

RESOLUTION NO. 15-022

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

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: Barth, Donaldson, Cooper, Burgett, Brennan, Rollins

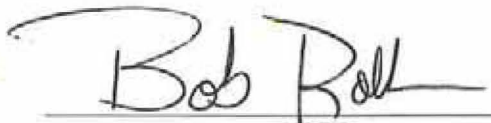
NOES: None

ABSENT: None

ABSTAIN: Vanderlip

ATTEST:


WARREN FRACE, SECRETARY OF THE PLANNING COMMISSION


BOB ROLLINS, VICE CHAIRMAN

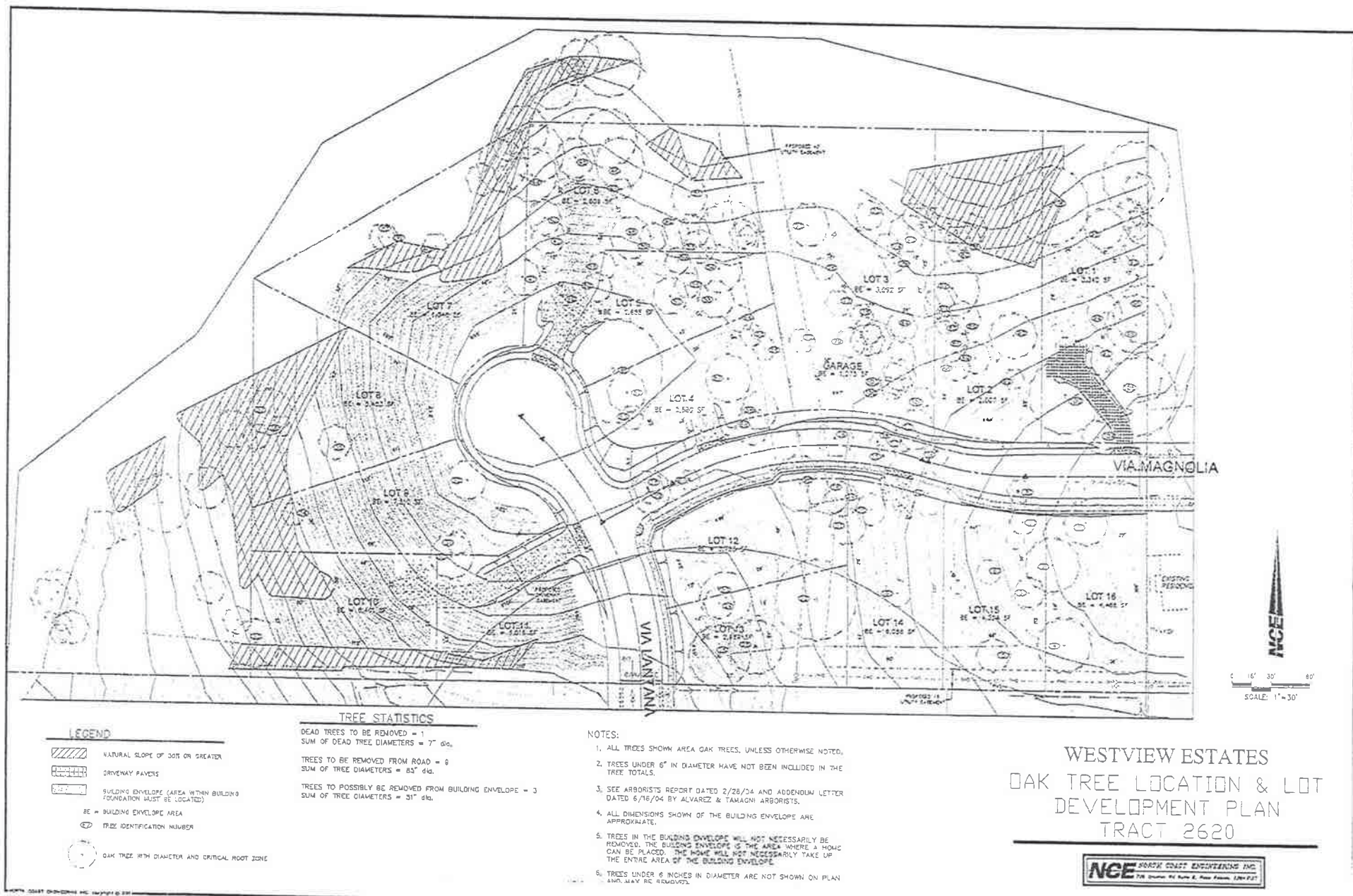


EXHIBIT D
 Oak Tree Location & Lot Dev. Plan
 Tract 2620 & PD 04-016
 (Vanderlin/Scanlan)

OPEN SPACE

1" = 40'

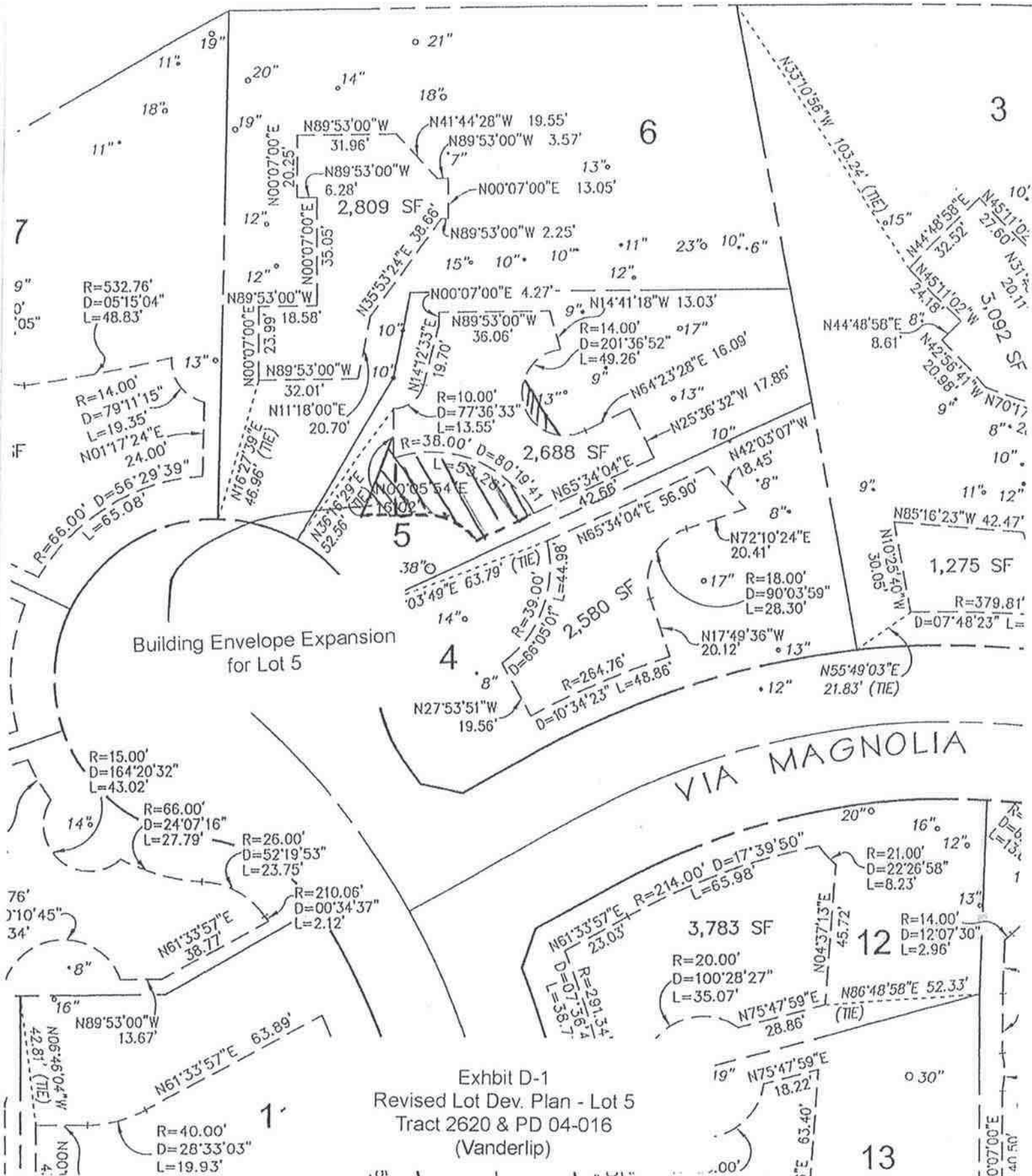


Exhibit D-1
Revised Lot Dev. Plan - Lot 5
Tract 2620 & PD 04-016
(Vanderlip)