

TO: JAMES L. APP, CITY MANAGER

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: OTR 07-005: REQUEST TO REMOVE ONE OAK TREE AT 3328 SPRING STREET (PASO ROBLES SPRING STREET LLC)

DATE: SEPTEMBER 4, 2007

Needs: For the City Council to consider a request by Paso Robles Spring Street LLC, to remove one 6 inch oak tree on the 34th Street frontage of the site of a proposed mixed use development (58 unit senior condominiums and 5,300 sq ft of commercial space) at 3328 Spring Street (former Paso Robles Ford Dealership site).

Facts:

1. The subject oak tree is a Live Oak (*Quercus Agrifolia*). It is a multi-trunked tree, which appears like a large bush whose main trunks measure 4 inches in diameter. Photos of the subject oak are attached.
2. The City's Oak Tree Preservation Ordinance specifies that the "diameter at breast height (DBH)" for multi-trunked trees be measured below the split. For this tree, the split occurs two inches above grade, and the DBH at that point is 6 inches.
3. This oak tree removal request was filed in conjunction with applications to develop proposed mixed use development (58 unit senior condominiums and 5,300 sq ft of commercial space) at 3328 Spring Street. A site plan for the proposed project, showing the location of the subject oak tree is attached.
4. The Arborist report is attached. It indicates that the subject tree is healthy and planned to be retained. However, the Arborist Report was prepared for an earlier draft version of the development plan, which proposed 70 dwelling units and no commercial space. The development plan that was presented to the Planning Commission proposed 58 units, but added commercial space. Revisions to the plan caused the driveway location to shift to the east into the area occupied by the tree.
5. 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.
6. At its meeting of July 10, 2007, the Planning Commission approved the development plan (PD 06-017) for the mixed use development, subject to City Council approval of an oak tree removal permit and abandonment of a portion of the right-of-way of 34th Street. The Commission voiced their support for removal of the tree in that they felt that the form of the tree clearly did not meet the intent of the Oak Tree Preservation Guidelines. The street abandonment request is the subject of a separate staff report.

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;*

The Arborist report indicates that the subject tree is healthy.

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;*

The project is designed to take access from 34th Street at a point between underground and above-ground parking lots. The optimal location for the driveway is presently occupied by the subject oak tree. Moving the driveway to the west in order to miss the tree would conflict with the footprint for the proposed underground parking lot. Moving the driveway to the east would complicate traffic flow through the above-ground parking lot into the main entrance and traffic flow for trash trucks. (The trash bins will be located in the underground parking lot.)

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 subject tree does not appear to have the same visual quality of most other oaks, and it would seem that the planting of two 1½ inch caliper oaks of the same species would be a better option than redesigning the site plan to move the main driveway. The Planning Commission supported this assessment. 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.*

The site was previously fully-developed with an auto dealership. The three oaks on site were located on the edges of the site – on its 34th and Park Street

frontages. Two other live oaks (24 inch and 7 inch), located on the Park Street frontage, will remain on site.

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 07-005, allowing the removal of a 6-inch Live Oak tree to allow construction of improvements or otherwise allow reasonable use of the property for the purpose for which it has been zoned, and require two (2) 1½ inch caliper oaks of the *quercus agrifolia* species as specified in Municipal Code Section 10.01.050.E. The replacement oaks may either be planted on-site, with locations to be noted on the required detailed landscaping and irrigation plan, or purchased and donated to the City for planting off-site in a location to be determined by the City.
- B. Amend, modify or reject the above options.

Prepared by: Ed Gallagher, City Planner

Attachments:

- 1. Photos of the subject tree
- 2. Site plan for Development Plan PD 06-017 showing location of the subject tree
- 3. Arborist Report received November 7, 2006
- 4. Resolution to approve the removal of the subject tree.

ED\PLANNING APPSPD 06-017 JEFFREY\OAK TREE REMOVAL CCR 090407

RESOLUTION NO. 07-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE OAK TREE AT 3328 SPRING STREET
(PASO ROBLES SPRING STREET LLC)

WHEREAS, Paso Robles Spring Street LLC has submitted a request to remove a 6-inch Live Oak Tree on property located at 3328 Spring Street in conjunction with applications for a mixed use development consisting of 58 senior condominiums and 5,300 sq ft of commercial space (PD 06-017 and Tract 2890); and

WHEREAS, the mixed use development project is designed to take access from 34th Street at a point between underground and above-ground parking lots; the optimal location for the driveway is presently occupied by the subject oak tree; moving the driveway to the west in order to miss the tree would conflict with the footprint for the proposed underground parking lot; moving the driveway to the east would complicate traffic flow through the above-ground parking lot into the main entrance and traffic flow for trash trucks; and

WHEREAS, at its meeting of July 10, 2007, the Planning Commission approved the development plan (PD 06-017) and Tentative Map (Tract 2890), subject to City Council approval of an oak tree removal permit for the subject oak;

WHEREAS, the Planning Commission found that the subject tree does not appear to have the same visual quality of most other oaks, and that the planting of two 1½ inch caliper oaks of the same species would be a better option than redesigning the site plan to move the main driveway;

NOW, THEREFORE, BE IT FOUND by the City Council of the City of El Paso de Robles that:

1. The project is designed to take access from 34th Street at a point between underground and above-ground parking lots. The optimal location for the driveway is presently occupied by the subject oak tree. Moving the driveway to the west in order to miss the tree would conflict with the footprint for the proposed underground parking lot. Moving the driveway to the east would complicate traffic flow through the above-ground parking lot into the main entrance and traffic flow for trash trucks. (The trash bins will be located in the underground parking lot.) Therefore, as provided by Section 10.01.050.D.2 of the Municipal Code, removal of the subject oak is necessary to allow construction of improvements or otherwise allow reasonable use of the property for the purpose for which it has been zoned
2. The subject tree does not appear to have the same visual quality of most other oaks, and it would seem that the planting of two 1½ inch caliper oaks of the same species would be a better option than redesigning the site plan to move the main driveway. The Planning Commission supported this assessment. The applicant is willing to plant the necessary replacement trees as required by the Oak Tree Ordinance. Therefore, as provided by Section 10.01.050.D.4 of the Municipal Code, removal of the subject oak will not have a significant effect on 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;

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) 6-inch Live Oak tree to allow construction of improvements or otherwise allow reasonable use of the property for the purpose for which it has been zoned;
2. Require the planting of two (2) 1½ inch caliper oaks of the *quercus agrifolia* species as specified in Municipal Code Section 10.01.050.E. The replacement oaks may either be planted on-site, with locations to be noted on the required detailed landscaping and irrigation plan, or purchased and donated to the City for planting off-site in a location to be determined by the City.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 4th day of September, 2007 by the following vote:

AYES:

NOES:

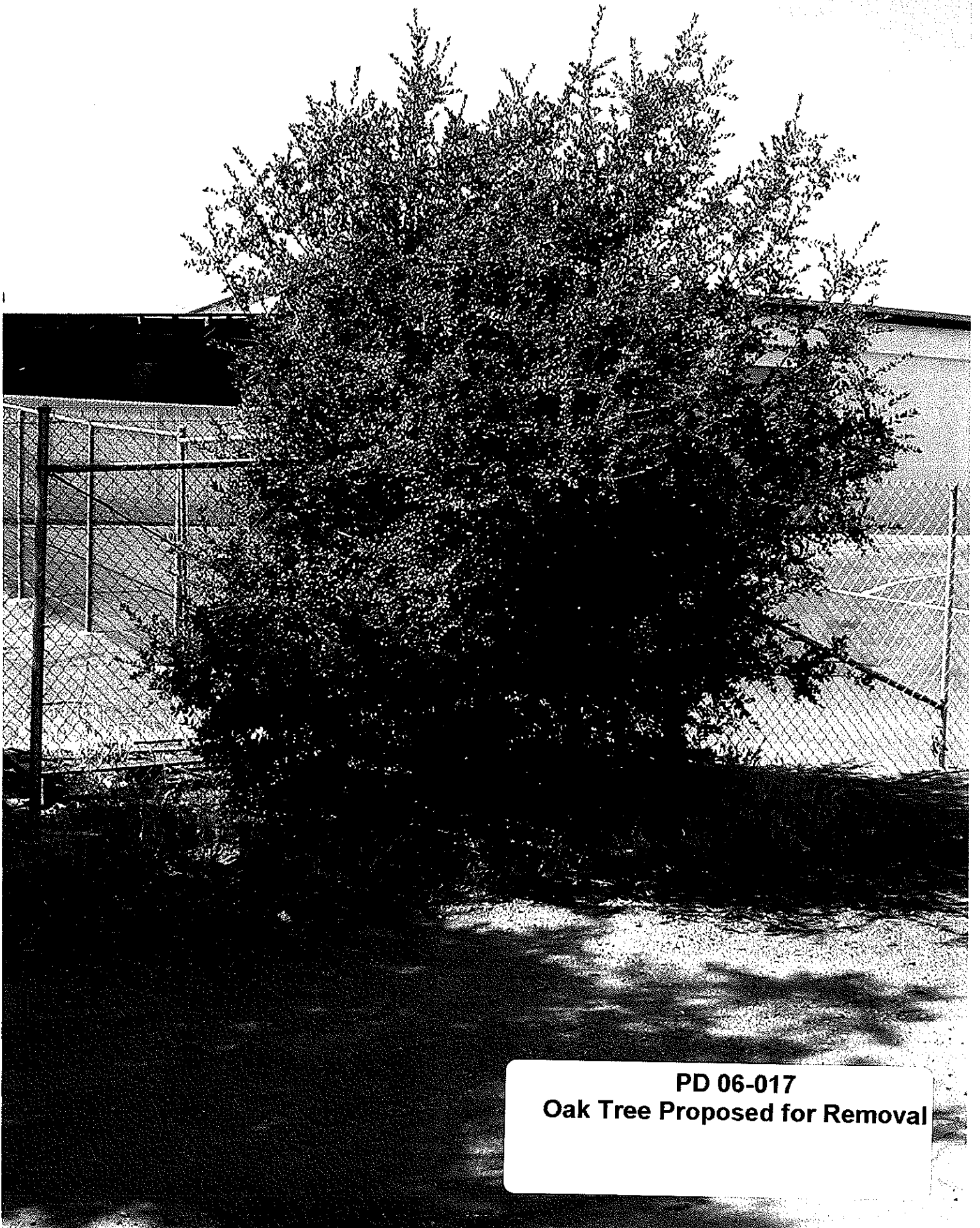
ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah Robinson, Deputy City Clerk

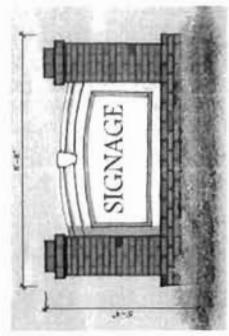


PD 06-017
Oak Tree Proposed for Removal

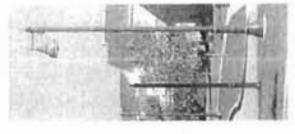
PD 06-017
Oak Tree Proposed for Removal

← 4 inches →

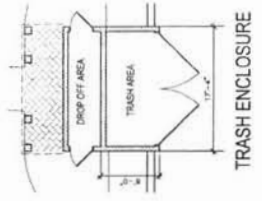
← 6 inches →



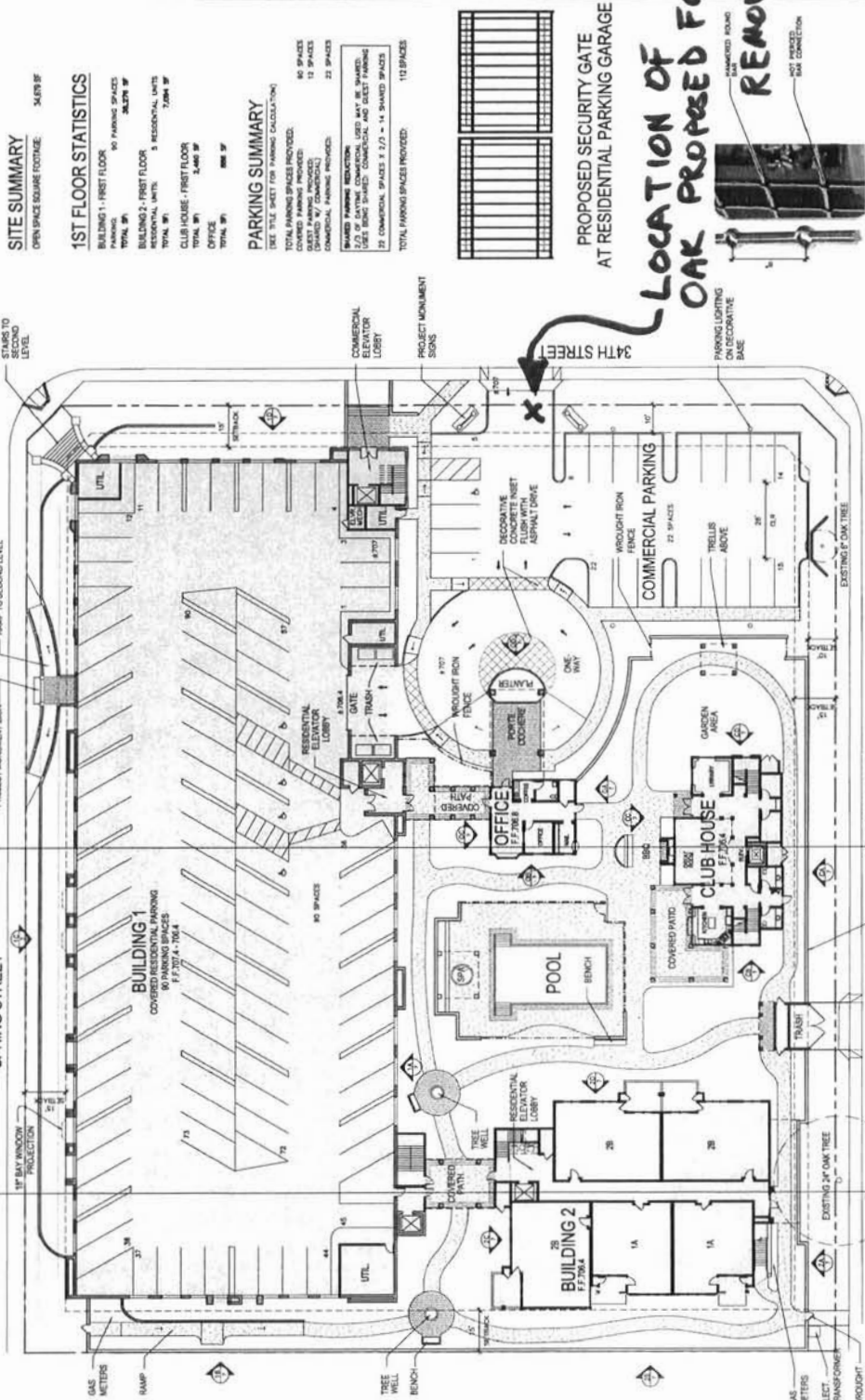
PROPOSED MONUMENT SIGN



PROPOSED LIGHT STANDARD



TRASH ENCLOSURE



SITE SUMMARY

OPEN SPACE SQUARE FOOTAGE: 34,875 SF

1ST FLOOR STATISTICS

BUILDING 1 - FIRST FLOOR
 PARKING: 90 SPACES
 TOTAL SF: 34,875 SF

BUILDING 2 - FIRST FLOOR
 RESIDENTIAL UNITS: 5
 TOTAL SF: 1,000 SF

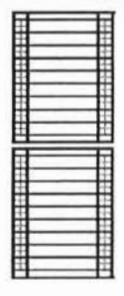
CLUB HOUSE - FIRST FLOOR
 OFFICE: 4,000 SF
 TOTAL SF: 4,000 SF

PARKING SUMMARY

USE TITLE SHEET FOR PARKING CALCULATION

TOTAL PARKING SPACES PROVIDED: 95 SPACES
 GARAGE PARKING PROVIDED: 13 SPACES
 COMMERCIAL PARKING PROVIDED: 22 SPACES

PAVED PARKING CALCULATION:
 8.0% OF TOTAL COMMERCIAL USED MAY BE SHARED
 22 COMMERCIAL SPACES 2.7' x 14' SHARED SPACES
 TOTAL PARKING SPACES PROVIDED: 115 SPACES



PROPOSED SECURITY GATE AT RESIDENTIAL PARKING GARAGE



LOCATION OF OAK PROPOSED FOR REMOVAL



DECORATIVE IRON GRILLE

VERANDA COURT
 34th & SPRING STREET

PASO ROBLES, CA
 Paso Robles



REA RICHMOND LUKER ARCHITECTS
 1424 HERRING STREET, PASO ROBLES, CA 93421
 (805) 341-1333 FAX: (805) 341-1333
 REA, RICHMOND AND LUKER, ARCHITECTS, LP

SHEET PD-2

MAY 15 2007

Planning Division

SHEET TITLE: SITE PLAN - FIRST FLOOR
 PLOT DATE: MAY 8, 2007
 PURPOSE: PLANNING COMMISSION

CLIENT: Rick Jeffrey

PROJECT NUMBER: 081816
 BLDG DEPT. / APTL. NO.:

ORIGINAL SCALE: 1/8" = 1'-0" (NOT REPRODUCED)

A & T ARBORISTS

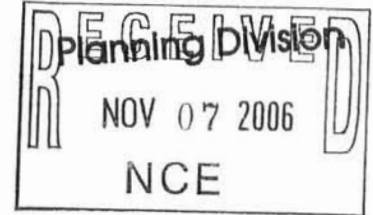
P.O. BOX 1311 TEMPLETON, CA 93465 (805) 434-0131



Tree Preservation Plan For Tract 2890

Paso Robles

NOV 08 2006



Prepared by A & T Arborists
and Vegetation Management

Chip Tamagni
Certified Arborist #WE 6436-A

Steven Alvarez
Certified Arborist #WE 511-A

Tract # _____

PD # _____

Building Permit # _____

Project Description: This project involves the demolition of the Ford dealership and the construction of a senior housing facility at the north end of Spring Street in Paso Robles. There are three native coast live oaks (*Quercus agrifolia*) over six inches in diameter located on the property. None of the trees are being proposed for removal. Trees #1 and #2 are young trees and both are growing through the cyclone fencing. Tree #3 is a three stem coast live oak that sits at street level along Park Street. This tree having three trunks is not nearly as old as a tree of similar size with a single trunk. There is three feet of fill in 45% of the critical root zone on the west side of the tree.

Specific Mitigations Pertaining to the Project: The cyclone fencing need to be carefully removed from trees #1 and #2 as soon as possible. The trenching for the retaining wall near tree #2 shall be monitored for potential root pruning. The tree being so young will most likely survive. The over-excavation will be within 10 feet of tree #3. The tree is probably 20-25 years old and will most likely survive as long as proper monitoring and root pruning is done. We recommend that the arborists are called out during the excavation phase to properly airspade and prune the roots. The roots must be covered with carpet remnants or other suitable material and kept wet until all backfilling is complete. All utilities shall be routed outside of the critical root zones.

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. Potentially tree #3 will need pruning.

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.

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.

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.

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>

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.

Chip Mulch: All areas within the critical root zone of the trees that can be fenced shall receive a 4-6" layer of chip mulch to retain moisture, soil structure and reduce the effects of soil compaction.

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.

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.

Exposed Roots: Any exposed roots shall be re-covered the same day they were exposed. If they cannot, they must be covered with carpet remnants or another suitable material and wetted down 2x per day until re-buried.

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.

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.

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.

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.

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

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.

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.

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.

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.**

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 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 'CT', is written over a light gray rectangular background.

ROOF DR
RED INT
URBAN S

① = Tree #
~ = Pipe L.
○ = Circular Bay 2012
x
COPD
Chp Tomson
#ME 0436-A

BEIT
OF

