

TO: JAMES L. APP, CITY MANAGER  
FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR  
SUBJECT: OTR 13-006 - REQUEST TO REMOVE TWO OAK TREES AT 532 2<sup>ND</sup> STREET (NINO)  
DATE: AUGUST 6, 2013

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Needs: For the City Council to consider a request by Steve Nino, to remove two oak trees in conjunction with the development of a vacant lot.

Facts

1. The site is located at 532 2<sup>nd</sup> Street. Please see Vicinity Map (Attachment 1).
2. The subject oak trees are Coast Live Oaks (*Quercus Lobata*). See the attached plot plan identifying the location of the trees as Trees No. 3 and No. 4 (Attachment 2).
3. In 2005 the Planning Commission approved Parcel Map PR 04-0626 allowing the subdivision of the subject parcels and the development of a residential duplex. At that time the development of the parcels was to be designed in a manner that had minor encroachment into the critical root zone (CRZ) of Trees 3 and 4 (See Attachment 3).
4. Mr. Nino has indicated that a duplex could be built on the lot without the need to remove the trees, however allowing the removal of the trees would prevent future tree issues to the new house and to the existing residence adjacent to the south. It would allow for a detached single family residence on each lot as opposed to a common wall duplex (See Attachment 4).
5. The Arborist Report indicates that Tree No. 3 (19-inch diameter) and Tree No. 4 (11-inch diameter) appear to have health issues including disease, cracking and decay (See Attachment 5).
6. Planning Staff went 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,". Therefore, Section 10.01.050.C of the Oak Tree Ordinance would consider the trees "healthy" and require after consideration of the factors listed in Section 10.01.050.D that the City Council make the determination of whether the tree should be removed.

Analysis  
And

Conclusion: The creation of the parcels was done with the intent of protecting the oak trees that are now proposed to be removed. The housing product proposed at the time was a duplex that shared a common wall/property line and had a 10-foot setback to the southerly property line which is adjacent to the trees. The 10 foot setback allowed the duplex to be built with only minor encroachment to the CRZ of the trees.

Mr. Nino is now proposing to construct two detached single family residences, where each unit would have a 5-foot setback from the interior property line, for a total of 10-foot separation between the homes. Allowing for the width of the houses along with the 10 foot separation, requires that the house on Parcel 3 to have a 5-foot setback to the southerly property line, which is 5 feet closer than the original plan indicated for the duplex it results in the home being within the CRZ of Trees No. 3 and No. 4.

The Oak Tree Ordinance does give the City Council the ability to allow removal of oak trees in order to accommodate new development. The Ordinance states that:

*The necessity of the requested action (Tree Removal) 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.*

In this situation, Mr. Nino acknowledges that the original duplex project (or variation of the project) could be built and allow for the protection of Trees 3 and 4. However, based on the trees not being in the best of health, and to prevent future conflicts with the trees and buildings, he is requesting that the Council approve removal of the trees. Removal of the trees also allows more flexibility to build separate single family residences.

It will be up to the City Council to discuss this matter and make a determination of whether allowing for the removal of the trees to accommodate the proposed detached single family homes as proposed by Mr. Nino. The alternative would be to require the protection of the trees which would necessitate a housing product with a smaller foot print, such as a common wall duplex.

If the City Council allows for the removal of the two trees, the applicant is prepared to plant the necessary replacement oak trees as required by the Oak Tree Ordinance. 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

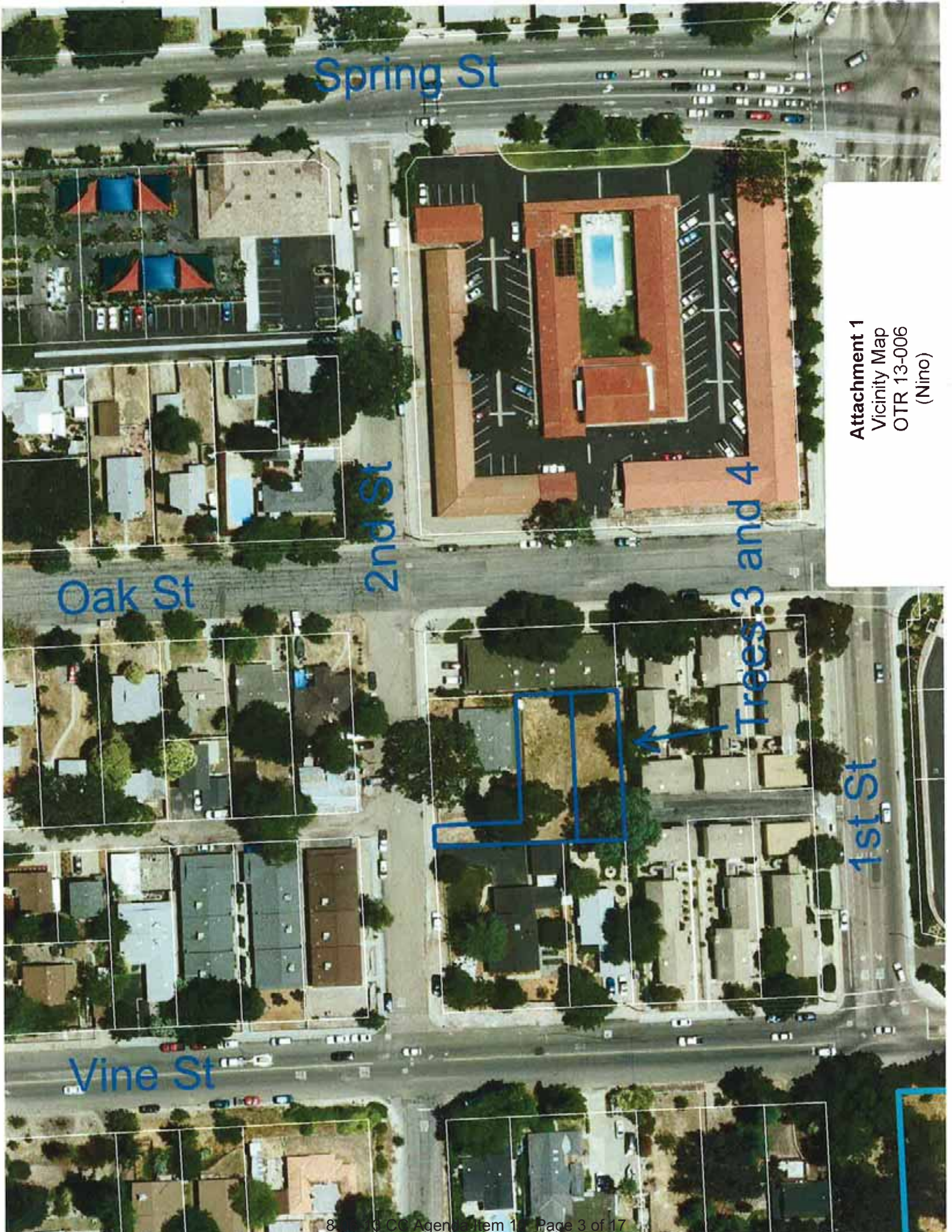
Impact: None.

Options:

- A. Adopt Resolution No. 13-xx denying OTR 13-006, requiring development of the lot to be designed in a manner to preserve the oak trees as required with the approval of PR 04-0626.
- B. Adopt Resolution No. 13-xx approving OTR 13-006, allowing the removal of two Coast Live Oak Trees totaling 30-inches based on the trees having health issues, and to allow reasonable use of the property for which it has been zoned, and require five (5) 1.5-inch diameter Coast Live Oak replacement trees to be planted at the direction of the Arborist, or payments made to the City's oak tree replacement fund.
- C. Amend, modify or reject the above options.

Attachments:

- 1. Vicinity Map
- 2. Tree Location Plan
- 3. Original Site Plan (Duplex)
- 4. Proposed Site Plan
- 5. Arborist Report
- 6. Resolution to deny
- 7. Resolution to approve the removal of the trees



Spring St

Oak St

2nd St

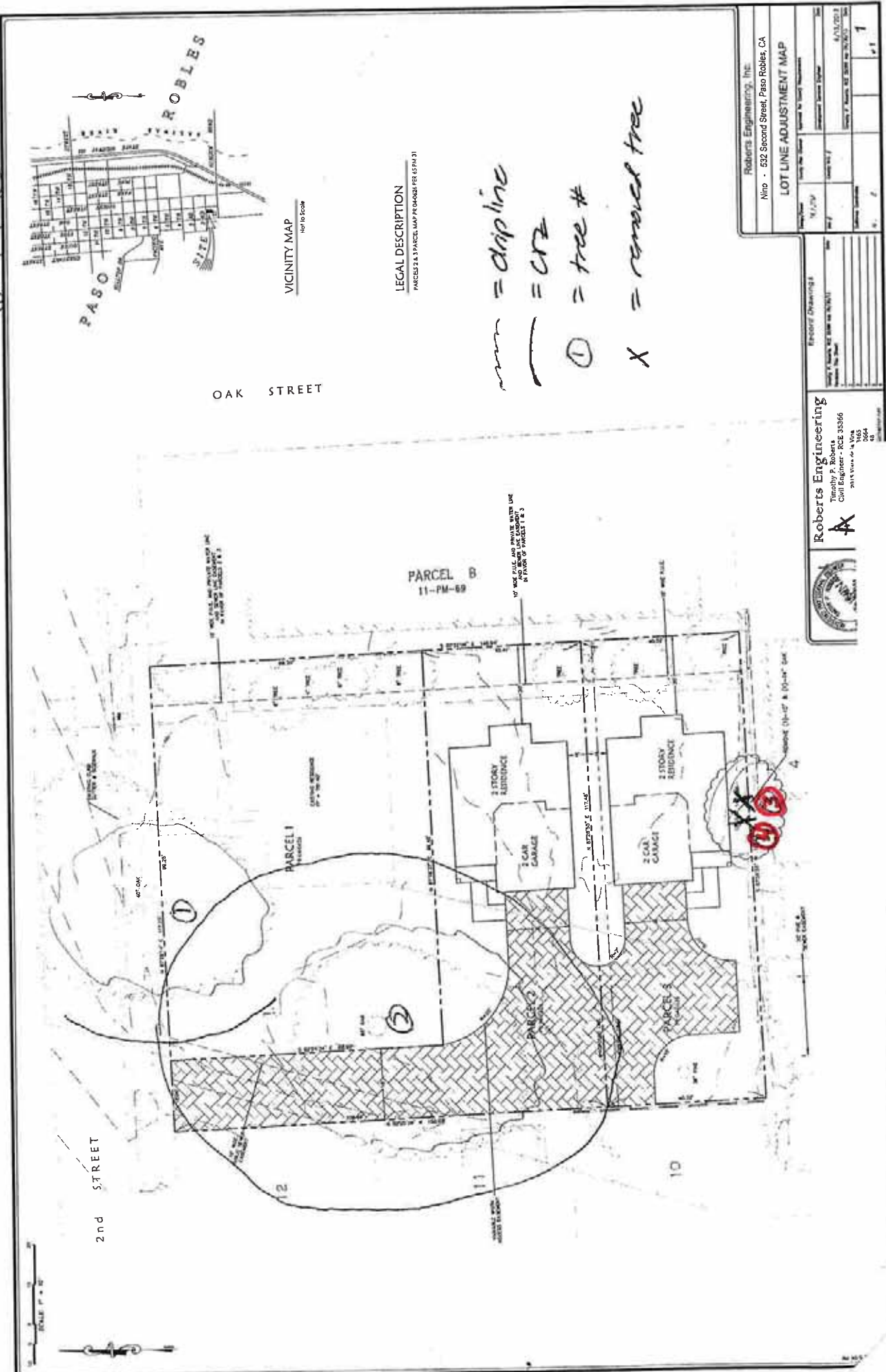
Trees 3 and 4

1st St

Vine St

Attachment 1  
Vicinity Map  
OTR 13-006  
(Nino)

552 4111 01  
 PASO ROBLES  
 10-14-13

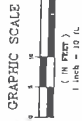


**Attachment 2**  
 Tree Location Plan  
 OTR 13-006  
 (Nino)

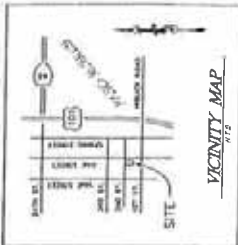
VINE STREET

2ND STREET

OAK STREET



McCarthy Engineering, Inc.  
Civil and Survey Engineering  
Project Planning  
P.O. Box 2000  
(909) 231-8888 (909) 231-8888 FAX

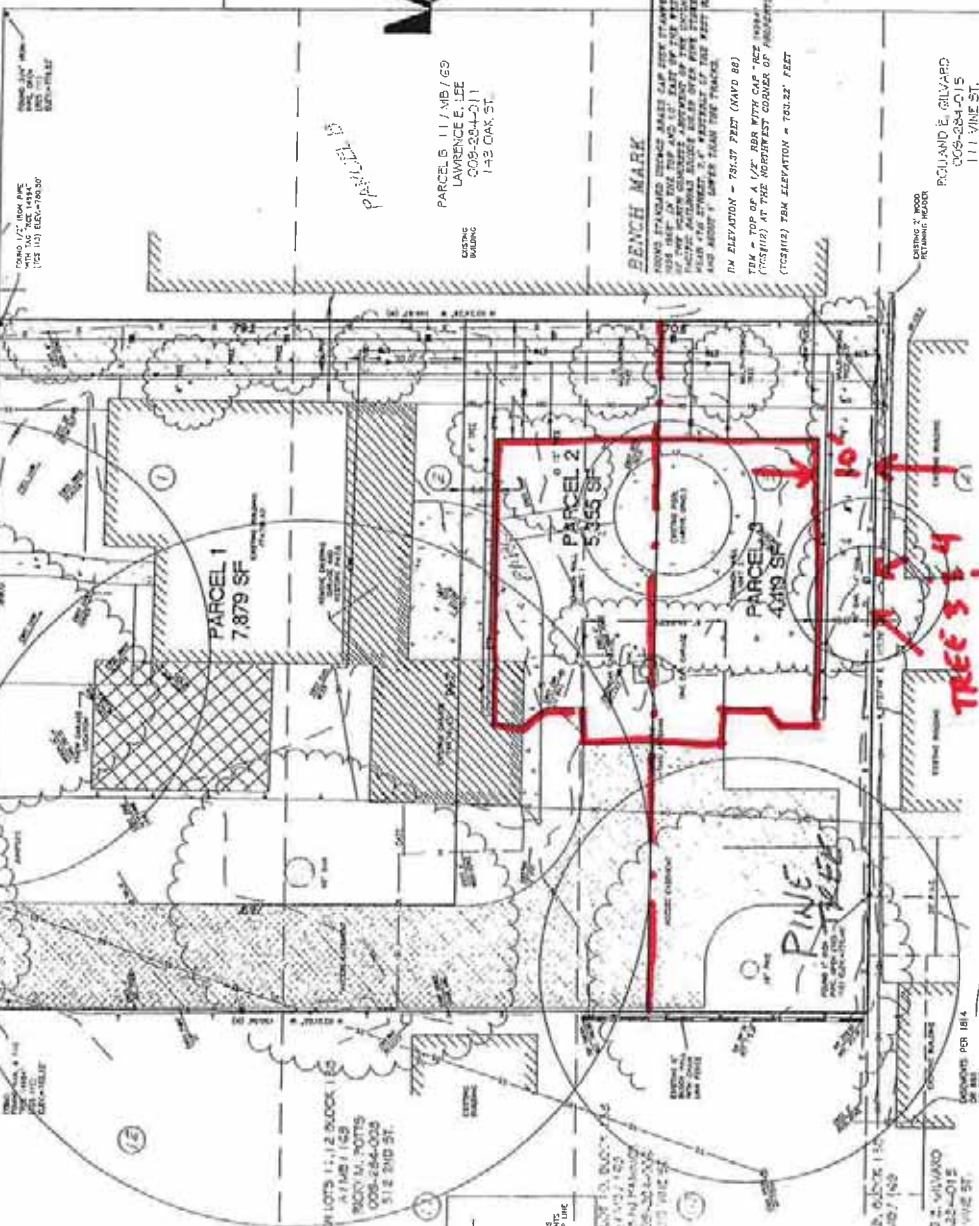


OAK TREE AND MISC  
TENTATIVE PARCEL MAP  
PR 04-0626

BEING A SURVEYOR OF ANCHORS & PALLETS, MAPS  
AND SURVEYING INSTRUMENTS, I HEREBY CERTIFY  
THAT I AM A LICENSED SURVEYOR IN THE STATE OF CALIFORNIA,  
AND THAT I AM THE SURVEYOR OF THIS PARCEL MAP.

SURVEY WORK BY:  
TWIN CITIES SURVEYING INC.  
111 VINE STREET  
DUBLIN, CALIFORNIA 94568  
(916) 434-1881 FAX (916) 434-3884

Accuracy 2nd S. class 2000  
10/20/2004  
SHEET 3 OF 3



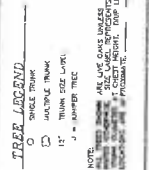
PARCELS 111/MB/69  
LAWRENCE, ICE  
009-284-011  
THE OAK ST.

BENCH MARK  
NAD 83 ELEVATION = 783.37 FEET (MVD 88)  
TBM = TOP OF A 1/2" BSR WITH CAP - REZ 10047  
(753115) TBM ELEVATION = 783.22' FEET

111 VINE ST.  
009-284-015  
RICI AND E. RUIVARD

**NOTES**

1. ANY POSSIBLE EASEMENTS AFFECTING PROPERTY ARE UNKNOWN EXCEPT AS SHOWN.
  2. THE BOUNDARY BETWEEN THIS PARCEL AND THE ADJACENT PARCEL TO THE WEST IS BASED ON A SURVEY DATED 10/26/2004 BY TWIN CITIES SURVEYING INC. THE BOUNDARY BETWEEN THIS PARCEL AND THE ADJACENT PARCEL TO THE EAST IS BASED ON A SURVEY DATED 10/26/2004 BY TWIN CITIES SURVEYING INC. THE BOUNDARY BETWEEN THIS PARCEL AND THE ADJACENT PARCEL TO THE SOUTH IS BASED ON A SURVEY DATED 10/26/2004 BY TWIN CITIES SURVEYING INC. THE BOUNDARY BETWEEN THIS PARCEL AND THE ADJACENT PARCEL TO THE NORTH IS BASED ON A SURVEY DATED 10/26/2004 BY TWIN CITIES SURVEYING INC.
  3. FIELD NOTES REFERENCED TO THIS PARCEL MAP ARE AS FOLLOWS:  
FIELD NOTES PER 111/MB/69 PER 11 PM 69  
FIELD NOTES PER 111/MB/69 PER 11 PM 69  
FIELD NOTES PER 111/MB/69 PER 11 PM 69
  4. BOUNDARY INFORMATION SHOWN IS RECORD
  5. PER 11 PM 69 (9)
  6. RECORD DATA PER 11 PM 69
- TITLE REPORT:  
ORDER NO. 009-284-015  
DATED: NOVEMBER 23, 2004
- BASEMENTS PER TITLE REPORT:  
NONE NOTED ON TITLE REPORT
- PER F.R.M.A. F.R.M. MAP 020608  
DATE: SEPTEMBER 15, 2004
- THE BOUNDARY BETWEEN THIS PARCEL AND THE ADJACENT PARCEL TO THE WEST IS BASED ON A SURVEY DATED 10/26/2004 BY TWIN CITIES SURVEYING INC. THE BOUNDARY BETWEEN THIS PARCEL AND THE ADJACENT PARCEL TO THE EAST IS BASED ON A SURVEY DATED 10/26/2004 BY TWIN CITIES SURVEYING INC. THE BOUNDARY BETWEEN THIS PARCEL AND THE ADJACENT PARCEL TO THE SOUTH IS BASED ON A SURVEY DATED 10/26/2004 BY TWIN CITIES SURVEYING INC. THE BOUNDARY BETWEEN THIS PARCEL AND THE ADJACENT PARCEL TO THE NORTH IS BASED ON A SURVEY DATED 10/26/2004 BY TWIN CITIES SURVEYING INC.



**BASIS OF BEARINGS**

BEARINGS ARE RELATIVE TO OLD NORTH (OSN) MERIDIAN. THE MEAN CONVERSION ANGLE IS -1.257 DEGREES.

**ZONING**

CURRENT ZONING IS R2  
TOTAL AREA = 17,653 SQ. FT.

**PROPERTY OWNERS/SITE INFORMATION**

NAME: RUIVARD & RUIVARD  
ADDRESS: 832 2ND STREET  
DUBLIN, CALIFORNIA 94568  
PHONE: 925-858-8888  
APR 03-28-03

**Attachment 3**  
Original Site Plan - Duplex  
OTR 13-006  
(Nino)



**Attachment 4**  
Proposed Site Plan  
OTR 13-006  
(Nino)



**Tree Preservation Plan  
For  
532 2nd Street  
Paso Robles**

**Prepared by A & T Arborists  
and Vegetation Management**

**Chip Tamagni  
Certified Arborist #WE 6436-A**

**Steven Alvarez  
Certified Arborist #WE 511-A**

Tract # \_\_\_\_\_

PD # \_\_\_\_\_

Building Permit # \_\_\_\_\_

Project Description: This project involves developing the two parcels behind 532 2<sup>nd</sup> Street in Paso Robles. There are four native oaks on the property. The valley oak (*Quercus lobata*) in front of the existing home will not be impacted. The large coast live oak (*Quercus agrifolia*) that will be adjacent to the new driveway will require specific mitigations to insure its survival. Two additional coast live oaks (19 and 11 inches in diameter) will be removed. Eight years ago we evaluated this project and both of the proposed removals appeared to be in good condition. They now appear to have possibly acquired either a fungal or bacterial disorder. The lower bark on both of the trunks appears to be cracking more than normal and decay may be setting in. Total diameter for removal being proposed is 30 inches that would result in 7.5 inches of mitigation trees being 24 inch box size and being 1.5 inches in diameter each. We recommend planting no more than one on each lot as the space available is limited.

Specific Mitigations Pertaining to the Project: The primary mitigations for this project revolve around tree #2, the large coast live oak. The utilities are routed along the eastern edge in the existing easement so there are no concerns about trenching in the drip line. If any aspect of utility trenching is set to occur within the critical root zone, arborist monitoring is required. More important is that the location is approved by the project arborist beforehand. The driveway is planned to be constructed with pavers. We are concerned that in order to achieve proper depth for base material and paver height, roots will be damaged in the process. We would prefer that base material is added to existing grade (minus organic matter) and asphalt is applied. Preferably, two inch cores are then removed from the asphalt and drainage grates are installed. We feel this process will cause the least impact to the tree over the long term. We also feel that some weight reduction on the southernmost limb is necessary. Plans are to save the lone pine tree on the property. This particular tree has a weak crotch holding the east point scaffold. We strongly want the owner to consider removing this one limb (24 inches in diameter).

The term “critical root zone” or CRZ is an imaginary circle around each tree. The radius of this circle (in feet) is equal to the diameter (in inches) of the tree. For example, a 10 inch diameter tree has a critical root zone with a ten foot radius from the tree. Working within the CRZ usually requires mitigations and/or monitoring by a certified arborist.

All trees potentially impacted by this project are numbered and identified on both the grading plan and the spreadsheet. Trees are numbered on the grading plans and in the field with an aluminum tag. Tree protection fencing is shown on the grading plan. Both critical root zones and drip lines are outlined on the plans.

If pruning is necessary for building, road or driveway clearance, removal of limbs larger than 6 inches in diameter will require a city approved permit along with a deposit paid in advance (to the City of Paso Robles). The city will send out a representative to approve or deny the permit. Only 25% of the live crown may be removed.

### **Tree Rating System**

A rating system of 1-10 was used for visually establishing the general health and condition of each tree on the spreadsheet. The rating system is defined as follows:

<u>Rating</u>	<u>Condition</u>
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0	Deceased
1	Evidence of massive past failures, extreme disease and is in severe decline.
2	May be saved with attention to class 4 pruning, insect/pest eradication and future monitoring.
3	Some past failures, some pests or structural defects that may be mitigated by class IV pruning.
4	May have had minor past failures, excessive deadwood or minor structural defects that can be mitigated with pruning.
5	Relatively healthy tree with little visual, structural and/or pest defects and problems.
6	Healthy tree that probably can be left in its natural state.
7-9	Has had proper arboricultural pruning and attention or have no apparent structural defects.
10	Specimen tree with perfect shape, structure and foliage in a protected setting (i.e. park, arboretum).

Aesthetic quality on the spreadsheet is defined as follows:

- **poor** - tree has little visual quality either due to severe suppression from other trees, past pruning practices, location or sparse foliage
- **fair** - visual quality has been jeopardized by utility pruning/obstructions or partial suppression and overall symmetry is average
- **good** - tree has good structure and symmetry either naturally or from prior pruning events and is located in an area that benefits from the trees position
- **excellent** - tree has great structure, symmetry and foliage and is located in a premier location. Tree is not over mature.

The following mitigation measures/methods must be fully understood and followed by anyone working within the critical root zone of any native tree. Any necessary clarification will be provided by us (the arborists) upon request.

It is the responsibility of the **owner or project manager** to provide a copy of this tree protection plan to any and all contractors and subcontractors that work within the critical root zone of any native tree and confirm they are trained in maintaining fencing, protecting root zones and conforming to all tree protection goals. It is highly recommended that each contractor sign and acknowledge this tree protection plan.

Any future changes (within the critical root zone) in the project will need Project Arborist review and implementation of potential mitigation measures before any said changes can proceed.

**Fencing:** The proposed fencing shall be shown in orange ink on the grading plan. It must be a minimum of 4' high chain link, snow or safety fence staked (with t posts 8 feet on center) at the edge of the critical root zone or line of encroachment for each tree or group of trees. The fence shall be up before any construction or earth moving begins. The owner shall be responsible for maintaining an erect fence throughout

the construction period. The arborist(s), upon notification, will inspect the fence placement once it is erected. After this time, fencing shall not be moved without arborist inspection/approval. If the orange plastic fencing is used, a minimum of four zip ties shall be used on each stake to secure the fence. All efforts shall be made to maximize the distance from each saved tree. Weather proof signs shall be permanently posted on the fences every 50 feet, with the following information:

<p><b>Tree Protection Zone</b> No personnel, equipment, materials, and vehicles are allowed Do not remove or re-position this fence without calling: A &amp; T Arborists 434-0131</p>
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**Soil Aeration Methods:** Soils within the critical root zone that have been compacted by heavy equipment and/or construction activities must be returned to their original state before all work is completed. Methods include water jetting, adding organic matter, and boring small holes with an auger (18" deep, 2-3' apart with a 2-4" auger) and the application of moderate amounts of nitrogen fertilizer. The arborist(s) shall advise.

**Chip Mulch:** All areas within the critical root zone of the trees that can be fenced shall receive a 4-6" layer of chip mulch to retain moisture, soil structure and reduce the effects of soil compaction.

**Trenching Within Critical Root Zone:** All trenching within the critical root zone of native trees shall be **hand dug**. All major roots shall be avoided whenever possible. All exposed roots larger than 1" in diameter shall be clean cut with sharp pruning tools and not left ragged. A **Mandatory** meeting between the arborists and grading contractor(s) must take place prior to work start.

**Grading Within The Critical Root Zone:** Grading should not encroach within the critical root zone unless authorized. Grading should not disrupt the normal drainage pattern around the trees. Fills should not create a ponding condition and excavations should not leave the tree on a rapidly draining mound.

**Exposed Roots:** Any exposed roots shall be re-covered the same day they were exposed. If they cannot, they must be covered with burlap or another suitable material and wetted down 2x per day until re-buried.

**Equipment Operation:** Vehicles and all heavy equipment shall not be driven under the trees, as this will contribute to soil compaction. Also there is to be no parking of equipment or personal vehicles in these areas. All areas behind fencing are off limits unless pre-approved by the arborist.

**Existing Surfaces:** The existing ground surface within the critical root zone of all oak trees shall not be cut, filled, compacted or pared, unless shown on the grading plans **and** approved by the arborist.

**Construction Materials And Waste:** No liquid or solid construction waste shall be dumped on the ground within the critical root zone of any native tree. The critical root zone areas are not for storage of materials either.

**Arborist Monitoring:** An arborist shall be present for selected activities (trees identified on spreadsheet and items bulleted below). The monitoring does not necessarily have to be continuous but observational at times during these activities. It is the responsibility of the **owner(s) or their designee** to inform us prior to these events so we can make arrangements to be present. All monitoring will be documented on the field report form which will be forwarded to the project manager and the City of Paso Robles Planning Department.

- pre-construction fence placement inspection
- all grading and trenching identified on the spreadsheet

**Pre-Construction Meeting:** An on-site pre-construction meeting with the Arborist(s), Owner(s), Planning Staff, and the grading contractor shall be required for this project. Prior to final occupancy, a letter from the arborist(s) shall be required verifying the health/condition of all impacted trees and providing any recommendations for any additional mitigation. The letter shall verify that the arborist(s) were on site for all grading and/or trenching activity that encroached into the critical root zone of the selected native trees, and that all work done in these areas was completed to the standards set forth above.

**Pruning** Class 4 pruning includes-Crown reduction pruning shall consist of reduction of tops, sides or individual limbs. A trained arborist shall perform all pruning. No pruning shall take more than 25% of the live crown of any native tree. Any trees that may need pruning for road/home clearance shall be pruned **prior** to any grading activities to avoid any branch tearing.

**Landscape:** All landscape within the critical root zone shall consist of drought tolerant or native varieties. Lawns shall be avoided. All irrigation trenching shall be routed around critical root zones, otherwise above ground drip-irrigation shall be used. It is the owner's responsibility to notify the landscape contractor regarding this mitigation.

**Utility Placement:** All utilities, sewer and storm drains shall be placed outside of the critical root zones. The arborist shall supervise trenching within the critical root zone. **All trenches in these areas shall be exposed by air spade or hand dug with utilities routed under/over** roots larger than 3 inches in diameter.

**Fertilization and Cultural Practices:** As the project moves toward completion, the arborist(s) may suggest either fertilization and/or mycorrhiza applications that will benefit tree health. Mycorrhiza offers several benefits to the host plant, including faster growth, improved nutrition, greater drought resistance, and protection from pathogens.

The included spreadsheet includes trees listed by number, species and multiple stems if applicable, scientific name, diameter and breast height (4.5'), condition (scale from poor to excellent), status (avoided, impacted, removed, exempt), percent of critical root zone

impacted, mitigation required (fencing, root pruning, monitoring), construction impact (trenching, grading), recommended pruning, aesthetic value and individual tree notes along with canopy spread.

If all the above mitigation measures are followed, we feel there will be no long-term significant impacts to the native trees.

Please let us know if we can be of any future assistance to you for this project.

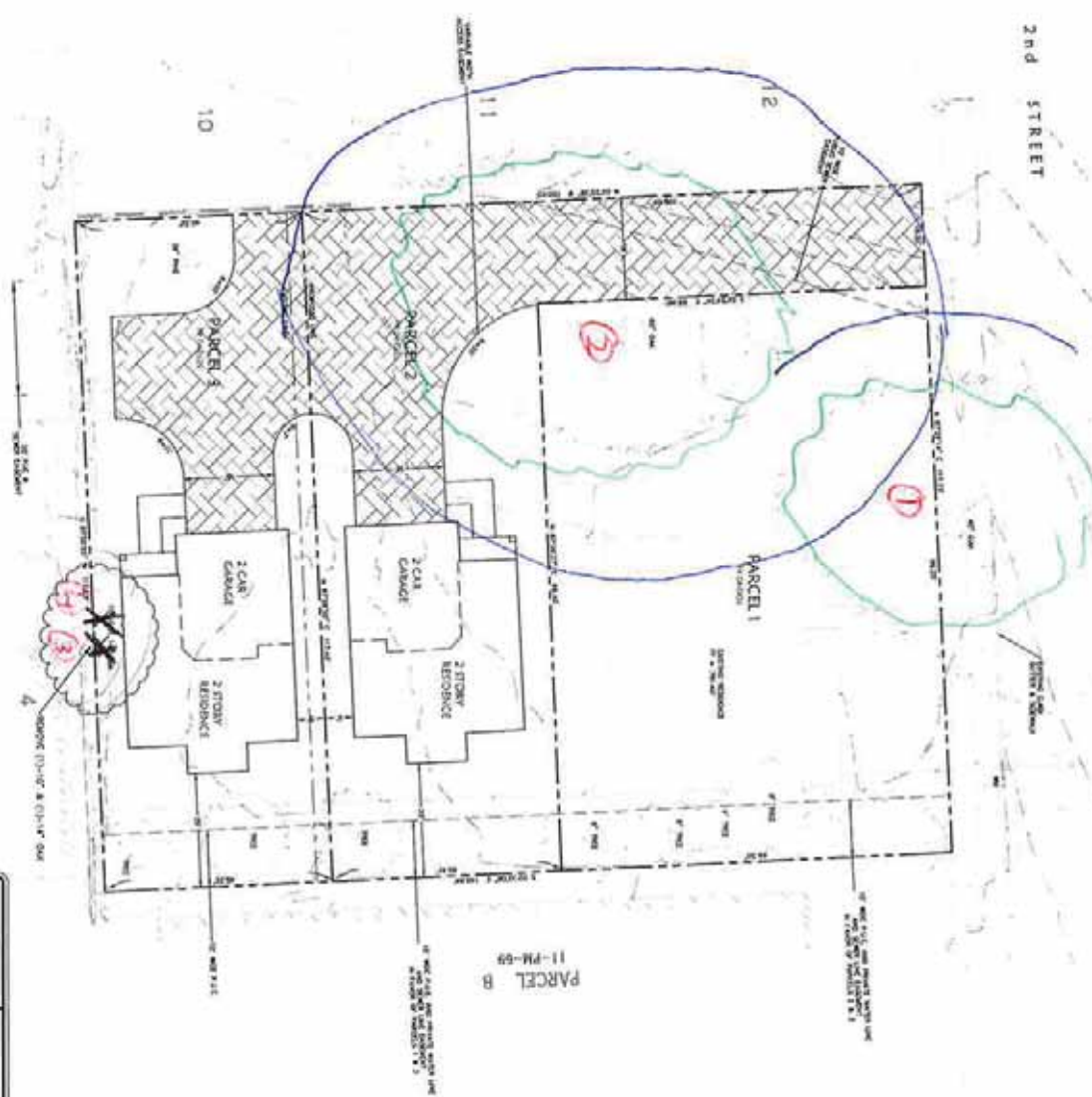
Steven G. Alvarez  
Certified Arborist #WC 0511

Chip Tamagni  
Certified Arborist #WE 6436-A

A handwritten signature in blue ink, appearing to read 'CT', with a large, stylized flourish extending to the right.







OAK STREET



LEGAL DESCRIPTION  
 PARCEL 2.5 TRACT, MAP 11-PM-59 (SEE OTHER SHEETS)

- = dipline
- = CRZ
- = tree #
- = remove tree



**Roberts Engineering**  
 Timothy P. Roberts  
 Civil Engineer - No. 10000  
 2024 Year to Year  
 Professional Seal  
 10000  
 10000

Report Drawings

Sheet No.	1
Project No.	
Client	
Date	

Roberts Engineering, Inc.  
 553 Second Street, Paso Robles, CA

**LOT LINE ADJUSTMENT MAP**

Project No.	10000	10000	10000	10000
Sheet No.	1	1	1	1

532 2nd St  
 PASO ROBLES  
 10-14-13

RESOLUTION NO. 13-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
DENYING THE REMOVAL OF TWO OAK TREES AT 522 2<sup>ND</sup> STREET  
(NINO)

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WHEREAS, Steve Nino, has submitted a request to remove two Coast Live Oak Trees on a vacant lot located at 522 2<sup>nd</sup> Street; and

WHEREAS, Tentative Parcel Map PR 04-026 was approved by the Planning Commission in 2005 creating two parcels allowing for residential development based on the requirement to preserve and protect the oak trees on site; and

WHEREAS, removing the oak trees would be in conflict with Section 10.01.070.B which requires that in connection with a proposed subdivision of land into two or more parcels, the subdivider shall design the lots such that development within the CRZ of any remaining oak trees can be entirely avoided.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby deny the request for the removal of two (2) Coast Live Oak trees based on the City's approval of PR 04-0626 allowing the creation of the subject parcel, requiring preservation of the oak trees located on the site and that any development of the lot would be done in a manner as allowed for with the development of PR 04-0626.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 6<sup>th</sup> day of August 2013 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



RESOLUTION NO. 13-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
AUTHORIZING THE REMOVAL OF TWO OAK TREES AT 522 2<sup>ND</sup> STREET  
(NINO)

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WHEREAS, Steve Nino, has submitted a request to remove two Coast Live Oak Trees on a vacant lot located at 522 2<sup>nd</sup> Street; and

WHEREAS, the Arborist Report that was prepared indicates that the trees have some health issues; and

WHEREAS, the removal of the trees will allow flexibility in developing the property; 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, after consideration of the factors listed in Section 10.01.050.D.

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

1. Authorize the removal of two (2) Coast Live Oak trees based on the trees have health issues and will removing them will allow for reasonable use of the property for which it has been zoned;
2. Require five (5) 1.5-inch diameter Coast Live Oak trees to be plated at the direction of the Arborist, or payment into the City's Oak Tree Replacement fund.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 6<sup>th</sup> day of August 2013 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

Duane Picanco, Mayor

ATTEST:

---

Caryn Jackson, Deputy City Clerk