

TO: JAMES L. APP, CITY MANAGER
FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: REQUEST TO REMOVE TWO OAK TREES - 2015 OAK STREET (BRANCH)
DATE: NOVEMBER 19, 2002

Needs: For the City Council to consider a request to remove two (2) Live Oak trees.

- Facts:
1. The City has received a written request from Matt and Michelle Branch for the removal two (2) Live Oak trees; the trees have a diameter of 34 and 48 inches, respectively. There is another Live Oak tree (48-inch diameter) located on-site that will be preserved.
 2. Arbor Tree Surgery prepared an Arborist Report (see attached) stating that:
 - ✓ Each tree is in poor to fair condition;
 - ✓ Each tree has excessive cavities and very weak structure in the lower trunk area;
 - ✓ Each tree is very top heavy and accepted arboricultural pruning practices cannot be used to eliminate any natural tendencies for the trees to slough off the branches at the top;
 - ✓ Each tree will, as a result of being structural weak and top heavy, will begin to decline and eventually die.
 3. The arborist recommends removal of the two (2) Live Oak trees that are identified as Tree Nos. 2 and 3 on the attached site plan and preservation of the third Live Oak tree (Tree No. 1).
 4. The request, if granted, would result in the removal of a combined total tree diameter of 82-inches. Applying the 25% replacement requirement, the property-owner would have to plant fourteen 1½ inch caliper Live Oak trees or any other combination totaling 20½ inches.

Analysis

And Conclusion: City policies strongly encourage oak tree preservation. Section 10.01.050 (E) of the Paso Robles Municipal Code states that five (5) factors should be considered when oak trees are proposed for removal. These factors are:

- The condition of the oak tree with respect to its general health. *Per the Arborist Report, the trees are in poor to fair condition; they have excessive cavities; they are structurally weak; they are top heavy; and they are likely to begin to decline to such a point where they will die.*

- The necessity of the proposed removals in order to allow construction of improvements or otherwise allow reasonable use of the property for the purpose for which it has been zoned. *The site contains an existing single-family residence and a detached garage. The applicant is proposing to expand the garage; the expansion proposal is subject to Planning Commission review and issuance of a Conditional Use Permit. The expansion proposal, if approved, would infringe upon the critical root zones of the two Live Oak trees for which the property-owner is seeking authorization to remove.*
- The topography of land and the potential effect of the requested tree removal on soil retention, water retention, and diversion or increased flow of surface waters. *Removal of the trees, if authorized, is not expected to impact any of the above-listed factors. The trees are located on a fully graded and improved residential lot where their removal would not involve any grading or substantive site disturbance..*
- The number, species, size and location of existing trees in the area and the effect of the requested action on shade areas, air pollution, historic values, scenic beauty and the general welfare of the city as a whole. *Removal of the trees, if authorized, would not have a deleterious effect on the above-listed factors. No grading or appreciable site disturbance is involved.*
- Good forestry practices. *The trees are located in a small planter area located at the northern boundary between the subject property and the neighboring property and, in fact, the trees overhang the neighboring property. By replacing the trees elsewhere on-site or planting them within a public park, it is reasonable to assume that the new trees will be planted with sufficient space to allow growth to occur without infringing upon the critical root zones.*

Policy

Reference: Section 10.01 (Oak Tree Preservation) of Title 10 of the Paso Robles Municipal Code

Fiscal

Impact: None.

Options:

- A. Adopt Resolution No. 02-xx approving the two (2) oak tree removal requests, based on the facts, findings, and recommendations of the Arborist Report and subject to the 25% replacement requirement wherein fourteen 1½ inch caliper Live Oak trees or any other combination totaling 20½ inches would have to be planted on-site and/or within a public park area.
- B. Amend, modify or reject the above option.

Attachments:

1. Applicant's Letter
2. Arborist Report
3. Resolution to Authorize Removal

Revised
October 24, 2002

August 9, 2002

Matt & Michelle Branch
2015 Oak Street
Paso Robles CA 93446

Matt & Michelle:

After reviewing your proposed construction site at the above-mentioned location I have prepared the following proposal for the scope of work.

1. All Oak trees within the project impact area have been identified and plotted on a topographic site plan with critical root zones/driplines shown, The trunk diameters have been called out and the trees have been identified as removed or saved. The drawing identified with A.P.N. 008-222-011 was used to review the site and trees; I have identified the three trees and labeled them #'s 1-3. #1 is a 34" Live Oak, #2 is a 34" Live Oak, and #3 is a 38" Live Oak.
2. On a scale of 1-10, 1 being dead to poor, 2-5 being poor to fair, 6-8 being fair to good, 8-10 being good to excellent. I have rated the trees within the impact area as follows.
 - Tree #1 = rating of 7 tree is healthy has had excessive topping but all in all will be a significant tree to the property and should remain in the landscaping.
 - Tree #2 = rating of 3 due to excessive cavity and very weak structure at the lower trunk area.
 - Tree #3 = rating of 3 due to excessive cavity and very weak structure at the lower trunk area.
3. Project alternatives: It is foreseeable that trees #2 & #3 will decline and eventually die since they are structurally weak and very top heavy. Tree #1 although has had excessive topping it appears healthy and should remain in the landscape.

4. Mitigation measures that may offset the potential for adverse impacts to the trees of during construction.
 - Damage: The person causing damage to any Oak tree shall report such damage to the city-planning department.
 - Construction waste & equipment storage: Any petroleum, chemicals, construction materials and equipment shall not be stored under the drip-line of any Oak trees. No paint thinner, paint, plaster or other liquid or solid excess or waste construction material or wastewater shall be dumped on the ground or into any grate between the drip-line and the base of the oak trees. Or uphill from any oak tree where such substance might reach the roots through a leaching process.
 - Attachments: Wire, sings, nails and other similar attachments shall not be used on any oak trees.
 - Protection fencing: Tree protection fencing shall be installed at the drip-line to prevent compaction and injury to any tree surface roots.
 - Root exposure: Where cuts are made in the ground near the roots of any oak tree, appropriate measures shall be taken to prevent exposed roots and soil from drying out and causing damage thereto, all cuts within the drip-line of all oak trees are to be made by hand and with sharp pruning tools (No Backhoes or Graders).
4. Long-term impact evaluation: If the above recommended mitigation measures are followed the long-range evaluation would qualify as having no impact to the remaining oak tree #1.
5. Maintenance of the remaining Oak Tree: shall comply with the provisions of the City's Oak Tree Preservation Ordinance No. 835 N.S.
6. Tree Replacement: Trees 2 & 3 have a total of 72" TDBH, 25% of this amount is 17.8" of replacement diameter, there appears to be several areas within the subject property that would be suitable for 2-3 replacement trees this should account for about 6-7 inches of the 25%, arrangements should be made to relocate the remaining replacement inches/trees on public property with the City Planning Dept.

Sincerely,

Steven G. Alvarez
Certified Arborist
#WC-0511

RESOLUTION NO. 02-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF TWO OAK TREES AT 2015 OAK STREET
(BRANCH)

WHEREAS, the City has received an application submitted by Matt and Michelle Branch, to remove two (2) Live Oak trees (the trees have a diameter of 34 and 48 inches, respectively) located at 2015 Oak Street; and

WHEREAS, Arbor Tree Surgery prepared an Arborist Report dated October 24, 2002, stating that:

1. Each tree is in poor to fair condition;
2. Each tree has excessive cavities and very weak structure in the lower trunk area;
3. Each tree is very top heavy and accepted arboricultural pruning practices cannot be used to eliminate any natural tendencies for the trees to slough off the branches at the top; and,
4. Each tree will, as a result of being structural weak and top heavy, will begin to decline and eventually die.

WHEREAS, the Arborist Report includes the arborist's recommendation that the two (2) Live Oak trees should be removed based on the above-listed facts and findings.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby:

1. Authorize the removal of two (2) Live Oak trees at 2015 Oak Street.
2. Grant exception to the requirement of replacement trees based on documentation provided by Mr. Jack Brazeal, Registered Consulting Arborist #377, concluding that the tree death or disease is not the property owner's fault.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 19th day of November 2002 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk