

TO: JAMES L. APP, CITY MANAGER

FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: REQUEST TO REMOVE ONE OAK TREE – MONTEBELLO TRACT 2369, LOT 100 (FALLING STAR HOMES)

DATE: OCTOBER 7, 2003

Needs: For the City Council to consider a request to remove one 48-inch Valley Oak Tree.

- Facts:**
1. The City has received a written request from North Coast Engineering on behalf of Frank Arciero of Falling Star Homes, for the removal of one 48-inch, four-stem Valley Oak tree.
 2. The tree is located on Lot 100 of Tract 2369 (212 Kayla Court). The tree is near the southern boundary of the Montebello Tract. The hill on which the tree is located is one of the highest elevations in the area.
 3. An Arborist Report was performed by Arbor Tree Surgery on August 4, 2003, where the arborist states that upon a visual inspection of the tree, the tree has "included" bark between the stems, the crotch of the tree has poor drainage which has allowed grass to grow. The Arborist concludes that these factors indicate that the tree's crotch is weak.
 4. The Arborist performed a hazard evaluation on the tree where it was determined that as long as there were no homes constructed beneath the tree, and there was no ability for pedestrians to access the area beneath the tree that there is not a hazard. If, once homes are built there is the ability for people to access the area beneath the tree, it would be a hazard.
 5. Arbor Tree Surgery also tested the tree for decay. The test results determined that there is decay within the trunk of the tree and there is no remedy to improve this situation.

Analysis

And Conclusion: The Arborist concluded in his report, that based on the weakness of the crotch and the fact that the tree contains decay that as the tree grows the probability of failure will occur and recommends that the tree be removed.

Along with the submittal of the Arborist Report, North Coast Engineering submitted a summary of the oak tree removals and oak

tree preservations for the Tract. October 17, 2000, the City Council approved the removal of up to 31 oak trees for Tract 2369. The subject tree was not part of the original trees to be removed. Of the 31 trees allowed to be removed, one 15-inch White Oak tree is able to be saved. The applicant is seeking to “trade” the tree saved against the tree proposed to be removed.

The alternative to removing the tree would be the request to construct a series of retaining walls at the bottom of the existing slopes of Lot 99 and 100. Upon review of the retaining walls for the two lots, the Development Review Committee has asked the applicant to submit a plan by a Landscape Architect and Arborist to address landscaping of the existing slopes as required by the Zoning Code. Landscaping plans have not been submitted to the City as of yet.

The subject oak tree is located on top of what is now a hill that has been created because of the grading that has occurred for Lot 99 and Lot 100. The grading that has occurred is consistent with the approved grading plan which is consistent with the Planning Commission approved preliminary grading plan.

Considering the situation in retrospect, more city staff time should have been invested in coordinating the grading between the two adjacent subdivisions. Either the entire hill and oak tree should have been proposed for removal or there should have been no grading permitted around the hill on which the oak is perched.

As the situation is today, it would appear that the removal of the tree and grading of the lots lower would be better in keeping with the character of the other lots on the cul de sac. The preservation of the 15-inch tree and the fact that replacement oak trees would help off set the impact of the subject tree removal. Staff will also be more aware of the need to avoid similar circumstances in the future.

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 there is evidence of “included” bark and trunk decay, indicating that the tree crotch is weak and is beyond correction; and require a replacement ratio of 12 inches of Valley Oaks, which shall be planted on site, in proper locations and proper techniques per the Arborist or other horticulture professional

and/or the trees can be donated to the City for future planting in a public area.

- b.** Adopt Resolution No. 03-xx denying the oak tree removal request and direct the applicant to hire a Landscape Architect to work with the Arborist to come up with a landscape and retaining wall plan (without stairs that would encourage public access). The intent would be to provide stabilization and aesthetic value to the slopes while still preserving the subject oak tree.
- c.** Amend, modify or reject the above options.

Attachments:

- 1. Attachment A, Arborist Report
- 2. Attachment B, Letter from Arborist dated July 24, 2003
- 3. Resolution to Deny
- 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 ON LOT 100 OF TRACT 2369
(FALLINGSTAR HOMES - ARCIERO)

WHEREAS, the City has received an application submitted by North Coast Engineering on behalf of Falling Star Homes, to remove one (1) Valley Oak tree (the tree has a diameter of 48 inches) located on Lot 100 of Tract 2369 (212 Kayla Court); and

WHEREAS, Arbor Tree Surgery prepared an Arborist Report dated August 4, 2003, stating that the tree contains "included" bark, has trunk decay, and recommends that the tree be removed; and

WHEREAS, it is evident based on the grading, which has left the tree highly elevated above the adjacent lots and public street, that a better situation would be to remove the tree and re-grade the lots to conform with the surrounding lots and require replacement oak trees to be planted.

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) 48-inch Valley Oak tree on Lot 100 of Tract 2369.
2. The applicant is required to install "like species" at a replacement requirement of 12-inches (48" removed x 0.25 replacement factor). This requirement could be satisfied by planting eight (8) 1.5-inch trees, or other combinations that add up to the 12-inch requirement based on 1.5 - inch being the minimum tree size. The Arborist shall be involved with the planting of the trees on site to insure proper install and location of replacement trees. The trees may also be donated to the City for future planting in public area.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 7th day of October 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
DENYING THE REMOVAL OF ONE OAK TREE ON LOT 100 OF TRACT 2369
(FALLINGSTAR HOMES - ARCIERO)

WHEREAS, the City has received an application submitted by North Coast Engineering on behalf of Falling Star Homes, to remove one (1) Valley Oak tree (the tree has a diameter of 48 inches) located on Lot 100 of Tract 2369 (212 Kayla Court); and

WHEREAS, Arbor Tree Surgery prepared an Arborist Report dated August 4, 2003, stating that the tree contains "included" bark, has trunk decay, and recommends that the tree be removed; and

WHEREAS, this tree was not one of the original trees that was requested by the applicant to be removed; and

WHEREAS, the tree was not one of the 31 trees approved to be removed by the City Council.

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

1. Deny the removal of one (1) 48-inch Valley Oak tree on Lot 100 of Tract 2369.
2. Consistent with Section 21.16E.140.L.b.i of the Zoning Code, the applicant shall submit a landscape plan drawn by a Landscape Architect for review and approval by the Development Review Committee for the manufactured slopes visible from a public street on Lot 99 and 100.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 7th day of October 2003 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk