

TO: JAMES L. APP, CITY MANAGER

FROM: ED GALLGHER, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: OTR 14-007 - REQUEST WAIVER OF FEES FOR OAK TREE REMOVAL - 1721 FILBERT STREET (MATTA)

DATE: AUGUST 5, 2014

Needs: For the City Council to consider a request filed by Henry Curtis of Whit's Turn Tree Care, on behalf of Bart Matta, to waive the \$200 application fee for an emergency oak tree removal.

Facts:

1. On July 11, 2014, it was brought to the City's attention that an oak tree was being removed on the property located at 1721 Filbert Street.
2. It was determined that an Oak Tree Removal Permit had not been issued for removal of the tree. Staff investigated and informed the property owner, Mr. Matta, that a permit was required to remove an oak tree. At that time only portions of the limbs that had been removed. (see photos taken by Staff, Attachment 2).
3. Staff contacted Henry Curtis of Whit's Turn Tree Service. Mr. Curtis indicated that the need for tree removal was an emergency situation. A severe crack had formed in the crotch of the tree, as a result of recent high winds. Mr. Curtis trimmed back major portions of limbs, including those that extended above the house, thereby significantly reducing the weight from the tree, which reduced the potential of the tree failing. The tree is yet to be removed. See Arborist letter, Attachment 2.
4. Staff indicated to Mr. Curtis that given the emergency situation, and the evidence that a crack had formed in the crotch of the tree, that a staff level removal permit would be warranted. Staff provided the application information and explained that there would be a \$200 deposit for the staff level removal permit (removal permits that require Council action require a \$600 deposit).
5. Chapter 10.01.050.A.1 of the Oak Tree Ordinance allows property owners to request that the City Council make an exception to the deposit requirement when removing a dead or diseased oak tree, if the owner can provide documentation from an arborist concluding that the tree's death or disease is not their fault.

6. Mr. Curtis has provided a letter dated July 17, 2014, indicating that the failure of the tree is not the fault of the property owner and is requesting that \$200 deposit be waived (See Attachment 3).

**Analysis
And**

Conclusion: The oak tree ordinance does not mention whether a deposit would be required for an emergency removal. The intent is that in an emergency situation, that the tree or limb(s) would be removed, as quickly as possible to eliminate the emergency situation. In this case, since the hazardous limbs were removed and the tree was left for removal at a later date, staff requested that an application for a permit be submitted; mainly to document the tree removal, not to delay the process. Staff was prepared to issue the removal permit the same day, however the required deposit was not submitted.

The limb removal performed by the Arborist removed a significant amount of weight from the tree, which lessened the gap of the crack, and thereby reduced the hazardous condition of the tree. The tree remains standing waiting for the issuance of a permit to remove the tree. Staff is ready to approve the removal permit, subject to the City receiving the \$200 deposit, or a fee waiver from the City.

Given the decline of the tree, and since according to the Arborist the decline is not the fault of the property owner, it would seem that this request for a waiver of the \$200 deposit is reasonable.

Policy

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

Fiscal

Impact: None.

- Options:**
- A. Approve the waiver of the \$200 deposit for the staff level oak tree removal, based on the tree being dead or diseased beyond correction and based on the Arborist professional opinion that the trees decline was not the fault of the property owner; or
 - B. Amend, modify or reject the above options.

Attachments:

1. Photos
2. Arborist's Letter dated July 11, 2014
3. Arborist's Letter dated July 17, 2014



**Whit's-Turn
Tree Care**

P.O. Box 3028 Atascadero, CA 93423
Telephone: 805-462-9958 Fax: 805-462-9978

HENRY CURTIS – CERTIFIED ARBORIST WE-6345A

July 11, 2014

RE: 1721 Filbert, Paso Robles

I have completed an inspection of a tree Live Oak tree located at 1721 Filbert Street in Paso Robles. This tree has an approx. DBH of 50" and is in close proximity to the home. Upon inspection of the Live Oak it is clear that this tree has failed as evidenced by the apparent breakage.

It is our primary responsibility to lower the risk of threat to an acceptable level. Due to the obvious signs of failure and the placement of the tree in proximity to the dwelling it is in my professional opinion that this tree be removed.

Henry Curtis
Certified Arborist
WE-6345A



P.O. Box 3028 Atascadero, CA 93423
Telephone: 805-462-9958 Fax: 805-462-9978

HENRY CURTIS – CERTIFIED ARBORIST WE-6345A

July 17, 2014

RE: 1721 Filbert, Paso Robles

I have completed an inspection of a Live Oak tree (*Quercus agrifolia*) located at 1721 Filbert Street in Paso Robles. One stem of the tree has a DBH of 42 inches, the second stem has a DBH of 30 inches.

Upon inspection I found the Live Oak to have failed at the included bark attachment. Aside from the failure the tree appeared to be in good condition prior to the failure. At some point all trees will fail to some extent, and a tree will not always display warning signs prior to failure, as it was in this case.

Failure at the included bark attachment is a common point of failure. It is in my opinion that the property owner is not responsible for the failure of this tree. I recommend that the tree be removed to ground level to prevent future failing and hazard.

The property owner requests that the City Council waive the \$200 deposit, based on the failure and the condition of the tree not being the fault of the property owner as described in Section 10.01.050 of the Oak Tree Ordinance.

Henry Curtis
Certified Arborist
WE-6345A









