

TO: JAMES L. APP, CITY MANAGER

FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: OTR 12-005 - REQUEST TO PHASE OAK TREE REPLACEMENTS AT 3700 MILL ROAD (VINA ROBLES, INC.)

DATE: JUNE 18, 2012

Needs: For the City Council to consider a request by Tim Reed on behalf of Vina Robles Inc., to amend the existing resolution to allow the planting of replacement trees to be phased, and to allow the replacement trees to be Coast Live Oaks, rather than Blue Oaks.

Facts:

1. The site is located at 3700 Mill Road.
2. On April 17, 2012, the City Council adopted Resolution 12-064 allowing the removal of 44 Blue Oak trees with the development of the amphitheater (See Attachment 1).
3. Council's approval was subject to the following:
 - Require 48 2.5 inch diameter Blue Oak trees to be planted at the direction of the Arborist;
 - All replacement trees will be required to be planted prior to the Certificate of Occupancy for the Amphitheater.
4. Attached is a letter from Chip Tamagni of A&T Arborists (Project Arborist) requesting the ability to plant Coast Live Oaks rather than Blue Oaks, and request the ability to plant 35 replacement trees now, and the remaining trees by November of this year (See Attachment 2).

Analysis
And

Conclusion: The Oak Tree Ordinance does not require that replacement trees be the same species as the trees removed, however it has been Council's practice to require the planting of like species.

The request to phase the trees to be installed by November 2013 seems reasonable based on the availability of prime replacement trees, and waiting until after the summer heat to establish the trees.

The amphitheater is near completion, the 35 trees to be planted in the first phase will be planted at focal locations, and primarily in landscape areas. The remaining trees will be planted along the perimeters and in the natural areas of the site.

Policy

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

Fiscal

Impact: None.

- Options:
- A. Adopt Resolution No. 13-xx allowing the replacement trees required with the approval of Resolution 12-064, to be phased in a manner that would require 35 trees to be planted prior to the Certificate of Occupancy for the Amphitheater, and the remaining trees to be planted in November 2013. The replacement trees can be Coast Live Oaks.
 - B. Amend, modify or reject the above options.

Attachments:

1. Resolution 12-064
2. A&T Letter
3. Resolution to approve requested changes

RESOLUTION NO. 12-064

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF FORTY-FOUR OAK TREES AT 3800 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 3800 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

WHEREAS, the City Council determined that four (4) oak trees located in a proposed parking area shall not be permitted to be removed.

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 (40) 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-two (42) 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.
3. The City shall require an oak tree replacement plan be approved by the Community Development Director prior to removal of the forty (40) oak trees.

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: Strong, Gilman, Steinbeck, Hamon, Picanco

NOES:

ABSTAIN:

ABSENT:

ATTEST


Caryn Jackson, Deputy City Clerk


Duane Picanco, Mayor

A & T ARBORISTS

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



Attachment 2

5-15-13

Darren Nash
City of Paso Robles Planning Department

Re: Replacement Oak Trees for Vina Robles

Darren,

As this project is moving towards completion, we are in the planning phase of the oak tree mitigation requirements. Approximately 200 inches of replacement trees will be planted to fulfill that obligation.

Looking to the future, we feel that having evergreen coast live oaks (*Quercus agrifolia*) will aesthetically complement the 100% native blue oak (*Quercus douglasii*) population that currently exists on site. There are several reasons driving this request:

- As mentioned previously, they will complement the blue oaks
- They will provide excellent year round screening from the highway
- They will add year round greenery to the edge of the parking lot next to Mill Road and many other areas throughout the site
- They establish readily and will grow much quicker than blue oaks
- Robert Hall Winery has many planted coast live oaks so they successfully grow in the immediate area.

The other issue is the timing of the planting. Due to the economy starting to kick into gear, wholesale growers are scrambling to fill orders. From several sources, blue oaks are not available in the required size until maybe late this year at best. If we were to go with coast live oaks, we have 35 ready to go in a few weeks and the rest would be available by November at the latest.

If you could let us know if using live oaks is feasible from the city's standpoint along with the planting schedule, it would be much appreciated.

Chip Tamagni
Certified Arborist #WE 6436-A

RESOLUTION NO. 13-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING PHASING OF OAK TREE REPLACEMENT REQUIREMENTS AND
ALLOWING REPLACEMENT TREES TO BE COAST LIVE OAK.

3700 MILL ROAD
(VINA ROBLES AMPHITHEATER)

WHEREAS, on April 17, 2012 the City Council adopted Resolution 12-064 allowing the removal of 44 Blue Oak Trees; and

WHEREAS, Council's approval was based the requirement to plant 48 2.5 inch replacement Blue Oak Trees prior to the issuance of the Certificate of Occupancy for the Amphitheater; and

WHEREAS, A&T Arborist on behalf of Vina Robles, has requested that the City Council allow the replacement trees to be Coast Live Oaks, as opposed to Blue Oaks, and allow the replacement trees to be planted in two phases where 35 of the trees would be planted prior to the C of O of the Amphitheater and the rest would be planted by November 2013; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby:

1. Require forty-eight (48) 2.5-inch diameter Blue Oak or Coast Live 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. 35 of the trees are to be planted prior to the Certificate of Occupancy for the Amphitheater, the remaining trees shall be planted by November 30, 2013.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 18th day of June 2013 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Duane Picanco, Mayor

Caryn Jackson, Deputy City Clerk