

TO: JAMES L. APP, CITY MANAGER

FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: OTR 12-005 - REQUEST TO REMOVE FORTY-FOUR OAK TREES AT 3700 MILL ROAD (VINA ROBLES, INC.)

DATE: APRIL 17, 2012

Needs: For the City Council to consider a request by Tim Reed on behalf of Vina Robles Inc., to remove forty-four additional oak trees in conjunction with the construction of the new amphitheater project.

- Facts:
1. The site is located at 3700 Mill Road, See Attached Aerial Photo of site (Attachment 1).
 2. In August 2009, the Planning Commission approved an amendment to PD 02-002, allowing for the development of the Vina Robles Amphitheater project.
 3. On August 16, 2011, the City Council adopted Resolution 11-109 allowing for the removal of 68 oak trees. The removal permit has been issued and the 68 trees have been removed.
 4. Tim Reed submitted the removal application along with a letter; tree matrix and photographs (see Attachments 2, 3 and 4). The letter indicates that after precise surveying was performed, it was determined that the original plans did not correctly show the location of multiple oak trees. The recent survey indicates that 22 additional oak trees need to be removed as a result of the original survey not being accurate.
 5. An Arborist Report by Chip Tamagni of A&T Arborists (Attachment 5), has been provided which indicates the size and condition of each tree.
 6. Besides the 22 trees described above, Vina Robles is requesting that 13 trees be removed to accommodate the pedestrian walkway. Removal of the trees would allow for a pedestrian bridge to be installed on the project site between the parking area and the amphitheater. The original project called for some significant retaining walls that would be required to accommodate the transition area between the parking lot and the pedestrian bridge. By allowing the removal of the trees, the bridge can be built in a manner that would work better with the grade of the parking lot and plaza areas, and not end up with trees located within tree wells that would result in only the tips of trees extending above the parking lot and plaza grade.
 7. Lastly, Vina Robles is requesting that 9 oak trees be allowed to be removed for "practical purposes". The Arborist indicates that the construction of retaining walls and trees wells to preserve the trees does not seem to be worth the effort to

save the trees. In the case of the 9 trees, the Arborist indicates that the trees are not significant trees and are not worth the cost and effort it would take to build retaining walls and tree wells to preserve them.

Analysis

And

Conclusion: Planning Staff did walk the site with Tim Reed and Chip Tamagni to view the proposed tree removals. It is evident that the trees are smaller groups of trees, many having multi-trunks. None of the trees appear to be significant aesthetic trees. There are hundreds of trees being protected on the site with many large monument oak trees being protected and used as focal points around the amphitheater site.

It will be up to the City Council to determine if the applicant's request to remove the trees is warranted based on finding No. 2 of the Oak Tree Ordinance that indicates that the removal of the trees would "*allow construction of improvements or otherwise allow reasonable use of the property for the purpose for which it has been zoned*".

If the City Council allows for the removal of the forty-four trees, the applicant is prepared to plant the necessary replacement oak trees as required by the Oak Tree Ordinance, or pay the required fees to the oak tree replacement fund. If Council does not approve the removal request, the applicant will need to redesign the project to preserve the oak trees.

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 12-005, allowing the removal of forty-four (44) Blue oak trees based on the trees conflicting with the location of the new amphitheater project, and therefore allowing reasonable use of the property for the purpose in which it is zoned, and require forty-eight (48) 2.5-inch diameter Blue Oak replacement trees to be planted on site, 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. Letter from Tim Reed
3. Tree Matrix
4. Tree Photos
5. Arborist Report
6. Resolution to approve the removal of the tree.



Attachment 1
Vicinity Map
Oak Tree Removal 12-005
(Vina Robles Amphitheater)

APR 05 2012

April 3, 2012

Paso Robles City Council
1000 Spring Street
Paso Robles, CA 93446

P.O. Box 699
Paso Robles, CA 93447
phone: 1-805-227-4812
fax: 1-805-227-4816
www.vinarobles.com

Re: Vina Robles Amphitheatre

Dear Council Members,

It is with a sizable degree of humility that we find ourselves returning to the City Council to discuss oak trees at the Vina Robles Amphitheatre Project. As the project progressed towards a submittal for the mass-grading permit it became clear that we had an issue with the location of several trees on the site. What we discovered is that the original survey conducted to locate the trees was done from an aerial photograph. Unfortunately, where smaller trees are clustered together and where tree canopies overlap, exact tree locations become much less accurate with this method of survey. When we realized the survey data was not accurate we immediately commissioned a new survey using "GPS locating" to confirm the exact positions of all the trees on the project site with accuracy to within 1 foot.

The project initially required the removal of 168 trees but we directed the architect to aggressively pursue saving trees, reducing this count nearly 60% to only 68 trees. As it turns out we were too aggressive, resulting in many "saved" trees being significantly impacted and left in less than ideal conditions. Inclusive of the additional trees requested for removal, we are still able to reduce the total number of trees to be removed from 168 to 112, a reduction of 33%. We have successfully managed to save every tree of significant size or health and are only requesting to remove trees that are less than 10" inches in diameter. The visual beauty of the site will be preserved as we intend to conduct all of our mitigation planting (113 trees) on site. Our arborist has informed us that the trees we plant will be much healthier and will grow much more quickly than the trees we are removing. It is our intention to restore the trees on site in locations where they can grow to full maturity.

We are very excited to bring this project to the City of Paso Robles. The project is currently on schedule with the grading targeted to begin in May 2012 to achieve our goal of a May 2013 grand opening. We hope to gain your final approval on our tree plan as quickly as possible in order to maintain this schedule. You are welcome to visit the site anytime to review the project.

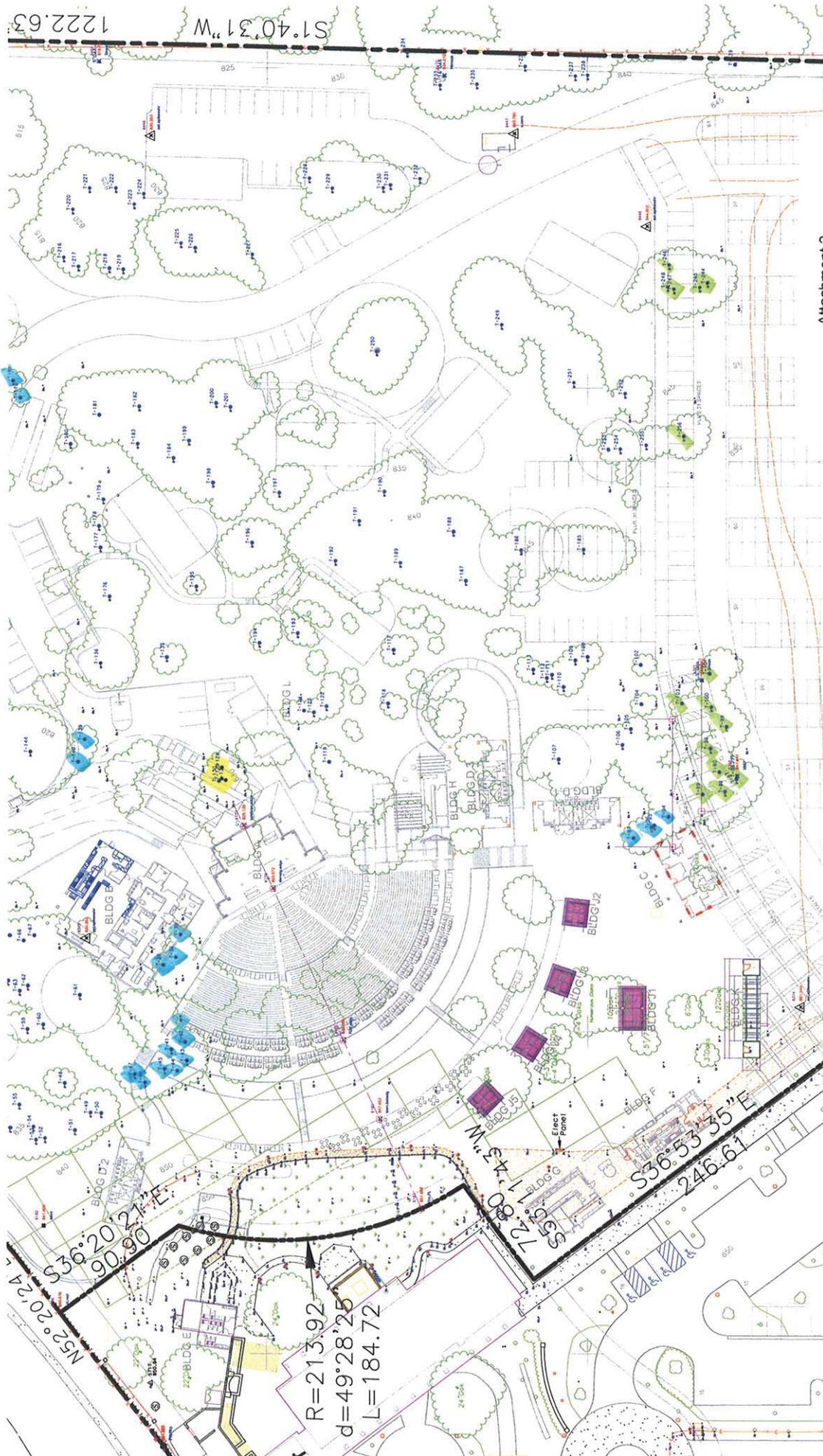
Best Regards,

Tim Reed



Managing Partner
Vina Robles Amphitheatre

Attachment 2
Tim Reed Letter
Oak Tree Removal 12-005
(Vina Robles Amphitheatre)



Attachment 3
 Tree Location Map - Southern
 Oak Tree Removal 12-005
 (Vina Robles Amphitheater)

STAVS SOUTHERN PORTAL

RECEIVED

APR 05 2012

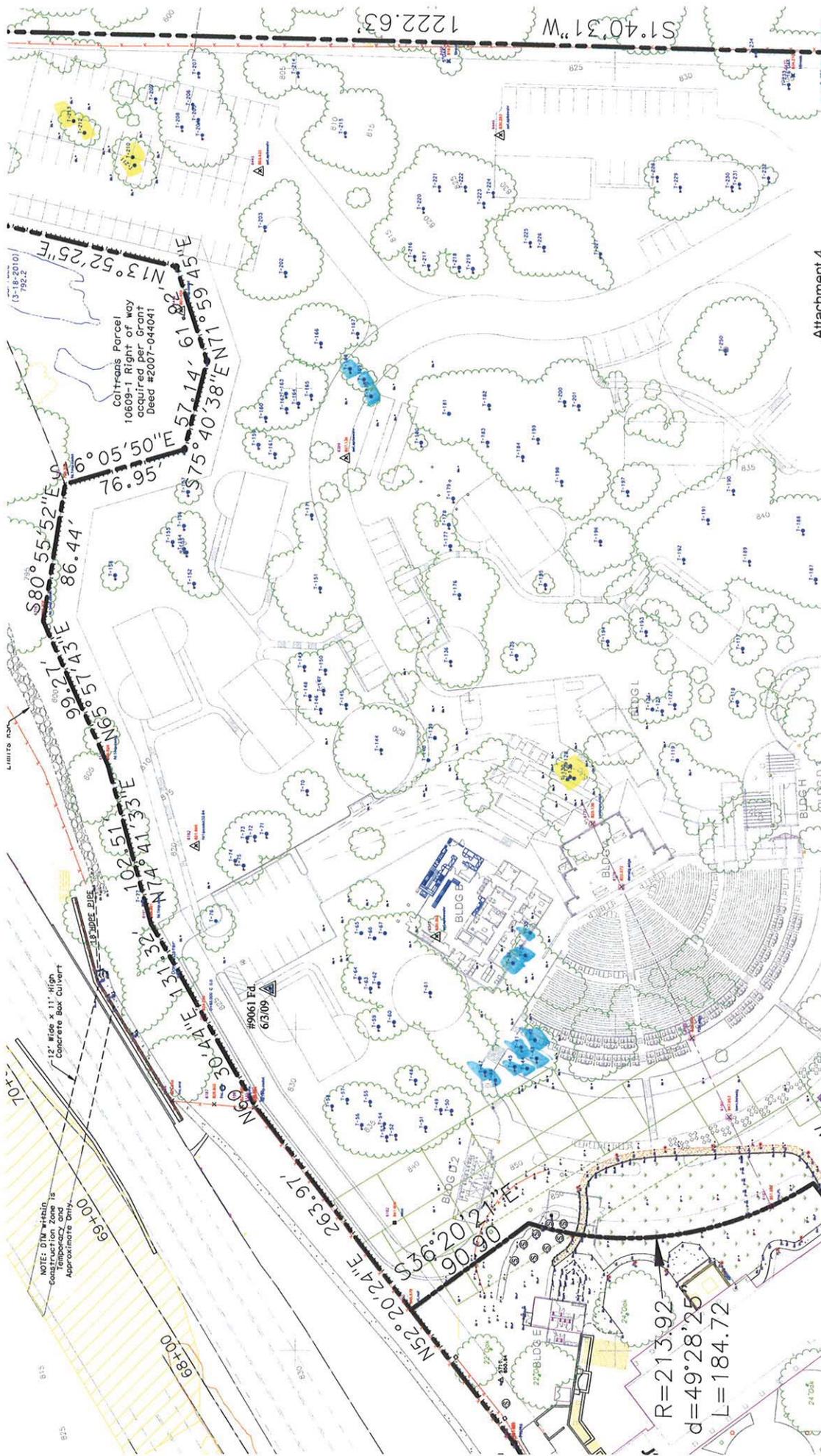
Engineering Division

R=213.92
 d=49°28'25"
 L=184.72

N52°20'24"
 90.90

S1°40'31" W
 121.43

S36°53'35" E
 246.61



Attachment 4
 Tree Location Map - Northern
 Oak Tree Removal 12-005
 (Vina Robles Amphitheater)

SHOWS NORTHERN PORTION

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 APR 05 2012
 Engineering Division

ADDITIONAL TREES TO BE REMOVED

Tim Reed Contact: 805-550-7177

#	TREE TAG	TREE SPECIES	SCIENTIFIC NAME	TRUNK DBH	TREE CONDITION	SURVEY ERROR:		22		Pedestrian Walk:		13		Practical Improvement:		9		Total Added Removals:		44
						CONST STATUS	STATUS	CONST IMPACT	CRZ %	MITIGATION PROPOSAL	CONST IMPACT	REQD CLASS	MONIT REQUIRED	PRUNING CLASS	AESTH. VALUE	FIELD NOTES	NS	EW	INS	
1	35	BO	Q.doug	6	3	I	10%	G	F.RP.M	YES	I,IV	good	Flank HL Bowl	10/10	low					
2	36	BO	Q.doug	2X8	3	I	20%	G	F.RP.M	YES	I,IV	good	Flank HL Bowl	12/12	low					
3	38	BO	Q.doug	2X7	3	I	20%	G	F.RP.M	YES	I,IV	good	Flank HL Bowl	10/10	low					
4	41	BO	Q.doug	2x8	3	A	0%	NONE	F	NO	I	good	Flank HL Lawn	6/8	none					
5	42	BO	Q.doug	6x25	4	I	10%	GR	F.RP.M	YES	I,IV	good	Flank HL Lawn	15/15	low					
6	43	BO	Q.doug	4x20	4	A	0%	NONE	F	NO	I	good	Flank HL Lawn	12/15	none					
7	44	BO	Q.doug	8	2	A	0%	NONE	F	NO	I	good	Flank HL Lawn	6/6	none					
8	45	BO	Q.doug	9	3	A	0%	NONE	F	NO	I	good	Flank HL Lawn	12/10	none					
9	46	BO	Q.doug	2x12	4	A	0%	NONE	F	NO	I	good	Flank HL Lawn	10/12	none					
10	47	BO	Q.doug	2x12	4	A	0%	NONE	F	NO	I	good	Flank HL Lawn	14/12	none					
11	86	BO	Q.doug	10	4	I	30%	FILL	F.M	YES	I,IV	good	Pedestrian Wall	17/17	low					
12	87	BO	Q.doug	10	4	I	30%	FILL	F.M	YES	I,IV	good	Pedestrian Wall	14/14	low					
13	88	BO	Q.doug	4x25	4	I	60%	FILL	F.M	YES	I,IV	good	Pedestrian Wall	15/15	med					
14	89	BO	Q.doug	2X8	3	R	100%	GR	NONE	NO	I,IV	good	Pedestrian Wall	12/12	med					
15	90	BO	Q.doug	3X8	3	I	35%	FILL	F.M	YES	I,IV	good	Pedestrian Wall	8/8	med					
16	94	BO	Q.doug	6	2	I	10%	GR	F.RP.M	YES	I,IV	good	Flank HR Plaza	10/10	low					
17	95	BO	Q.doug	2X10	3	A	0%	NONE	F	NO	I,IV	good	Flank HR Plaza	15/15	none					
18	96	BO	Q.doug	2X11	3	I	15%	GR	F.RP.M	YES	I,IV	good	Flank HR Plaza	8/8	low					
19	97	BO	Q.doug	4X24	3	I	50%	GR	F.RP.M	YES	I,IV	good	Flank HR Plaza	15/15	med					
20	98	BO	Q.doug	2X7	3	A	0%	NONE	F	NO	I,IV	good	Pedestrian Wall	8/10	none					
21	99	BO	Q.doug	2X10	4	I	15%	FILL	F.RP.M	YES	I,IV	good	Pedestrian Wall	18/20	low					
22	100	BO	Q.doug	7	4	I	55%	FILL	F.RP.M	YES	I,IV	good	Pedestrian Wall	12/12	med					
23	101	BO	Q.doug	2x10	4	I	50%	FILL	F.M	YES	I,IV	good	Pedestrian Wall	15/15	med					
24	103	BO	Q.doug	8	3	R	100%	GR	NONE	NO	I,IV	good	Pedestrian Wall	10/10	low					
25	128	BO	Q.doug	2X10	4	I	10%	GR	F.RP.M	YES	I,IV	good	Stage/Dock	15/15	low					
26	129	BO	Q.doug	2X10	4	I	10%	GR	F.RP.M	YES	I,IV	good	Stage/Dock	20/20	low					
27	130	BO	Q.doug	2X10	4	I	10%	GR	F.RP.M	YES	I,IV	good	Stage/Dock	22/22	low					
28	131	BO	Q.doug	8	3	I	10%	GR	F.RP.M	YES	I,IV	good	Stage/Dock	8/10	low					
29	139	BO	Q.doug	2X10	4	I	35%	FILL	F.M	YES	IV	good	BS Gate	15/17	med					
30	140	BO	Q.doug	2X6	3	I	5%	FILL	F.M	YES	IV	good	BS Gate	8/8	low					
31	168	BO	Q.doug	2X8	4	A	0%	NONE	F	NO	I,IV	good	Artist Road	10/12	none					
32	169	BO	Q.doug	2X7	3	A	0%	NONE	F	NO	I,IV	good	Artist Road	10/12	none					
33	170	BO	Q.doug	2X9	3	A	0%	NONE	F	NO	I,IV	good	Artist Road	8/8	none					
34	210	BO	Q.doug	6X20	3	I	100%	GR	F.M	YES	I,IV	good	Emp Rear Lot	10/10	low					
35	211	BO	Q.doug	4X15	4	I	100%	GR	F.M	YES	I,IV	good	Emp Rear Lot	15/15	low					
36	212	BO	Q.doug	4X8	4	I	100%	GR	F.M	YES	I,IV	good	Emp Rear Lot	13/13	low					
37	213	BO	Q.doug	9	4	I	15%	GR	F.M	YES	I,IV	good	Emp Rear Lot	8/8	low					
38	223	BO	Q.doug	2X10	2	A	0%	NONE	F	NO	I,IV	good	Emp Rear Lot	12/12	low					
39	224	BO	Q.doug	2X8	3	I	30%	GR	F.RP.M	YES	I,IV	good	Work Shop	12/12	low					
40	225	BO	Q.doug	26	0	R	0%	G	NONE	NO	I,IV	poor	dead		low					
41	232	BO	Q.doug	7	3	I	25%	GR	F.RP.M	YES	I,IV	good	Work Shop	7/7	low					
42	244	BO	Q.doug	2X13	4	I	35%	FILL	F.RP.M	YES	I,IV	good	Work Shop	6/8	low					
43	245	BO	Q.doug	2X10	4	A	0%	NONE	F	NO	I,IV	good	Pedestrian Wall	15/15	low					
44	256	BO	Q.doug	2X15	4	I	100%	GR	F.M	YES	I,IV	good	Pedestrian Wall	10/10	low					

Attachment 5
Tree Matrix
Oak Tree Removal 12-005
(Vina Robles Amphitheater)

STAGE/Dock
GROUP T-128 to 131
BEHIND STAGE

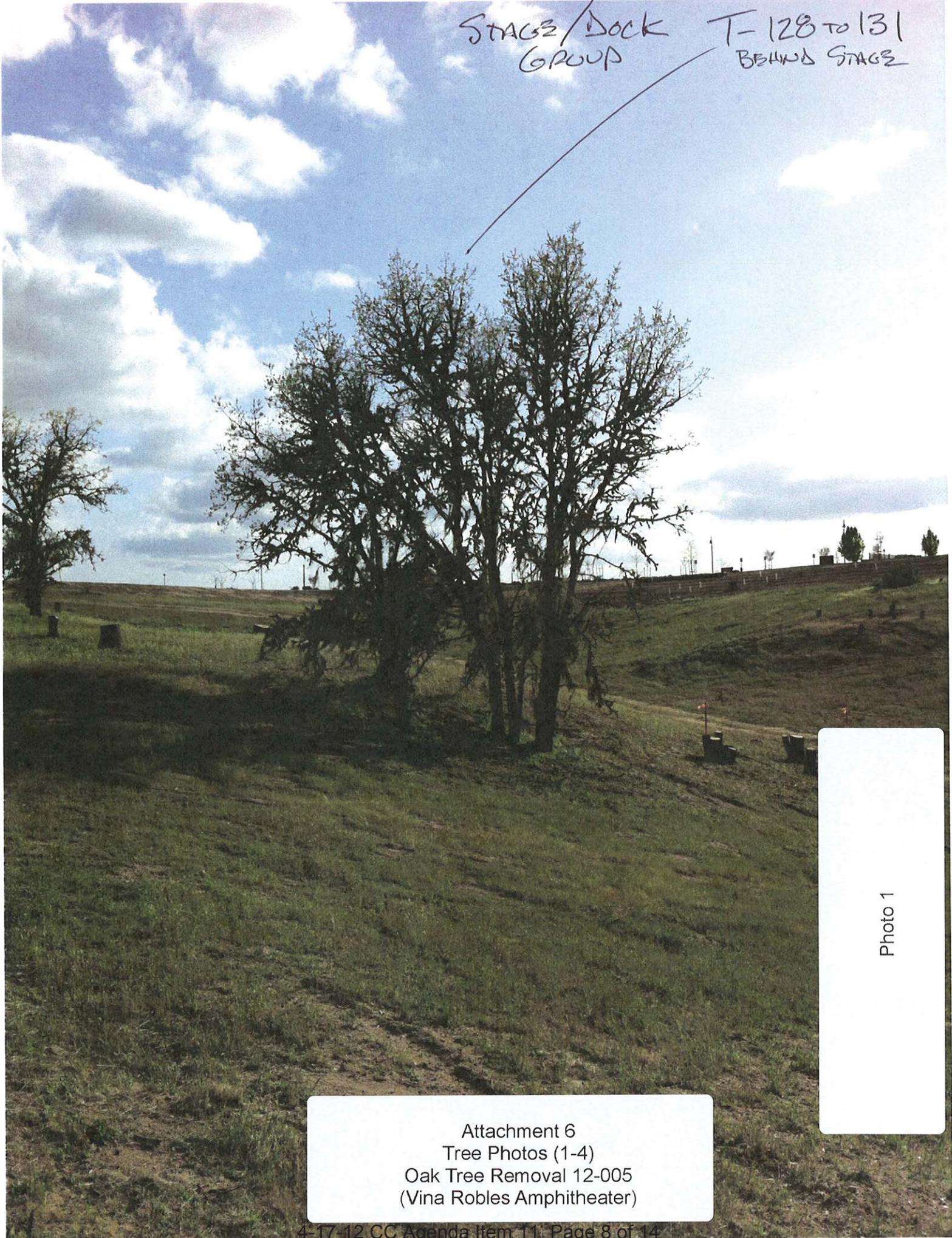


Photo 1

Attachment 6
Tree Photos (1-4)
Oak Tree Removal 12-005
(Vina Robles Amphitheater)

FLANK HR PATA GROUP

T-107
SHEP

T-99
PATA

T-88

T-87

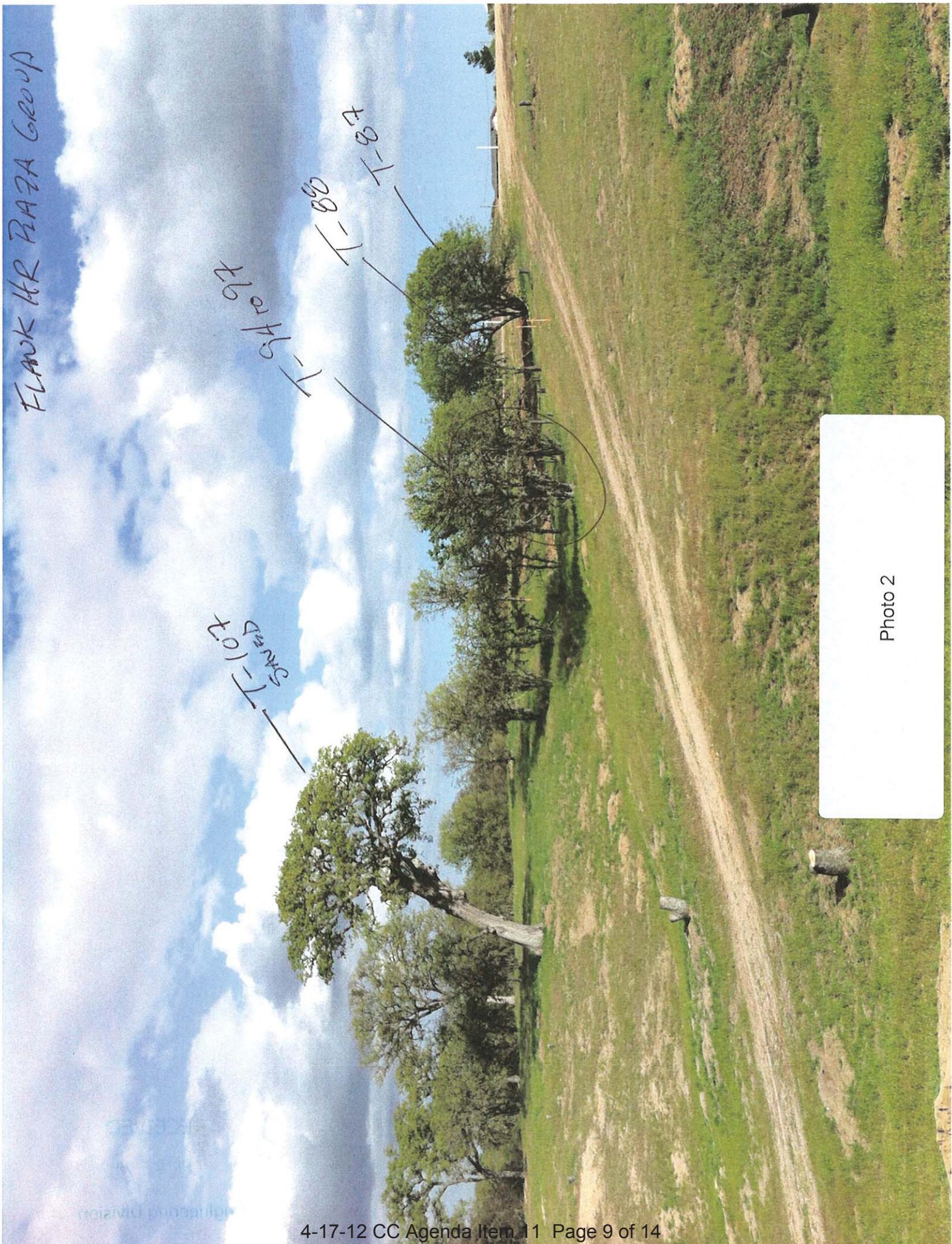


Photo 2

Flank HL Bowl Group From Below

T-60 ^{Saves} ↗

T-35, to 47 (10 trees)

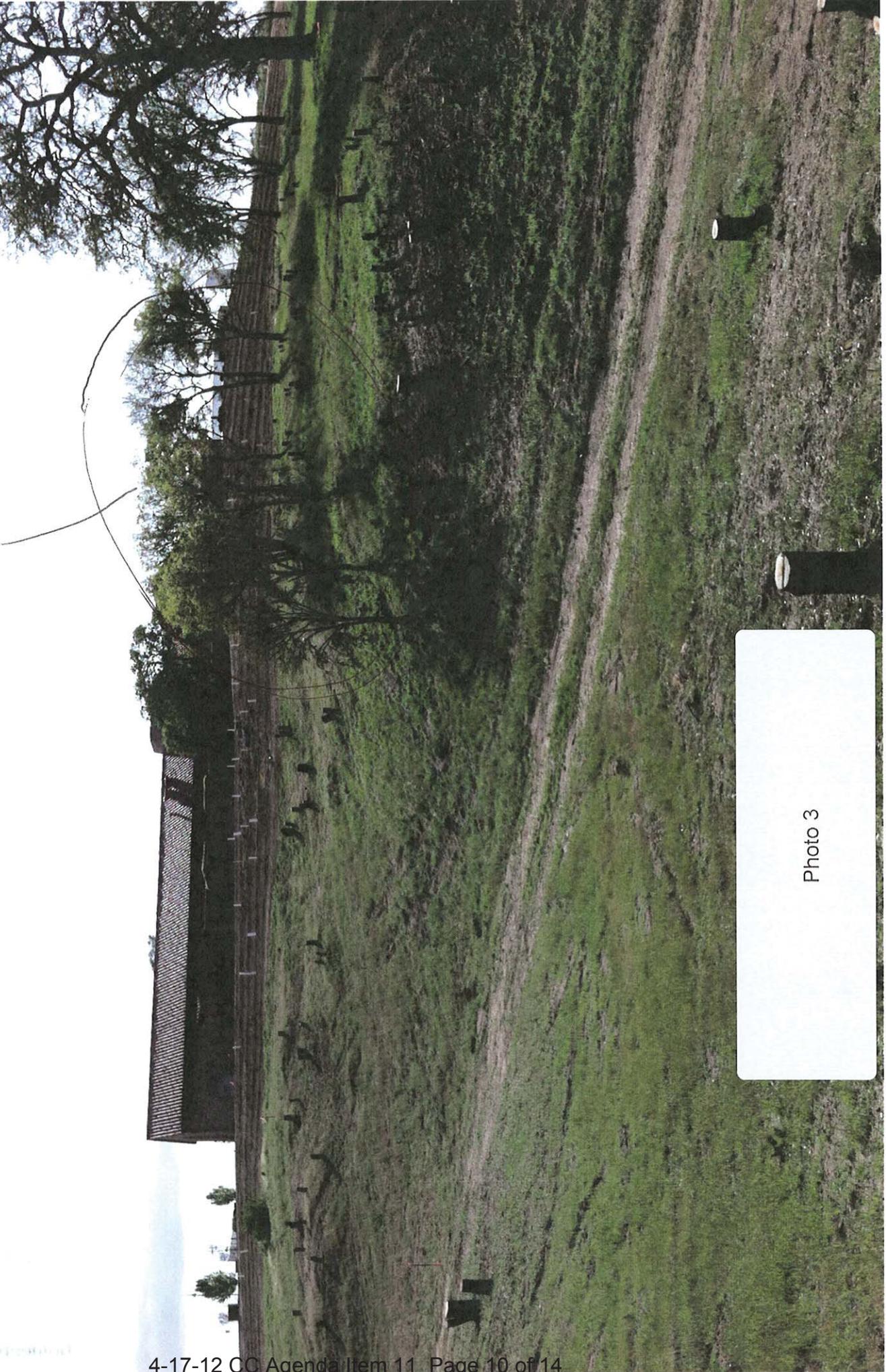


Photo 3

FRANK HL Bowl Group From ABOVE

T-41 to A7

T-61 SAUND

T-30

T-36

T-35



Photo 4

A & T ARBORISTS

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



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APR 03 2012

Engineering Division

4-3-12

To: City of Paso Robles Planning Department
Attn: Darren Nash
From: Chip Tamagni
Re: Vina Robles Amphitheatre

This report is in regards to the Vina Robles Amphitheatre project on Mill Road in Paso Robles. Initially, 168 trees were slated for removal after completion of the draft tree protection plan. The original architect was quite ambitious in lowering that number to less than 70 trees. This has proven to be both unworkable and impractical due to several factors:

SURVEY ERROR: 22 Trees. These trees are all smaller and clustered together in two primary locations that were improperly located in the original survey. The two clusters are at the House Right and House Left edges. All the trees in this set are small. The largest single trunk tree is 9" in diameter and the "largest" diameter tree is a clump of 6 small trunks forming a 25" cluster.

PEDESTRIAN WALK: 13 Trees. These trees are located at the edge of the parking area and are within the zone need to move the pedestrian walk from the edge of mill road on to the amphitheatre property. This change will improve safety of the pedestrians walking the route and will enhance the natural beauty of the connective pathway. The largest single trunk tree in this grouping is 10" in diameter and the largest is a clump of 4 small trunks forming a 25" cluster.

PRACTICAL IMPROVEMENT: 9 Trees. These trees are located in areas where the project architect made a huge effort to save the trees. Unfortunately, the trees listed here are either still significantly impacted by the project – for example located inside a 8-12' ft. deep well, or surrounded by paving. Additionally, in some cases great expense would be required to save a tree that is not particularly healthy or large.

Fortunately, none of the large mature trees are affected by these changes. The total number of additional removals requested is 44 plus an additional tree that was stated as dead in the original arborist report. The attached spreadsheet illustrates these additional removals. The total diameter is 469 inches which will result in 118 mitigation inches to be planted. The one dead tree (#225) has a diameter of 26 inches that is not a part of the mitigation inches.

In conclusion, the original number of removals was 168 in the very first assessment of the property. That number was lowered to 68 through both survey error and moving improvements. The new total would be 112 which is still a decrease in the original removal number by 33%. Some of these improvements included having several trees in recessed wells where only the top of a 20 foot tree would be visible. The expense and the result are just not practical. If the tree(s) in question were large, beautiful specimens, the mitigation can be more easily justified. By removing these trees, the new landscape can be designed around the features near the amphitheatre all the while being able to view the large majestic oaks that exist 150 feet behind the stage.

Chip Tamagni
Certified Arborist #WE 6436-A

Steven G. Alvarez
Certified Arborist #WE0511-A

RESOLUTION NO. 12-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF FORTY-FOUR OAK TREES AT 3700 MILL ROAD
(VINA ROBLES AMPHITHEATER)

WHEREAS, Tim Reed, on behalf of Vina Robles, Inc., has submitted a request to remove forty-four Blue Oak Trees, at the Vina Robles site located at 3700 Mill Road; 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

WHEREAS, It is evident that the trees are smaller groups of trees, many having multi-trunks and that none of the trees appeared to be significant aesthetic trees; and

WHEREAS, there are hundreds of trees being protected on the site with many large monument oak trees being protected and used as focal points around the amphitheater site; 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 forty-four (44) Blue Oak trees based on allowing Vina Robles to construct the amphitheater on site at a location that would maximize the function of the buildings and therefore allow the reasonable use of the property for the purpose for which it has been zoned;
2. Require forty-eight (48) 2.5-inch diameter Blue Oak replacement trees to be plated at the direction of the Arborist. The trees will need to be shown on the Oak Tree Replacement Plan for the project. All replacement trees will be required to be planted at the satisfaction of the Project Arborist and the City, prior to a Certificate of Occupancy for the Amphitheater.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 17th day of April 2012 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk