

TO: JAMES L. APP, CITY MANAGER
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: OTR 08-005 - REQUEST TO REMOVE ONE OAK TREE AT 550 RIVER OAKS DRIVE (JERRY FELGENHAUER)

DATE: April 15, 2008

Needs: For the City Council to consider a request by Jerry Felgenhauer, to remove one oak tree on his property located at 550 River Oaks Drive.

- Facts:**
1. The subject oak tree is a 33-inch Blue Oak (*Quercus Douglasii*).
 2. A previous Arborist Report was prepared for the subject tree in February of 1991 when an addition to the home was built within the dripline of the subject oak tree. At that time, the tree was stated as being in excellent health. See attach report for further details.
 3. As described in the current Arborist Report, from Steven Alvarez of A&T Arborists (Attachment 1 dated December 3, 2007), the subject tree is at the rear of the home, and is located seven feet from the existing home's foundation and 44 inches from the patio covering. The soil within the critical root zone (CRZ) has been compacted, sealed with hardscape, and has had excessive watering from the nearby lawn area. The Arborist suggests that the tree will die due to lack of oxygen and too much water.
 4. The Arborist has indicated in his analysis that the tree is impacted beyond correction and should be removed as per the City of Paso Robles removal ordinance to prevent the potential falling of major limbs on persons and property.
 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 of the Municipal Code.

**Analysis
And**

Conclusion: According to Section 10.01.050.D, there are several factors that the City Council should reflect on 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;*

Steven G. Alvarez from A&T Arborists submitted a report along with a request for removal on March 28, 2008. The report (Attachment 1) describes the health of the subject tree as deteriorating and gave it a hazard rating of 10 due to the proximity to the existing house and the on going decline in health that will continue to occur to the tree. A rating of 10 (12 being the worst) is considered to be very hazardous and in the Arborist's words, immediate action is needed.

- 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;*

In this case, the property is already developed. That development appears to have led to the trees poor health. Since the house has been constructed, 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. It is recommended that the

planted of replacements trees be done at the direction of a certified arborist. Specific measures to ensure the long term health of the trees (i.e. watering techniques and root zone protection).

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 near the house.

It is unfortunate that such a significant tree is proposed for removal. While the health of the tree has the potential to cause serious safety risks, it appears that development of the property (i.e. hardscape, building the addition, and landscape watering) has resulted in the need to remove the tree.

Planning Staff along with the Deputy Building Official have been to the site to observe the tree, and due to limited access, the Deputy Building Official was unable to determine that any foundation damage was directly attributed to the tree as noted in the Arborist's report. The Arborist rated the hazard of the tree as ten and is recommending removal of the tree to prevent possible future damage to persons and/or property.

Policy

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

Fiscal

Impact: None.

Options:

- A. Adopt Resolution No. 08-xx approving OTR 08-005, allowing the removal of the 33-inch Blue oak tree, based on the tree causing damage to the existing house and removing the tree will prevent further damage, and require six (6) 1.5-inch diameter Blue Oak replacement trees to be plated at the direction of the Arborist;
- B. Require a further forensic investigation by an independent license professional prior to authorizing removal.
- C. Amend, modify or reject the above options.

Report prepared by: Mathew Fawcett, Assistant Planner

Attachments:

1. Arborist Report, with photos, received March 28, 2008
2. Previously Prepared Arborist Report
3. Resolution to approve the removal of the tree.

A & T ARBORISTS

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



December 3, 2007

Background Information:

On March 21, 2008 we were contacted by Mr. Jerry Felgenhauer owner of 550 River Oaks Road Paso Robles, CA. Mr. Felbenkaun was interested in having the oak tree growing close the rear of there home evaluated for damage and hazard.

Assignment:

1. Perform an on-site investigation to assess the lasting integrity and hazard of the tree.
2. Prepare a written report discussing our observations and conclusions about the investigation.

Limitations of the assignment: I believe the thoroughness of the on-site examination is adequate for making reliable conclusions, professional recommendations, and completing this assignment. However, the following limitations should be documented.

1. The report is limited to documenting the condition of the tree on the dates given.
2. No aerial observations were made.

Observations:

Investigative Procedures:

Observations, measurements and documentation were performed from the ground with the use of a camera, tape measure, binoculars, and soil compaction probe. Data collected was documented on a form called Tree Hazard Evaluation Form 2nd Edition.

When conducting the on-site examination, observations of site, soil root collar, trunk, branch attachments, lateral branches, shoot tips, and leaves were documented.

Site Observations:

The site is landscaped nicely the subject tree has a multi event hardscape setting taking up 80% of the trees critical root zone with the remaining 20% in well watered lawn.

Tree Characteristics:

The subject blue oak tree is growing at the rear of the home 7 feet from the foundation and 44" from a patio covering. Tree is approximately 45' tall and has a 45' spread, the trunk diameter is 33".

The trees form is major asymmetry, the live crown ratio is 50% and the age class is mature. The tree has had several pruning events. The crown class is observed as suppressed and we have categorized the Special Value as being indigenous and protected by government.

Paso Robles

MAR 28 2008

Planning Division

Tree Health:

No foliage color was observed, the tree appears to be struggling with its spring bud break, and all of the same tree species near by were in good spring leaf. Growth obstruction is the house foundation, hardscape, retaining wall cuts and lawn area. The vigor class is low. The tree also has oak pit scale impacting the health.

Site Conditions:

The site character is residence. The tree has daily irrigation water supply on the west side from the lawn area.

There is no recent site disturbance although over the past 16 years there have been several site disturbances within the critical root zone of the subject tree.

The soil within the CRZ is compacted, sealed with hardscape and excessive watering from the lawn area.

The wind exposure is on the windward edge and it is a single standing tree. The Occurrence of snow and ice storms is identified as seldom (10-15) years.

Target:

The potential target could impact the home from falling scaffolds, the homes foundation currently is cracking from root pressure. The targets cannot be moved or restricted.

The target occupancy is documented as constant use does to the home and hardscape areas.

Tree Defects:

The subject tree has oak twig blight (*Cryptocline cinerescens*)

Testing and Analysis:

No testing was done during our examination and only visual inspection was done to determine the oak twig blight.

Discussion:

The presents of oak twig blight has been within the subject tree for many years and there is no registered control for the fungus. In addition the events of hardscape within the CRZ of the tree is paying its toll on the overall health of the tree, it is keeping the tree from getting proper oxygen and water.

Conclusions:

The subject tree will most certainly circum to the lack of oxygen and water due to the hardscape events over the past 16 years. We suspect that most of the feeder roots are destroyed and will not be able to revive themselves.

Recommendations:

After examination and review of the subject tree we have rated the hazard as 10 this rating will only increase as the tree continues to decline. We recognize the subject tree as a hazard that cannot be abated. Due to the above examination we feel the subject tree is impacted beyond correction, immediate action is needed and should be removed as per the City of Paso Robles removal ordinance.

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

Site Address: 550 River Oaks Road
 Map/Location: 6
 Tree public private unknown other
 Date: 3/20/08 Inspector: Steven G. Alvarez WE
 Date of last inspection: UNKNOWN

HAZARD RATING:			
Failure Potential	Size of part	Target Rating	Hazard Rating
7	2	4	10
<input checked="" type="checkbox"/> Immediate action needed <input type="checkbox"/> Needs further inspection <input type="checkbox"/> Dead tree			

TREE CHARACTERISTICS

Tree #: 6 Species: Quercus Douglasii
 DBH: 33" # of trunks: 1 Height: 45' Spread: 45'
 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: UNKNOWN
 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: Hardscape Blight

Growth obstructions:
 stakes wire/ties signs cables
 curbs/pavement guards
 other _____

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 line 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.

SHA 464-0727

TREE DEFECTS

ROOT DEFECTS:

* (3) Suspect root rot: Y N Mushroom/cank/bracket present: Y N ID: _____
 Exposed roots: severe moderate low Undersized: severe moderate low
 Root pruned: _____ distance from trunk Root area affected: potholes Buttress wounded: Y N When: _____
 Restricted root area: severe moderate low Potential for root rot: 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: Handscape NO oxygen to the O 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/tears				
Decay				
Cavity				
Cankers/mushrooms/bracket				
Bleeding/sap flow				
Loose/cracked bark				
Resting hollow bee hive				
Deadwood/stubs				
Borer/termite/dart				
Cankers/splits/forks				
Previous failure				

HAZARD RATING

Tree part most likely to fail: Roots thru Scaffolds

Inspection period: _____ annual _____ biannual _____ other _____

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

4 + 2 + 4 = 10

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 farther: 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: _____

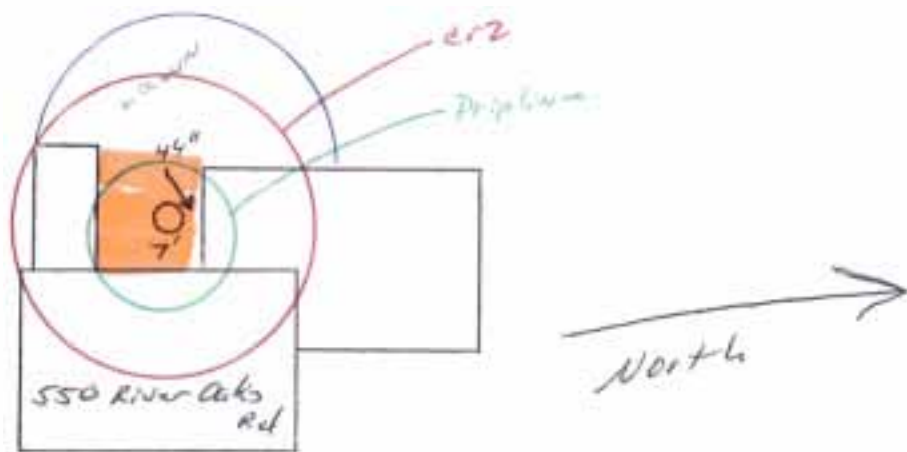
COMMENTS

* (1) - Late leaf development if at all
 The trees roots have been sealed off for 14 years
 The subject tree will definitely die.

* (2) Tree has also caused cracks in the foundation.

Specimen: TREE HAZARD EVALUATION FORM, Page 2

* (3) Highly suspect massive root



Not to scale.

— = Lawn area

— = CRZ

— = Driveway

— = House & Foundation

— = Hard scape area

550 River Oaks Road
 Jerry Felgenhauer
 Poso Robles, CA 93466



MIKE FOLSTER

W.C.I.S.A.

CHITTED

INDUSTRY

41-594

RECEIVED

CONSULTATION-FIELD REPORT FEB 14 1991
DEPT. OF PUBLIC WORKS

CASE LOCATION 402 EXPERIMENTAL STATION RD. CITY _____

OWNER NAME JESS FELGENHAUER

ADDRESS SOME CITY _____

RES. PHONE (BUS) 239-4810 BUS. PHONE () 311 2611

AGENT NAME _____

ADDRESS _____ CITY _____

RES. PHONE () _____ BUS. PHONE () _____

RECEIVED

BUILDING DIVISION

DAMAGE or ACCIDENT DATE NA TYPE OF DAMAGE NA

INSPECTION DATE 2-6-91 WEATHER _____ TEMP. _____

EVALUATION OF IMPACT ON MATURE OAK TREE BY PROPOSED ADDITION TO EXISTING STRUCTURE

THIS PROPOSED ADDITION WILL ENCRDACH WITHIN THE DRIFLINE OF THE OAK BUT CONSIDERING THE EXISTING STRUCTURE ALREADY WITHIN THE DRIFLINE, IT WILL INVOLVE LESS THAN 20% OF THE ROOT ZONE. THE ORIGINAL CONSTRUCTION OF THE RESIDENCE EIGHT YEARS AGO HAS NOT HAD A DETRIMENTAL EFFECT ON THIS OAK AND IT SEEMS TO HAVE ADAPTED WELL TO ITS CHANCE IN ENVIRONMENT. MR. FELGENHAUER HAS ALREADY TAKEN STEPS TO HELP MITIGATE THE GRADING IMPACT ON THIS OAK. A CONCRETE PATIO BETWEEN THE HOUSE AND TREE HAS BEEN REMOVED AND SHOULD IMPROVE VEGATION AND IRRIGATION TO THAT SIDE OF THE TREE.

RECEIVED

FEB 14 2001

THE CANOPY HAS ALSO BEEN REDUCED IN ANTICIPATION OF PROPOSED NEW CONSTRUCTION. DEPT. OF PUBLIC WORKS

ANYTIME A ROOT ZONE IS REDUCED OR IMPACTED, COMPARABLE REDUCTION OF THE CANOPY SHOULD BE PERFORMED PRIOR TO ANY ROOT PRUNING. AN ENCRoACHMENT INTO THE DRIFLINE OF ANY TREE CAN BE DETREMENTAL TO THE HEALTH OF ANY TREE, PARTICULARLY DEEP CUTS FOR FOUNDATIONS ETC. THIS TREE HOWEVER IS IN EXCELLENT HEALTH AND HAS SHOWN A TOLERANCE FOR ROOT PRUNING AND OTHER ENVIRONMENTAL CHANGES.

WITH THE PRUNING OF THE CANOPY AND THE CONCRETE REMOVAL THAT MR. FELGENHAUER HAS ALREADY DONE AND SOME ADDITIONAL TREE PROTECTIVE MEASURES, THE IMPACT ON THIS TREE SHOULD BE MINIMIZED.

TREE PROTECTION MEASURES

- 1) NO CUTS, FILLS, CONSTRUCTION MATERIAL OR EQUIPMENT IS ALLOWED WITHIN THE DRIFLINE OF THE TREE UNLESS OTHERWISE NOTED.
- 2) THE CUT FOR THE FOUNDATION WITHIN THE DRIFLINE OF THE TREE SHALL BE DUG BY HAND AND ALL ROOTS ENCOUNTERED TWO INCHES IN DIAMETER OR LARGER ARE TO BE CUT BY HAND I.E., CHAINSAW, AXE, ETC. AND SEALED WITH AN APPROVED TREE SEAL.

MIKE FORISTER

W.C.I.S.A. CERT. ARBORIST # 394

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE OAK TREE AT 550 RIVER OAKS DRIVE
(JERRY FELGENHAUER)

WHEREAS, Jerry Felgenhauer has submitted a request to remove a 33-inch Blue Oak Tree on his property located at 550 River Oaks Drive; and

WHEREAS, the existing house is located in close proximity to the subject tree; and

WHEREAS, the tree does not appear to be causing damage to the house's foundation however, the house could potentially be impacted by falling scaffolds, and the request to remove the tree is in order to eliminate the possibility of future damage to the house; and

WHEREAS, Steven Alvarez of A & T Arborists submitted an Arborist Report indicating that the tree has a hazard rating of 10 and is beyond correction, and recommends that the tree be removed; 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) 33-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 six (6) 1.5-inch diameter Blue Oak replacement trees; to be planted at the direction of the Arborist including recommended long term protection measures.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 15th day of April 2008 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah Robinson, Deputy City Clerk