

TO: JAMES L. APP, CITY MANAGER

FROM: JOHN FALKINSTIEN, ACTING COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: REQUEST TO REMOVE AN OAK TREE – KENNEDY CLUB FITNESS CENTER

DATE: MARCH 7, 2006

Needs: For the City Council to consider a request to remove a 52-inch oak tree at the Kennedy Club Fitness center site.

Facts:

1. The location for this tree removal application is on the east side of South River Road between Serenade Road and Oak Hill Road (across from Walmart).
2. The Planning Commission approved PD 04-011 to establish a fitness center, including a clubhouse/gym, childcare center, wellness center, swimming pool, two commercial buildings, and a parking lot on September 13, 2004.
3. No oak trees were considered to be impacted by the proposed project at the time of Planning Commission approval.
4. Construction of the swimming pool and part of the parking lot requires construction of a retaining wall.
5. The applicant is proposing to modify their site plan to locate the pool equipment room above ground at the base of the oak tree, and to modify the retaining wall approved with PD 04-011.
6. Normally a minor modification to the site plan may be handled at the staff or Development Review Committee (DRC) level. With the potential impact to the oak tree associated with this modification, the matter is being brought directly to the City Council. Dependent on the design treatment of that area (pending the final design outcome with the oak tree), the revision will need to be reviewed by the appropriate approval authority (i.e. DRC and/or Planning Commission).
7. The applicant indicates that the existing soil conditions are not suitable to construct the modified retaining wall without removing and re-compacting the uphill soil so that the soil is at a lower angle slope. Removal of the soil and constructing a

retaining wall around the tree to preserve it is estimated to cost \$198,000.

8. Staff and the applicant discussed several design alternatives for relocating the pool equipment room in locations that would not require removing the oak tree and that would not require extremely large retaining walls around the tree. None of the options discussed were to the satisfaction of the applicant.
9. The City's Oak Tree Preservation Ordinance requires the applicant to clearly demonstrate that, "*... there are no reasonable alternatives to the proposed design and use of the property. Every reasonable effort shall be made to avoid impacting oak trees, including but not limited to use of custom building design and incurring extraordinary costs to save oak trees.*"
10. Per the Arborist Report prepared August 2005, the subject oak tree is an aesthetically valuable, healthy oak tree. (See Attachment 4, Arborist Report).

Analysis
and

Conclusion: When this project was first considered there were no buildings proposed near the oak tree. The oak tree also appeared to be far enough away from the proposed retaining wall that it would not be impacted by development. However, the applicant's desire to relocate the pool equipment room would cause new infringement on the 52-inch oak tree, and would necessitate consideration of retaining wall alternatives.

The applicant has shown two possible approaches to the site redesign. The first would involve a 24 foot tall retaining wall (shown in Attachment 3A) which would preserve the oak tree, but which the applicant indicates would be prohibitively costly at \$198,000. The second alternative presented by the applicant (shown in Attachment 3B) is to remove the healthy oak tree, thereby allowing for the equipment room and a lower retaining wall of less economic impact to the project.

The City has supported this project through approval of the original Planned Development, recognizing the significant investment being made in the community. There is mutual desire for this project to be built. However, the City's oak tree preservation policies are quite clear in their expectation that development be required to make extraordinary effort to design around and avoid impacts to oak trees. It appears there may be design alternatives that could be less costly than the large retaining wall shown in the applicant's exhibits, and which could still preserve the tree.

Policy

Reference: City of Paso Robles General Plan Update and EIR, 2003, Zoning Ordinance, Oak Tree Ordinance, and CEQA.

Fiscal

Impact: No fiscal impacts identified with this request.

Options: After considering the public testimony received, the City Council will be asked to select one of the following options:

- a. Request the applicant provide alternative design options for the site plan and retaining wall system that would preserve the 52-inch oak tree.
- b. Amend, modify or reject the noted option.

Attachments:

- 1 – Vicinity/Site Plan
- 2 - Letter from Applicant
- 3 – Retaining Wall Elevations, A & B
- 4 – Arborist Report

8-4

lamrick Associates, Inc.
 • Architecture
 • Planning
 1609 Costa Brava,
 Shell Beach, CA,
 93449
 805.773.9377
 Architecture Lic. #C-14999

Kennedy Club Fitness
 South River Rd.
 Paso Robles
 CA.

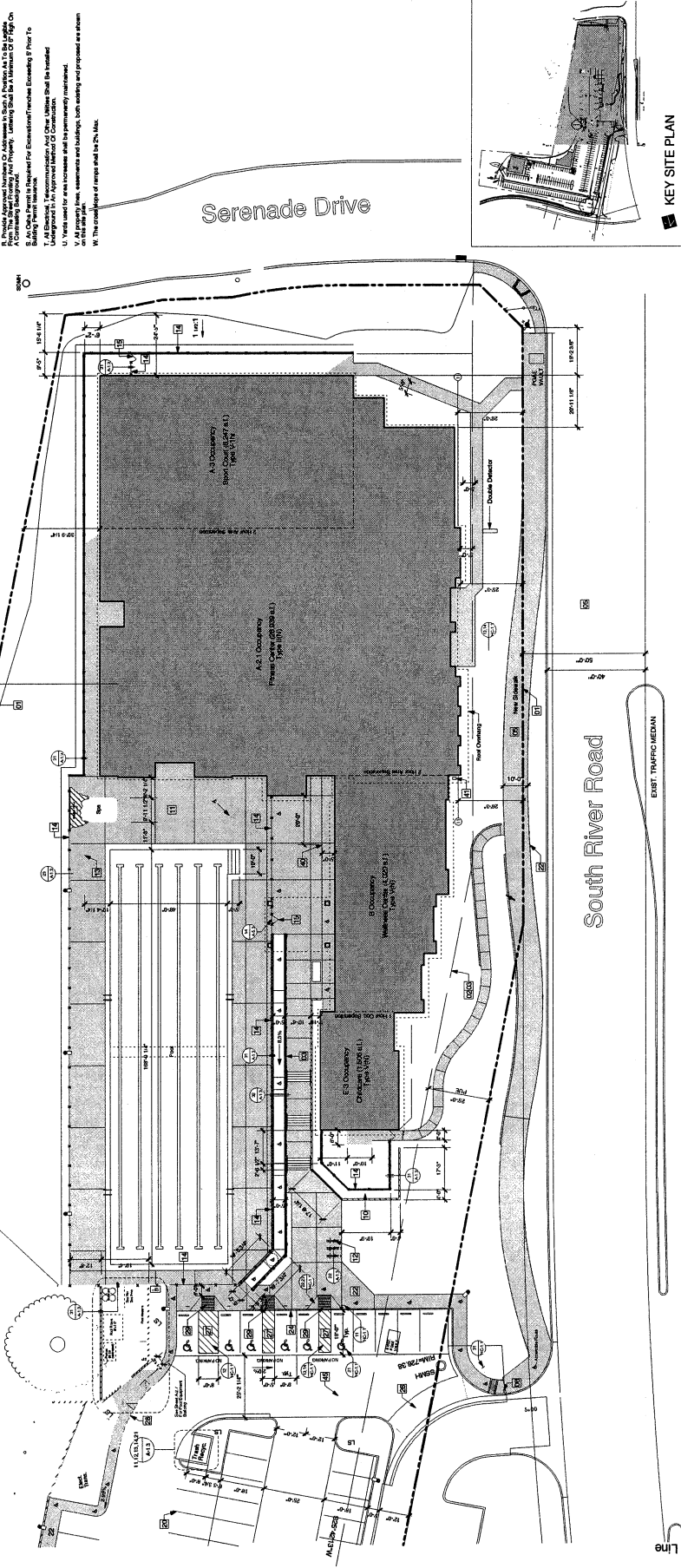


This plan was prepared by the Architect/Engineer (A/E) under the supervision of the Professional Engineer (P.E.) and shall be held responsible by the A/E and P.E. for any errors or omissions in this plan. The A/E and P.E. shall not be responsible for any errors or omissions in this plan resulting from the negligence of the contractor or others.

Vicinity and Site Plan

- ### Site Plan Reference Notes
- A. Refer to the notes on the sheet for the location and use of the building, streets and parking. When necessary, the location of the building, streets and parking shall be shown on the site plan.
 - B. Any reference to this plan must be approved by the Architect before commencing any work.
 - C. All known property lines, easements, and building footprints and proposed improvements shall be shown on the site plan.
 - D. All existing structures, walls, foundations, and utilities shall be shown on the site plan. All improvements shall be shown on the site plan. All improvements shall be shown on the site plan.
 - E. All elevations and driveway ramps shall conform to the standards of the local government. All improvements shall be shown on the site plan.
 - F. All utility lines shall be shown on the site plan. All improvements shall be shown on the site plan.
 - G. All improvements shall be shown on the site plan. All improvements shall be shown on the site plan.
 - H. All improvements shall be shown on the site plan. All improvements shall be shown on the site plan.
 - I. All improvements shall be shown on the site plan. All improvements shall be shown on the site plan.
 - J. All improvements shall be shown on the site plan. All improvements shall be shown on the site plan.
 - K. All improvements shall be shown on the site plan. All improvements shall be shown on the site plan.
 - L. All improvements shall be shown on the site plan. All improvements shall be shown on the site plan.
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 - N. All improvements shall be shown on the site plan. All improvements shall be shown on the site plan.
 - O. All improvements shall be shown on the site plan. All improvements shall be shown on the site plan.
 - P. All improvements shall be shown on the site plan. All improvements shall be shown on the site plan.
 - Q. All improvements shall be shown on the site plan. All improvements shall be shown on the site plan.
 - R. All improvements shall be shown on the site plan. All improvements shall be shown on the site plan.
 - S. All improvements shall be shown on the site plan. All improvements shall be shown on the site plan.
 - T. All improvements shall be shown on the site plan. All improvements shall be shown on the site plan.
 - U. All improvements shall be shown on the site plan. All improvements shall be shown on the site plan.
 - V. All improvements shall be shown on the site plan. All improvements shall be shown on the site plan.
 - W. All improvements shall be shown on the site plan. All improvements shall be shown on the site plan.

- ### Site Plan Reference Notes
- General**
- 1. For Site Work Specifications See Details
 - 2. Property Line
 - 3. All work to be done by the Contractor
 - 4. Street Curb and Sidewalk
 - 5. Street Light
 - 6. Street Sign
 - 7. Street Stop
 - 8. Street Expansion
 - 9. Street Drain
 - 10. Street Gas
 - 11. Street Water
 - 12. Street Sewer
 - 13. Street Storm
 - 14. Street Other
 - 15. Street Note
 - 16. Street Detail
 - 17. Street Section
 - 18. Street Schedule
 - 19. Street Table
 - 20. Street List
- Structures / Miscellaneous Items**
- 1. Footing
 - 2. Foundation
 - 3. Slab
 - 4. Beam
 - 5. Column
 - 6. Wall
 - 7. Window
 - 8. Door
 - 9. Stair
 - 10. Ramp
 - 11. Deck
 - 12. Porch
 - 13. Balcony
 - 14. Terrace
 - 15. Terrace
 - 16. Terrace
 - 17. Terrace
 - 18. Terrace
 - 19. Terrace
 - 20. Terrace
- Paving**
- 1. Paving
 - 2. Paving
 - 3. Paving
 - 4. Paving
 - 5. Paving
 - 6. Paving
 - 7. Paving
 - 8. Paving
 - 9. Paving
 - 10. Paving
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 - 12. Paving
 - 13. Paving
 - 14. Paving
 - 15. Paving
 - 16. Paving
 - 17. Paving
 - 18. Paving
 - 19. Paving
 - 20. Paving
- Utilities**
- 1. Gas
 - 2. Water
 - 3. Sewer
 - 4. Storm
 - 5. Electric
 - 6. Telephone
 - 7. Cable
 - 8. Other
- Topography/Drainage**
- 1. Elevation
 - 2. Contour
 - 3. Spot
 - 4. Benchmark
 - 5. Bench
 - 6. Elevation
 - 7. Contour
 - 8. Spot
 - 9. Benchmark
 - 10. Bench



SECTION 1
 0 8 16 FT
 City Property Open Space Zone
 Match Line
 KEY SITE PLAN
 0 20 30 40 50 FT
 ARCHITECTURAL SITE PLAN
 KENNEDY CLUB FITNESS
 JEFFY LUBE
 Match Line



Letter from Applicant

KENNEDY CLUB FITNESS

February 16, 2006

Susan DeCarli, AICP
City of Paso Robles
1030 Spring Street
Paso Robles, Ca. 93446

**Subject: Kennedy Club Fitness South River Road Project
Request for tree removal**

Dear Susan:

I would like to respectfully request an appeal to the City Council of your decision to keep a 52" diameter, multi-stem, hillside live oak tree on our project. Our original plans were to start the extensive grading part of this project in the summer of 2005. When the project was originally approved, we did not know about a serious potential soil landslide hazard that dictated a restructuring of our retaining walls. In May 2005 we hired GeoSolutions, Inc. to do an analysis of the stability of the hillside for retaining wall engineering purposes. The time it took and the results of this study also caused us to delay our grading until the spring of 2006. The report from the borings dictated a complete restructuring of the slope because of the unstable nature of the soil. In order to follow the recommendations of GeoSolutions, we must remove and recompact approximately 15,000 yards of hillside soil. This completely changed the existing hillside slope angle. The benefit to us though, is, the retaining walls do not need to be as high and imposing as was originally planned. The restructuring of the slope consequently leaves the tree in question in an awkward and precarious position. Please refer to attached pictures. The cost to build the necessary retaining walls to keep this tree on the hillside has been estimated by my contractor to be \$198,941 (refer to attached bid memorandum). We feel that, not only is the cost unreasonable, but also the aesthetics of a 24 foot high retaining wall will not be beneficial to our project or to the City of Paso Robles. We would be agreeable to any mitigation measures for replacement trees because our intention is to make this project a beautiful and significant addition to this infill area of Paso Robles.

Thank you for your attention to these matters.

Sincerely,


Kevin Kennedy

(805) 466-6775
3435 El Camino
Atascadero, CA
93422

(805) 781-3488
1050 Osos St.
San Luis Obispo, CA
93401

(805) 481-2888
1299 James Way
Arroyo Grande, CA
93420

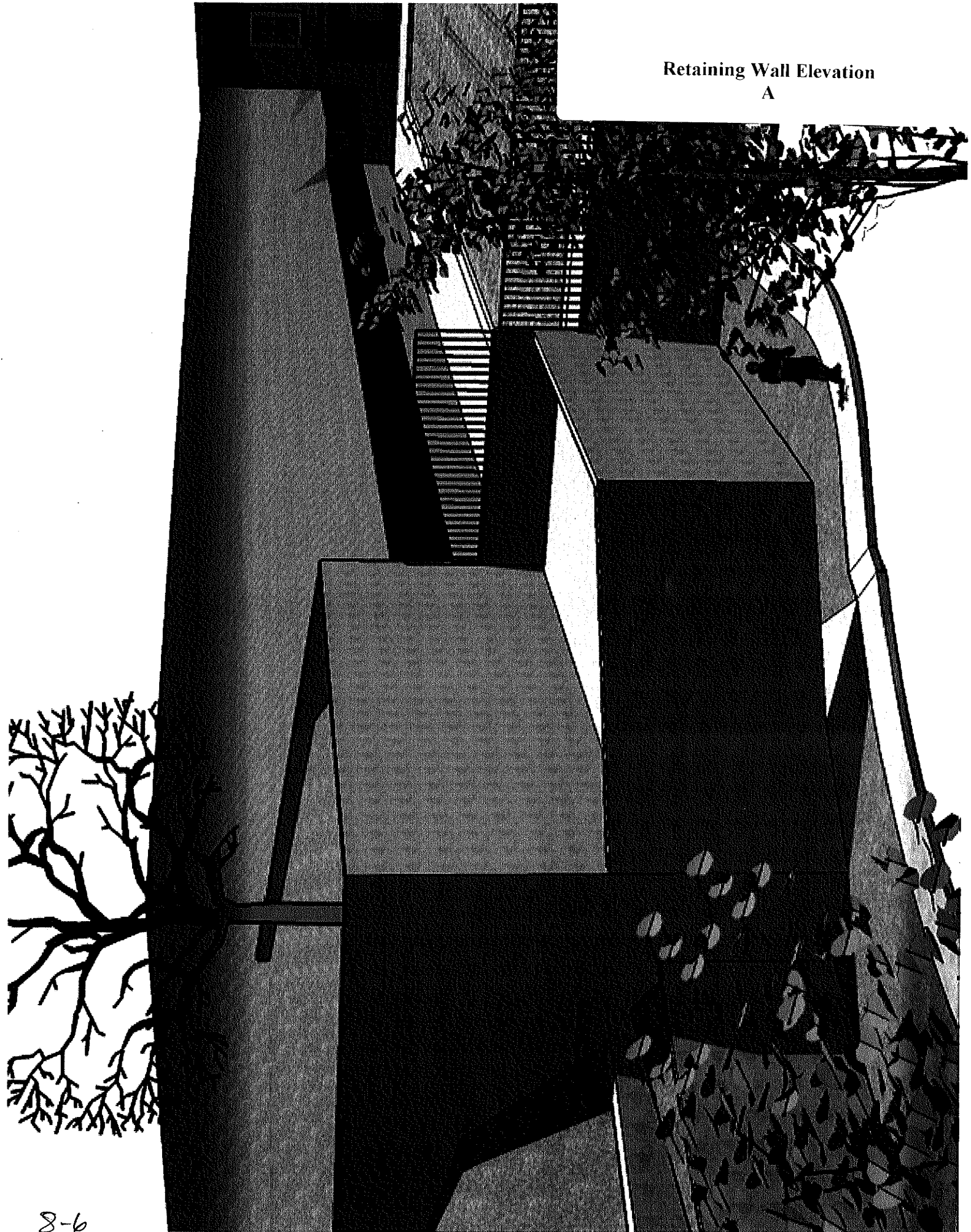
Paso Robles

FEB 16 2006

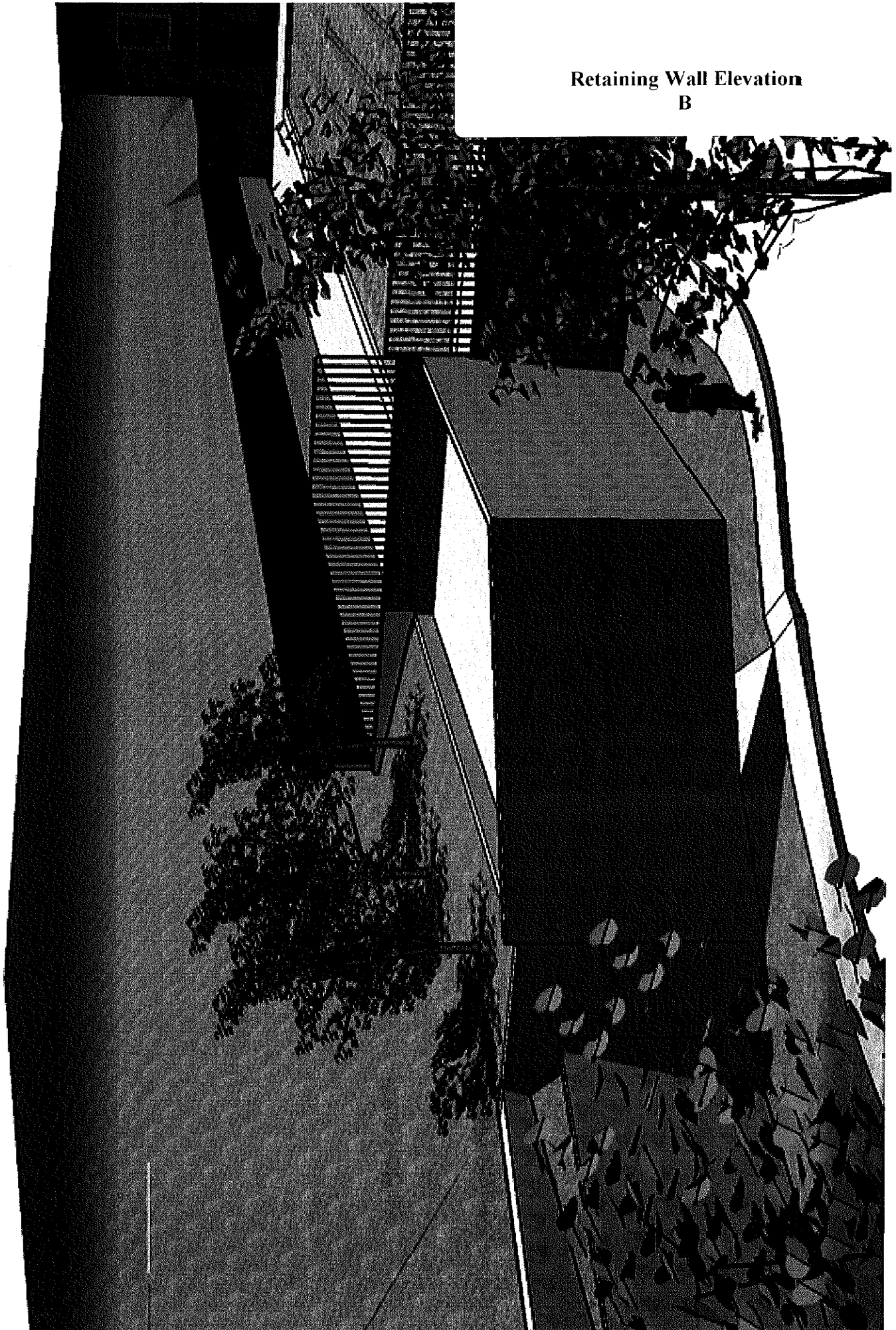
Planning Division

8-5

Retaining Wall Elevation
A



Retaining Wall Elevation
B



A & T ARBORI

P.O. BOX 1311 TEMPLETON, CA 93465

Arborist Report

**Tree Preservation Plan
For
Kennedy Club Fitness
South River Rd.
Paso Robles, CA**

**Paso Robles
JAN 24 2006
Planning Division**

8-10-05

**Prepared by A & T Arborists
and Vegetation Management**

**Chip Tamagni
Certified Arborist #WE 6436-A**



**Steven Alvarez
Certified Arborist #WE 511-A**

Project Description: This project is concerning the commercial development of the property just south of Jiffy Lube on South River Rd. in Paso Robles, CA. The land is relatively flat along the frontage of South River Road. The land slopes steeply towards the rear of the property. The steep slope is dotted with three species of native oak trees. There are valley oaks (*Quercus lobata*), blue oaks (*Quercus douglasii*) and coast live oaks (*Quercus agrifolia*).^{*} One tree will need to be removed for this project. It is a 52 inch diameter, multi-stem live oak. This tree unfortunately is an aesthetically valuable tree. The only health problems with the tree is imbedded barbed wire and numerous nails along with a couple of visible girdling roots. ~~After speaking with the engineers and architects for this project, it was determined that in order to develop a commercial site of this scale, there is no available building shifting that will enable the tree to remain.~~ The underlying problem is the soil stability in the area. If the pool could be skewed to allow a wall to be built at the drip line, the wall would approach 50 feet tall and would be difficult to engineer with the poor existing soil. All other trees are avoided completely. Many trees exist 100' upslope beyond any cuts and these were not numbered as there will be no grading activity anywhere near them.

Specific Mitigations Pertaining to the Project: Tree #1 is actually on city project and it was originally planned to be removed. At the 15' edge of the west drip line, there is an existing cut for a concrete drainage swale that is in place. The wall behind the building needs to be slightly raised in order to accommodate the engineered cut slope. This cut slope shall be designed so it daylight at the drip line (old cut). This approach may well be within the CRZ, however, the existing cut is there and a new cut should not expose any new roots. The arborists shall be on-site to monitor this cut and provide recommendations if any roots are encountered. This may include installing landscape netting with a thin layer of mulch to retain moisture.

The term "critical root zone" or CRZ is an imaginary circle around each tree. The radius of this circle (in feet) is equal to the diameter (in inches) of the tree. For example, a 10 inch diameter tree has a critical root zone with a ten foot radius from the tree. Working within the CRZ usually requires mitigations and/or monitoring by a certified arborist.

All trees potentially impacted by this project are numbered and identified on both the grading plan and the spreadsheet. Trees are numbered on the grading plans and in the field with an aluminum tag. Tree protection fencing is shown on the grading plan. In the field oak trees to be saved have yellow tape and trees to be removed have red tape attached to the tag (none for this project). Both critical root zones and drip lines are outlined on the plans.

If pruning is necessary for building, road or driveway clearance, removal of limbs larger than 6 inches in diameter will require a city approved permit along with a deposit paid in advance (to the City of Paso Robles). The city will send out a representative to approve or deny the permit. Only 25% of the live crown may be removed. Some minor canopy raising may be necessary for this project.

Tree Rating System

A rating system of 1-10 was used for visually establishing the general health and condition of each tree on the spreadsheet. The rating system is defined as follows:

<u>Rating</u>	<u>Condition</u>
0	Deceased
1	Evidence of massive past failures, extreme disease and is in severe decline.
2	May be saved with attention to class 4 pruning, insect/pest eradication and future monitoring.
3	Some past failures, some pests or structural defects that may be mitigated by class IV pruning.
4	May have had minor past failures, excessive deadwood or minor structural defects that can be mitigated with pruning.
5	Relatively healthy tree with little visual, structural and/or pest defects and problems.
6	Healthy tree that probably can be left in its natural state.
7-9	Has had proper arboricultural pruning and attention or have no apparent structural defects.
10	Specimen tree with perfect shape, structure and foliage in a protected setting (i.e. park, arboretum).

Aesthetic quality on the spreadsheet is defined as follows:

- **poor** - tree has little visual quality either due to severe suppression from other trees, past pruning practices, location or sparse foliage
- **fair** - visual quality has been jeopardized by utility pruning/obstructions or partial suppression and overall symmetry is average
- **good** - tree has good structure and symmetry either naturally or from prior pruning events and is located in an area that benefits from the trees position
- **excellent** - tree has great structure, symmetry and foliage and is located in a premier location. Tree is not over mature.

The following mitigation measures/methods must be fully understood and followed by anyone working within the critical root zone of any native tree. Any necessary clarification will be provided by us (the arborists) upon request.

1. It is the responsibility of the **owner or project manager** to provide a copy of this tree protection plan to any and all contractors and subcontractors that work within the critical root zone of any native tree and confirm they are trained in maintaining fencing, protecting root zones and conforming to all tree protection goals. It is highly recommended that each contractor sign and acknowledge this tree protection plan.
2. Any future changes (within the critical root zone) in the project will need Project Arborist review and implementation of potential mitigation measures before any said changes can proceed.
3. **Fencing:** The proposed fencing shall be shown in orange ink on the grading plan. It must be a minimum of 4' high chain link, snow or safety fence staked (with t posts 8 feet on center) at the edge of the critical root zone or line of encroachment for each tree or group of trees. The fence shall be up before any construction or earth

moving begins. The owner shall be responsible for maintaining an erect fence throughout the construction period. The arborist(s), upon notification, will inspect the fence placement once it is erected. After this time, fencing shall not be moved without arborist inspection/approval. If the orange plastic fencing is used, a minimum of four zip ties shall be used on each stake to secure the fence. All efforts shall be made to maximize the distance from each saved tree. Weather proof signs shall be permanently posted on the fences every 50 feet, with the following information:

<p>Tree Protection Zone No personnel, equipment, materials, and vehicles are allowed Do not remove or re-position this fence without calling: A & T Arborists 434-0131</p>

4. **Soil Aeration Methods:** Soils within the critical root zone that have been compacted by heavy equipment and/or construction activities must be returned to their original state before all work is completed. Methods include water jetting, adding organic matter, and boring small holes with an auger (18" deep, 2-3' apart with a 2-4" auger) and the application of moderate amounts of nitrogen fertilizer. The arborist(s) shall advise.
5. **Chip Mulch:** All areas within the critical root zone of the trees that cannot be fenced shall receive a 4-6" layer of chip mulch to retain moisture, soil structure and reduce the effects of soil compaction.
6. **Trenching Within Critical Root Rone:** All trenching within the critical root zone of native trees shall be **hand dug**. All major roots shall be avoided whenever possible. All exposed roots larger than 1" in diameter shall be clean cut with sharp pruning tools and not left ragged. A **Mandatory** meeting between the arborists and grading contractor(s) must take place prior to work start.
7. **Grading Within The Critical Root Zone:** Grading should not encroach within the critical root zone unless authorized. Grading should not disrupt the normal drainage pattern around the trees. Fills should not create a ponding condition and excavations should not leave the tree on a rapidly draining mound.
8. **Exposed Roots:** Any exposed roots shall be re-covered the same day they were exposed. If they cannot, they must be covered with burlap or another suitable material and wetted down 2x per day until re-buried.
9. **Paving Within The Critical Root Zone:** Pervious surfacing is preferred within the critical root zone of any native tree. If pavers are required, the areas are outlined on the grading plans. Pavers must be interlocking with a minimum of 10% void space backfilled with pea gravel. Geo textile fabric shall be permeable. Depending on use within the CRZ, pavers may or may not be required. Vertical perforated tubing with drainage grates may be required instead. The old asphalt from Old South River Road will be replaced. All asphalt demolition shall be accomplished by removing only old asphalt and base without disturbing the soil under the road.

10. Equipment Operation: Vehicles and all heavy equipment shall not be driven under the trees, as this will contribute to soil compaction. Also there is to be no parking of equipment or personal vehicles in these areas. All areas behind fencing are off limits unless pre-approved by the arborist.

11. Existing Surfaces: The existing ground surface within the critical root zone of all oak trees shall not be cut, filled, compacted or pared, unless shown on the grading plans and approved by the arborist.

12. Construction Materials And Waste: No liquid or solid construction waste shall be dumped on the ground within the critical root zone of any native tree. The critical root zone areas are not for storage of materials either.

13. Arborist Monitoring: An arborist shall be present for selected activities (trees identified on spreadsheet and items bulleted below). The monitoring does not necessarily have to be continuous but observational at times during these activities. It is the responsibility of the **owner(s) or their designee** to inform us prior to these events so we can make arrangements to be present. All monitoring will be documented on the field report form which will be forwarded to the project manager and the City of Paso Robles Planning Department. The arborist monitoring schedule shall be set forth during the pre-construction meeting so it is imperative the arborists is notified prior.

- pre-construction fence placement inspection
- all grading and trenching identified on the spreadsheet
- any other encroachment the arborist feels necessary

14. Pre-Construction Meeting: An on-site pre-construction meeting with the Arborist(s), Owner(s), Planning Staff, and the earth moving team shall be required for this project. Prior to final occupancy, a letter from the arborist(s) shall be required verifying the health/condition of all impacted trees and providing any recommendations for any additional mitigation. The letter shall verify that the arborist(s) were on site for all grading and/or trenching activity that encroached into the critical root zone of the selected native trees, and that all work done in these areas was completed to the standards set forth above.

15. Pruning Class 4 pruning includes-Crown reduction pruning shall consist of reduction of tops, sides or individual limbs. A trained arborist shall perform all pruning. No pruning shall take more than 25% of the live crown of any native tree. Any trees that may need pruning for road/home clearance shall be pruned **prior** to any grading activities to avoid any branch tearing.

16. Landscape: All landscape within the critical root zone shall consist of drought tolerant or native varieties. Lawns shall be avoided. All irrigation trenching shall be routed around critical root zones, otherwise above ground drip-irrigation shall be used. It is the owner's responsibility to notify the landscape contractor regarding this mitigation.

17. Utility Placement: All utilities, sewer and storm drains shall be placed down the roads and driveways and when possible outside of the critical root zones. The arborist shall supervise trenching within the critical root zone. **All trenches in these areas shall be exposed by air spade or hand dug with utilities routed under/over roots larger than 3 inches in diameter.**

18. Fertilization and Cultural Practices: As the project moves toward completion, the arborist(s) may suggest either fertilization and/or mycorrhiza applications that will benefit tree health. Mycorrhiza offers several benefits to the host plant, including faster growth, improved nutrition, greater drought resistance, and protection from pathogens.

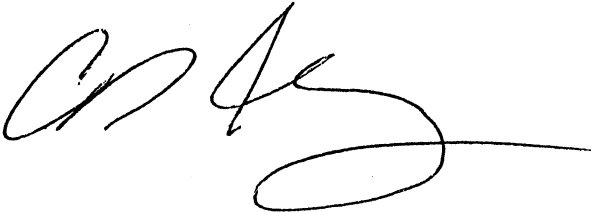
The included spreadsheet includes trees listed by number, species and multiple stems if applicable, scientific name, diameter and breast height (4.5'), condition (scale from poor to excellent), status (avoided, impacted, removed, exempt), percent of critical root zone impacted, mitigation required (fencing, root pruning, monitoring), construction impact (trenching, grading), recommended pruning, aesthetic value and individual tree notes along with canopy spread.

If all the above mitigation measures are followed, we feel there will be no long-term significant impacts to the remaining native trees.

Please let us know if we can be of any future assistance to you for this project.

Steven G. Alvarez
Certified Arborist #WC 0511

Chip Tamagni
Certified Arborist #WE 6436-A

A handwritten signature in black ink, appearing to read 'Chip Tamagni', with a long horizontal flourish extending to the right.

AUG 11 2005

8-14



TREE PROTECTION SPREAD SHEET

1	2	3	4	5	6	7	8	9	10	11	12	13	14
TREE #	TREE SPECIES	SCIENTIFIC NAME	TRUNK DBH	TREE CONDITION	CONST STATUS	CRZ % IMPACT	CONST IMPACT	MITIGATION PROPOSAL	MONT REQUIRED	PRUNING CLASS	AESTH. VALUE	FIELD NOTES	NS EW
1	BO	<i>Q. douglasii</i>	24	3	I	15%	GR	F, M	YES		GOOD		30/32
2	LO	<i>Q. agrifolia</i>	52	5	R	100%	GR				EXCEL		40/45
3	LO	<i>Q. agrifolia</i>	8	5	A	0%			NO		GOOD		10/10
4	LO	<i>Q. agrifolia</i>	8	5	A	0%			NO		GOOD		8/10
5													
6													
7													
8													
9													
10													
11													
12													
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16													
17													
18													
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20													

1 = TREE #: MOSTLY CLOCKWISE FROM DUE NORTH
 2 = TREE TYPE: COMMON NAME IE W.O. = WHITE OAK
 3 = SCIENTIFIC NAME
 4 = TRUNK DIAMETER @ 4'6"
 5 = TREE CONDITION: 1 = POOR, 10 = EXCELLENT
 6 = CONSTRUCTION STATUS: AVOIDED, IMPACTED, REMOVAL
 7 = CRZ: PERCENT OF IMPACTED CRITICAL ROOT ZONE
 8 = CONSTRUCTION IMPACT TYPE: GRADING, COMPACTION, TRENCHING
 9 = MITIGATION REQUIREMENTS: FENCING, MONITORING, ROOT PRUNING,
 10 = ARBORIST MONITORING REQUIRED: YES/NO
 11 = PRESCRIBED PRUNING: CLASS 1-4
 12 = AESTHETIC VALUE
 13 = FIELD NOTES
 14 = NORTH SOUTH/ EAST WEST CANOPY SPREAD