

TO: JAMES L. APP, CITY MANAGER

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: OTR 11-003 - REQUEST TO REMOVE ONE OAK TREE AT TOWNHOUSE TERRACE APARTMENTS (12TH Street)

DATE: JUNE 7, 2011

Needs: For the City Council to consider a request by Janet Gallo, to remove one oak tree at the Townhouse Terrace Apartment complex located at 152 Townhouse Terrace, off of 12th Street.

Facts:

1. The subject oak tree is a 14-inch Coast Live Oak (*Quercus Agrifolia*).
2. As described in the letter from Chip Tamagni of A&T Arborists (Attachment 1), the tree is located adjacent to an existing retaining wall, and is causing the retaining wall to crack. As a result, Ms. Gallo is requesting to remove the tree.
3. The tree is in good health, however, the growth characteristics of the tree have caused damage to the existing retaining wall and could damage the home in the future.
4. 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.

**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 the necessary information requesting to remove the tree on May 5, 2011. The report (Attachment 1) indicates that the tree is causing damage to the existing retaining wall and could cause damage to the apartment building if the tree is not removed.

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 retaining wall and apartment building have been in place for over 20 years. Removing the tree would prevent further cracking of the wall and any future damage to the apartment 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;*

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.

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 on the site near the house.

The tree seems to be a good candidate for removal.

Policy

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

Fiscal

Impact: None.

Options:

- A. Adopt Resolution No. 11-xx approving OTR 11-003, allowing the removal of the 14-inch Coast Live Oak tree, based on the tree causing damage to the retaining wall and possibly the apartment building if not removed, and require one (1) 1.5-inch diameter Coast Live Oak replacement tree to be planted at the direction of the Arborist;
- B. Amend, modify or reject the above options.

Report prepared by: Darren Nash, Associate Planner

Attachments:

1. Arborist Report, with photo
2. Resolution to approve the removal of the tree.

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A & T ARBORISTS

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



3-1-11

Paso Robles Planning Department
Attn: Darren Nash

Re: Town House Court Apartments Oak Tree Removal

This report is in regard to a 14 inch coast live oak Tree (*Quercus agrifolia*) located behind the Town House Apartments off of 12th Street in Paso Robles, CA. The tree is beginning to push over a retaining wall that holds the bank behind the apartment complex. The included pictures show the tree and two different views of the damaged wall. We feel this tree has already caused damage to the wall and the bank may slough off into the rear of the building. Please inform us if this is an "in house" decision or if it needs to go to council and we will provide the processing check for either. The owners will plant replacement trees (2 two inch live oaks).



Chip Tamagni
Certified Arborist #WE 6436-A

Steven G. Alvarez
Certified Arborist #WE0511-A

Attachment 1
Arborist Report
OTR 11-003
Terrace Hill Apartments
(Gallo)

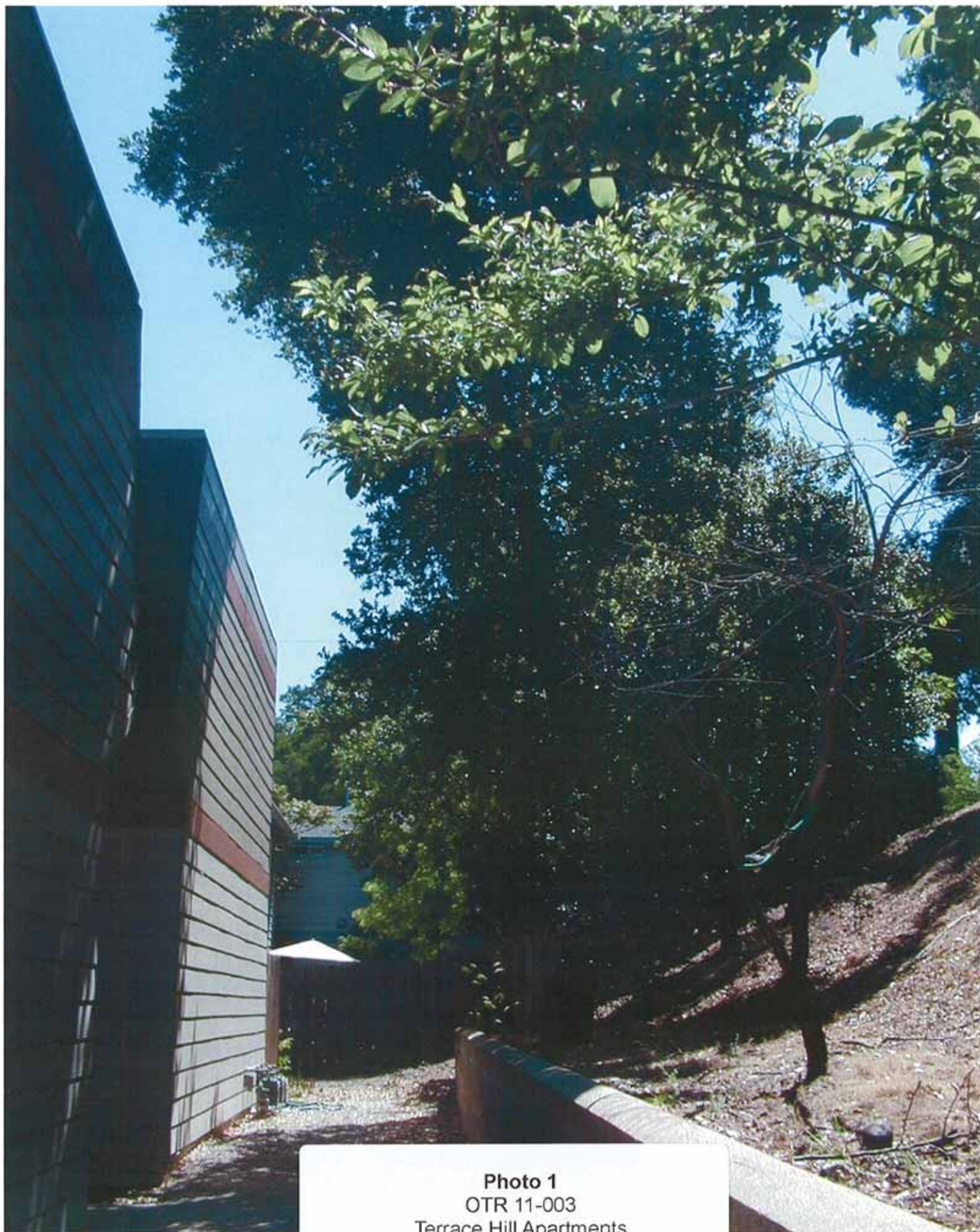


Photo 1
OTR 11-003
Terrace Hill Apartments
(Gallo)

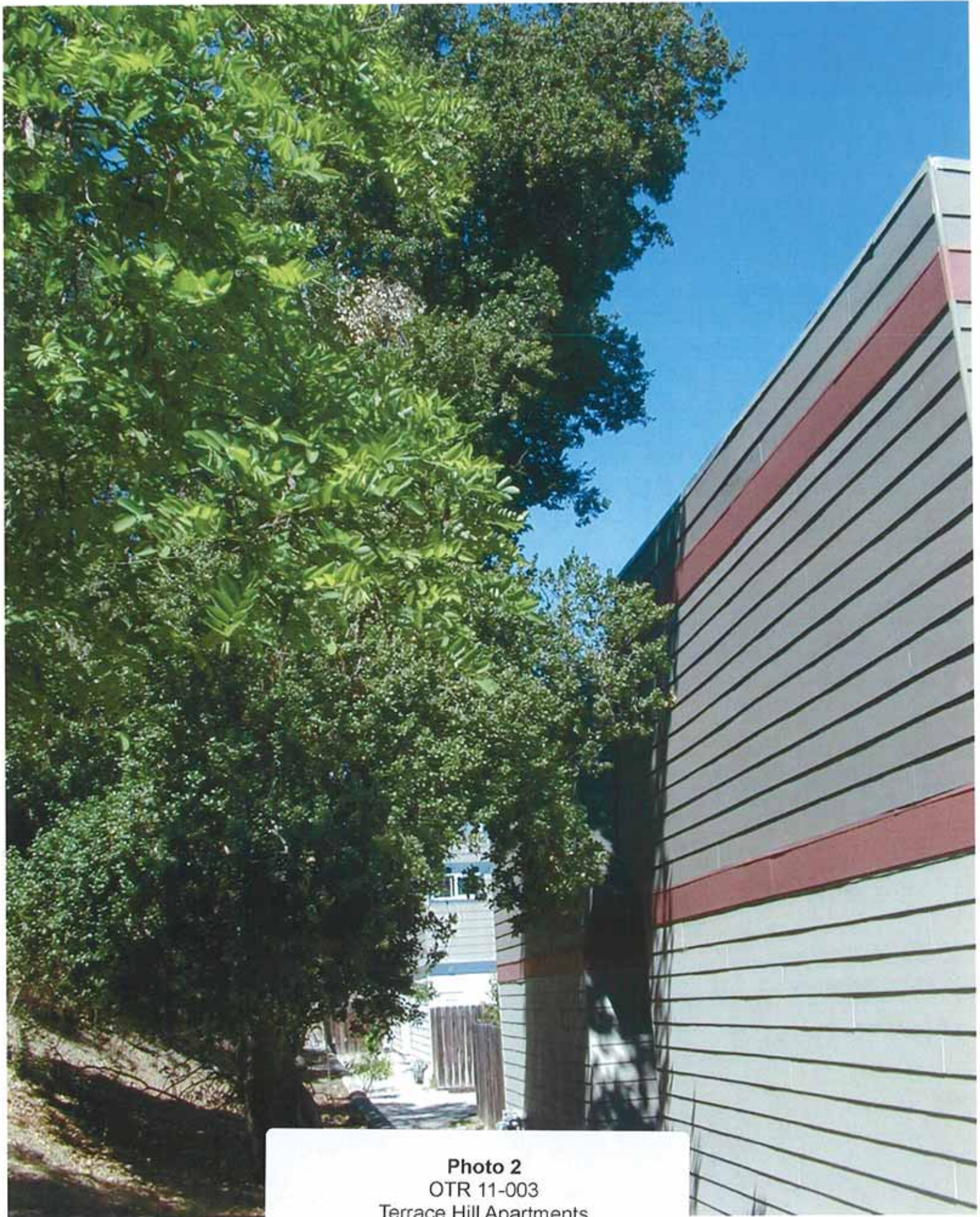


Photo 2
OTR 11-003
Terrace Hill Apartments
(Gallo)

RESOLUTION NO. 11-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE OAK TREE AT 152 TOWNHOUSE TERRACE
(TOWNHOUSE TERRACE)

WHEREAS, Janet Gallo has submitted a request to remove a 14-inch Coast Live Oak Tree at the Townhouse Terrace Apartments located at 152 Townhouse Terrace (off of 12th Street); and

WHEREAS, the tree is causing cracking to the adjacent retaining wall and could damage the existing apartment building in the future if not removed; and

WHEREAS, 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; and

WHEREAS, Chip Tamagni of A & T Arborists submitted an Arborist Report indicating that the tree is in good condition, but recommends that the tree be removed to prevent future damage to the wall and apartment building; 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) 14-inch Coast Live Oak tree based on the tree having a severe lean that could cause damage to the house when the tree falls;
2. Require the planting of one (1) 1.5-inch diameter Coast Live Oak replacement tree; to be planted at the direction of the Arborist.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 7th day of June 2011 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Duane Picanco, Mayor

Caryn Jackson, Deputy City Clerk