

TO: JAMES L. APP, CITY MANAGER
FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: OTR 13-004 - REQUEST TO REMOVE ONE OAK TREE WITHIN THE UNION RD. RIGHT OF WAY, JUST WEST OF MONTEBELLO OAKS DR. (CITY INITIATED)
DATE: MAY 21, 2013

Needs: For the City Council to consider a City-initiated request to remove one oak tree located within the Union Road right of way.

- Facts:**
1. The subject oak tree is a 50-inch Valley Oak (*Quercus Lobata*) and is located at the northwest corner of Union Road and Montebello Oaks Drive. (See Vicinity Map, Attachment 1)
 2. The request for the removal of the tree is in relation to the grant the City received to improve Union Road from Kleck Rd. to Montebello Oaks Drive. See attached memo from Ditas Esperanza, Capital Projects Engineer (Attachment 2).
 3. As described in the letter from A&T Arborists (Attachment 3), the health of the tree is severely declining. The Arborist indicates that the tree has poor structural condition and has had large limb failures in the past. The two remaining large scaffold branches are in poor condition. The Arborist anticipates failure of the limbs in the near future.
 4. Aside from the tree health issues, preliminary engineering designs indicate that the location of the tree at the intersection could cause some site distance issues once the street improvements are installed.
 5. Planning Staff went 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." 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;

A&T Arborists has submitted a report dated March 27, 2013. The report (Attachment 3) describes the health of the subject tree as being in severe decline and recommends that the tree be removed. The Arborist indicates in his report that the trees decline is a result of internal decay and past limb failures.

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 City has a grant to improve Union Road; designs indicate that this oak tree may need to be removed to improve site distance. Based on the tree's poor health, rather than design around the tree and still have the possibility of site distance issues, the Public Works Department is requesting removal of the tree to allow for the best design for this intersection of Union Road and Montebello Oaks Dr.

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 subject tree is located within the Union Road right of way. There are no other oak trees in the vicinity of this tree. The intent of removing the tree is to prevent possible future hazards as a result of the tree being in poor condition, and to allow for the best possible design for the street improvements at this intersection.

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

See comments above.

As required by the Oak Tree Ordinance, eight (8) 1.5-inch replacement Valley Oak Trees will be planted as a result of the removal of the 50-inch oak tree. The trees will be included in the landscaping plans for the Union Road improvement project.

Policy

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

Fiscal

Impact: None.

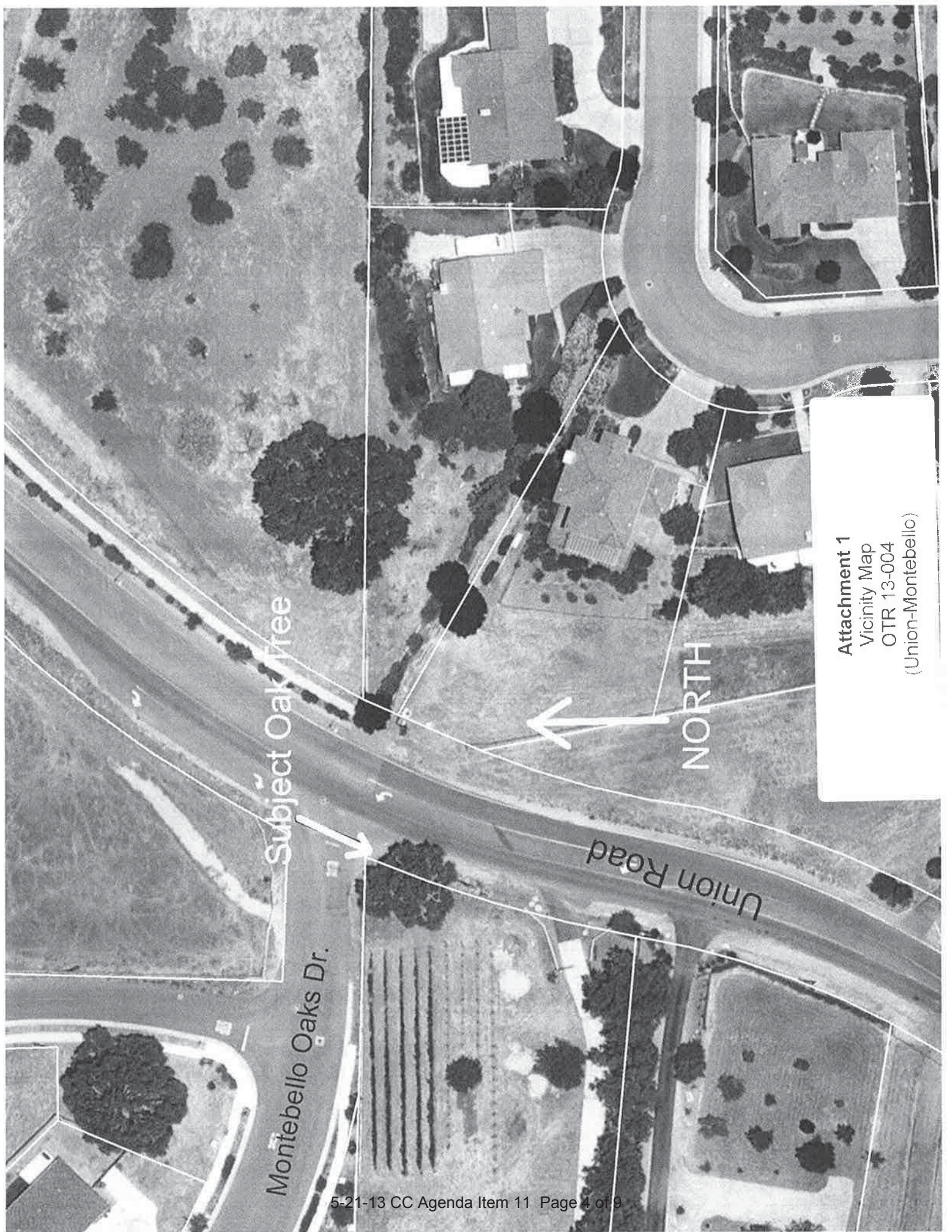
Options:

- A. Adopt Resolution No. 13-xx approving OTR 13-004, allowing the removal of the 50-inch Valley oak tree, based on the tree being in poor health, and having a hazard of falling, and require eight (8) 1.5-inch diameter replacement trees to be included in the landscaping plans for the Union Road improvement project;
- B. Amend, modify or reject the above options.

Report prepared by: Darren Nash, Associate Planner

Attachments:

- 1. Vicinity Map
- 2. E-mail from Ditas Esperanza, Capital Project Engineer
- 3. Arborist Report with photo
- 4. Resolution to approve the removal of the tree.



Subject Oak Tree

Montebello Oaks Dr.

NORTH

Union Road

Attachment 1
Vicinity Map
OTR 13-004
(Union-Montebello)

Darren Nash

From: Ditas Esperanza
Sent: Friday, April 05, 2013 4:00 PM
To: Darren Nash
Cc: John Falkenstien
Subject: FW: 04114 Union Road
Attachments: union montebello oak.pdf

Please see attached arborist report on an oak tree at the corner of Union Road and Montebello Oaks.

The City has a grant to improve Union Road from Kleck to Montebello Oaks. Preliminary design indicates that this oak tree may need to be removed to improve sight distance. North Coast Engineering had an arborist evaluate the condition of the tree and the attached is their report. I would like to request that we take this to the CC to get their approval to remove. Please let me know what you need from me in order to get this to the CC.

Thanks

From: Greg Jaeger [<mailto:gregj@northcoastengineering.com>]
Sent: Friday, April 05, 2013 3:45 PM
To: Ditas Esperanza
Cc: Steve Sylvester; Ken Brown
Subject: 04114 Union Road

Ditas-

I have attached a pdf of the arborist's report for your records.

Greg S. Jaeger, PE
Senior Civil Engineer
North Coast Engineering, Inc
V (805) 239-3127
F (805) 239-0758

A & T ARBORISTS

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



3-27-13

North Coast Engineering
Attn: Greg Jaeger

Re: Union Road Project

This report is in regard to the 50 inch valley oak (*Quercus lobata*) located at the corner of Union Road and Montebello Oaks Drive in Paso Robles. Included in the grading plans for reconfiguring Union Road, there will be some widening in areas. The grading impacts to the tree would be minimal.

We evaluated the overall health of this tree with regard to structural condition along with projected lift expectancy. This tree has been subject to large failures in the past. It is currently about 2/3 of the maximum height it once reached. The tree basically has three large scaffold branches remaining. Two are in extremely poor condition. Both have severe decay and bark and interior wood appear to be splitting off. Often this situation results in failure in the near future. The third scaffold is healthier than the other two although it also has some decay. The following photographs depict the condition:



This is the view of the tree from the north.



This is the view from the south east. Notice the decay from the base continuing up the trunk into both scaffolds.



This is higher up one of the scaffolds. Definitely, there is a hazard here. We did not perform an aerial inspection, however, these are serious internal stress cracks.



This photograph is high in the second “poor condition” scaffold. Most of the bark is missing and the interior xylem wood is cracked.

In conclusion, this is an oak that is in severe decline. The tree may live for an additional 15 years or so but early within that time frame, two of the three scaffold limbs will probably fail. Within two years or less, one scaffold may fail and the other within five years. Pruning *may* delay this for a couple of years, but failure is inevitable. The targets include a fence and grape vines in addition to the road. Serious consideration should be given to removing this tree before any improvements commence.

Please feel free to call us with any questions.

Chip Tamagni
Certified Arborist #WE 6436-A
ISA Certified Hazard Tree Risk Assessor #1209

Steven Alvarez
Certified Arborist #WE 0511-A

RESOLUTION NO. 13-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE OAK TREE
WITHIN THE UNION ROAD RIGHT OF WAY
(CITY INITIATED)

WHEREAS, the Public Works Department is requesting to remove a 50-inch Valley oak tree that is located at the northwest corner of Union Road and Montebello Oaks Dr.; and

WHEREAS, A & T Arborists submitted an Arborist Report indicating that the health of the tree is in severe decline and could have some limb failures in the near future; and

WHEREAS, the tree removal is a request by the Public Works Department in conjunction with the grant the City received to improve Union Road between Kleck Road and Montebello Oaks Dr.; and

WHEREAS, based on the tree's poor health, and since it appears that the tree could have some site distance issues at the intersection once improved, the Public Works Department is requesting that City Council allow removal of the tree; 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 one (1) 50-inch Valley Oak tree based on the tree being in poor condition and the removal of the tree will allow for the best design for the street improvements for the intersection of Union Road and Montebello Oaks Dr.;
2. Require the planting of eight (8) 1.5-inch diameter replacement Valley Oaks to be included within the landscape plans for the Union Road improvement project, and be planted with the project landscaping.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 21st day of May 2013 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk