

TO: JAMES L. APP, CITY MANAGER

FROM: ED GALLGHER, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: OTR 12-001 - REQUEST TO REMOVE TWO OAK TREES AT 1751 FILBERT STREET (MUSE)

DATE: MARCH 20, 2012

Needs: For the City Council to consider a request by Claud Muse, to remove two oak trees located at 1751 Filbert Street.

- Facts:
1. The subject oak trees are both Coast Live Oaks (*Quercus Agrifolia*); one is a 23-inch and the other is 49-inches.
  2. As described in the letter from Jeremy Lowney, Arborist (Attachment 1), the 23-inch tree is located within inches of the house, and portions of the tree are touching the house.
  3. The Arborist letter also indicates that the 49-inch tree is a large tree that has had past trunk and limb failures. The tree has extensive scaring and has over 70-percent decay. This tree is adjacent to, and overhangs a secondary dwelling on the site.
  4. 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.
  5. 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.
  6. The applicant is proposing to plant one replacement oak tree on-site for each tree removed. 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 the 23-inch tree is healthy, however the tree is within inches of the house foundation and will cause damage to the house in the future. The letter indicates that the 49-inch tree is not healthy as a result of decay and past failures. Both trees will cause damage to the adjacent structures 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;*

Allowing the removal of the trees will eliminate the risk of the trees falling and damaging the house/structures. It does not appear that there are other alternatives to prevent the trees from damaging the structures in the future.

- 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 provide in the Arborist report and the findings outlined above, that these trees would be good candidates for removal.

Regarding the replacement trees, the arborist indicates that the smaller 23-inch tree appears to be a volunteer that grew after the house was built. He also indicated that the 49-inch tree show signs of past fire damage and significant decay and that the decline of the trees or reason for removal does not appear to be the fault of the property owner. The Ordinance would allow the Council to allow for replacement trees less than would be required for situations where damage to the tree(s) was the fault of the property owner, or removal of trees is requested to accommodate construction.

Policy

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

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Impact: None.

Options:

- A. Adopt Resolution No. 12-xx approving OTR 12-001, allowing the removal of the 23-inch and the 49-inch Coast Live Oak trees, based on the trees proximity to the existing structures and the poor health of the 49-inch tree, and require two (2) 1.5-inch diameter Coast Live Oak replacement tree per tree removed 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: THE CITY COUNCIL OF THE CITY OF PASO DE ROBLES  
MR. CLAUD MUSE**

**FROM: JEREMY LOWNEY, CERTIFIED ARBORIST #3718**

**DATE: FEBRUARY 13, 20125**

**REGARDING: OAK TREE REMOVAL APPLICATION**

**Description:**

On Thursday, February 9<sup>th</sup>, I inspected 2 Coast Live Oak trees (*Quercus agrifolia*) located at 1741 Filbert Street in Paso Robles.

The trees have become an increasing concern for the homeowner. They would like to remove them and replant with oaks in appropriate locations, and of a size that is not such a liability to lives or structures.

**(Tree #1) Coast Live Oak 23"DBH**

**Location:** This tree is located adjacent to the house on the front North corner.

**Observations:**

1. The root flare is within a couple inches from the foundation and side of the house.
2. The trunk of the tree is touching the gutter on the eve of the house.
3. The root system is very prone to heaving the sidewalk and foundation of the home.
4. The tree is young and was probably a volunteer after the house was built – growing approximately 1" per year in diameter (according to similar growth ring measurements).

SEE PICTURES ON FOLLOWING PAGE



**Recommendations:**

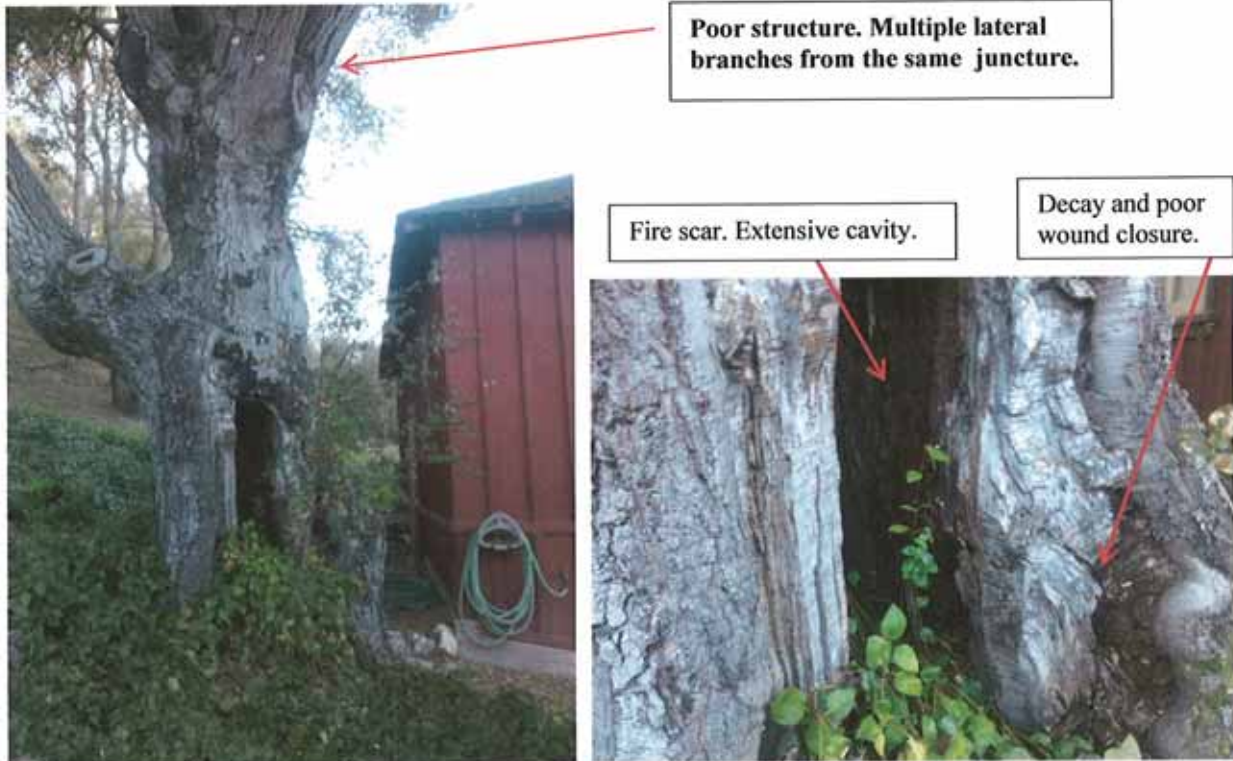
1. I recommend this tree be removed as soon as possible to prevent further damage the structure of the house.
2. The property owner is willing to replant another 15 gallon *Quercus agrifolia* in an appropriate location on the property.

**(Tree #2) Coast Live Oak 49" DBH (large because of a flared trunk and fire scar)**

**Location:** This tree is located in the back right side of the lot (see on map), overhanging the secondary unit.

**Observations:**

1. This very large tree has had previous trunk and limb failure issues.
2. There is an extensive fire scar at the base which has decreased the structural integrity of the tree trunk by more than 70%. Decay has also set into the tree in this location.
3. The crown has an existing cable that is holding the branches together. The cable is old and prone to failure. At this point, the branches may depend upon that cable as a "crutch" for strength and support. If one fails, it could cause branches to fail and hit the house.
4. Pruning and re-cabling the tree would give it longevity, but is only prolonging the inevitable.



**Recommendations:**

1. I recommend that the tree be removed on the grounds that the tree will become an increasing limb/trunk failure hazard because of the cavity and upward decay in the trunk.

If you have any further questions, please feel free to call me.

**Jeremy Lowney 431-0708 (cell)**

**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



Address **18th Street**

Address is approximate

**Save trees. Go green!**  
Download Google Maps on your phone at [google.com/gmm](http://google.com/gmm)



Tree #2

Tree #1

RESOLUTION NO. 12-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
AUTHORIZING THE REMOVAL OF TWO OAK TREES AT 1751 FILBERT STREET  
(CLAUD MUSE)

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WHEREAS, Claud Muse and Elwood Oxborrow have submitted a request to remove one 23-inch Coast Live Oak Tree, and one 49-inch Coast Live Oak tree on the property located at 1751 Filbert Street; and

WHEREAS, the 23-inch tree is a volunteer tree that is touching and impacting the exiting house foundation, and the 49-inch tree has severe decay, has past limb failures and will impact the adjacent second dwelling unit in the future and; 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, Jeremy Lowney of Solid Oak Tree Management has submitted an Arborist Report indicating that the trees are good candidates for removal and recommends that the trees be removed to prevent future damage to the houses; 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) 23-inch Coast Live Oak and (1) 49-inch Coast Live Oak based on the trees causing future impacts to the existing structures;
2. Require the planting of two (2) 1.5-inch diameter Coast Live Oak replacement trees; 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 20<sup>th</sup> day of March 2012 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Duane Picanco, Mayor

ATTEST:

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Caryn Jackson, Deputy City Clerk