

**TO: JAMES L. APP, CITY MANAGER**  
**FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR**  
**SUBJECT: OTR 07-001 - REQUEST TO REMOVE ONE OAK TREE AT 849 OLIVE STREET (FRED SEAVER)**  
**DATE: JUNE 5, 2007**

**Needs:** For the City Council to consider a request by Fred Seaver, to remove one oak tree on his property located at 849 Olive Street.

- Facts:**
1. The subject oak tree is a 28-inch Blue Oak (*Quercus Douglasii*).
  2. As described in the letter from Chip Tamagni of A&T Arborists (Attachment 1), the house is approximately 50 years old and over the years the tree has progressively damaged the surrounding concrete as well as the house foundation. As a result of the on-going damage the tree is causing to the house, Mr. Seaver is requesting to remove the tree.
  3. The Arborist has indicated in his analysis that the tree is healthy and has excellent growth characteristics.
  4. Section 10.01.050.C of the Oak Tree Ordinance requires that the City Council make the determination of whether a healthy tree should be removed or not, after consideration of the factors listed in Section 10.01.050.D.

**Analysis  
And**

**Conclusion:** According to Section 10.01.050.D, there are several factors that the City Council needs to review when considering the removal of a “healthy” oak tree. These factors along with Staff’s analysis of each factor are listed below:

*D. If a request is being made to remove one or more healthy oak trees for which a permit to remove is required, the director shall prepare a report to the City Council, outlining the proposal and his recommendation, considering the following factors in preparation of his recommendation.*

1. *The condition of the oak tree with respect to its general health, status as a public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and its status as host for a plant, pest or disease endangering other species of trees or plants with infection or infestation;*

Chip Tamagni from A&T Arborists submitted a report along with a request for removal on March 2, 2007. The report (Attachment 1) describes the health of the subject tree having normal to excellent growth characteristics. The request for removal is based on its proximity to the existing house and the on going damage that will continue to occur to the house, if the tree is not removed.

2. *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. In this context, it shall be the burden of the person seeking the permit to demonstrate to the satisfaction of the director 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;*

Since the house has been constructed in its place for over 50 years, the only option besides removing the tree is to remove and remodel portions of the house.

3. *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 director shall consider how either the preservation or removal of the oak tree(s) would relate to grading and drainage. Except as specifically authorized by the planning commission and city council, ravines, stream beds and other natural water-courses that provide a habitat for oak trees shall not be disturbed;*

There would not be any negative effects on soil retention, water retention or surface water flows for the neighborhood, if this tree were to be removed.

4. *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;*

The applicant is willing to plant the necessary replacement trees as required by the Oak Tree Ordinance.

5. *Good forestry practices such as, but not limited to, the number of healthy trees the subject parcel of land will support.*

There are no other oak trees on the site near the house.

Planning Staff along with the Deputy Building Official have been to the site to observe the tree, and see any damage to the house foundation. It does appear that the tree is causing the house foundation to crack.

**Policy**

**Reference:** Paso Robles Municipal Code Section 10.01.010 (Oak Tree Ordinance)

**Fiscal**

**Impact:** None.

- Options:**
- A. Adopt Resolution No. 07-xx approving OTR 07-001, allowing the removal of the 28-inch Blue oak tree, based on the tree causing damage to the existing house and removing the tree will prevent further damage, and require five (5) 1.5-inch diameter Blue Oak replacement trees to be planted at the direction of the Arborist;
  - B. Amend, modify or reject the above options.

**Report prepared by: Darren Nash, Associate Planner**

Attachments:

1. Arborist Report, with photos, received March 2, 2007
2. Resolution to approve the removal of the tree.

H:\Darren\oaktreeremoval\Seaver

# A & T ARBORISTS

P.O. BOX 1311 TEMPLETON, CA 93465 (805) 434-0131



2-27-07

Fred Seaver  
849 ~~Vine~~ <sup>OLIVE</sup> Street  
Paso Robles, CA  
(805) 238-0981

Paso Robles

MAR - 2 2007

Planning Division

**Background Information:** The Seavers moved into this home approximately 40 years ago. The home was 10 years old at the time of purchase. The subject tree is a mature blue oak (*Quercus douglasii*) with a diameter of 28 inches. The tree is located six feet from the home and garage. The tree has progressively begun to damage concrete and the home.

**Assignment:** Determine whether the tree can be saved with root pruning and repair to the driveway, and foundation of the home.

**Observations:** Over the years, the tree has continued to grow in the limited root space available. It has buckled the driveway in places resulting in cracks and heaving of the concrete. In addition, roots appear to be causing concrete cracking in the garage. Within the last two years, cracks have developed along the foundation of the home (see photos). The tree has a 20 degree lean over the garage. There are no apparent major above ground deformities in the tree.

**Testing and Analysis:** none performed

**Conclusions:** Utilizing current building practices within the critical root zone, the tree would have to be removed in order to build safely in that location. The tree was approximately one half its current age at the time of the home construction. The tree has adapted to its current environment with regard to concrete and footings. In order to mitigate the damage being caused from the root system, roots would have to be severely pruned that could easily render the tree unstable. Root expansion will continue and additional damage will occur to the Seaver's property. The tree is outgrowing its environment and root area.

**Recommendations:** Remove the tree to halt the continuing damage from the root system. The owner is willing to donate to the city tree fund per 10.01.050 section F and make the appropriate deposit per section 10.01.050 section A to move this action to the city council.

Chip Tamagni  
Certified Arborist #WE 6436-A

A handwritten signature in black ink, appearing to read "CT", written over the printed name and title of Chip Tamagni.

Steven G. Alvarez  
Certified Arborist #WE 0511-A

MAR - 2 2007



# A Photographic Guide to the Evaluation of Hazardous Trees in Urban Areas **TREE HAZARD EVALUATION FORM** 2nd Edition

Site/Address: 849 Olive Street  
 Map/Location: \_\_\_\_\_  
 Owner: public \_\_\_\_\_ private  unknown \_\_\_\_\_ other \_\_\_\_\_  
 Date: 2-23-07 Inspector: Alvarez / Tamagni  
 Date of last inspection: none

**HAZARD RATING:**

<u>1</u>	+	<u>3</u>	+	<u>4</u>	=	<u>8</u>
Failure Potential		Size of part		Target Rating		Hazard Rating
_____ Immediate action needed						
_____ Needs further inspection						
_____ Dead tree						

## TREE CHARACTERISTICS

Tree #: 1 Species: Blue oak  
 DBH: 28 # of trunks: 1 Height: 45 Spread: 40  
 Form:  generally symmetric  minor asymmetry  major asymmetry  stump sprout  stag-headed  
 Crown class:  dominant  co-dominant  intermediate  suppressed  
 Live crown ratio: 50 % Age class:  young  semi-mature  mature  over-mature/senescent  
 Pruning history:  crown cleaned  excessively thinned  topped  crown raised  pollarded  crown reduced  flush cuts  cabled/braced  
 none  multiple pruning events Approx. dates: 2002  
 Special Value:  specimen  heritage/historic  wildlife  unusual  street tree  screen  shade  indigenous  protected by gov. agency

## TREE HEALTH

Foliage color:  normal  chlorotic  necrotic Epicormics? Y  N  
 Foliage density:  normal  sparse Leaf size:  normal  small  
 Annual shoot growth:  excellent  average  poor Twig Dieback? Y N  
 Woundwood development:  excellent  average  poor  none  
 Vigor class:  excellent  average  fair  poor  
 Major pests/diseases: \_\_\_\_\_  
 Growth obstructions:  
 stakes  wire/ties  signs  cables  
 curb/pavement  guards  
 other None + 8" x 8" footings

## SITE CONDITIONS

Site Character:  residence  commercial  industrial  park  open space  natural  woodland/forest  
 Landscape type:  parkway  raised bed  container  mound  lawn  shrub border  wind break  
 Irrigation:  none  adequate  inadequate  excessive  trunk wetted  
 Recent site disturbance? Y  N  construction  soil disturbance  grade change  line clearing  site clearing  
 % dripline paved: 0% 10-25% 25-50% 50-75% 75-100% Pavement lifted? Y  N  
 % dripline w/ fill soil: 0% 10-25% 25-50% 50-75% 75-100%  
 % dripline grade lowered: 0% 10-25% 25-50% 50-75% 75-100%  
 Soil problems:  drainage  shallow  compacted  droughty  saline  alkaline  acidic  small volume  disease center  history of fail  
 clay  expansive  slope \_\_\_\_\_° aspect: \_\_\_\_\_  
 Obstructions:  lights  signage  line-of-sight  view  overhead lines  underground utilities  traffic  adjacent veg.  \_\_\_\_\_  
 Exposure to wind:  single tree  below canopy  above canopy  recently exposed  windward, canopy edge  area prone to windthrow  
 Prevailing wind direction: West Occurrence of snow/ice storms  never  seldom  regularly

## TARGET

Use Under Tree:  building  parking  traffic  pedestrian  recreation  landscape  hardscape  small features  utility lines  
 Can target be moved? Y  N  Can use be restricted? Y  N   
 Occupancy:  occasional use  intermittent use  frequent use  constant use

The International Society of Arboriculture assumes no responsibility for conclusions or recommendations derived from use of this form.

# TREE DEFECTS

## ROOT DEFECTS:

Suspect root rot: Y  N Mushroom/conk/bracket present: Y N ID: \_\_\_\_\_  
 Exposed roots:  severe  moderate  low Undermined:  severe  moderate  low  
 Root pruned: \_\_\_\_\_ distance from trunk Root area affected: \_\_\_\_\_% Buttress wounded: Y N When: \_\_\_\_\_  
 Restricted root area:  severe  moderate  low Potential for root failure:  severe  moderate  low  
 LEAN: 20 deg. from vertical  natural  unnatural  self-corrected Soil heaving:  Y N  
 Decay in plane of lean: Y  N Roots broken Y  N Soil cracking: Y  N  
 Compounding factors: \_\_\_\_\_ Lean severity:  severe  moderate  low

**CROWN DEFECTS:** Indicate presence of individual defects and rate their severity (s = severe, m = moderate, l = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper				
Bow, sweep				
Codominants/forks				
Multiple attachments		m	m	
Included bark		m	m	
Excessive end weight				
Cracks/splits				
Hangers				
Girdling				
Wounds/seam				
Decay				
Cavity				
Conks/mushrooms/bracket				
Bleeding/sap flow				
Loose/cracked bark				
Nesting hole/bee hive				
Deadwood/stubs				
Borers/termites/ants				
Cankers/galls/burls				
Previous failure				

## HAZARD RATING

Tree part most likely to fail: entire tree  
 Inspection period: \_\_\_\_\_ annual \_\_\_\_\_ biannual \_\_\_\_\_ other \_\_\_\_\_  
 Failure Potential + Size of Part + Target Rating = Hazard Rating  
1 + 3 + 4 = 8

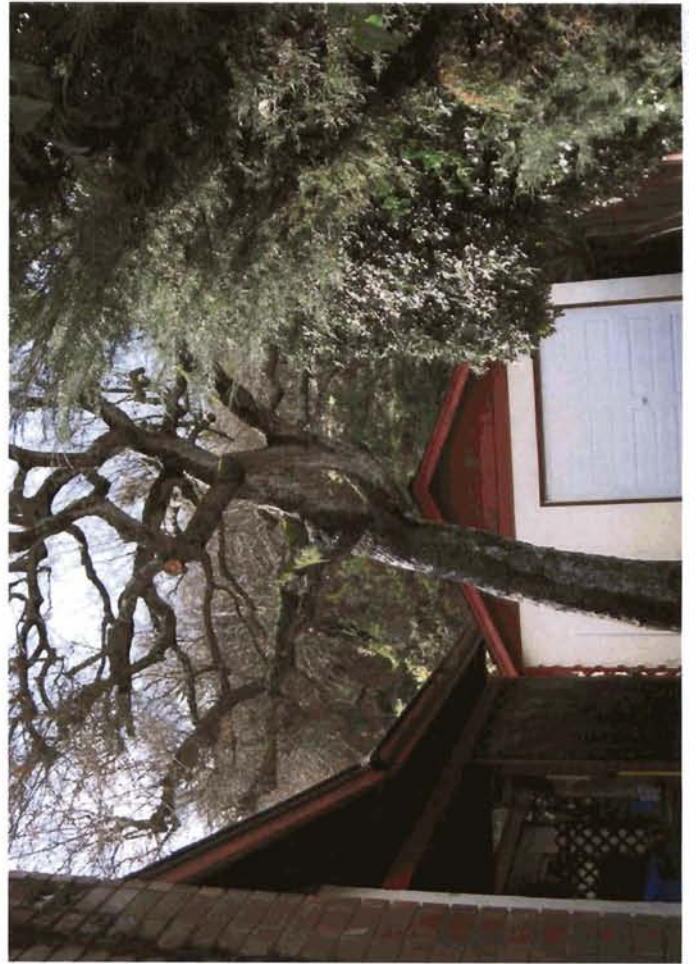
Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe  
 Size of part: 1 - <6" (15 cm); 2 - 6-18" (15-45 cm);  
 3 - 18-30" (45-75 cm); 4 - >30" (75 cm)  
 Target rating: 1 - occasional use; 2 intermittent use;  
 3 - frequent use; 4 - constant use

## HAZARD ABATEMENT

Prune:  remove defective part  reduce end weight  crown clean  thin  raise canopy  crown reduce  restructure  shape  
 Cable/Brace: \_\_\_\_\_ Inspect further:  root crown  decay  aerial  monitor  
 Remove tree:  N Replace?  N Move target: Y  N Other: \_\_\_\_\_  
 Effect on adjacent trees:  none  evaluate  
 Notification:  owner  manager  governing agency Date: 2-27-07

## COMMENTS





RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
AUTHORIZING THE REMOVAL OF ONE OAK TREE AT 849 OLIVE STREET  
(FRED SEAVER)

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WHEREAS, Fred Seaver has submitted a request to remove a 28-inch Blue Oak Tree on his property located at 849 Olive Street; and

WHEREAS, the house and tree have been located on the site for over 50 years; and

WHEREAS, the tree is causing damage to the house foundation and the request to remove the tree is in order to eliminate further damage to the house; and

WHEREAS, the Director could not make the determination that the tree is “clearly dead or diseased beyond correction,” and therefore, Section 10.01.050.C of the Oak Tree Ordinance would consider the tree “healthy” and require that the City Council make the determination of whether the tree should be removed or not, after consideration of the factors listed in Section 10.01.050.D; and

WHEREAS, Chip Tamagni of A & T Arborists submitted an Arborist Report indicating that the tree is in good condition, but recommends that the tree be removed to prevent further damage to the house; 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) 28-inch Blue Oak tree based on the tree causing damage to the existing house foundation and the removal is necessary in order to prevent further damage;
2. Require the planting of five (5) 1.5-inch diameter Blue Oak replacement trees; to be planted at the direction of the Arborist.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 5<sup>th</sup> day of June 2007 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Deborah Robinson, Deputy City Clerk