

TO: JAMES L. APP, CITY MANAGER

FROM: WARREN FRACE, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: OTR 15-007 - REQUEST TO REMOVE ONE OAK TREE
(2091 FALLBROOK COURT – RIDINO)

DATE: DECEMBER 15, 2015

Needs: For the City Council to consider a request by Bill Ridino, to remove one oak tree in conjunction with the development of a vacant lot at 2091 Fallbrook Court.

Facts:

1. The proposed oak tree removal is located at 2091 Fallbrook Court (Lot 1 of Tract 1723). See Vicinity Map, Attachment 1.
2. The subject oak tree is a 15-inch diameter Coast Live Oak Tree that is located along the edge of the “flag” portion of the lot, where the driveway for the future home will be located (see Plot Plan, Attachment 2).
3. An Arborist Report, prepared by Chip Tamagni of A&T Arborists has been provided and attached as Attachment 3. The tree is located under the canopy of the existing oaks behind it. Chip Tamagni recommends that the tree be removed as a result of the tree being suppressed, which is compounding the lean of the subject tree into the driveway area.
4. Planning Staff visited the site, it does appear that the subject tree would encroach into the driveway area. It does appear that there would be adequate room to build the driveway and keep the tree, however there would be on-going issues related to high-profile vehicle clearance, such as construction equipment and recreational vehicles.
5. Since the tree shows signs of growth the 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.

**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;*

Chip Tamagni from A&T Arborists submitted a report along with a request for removal on October 21, 2015. The report (Attachment 3) describes the health of the subject tree being "highly suppressed" from the oak trees located behind the tree, which is causing the tree to lean, which will interfere with the future driveway on the lot. Furthermore, the report indicates that the leaning tree could be impacted by high-profile construction equipment in the future, since the tree leans over the future driveway access.

- 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 flag area of the lot is bounded by the creek along the left side and the existing front yard area of the house on the right. If the tree, which is located along the left edge of driveway area, were to remain, it would force the driveway location directly adjacent to the neighboring front yard along the right hand side, and likely require some type of retaining wall (18 to 24-inches in height).

If the tree were removed, it would provide for additional width, which would allow for the driveway to be designed further to the left, away from the existing neighboring front yard and allow the driveway width to be consistent for the entire driveway, and likely eliminate the need for a retaining wall.

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. Allowing removal would allow for a widened area to allow for additional area to allow for appropriate grading and drainage for the driveway.

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;*

There are multiple other trees including oaks along the creek, adjacent to the driveway. As mentioned above, the subject tree is underneath the canopy of larger trees. As a result of the dense canopy of trees that will remain adjacent to the creek, the removal of the tree will not have an effect given the multiple other trees.

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

See discussion in Finding No. 4, above related to the multiple trees that will remain on this lot.

It would seem that the removal of this tree would be a benefit both to the future development of the flag lot by allowing for more flexibility in the driveway location, as well as provide for a better transition between the driveway and the front yard landscape area of the home on the right side of the driveway. The removal of the tree will not create a significant visual impact, since the existing dense vegetation of oaks along the creek area would remain.

Policy

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

Fiscal

Impact: None.

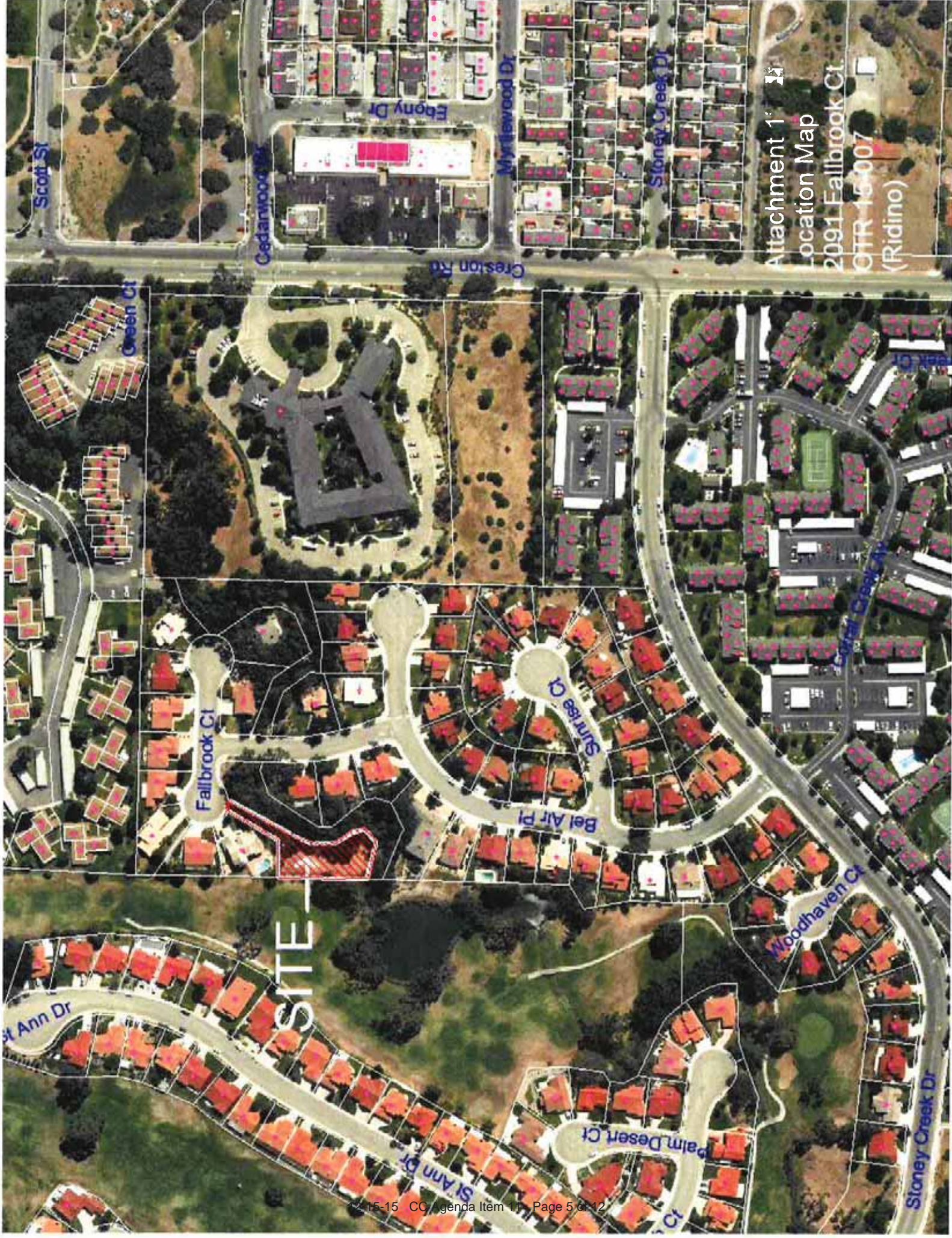
Options:

1. A. Adopt Resolution No. 15-xx approving OTR 15-007 for 2091 Fallbrook Court, allowing the removal of one 15-inch Coast Live Oak tree based on the tree being suppressed since it is located under the canopy of larger, healthier trees, and the removal of the tree would allow for the driveway to be placed in a location that would allow for a better transition with the neighboring yard, and require three (3) 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.

2. Amend, modify or reject the above options.

Attachments:

1. Vicinity Map
2. Plot Plan
3. Arborist Report
4. Photo – 1
5. Photo - 2
6. Resolution – OTR 15-007



Attachment 1
Location Map
2091 Fallbrook Ct
CTR 15-007
(Ridino)

LOT 2

11,800 S.F.

Future house site

LOT 1

16,500 S.F.

LOT 17

1.14 ACRES

LOT 16

9,502 S.F.

LOT 15

9,600 S.F.

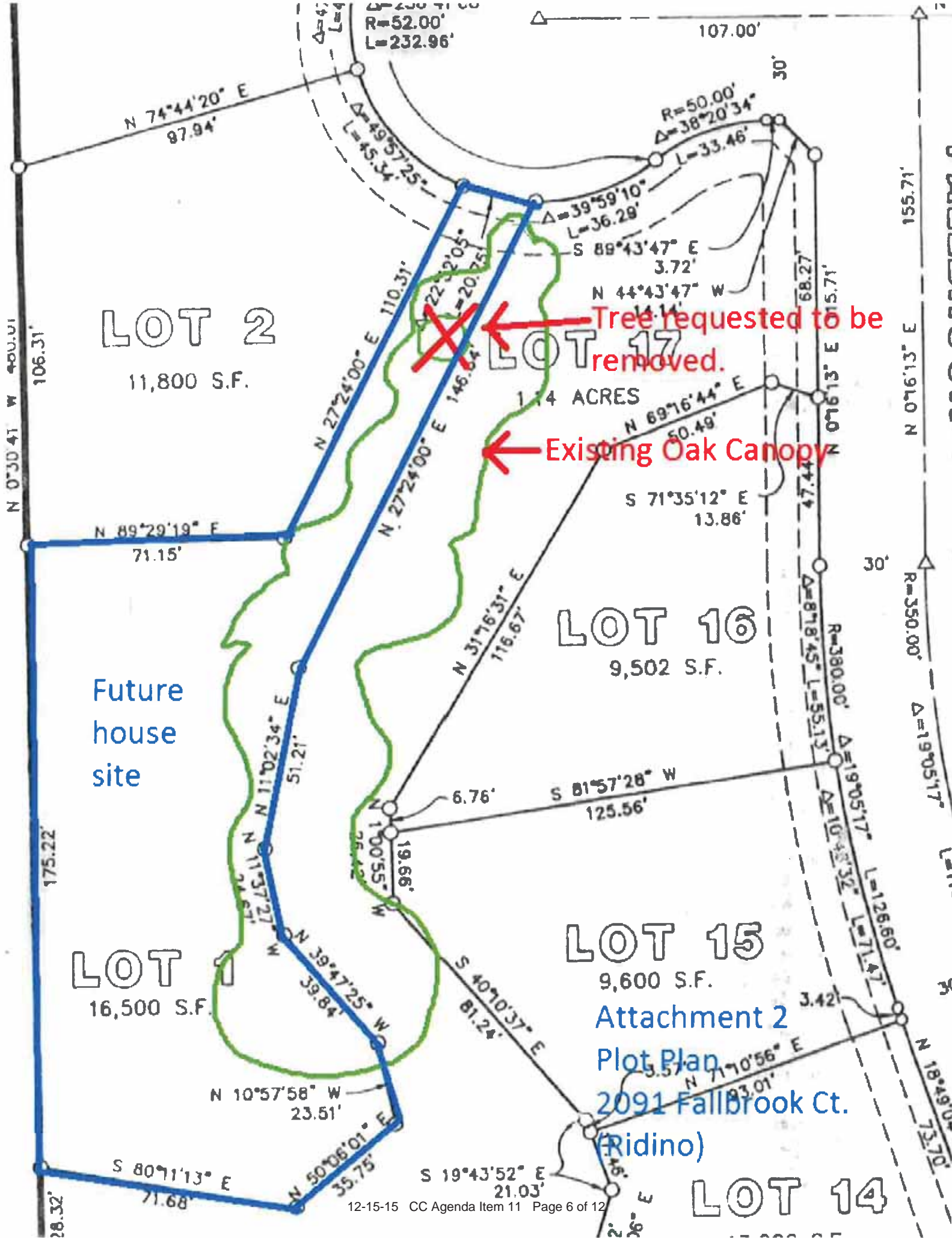
Attachment 2

Plot Plan

2091 Fallbrook Ct.

(Ridino)

LOT 14



9-1-15



Bill Ridino

Re: 2091 Fallbrook Court

This letter is in regard to the flag lot located at 2091 Fallbrook Court. The lot is one of the last remaining open lots on this street. Along the potential driveway entrance, there are several coast live oak (*Quercus agrifolia*). One tree in particular (15" diameter) is leaning towards the area where the driveway would be located. The tree is highly suppressed from the trees behind it which is compounding the lean. After reviewing the property and the trees, we recommend the following:

- Prepare the plans for the driveway that allow for the removal of the tree. This tree is prohibiting proper construction of the driveway due to its proximity to the edge of the driveway. It also has a heavy lean that may not allow passage of high profile vehicles such as a concrete truck during construction.
- This removal action will most likely require a permit fee, city council approval, and either mitigation planting or payment into the city tree fund.

In conclusion, the city should allow for removal of this tree as it is interfering with reasonable use of the property in that it blocks construction of the driveway and that it is in fact being heavily suppressed from other healthier trees.

Please let us know if you need further assistance with this project.

Chip Tamagni
Certified Arborist #WE 6436-A
California State Pest Control Advisor #75850
California State Pest Control Applicator #104758
ISA Certified Hazard Risk Assessor #1209
Cal Poly BS Forestry and Natural Resources Management





RESOLUTION NO. 15-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE OAK TREE
AT 2091 FALLBROOK COURT
(RIDINO)

WHEREAS, Bill Ridino has submitted a request to remove one 15-inch diameter Coast Live Oak tree, on the vacant lot located at 2091 Fallbrook Court; and

WHEREAS, the request for the tree to be removed is in conjunction with the intent of building a new home on the vacant lot; and

WHEREAS, the lot is a flag lot and the tree is located within the area of the lot where the driveway will be located, and removal of the tree would prevent future vehicle clearance problems, and allow for more flexibility to locate the driveway away from the neighbors front yard; and

WHEREAS, the Arborist Report has been prepared by Chip Tamagni of A&T Arborists, which indicates that the tree is suppressed as a result of the tree being located under the canopy of existing larger oaks, and recommends removal of the tree; and

WHEREAS, the trees is one of many other oaks on the lot; if this tree were to be removed, the remaining trees would be preserved on site; 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) Coast Live Oak trees based on the trees being suppressed, and removal would allow for a better driveway design, see Exhibit A;
2. Require three (3) 1.5-inch diameter Coast Live Oak replacement trees to be plated at the direction of the Arborist, or the necessary funds donated to the City's Oak Tree Replacement Fund.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 15th day of December 2015 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Steven W. Martin, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

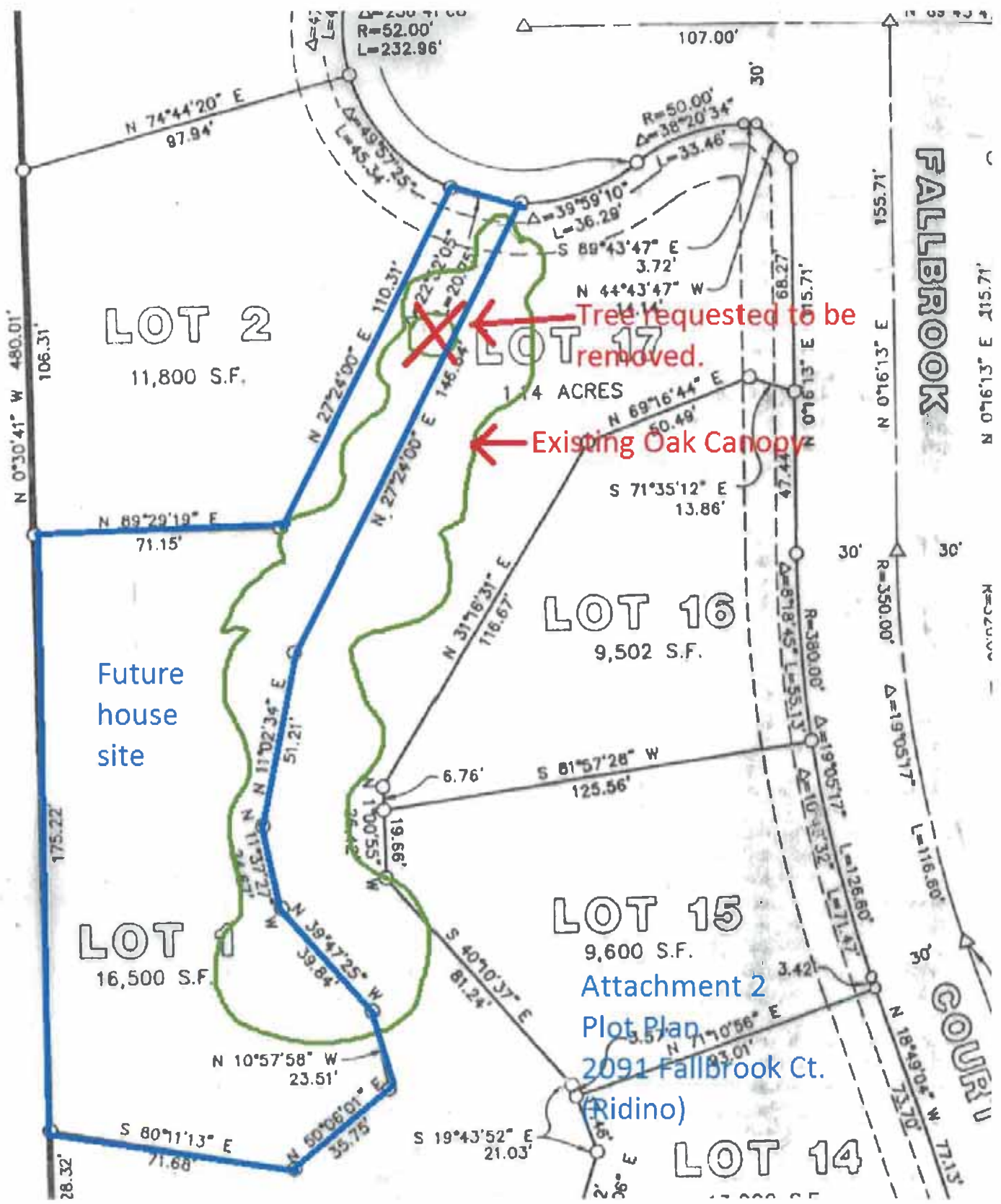


Exhibit A
 Plot Plan - OTR 15-007
 2091 Fallbrook Ct.
 (Ridino)