

TO: JAMES L. APP, CITY MANAGER

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT: OTR 08-012 - REQUEST TO REMOVE ONE OAK TREE AT 1503
PARK STREET (TED HAMM)
APN: 008-321-012**

DATE: MAY 5, 2009

Needs: For the City Council to consider a request by Ted Hamm to remove one oak tree.

Facts:

1. The subject tree is an 8-inch Coast Live Oak (*Quercus Agrifolia*). It is located at 1503 Park Street, within the five foot side yard setback between the new building and fence on the interior property line.
2. A Site Plan approval for the new office building was approved by the Development Review Committee on January 22, 2007. This approval included an arborist report and landscape plan which identified three oak trees and the tree protection measures. The subject tree (proposed for removal) was not shown on the plans and was not included in the arborist report. The tree was not visible from the street due to the previous building and overgrown shrubbery on the side yard. Therefore this oak tree was overlooked at the time of Site Plan approval.
3. As described in the Arborist Report from Chip Tamagni of A&T Arborists (see Attachment 3), the subject tree has already been severely suppressed by the canopy of the adjacent elm tree and will now also be shaded by the almost complete two story office building which will further impede the growth of the tree. The tree may also become a maintenance problem because of its location between the building and property line within the side yard setback. 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.

Analysis

And

Conclusion: According to Section 10.01.050.D, there are several factors that the City Council should consider regarding proposed oak tree removals. These factors along with Staff's analysis of each factor are listed below:

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 is located under the canopy of a much larger elm tree and within the side yard setback between the new building and property line. The arborist report (Attachment 3) states that the tree has been severely suppressed by this elm tree and the shade of the new building will also limit its growth in the future.

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 construction of the new two story office building is near completion and in this case, the arborist has stated that the tree is likely to live since it is so young. The applicant is requesting removal the tree to prevent possible future maintenance issues. The tree would have to be monitored and pruned so not to damage the new structure as time goes on which could prove difficult due to the location of the tree and limited working space around it.

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 which the arborist has recommended since the replacement trees will have better access to sunlight.

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.

It is unfortunate that this tree was overlooked and not incorporated into the original site design of the new office building. The tree is too close to the new building and would make maintenance difficult that the tree will not thrive in the future.

Policy

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

Fiscal

Impact: None.

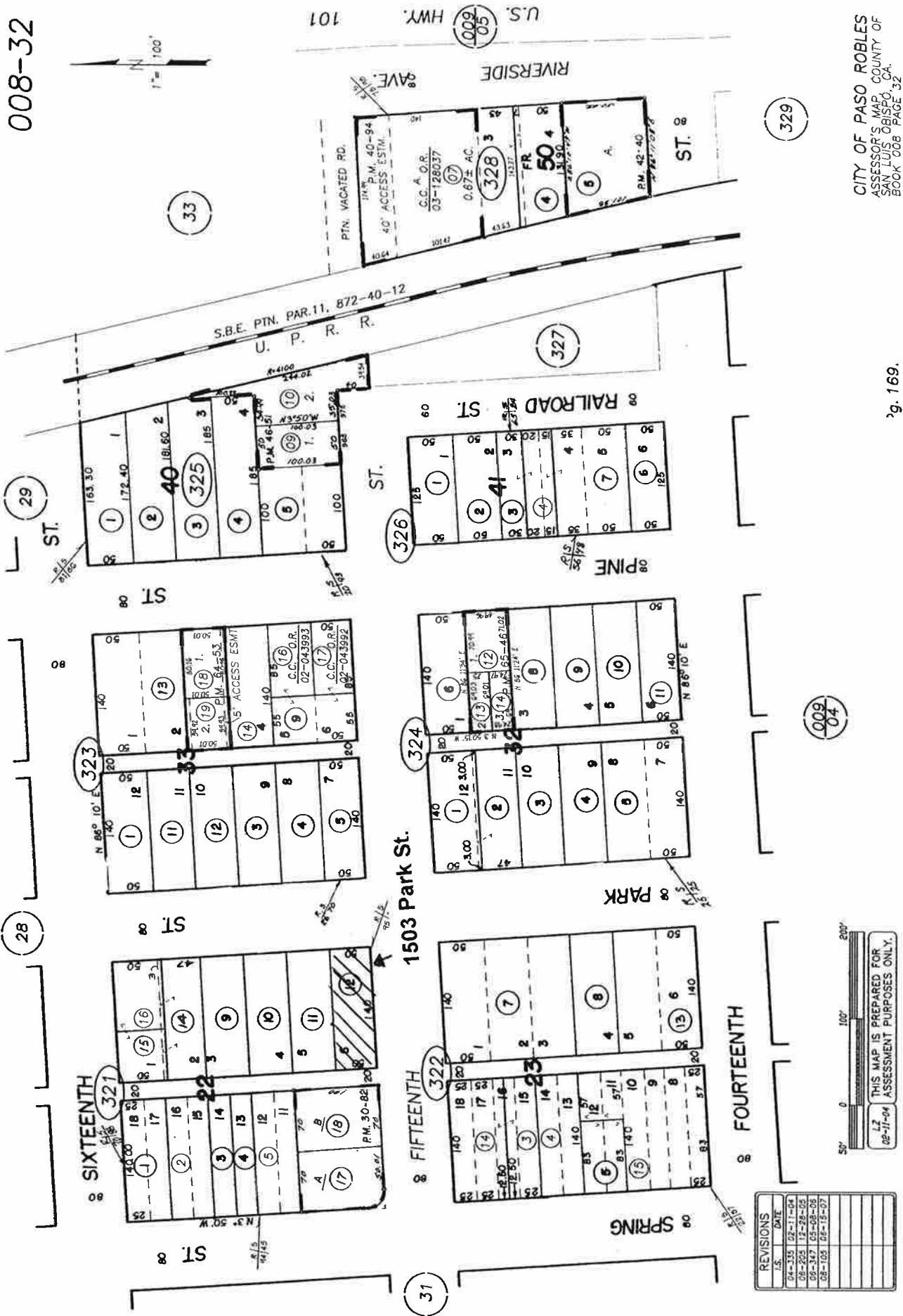
Options: A. Adopt Resolution No. 09-xx approving OTR 08-012, allowing the removal of the 8-inch Coast Live Oak tree, based on the tree's location and possible future maintenance issues, and require two inches in diameter of Coast Live Oak replacement trees (i.e. one, two-inch Coast Live Oak) to be planted at the direction of the Arborist;

B. Amend, modify or reject the above options.

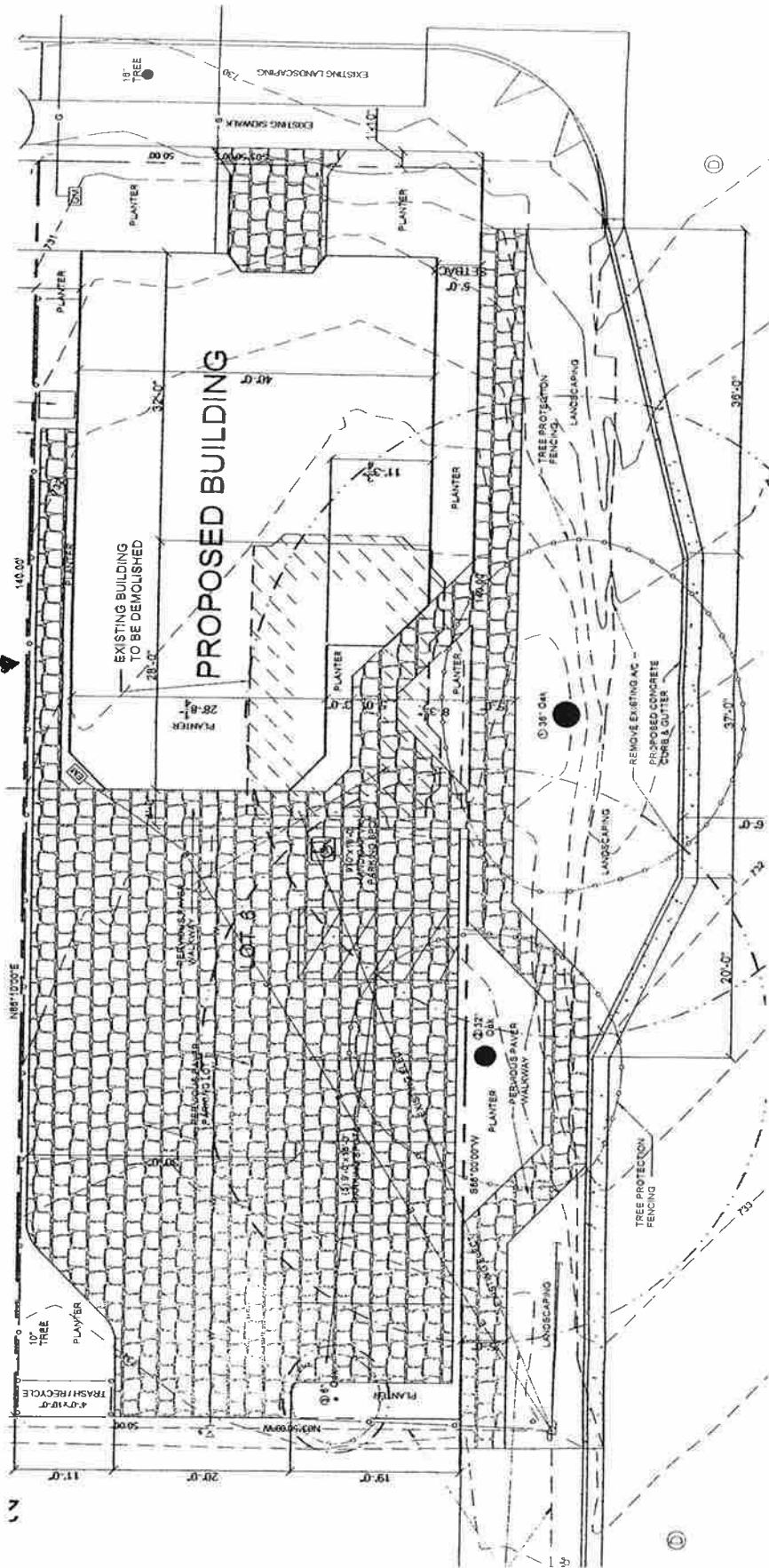
Report prepared by: Mathew Fawcett, Assistant Planner

Attachments:

1. Vicinity Map
2. Site Plan
3. Arborist Report, with photos, received April 10, 2009
4. Resolution



Tree Location



Park St.

15th St.



North

Attachment 2:
Site Plan

A & T ARBORISTS

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



4-9-09

RECEIVED

City of Paso Robles Planning Department

APR 10 2009

Re: Ted Hamm Project at 15th and Park Streets

Engineering Division

Included is a picture of tree #4 at the above location. This coast live oak (*Quercus agrifolia*) is eight inches in diameter. It's located behind the new building that is under construction. The tree had been severely suppressed under the canopy of an adjacent elm tree. The main trunk actually curved back towards the ground and was dead at the end. A & T Arborists pruned the top to try and retrain the top of the tree and accommodate the building. The tree is quite close to the new building but it would probably survive as it is very young. The shade of the new building will definitely limit growth in the future. When the original tree protection plan was being developed, this tree was tagged but inadvertently left off of the spreadsheet. We can only say it was a completely unintentional oversight by us. The owner would like to petition to the city council to remove this tree as it will be a maintenance issue in the future. The owner will gladly plant two 1.5 inch caliper replacement trees within the landscape of the property to mitigate the removal of this tree. The new trees having better access to sunlight will undoubtedly surpass this tree in growth within several years in addition provide a much better aesthetic value. In addition, the new trees will be visible to the general public. Please consider this tree for removal at your earliest convenience.

Chip Tamagni
Certified Arborist #WE 6436-A

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

Steven G. Alvarez
Certified Arborist #WE0511-A



RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE OAK TREE AT 1503 PARK STREET
APN: 008-321-012
(Ted Hamm)

WHEREAS, Ted Hamm has submitted a request to remove one 8-inch Coast Live Oak on the property located at 1503 Park Street; and

WHEREAS, the tree is located in close proximity to a new two-story office building and is under the canopy of an adjacent elm tree; and

WHEREAS, Chip Tamagni of A & T Arborists submitted an Arborist Report indicating that the tree has been severely suppressed by a nearby tree, will be a maintenance issue in the future, and that the shade of the new office building will limit new growth of the tree.

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) 8-inch Coast Live Oak tree based on the tree's location and the prediction of limited future growth due to the lack of light it will receive;
2. Require the planting of two inches in diameter of Coast Live Oak replacement trees (i.e. one, two-inch Coast Live Oak); 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 5th day of May 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk