RESOLUTION PC 2016-0034

RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING TREE
REMOVAL PERMIT 2016-0200 FOR PLN 2016-1597
ON APN 049-151-009-011, 063
(2605, 2535, 2705 El Camino Real)

RRM Design Group / LDC Commercial, Inc.

WHEREAS, an application has been received from RRM Design Group (3765 S. Higuera Street, #102, San Luis Obispo, CA 93401), Applicant and LDC Commercial, Inc. (PO Box 2003, Monterey, CA 93942-2003), Property Owner, for approval of a Conditional Use Permit consistent with Atascadero Municipal Code Section 9-2.110(a), a tree removal permit to remove 689-inches DBH of coast live oaks, and a fifteen (15%) percent density bonus request consistent with the City’s adopt General Plan Policy 2.1.2 on APN 049-151-009, 011, 063 for the construction of 208 multi-family residential units; and,

WHEREAS, the site’s current General Plan Land Use Designation is General High-Density Residential (HDR); and,

WHEREAS, the site’s current Zoning Designation is Residential Multi Family (RMF-20); and,

WHEREAS, Atascadero Municipal Code Section 9-11.105(d) requires a Planning Commission decision regarding all tree removal application requests involving native trees 24-inches dbh or larger; and,

WHEREAS, the Planning Commission has certified Mitigated Negative Declaration 2016-0003 that was prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and,

WHEREAS, timely and properly noticed Public Hearings upon the subject Tree Removal Permit was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Tree Removal Permit; and,

WHEREAS; the Planning Commission reviewed the proposed Tree Removal Permit on November 15, 2016, and considered testimony and reports from staff, the applicants, and the
public after first studying and considering the Mitigated Negative Declaration 2016-0003 prepared for the project, and;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Atascadero makes the following findings and determinations with respect to the proposed Native Tree Removal Permit:

SECTION 1. Findings for Approval of Tree Removal Permit. The Planning Commission finds as follows:

1. The trees obstruct proposed improvements that could not be reasonably designed to avoid the need for tree removal, as certified by a report from the Site Planner and determined by the Community Development Department based on the following factors:

   a. Early consultation with the City;

   b. Consideration of practical design alternatives;

   c. Provision of cost comparisons (from applicant) for practical design alternatives;

   d. If saving tree eliminates all reasonable uses of the property; or if saving the tree requires the removal of more desirable trees.

SECTION 2. Recommendation of Approval. The Planning Commission of the City of Atascadero, in a regular session assembled on November 15, 2016, approved Tree Removal Permit TRP 2016-0200 subject to the following Conditions and Exhibits:

1. EXHIBIT A: Conditions of Approval
2. EXHIBIT B: Mitigation Chart
On motion by Commissioner Bourbeau and seconded by Commissioner Dariz, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES: Dariz, Bourbeau, Seay, Anderson, Wolff (5)

NOES: Schmidt (1)

ABSENT: Bentz (1)

ABSTAINED: None (0)

ADOPTED: Nov. 15, 2016

CITY OF ATASCADERO, CA

Jan Wolff
Planning Commission Chairperson

ATTEST:

Phil Dunsmore
Planning Commission Secretary
## Conditions of Approval

**PLN 2016-1597 / TRP 2016-0200**

### Emerald Ridge Apts.

<table>
<thead>
<tr>
<th></th>
<th>Timing</th>
<th>Responsibility / Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Tree removal</td>
<td>PS</td>
</tr>
<tr>
<td>2.</td>
<td>Ongoing</td>
<td>PS</td>
</tr>
<tr>
<td>3.</td>
<td>Building Permit</td>
<td>PS</td>
</tr>
<tr>
<td>4.</td>
<td>Building Permit</td>
<td>PS</td>
</tr>
<tr>
<td>5.</td>
<td>Building Permit / Ongoing</td>
<td>PS</td>
</tr>
</tbody>
</table>

1. The approval of this application shall become final, subject to the completion of the conditions of approval, fourteen (14) days following the Planning Commission approval unless prior to that time, an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.

2. The applicant and/or subsequent owners shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the City, or any of its entities, concerning the proposed tree removal.

3. The owner or applicant shall mitigate the tree removals by replanting native trees, making appropriate payment to the tree mitigation fund, or a combination thereof as shown in Exhibit B. Larger box trees may be substituted for five-gallon replacement trees per the Atascadero Native Tree Guidelines.

4. Payment to the tree mitigation fund or approval of a tree replanting and irrigation plan shall occur before trees are removed.

5. If tree replanting is selected, the owner or applicant shall provide drip irrigation to new trees until they are established.
### Exhibit B  
**Required Tree Removal Mitigation**  
PLN 2016-1597 / TRP 2016-0200

<table>
<thead>
<tr>
<th>Evergreen Native Trees (inches)</th>
<th>Deciduous Native Trees (inches)</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>dbh</strong></td>
<td><strong>notes</strong></td>
<td><strong>dbh</strong></td>
</tr>
<tr>
<td>1</td>
<td>689-inches Coast Live Oak</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>689-inches</td>
<td><strong>Total</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>689-inches</td>
</tr>
</tbody>
</table>

**Mitigation Requirement**

- **req'd tree replacements:** 230 five gal trees  
  Proposed Replanting: 0 five gal trees  
  Remaining Mitigation: 230 five gal trees  
  Tree Fund Payment: $11,483.33

- **req'd tree replacements:** 0 five gal trees  
  Proposed Replanting: 0 five gal trees  
  Remaining Mitigation: 0 five gal trees  
  Tree Fund Payment: $ -

**Totals:** 230 five gal trees  
0 five gal trees  
230 five gal trees  
$11,483.33