

TO: JAMES L. APP, CITY MANAGER
FROM: DITAS ESPERANZA, CITY ENGINEER *DE*
SUBJECT: OAK TREE REMOVAL REQUEST – APPEAL OF PERMIT DENIAL
DATE: NOVEMBER 2, 1999

Needs: For the City Council to consider a request for appeal of the denial of a permit to remove one oak tree

- Facts:**
1. In September, the applicant, Donald Swenson, applied for an oak tree removal permit for a single 28" oak tree at 815 St. Andrews Circle.
 2. On September 29, 1999 a site visit was conducted by City personnel to review the condition of the tree. It was found to be alive and having some growth. An arborist report attached hereto, dated August 17, 1999 concluded that the tree was in declining health.
 3. On October 1, 1999, Mr. Swenson was notified by letter that his request was denied by the Director of Public Works but that he could file appeal in writing within 15 days.
 4. Mr. Swenson would like to appeal the denial of his permit based on the declining condition of the tree. See attached photos for visual representation of the tree in question.

**Analysis
and**

Conclusion: Upon review by staff of the condition of the oak tree at 815 St. Andrews, the request to remove the tree was denied. The applicant, Donald Swenson, would like to appeal this decision due to the failing health of the tree. City staff found the tree to be healthy and therefore did not recommend removal. Staff also noted that the arborist did not comment on what efforts may be made to enhance the tree health and growth.

Policy

Reference: Oak Tree Ordinance, Municipal Code section 10.01.040.C.

Fiscal

Impact: None

- Options:**
- A. That the City Council uphold the decision of City staff to deny removal of one 28-inch diameter oak tree at 815 St. Andrews Circle.
 - B. That the City Council consent to the removal of one 28-inch diameter oak tree at 815 St. Andrews Circle.
 - C. That the City Council amend, modify or reject the above option.

Attachments: (4)

- 1) Letter to Mr. Swenson
- 2) Arborist Report
- 3) Letter from Mr. Swenson
- 4) Photos (copies)



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

October 1, 1999

Mr. Don Swenson
815 St. Andrews Circle
Paso Robles, CA 93446

RE: 28" Oak Tree at 815 St. Andrew's Circle

Dear Mr. Swenson:

Thank you for stopping by City Hall on September 29, 1999, to discuss removal of a 28" blue oak on your property.

The Department of Public Works has reviewed your arborist's report dated August 17, 1999. In addition, a site visit was conducted on September 29, 1999, by Department personnel to review the condition of the tree. Both the arborist's report and the field evidence indicate that the tree appears in declining health although some green growth was observed.

Section 10.01.040.C. of the Municipal Code states, in part, "The only oak trees whose removal the director [of the Department of Public Works] is authorized to permit are trees that are of less than mature size [6" diameter] or which are, in the director's judgment, clearly dead or diseased beyond correction"

Based upon his review of the evidence, the Director does not feel your tree meets this condition. Therefore your request for a permit to remove the tree is denied.

If you wish to appeal this decision, you may do so by filing a written appeal with the City Clerk within fifteen (15) days of the date of this notice. Please refer to section 10.01.050 of the attached section of the Municipal Code for additional information on appeals.

If you have any questions please do not hesitate to call.

Sincerely,

Joseph A. Chouinard, P.E.
Assistant City Engineer

attached: Muni. Code Chapter 10.01
cc: John McCarthy, P.E., Director

WESTERN



CHAPTER

Jack Brazeal's Tree Consulting
4531 Skipjack Lane
Paso Robles, CA 93446
(805) 227-6140

tax i d 248-48-8781



WC-0163
California State License No. 619923

August 17, 1999

Molisa
Eagle Creek/Mullholland Development
2917 Union Road # "H"
Paso Robles, Ca. 93446

RE: Tree assessment at ;
The Don Swensen Residence
815 St. Andrews Circle
lot # 61 †
Paso Robles, Ca. 93446

ASSIGNMENT

Assess and evaluate the health and structural condition of one 28" diameter blue oak (Quercus douglasii) tree at the subject address.

ASSESSMENT

Several large branches have been removed from this tree, some were removed recently and some were removed several years ago. The architecture (natural structure) of this tree has been severely compromised as a result of the branch removals. The leaves are smaller than normal and twig dieback is severe. The tree canopy is very sparse and new growth is non-existent. The soil in the root zone area is dry and is probably compacted.

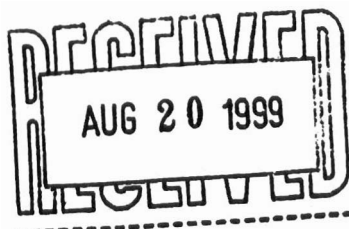
CONCLUSION

1. This tree has lost it's natural structure and pleasing appearance.
2. This tree is in poor health and is declining at a significant rate.


Jack Brazeal A S C A

Registered Consulting Arborist # 377

Consulting Arborist Fee.....\$75.00



12-3

Donald D. Swenson

815 St Andrews Circle Paso Robles, Ca. 93446 805-226-8519

October 6, 1999

City Clerk
City of El Paso de Robles
1000 Spring St.
Paso Robles, Ca. 93446

RECEIVED
CITY MANAGER

OCT 08 1999

CITY OF PASO ROBLES

RE: Denial of permit to remove oak tree in declining health

I am filing an appeal of the denial to issue a permit to remove the oak tree in front of my home at 815 St. Andrews Circle.

I agree with the ordinance and commend the city for persevering in the efforts to preserve the beauty of the natural vegetation of the city and the area. The trees and beauty of the area is what decided us to move here. Our family are newcomers to Paso Robles. We have lived here only 16 months and feel at home and enjoy the community.

The tree in question has a limb that had broken off sometime in the past, a large limb had been cut previously also. It is true there are some sort of green leaves (more gray than green) on the tree, but only less than 20% is green. The area of the tree that has the "green" leaves is on the top. The lateral limbs appear to be dead and have brown leaves or no leaves at all. Part of the problem is that the high winds that we have at times increase the danger of these dead limbs breaking off in the wind.

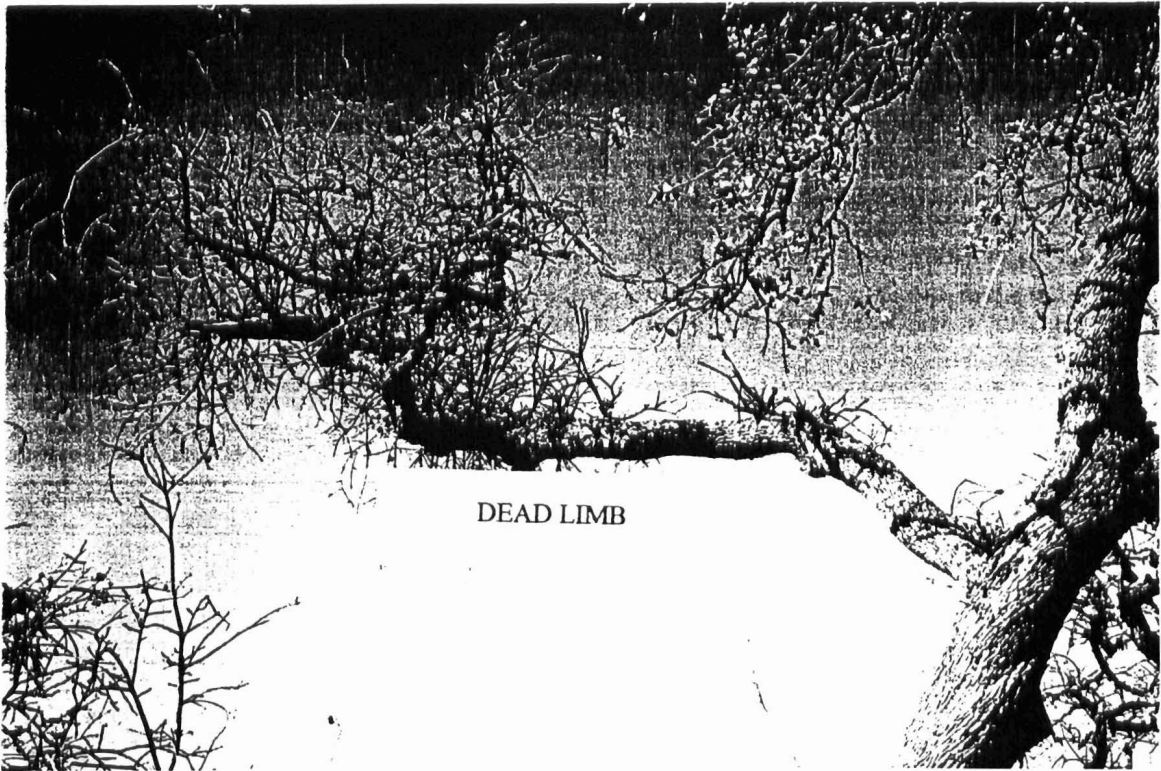
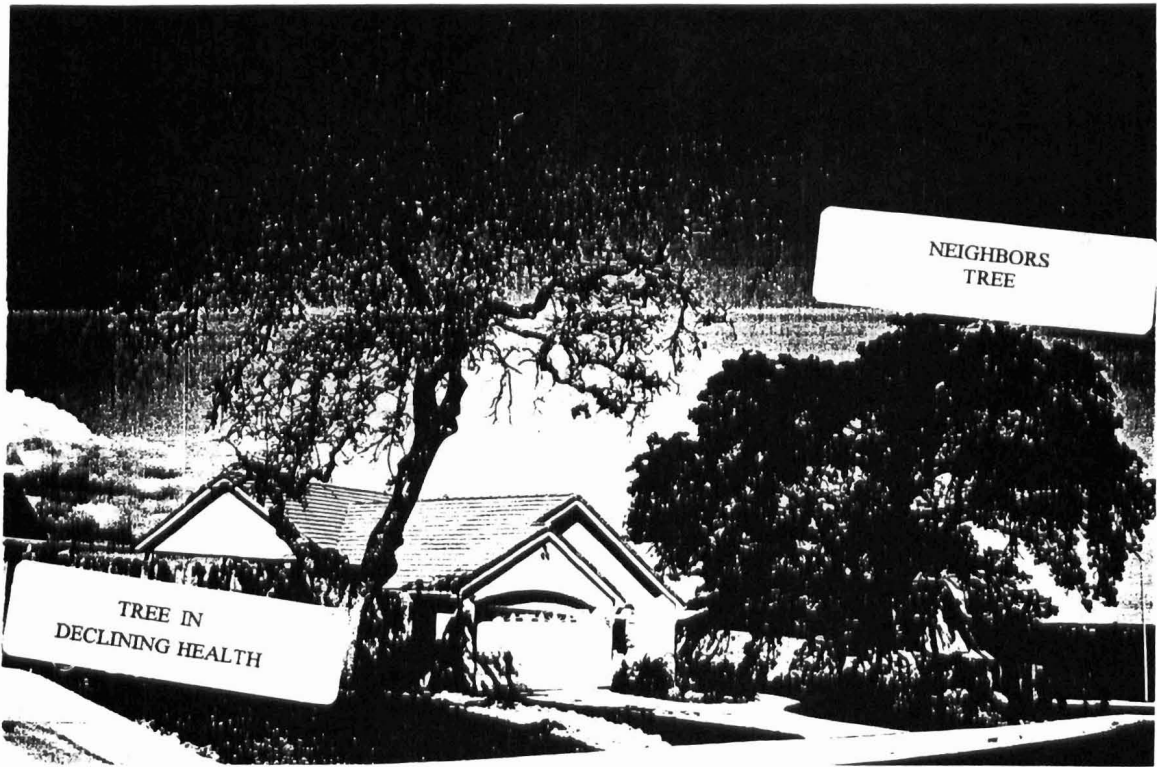
This is not a tree that any one of you would like to have in front of your home or for that matter in the city park.

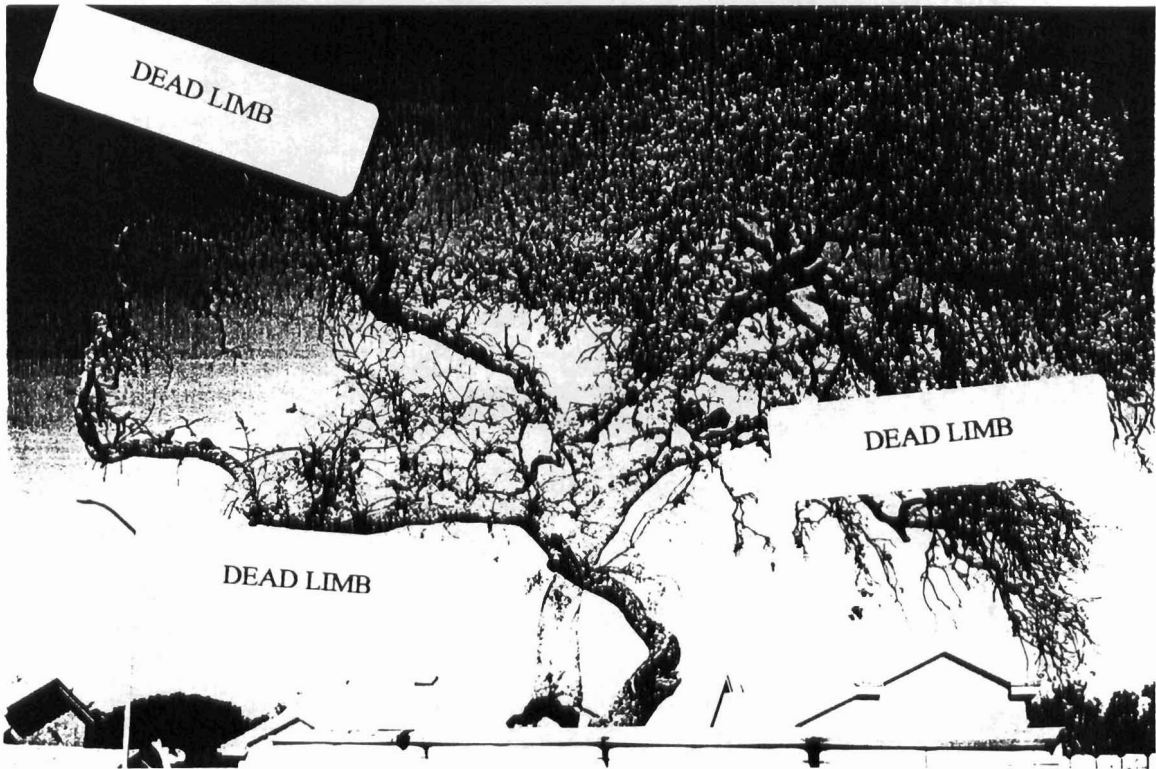
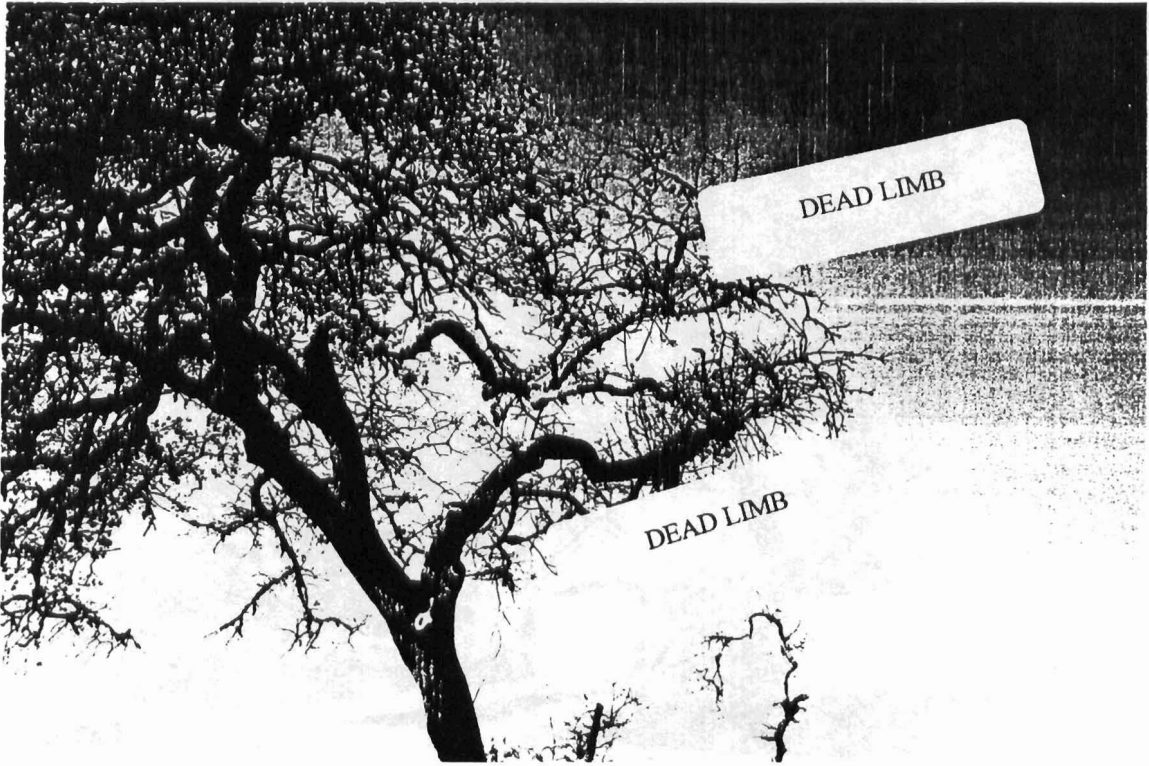
I am enclosing pictures for you to review and request your approval of a permit to remove this tree. I would like to resolve this problem so that I can landscape this area for the beautification of our home. If this were a healthy tree I would not be writing this letter.

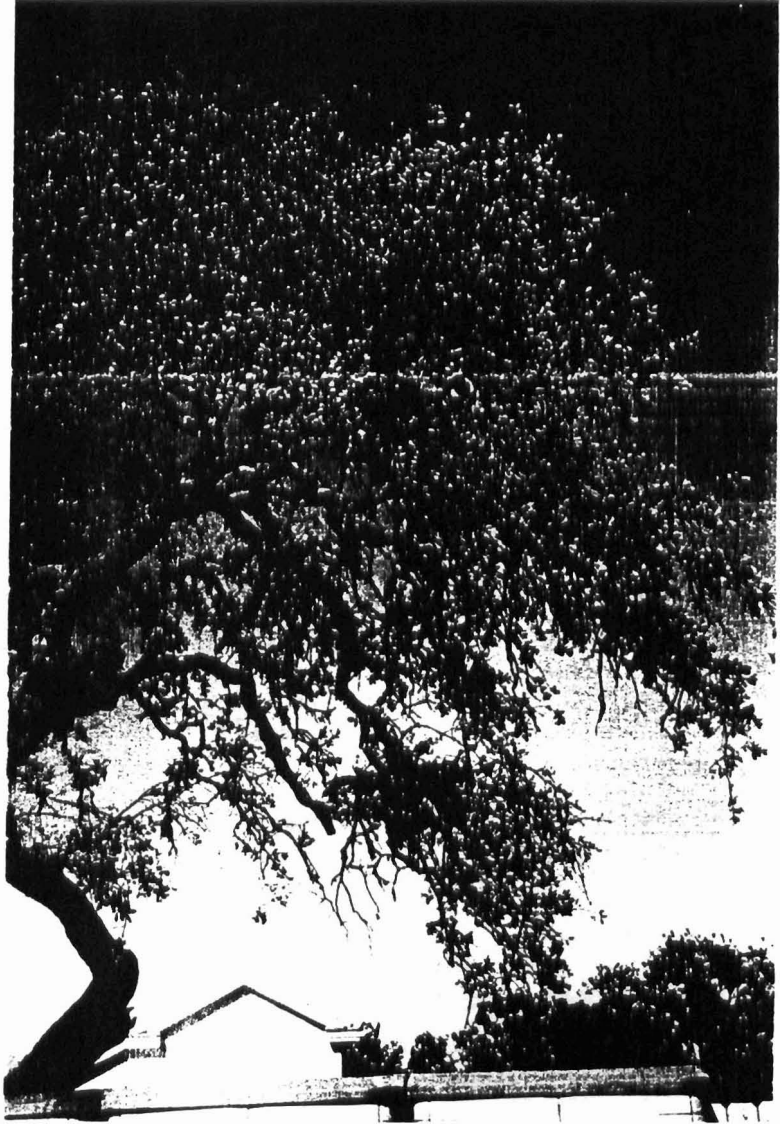
Sincerely:



Donald D. Swenson







12-7

