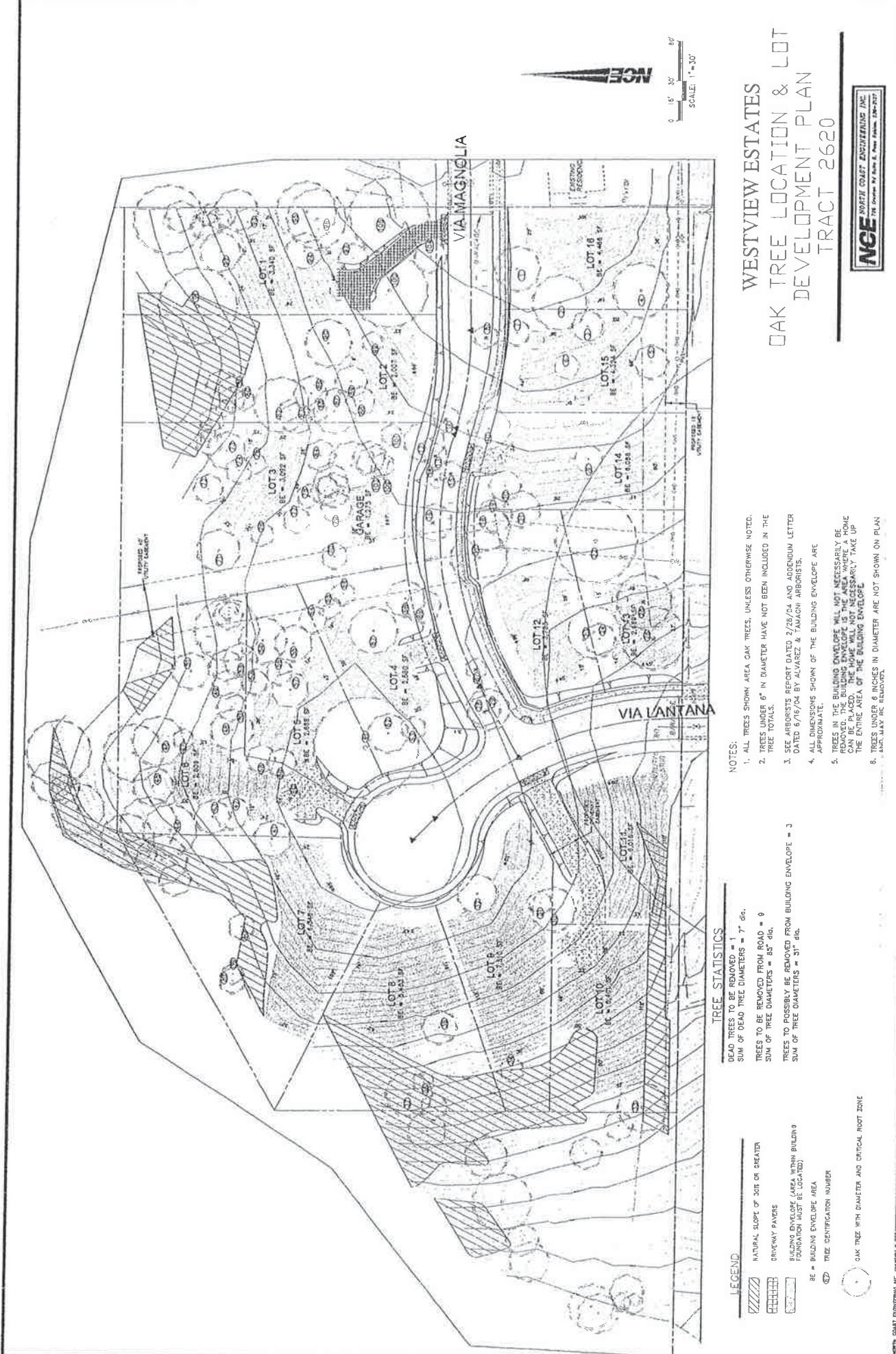
ABSTAIN:

BOB ROLLINS, VICE CHAIRMAN

ATTEST:

WARREN FRACE, SECRETARY OF THE PLANNING COMMISSION

H:\darren\Tract\TR2620\Lot 5 AMENDMENT\ Reso



WESTVIEW ESTATES
OAK TREE LOCATION & LOT
DEVELOPMENT PLAN
TRACT 2620



- NOTES:**
1. ALL TREES SHOWN AREA OAK TREES, UNLESS OTHERWISE NOTED.
 2. TREES UNDER 6" IN DIAMETER HAVE NOT BEEN INCLUDED IN THE TREE TOTALS.
 3. SEE ARBORIST'S REPORT DATED 2/18/04 AND ADDENDUM LETTER DATED 6/16/04 BY ALVAREZ & TAMACON ARBORISTS.
 4. ALL DIMENSIONS SHOWN OF THE BUILDING ENVELOPE ARE APPROXIMATE.
 5. TREES IN THE BUILDING ENVELOPE WILL NOT NECESSARILY BE REMOVED. THE HOME WILL BE PLACED WHERE A HOME CAN BE PLACED. THE HOME WILL NOT NECESSARILY TAKE UP THE ENTIRE AREA OF THE BUILDING ENVELOPE.
 6. TREES UNDER 6 INCHES IN DIAMETER ARE NOT SHOWN ON PLAN AND MAY BE REMOVED.

TREE STATISTICS

DEAD TREES TO BE REMOVED = 1	SUM OF DEAD TREE DIAMETERS = 7" dia.
TREES TO BE REMOVED FROM ROAD = 0	SUM OF TREE DIAMETERS = 85" dia.
TREES TO POSSIBLY BE REMOVED FROM BUILDING ENVELOPE = 3	SUM OF TREE DIAMETERS = 31" dia.

- LEGEND**
- NATURAL SLOPE OF 30% OR GREATER
 - DRIVEWAY PAVES
 - BUILDING ENVELOPE (AREA WITHIN BUILDING FOUNDATION MUST BE LOCATED)
 - BE = BUILDING ENVELOPE AREA
 - T = TREE IDENTIFICATION NUMBER
 - D = OAK TREE WITH DIAMETER AND CRITICAL ROOT ZONE

EXHIBIT D
Oak Tree Location & Lot Dev. Plan
Tract 2620 & PD 04-016
(Vanderlin/Scanlan)

OPEN SPACE

1" = 46'

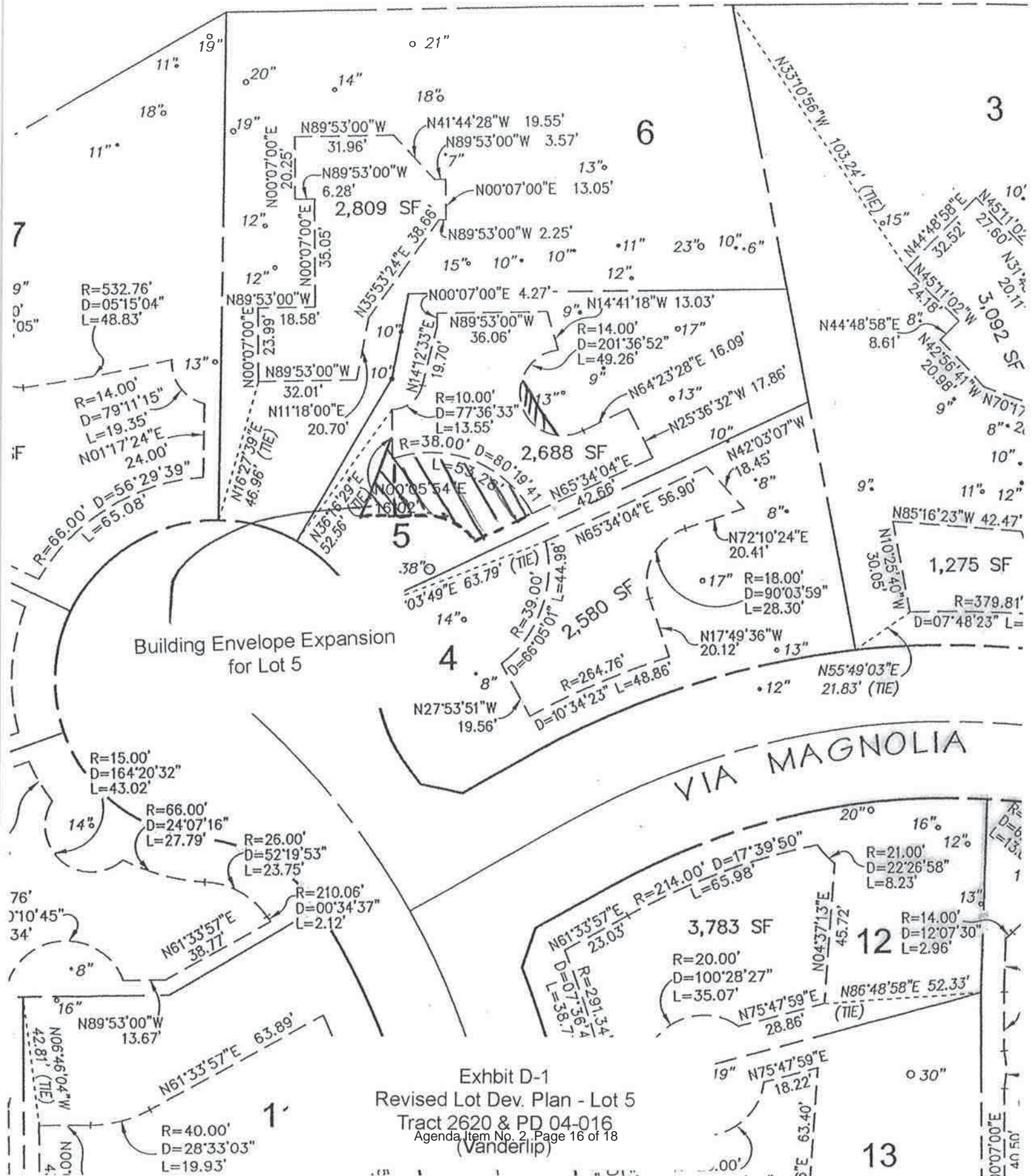


Exhibit D-1
Revised Lot Dev. Plan - Lot 5
Tract 2620 & PD 04-016
Agenda Item No. 2, Page 16 of 18
(Vanderlip)



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

AFFIDAVIT OF MAIL NOTICES PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Monica Hollenbeck, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Amendment to Planned Development 04-016 (Vince Vanderlip), on this 29th day of September, 2015.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: *Monica C Hollenbeck*
Monica Hollenbeck

THE *Newspaper of the Central Coast*
TRIBUNE

3825 South Higuera • Post Office Box 112 • San Luis Obispo, California 93406-0112 • (805) 781-7800

In The Superior Court of The State of California
In and for the County of San Luis Obispo
AFFIDAVIT OF PUBLICATION

AD # 1953249
CITY OF PASO ROBLES

STATE OF CALIFORNIA
ss.
County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general Circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates to wit; SEPTEMBER 11, 2015 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



(Signature of Principal Clerk)
DATED: SEPTEMBER 11, 2015
AD COST: \$151.42

CITY OF EL PASO DE ROBLES

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing on Tuesday, September 22, 2015, at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider the following project:

Tract 2620 / PD 04-016 Amendment, a request filed by Vinca Vanderlip to modify the building envelope for Lot 5 (1710 Via Lantana) to correspond with a reduced oak tree critical root zone. (APN: 025-523-072).

This application is Categorical Exempt from environmental review per Section 15303 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

The application and staff report may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California. Copies may be purchased for the cost of reproduction.

Written comments on the project may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or emailed to planning@prcity.com, provided that the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Darren Nash at (805) 237-3970 or by email at dnash@prcity.com.

If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

Darren Nash
Associate Planner
September 11, 2015

1953249

THE Newspaper of the Central Coast
TRIBUNE

3825 South Higuera • Post Office Box 112 • San Luis Obispo, California 93406-0112 • (805) 781-7800

In The Superior Court of The State of California
In and for the County of San Luis Obispo
AFFIDAVIT OF PUBLICATION

AD # 2001866
CITY OF PASO ROBLES

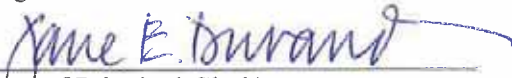
STATE OF CALIFORNIA

SS.

County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general Circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates to wit; OCTOBER 2, 2015 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



(Signature of Principal Clerk)
DATED: OCTOBER 2, 2015
AD COST: \$164.98

CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARING

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Darren Nash
Associate Planner
October 2, 2015 2001866

RECEIVED

OCT 05 2015

City of Paso Robles
Community Development Dept.