

TO: JAMES L. APP, CITY MANAGER
FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: OTR 14-006 - Request To Remove One Oak Tree At 1035 Par Avenue (Bice)
DATE: AUGUST 5, 2014

Needs: For the City Council to consider a request by Ms. Dorothy Bice, to remove one oak tree on her property.

Facts

1. The site is located at 1035 Par Avenue. Please see Vicinity Map (Attachment 1).
2. The subject oak tree is a 23-inch diameter Valley Oak (*Quercus Lobata*).
3. The Arborist Report submitted by Charlie Scovell Tree, indicates that tree is "moderately healthy with some decay and has vigorous growth, with some trunk rot" (See Attachment 2).
4. The Arborist Report also indicates that Ms. Bice is requesting the tree to be removed as a result of the tree causing damage to the driveway, the roots cause a tripping hazard, and that pollen from the tree affects her allergies.
5. 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: 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 Arborist sites a few problems with the tree including some trunk decay and rot, but generally indicates that the tree is "moderately healthy with vigorous growth". The report does not indicate that the tree is hazardous or in danger of falling. The tree is a significant distance away from the house. The property owner is requesting removal of the tree based on the tree being a nuisance, since it is causing her driveway to crack, the roots are tripping hazards, and she feels that the tree affects her allergies.

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;*

There is no request for development on this property. The request to remove the tree is a result of the tree being a nuisance to the property owner.

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;*

The removal of the tree would not result in negative effects on soil retention, water retention or surface water flows for the neighborhood.

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;*

This oak tree is the only oak tree on the site.

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

The site is a large single family parcel with enough room to support the tree.

It appears that the main reason for the request to remove the tree is based on the tree being a nuisance to the property owner, not a result of the tree having poor health, or being a hazard. The Council will need to determine if the tree warrants removal as a result of the nuisances described by the applicant, or deny the request for removal of the healthy tree.

Policy

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

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Impact: None.

Options:

- A. Adopt Resolution No. 14-xx approving OTR 14-006, denying the request to remove the 23-inch diameter Valley Oak Tree, based on the tree being healthy and removing the tree would conflict with the purpose and intent of the Oak Tree Ordinance, which is for the preservation of oak trees.
- B. Adopt Resolution No. 14-xx approving OTR 14-006, allowing the removal of one 23-inch diameter Valley Oak Tree based on the tree being a nuisance to the property owner, and require four (4) 1.5-inch diameter Valley 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. Location Map
- 2. Arborist Report
- 3. Draft Resolution to deny
- 4. Draft Resolution to approve



7/6/2014

charlie Scovell Tree

Arborist Report

WE-9364A
Certification Number

**Dorothy Bice
1035 Par Ave.
Paso Robles CA 93446**

Site Evaluation: Arborist called out to 1035 Par Ave to evaluate potential oak tree removal.

Tree Identification & Condition:

1. **Quercus lobata (Valley Oak):** Approximately 23inch Diameter. Tree is moderately healthy with some trunk decay. The tree is vigorous yet has trunk rot because it is double sparred and has no included bark.

Report: The tree in question is the only oak tree on the property and is a significant distance from the house. The owner is elderly and does not like the tree because it has destroyed a section of her driveway and the invasive roots trip her up when she tries to get her mail. She also complains about the pollen from the tree really affects her allergies.

Recommendations:

***It is recommended that the tree be removed as the environmental impact is low and the tree is a liability for the home owner. She isn't building anything and there is no Development Application pending. It would then be recommended that 3 new Valley Oak trees be replanted to replace the tree being removed.**

Conclusion:

***The Valley Oak in question has two leaders; which means it has no included bark and has a 90% chance of splitting out in its lifetime. The tree has caused the home owner both continual monetary damages to her driveway, as well as, caused her physical harm from falling and prohibited her from working in her yard during allergy season. She wants to put the replacement trees on public property which will benefit the city, it is recommended that the permit be issued to remove said Valley Oak tree at 1035 Par Ave.**



Par Ave

RESOLUTION NO. 14-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
DENYING THE REQUEST TO REMOVE ONE OAK TREE AT 1035 PAR AVENUE
(DOROTHY BICE)

WHEREAS, Ms. Bice has submitted a request to remove one Valley Oak Tree on her property located at 1035 Par Avenue; and

WHEREAS, the Arborist Report that was prepared indicates that the tree is moderately healthy and has vigorous growth; 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.

WHEREAS, the purpose and intent of the Oak Tree Ordinance is for the preservation of oak trees in order to maintain the heritage and character of the City of El Paso de Robles ("The Pass of the Oaks") as well as preserve the beauty and identity of the community; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby deny the request for to removal the 23-inch Valley Oak tree, based on the tree being healthy and removing the oak tree would not meet the purpose and intent of the Oak Tree Ordinance.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 5th day of August 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

RESOLUTION NO. 14-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES AUTHORIZING
THE REMOVAL OF ONE OAK TREE AT 1035 PAR AVENUE (DOROTHY BICE)

WHEREAS, Ms. Bice has submitted a request to remove one Valley Oak Tree on her property located at 1035 Par Avenue; and

WHEREAS, the Arborist Report that was prepared indicates that the tree has some health issues; and

WHEREAS, the removal of the tree would also eliminate concerns Ms. Bice has with the tree, which includes damage to the driveway, tripping hazards of the tree roots, and her concerns with allergies caused by 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, 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 one (1) Valley Oak tree based on the tree being a nuisance to the property owner;
2. Require four (4) 1.5-inch diameter Valley 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 5th day of August 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk