

TO: JAMES L. APP, CITY MANAGER
FROM: ED GALLGHER, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: Otr 12-002 - Request To Remove One Oak Tree At 1351 Chestnut Street (Elizabeth Cousins Trust)
DATE: MARCH 20, 2012

Needs: For the City Council to consider a request to remove one oak tree located at 1351 Chestnut Street.

- Facts:
1. The subject oak tree is a 27-inch diameter Coast Live Oak (*Quercus Agrifolia*).
 2. As described in the letter from Jeremy Lowney, Arborist (Attachment 1), the tree is located within inches of the house, and is impacting the house foundation.
 3. Planning Staff did go out to the site to review the trees, since the trees show 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.
 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.
 5. The applicant is proposing to plant two replacement oak trees on-site. Section 10.01.050.E.1, allows for the Council to approve exceptions to the replacement requirements (including not requiring any replacement trees) when the Arborist can make the determination that the decline of trees health, or the reason to remove a tree, is not the fault of the property owner.

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 Arborist has indicated that tree is not healthy, is diseased and is impacting the house foundation.

- 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;*

Allowing the removal of the tree will eliminate the risk of the tree further damaging the house. It does not appear that there are other alternatives to prevent the trees from further damaging the house.

- 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 other oak trees on the site that will not be impacted by the removal of these trees.

It would appear that given the information provided in the Arborist report and the findings outlined above, that the tree is a good candidate for removal.

Regarding the replacement trees, the Arborist Report indicates that the roots of the oak tree are completely covered by fill, concrete, and the structure, which is cutting off the oxygen supply and nutrients necessary for the trees health and longevity. Since the decline of the tree is a result of construction over time by the property owner(s), replacement trees should be required at the 25-percent replacement rate outlined in the Ordinance. Based on the 27-inch diameter tree, 6.75 inches or 5-1.5-inch replacement trees (or the combination of a lesser number of replacement trees with a larger diameter totaling 6.75 inches) should be required.

Policy

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

Fiscal

Impact: None.

Options:

- A. Adopt Resolution No. 12-xx approving OTR 12-002, allowing the removal of the 27-inch Coast Live Oak tree, based on the trees proximity to the existing structures and the poor health, and require five (5) 1.5-inch diameter Coast Live Oak replacement trees (or the combination of a lesser number of replacement trees with a larger diameter totaling 6.75 inches) to be plated at the direction of the Arborist, or payment of the necessary funds to the oak tree replacement fund;
- B. Amend, modify or reject the above options.

Attachments:

- 1. Arborist Report, with photos
- 2. Resolution to approve the removal of two oak trees.



P.O. BOX 13521, SLO CA 93406
(805) 544-7544
(805) 541-9453 fax

TO: CITY OF PASO ROBLES – PLANNING DEPARTMENT
CITY ARBORIST
FROM: JEREMY LOWNEY, CERTIFIED ARBORIST 3718
SOLID OAK TREE MANAGEMENT
DATE: FEBRUARY 20, 2012
REGARDING: OAK TREE REMOVAL APPLICATION – 1351 CHESTNUT

Description:

This arborist report is in regards to the Coast Live Oak located at the back of the house at 1351 Chestnut, Paso Robles.

Observations:

Diameter: 27" DBH

Species: Coast Live Oak (*Quercus agrifolia*)

Location: The tree is at the back of the house, adjacent to the back door at the center of the house, and at the foot of the staircase coming down from the concrete patio (See photos below).



Reason For Removal:

- The tree is very close to the foundation, lifting the house, heaving concrete, and causing structural damage to the home that is increasing and will cause inevitable and ongoing damages.
- The tree is also diseased. See photograph with a decay fungus growing from an old pruning cut where there is a cavity (fungus unknown – rare).



- The roots are completely covered by fill, concrete, and structure – cutting off oxygen supply and nutrients necessary for healthy growth and longevity.

Tree Protection / Mitigations:

1. None needed. There is no construction activity on the site.

Tree Replacement:

1. At the discretion of the City Council or Community Development Director. I suggest that the lot is heavily wooded and has adequately preserved a number of healthy oaks on the property. The homeowner is willing to replant two 15 gallon Coast Live Oaks on the property if agreeable to the City Council.

Conclusions:

Due to the proximity of the tree to the home, and the need to protect property from eminent damages, it is essential to remove the oak tree. There are no other ways to protect the home, nor any other alternatives that would protect the tree.

If possible, it would be appreciated if this could be handled without the need for City Council approval and related fees. Thank you.

If you have any further questions, please feel free to call me at 544-7544. Thank you.

Jeremy Lowney – Solid Oak Tree Management

QUALIFICATIONS:

Certified Arborist WC-3718

Sole Proprietor - Solid Oak Tree Management since 1998

California State Landscape and Tree Service Contractor (C27) #757086

Teacher of Urban Forestry, Cal Poly University, SLO

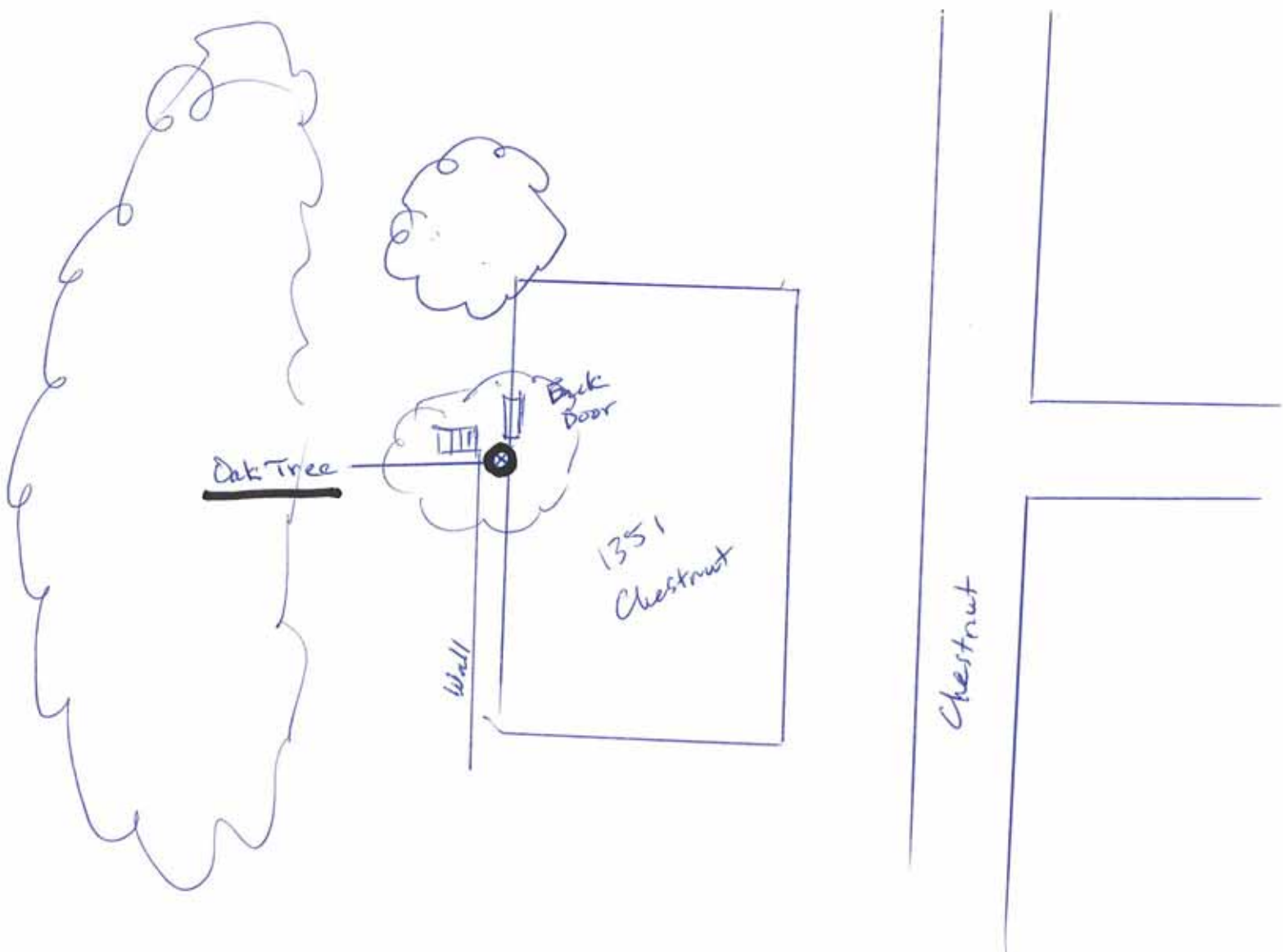
Former Hazardous Tree Inspector, San Luis Obispo County Planning & Building Department

Certificates in Tree Risk Management and Lawsuit Prevention, Tree Appraising and Writing

Technical Reports, UC Riverside Extension – Continuing Education Seminar

Bachelors of Science in Forestry and Natural Resource Management, Cal Poly, SLO

Site Map



RESOLUTION NO. 12-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE OAK TREE AT 1351 CHESTNUT STREET
(ELIZABETH COUSINS TRUST)

WHEREAS, Jeremy Lowney, Arborist, on behalf of Elizabeth Cousins Trust has submitted a request to remove one 27-inch Coast Live Oak Tree, on the property located at 1731 Chestnut Street; and

WHEREAS, the report indicates that the tree is causing damage to existing house foundation and will continue to damage the structure 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

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) 27-inch Coast Live Oak based on the trees causing future impacts to the existing structures;
2. Require the planting of five (5) 1.5-inch diameter Coast Live Oak replacement trees, or combination of trees totaling 6.75-inches; to be planted at the direction of the Arborist prior to the issuance of the Oak Tree Removal Permit.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 20th day of March 2012 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk