

RESOLUTION NO. 06-067  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
APPROVING OTR 05-008 REQUESTING TO REMOVE  
TWO OAK TREES (TREE B & C)  
(CARDINALE/MORRIS)

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WHEREAS, the City has received an application submitted by Joe Cardinale and Dick Morris, to remove two (2) Blue oak trees (Tree B, 3x14-inch tree, totaling 32-inches and Tree C, 30-inches ) located on the south side of 4<sup>th</sup> Street, just west of Oak Street, and

WHEREAS, it is declared that the public interest and welfare requires that the City establish a program for the preservation of oak trees in order to maintain the heritage and character of the City of El Paso de Robles ("The Pass of the Oaks") as well as preserve the beauty and identity of the community; and

WHEREAS, the purpose and intent of the Oak Tree Preservation Ordinance states that "preservation of existing oak trees and opportunities to promote the establishment of new oak trees shall be the focus of the Planning Commission and/or City Council in conjunction with consideration of any development project or development related entitlement"; and

WHEREAS, Section 10.01.050.C of the Municipal Code states that "the only oak trees which are six-inches or greater DBH whose removal the Director is authorized to permit are trees that are clearly dead or diseased beyond correction"; and

WHEREAS, the Director has determined and Council concurred that Tree C is clearly dead or diseased beyond correction; and

WHEREAS, the Director was unable to conclude from the information that the Applicants have submitted and evaluated by an independent arborist report that the Oak Tree B is "clearly dead or diseased beyond correction"; and

WHEREAS, the City Council held a hearing on May 2, 2006 and considered a report from staff, testimony from the applicants, and presentations by the arborists who evaluated the trees.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby allow the removal of two (2) Blue Oak trees (Tree B, a 3x14-inch tree, totaling 32-inches and Tree C, 30-inches), based on the trees being diseased beyond correction; and

ALSO BE IT RESOLVED, that the applicants shall be required to plant five (5) - 1.5-inch diameter replacement Blue Oak trees as a result of the removal of Tree B, to be planted prior to the issuance of a Certificate of Occupancy of any dwelling units on the lot in which Tree B is located; and

ALSO BE IT RESOLVED, that replacement trees are not required for Tree C, since the decline of the tree is not at the fault of the property owners, and would not be impacted by development of the property; and

ALSO BE IT RESOLVED, that the permit to remove Tree B & C shall not be issued until a grading and/or building permit has been issued by the City for the lot in which each tree is located.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 2<sup>nd</sup> day of May 2006 by the following vote:

AYES:                   Nemeth, Strong, and Mecham  
NOES:                   Heggarty and Picanco  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Cathy M. David, Deputy City Clerk