

TO: JAMES L. APP, CITY MANAGER

FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: OTR 11-006 - REQUEST TO REMOVE TWO OAK TREES AT 189 VIA MAGNOLIA (VANDERLIP/BRECKOW)

DATE: AUGUST 16, 2011

---

Needs: For the City Council to consider a request by Vince Vanderlip, to remove two oak trees on a lot where a new house is under construction.

Facts:

1. The site is located at 189 Via Magnolia, See Attached Vicinity Map (Attachment 1).
2. The subject oak trees are Blue Oaks (*Quercus Douglasii*), one is 9-inches in diameter the other is a 10-inch tree. See attached site plan showing the location of the trees in relation to the house (Attachment 2).
3. In order to fit the desired house on the site and meet the required front setback, Vince Vanderlip requested that the house be constructed within the Critical Root Zones (CRZ) of the two subject trees.
4. Under the direction of Chip Tamagni of A&T Arborists, digging and probing was performed in the area where the proposed footings would be to determine if there were any roots that would be impacted. Chip Tamagni concluded that locating the house within the CRZ of the trees would not significantly impact the trees (See Attachment 3, March 2011 Letter).
5. Section 10.010.070 of the Oak Tree Ordinance allows for encroachment in to the CRZ at the recommendation of the Certified Arborist that the encroachment will not damage the trees.
6. The request to encroach into the CRZ was presented to the Development Review Committee (DRC) on March 28, 2011. Based on the Arborist concluding that the encroachment would not damage the trees, the DRC approved the encroachment request (See Attachment 4, DRC Minutes).
7. Now that the home has been built, one tree is rubbing the house and the other tree is growing through the deck. Vince Vanderlip explained to staff that the trees could remain and the house finished. However, the buyers of the home, Dennis and Betsy Breckow have requested that the trees be removed to prevent future maintenance problems.
8. Chip Tamagni provided an updated Arborist Report on the situation, which indicates his recommendation to remove the two trees (See Attachment 5).

9. Planning Staff did go out to the site to review the trees, 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.

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;*

The trees are touching the house that is currently under construction and more than likely these trees will cause on-going maintenance issues to the home if 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 house can be finished without the removal of the trees, however, based on the growing characteristics of the trees, and since there are multiple other trees on site, the subject trees seem to be good candidates for removal.

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 the trees 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 many other oak trees on the site consisting of native trees to the site.

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

The removal of the trees will help thin-out the dense grouping of existing oak trees and give the trees that will remain a healthier environment for growth.

If the City Council allows for the removal of the trees, the applicant is prepared to plant the necessary replacement oak trees as required by the Oak Tree Ordinance.

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 11-006, allowing the removal of one 9-inch Blue oak tree and one 10-inch Blue Oak Tree, based on the growing characteristics of the trees will cause on-going maintenance issues with the house, and require four (4) 1.5-inch diameter Blue Oak replacement trees (or equivalent) to be planted at the direction of the Arborist, or payments made to the City's oak tree replacement fund.
  - B. Amend, modify or reject the above options.

Attachments:

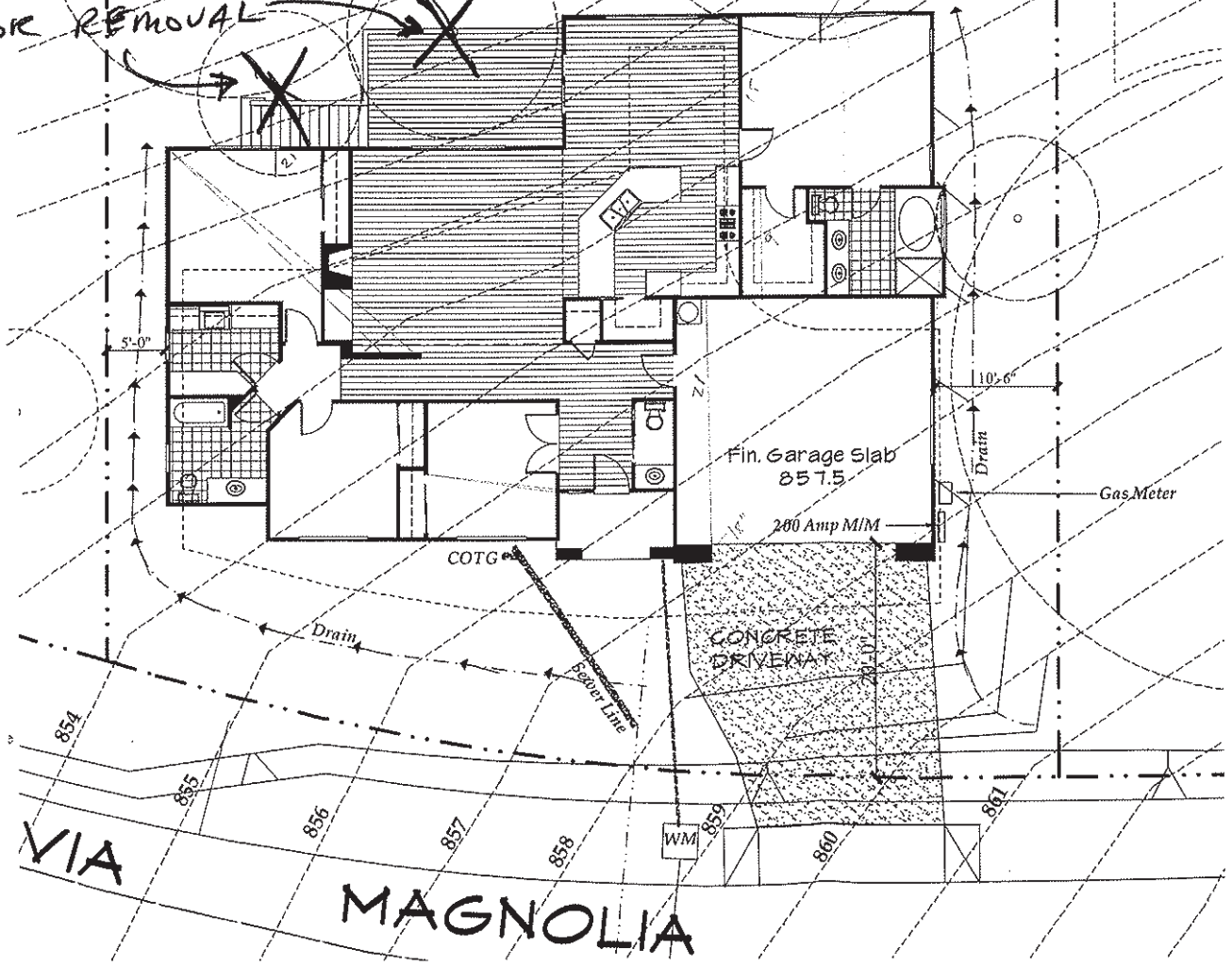
1. Vicinity Map
2. Approved Site Plan
3. March 2011 Arborist Letter
4. March 28, 2011, DRC Minutes
5. July 2011, Arborist Letter
6. Resolution to approve the removal of the trees







TREES PROPOSED FOR REMOVAL



Attachment 2

Site Plan

OTR 11-006

189 Via Magnolia  
(Vanderlip/Breckow)

# A & T ARBORISTS

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



3-21-11

City of Paso Robles  
Attn: Darren Nash

Darren, we were contacted by Vince Vanderlip regarding encroachment into the critical root zone for his foundation footings located at lot 2 in his development. Two trenches were exposed down to 24 inches deep as shown in the following two photographs:



There were only small hair roots present in either trench. We can only assume that the roots have developed lower in the soil profile due to the shale layer seen in the trenches. The footing will be dug in both of these areas. We feel there will be no long term significant impacts as long as all the mitigation measures in the original tree protection plan are followed.

Please call me if there are any questions.

Chip Tamagni  
Certified Arborist #WE 6436-A

Steven G. Alvarez  
Certified Arborist #WE0511-A

**Attachment 3**  
March 2011 Arborist Letter  
OTR 11-006  
189 Via Magnolia  
(Vanderlip/Breckow)

**DEVELOPMENT REVIEW COMMITTEE MINUTES**

**3:30 PM Monday – March 28, 2011**

**Meeting Location: Paso Robles City Hall, 1000 Spring Street, Paso Robles, California.**  
**DRC Members Present: Item #1 Steve Gregory, Doug Barth, Margaret Holstine; Item #2 Doug Barth, Margaret Holstine, Vince Vanderlip**  
**Staff Present: Susan DeCarli**  
**Applicants and others present: None**

---

1. File #: B 10-0238  
Application: Request to encroach house footings into oak tree critical root zones, as outlined in the City Oak Tree Ordinance, at the direction of the project Arborist.  
Location: 189 Via Magnolia (Lot 2, Tract 2620)  
Applicant: Vince Vanderlip  
Discussion: Staff presented the issue, building plans, arborist report, and discussed the options. The applicant proposed to comply with the garage (door) setback of 20 feet from the property line by recessing the garage door 18 inches, reducing the depth of the garage by 1 foot and moving the house footprint north 2-3 feet. Staff described that visual inspection of the hand dug trenches indicated that no large oak tree roots would be impacted by allowing the building footprint within the CRZ of the affected oak trees. Staff also indicated that Section 10.01.070 of the Oak Tree Preservation Ordinance would allow for encroachment into the CRZ based on the Arborist's determination that the encroachment will not damage the trees.  
Action: The DRC concluded that based on the site-specific circumstances, and verification from the Arborist that the trees will not be damaged by the CRZ encroachment, approved the proposed encroachment of the building footprint within the CRZ of the 2 oaks trees. Staff indicated that this determination was consistent with other lots in town where CRZ encroachments were allowed when the Arborist was able to determine that the encroachment would not harm the tree(s).

---

2. File #: Sign Plan  
Application: Sign Application – Hanging Sign  
Location: 720 10<sup>th</sup> Street  
Applicant: American Perspective Bank  
Discussion: Staff presented the proposed hanging signs, and discussed the sign code regulations. Staff suggested the edge/trim around the border of the sign

**Attachment 4**

DRC Minutes

OTR 11-006

189 Via Magnolia

(Vanderlip/Breckow)



# A & T ARBORISTS

P.O. BOX 1311 TEMPLETON, CA 93465 (805)  
424-0424



7-21-11

RECEIVED

Paso Robles Community Development Department  
Attention: Darren Nash

JUL 26 2011

Engineering Division

Re: Dennis and Betsy Breckow/Vince Vanderlip Property Oak Tree Removals

This report is in regard to the removal of two blue oak trees (*Quercus douglasii*) located in the backyard of 189 Via Magnolia in Paso Robles. The diameters are nine and ten inches for the two trees. The home is currently under construction and the following photographs illustrate the position of both trees.



As can be seen above, one tree is rubbing against the new home and the other is obviously growing through the deck.

When the original tree protection plan was completed for this development, building envelopes were set up to dictate where homes could be constructed. While this home is within the prescribed envelope, the position of the trees to the home is going to create future problems as they grow larger. Ideally, these two trees should have been permitted to have been removed when the project was in its infancy. However, at that time, the exact orientation and size of the home was not available.

As a condition of the development of this project, close to 1000 oak trees were preserved in a greenbelt between the homes and North River Road in addition to the dozens located on the individual lots. These trees will never be disturbed. A concern of ours is the potential of a fire originating from the River Road area. If a fire were to race up the hillside, these homes need a defensible space for fire crews. With trees this close to a home next to a heavily forested area is a potential hazard.

The Breckows and Mr. Vanderlip will agree to plant the two 2.5 inch diameter replacement trees on the property and well away from any structure and per the Paso Robles planting guidelines.

## Attachment 5

July 2011 Arborist Letter

OTR 11-006

189 Via Magnolia



Please call us if there are any questions

Chip Tamagni  
Certified Arborist #WE 6436-A

Steven G. Alvarez  
Certified Arborist #WE0511-A

RESOLUTION NO. 11-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
AUTHORIZING THE REMOVAL OF TWO OAK TREES AT 189 VIA MAGNOLIA  
(VANDERLIP/BRECKOW)

---

WHEREAS, Vince Vanderlip along with Dennis and Bety Breckow, have submitted a request to remove on 9-inch diameter Blue Oak tree, and one 10-inch diameter Blue Oak on Lot 2 of Tract 2620, 189 Via Magnolia; and

WHEREAS, the house has been constructed and these two trees are touching the house; according to the Arborist the trees will cause on-going maintenance problems with the house; and

WEHREAS, the trees are located within a group of many other oak trees, and the removal of the trees would also allow more room for the remaining trees to grow and thrive; 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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby:

1. Authorize the removal of two (2) Blue Oak trees based on the trees having poor growth patterns that will conflict with the house as well as impact the health of larger, healthier oak trees;
2. Require three (3) 1.5-inch diameter Blue Oak replacement trees (or 2 2.5-inch trees) to be planted at the direction of the Arborist, or allow payment into the City's oak tree replacement fund.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 16<sup>th</sup> day of August 2011 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

Duane Picanco, Mayor

ATTEST:

---

Caryn Jackson, Deputy City Clerk