

TO: JAMES L. APP, CITY MANAGER

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT: OTR 08-004 - REQUEST TO REMOVE ONE OAK TREE ON LOT 8 ON WISTERIA LANE (JUSTIN VINEYARD & WINERY, INC)
APN: 025-421-061**

DATE: MAY 20, 2008

Needs: For the City Council to consider a request by Steven D. Pults on behalf of Justin Vineyard & Winery, Inc to remove one oak tree in conjunction with the development of a winery/storage building (Planned Development (PD) 08-006).

Facts:

1. The subject tree is a 38-inch Blue Oak (*Quercus Douglasii*). It is centrally located on Lot 8 on Wisteria Lane. See attached vicinity map. (Attachment 1)
2. Steven Pults, on behalf of Justin Vineyard & Winery, Inc, has submitted PD 08-006, a proposal to construct a ±33,000 square foot winery/storage building (see Attachment 3).
3. As described in the Arborist Report from Chip Tamagni of A&T Arborists (see Attachment 2), the subject tree has had massive canopy failure and extensive cavities throughout the tree which have caused the tree to be stressed and in a state of declining health. The Arborist recommends the tree be removed and the necessary replacement trees be replanted on site per the Oak Tree Ordinance.
4. Since the tree shows signs of growth, the Director can 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 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. The factors and staff’s responses are described in the Analysis and Conclusion section of this staff report.

**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 an 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 tree currently sits on a vacant lot. Chip Tamagni from A&T Arborists submitted a report along with a request for removal on March 19, 2008. The report (Attachment 2) states that the tree has had a massive canopy failure and the remaining canopy is 50% dead. The Arborist also noted that the tree's trunk has extensive cavities and is no longer safe to build around or underneath.

- 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 arborist has stated that the tree is in declining health and has a life expectancy of less than five years. Based on the tree being in a declining state of health, the applicant is requesting removal. If City Council does not allow the tree to be removed, the project will need to be redesigned to preserve the tree.

- 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 site, 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 planting of replacement trees be done at the direction of a certified arborist along with 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.*

The site can adequately accommodate the required number of replacement trees, as shown in the proposed landscape plan.

The applicant's project for the winery/storage building is designed with the anticipation of the oak tree being removed. If the City Council does not allow the removal of the oak tree, the project will need to be re-designed to preserve the tree in a manner consistent with the City's Oak Tree Ordinance.

Policy

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

Fiscal

Impact: None.

Options:

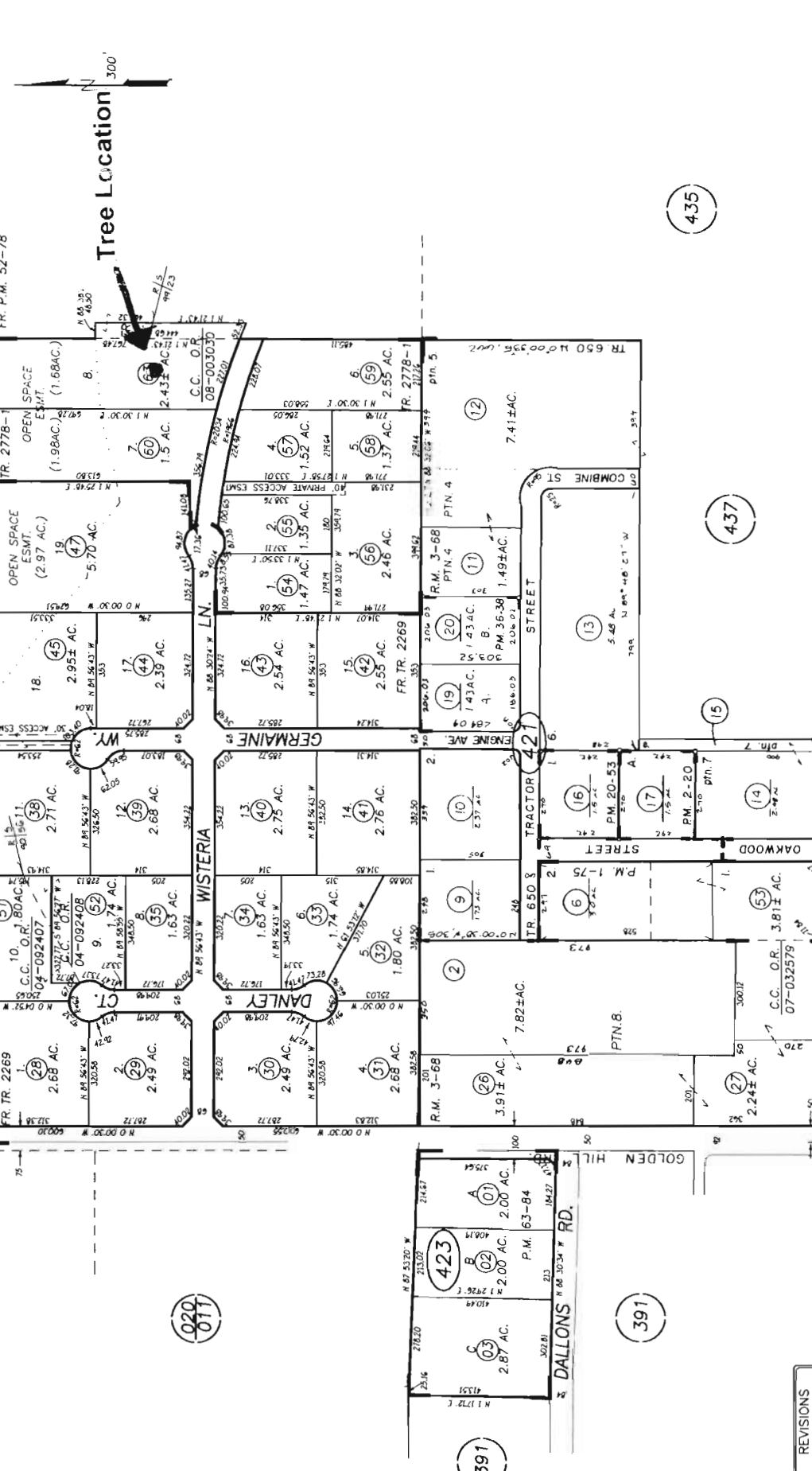
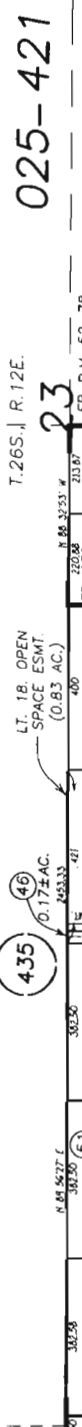
- A. Adopt Resolution No. 08-xx approving OTR 08-004, allowing the removal of the 38-inch Blue oak tree, based on the tree's declining health and the proposed development of the site, and require nine and one-half inches in diameter of Blue Oak replacement trees (i.e. five, two-inch Blue Oaks) to be planted at the direction of the Arborist;
- B. Amend, modify or reject the above options.

Report prepared by: Mathew Fawcett, Assistant Planner

Attachments:

1. Vicinity Map
2. Arborist Report, with photos, received March 19, 2008
3. Proposed Planned Development 08-006 Site Plan
4. Resolution to approve the removal of the tree.

T. 26S., R. 12E.



REVISIONS	I.S.	DATE
	MA	11-20-03
	MA	02-28-05
	03-268	04-05-05
	03-268	05-08-05
	03-268	07-19-06
	08-126	07-19-06
	08-180	09-10-07
	09-011	03-21-08
	09-011	03-22-08

THIS MAP IS PREPARED FOR ASSESSMENT PURPOSES ONLY.

08-28-97

TRACT NO. 2778-1, R.M. Bk. 30, Pg. 67-68.
 TRACT NO. 2269, R.M. Bk. 19, Pg. 86.
 TRACT NO. 650, R.M. Bk. 10, Pg. 46.
 OAKWOOD ORCHARD TRACT, R.M. Bk. 3, Pg. 68.

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A & T ARBORISTS

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



8-8-07

Pults & Associates

Attn: Laurel Hieatt, Project Architect

Re: Oak Tree Condition Report, Lot 8 Wisteria Lane

RECEIVED AUG 9 2007

Background Information: This oak tree condition report is in regard to the single oak tree located on Lot 8, Wisteria Lane in Paso Robles.

Assignment: Prepare a condition report regarding the current health of the subject tree and make recommendations regarding long-term health.

Observations: The subject tree is a 38 inch diameter blue oak (*Quercus douglasii*) (see photograph #1). During the last several years, 50% of the canopy had a massive failure and no longer exists (see photograph #2). The trunk is hollow with extensive cavities. Of the remaining canopy, 50% is already dead and the remainder is very stressed and in decline.

Testing and Analysis: We performed a sounding test on portions of the trunk and discovered that it is hollow. Please refer to photograph #3 which illustrates the decay in the trunk.

Conclusions: The useful life expectancy of this tree is probably less than five years. By that time, the remaining canopy will most likely be dead or have failed due to the internal decay. The tree is not safe to build around or underneath.

Recommendations: Remove the tree and replant per the standards set forth in the Paso Robles Oak Tree Ordinance. Have the landscape architect design the grounds with a drought tolerant element to effectively support the oak trees.

Chip Tamagni

Certified Arborist #WE 6436-A

A handwritten signature in black ink, appearing to read "S. Alvarez".

Steven G. Alvarez

Certified Arborist #WE 0511-A

Attachment 2
Arborist Report

05/20/08 Agenda Item No. 13, Page 5 of 10

Architectural, Planning & Consulting
 1000 West 10th Street, Suite 100
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JUSTIN
PASO

WESTERN LAKE
PLANTING
CALIFORNIA

JUSTIN WINERY
VINEYARD

CHIMNEY ROCK ROAD
PULLITT'S
SAN JOSE, CA 95148
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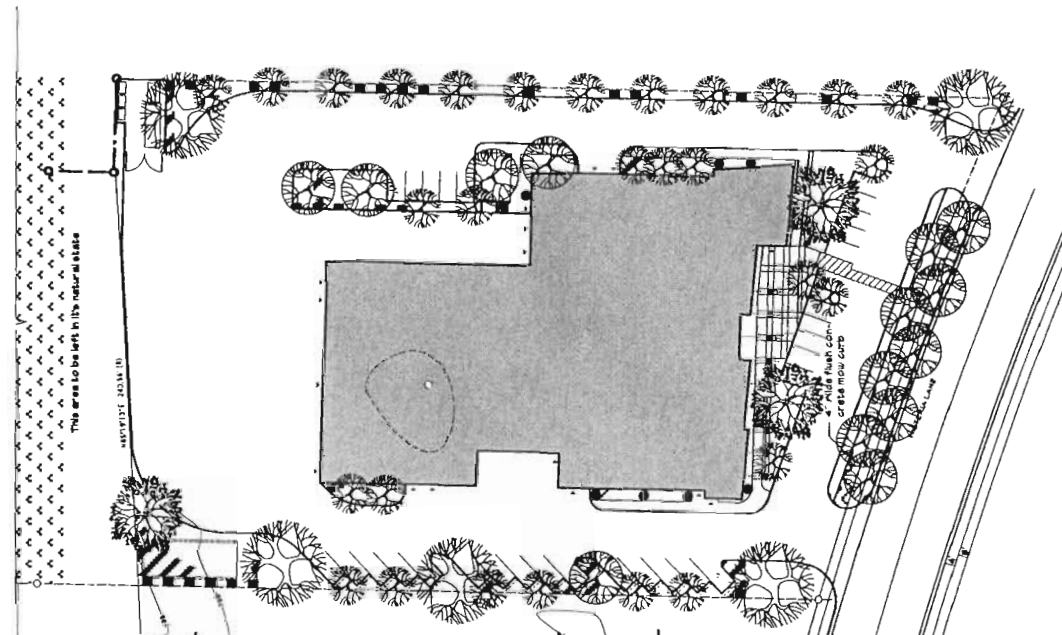
PLANTING PLAN



Date: 12-10-07
 Revised: 12-14-07
 2-28-08
 3-18-08

Scale: 07A

L1.1



PLANTING LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE/QUANTITY/SPACING
	<i>Quercus agrifolia</i>	Coast live oak	5-Min. 24" boxes
	<i>Quercus suber</i>	Cork oak	5-Min. 24" boxes
	<i>Ficus chinensis</i>	Chinese pistache	14-Min. 18 gal.
	<i>Lagerstroemia x F. Natchez</i>	White Hib. Craple myrtle	27-Min. 18 gal.
	<i>Cupressus sempervirens</i>	Italian cypress	7-Min. 18 gal.
	<i>Nisaria sibirica</i> - White	White wisteria	Min. 5 gal.
	<i>Buxus M. J. Green Beauty</i>	Bonwood	Min. 1 gal. @ 18" o.c.
	<i>Myrica californica</i>	Pacific wax myrtle	Min. 5 gal. @ 30" o.c.
	<i>Rosa Meiland rose</i>	White Meiland rose	Min. 2 gal. @ 4' o.c.
	<i>Rosmarinus o. Collinswood fig.</i>	Rosemary	Min. 5 gal. @ 4' o.c.
	<i>Hemerocallis</i> - evergreened and orange mixed.	Daylily	Min. 1 gal. @ 18" o.c.
	<i>Lavandula angustifolia</i>	English lavender	Min. 1 gal. @ 20" o.c.
	Turf - sod	Fescue blend	Sod



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#2





RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE OAK TREE ON LOT 8 ON WISTERIA LANE
APN: 025-421-061
(Justin Vineyard & Winery, Inc)

WHEREAS, Steven Pults has submitted a request to remove one 38-inch Blue Oak Tree on the property located on lot 8 on Wisteria Lane; and

WHEREAS, the subject tree is located on a currently vacant lot, however Planned Development 08-006 has been submitted which proposes development of the land with a ±33,000 square foot winery/storage building; and

WHEREAS, Chip Tamagni of A & T Arborists submitted an Arborist Report indicating that the tree has extensive cavities, has had massive canopy failure and is in declining health with a life expectancy of less than five years; 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) 38-inch Blue Oak tree based on the tree's declining health and life expectancy;
2. Require the planting of nine and one-half inches in diameter of Blue Oak replacement trees (i.e. five, two-inch Blue Oaks); 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 20th day of May 2008 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah Robinson, Deputy City Clerk