

**TO: JAMES L. APP, CITY MANAGER**

**FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: REQUEST TO REMOVE AN OAK TREE– 843 VINE STREET (JOLLIFFE)**

**DATE: JANUARY 21, 2003**

**Needs:** For the City Council to consider a request to remove one (1), double stem – 28.8 inch Coast Live Oak.

**Facts:**

1. The City has received a written request from Ron Jolliffe for removal of a Coast Live Oak tree located in the rear yard of a residential property located at 843 Vine Street.
2. The oak tree was previously the subject of an enforcement case when the property's former owners pruned it illegally. The enforcement issue has been resolved and fines were paid by the previous owner.
3. The applicant (and current owner) desires to construct a garage and second dwelling unit on the R-2 zoned property. The proposed two-story structure would be located within the CRZ (see Site Plan, Attachment 2). The location of the tree's critical root zone (CRZ), with a radius of 28.8 feet, effectively precludes siting a dwelling structure on the rear half of the lot.
4. An arborist report was performed by Jack McCabe of Davey Resource Group. The arborist has given the tree a hazard rating of seven on a scale of 0-12 (12 being extremely and immediately hazardous). The arborist states in his report that the tree is in poor to fair condition as a result of the previous illegal pruning. The side scaffolding branches were removed, leaving only the two co-dominant stems with a weak fork structure to carry new growth.
5. The arborist has indicated that the proposed building would occupy up to 45 percent of the CRZ, and would significantly increase the hazard rating of the tree due to impacts to the root zone on an already weakened tree.
6. The report states that the co-dominant stems have developed a vertical crack and show signs of stress, including weeping from various wounds caused by the climbing spikes used in the illegal trimming.
7. The arborist has suggested cabling the limbs as a short-term solution, but indicates that this would not be a long-term solution to the hazard potential due to the lack of scaffolding limbs.

8. In addition to a desire for site development, the applicant has cited insurance reasons for requesting removal of the tree. Because the arborist's report has identified a structural problem with potential for limb failure, any claim for damages resulting from the tree splitting may be denied.
9. The oak tree ordinance replacement policy would require the applicant to install "like species" at a replacement requirement of 7.2 inches (28.8" removed x 0.25 replacement factor). This requirement could be satisfied by planting two (2) 4-inch trees, or four (4) 2-inch trees, or other combinations that add up to the 7.2-inch requirement based on 1.5-inch caliper being the minimum tree size.

**Analysis  
And Conclusion:**

City policies strongly encourage oak tree preservation. Section 10.01.140 (D) of the Paso Robles Municipal Code states that five 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: According to the Arborist Report by Jack McCabe of Davey Resource group, the tree is in fair to poor condition and is considered "at risk" for failure.
- The necessity of the requested action to allow construction of improvements or otherwise allow reasonable use of the property for the purpose for which it has been zoned: An existing single-family residence is located near the northeast corner of the lot outside the CRZ of the oak tree. The ordinance states that new construction should not be located within the CRZ. It appears that there could be other options for developing out the lot.
- 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: the removal of the tree, if authorized, is not expected to severely impact drainage runoff.
- 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: There are no other oak trees on the site. Removal of the tree would remove the only existing oak on the lot.
- Good forestry practices, such as, but not limited to, the number of healthy trees the subject parcel of land will support: If the tree is approved to be removed, the replacement ratio for removal of the tree would be 7.2 inches (28.8" removed x 0.25 replacement factor). This requirement could be satisfied by planting two (2) 4-inch trees, or four (4) 2-inch trees, or other combinations that add up to the 7.2-inch requirement based on 1.5-inch caliper being the minimum tree size.

Section 10.01.050 (E) requires the applicant to demonstrate that there are no reasonable alternatives to the proposed design and use of the property, and that every reasonable effort has been made to avoid impacting the oak tree, including custom building design and incurring extraordinary cost to save the tree. The applicant has not provided the required evidence to demonstrate that other design options are infeasible.

**Policy**

**Reference:** Paso Robles Municipal Code Section 10.01

**Fiscal**

**Impact:** None.

**Options:**

- A. Adopt Resolution No. 03-xx denying the oak tree removal request based on the applicant's inability to demonstrate that extraordinary effort has been made to design around the tree as required by Section 10.01.050 E of the City's municipal code.
- B. Adopt Resolution No. 03-xx approving the request to remove the 28.8 inch Coast Valley Oak, based on the arborist identifying that the tree is in poor condition and structurally weakened by previous pruning, and allow the removal of the tree with the condition that the applicant replace with 7.2 inches of Coast Live Oak based on 1.5-inch caliper being the minimum tree size, to be planted in a location that is appropriate for the species of tree as determined by a horticulture professional.
- C. Amend, modify or reject the above options.

**Attachments:**

- 1. Applicant's Letter dated 11-17-02
- 2. Site Plan
- 3. Photo of Proposed Tree Removal
- 4. Resolution to Deny Request
- 5. Resolution to Approve Request
- 6. Attachment A, Arborist Report

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
DENYING THE REQUEST FOR THE REMOVAL OF AN OAK TREE AT  
843 VINE STREET (APPLICANT: JOLIFFE)  
APN 009-142-007

---

WHEREAS, the City has received an application by Ron Jolliffe for removal of a 28.8 inch double-stem Coast Live Oak tree located in the rear yard at 843 Vine Street; and

WHEREAS, the applicant has submitted an Arborist Report performed by Jack McCabe of Davey Resource Group, which gives the tree a hazard rating of seven on a scale of 0-12 (12 being extremely and immediately hazardous). The tree is characterized as being in fair to poor condition; and

WHEREAS, the oak tree was previously the subject of an enforcement case when the property's former owners pruned it illegally, compromising the tree's condition; and

WHEREAS, the applicant and current property owner desires to construct a garage and second dwelling unit on the R-2 zoned property, and the proposed two-story structure would be located within the Critical Root Zone of the tree; and

WHEREAS, the applicant has not demonstrated that there are no reasonable alternatives to the proposed development, and has not made every reasonable effort to avoid impacting the tree as required under Section 10.01.050 (E); and

WHEREAS, the arborist has indicated that the tree is not an immediate hazard.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the City Council of the City of Paso Robles does hereby deny the request to remove the 28.8-inch diameter, double trunk, Coast Live Oak tree located at 843 Vine Street, and hereby directs the applicant to make every reasonable effort to preserve the tree.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 21<sup>st</sup> day of January 2003 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Frank R. Mecham, Mayor

ATTEST:

---

Sharilyn M. Ryan, Deputy City Clerk

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
APPROVING THE REQUEST FOR THE REMOVAL OF AN OAK TREE  
AT 843 VINE STREET (APPLICANT: JOLIFFE)  
APN 009-142-007

WHEREAS, the City has received an application by Ron Jolliffe for removal of a 28.8 inch double-stem Coast Live Oak tree located in the rear yard at 843 Vine Street; and

WHEREAS, the applicant has submitted an Arborist Report performed by Jack McCabe of Davey Resource Group, which gives the tree a hazard rating of seven on a scale of 0-12 (12 being extremely and immediately hazardous). The tree is characterized as being in fair to poor condition; and

WHEREAS, the oak tree was previously the subject of an enforcement case when the property's former owners pruned it illegally, compromising the tree's condition; and

WHEREAS, the applicant and current property owner desires to construct a garage and second dwelling unit on the R-2 zoned property, and the proposed two-story structure would be located within the Critical Root Zone of the tree; and

WHEREAS, the Arborist has indicated that the proposed building would further compromise the tree and potentially create a hazardous condition due to root zone impacts; and

WHEREAS, as shown on the site plan attached as Exhibit "A", the critical root zone occupies the majority of the rear half of the lot; and

WHEREAS, the arborist has indicated that the tree is not in immediate hazard but has a poor prognosis for longevity due to structural defects and damage incurred when the illegal pruning was performed.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City Council of the City of Paso Robles does hereby approve the request to remove the 28.8-inch diameter double trunk, Coast Live Oak tree located at 843 Vine Street.

SECTION 2. As agreed upon the applicant, the applicant is required to install "like species" at a replacement requirement of 7.2 inches (28.8" removed x 0.25 replacement factor). This requirement could be satisfied by planting two (2) 4-inch trees, or four (4) 2-inch trees, or other combinations that add up to the 7.2-inch requirement based on 1.5-inch caliper minimum tree size.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 21<sup>st</sup> day of January 2003 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Frank R. Mecham, Mayor

ATTEST:

\_\_\_\_\_  
Sharilyn M. Ryan, Deputy City Clerk