

TO: JAMES L. APP, CITY MANAGER

FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: OTR 12-011 - REQUEST TO REMOVE ONE OAK TREE AT THE TARGET SHOPPING CENTER (TARGET CENTER)

DATE: OCTOBER 16, 2012

Needs: For the City Council to consider a request by Donahue Schriber Realty Group on behalf of the Crossings (Target Center), to remove one oak tree located behind the Target Store, on Theatre Drive.

- Facts:**
1. The subject oak tree is a 7-inch diameter Valley Oak (*Quercus Lobata*).
 2. As described in the letter from Chip Tamagni of A&T Arborists, (Attachment 1), the oak tree was planted as a landscape tree along with the retaining wall landscaping when the Center was built.
 3. The vegetation along the retaining wall including the subject oak tree is causing damage to the masonry retaining wall. Cracks in the wall are forming as a result of various species of trees that have evasive root systems. A&T Arborists will be removing the existing vegetation and replanting with non-evasive shrubs.
 4. Out of all the trees and shrubs being removed, only two of the trees are oaks. One oak tree is below the threshold to require a permit, and the other is the 7-inch tree that is being requested to be removed.
 5. Planning Staff did go out to the site to review the tree, 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.
 6. 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.

7. The applicant is proposing to plant one replacement oak tree on-site for the one 7-inch tree being removed. The tree will be planted in a planter in the front parking lot area.

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 oak tree is in poor condition as a result of having a narrow planter area. Additionally the tree is creating a nuisance by causing cracking in the adjacent retaining wall.

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 tree further damaging the wall.

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 tree 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.*

The oak tree being removed was originally planted as part of the shopping center landscaping. With this vegetation removal project, new shrubs will be planted in the planter areas.

It would appear that given the information provide in the Arborist report and the findings outlined above, that the tree would 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. 12-xx approving OTR 12-011, allowing the removal of the 7-inch Valley Oak tree, based on the trees causing damage to the adjacent retaining wall, and the poor health of the 7-inch tree, and require one (1) 1.5-inch diameter Valley Oak replacement tree 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
2. Resolution to approve the removal of one oak tree.

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE OAK TREE AT 2305 THEATRE DRIVE
(TARGET CENTER)

WHEREAS, Chip Tamagni on behalf of Donahue Schriber Realty Group, has submitted a request to remove one 7-inch Valley Oak tree, at the property located at 2305 Theatre Drive; and

WHEREAS, the 7-inch tree was planted as a landscape tree with the development of the center, and is causing cracking of the adjacent retaining wall; and

WHEREAS, the Arborist is requesting removal of the tree to prevent further damage to the wall, and based on the trees poor health; 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) 7-inch Valley Oak based on the trees poor health, and to prevent further damage to the adjacent retaining wall;
2. Require the planting of one (1) 1.5-inch diameter Valley Oak replacement tree; to be planted at the direction of the Arborist with within 90 days of the issuance of the removal permit.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 16th day of October 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk