

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

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

**SUBJECT: REQUEST TO REMOVE ONE OAK TREE - 130 17<sup>th</sup> STREET (CARDELLI)**

**DATE: AUGUST 19, 2003**

**Needs:** For the City Council to consider a request to remove one Blue Oak Tree. This request was continued at the August 5, 2003 Council Meeting.

**Facts:**

1. The City has received a written request from Warren Cardelli for the removal of one 30-inch Blue Oak tree.
2. An Arborist Report was performed by Arbor Tree Surgery on June 9, 2003, where it was determined that tree is diseased beyond correction and because the tree trunk is divided into two scaffolds, the tree is structurally weak and dangerous. (See attached report)
3. The arborist indicated that the tree's bark is rotting off, it appears to have fungus and it is infested with wood destroying pests.
4. According to Section 10.01.050.E.1, Exceptions to replacement requirement: a property owner may request authorization to remove a dead or diseased oak tree without the need to provide the required replacement trees if he or she can provide documentation of his arborist that the tree's disease is not their fault.
5. Mr Cardelli is requesting exception to the replacement requirement based on his Arborist's determination that the disease of the tree is not his fault. (See attached letter from Arborist)
6. The City Council at their meeting on August 5, 2003, on a 2-2 vote (Councilman Nemeth was absent) was not able to make a decision on the removal based on the request not to plant replacement trees.
7. At the Council meeting on the August 5<sup>th</sup>, it was discussed that replacement trees have consistently been required by Council, and that not requiring them would set precedence. Upon further research, staff verified that on November 19, 2002, Council allowed the waiver of replacement trees for a property located at 2015 Oak Street. No other waivers of replacement trees have been filed.

**Analysis**

**And Conclusion:** At the City Council meeting on August 5, 2003, a majority of the Council was in favor of the tree removal, but that a decision on the requirement for replacement trees was not made. The Councilmen against the waiver of replacement trees did not want to establish precedence.

Upon further research, staff did verify that consistent with the Oak Tree Preservation Ordinance Council has allowed the waiver of replacement trees if the decline of the tree was not the property owners fault.

If the Council concludes that the applicant does need to plant replacement trees, the applicant would need to plant or donate five (5) 1.5-inch diameter blue oak trees.

**Policy**

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

**Fiscal**

**Impact:** None.

- Options:**
- A. Adopt Resolution No. 03-xx approving the oak tree removal request based on the arborist report identifying that the tree is diseased beyond correction and because the tree trunk is divided into two scaffolds, the tree is structurally weak and dangerous and that replacement trees are not required in this situation based on the decline of the tree not being the property owners fault.
  - B. Amend, modify or reject the above options.

**Attachments:**

1. Attachment A, Arborist Report
2. Attachment B, Letter from Arborist dated July 24, 2003
3. Section 10.01.050E.1. Exceptions to replacement requirement
4. Resolution to Approve

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
AUTHORIZING THE REMOVAL OF ONE OAK TREE AT 130 17<sup>th</sup> STREET  
(CARDELLI)

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WHEREAS, the City has received an application submitted by Warren Cardelli, to remove one (1) Blue Oak tree (the trees has a diameter of 30- inches) located at 130 17<sup>th</sup> Street; and

WHEREAS, Arbor Tree Surgery prepared an Arborist Report dated June 9, 2003, stating that the tree is diseased beyond correction and because the tree trunk is divided into two scaffolds, the tree is structurally weak and is dangerous, and

WHEREAS, the Arborist Report includes the arborist's recommendation that the 30-inch Blue Oak is a hazard and needs to be removed based on the above-listed facts and findings, and

WHEREAS, at the meeting on August 5, 2003, the Council was unable to make a decision on the removal request based on the request not to plant replacement trees, and

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

1. Authorize the removal of one (1) 30-inch Blue Oak trees at 130 17<sup>th</sup> Street.
2. Consistent with Section 10.01.050.E.1. of the Oak Tree Ordinance, that the City Council allow an exception for the requirement for replacement trees based on the Arborist indication that the trees have declined due to disease and that the decline is not the property owners fault.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 19<sup>th</sup> day of August 2003 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk