

TREE COMMITTEE AGENDA REPORT

SUBJECT: REQUEST TO REMOVE TWO TREES AND REPLANT 25 TREES AS PART OF A NEW MIXED-USE PROJECT THAT CONTAINS APPROXIMATELY 23,164 SQUARE FEET OF COMMERCIAL SPACE, A ONE BEDROOM RESIDENTIAL UNIT, AND ASSOCIATED SITE IMPROVEMENTS

FILE NUMBER: ARCH-0358-2023

PROJECT ADDRESS: 10 Higuera St.

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APPLICANT: Keith Sweeny

REPRESENTATIVE: Neil Miller, TenOver Studios

RECOMMENDATION

Review the proposed tree removals for consistency with the City's Tree Regulations and provide a recommendation to the Planning Commission.

SITE DATA

Zoning: Service Commercial with a special consideration overlay (C-S-S) & Tourist Commercial with a mixed-use overlay (C-T-MU) zone

General Plan: General Retail and Services & Manufacturing

Site Area: 2.96-acre parcel (128,938 square feet)

Environmental Status: The project is categorically exempt from environmental review under CEQA Guidelines section 15332 (Class 32, Infill Development Projects)

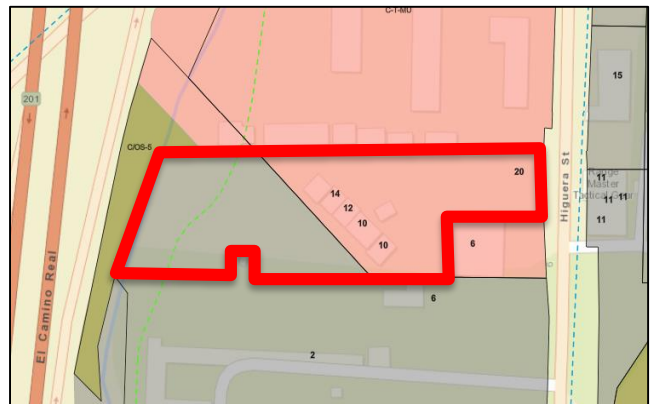


Figure 1: Subject Property Location

1.0 PROJECT DESCRIPTION

Keith Sweeny (Applicant) has applied for a Major Development Review (ARCH-0358-2023) to allow for the construction of a new mixed-use project that contains approximately 23,164 square feet of commercial space [proposed to be occupied by a distillery, restaurant, tasting room, and associated spaces] and a one-bedroom residential unit with associated site improvements, a sign program, and a request to remove two trees. The project is proposed on property located at 10 Higuera Street (Assessor Parcel Numbers [APN] 004-511-015, 004-511-022) that is 2.96 acres in size located in the Service Commercial with a special consideration overlay (C-S-S) & Tourist Commercial with a mixed-use overlay (C-T-MU) zone (see Attachment A, Project Plans).

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Along with the new mixed-use structure, the project will include various site improvements. Demolition activities would include the removal of asphalt, concrete, various accessory structures, and two pepper trees. The project also proposes site improvements including installation on-site water lines, a backflow preventer, new water meters, sewer service lines within the site and a connection to existing City wastewater infrastructure. Underground electrical service would be installed throughout the project site and connect to a new transformer. The project would include on-site amenities including a trash enclosure, a parking lot, bicycle parking, and landscaping (including the planting of 25 trees).

2.0 COMMITTEE PURVIEW

The Tree Committee's role is to review the project and provide a recommendation to the Planning Commission regarding consistency with the policies and standards set forth in San Luis Obispo Municipal Code (SLOMC) Section 12.24 (Tree Regulations).

3.0 TREE REGULATIONS

The City's Tree Ordinance (Municipal Code Chapter 12.24) was adopted in 2010 and recently updated in 2019 with the purpose of establishing a comprehensive program for installing, maintaining, and preserving trees within the City. This ordinance establishes policies, regulations, and specifications necessary to govern installation, maintenance, removal, and preservation of trees to beautify the city; to purify the air; to provide shade and wind protection; to add environmental and economic value; and to preserve trees with historic or unusual value.

Criteria for Construction Related Tree Removal Recommendations. SLOMC §12.24.090 subsection F.4 requires review by the Tree Committee for tree removal requests related to discretionary permit applications for Major Development Review and make a recommendation based on criteria set forth in subsection G. Applicable criteria are provided below with a description of how the proposed project responds.

- Size of Tree. The applicant is requesting to remove two trees (identified as Tree 1 and Tree 2 in the Arborist Report, Attachment C). Tree 1 is a *Schinus mole* (Peruvian pepper) that is in good health, structure, and form and is 48-inches in diameter at standard height (4.5-feet above natural grade). Tree 2 is also a *Schinus mole* (Peruvian pepper) and is in good health but fare structure and poor form. The issues with Tree 2's form and structure are due to pruning for overhead utilities that has created an off-balanced tree. It is 36-inches in diameter at standard height.
- Location of Tree on Private Property. The two trees are located interior to the almost 3-acre project site. Tree 1 is located over 400 feet from the public right of way behind an existing structure. It can be seen from the public right of way but is not of high visual impact to the neighborhood. Tree 2 is located behind a structure located at 6 Higuera Street and not easily visible from the public right of way.

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- Species of Tree. Trees 1 and 2 are both non-native trees. The Peruvian pepper tree, according to the Arborist Report, is mildly invasive and can be problematic near washes, creeks, and waterways. The project site is bordered by the San Luis Obispo Creek to the west and Exposition Creek to the south.
- Compliance Regarding Compensatory Plantings. The applicant is proposing to replant 25 trees on the site. Project Plans sheet L1.0 (Attachment A) shows the location and species of the new trees. The Plans include 6, 15-gallon *Aesculus californica* (California Buckeye), 11, 24-inch box *Arbutus* (Marina Strawberry Tree) and 3, 24-inch *Quercus rubra* (Red Oak). This proposal is beyond the one-to-one replacement planting outlined in Municipal Code [Section 12.24.090\(J\)](#).

Based on the criteria above, Trees 1 and 2, although larger in size, are not native, do not appear to provide high visual impact to the neighborhood, and the applicant is replacing the two trees with 25 trees and as such the proposed tree removals appear to be consistent with the City's Tree Regulations.

4.0 ACTIONS

- 4.1 Recommend findings of consistency with the Tree Regulations. An action recommending approval of the application based on consistency with the Tree Regulations (SLOMC Section 12.24) will be forwarded to the Planning Commission for final action. This action may include recommendations for conditions to address consistency with the Tree Regulations.
- 4.2 Continue the project to a hearing date certain, or uncertain. An action continuing the application should include direction to the applicant and staff on pertinent issues.
- 4.3 Recommend findings of inconsistency with the Tree Regulations. An action recommending denial of the application should include findings that cite the basis for denial and should reference inconsistency with the General Plan, Tree Regulations, or other policy documents.

5.0 ATTACHMENTS

- A - Project Plans (ARCH-0358-2023)
- B - Tree Removal Site Plan (ARCH-0358-2023)
- C - Arborist Report and Tree Protection Plan (ARCH-0358-2023)
- D - Tree Removal Application (ARCH-0358-2023)