

TO: JAMES L. APP, CITY MANAGER

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: OTR 07-003 - REQUEST TO REMOVE ONE OAK TREE AT 2241 VINE STREET (DANNY JONES)

DATE: JUNE 5, 2007

Needs: For the City Council to consider a request by Danny Jones, to remove one oak tree on his property located at 2241 Vine Street (See Vicinity Map, Attachment 1).

- Facts:**
1. The subject oak tree is a 24-inch Blue Oak (*Quercus Douglasii*).
 2. As described in the letter from Chip Tamagni of A&T Arborists (Attachment 2), the tree is in very poor condition and is a potential hazard. The Arborist has indicated that the tree has a Hazard rating of a 9, the highest rating is a 12.
 3. The Arborist indicates that the cavity is a result of a past limb failure that has never healed. If the tree were to fall, the existing deck would be in the target area.
 4. There are many other oak trees on the site. There are younger, healthier oak trees growing under the canopy of this tree. Removing it would promote healthier growth of the younger smaller trees.
 5. Planning Staff did go out to the site to review the tree, since the trees shows signs of growth 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.

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 2) describes the health of the subject tree as being poor and that the tree is a hazard and needs to be removed. The tree has a danger of falling and damaging the existing deck area.

- 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;*

Removing the tree would eliminate the possible danger to the exiting deck area.

- 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;*

There are many other oak trees on this property which will be preserved. Additionally, removing the subject tree would promote long-term growth of younger/healthier oak trees that are currently under the canopy of the tree proposed to be removed.

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

See comments above. .

The Arborist in his report (Attachment 1) indicates that the decline of the tree is not the fault of the property owner and therefore, in accordance with Section 10.01.050.1 Exception to deposit requirement, the applicant is requesting that the Council waive the \$600 application fee requirement. Additionally, according to Section 10.01.050.G. regarding replacement trees, the applicant is requesting the Council not require replacement trees. (Section 10.01.050 is included in the report as Attachment 3)

Planning Staff has been to the site and reviewed the situation; it does appear that the tree has low aesthetic value and would be a good candidate for removal. There are many other trees on the site including oaks and removing this tree would not seem to be a benefit to the other oaks and eliminate a possible hazard situation.

Additionally, it appears that the applicant's request to waive the application fee as well as to waive the requirement for replacement trees would meet the intent of the Oak Tree Ordinance since the request for removal meets the following criteria:

- The property is developed and not being considered for development;
- The tree is located in a manner that interferes with the growth of healthier oak trees;
- Documentation has been provided from an Arborist indicating that the tree's disease is not the property owners fault.

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 07-003, allowing the removal of the 24-inch Blue oak tree, based on the tree being in poor health, and having a hazard of falling and damaging the private property, and as a result of the decline of the tree being of natural causes and not the fault of the property owner, in accordance with Section 10.01.050 waive the \$600 application fee and not require replacement trees.

- B. Amend, modify or reject the above options.

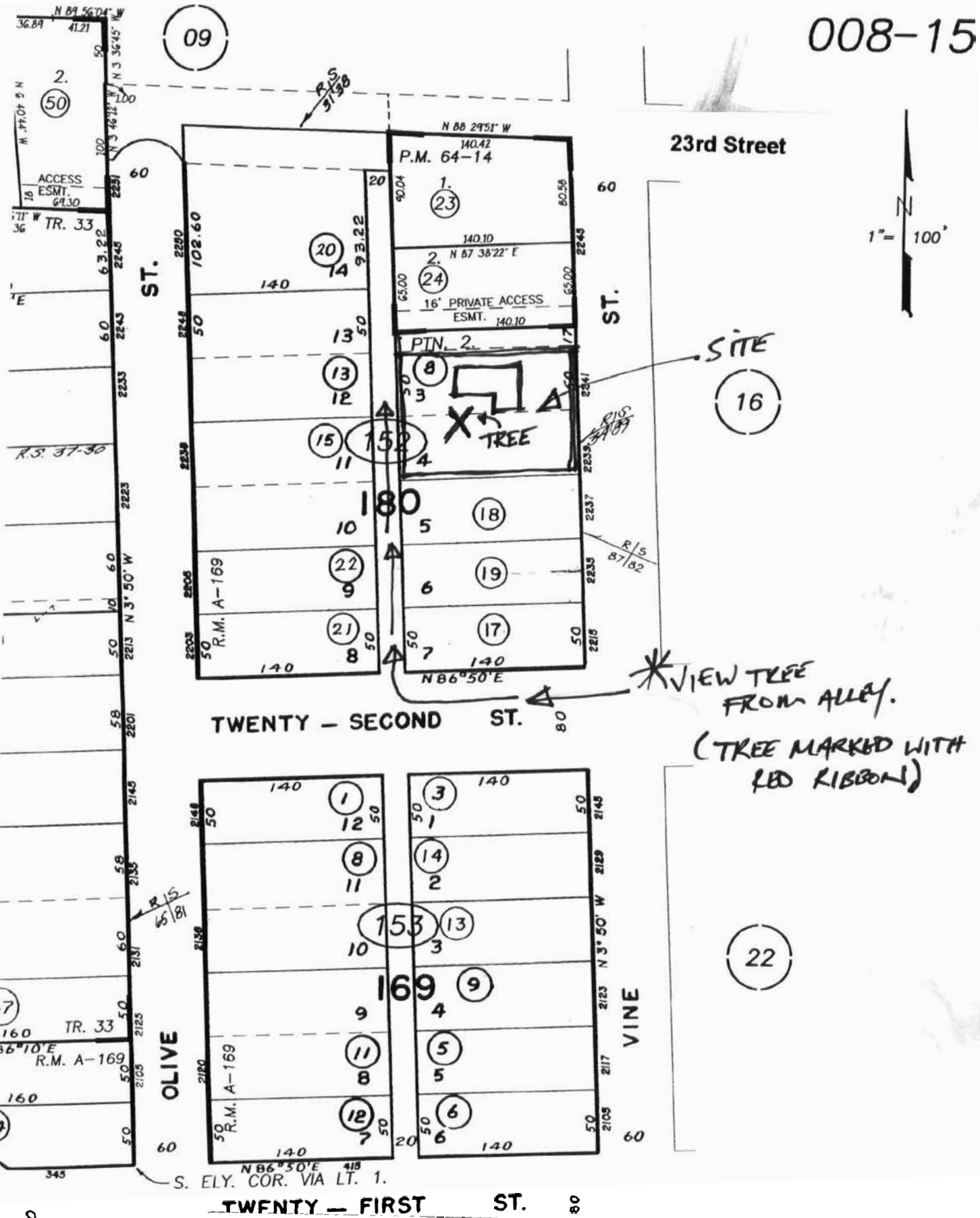
Report prepared by: Darren Nash, Associate Planner

Attachments:

- 1. Vicinity Map
- 2. Arborist Report, with photos, received March 2, 2007
- 3. Section 10.01.050, Oak Tree Ordinance
- 4. Resolution to approve the removal of the tree.

H:\Darren\oaktreeremoval\Jones

09



SITE
16

*VIEW TREE FROM ALLEY.
(TREE MARKED WITH RED RIBBON)

Attachment 1 - Vicinity Map

OTR 07-003

(Danny Jones)

1243, R.M. Bk. 1
NO. 33, R.M. Bk. ()
ROBLES, R.M. Bk

A & T ARBORISTS

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



2-27-07
Danny Jones
2241 Vine Street
Paso Robles, CA
(805) 239-9216

Paso Robles
MAR - 2007
Planning Division

Background Information: A & T Arborists were called out to inspect a potentially hazardous blue oak tree (*Quercus douglasii*) located in the back yard of the above address. There are many other oaks on the property. The included photographs illustrate both sides of the extensive cavity that has developed within the tree. One side of the tree had a massive failure many years back that has yet to heal itself. The cavity has formed between this point and a former cut on the opposite side of the tree. The tree is currently targeting a deck/bbq/recreation area.

Assignment: Inspect the cavity and determine failure potential and possible mitigation measures for the tree.

Observations: The large failure accounted for possibly 25% of the lived crown and has not completely healed. The resulting cavity from the decay occupies 10" x 30" x 20" that has weakened the structure of the tree.

Testing and Analysis: cavity was measured

Conclusions: The cavity is not a result from any act of the owners. The amount of pruning required to mitigate the stress on the cavity area would require 75% of the live crown to be removed. Most likely, this would kill the tree. The tree rates a 9/12 per the included hazard evaluation with 12/12 being the most hazardous. There are two young blue oaks within the target area that may be damaged or killed should the tree fail. In addition, the smaller trees are being partially suppressed from the subject tree.

Recommendations: Remove the tree to prevent damage to the deck and or people and also to protect the younger/healthier trees. The owners are willing to participate in the replacement of the tree per 10.01.050 section F. However, the council should consider applying section G (exception to the replacement requirement). Although the example used in this section states "trees under the canopy of larger trees can be requested to be removed", proper forestry practices recommend removed larger declining trees above the canopy of smaller trees to promote a healthier forest and maintaining future generations of trees.

Attachment 2 - Arborist Report

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2241 Vine Street

(Danny Jones)

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• Please let us know if we can be of future assistance with this situation.

Chip Tamagni
Certified Arborist #WE 6436-A



Steven G. Alvarez
Certified Arborist #WE 0511-A





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

Failure of part	4
Size	3
Target Rating	2
Hazard Rating	9

HAZARD RATING: $\frac{4}{3+2} = 9$

Immediate action needed

Needs further inspection

Dead tree

Site/Address: 2241 Vine Street / 800 Kollas
 Map/Location: _____
 Owner: public private unknown other
 Date: April 7 Inspector: Steve G. Alvarez # WE-05119
 Date of last inspection: None

TREE CHARACTERISTICS

Tree #: 1 Species: Quercus douglasii
 DBH: 24" # of trunks: 1 Height: 30' Spread: 30'
 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
 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 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: Pit scale

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
 % 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 fall
 Obstructions: lights signage line-of-sight view overhead lines underground utilities traffic adjacent veg. Trees
 Exposure to wind: single tree above canopy recently exposed windward, canopy edge area prone to windthrow
 Prevailing wind direction: West
 Occurrence of snow/ice storms: never seldom regularly
 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
 occasional use intermittent use frequent use constant

TARGET

TREE DEFECTS

ROOT DEFECTS:

Suspect root rot: Y N Mushroom/conk/bracket present: Y N ID: _____
 Exposed roots: severe moderate low Undersized: 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: 0 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				
Included bark				
Excessive end weight				
Cracks/splits				
Hangers				
Girdling				
Wounds/seam				
Decay				
Cavity		S *		S
Conks/mushrooms/bracket				
Bleeding/sap flow				
Loose/cracked bark				
Nesting hole/bee hive				S
Deadwood/stubs				
Borers/termites/ants				
Cankers/galls/burls				
Previous failure		S		

HAZARD RATING

Tree part most likely to fail: Trunk at Scaffold cavity

Inspection period: _____ annual _____ biannual _____ other _____

Failure Potential + Size of Part + Target Rating = Hazard Rating

4 + 3 + 2 = 9

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: Y N Replace? Y N Move target: Y N Other: _____

Effect on adjacent trees: none evaluate

Notification: owner manager governing agency Date: 2/22/07

COMMENTS

* C-1 10" x 30" x 20" up 6" down 24"



10.01.050 Removal of oak tree--Application process.

A. Any person wishing to remove one or more oak trees from any parcel in the city shall apply in writing to the community development department for a permit to remove. A deposit in an amount to be established by city council resolution shall be made at the time of application for each oak tree proposed to be removed. The director shall have the authority to adjust the deposit amount to reflect the city's expected cost of time and materials to process the specific application(s). Administrative costs of processing the permit will be deducted from the deposit, and remaining funds shall be refunded to the applicant; if the city's costs for processing the applications (including the need for consulting arborist assistance) exceeds the deposit amount, the director shall request additional funding and may delay work on the application until the additional funding is received.

1. Exceptions to deposit requirement: A property owner may make a written request for authorization to remove a dead or diseased oak tree without the need to provide a deposit if he or she can provide documentation from an arborist concluding that the tree's death or disease is not their fault. Owners of developed properties that are not being considered for new construction or other development entitlements may apply for a permit to remove oak trees on their property without limitation as to tree size and without the need to post a deposit if the trees are located in a manner that is either inconsistent with or interferes with the growth and health of other oak trees (example: trees under the canopy of larger trees can be requested to be removed). The community development director shall bring such requests forward to city council for consideration.

B. A permit to remove application shall contain a plot plan showing the location, type and size of tree(s) proposed to be removed, a brief statement of the reason for removal, and other pertinent information that the director may require.

C. Except as specifically provided in Section 10.01.050 of this chapter, the director shall not be authorized to approve removal of a healthy oak tree that is six inches or greater DBH. The only oak trees which are six inches or greater DBH whose removal the director is authorized to permit are trees that are in the director's judgment, clearly dead or diseased beyond correction. The extent to which a tree may be diseased shall be subject to evaluation by an arborist. Based on the recommendation of an arborist the director may authorize removal of a tree that is diseased beyond correction.

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

E. Conditions, including replacement requirements: In conjunction with the intended decision made on an application for a permit, the director shall attach or recommend for city council consideration reasonable conditions to ensure compliance with the stated purposes of this chapter, and a condition re percent of the diameter of the removed tr

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Attachment 3 - Section 10.01.050

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2241 Vine Street

(Danny Jones)

trees of fifteen-inch DBH (thirty total diameter inches), would be seven and one-half inches (thirty inches removed multiplied by twenty-five hundredths replacement factor). This requirement could be satisfied by planting five, one and one-half inch caliper trees, or three, two and one-half inch caliper trees, or any other combination totaling seven and one-half inches). A minimum of two, twenty four inch box, one and one-half inch minimum trunk caliper measurement trees shall be required for each oak tree removed. Replacement trees shall be located on the same property as where the tree is approved for removal or, subject to approval of the director, arrangements can be made to locate the replacement trees on public property. Planting standards for replacement trees shall be consistent with City Standard Details and Specification L-4 except that deep root barriers shall not be required if the trees are not adjacent to sidewalk areas. Oak tree preservation and maintenance measures shall be consistent with the provisions of this chapter.

1. Exceptions to replacement requirement: A property owner may make a written request for 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 from a certified arborist on the city council's approved list concluding that the tree's death or disease is not their fault. Owners of developed properties that are not being considered for new construction or other development entitlements may apply for a permit to remove oak trees on their property without limitation as to tree size and without need for replacements if the trees are located in a manner that is either inconsistent with or interferes with the growth and health of other oak trees. Example: Trees under the canopy of larger trees can be requested to be removed. The community development director shall bring such requests forward to city council for consideration.

F. In conjunction with the development or use of any property where there is a question in the mind of the director as to possible impacts on an existing oak tree that is intended to be protected and for which a "Permit to Remove," would be required, the director shall require that a tree preservation security be posted, in an amount based on the valuation of the trees according to the guidelines set forth within the council of tree and landscape appraisers "Guide for Plant Appraisal." The purpose of the security is to ensure the intention to preserve trees not approved for removal. The city council may adopt a standard schedule for the value of replacement trees in lieu of utilizing the "Guide for Plant Appraisal".

G. This security shall be held for a reasonable period of time following grading or other development activity on the parcel, not to exceed three years; the security is to be released upon the satisfaction of the director that the trees to be preserved have not been endangered. In instances where trees not approved for removal have been destroyed, the security shall be applied, for the value of the destroyed tree(s), and be used for the replacement and preservation of city oak trees, as required by the director.

H. Any fees or deposits to be charged pursuant to the provisions of Chapter 10.01 shall be established by city council resolution. (Ord. 835 N.S. (part), 2002)

RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE OAK TREE AT 2241 VINE STREET
(DANNY JONES)

WHEREAS, Danny Jones has submitted a request to remove a 24-inch Blue Oak Tree on his property located at 2241 Vine Street; 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 poor condition, with the possibility of falling on to the existing deck; and

WHEREAS, the Arborist also indicated that the trees decline is a result of past failures and an existing cavity and needs to be removed; and

WHEREAS, as a result of the decline of the tree not being the fault of the property owner and the fact that the property is developed and not being considered for development, the applicant is requesting that the City Council waive the requirement for application fees and the requirement to install 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) 24-inch Blue Oak tree based on the tree being in poor condition and the removal is necessary to prevent damage to private property as well as to promote growth and preservation to the existing smaller oak trees;
2. And since the property is developed and not in consideration for new development, and since the trees decline is not the fault of the property owner, the requirement to pay the application fee as well as the requirement to plant replacement trees is waived in accordance to Section 10.01.050 of the Oak Tree Ordinance.

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

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah Robinson, Deputy City Clerk