

TO: JAMES L. APP, CITY MANAGER

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: OTR 08-011 - REQUEST TO REMOVE ONE OAK TREE AT 801 28th STREET (PASO ROBLES HOUSING AUTHORITY)

DATE: FEBRUARY 3, 2009

Needs: For the City Council to consider a request by Armando Corella, Executive Director of the Paso Robles Housing Authority, to remove one oak tree at the Chet Dotter Senior Housing Authority.

Facts:

1. The site is located at 801 28th Street (Northeast corner of 28th and Park Streets).
2. The subject oak tree is a 59-inch diameter Valley Oak (*Quercus lobata*) located on the northern edge of the site, adjacent to Park Street.
3. The tree appears to be leaning, and in order to find out the health of the tree, Mr. Corella hired A&T Arborists to inspect the tree and prepare a hazard assessment of the tree.
4. Chip Tamagni of A&T Arborists prepared an Arborist Report along with a hazard evaluation of the tree (Attachment 1). The report indicates that the presence of the large cavity in the trunk of the tree and the previous major scaffold limbs failures is causing the tree to lean and prone to failure. The report concludes that the tree needs to be removed.
5. A report was prepared by Chuck Scovell, Arborist, in February 2003 in conjunction with the initial City review of the Senior Housing project. At that time Scovell recognized the cavity he concluded that the tree was in good condition and that the project should have minimal impact on the tree.
6. Planning Staff did go out to the site to review the tree, since the tree 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. (NOTE: the tree is deciduous, therefore there are no leaves on the tree at this time)

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 December 1, 2008. The report (Attachment 1) indicates that the subject tree has a severe cavity/void within the trunk of the tree, causing a 25-degree lean, described as severe which makes the tree prone to failure.

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 apartment complex is built and in operation, the only option besides removing the tree is to remove and remodel portions of the building.

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;*

The removal of this tree would not result in negative effects on soil retention, water retention or surface water flows for the neighborhood.

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 four other oak trees on the site and others near this site that will remain.

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

As described above, there are four other oak trees located on the site that will remain and be preserved. There would be sufficient area to plant replacement trees in the area where the subject tree is located, if allowed to be removed.

A&T Arborists indicates in their report that the tree has been in decline for many years as a result of an initial loss of a major scaffold limb, and the presence of a cavity within the trunk. The trees decline is causing it to lean and since there is there is a large void in the trunk, the tree is in danger of failing. This current assessment differs in its conclusions from the 2003 report that resulted in the tree being retained.

The Oak Tree ordinance requires replacement trees to be planted at a ratio of 25-percent of the truck diameter of the tree being removed. Since this tree is 59-inches in diameter, 9- 1.5 inch replacement trees are required to be planted. However, Section 10.01.050G of the Ordinance does allow the Council to waive the requirement to plant replacement trees if the cause of trees decline is not the fault of the property owner/applicant.

After reviewing both the Scovell and the A&T reports, it does appear that the decline of this tree started several years ago prior to the construction of the Senior Housing Project. However, the two reports come to different conclusions as to the health of the this large oak tree. The Council shall determine if circumstances have changed since 2003 and whether action should be taken to remove the tree. Armando Corella has indicated that he would plant two replacement oak trees in the area of the removed tree, but since the trees decline is not a result of the recently constructed senior housing complex, Mr. Corella is requesting that the City Council waive the requirement to plant the remaining 7 trees.

Policy

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

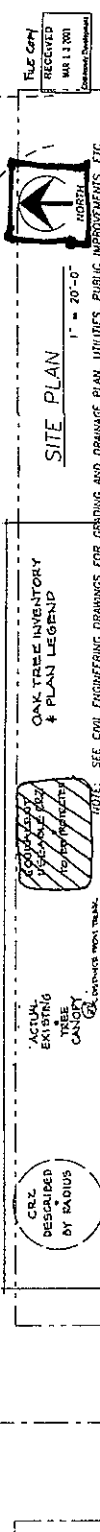
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Impact: None.

- Options:**
- A. Adopt Resolution No. 09-xx approving OTR 08-011, allowing the removal of the 59-inch Valley oak tree, based on the tree being in decline, and require two (2) 1.5-inch diameter Valley Oak replacement trees to be planted at the direction of the Arborist.
 - B. Determine the tree is in good condition per the Scovell report of February 2003 and deny the removal.
 - C. Amend, modify or reject the above options.

Attachments:

- 1. Site Plan – tree location map
- 2. Photos of tree.
- 3. Arborist Report, dated November 25, 2008.
- 4. Excerpt from 2003 Scovell Report.
- 5. Resolution to approve the removal of the tree.
- 6. Resolution to deny removal of the tree.



C112 as described in document as described on New Glasgow Abstract # 1396

PROJECT DATA:

LEGAL DESCRIPTION:
ALL OF LOTS 1, 2, 20 AND A PORTION OF LOTS 3 AND 19 OF BLOCK 1, A PORTION OF PALE STREET AND A PORTION OF 19TH STREET, BEING THE FULL AND WHOLE SUBDIVISION, RECORDED IN BOOK 18, PAGE 19 OF MAPS AND A PORTION OF PINE STREET, BEING THE FULL AND WHOLE SUBDIVISION, RECORDED IN BOOK 3189, PAGE 611 OF THE OFFICIAL RECORDS AND FILED IN THE OFFICE OF THE RECORDER OF SAN LUIS OBISPO COUNTY, STATE OF CALIFORNIA

APR. A PORTION OF 008-081-029
ADDRESS 28th AND PARK STREETS
PASO ROBLES, CA 93446
DANEP
PASO ROBLES HOUSING AUTHORITY
PASO ROBLES, CA 93447

LOT COVERAGE
REQUIREMENTS:
12 UNITS @ 376 SF = 6912 SF
COMMUNITY ROOM & STORAGE = 1152 SF
FOYER, ELEV., STAIRS, UTLA = 590 SF
KCH., RESTROOM, KITCHEN = 320 SF
STORAGE = 176 SF
OPEN COURTYARD WALK = 1788 SF
BUILDING AREA TOTAL = 11,235 SF
PARKING LOT/DRIVE = 16,370 SF
TOTAL = 27,605 SF
WAL-45

PAVED TOTAL = 19,883 SF
TOTAL COVERAGE = 31,415 SF
31.412 SF / 46,026 SF = .68%

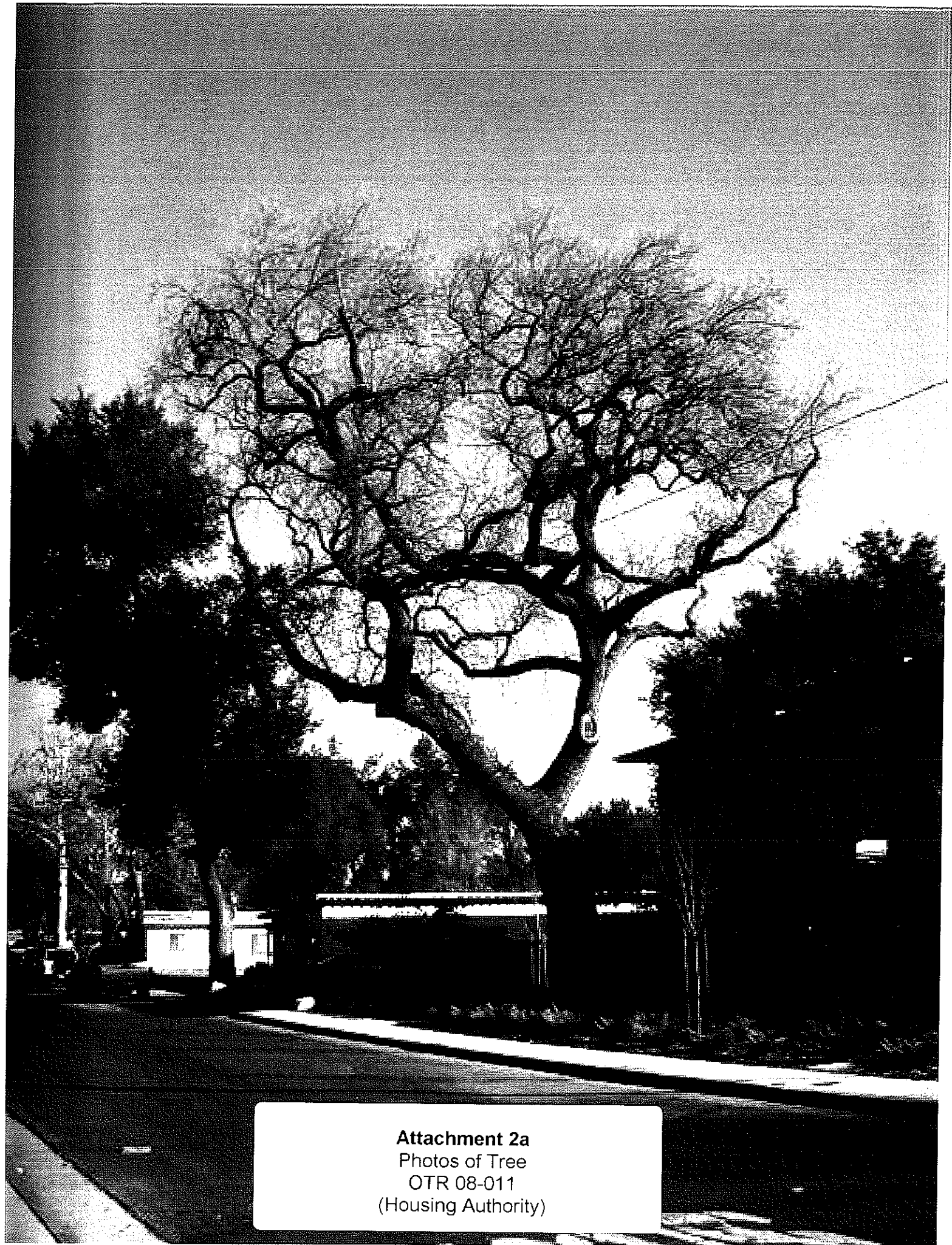
CONSTRUCTION TYPE: V HP
ZONING: R-1
BUILDING CODES: '92 UBC, '92 UMC, '92 UPC.
AND 96 NEC

PARCEL SIZE
1.00 AC
43,076 SF

BUILDING SIZE
UNITS = 18,737
40 UNITS @ 376 SF = 15,040 SF
40 UNITS @ 376 SF = 15,040 SF
TOTAL BUILDING AREA = 28,081 SF

35 SPACES PROVIDED

Attachment 1
Site Plan
OTR 08-011
(Housing Authority)



Attachment 2a
Photos of Tree
OTR 08-011
(Housing Authority)



Attachment 2b
Photos of Tree
OTR 08-011
(Housing Authority)

A & T ARBORISTS

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



November 25, 2008

Background Information:

On November 21, 2008 we were contacted by Armando Corella Executive director Housing Authority of the City of Paso Robles to perform a hazard tree examination on a tree in their landscape that appeared to be leaning and has large cavity with a bee hive near a newly developed senior housing complex.

Assignment:

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

Limitations of the assignment: We 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 trees on the dates given.
2. Aerial observations were made at 12' to drill around cavity (C-1).

Observations:

Investigative Procedures:

Observations, measurements and documentation were performed with the use of a camera, tape measure, binoculars and a portable hand drill with a 18" bit. Data collected was documented on a form called hazard evaluation pages 1 & 2. 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 landscape nicely and the subject tree is 20' from a new senior citizens housing complex.

Tree Characteristics:

The subject valley oak (*Quercus lobata*) tree is growing near the new building. Tree is approximately 50' tall and has a 50' spread the trunk diameter is 59". The trees form is major asymmetry, the live crown ratio is 40% and the age class is over-mature/senescent. The tree has had several pruning events. The crown class is observed as co-dominant and we have categorized the Special Value as being indigenous and protected by government.

Attachment 3

2008 A&T Arborist Report
OTR 08-011
(Housing Authority)

Tree Health:

The foliage color is normal and epicormic growth was observed. Foliage density was overall normal and the leaf size was normal, the only growth obstruction is the new senior building. The vigor class is at best average and pit scale was observed from the recent small twig fallings.

Site Conditions:

The site character is residence apartment type (senior housing). The tree has no daily irrigation water supply.

The wind exposure is a single tree windward, canopy edge canopy and the prevailing wind direction is from the west. The Occurrence of snow and ice storms is identified as seldom (10-15) years.

Target:

The potential target could impact building, parking, traffic, pedestrians, landscape, hardscape and small features. The targets cannot be moved or restricted.

The target occupancy is documented as constant use due to the above impacts.

Tree Defects:

The subject tree has a severe cavity (C-1) from the loss of a major scaffold east side of trunk. This cavity appears to have started long before failure of the major scaffold. Five drill holes were made to determine the extent of the existing cavity. In addition a bee hive is currently within the cavity indicating that a large void is within the trunk of the tree.

The tree was left with lean of 25 degrees due to the loss of the major scaffold, lean severity noted as severe, no soil was observed as heaving, cracking and no broken roots observed.

Crown Defects:

Trunk decay is severe, Cavity at trunk is severe, and the existence of nesting bees is an indicator that a massive cavity exists within the trunk area.

In addition there is a lateral crack at the base of C-1.

Testing and Analysis:

We used a portable hand drill with an 18" bit to make five probes within the open cavity surface area. The results of the drill holes are as follows.

- H-1 = 3"+ void to extent of drill bit
- H-2 = 3"+ void to extent of drill bit
- H-3 = 4"+ void to extent of drill bit
- H-4 = 4"+ void to extent of drill bit
- H-4 = 4"+ void to extent of drill bit

Discussion:

The presence of the large cavity within the plane of the lean and the previous failure of the large major scaffold makes the subject tree prone to failure.

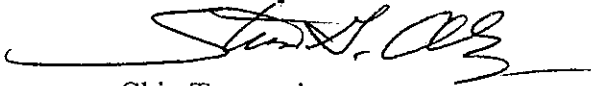
Conclusions:

The hazard rating has evaluated the subject tree at a 12 out of 12 possible points and we have determined that the subject tree will most certainly circum to trunk failure, please see attached form.

Recommendations:

Due to our examination we recognize the subject tree as an eminent hazard that cannot be abated by pruning, cabling or bracing. Therefore we are recommending the subject tree be removed now.

Steven G. Alvarez
Certified Arborist #WE 0511-A



Chip Tamagni
Certified Arborist #WE-6436A





Scovell Tree Surgery

RECEIVED

MAR - 6 2003

Community Development

Arborist Report

Senior Housing Project
Paso Robles
Housing Authority
Paso Robles, CA

Prepared for:

McCarthy & Associates
P.O.Box 4070
Paso Robles, CA 93447

Prepared by:

Scovell Tree Surgery
3850 Maricopa Rd.
Atascadero, CA 93422
Chuck Scovell
Certified Arborist #346

February 28, 2003

Attachment⁴

2003 Scovell Report
OTR 08-011
(Housing Authority)

Arborist Report
Senior Housing Project
Paso Robles, CA

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Introduction and Overview

McCarthy and Associates, Paso Robles Housing Authority: The Senior Housing Project in care of John McCarthy and associates ask Scovell Tree Surgery to provide an Arborist Report of the site review for the City of Paso Robles.

This report contains the following information:

1. A survey of the trees inside the project area.
2. An Assessment of the impacts on the trees during construction.
3. Guidelines for maintenance after development.

Survey Methods

This survey was done February 18, 2003. The survey consists of five Oak trees on-site.

1. Identifying the trees as to species.
2. Measuring of the trunk diameter at 48" above grade.
3. Determine critical root zone, C.R.Z., by plotting the drip line of each tree.
4. Evaluate health and structure of each tree by using a scale of A,B,C.
 - A- A healthy and vigorous tree.
 - B- Tree with moderate vigor.
 - C- Tree in decline.
5. Rating the suitability for preservation as "good", "fair", or "poor". Suitability for preservation considers the health, age and structural condition of the tree, and its potential to remain an asset to the site for years to come.

Good:	Trees with good health and structural stability that have the potential for longevity at the site.
Fair:	Trees with somewhat declining health and/or structural defects that can be fixed with treatment. The tree will require more intense management and monitoring, and may have shorter life span than those in 'good' category.
Poor:	Tree in poor health or with significant structural defects that cannot be treated. Tree is expected to continue to decline, regardless of treatment.

Description of Trees

The site contains five native oak trees- One Valley Oak, *Quercus Lobata*, and four Live Oaks, *Quercus Agrifolia*. Tree locations, diameter size and drip-lines are plotted on the Tree Survey Map. Each tree is described below.

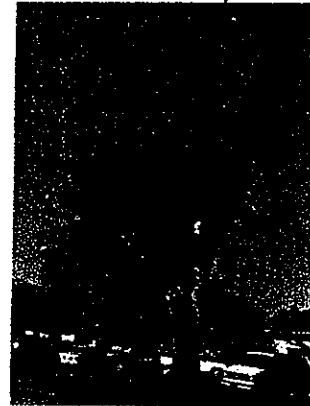


#1 Valley Oak

Trunk diameter 58"

Location: NW corner of the project.

Description: Rating "A" good condition. This tree has been impacted by cars, parking underneath, for years. Also a large limb fell off years ago creating a wound low on the main stem. The tree has compartmentalized the decay and has healed over nicely. The upper crown is heavy with good growth showing for its age. With weight reduction and proper pruning this tree should be suitable for preservation. Also the C.R.Z. is running away from the construction site so the impact should be minimal.



#2 Live Oak

Trunk diameter 19"

Location: South edge on 28th street.

Description: Rating "A" good condition. This tree is in good condition with an even canopy. Some pruning will be needed to clear building eaves. This tree is suitable for preservation.



#3 Live Oak

Trunk diameter 36"

Location: Mid Eastern edge of survey map.

Description: Rating "A" good condition. Tree has heavy foliage and well shaped crown. Recommended 25% crown reduction to reduce the weight and overall canopy size. This tree is suitable for preservation. Also pavers should be placed under drip-line to reduce parking impact.



#4 Live Oak

Trunk diameter 40"

Location: Mid Eastern edge of survey map.

Description: Rating "A" good condition. Tree has heavy foliage and well shaped crown. Recommend 25% crown reduction to reduce the weight and overall canopy size. This tree is suitable for preservation. Also pavers should be placed under drip-line to reduce parking impact.



#5 Live Oak

Trunk diameter 27"

Location: Eastern edge of survey map.

Description: Rating "A" good condition. Tree has heavy foliage and well shaped crown. Recommend 25% crown reduction to reduce the weight and overall canopy size. This tree is suitable for preservation. Also pavers should be placed under drip-line to reduce parking impact.



In summary all five trees are in good health and are suitable for preservation. Tree #1 has been impacted by parking cars underneath for years. With tree preservation techniques and proper protection during construction this tree should do well. The same care should be applied to the other four trees.

Evaluation of Impacts and Recommendations for Preservation

Potential impacts from construction were evaluated using the Preliminary Site Plan provided by McCarthy and associates. The plan depicted the building footprints, parking lot lay out and trunk locations. Neither site grading nor water/sewer/storm drain/utility alignments were available. Those plans will be reviewed at a later date.

This project has been designed to retain all five mature oak trees. Building 'A' will be constructed within 21' of tree #1 according to building footprints which is well within the guideline set forth for C.R.Z. impact.

Building 'B' will be constructed within 10' of trunk but will impact less than 25% of C.R.Z.

Trees 3, 4 and 5 fell within the parking lot area of the project. Pavers should be installed under the C.R.Z. of these trees to lessen the impact.

These impacts are within the tolerances of these trees. A moderate amount of pruning will be required to provide vertical clearance for construction and reduce the potential for limb failure. Pavers shall be placed under trees 3, 4 and 5 in parking and drive areas.

Tree Preservation Guidelines

The response of individual trees will depend on the amount of excavating or grading and the care with which this activity is undertaken. Coordinating any construction activity inside the C.R.Z. can minimize these impacts

The following recommendations will help reduce impacts to trees from development and maintain and improve their health and vitality through the clearing, grading and construction phases.

Design recommendations

1. A Critical Root Zone shall be established around each tree. The C.R.Z. for tree #1 is 20' to the east, 23' to the north and 25' to the south and west. For #2 the C.R.Z. shall be defined as 10' to the north and 18' to the south, east and west. For #3 the C.R.Z. shall be 25' to the north, south, east and west. For #4 the C.R.Z. shall be 16' to the south and 25' to the north, east and west. For #5 the C.R.Z. shall be 12' to the east, 17' to the north and 25' to the west and south.
2. No underground utilities or services shall be placed under the C.R.Z.
3. **Tree Protection Notes** shall be on all plans.
4. No trenching will be allowed inside the C.R.Z.

Pre-construction treatments and recommendations

1. The construction supervisor shall meet with the Certified Arborist prior to beginning any work to insure tree protection measures are in place and to discuss work procedures.
2. Fencing shall completely enclose the Critical Root Zone prior to commencing work and shall remain until all grading and construction are completed. All building materials shall be stored outside the C.R.Z.
3. Tree pruning prior to start of project shall be done by a Certified Arborist using strict tree pruning guidelines by the International Society of Arboriculture. All wood chips generated from pruning shall be used inside the C.R.Z.
4. Prior to construction buildings 'A' and 'B' all trenching along or inside C.R.Z. shall be hand dug. Any roots 2" or greater shall be flush cut and sealed out using tree seal to reduce impact on the tree and encourage recovery.
5. No grading inside the C.R.Z.
6. Pavers shall be used under the C.R.Z. of the trees numbered 3, 4, and 5 in parking area.
7. All trees have been impacted by cars parking under the C.R.Z. for years. An Auger shall be used to fracture the soil under all five C.R.Z.'s.
8. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Certified Arborist so that appropriate treatments can be applied.
9. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.

Maintenance of impacted trees.

All five trees at the Senior Housing Project will have a physical environment different from pre-development. As a result, tree health and structural stability should be monitored. Occasional pruning, fertilizing, mulch, pest management and irrigation may be required. In addition, provisions for monitoring both tree health and structural stability following construction must be a priority. As trees age, the likelihood of failure of branches or entire trees increases. Therefore, annual inspection for hazard potential is recommended.

Scovell Tree Surgery



Chuck Scovell
Certified Arborist #346

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE OAK TREE AT 3201 PINE STREET
(PASO ROBLES HOUSING AUTHORITY)

WHEREAS, Armando Corella, Executive Director of the Housing Authority, has submitted a request to remove a 59-inch Valley Oak Tree located at the Chuck Dotter Senior Housing project at 3201 Pine Street; and

WHEREAS, the Community Development 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 has a 25-degree lean and in danger of failing, as a result of a large cavity and past limb failures; and

WHEREAS, in accordance with Section 10.01.050G, Mr. Corella is requesting that the City Council not require all of the 9 replacement oak trees, since the decline of the tree is not a result of the construction of the Senior Housing project; and

WHEREAS, Mr. Corella is proposing to plant two Valley oak trees on the site; 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) 59-inch Valley Oak tree based on the tree leaning and in danger of failing;
2. Since the decline of the tree was not associated with the recent construction of the Senior Housing Project, that only two (2) 1.5-inch diameter Valley Oak replacement trees be planted at the direction of the Arborist, rather than nine (9).

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 3rd day of February 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Dennis Fansler, Deputy City Clerk

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
DENYING THE REMOVAL OF ONE OAK TREE AT 3201 PINE STREET
(PASO ROBLES HOUSING AUTHORITY)

WHEREAS, Armando Corella, Executive Director of the Housing Authority, has submitted a request to remove a 59-inch Valley Oak Tree located at the Chuck Dotter Senior Housing project at 3201 Pine Street; and

WHEREAS, the Community Development 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, in February 2003, concurrent with the development plan for the senior housing project, an Arborist Report was provided by Chuck Scovell, Arborist, indicating that the tree was in good condition (an A on the scale of A-F); and

WHEREAS, in November 2008 Chip Tamagni of A & T Arborists submitted an Arborist Report indicating that the tree is has a 25-degree lean and in danger of failing, as a result of a large cavity and past limb failures; and

WHEREAS, this current assessment differs in its conclusions from the 2003 report that resulted in the tree being contained; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby deny the removal of the oak tree, making the finding that the tree is in good health as indicated in the 2003 report.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 3rd day of February 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Dennis Fansler, Deputy City Clerk